

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF  
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 VIDEOTAPED ZOOM ORAL DEPOSITION OF

11 JOHN TOARU ISHIYAMA, Ph.D.

12 September 27, 2024

13 (Reported Remotely)

14 \*\*\*\*\*

15 VIDEOTAPED ORAL DEPOSITION OF JOHN TOARU ISHIYAMA,

16 Ph.D., produced as a witness at the instance of the  
17 Plaintiff and duly sworn, was taken in the above-styled  
18 and -numbered cause on the 27th day of September, 2024,  
19 from 9:13 a.m. to 12:35 p.m., before Kim D. Carrell,  
20 Certified Shorthand Reporter in and for the State of  
21 Texas, reported remotely by computerized stenotype  
22 machine at the University of North Texas System,  
23 801 North Texas Boulevard, Gateway Suite #308, Denton,  
24 Texas, pursuant to the Federal Rules of Civil Procedure  
25 and the provisions stated on the record or attached  
hereto.

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<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">5</p> <p>1                                   A G R E E M E N T S</p> <p>2 DEPOSITION OF: JOHN TOARU ISHIYAMA, Ph.D.</p> <p>3 DATE: September 27, 2024</p> <p>4 CAUSE NO. 4:21-CV-00033-ALM</p> <p>5 THIS DEPOSITION SHALL BE TAKEN PURSUANT TO:</p> <p>6       (X) Notice</p> <p>7       ( ) Agreement</p> <p>8       ( ) Court Order</p> <p>9       ( ) Subpoena</p> <p>10       (X) Rules of Federal Civil Procedure</p> <p>11 ORIGINAL TO:</p> <p>12       ( ) Witness</p> <p>13       (X) Witness's attorney (Ms. Quimby)</p> <p>14       ( ) Producing attorney</p> <p>15       ( ) Signature waived</p> <p>16</p> <p>17 NUMBER OF DAYS FOR SIGNATURE</p> <p>18       ( ) 20 days</p> <p>19       (X) 30 days</p> <p>20       ( ) Other:</p> <p>21</p> <p>22 MISCELLANEOUS:</p> <p>23       ( ) Any objection made by one party good for</p> <p>24       all parties.</p> <p>25       (X) An unsigned copy may be used at any trial,</p> <p>              hearing, or arbitration proceedings.</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">7</p> <p>1 record.</p> <p>2       <b>A.</b> John Toaru Ishiyama.</p> <p>3       <b>Q.</b> Can you spell that just for the record, please.</p> <p>4       <b>A.</b> J-O-H-N, middle name is Toaru, T-O-A-R-U,</p> <p>5 last name, Ishiyama, I-S-H-I-Y-A-M-A.</p> <p>6               MR. ALLEN: Thank you. From time to</p> <p>7 time, I will be introducing exhibits, and I don't know</p> <p>8 where the share button -- there, it must be down here.</p> <p>9 There, it is. I'm going to mark for the record</p> <p>10 Exhibit 1.</p> <p>11               (Deposition Exhibit Number 1 marked.)</p> <p>12       <b>Q.</b> Can you see this exhibit clearly, Professor</p> <p>13 Ishiyama?</p> <p>14       <b>A.</b> Yes, the top part.</p> <p>15       <b>Q.</b> Okay. And I wanted to introduce some of the</p> <p>16 rules of the road for a deposition.</p> <p>17               One of them is just exactly what you just did.</p> <p>18 If you need, at any point, to examine an exhibit, a</p> <p>19 portion that I don't have on screen, given that this is</p> <p>20 a virtual deposition, just ask. Obviously, no one wants</p> <p>21 you to be answering questions about a deposition exhibit</p> <p>22 that you can't see.</p> <p>23               In this case, I'll scroll down. This is the</p> <p>24 entirety of the text on page 1. And you'll see on page 2</p> <p>25 are some signature blocks and so forth.</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">6</p> <p>1                                   P R O C E E D I N G S</p> <p>2               THE VIDEOGRAPHER: Today is September</p> <p>3 27th, 2024. The time is 9:13 a.m. We're on the record.</p> <p>4                               (Witness Sworn)</p> <p>5               MR. ALLEN: Shall the attorneys state</p> <p>6 their name for the record?</p> <p>7               THE REPORTER: Yes.</p> <p>8               MR. ALLEN: My name is Michael Thad</p> <p>9 Allen for the Plaintiff, Timothy Jackson.</p> <p>10              MS. QUIMBY: My name is Mary Quimby.</p> <p>11 I'm an Assistant Attorney General with the Texas Attorney</p> <p>12 General's Office. I represent the Defendants in this</p> <p>13 matter and Dr. Ishiyama in this deposition.</p> <p>14              MR. STOWERS: I'm Renaldo Stowers, Deputy</p> <p>15 General Counsel for the University of North Texas System.</p> <p>16              MR. ALLEN: I believe in attendance is</p> <p>17 also my client, Timothy Jackson. At least I believe I</p> <p>18 saw him pop into the Zoom.</p> <p>19              JOHN TOARU ISHIYAMA, Ph.D.,</p> <p>20 having been first duly sworn, testified as follows:</p> <p>21                               D I R E C T   E X A M I N A T I O N</p> <p>22 BY MR. ALLEN:</p> <p>23       <b>Q.</b> Good morning, Professor Ishiyama.</p> <p>24       <b>A.</b> Good morning.</p> <p>25       <b>Q.</b> Can you please state your full name for the</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">8</p> <p>1               Have you had a chance to examine this exhibit?</p> <p>2       <b>A.</b> Not closely.</p> <p>3       <b>Q.</b> Would you like some additional time to examine</p> <p>4 the exhibit?</p> <p>5       <b>A.</b> Could you scroll down a bit? A bit further?</p> <p>6 Yes, I've reviewed it.</p> <p>7       <b>Q.</b> And I'll represent to you that there is no</p> <p>8 further text or pages to this document.</p> <p>9               Is it accurate to say that you appeared for</p> <p>10 today's deposition in response to this document,</p> <p>11 Exhibit 1?</p> <p>12       <b>A.</b> Yes.</p> <p>13       <b>Q.</b> All right. I don't have any further questions</p> <p>14 to ask you about that exhibit.</p> <p>15               Some other rules of the road, so to speak.</p> <p>16 If, from time to time, you don't understand a question</p> <p>17 that I've asked, please feel free to interrupt me at</p> <p>18 any time. Ask for clarification. That's perfectly</p> <p>19 acceptable. Is that understood?</p> <p>20       <b>A.</b> Yes.</p> <p>21       <b>Q.</b> Likewise, if you do not ask for clarification</p> <p>22 of a question, I will understand that you are</p> <p>23 understanding the question as asked. Is that clear?</p> <p>24       <b>A.</b> Yes.</p> <p>25       <b>Q.</b> Is there anything that would interfere with</p>

1 your ability to answer questions truthfully today,  
2 Dr. Ishiyama?  
3 **A.** No. But I would say that the audio is not  
4 really great on this end.  
5 **Q.** All right. So if, at any time, you can't hear  
6 me or need me to speak up, I would ask you to just simply  
7 interrupt me and tell me so. Can you do that for me?  
8 **A.** Yes.  
9 **Q.** Another thing we have to do during a deposition  
10 is there are many verbal or nonverbal cues that we use in  
11 everyday conversation that I want us to avoid in the  
12 deposition, because it prevents the court reporter from  
13 making a clean record. So if you could please answer  
14 audibly things like yes or no instead of um-hum or  
15 nodding your head, that is necessary for the court  
16 reporter. Is that clear?  
17 **A.** Yes.  
18 **Q.** Thank you. From time to time, your attorney,  
19 Mary Quimby, may object. That does not relieve you of  
20 the obligation to answer a question that is before you,  
21 with some few exceptions, which will be very clear.  
22 For instance, attorney-client privilege.  
23 In those cases, I have no doubt that Attorney  
24 Quimbly -- Quimby, excuse me, will instruct you not to  
25 answer. So like I said, it will be very clear.

1 Otherwise, you are required to answer the questions as  
2 put to you notwithstanding any objection that your  
3 attorney may make. Is that also clear?  
4 **A.** Yes.  
5 **Q.** Also, this was sort of something that has  
6 already happened, I think. If, at any time, you need  
7 a break, please feel free to ask. We can break in the  
8 deposition at any time. However, I would ask that you  
9 answer any question that is before you. Is that also  
10 clear?  
11 **A.** Yes.  
12 **Q.** Okay. Thank you. Have you ever been deposed  
13 before, Professor Ishiyama?  
14 **A.** Yes.  
15 **Q.** When were you deposed before?  
16 **A.** When I was 17 years old. It involved a civil  
17 case. I was involved in a car accident.  
18 **Q.** Is it fair to say that was an ordinary tort?  
19 **MS. QUIMBY:** Form.  
20 **A.** I'm not sure what you mean by tort.  
21 **Q.** Okay. Were you the plaintiff?  
22 **A.** No.  
23 **Q.** Were you a witness?  
24 **A.** No.  
25 **Q.** What was your role in that litigation?

1 **A.** The plaintiff was suing my family for an  
2 accident that happened. But we -- yes, that was the  
3 deposition. It was found in our favor, though.  
4 **Q.** Okay. Besides this car accident litigation  
5 when you were 17 years old, have you been in any other  
6 depositions?  
7 **A.** No.  
8 **Q.** Can you explain what you have done to prepare  
9 for today's deposition?  
10 **A.** I have been asked to reread the report we  
11 submitted. I've done so.  
12 **Q.** Are you referring to the November 25, 2020  
13 Ad Hoc Panel Report?  
14 **A.** Yes.  
15 **Q.** I believe we'll get to that today.  
16 Were there any other documents that you  
17 consulted in preparation for your deposition today?  
18 **A.** No.  
19 **Q.** Did you talk to anyone in preparation for  
20 your deposition today?  
21 **A.** The attorneys and I spoke a few days ago  
22 prior to this, but that's it.  
23 **Q.** Okay. And I was going to say, I'm not -- I'm  
24 going to ask you what you spoke to your attorneys about.  
25 **A.** Um-hum.

1 **Q.** And you said that's it. So I assume you have  
2 not spoken to any other person in preparation for your  
3 deposition?  
4 **A.** No, I have not.  
5 **Q.** Did you talk to anyone else about your  
6 deposition?  
7 **A.** No, I have not.  
8 **Q.** Okay. Approximately how long did you meet with  
9 your attorneys?  
10 **A.** I don't actually recall the actual amount of  
11 time. It was on a Zoom or Teams. I think it was a  
12 couple of hours.  
13 **Q.** Okay. Thank you. I want to transition now to  
14 talk about your career and publications and things that  
15 have made up the substance of your academic career.  
16 **A.** Um-hum.  
17 **Q.** Can you briefly describe your educational  
18 career? I mean, the degrees you've earned, the  
19 institutions you've earned them at, and so forth,  
20 starting with your undergraduate degree?  
21 **A.** Um-hum. I have a BA in political science and  
22 history from Bowling Green State University, a Master's  
23 degree in Russian history from the University of  
24 Michigan, and a Ph.D. in political science from Michigan  
25 State University.

- 1 **Q.** When was the -- I think you may have said, but  
 2 can you remind me when you earned your Bachelor's of --  
 3 did you say Bachelor's of Arts in Bowling Green?  
 4 **A.** Yes, that would be 1982. My Master's degree  
 5 from the University of Michigan was in 1985. And my  
 6 Ph.D. was completed in 1992 from Michigan State  
 7 University.  
 8 **Q.** Did you work between your completion of the  
 9 Bachelor's degree at Bowling Green and your Master's  
 10 degree --  
 11 **A.** No.  
 12 **Q.** -- before you entered that program?  
 13 **A.** I worked simultaneously.  
 14 **Q.** What was your employment at that time?  
 15 **A.** I was a chef.  
 16 **Q.** Now, there seems to be very little time between  
 17 your Master's degree and the completion of your Ph.D.  
 18 Did you work between those two degrees?  
 19 **A.** Only simultaneously part-time. But actually,  
 20 my Master's was 1985. My Ph.D. was 1992. So seven years  
 21 passed.  
 22 Also, I did work as a professor at Truman  
 23 State University between 1990 and 1992. I had achieved  
 24 the all but dissertation status, and they had hired me.  
 25 And then subsequent to my finishing, they hired me

- 1 full-time.  
 2 **Q.** So that's going to be a good transition to the  
 3 next question I was going to ask. But before I do, are  
 4 there any other credentials or degrees you've earned  
 5 along the way since 1992?  
 6 **A.** No.  
 7 **Q.** And I was going to ask if you could describe  
 8 your professional career in academia: What jobs you've  
 9 held, what capacity, from, it looks like, 1990, when you  
 10 started working for Truman University to the present.  
 11 **A.** Yes. I was -- my first 18 years in my career,  
 12 from 1990 to 2008, I was an assistant, associate, and  
 13 full professor at Truman State University in 2008. I  
 14 came to the University of North Texas as a full professor  
 15 and have been here since.  
 16 **Q.** And do I understand you are a political  
 17 scientist also at the University of North Texas?  
 18 **A.** Yes.  
 19 **Q.** What is your title at the University of  
 20 North Texas today?  
 21 **A.** My official title is University Distinguished  
 22 Research Professor and Chair of the Department of  
 23 Political Science.  
 24 **Q.** When did you become the chair of the Department  
 25 of Political Science?

- 1 **A.** In 2022.  
 2 **Q.** So that was after the -- what I'll just call  
 3 the Schenker controversy that we are going to talk about  
 4 today. Would that be correct?  
 5 **A.** Yes.  
 6 **Q.** In 2020, what was your position at the  
 7 University of North Texas? Were you a distinguished  
 8 university research professor at that time?  
 9 **A.** Yes, I was.  
 10 **Q.** When were you distinguished with that title?  
 11 **A.** I do not recall the exact year, but it's been  
 12 quite some time. I believe it was 2012, but I'm not  
 13 entirely sure about that date. It is on my curriculum  
 14 vitae, though.  
 15 **Q.** I understand. Is it safe to say you've been  
 16 a distinguished research professor for over ten years?  
 17 **A.** Yes, I think some of that would be accurate.  
 18 **Q.** Were you the chair of the department of  
 19 poli-sci before 2022 in any capacity at any time?  
 20 **A.** No.  
 21 **Q.** Okay. Have you had any other roles in the  
 22 administration at the University of North Texas?  
 23 **A.** Not at the university level. In my department,  
 24 I was a graduate -- the director of  
 25 graduate studies from 2019 until 2022.

- 1 **Q.** Have you worked with many graduate students  
 2 in your capacity as a full professor?  
 3 **A.** Yes.  
 4 **Q.** How many graduate students have you produced in  
 5 terms of students who completed their Ph.D.s with you as  
 6 their primary dissertation advisor?  
 7 **A.** I have 14 completed Ph.D. dissertations. I  
 8 currently have six who I chair their committees. I have  
 9 served on over 30 committees in some capacity. In terms  
 10 of chairing the dissertations, it's 14.  
 11 **Q.** And have you been successful placing the Ph.D.  
 12 students that have completed their degrees under your  
 13 mentorship in jobs?  
 14 **A.** Yes. All but one who's currently on the  
 15 market.  
 16 **Q.** Very good. Within -- not to the exact number,  
 17 but within reason, how many publications do you have to  
 18 your credit, Professor Ishiyama?  
 19 **A.** Well, I have 10 books, 171 peer-reviewed  
 20 journal articles, and 39 peer-reviewed book chapters.  
 21 **Q.** Have you ever published articles that are not  
 22 peer reviewed?  
 23 **A.** No. I mean, I would not call them articles.  
 24 There have been research reports. There have been  
 25 summaries of conference proceedings, but I don't call

<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">17</p> <p>1 those articles.</p> <p>2 <b>Q.</b> I'm sure you've published numerous book reviews</p> <p>3 as well, right?</p> <p>4 <b>A.</b> Yes, probably close to 70.</p> <p>5 <b>Q.</b> So of the 171 articles you mentioned, all of</p> <p>6 those are peer reviewed in academic journals?</p> <p>7 <b>A.</b> Yes, they are.</p> <p>8 <b>Q.</b> Have you been the editor of -- edited volumes?</p> <p>9 A book essentially, edited volume?</p> <p>10 <b>A.</b> Yes, I edited four edited volumes.</p> <p>11 <b>Q.</b> And have you served as the editor of an</p> <p>12 academic journal?</p> <p>13 <b>A.</b> Yes, twice.</p> <p>14 <b>Q.</b> Can you state the name of the journals you have</p> <p>15 served as editor?</p> <p>16 <b>A.</b> I was editor-in-chief of the American Political</p> <p>17 Science Review, which is the leading journal</p> <p>18 of our discipline, the most cited in the world, from 2012</p> <p>19 until 2016.</p> <p>20 From 2004 until 2012, I was editor-in-chief</p> <p>21 and founding editor of the Journal of Political Science</p> <p>22 Education, which is the second of the suite of journals</p> <p>23 authored by the American Political Science Association.</p> <p>24 I was also founding editor of that journal.</p> <p>25 <b>Q.</b> So I think you said you started in 2004, so</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">19</p> <p>1 MS. QUIMBY: Objection, form.</p> <p>2 <b>A.</b> Only after Provost Cowley told us. I had</p> <p>3 been unaware before that.</p> <p>4 <b>Q.</b> Have you had any collegial relationships in the</p> <p>5 College of Music?</p> <p>6 <b>A.</b> No.</p> <p>7 <b>Q.</b> And you didn't hear about that controversy from</p> <p>8 any media source?</p> <p>9 <b>A.</b> No.</p> <p>10 <b>Q.</b> Approximately when did you hear from Provost</p> <p>11 Cowley that there was a controversy surrounding the</p> <p>12 Journal of Schenkerian Studies?</p> <p>13 <b>A.</b> In August of 2020.</p> <p>14 <b>Q.</b> And can you summarize your understanding at</p> <p>15 that time of what the controversy was about?</p> <p>16 MS. QUIMBY: Objection, form.</p> <p>17 <b>A.</b> I actually am not really sure what the</p> <p>18 controversy was about. I had heard there was some</p> <p>19 debate at their conference, there was some controversy</p> <p>20 involving a scholar who gave a talk, and then there was</p> <p>21 the Journal had published something that was criticized</p> <p>22 heavily. But that's about all I knew. I don't make it</p> <p>23 a point of following these kinds of debates in other</p> <p>24 disciplines.</p> <p>25 <b>Q.</b> I understand. How did Professor Cowley reach</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">18</p> <p>1 it was founded in 2004?</p> <p>2 <b>A.</b> Yes, it was.</p> <p>3 <b>Q.</b> Okay. Well, let's start with the American</p> <p>4 Political Science Review. Did I get that right?</p> <p>5 <b>A.</b> That's correct.</p> <p>6 <b>Q.</b> While you were the editor, did you ever publish</p> <p>7 any articles that were not peer reviewed?</p> <p>8 <b>A.</b> Never, no. And --</p> <p>9 <b>Q.</b> And when you were -- I'm sorry. Please go</p> <p>10 ahead.</p> <p>11 <b>A.</b> No. There was a time the APSR published book</p> <p>12 reviews, but they stopped doing that in 2011. But in the</p> <p>13 APSR, there were no non peer-reviewed articles.</p> <p>14 <b>Q.</b> And what about the political science education</p> <p>15 journal that you mentioned?</p> <p>16 <b>A.</b> No.</p> <p>17 <b>Q.</b> From 2004 to 2012, did you publish any articles</p> <p>18 as the editor-in-chief, which were not peer reviewed?</p> <p>19 <b>A.</b> No, none.</p> <p>20 <b>Q.</b> Okay. So as you know, we are here to discuss</p> <p>21 an academic journal that was published by the University</p> <p>22 of North Texas Press called Journal of Schenkerian</p> <p>23 Studies. And I wanted to ask you when you learned that</p> <p>24 there was a controversy surrounding the Journal of</p> <p>25 Schenkerian Studies.</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">20</p> <p>1 out to you?</p> <p>2 <b>A.</b> Provost Cowley sent a message. I don't now</p> <p>3 recall if it was a phone message or an email, but asking</p> <p>4 if we would serve on some committee. I was unsure. And</p> <p>5 she would give us details once we met. But I don't</p> <p>6 exactly recall how she communicated that, if it were --</p> <p>7 I believe it was an email, but I'm not entirely sure.</p> <p>8 (Deposition Exhibit Number 2 marked.)</p> <p>9 MR. ALLEN: Okay. I'm going to mark for</p> <p>10 the record Exhibit 2. And I've just publish that to the</p> <p>11 website here.</p> <p>12 <b>Q.</b> Do you see that exhibit?</p> <p>13 <b>A.</b> Yes.</p> <p>14 MR. ALLEN: And I have to -- give me a</p> <p>15 sec here. I'm trying to mark these as we go, so that I</p> <p>16 do not lose track.</p> <p>17 So this is an email from Jennifer Cowley,</p> <p>18 Exhibit 2, dated August 3rd, 2020. It's to you,</p> <p>19 Professor Ishiyama, as well as another recipient on</p> <p>20 the cc line.</p> <p>21 Does this help refresh your memory of when you</p> <p>22 first learned about the committee you would serve on?</p> <p>23 <b>A.</b> Yes. As I said, August 2020. And I wouldn't</p> <p>24 definitely entirely recall, but it was an email, yes.</p> <p>25 <b>Q.</b> And so this is the email where Provost Cowley</p>

1 first reached out to you?

2 A. Yes.

3 Q. Okay. And after Professor Cowley reached out  
4 to you and the committee was formed, what was your --  
5 but before you starting doing your work, what was your  
6 understanding of your task?

7 A. Our understanding, after meeting a few --  
8 some days after this email, was that we were to review  
9 the processes, editorial processes, of the Journal of  
10 Schenkerian Studies to see whether it comported with  
11 the recommended best practices in journal publishing.

12 Q. All right. Was that -- did Provost Cowley  
13 refer to that as the charge of the committee?

14 A. Yes, she did.

15 Q. Okay. And how did you -- how did she  
16 communicate the charge of the committee to you?

17 A. She met with us in a face-to-face meeting,  
18 and that is where she gave the committee the charge.

19 Q. Was that charge summarized or committed to  
20 writing in any way? Let me strike that question.

21 Professor Ishiyama, can you explain if that  
22 charge was committed to writing?

23 A. I believe it was. I think there was -- she had  
24 written a follow-up to tell us what the charge was. And  
25 it was, again, to review the processes employed with the

1 Journal and also specifically with Volume 12, if I  
2 recall.

3 Q. Okay. Now, did she -- let me see if I  
4 understood you correctly. Did you just -- did you  
5 intend to say that she communicated to you the  
6 processes that had been used by the Journal --

7 A. No.

8 Q. -- or her understanding of them?

9 A. No. We --

10 Q. I must have misunderstood.

11 A. She wanted a --

12 Q. Can you state for the record -- yeah, go ahead.  
13 I see. That was the subject of your review?

14 A. Yes.

15 Q. Okay. And you nodded. Can you just state for  
16 the record your answer?

17 MR. ALLEN: I'm sorry. Did people hear  
18 him or is it -- we may not be able to hear you.

19 A. The answer is yes.

20 MR. ALLEN: Okay. Thank you, Professor  
21 Ishiyama.

22 So I'm going to mark for the record Exhibit 3.  
23 (Deposition Exhibit Number 3 marked.)

24 Q. I'm just going to state for the record,  
25 Professor Ishiyama, this has some text along the top

1 line. Those are stamps that are placed on the document  
2 by the United States District Court for the Eastern  
3 District of Texas. They were not added by either your  
4 counsel or by me. And this is -- this has to do with  
5 the way the document has already been used in court.

6 But just in interest of fairness, I just  
7 wanted to show you that, so you didn't think there was  
8 something that I was hiding from you. Is that fair?

9 Here is the title page. Is this the Ad Hoc  
10 Review Panel Report of November 25th, 2020, that you  
11 mentioned in the introductory phase of our deposition?

12 A. Yes.

13 Q. Were you the author of this report?

14 MS. QUIMBY: I think there's something --

15 MR. ALLEN: I cannot hear him.

16 Professor Ishiyama, I don't know what's going  
17 on, but I can't hear you.

18 THE WITNESS: Shall I repeat my answer  
19 then?

20 MR. ALLEN: Now, I can hear you.

21 Q. Yes. Can you repeat your answer for the  
22 record?

23 A. This doc -- and the answer was no. This  
24 document was collectively written by the committee as a  
25 whole. We all contributed to it. I don't think it's

1 accurate to say I'm the author.

2 Q. Okay. Were you the -- did you draft the  
3 first rough draft?

4 A. No, I actually did not. Matthew Truelove took  
5 the first draft, although it evolved over time because  
6 the committee reviewed it again and again and again, so  
7 it's quite different from the first draft. But Matthew  
8 Lemberger-Truelove took the first draft.

9 Q. Okay. What was your role on the committee?  
10 Did you have a specific title or a specific role?

11 A. No. In fact, I would say that I had asked  
12 the provost not to make me chair, because that would be a  
13 condition of my service. I had no official role on the  
14 committee other than being a part of it.

15 Q. Who was the chair of the committee, if there  
16 was one?

17 A. There was no chair of the committee.

18 Q. Let me -- I'm just going to skip through the  
19 document right now. We'll have a chance to come back  
20 to it. I'm not going to ask you to review it in its  
21 entirety at this time. I want to skip to some of the  
22 exhibits that were included in the Ad Hoc Panel Report,  
23 Exhibit 3, that are attached to the end. Here's the  
24 exhibits designation page. Do you remember that being a  
25 part of the Ad Hoc Panel Report?

<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">25</p> <p>1       <b>A.</b> Yes, it was attached after we had completed and</p> <p>2 submitted the report.</p> <p>3       <b>Q.</b> And then the first exhibit is this email. Do</p> <p>4 you see that on screen, Professor Ishiyama?</p> <p>5       <b>A.</b> Yes. It's a bit small, but yes, I do see it.</p> <p>6       <b>Q.</b> Would it help me -- excuse me. Would it help</p> <p>7 you if I expanded it a little bit?</p> <p>8       <b>A.</b> Yes.</p> <p>9       <b>Q.</b> Is that easier to read?</p> <p>10       <b>A.</b> Yes.</p> <p>11       <b>Q.</b> So I just had a couple of brief questions.</p> <p>12 You had mentioned there was a follow-up email concerning</p> <p>13 the charge to the committee. You believe that the charge</p> <p>14 was committed to writing in some form. And my question</p> <p>15 for you, is this the email that committed the charge to</p> <p>16 the panel in writing?</p> <p>17       MS. QUIMBY: Objection, form.</p> <p>18       <b>A.</b> I am not -- if this was the charge, but it</p> <p>19 certainly includes the charge of what the committee was</p> <p>20 supposed to do.</p> <p>21       <b>Q.</b> Where does it include the charge?</p> <p>22       <b>A.</b> The University of -- after -- in this</p> <p>23 paragraph, I think that begins with, "The University has</p> <p>24 appointed a five-member multidisciplinary panel. The</p> <p>25 panel members, who are outside the College of Music,</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">27</p> <p>1 email meant in the paragraph that starts off, "The</p> <p>2 University of North Texas is committed to academic</p> <p>3 freedom and the responsibility that goes along with</p> <p>4 this freedom."</p> <p>5       <b>A.</b> I don't actually -- we didn't interpret that.</p> <p>6 I don't -- I'm not the one who wrote it, so I guess</p> <p>7 Provost Cowley would be the better person to answer that.</p> <p>8 But we were focused on the second paragraph. That was</p> <p>9 the charge. The entire focus of our committee was on</p> <p>10 the charge.</p> <p>11       <b>Q.</b> So you didn't consider this part of the</p> <p>12 obligations or duties of the ad hoc panel, this first</p> <p>13 sentence that I just read.</p> <p>14       "The University of North Texas is committed to</p> <p>15 academic freedom and the responsibility that goes along</p> <p>16 with this freedom."</p> <p>17       <b>A.</b> That was not what the committee was charged</p> <p>18 to determine.</p> <p>19       <b>Q.</b> Okay. And does that go for the second sentence</p> <p>20 here in that paragraph?</p> <p>21       "This dedication is consistent with and</p> <p>22 not in opposition to our commitment to diversity and</p> <p>23 inclusion into the highest standards of scholarship</p> <p>24 and professional ethics."</p> <p>25       <b>A.</b> No. The committee did not consider that</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">26</p> <p>1 will examine objectively the processes followed in the</p> <p>2 conception and production of volume 12 of the Journal of</p> <p>3 Schenkerian Studies. The panel will seek to understand</p> <p>4 whether the standards of best practice in scholarly</p> <p>5 publication were observed and will recommend strategy</p> <p>6 to improve the editorial processes where warranted."</p> <p>7       That would be the charge.</p> <p>8       <b>Q.</b> Is it your testimony today that -- I'm</p> <p>9 highlighting what I believe you just read. Did I</p> <p>10 highlight that correctly?</p> <p>11       <b>A.</b> Yes. And at the end of it, it said that a</p> <p>12 report -- that we should submit a report, and the report</p> <p>13 will be made public. That is, as I understand it, being</p> <p>14 the charge to the committee.</p> <p>15       <b>Q.</b> These two paragraphs, one above and one below,</p> <p>16 that are also in italics, were those also part of the</p> <p>17 charge?</p> <p>18       <b>A.</b> I do not recall that. I -- we focused</p> <p>19 exclusively on the paragraph that said what the committee</p> <p>20 or the panel would be doing.</p> <p>21       <b>Q.</b> Uh-huh. The -- and I should have asked this</p> <p>22 first off. You do remember receiving this email on</p> <p>23 August 5th, 2020, correct?</p> <p>24       <b>A.</b> Yes.</p> <p>25       <b>Q.</b> What was your understanding of what this</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">28</p> <p>1 because that was the statement made by the provost.</p> <p>2 Again, we focused entirely on the charge of the</p> <p>3 committee.</p> <p>4       <b>Q.</b> Okay. And I think you've indicated what</p> <p>5 the answer will be to this question, but I've just</p> <p>6 highlighted the paragraph that follows what you've</p> <p>7 identified as the charge to the committee that reads,</p> <p>8 "The Journal of Schenkerian Studies has made many</p> <p>9 contributions to the understanding of music theory,</p> <p>10 to offer music theorists the opportunity to share and</p> <p>11 defend diverse viewpoints under the most rigorous</p> <p>12 academic standards and ethics."</p> <p>13       Did I read that correctly?</p> <p>14       <b>A.</b> Yes.</p> <p>15       <b>Q.</b> And do I understand from your testimony that</p> <p>16 this was also not considered by the panel as something</p> <p>17 they were charged with investigating concerning the</p> <p>18 Journal of Schenkerian Studies?</p> <p>19       <b>A.</b> Yes, we did not consider this.</p> <p>20       <b>Q.</b> Okay, thank you. So it is fair to say, and</p> <p>21 correct me if I'm wrong, that you considered the charge</p> <p>22 very narrow in scope?</p> <p>23       MS. QUIMBY: Objection, form.</p> <p>24       <b>A.</b> We considered the charge, the specific</p> <p>25 instructions, the charge from the provost, which is</p>

1 represented by the paragraph that I highlighted.  
 2 **Q.** And my question was, you considered that very  
 3 narrow in scope?  
 4 **A.** Yes. Very narrow, along with, as we  
 5 understood, this charge to be; that it was about  
 6 editorial processes.  
 7 **Q.** And do you recall my client, Timothy Jackson,  
 8 asking the panel about the scope of the investigation  
 9 being conducted by the ad hoc panel?  
 10 **A.** Yes, I do. And we had told him exactly what  
 11 I'm telling you.  
 12 **Q.** That the scope was narrow and it was confined  
 13 to this paragraph --  
 14 **A.** Um-hum.  
 15 **Q.** -- that we just read?  
 16 **A.** Yes.  
 17 **Q.** Okay. At any time, did the panel stray from  
 18 this narrow focus in its duties? Excuse me, strike that.  
 19 At any time, did the panel stray from this  
 20 narrow focus in carrying out its duties?  
 21 **A.** No. I was insistent on that.  
 22 **Q.** Thank you. Were you aware that the  
 23 investigation had already been announced in the  
 24 College of Music by Dean John Richmond?  
 25 **MS. QUIMBY:** Objection, form.

1 **A.** No, I was not. And John Richmond did not  
 2 mention this to us when he testified before the  
 3 committee.  
 4 **Q.** Did you ask him?  
 5 **A.** No.  
 6 **Q.** Do you think that would be relevant to the  
 7 committee?  
 8 **A.** No.  
 9 **Q.** Were you aware that the College of Music had  
 10 put the fact that there would be an investigation of the  
 11 Journal of Schenkerian Studies up on the official website  
 12 of the College of Music?  
 13 **A.** No, I was not.  
 14 **Q.** Did you think that would be relevant to the  
 15 committee?  
 16 **A.** No, it would not be, given our charge.  
 17 **Q.** At some point, you referenced -- you,  
 18 meaning the committee in general, Professor Ishiyama,  
 19 the standards of COPE, C-O-P-E. Do you recognize that  
 20 acronym?  
 21 **A.** Yes. It stands for the Council on Publication  
 22 Ethics.  
 23 **Q.** Is it -- sorry. Just for clarification, is  
 24 it council or committee?  
 25 **A.** I believe -- I do not recall exactly what the C

1 stands for. It could be either. But we call it COPE.  
 2 Those of us who are editors call it COPE.  
 3 **Q.** Okay. And I don't mean to quibble. I just  
 4 want to make a clear record for the Court.  
 5 **A.** Um-hum.  
 6 **Q.** And what was your understanding of the standard  
 7 of COPE?  
 8 **A.** They have multiple standards. I'm not sure  
 9 which ones you would like me to refer to.  
 10 **Q.** Which ones were you applying when you analyzed  
 11 the Journal of Schenkerian Studies?  
 12 **A.** COPE, among many things, says that the review  
 13 processes should be made public and available to those  
 14 who are submitting their articles and those who are  
 15 reviewing. COPE also has fairly strict guidelines  
 16 about self-publication and also what constitutes  
 17 adequate peer review. And they are particularly  
 18 mindful of self-publication by editors. They have  
 19 other things --  
 20 **Q.** By self-publication -- sorry, go ahead.  
 21 **A.** They have other standards regarding anonymous  
 22 authors. And also, if something is not peer reviewed,  
 23 the requirement that there is some disclaimer that  
 24 publicly appears in that journal. But there are  
 25 multiple standards that COPE puts forward that we all

1 subscribe to.  
 2 **Q.** When you say, "we all," who are you referring  
 3 to?  
 4 **A.** At least all of the journal editors who were in  
 5 that room were familiar with COPE. I would -- and I  
 6 cannot speak to all editors in the world. But I would  
 7 suggest that the major publishers all abide by COPE.  
 8 **Q.** When did COPE come into being, if you know?  
 9 **A.** I do not recall. It has been around for  
 10 some time, but I could not tell you when it was founded.  
 11 **Q.** Do you recall Timothy Jackson asking about  
 12 the nature of the COPE standards that the panel was  
 13 applying?  
 14 **A.** I do not recall specifically, but I believe  
 15 he did ask about them. He appeared to be unaware what  
 16 those standards were.  
 17 **Q.** And what did you provide to him?  
 18 **A.** I gave -- we gave him the website and the  
 19 PDF document that outlined COPE standards for editors.  
 20 **Q.** Does COPE have a standard concerning how  
 21 contributors to a volume, an edition, a symposium, a  
 22 commentary should be invited?  
 23 **A.** No, it doesn't have that as its editorial  
 24 process. It does, however, have requirements about the  
 25 review and especially peer review.



1 Q. Um-hum. Let's start with peer review. What do  
2 you understand as -- because you have to understand, the  
3 jury is probably not familiar with what academics mean by  
4 peer review. So could you just explain what a journal  
5 editor means by peer review?

6 A. Well, there are multiple forms of peer  
7 review. I can speak to the ones of the journal that I  
8 edited. It's called double-blind peer review, meaning  
9 that the author nor the reviewer knows the identity of  
10 the other. Minimally, we applied at least two reviews  
11 of every article. And oftentimes, more.

12 Q. And there's been some confusion among  
13 witnesses, understandably so, that double-blind means  
14 only two people. But if there were three reviewers, it  
15 would be triple-blind. But I understand what you're  
16 saying is the double refers to the fact that both the  
17 reviewer and the author are not permitted to know the  
18 identity of the other to facilitate an impartial review.  
19 Is that a fair summary of double-blind peer review?

20 A. Yes, it is.

21 Q. Did you do any survey of other journals in the  
22 music theory field to determine whether it was common  
23 practice in music theory not to subject some articles to  
24 peer review?

25 A. No, we did not. We were asked to -- in our

1 estimation and our experience, whether we thought that  
2 best practices were being followed, that did not extend  
3 to us conducting a survey.

4 MR. ALLEN: I'm going to mark for the  
5 record -- am I up to Exhibit 4, Madam Court Reporter?

6 THE REPORTER: Yes.  
7 (Deposition Exhibit Number 4 marked.)

8 Q. So I've marked as Exhibit 4 for the record a  
9 document which is called COPE Guidelines: A short guide  
10 to ethical editing for new editors.

11 Did I read that correctly, Professor Ishiyama?

12 A. Yes.

13 Q. Do you recognize this document?

14 A. Yes.

15 Q. Was this a document relied upon by the  
16 committee to inform them of guidelines and practices,  
17 standards of COPE?

18 A. I would have to look through it all again.  
19 But yes, I believe so.

20 Q. Okay. And I was hoping we would find an answer  
21 here to our committee versus council question,  
22 but I don't see anything particularly. That's fine.  
23 We will go to -- there's a section that's titled The  
24 Peer-Review Process.

25 Do you see that?

1 A. Yes.

2 Q. Does COPE require a sort of one-size-fits-all  
3 peer-review process?

4 A. No.

5 Q. And, in fact, it says here --

6 A. You asked me about my experience, so -- but no,  
7 they do not.

8 Q. Yeah. Well, I also asked you about whether you  
9 surveyed journals in the music theory area to determine  
10 what peer review methods were used in that field, right?

11 A. No. We did not, because we did not think  
12 that was relevant and part of the charge.

13 Q. Thank you.

14 A. The charge was that we viewed in our experience  
15 whether best practices were being followed.

16 Q. Did you expect the music theory journal to  
17 follow the best practices of a political science  
18 journal?

19 A. I expect all journals to follow best practices  
20 to guarantee a transparent review process that is with  
21 integrity and that there is the -- that they follow  
22 the guidelines of COPE, but also make sure that  
23 self-publication is not one of those things.

24 Q. So here, under the peer-review process,  
25 Number 8, it says, "Adopt a peer-review process

1 that is appropriate for your journal/field of work and  
2 resources/systems available."

3 Did I read that correctly?

4 A. Yes. May I ask? The second line, the  
5 clarification about the number of reviewers. So it does  
6 suggest that reviewers should be used, and they should  
7 be anonymous.

8 Q. What did you do to determine what peer-review  
9 process was appropriate for the Journal of Schenkerian  
10 Studies?

11 A. We were not asked to determine what is  
12 appropriate, but what was inappropriate. And so given  
13 our experience as editors, what standards we would apply  
14 to evaluating whether those recommended standards were  
15 followed, I don't believe they were.

16 Q. In your expertise as an editor, is it your view  
17 that any academic journal that publishes an article  
18 without peer review or without clearly -- let me strike  
19 that and ask this in two parts.

20 Based on your experience as an editor and the  
21 tasks you were asked to carry through as part of the ad  
22 hoc panel --

23 A. Um-hum.

24 Q. -- was it your view that an academic journal  
25 that did not have a transparent process or peer review

1 was not appropriate for academic publication?

2 **A.** I would not make a blanket statement like that.

3 But if the journal is representing the publications as

4 peer-reviewed journal articles, then I certainly do think

5 they should follow some process of -- that is typical for

6 peer review. You know, many journals I know publish

7 other things other than peer-reviewed journal articles,

8 such as opinion editorial pieces or other items like book

9 reviews. But if they represent these as peer-reviewed

10 journal articles, they should be peer reviewed.

11 **Q.** Where did Timothy Jackson represent the

12 Symposium in Volume 12 of the Journal of Schenkerian

13 Studies as peer reviewed, to your knowledge?

14 **A.** If it appeared in the journal, the suggestion

15 is that it was peer reviewed if the journal claimed it

16 was a peer-reviewed journal. Now, symposium are not

17 separate from that standard.

18 **Q.** So a journal that claims to be a peer-reviewed

19 journal, but publishes articles that are not peer

20 reviewed, without a transparent process, that would be

21 inappropriate in your view?

22 **A.** This they -- only if they did not clearly

23 indicate in the section of the journal that this was not

24 peer reviewed.

25 **Q.** And there's been some discussion in our --

1 among our witnesses that we've deposed in this case that

2 just as you've said, Professor Ishiyama, there are

3 different kinds of review and so forth, unsurprising in

4 the academic field, I think. So I want to ask you a

5 question about one type of -- I'll just call it vetting

6 of publications that's come up. It's when a presentation

7 is submitted for consideration to a conference and

8 subsequently published in a journal. Is that a common

9 practice in academia?

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

11 **A.** I do not know if it's common, but I have

12 heard of it, that the presidential addresses are

13 published in journals, but there's always a clear marker

14 saying that this has not been peer reviewed and was a

15 public presentation at a conference.

16 **Q.** And if that's not given, is that inappropriate

17 for such a publication?

18 **A.** I don't understand. Could you repeat the

19 question? I don't actually understand it.

20 **Q.** Sure, sure. And this is a great example of

21 asking for clarification, so thanks.

22 You just described several kinds of papers

23 that might be published in a journal, which were given

24 as conference presentations. Did I understand your

25 testimony right?

1 **A.** Well, I would have to say what I'm aware of

2 is that sometimes, presidential addresses, that if you're

3 president of an association, that it will be published in

4 a journal, but there's a clear indication in the journal

5 that this is a presidential address and stands different

6 from the other peer-reviewed articles that appear in the

7 journal.

8 **Q.** And if there is no such clear transparent

9 declaration, that's inappropriate, right?

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

11 **A.** I -- well, inappropriate? I would say it's not

12 a best practice, clearly not a best practice.

13 **Q.** Well, and I guess you are now saying you can

14 identify things that are not best practice. And when

15 we talked about peer review concerning the Journal of

16 Schenkerian Studies, you said your task was to identify

17 what was inappropriate, right? So that's the source of

18 my question. Go ahead.

19 **A.** The charge didn't mention inappropriate. It

20 said whether or not the Journal followed best practices,

21 and we stuck to that. Whether or not it was appropriate,

22 I think, is not the question. The question is given our

23 experience, did the Journal follow best practices in

24 terms of publishing.

25 **Q.** Okay. So I'm asking you to clarify your

1 testimony then. Before, I asked you what you did to

2 find out what the appropriate processes for the Journal

3 of Schenkerian Studies were to peer review articles,

4 and you said that wasn't your task. Your task was to

5 determine what was inappropriate. Do you remember saying

6 that?

7 **A.** I do not recall. But we're sticking straight

8 to what the charge was, and I want to stick to that

9 charge. That's what we were asked to do.

10 **Q.** Okay. And you stuck to that charge in all

11 respects, right?

12 **A.** Yes, yes.

13 **Q.** So there's another kind of conference

14 proceedings that are published, at least among witnesses

15 that we've deposed have testified to, and I would like

16 to ask you about that. That's where people apply to a

17 conference committee or whatever to present at the

18 conference, and then subsequently, those papers are

19 published in a journal.

20 The process that's been described -- I'm just

21 going to represent this to you -- someone will submit

22 something like a 450-word précis, maybe a bibliography,

23 something of that nature, which explains the kind of

24 paper they want to give. That will be reviewed by a

25 conference program committee. It will be accepted. Then

1 a discussion will be had with an editor of a journal of  
2 one kind or another, and the paper presented at the  
3 conference will be worked up into a full-length article  
4 and published. Are you familiar with that kind of review  
5 process?

6 **A.** I am aware that these happen, but I think  
7 that you are referring to conference proceedings, and  
8 it's conference proceedings, which is the first part.  
9 Whether or not they're published in a journal is subject  
10 to peer review in the second part. So I think these  
11 seem to be conflated. Conference proceedings are very  
12 different than journal --

13 **Q.** I'm not talking about publishing straight  
14 up conference proceedings. So please understand, I'm  
15 talking about where someone gets their paper in, presents  
16 it. It's recruited by an editor for publication in a  
17 journal, whether specialized or general. It doesn't  
18 matter. Then that paper is published in the journal.

19 My question then is that does not count,  
20 according to you, as peer review, correct?

21 **A.** No, that's incorrect. That is incorrect.  
22 These -- from what I'm aware of, papers that are  
23 recruited from a conference by an editor to appear in  
24 a special issue still undergo peer review in my  
25 experience on this several times.

1 **Q.** Okay. I'm sorry -- I'm sorry to interrupt,  
2 Professor Ishiyama. And I try not to do that. But I  
3 actually wasn't asking that, so I wanted to be more clear  
4 and then give you a chance to answer.

5 What I mean is the second phase, what I think  
6 you called the second phase -- there's the presentation  
7 that's the first phase. Then there's a subsequent  
8 publication in a journal where the presentation is  
9 worked up into a longer piece and published.

10 At the second phase in the examples that we  
11 have heard in deposition, there is no double-blind peer  
12 review, but the article is published anyway in a journal.  
13 And let me back up and ask, are you familiar with that  
14 process?

15 **A.** No. Given my experience, no.

16 **Q.** Okay. And what I just described, a  
17 précis reviewed by a program committee, then articles  
18 subsequently published in a journal without double-blind  
19 peer review, would you count that as a peer-reviewed  
20 article?

21 **A.** By précis, you mean the same thing as a journal  
22 article? Because there are many publications that are  
23 not journal articles, that are summaries of something --

24 **Q.** No.

25 **A.** -- or proceedings or recordings.

1 **Q.** No, not a summary. I'm going to describe the  
2 exact situation. I am.

3 **A.** Hmm.

4 **Q.** Well, I'll tell you what. I'll make this a  
5 little bit easier by giving a concrete example; is that  
6 fair?

7 **A.** Certainly, yes.

8 (Deposition Exhibit Number 5 marked.)

9 MR. ALLEN: I'm going to mark for the  
10 record as Exhibit 5 the title page of Volume 26, 2020, of  
11 the journal published by the University of North Texas  
12 Press, Theoria. This is also edited by a professor at  
13 the University of North Texas named Frank Heidelberger.  
14 And this is the title page of that volume. Do you see  
15 the exhibit, Professor Ishiyama, Exhibit 5?

16 **A.** If that's the title page, I do see.

17 **Q.** And I'm just scrolling down. It does clearly  
18 list an advisory board. Do you see that?

19 **A.** Yes, yes.

20 **Q.** And that it's published by the University of  
21 North Texas. We see that here at the bottom of the first  
22 page, right?

23 **A.** Yes.

24 **Q.** Now, I'm just scrolling down for you to give  
25 you -- all I have here is the title page. Obviously, I'm

1 not going to ask you in deposition time to read a full  
2 journal article. But this is the title page of Theoria,  
3 Historical Aspect of Music Theory, Volume 26, 2020, and  
4 the title page includes articles, right?

5 **A.** Yes. That's what the title says.

6 **Q.** And I'm just -- and I know the entire journal  
7 isn't here for your perusal. But do you see any clear  
8 indication in the title page that any of these articles  
9 have not been subjected to peer review?

10 MS. QUIMBY: Objection, form.

11 **A.** Can you -- can you scroll down, so I may see  
12 the entire --

13 **Q.** Yeah, there's not much left. See?

14 **A.** There is no note indicated, because this is  
15 only an excerpt from a particular issue. There's nothing  
16 in notes, no disclaimer, nothing else. It's hard for me  
17 to determine just based upon --

18 **Q.** Okay. To my knowledge -- to my knowledge,  
19 there is not. But if there is, I'm sure your attorney,  
20 Mary Quimby, will be able to point that out for the  
21 Court. I'm going to ask you -- well, I think we can  
22 agree, on this title page, there is no such designation,  
23 correct?

24 **A.** Those designations don't necessarily appear on  
25 the title page. Sometimes, they're in the second page.

<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">45</p> <p>1 Sometimes, they're in the note to that particular</p> <p>2 article.</p> <p>3 <b>Q.</b> Okay.</p> <p>4 <b>A.</b> But no, I don't see anything here. But I'll</p> <p>5 trust that you've read it, so...</p> <p>6 <b>Q.</b> Well, and maybe we will go back and read</p> <p>7 it and educate ourselves. But I want to ask you some</p> <p>8 questions about what you consider to be peer reviewed</p> <p>9 and what you don't.</p> <p>10 <b>A.</b> Um-hum.</p> <p>11 <b>Q.</b> There's a Russian music theory panel listed</p> <p>12 that starts on page 55 of this journal. Do you see that?</p> <p>13 <b>A.</b> Yes, I do.</p> <p>14 <b>Q.</b> And there's an article published by Ellen</p> <p>15 Bakulina, who is a faculty member at the University of</p> <p>16 North Texas and a colleague of Frank Heidlberger.</p> <p>17 <b>A.</b> Yes.</p> <p>18 <b>Q.</b> The editor of this journal.</p> <p>19 <b>A.</b> Yes.</p> <p>20 <b>Q.</b> There's Philip Ewell. There's been a</p> <p>21 longer piece by Ellen Bakulina and then an article by</p> <p>22 Christopher Segall. And I'm going to represent to you</p> <p>23 that those were all part of this Russian music theory</p> <p>24 panel. Okay?</p> <p>25 <b>A.</b> Um-hum, yes.</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">47</p> <p>1 <b>Q.</b> Correct.</p> <p>2 <b>A.</b> I think what you are referring to is what we</p> <p>3 call editor reviews, which are not the same standard as a</p> <p>4 peer-reviewed article.</p> <p>5 <b>Q.</b> Okay.</p> <p>6 <b>A.</b> These are generally reviewed by the editor</p> <p>7 along with multiple others or several others on the</p> <p>8 editorial board who review it. Now, I'm not sure if</p> <p>9 that's what happened here. But that could happen, an</p> <p>10 editor review process, but not necessarily a peer-review</p> <p>11 process.</p> <p>12 <b>Q.</b> If an editor held out these articles as, quote,</p> <p>13 peer reviewed, in your view, would that be appropriate?</p> <p>14 <b>MS. QUIMBY:</b> Objection, form.</p> <p>15 <b>A.</b> Well, just like I don't want to say anything</p> <p>16 about judgment of whether it's appropriate or not, but</p> <p>17 it's not best practice. It really is not. If you want</p> <p>18 to represent it as peer-reviewed, it's not.</p> <p>19 <b>Q.</b> That's all I'm trying to get at. You wouldn't</p> <p>20 consider articles published in the way that I've just</p> <p>21 described to be fully peer-reviewed in the sense of</p> <p>22 double-blind peer review that we've discussed, correct?</p> <p>23 <b>MS. QUIMBY:</b> Objection, form.</p> <p>24 <b>A.</b> That's true. And if it's represented as peer</p> <p>25 reviewed, then that would be inaccurate.</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">46</p> <p>1 <b>Q.</b> And testimony has indicated that these were</p> <p>2 reviewed in exactly the way that I have informed you;</p> <p>3 that there was an abstract or précis or whatever you want</p> <p>4 to call it, a short description of what someone wanted</p> <p>5 to give as a conference paper submitted to the program</p> <p>6 committee of the SMT. Do you know what the SMT stands</p> <p>7 for, just so we avoid confusion?</p> <p>8 <b>A.</b> I believe it stands for the Society of Music</p> <p>9 Theory.</p> <p>10 <b>Q.</b> Correct. So in 2018, this was a panel</p> <p>11 presented at the conference, an annual conference.</p> <p>12 Afterwards, these articles were recruited to the</p> <p>13 journal. They were built up from the conference papers</p> <p>14 into longer articles. It looks like Philip Ewell's</p> <p>15 article here is approximately 24 pages, 23 or 24 pages,</p> <p>16 and published, but there was no double-blind peer review</p> <p>17 before these articles appeared in the journal.</p> <p>18 <b>A.</b> Um-hum, yes.</p> <p>19 <b>Q.</b> Those are the -- those are the facts that I'm</p> <p>20 summarizing to you. Now, my question, and I'm sorry for</p> <p>21 being a bit long on that, is based on your expertise,</p> <p>22 would you consider that peer review?</p> <p>23 <b>MS. QUIMBY:</b> Objection, form.</p> <p>24 <b>A.</b> Now, peer review is a review by peers in the</p> <p>25 field.</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">48</p> <p>1 <b>Q.</b> Okay. And just to sew up this line of</p> <p>2 questioning, that would be true for any journal, any</p> <p>3 academic journal, correct?</p> <p>4 <b>A.</b> No. Some journals, they say -- they</p> <p>5 represent themselves as peer reviewed. And they say</p> <p>6 it's peer reviewed unless, if it is not, then it's</p> <p>7 clearly indicated somewhere that it was either editor</p> <p>8 reviewed or not reviewed at all.</p> <p>9 <b>Q.</b> So that would -- the process we've just</p> <p>10 described would not be best practice for a peer-reviewed</p> <p>11 academic journal?</p> <p>12 <b>A.</b> True. If they are representing the contents as</p> <p>13 peer reviewed, this would not be best practice.</p> <p>14 <b>Q.</b> Okay. Now, for the Symposium in Volume 12</p> <p>15 of the Journal of Schenkerian Studies, is it your</p> <p>16 understanding and your expertise, that if the call for</p> <p>17 papers had clearly indicated that the Symposium would</p> <p>18 not be peer reviewed, that would be best practice?</p> <p>19 <b>MS. QUIMBY:</b> Objection, form.</p> <p>20 <b>A.</b> I have not seen the call papers, but I couldn't</p> <p>21 say.</p> <p>22 <b>Q.</b> You've never seen the call for papers that</p> <p>23 the Journal of Schenkerian Studies sent out to solicit</p> <p>24 articles?</p> <p>25 <b>A.</b> I do believe -- I do not recall seeing it.</p>

1 But perhaps among the volume of materials we reviewed,  
2 it was there. But I do not recall seeing, if we did,  
3 that there was a specific thing that this would not be  
4 peer reviewed. But again, this is four years ago.

5 Q. I'm not saying it did. I'm saying if it had,  
6 that would be appropriate?

7 MS. QUIMBY: Objection, form.

8 A. If it had -- may I ask for clarification? If  
9 it had included a counterfactual, because it may not  
10 have, if it had, would that be --

11 Q. I'm not asking you that. Yeah, so it sounded  
12 to me like your testimony was that journals should be  
13 very clear about how they're reviewing or not reviewing  
14 works. And as long as they do that and are aboveboard  
15 and it's transparent, then that's best practice in the  
16 academic journal industry, for lack of a better word.

17 A. Yes, I would -- I would think so, yes. But it  
18 should be included in the journal itself.

19 Q. Right. And that -- to make sure which  
20 papers -- is it a fair analogy to say the customer,  
21 namely, the reader, needs to know what they're getting?

22 A. It should be transparent, yes.

23 MR. ALLEN: Okay. I want to mark for  
24 the record Exhibit 6.

25 (Deposition Exhibit Number 6 marked.)

1 Q. Can you see this email, Professor Ishiyama,  
2 that I'm marking as Exhibit 6 for the record? It's from  
3 you, John Ishiyama, to Timothy Jackson, with what I take  
4 to be the members of the ad hoc panel on the CC line as  
5 well as an attorney named Renaldo Stowers who's in the  
6 room with you, and myself, Michael Allen.

7 Did I read that correctly?

8 A. Yes.

9 Q. Do you recognize this email?

10 A. Yes.

11 Q. And it's October 4th -- excuse me,  
12 October 14th, 2020, right?

13 A. Yes.

14 Q. Now, I hope you'll bear with me. And I'm going  
15 to do something which I confess to you drives me crazy  
16 when people scroll through documents in front of my eyes.  
17 It makes me cross-eyed. But I'm going to have to do it  
18 to bring you down to the previous message. It's  
19 in the nature of emails that they go from backwards  
20 forwards. And you see Timothy Jackson emailed you on  
21 Wednesday, October 14th, in the email at the bottom of  
22 this page?

23 A. There is another -- at the bottom, there's one  
24 that says October 13th. Are you referring to one that's  
25 not on bottom, but above it? That one there.

1 Q. Yeah. Now, I'm happy to give you -- this is  
2 the whole email string. If you want to review it all,  
3 I'm not trying to hide it from you.

4 A. Um-hum.

5 Q. But I'm not going to be asking you questions  
6 about this. Of course, your attorney can come back  
7 around and ask questions about it if she so chooses.

8 A. Um-hum.

9 Q. So I just want to take you back up here. I  
10 mean, is it fair to say these are emails conducted in  
11 the ordinary course of business of the ad hoc panel as  
12 you understood it?

13 A. In communication and response to Dr. Jackson,  
14 yes.

15 Q. Yeah. And of course, you were the one who  
16 received this email and maintained it in your email,  
17 correct?

18 A. Yes, I did.

19 Q. And this was just the ordinary kinds of emails  
20 you would be exchanging on a regular basis with people  
21 you were interviewing and other members of the committee,  
22 right?

23 A. As far as it pertains to the committee's work,  
24 yes.

25 Q. Thank you. So here, Timothy Jackson, I'm just

1 talking about this email which I've highlighted for you,  
2 Wednesday, October 14th, 2020, he asks, "Thanks for this,  
3 John" -- referring to a previous email. "I have looked  
4 at the COPE website, and they seem to have quite a few  
5 policy statements mostly geared to coping with research  
6 fraud and plagiarism issues. Are there specific policies  
7 of COPE that the ad hoc committee thinks are relevant  
8 here? I hope the panel is also prepared to discuss how  
9 to maintain the integrity of an academic journal in  
10 the face of widespread calls for censorship and the  
11 repression of unpopular viewpoints. Will the panel be  
12 addressing that? Thanks, Tim."

13 Did I read that correctly into the record?

14 A. Yes.

15 Q. Okay. And is it fair to say that you then  
16 answered by explaining the nature of COPE to Tim in that  
17 first numbered paragraph, numeral 1?

18 A. Yes.

19 Q. And you linked the website of the COPE,  
20 right?

21 A. Yes.

22 Q. And then consistent with your --

23 A. It also has the PDF. It also has the PDF.

24 Q. Is that where that PDF that we marked as the  
25 previous Exhibit Number 4 came from?

<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">53</p> <p>1       <b>A.</b> Yes, as far as I recall.</p> <p>2       <b>Q.</b> Is that the PDF you are referring to or a</p> <p>3 different one?</p> <p>4       <b>A.</b> Yes, this one.</p> <p>5       <b>Q.</b> Exhibit 4? Is that yes?</p> <p>6               MR. ALLEN: Did I not hear that, Kim?</p> <p>7       <b>A.</b> Yes.</p> <p>8       <b>Q.</b> Thank you. And could you read paragraph 2 into</p> <p>9 the record, which I think you've testified to before, but</p> <p>10 I would just like you to read this answer</p> <p>11 to Timothy Jackson's question about academic freedom</p> <p>12 into the record for us.</p> <p>13               MS. QUIMBY: Objection, form.</p> <p>14       <b>A.</b> Can I ask for a clarification? Paragraph 2</p> <p>15 does not refer to academic freedom at all.</p> <p>16       <b>Q.</b> Did you see here that Timothy asked the</p> <p>17 question, Timothy Jackson, "I hope the panel is also</p> <p>18 prepared to discuss how to maintain the integrity of</p> <p>19 an academic journal in the face of widespread calls for</p> <p>20 censorship and the repression of unpopular viewpoints.</p> <p>21 Will the panel be addressing that?"</p> <p>22               And you've already testified that I read that</p> <p>23 correctly. Am I mistaken, that paragraph 2 of your</p> <p>24 response to Timothy's email, Timothy Jackson's email,</p> <p>25 did not respond to that question?</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">55</p> <p>1       misrepresenting something here.</p> <p>2               MS. QUIMBY: Can we take a break? It's</p> <p>3 been about an hour.</p> <p>4               MR. ALLEN: You know, I had not been</p> <p>5 aware of that, and I've just been charging through.</p> <p>6 And that's fine. Shall we go off the record?</p> <p>7               MS. QUIMBY: Yes.</p> <p>8               THE VIDEOGRAPHER: Off the record at</p> <p>9 10:21.</p> <p>10               (Recess taken)</p> <p>11               THE VIDEOGRAPHER: The time is 10:37.</p> <p>12 We're on the record.</p> <p>13       <b>Q.</b> Thank you, Professor Ishiyama. I want to go</p> <p>14 back to Exhibit 3, which is the Ad Hoc Panel Report, and</p> <p>15 I wanted to ask you another question about the charge</p> <p>16 that you testified to earlier in Exhibit 3.</p> <p>17               In the charge that you read into the record,</p> <p>18 you were instructed to examine objectively the processes</p> <p>19 followed in the conception and production of Volume 12</p> <p>20 of the Journal of Schenkerian Studies, right?</p> <p>21       <b>A.</b> Yes.</p> <p>22       <b>Q.</b> Can you explain for the Court what you</p> <p>23 understood as an objective investigation?</p> <p>24       <b>A.</b> Well, given the charge, it was to evaluate the</p> <p>25 processes that were listed by the Journal in terms of</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">54</p> <p>1       <b>A.</b> No, it did respond to the question. You asked</p> <p>2 me if it included a mention of academic freedom, and it</p> <p>3 does not. It was in response, saying clearly that the</p> <p>4 answer is no.</p> <p>5               "The panel's charge is narrow, to only</p> <p>6 investigate the journal's editorial processes including</p> <p>7 management, peer review, and other processes related to</p> <p>8 journal production. The focus of our questions will only</p> <p>9 be on these issues. You are free to add information that</p> <p>10 you believe the panel should know after we have had the</p> <p>11 opportunity to ask our questions."</p> <p>12       <b>Q.</b> Okay. And I believe you've already answered my</p> <p>13 question. That was your response to Timothy's question,</p> <p>14 whether you would be investigating the infringement of</p> <p>15 his academic freedom?</p> <p>16               MS. QUIMBY: Objection, form.</p> <p>17       <b>A.</b> Again, our charge was very narrow, and we stuck</p> <p>18 to it.</p> <p>19       <b>Q.</b> Okay. And I'm just trying to build the record</p> <p>20 of the documents that establish what you were doing in</p> <p>21 the ad hoc committee. And I know that was consistent</p> <p>22 with your previous testimony. So this is simply part of</p> <p>23 the process, Professor Ishiyama.</p> <p>24       <b>A.</b> Um-hum, okay.</p> <p>25       <b>Q.</b> I wasn't -- I wasn't suggesting that you were</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">56</p> <p>1       editing Volume 12. In light of our experience as editor,</p> <p>2 that we should only focus on the charge, which was to</p> <p>3 investigate the processes, and not the influence by other</p> <p>4 things related to the production of Volume 12.</p> <p>5       <b>Q.</b> And is it objective, in your understanding of</p> <p>6 research or investigations, to ignore exculpatory</p> <p>7 evidence?</p> <p>8               MS. QUIMBY: Objection, form.</p> <p>9       <b>A.</b> I think objectively means that you view the</p> <p>10 evidence without prejudice, without preconceived notions.</p> <p>11 That's how I understand objectively.</p> <p>12       <b>Q.</b> So my question was, is it objective to ignore</p> <p>13 exculpatory evidence?</p> <p>14               MS. QUIMBY: Objection, form.</p> <p>15       <b>A.</b> I don't think that is how I would define</p> <p>16 objective.</p> <p>17       <b>Q.</b> Okay.</p> <p>18       <b>A.</b> It may not be best research practice; but</p> <p>19 that's not, in my view, how you define objective.</p> <p>20       <b>Q.</b> Is it acceptable in an objective investigation</p> <p>21 to ignore exculpatory evidence?</p> <p>22       <b>A.</b> Again, it's not related to objectivity. It may</p> <p>23 not be good research practice. That would be perhaps</p> <p>24 mentioned in the peer-review process. But in terms of</p> <p>25 objectivity, I take that to mean that you do not consider</p>

1 things outside of the charge that might influence and  
 2 prejudice your decision.  
 3 **Q.** Would considering exculpatory evidence  
 4 prejudice your decision?  
 5 **MS. QUIMBY:** Objection, form.  
 6 **A.** That's not what we mean by objectivity.  
 7 **Q.** Well, I wasn't asking you about that. I was  
 8 asking you about the statement you just made about not  
 9 considering anything that would prejudice your decision.  
 10 I believe you said something to that effect, right?  
 11 **A.** But I said that was for peer-review processes.  
 12 That's not good research effort. But your question was  
 13 about objectivity, and I answered that.  
 14 **Q.** Okay. And I'm following up with a question  
 15 about your methods of conducting the investigation in the  
 16 ad hoc panel.  
 17 **A.** Um-hum.  
 18 **Q.** Would you consider it best practices for the ad  
 19 hoc panel to ignore exculpatory evidence?  
 20 **MS. QUIMBY:** Objection, form.  
 21 **A.** I do not believe we ignored such evidence.  
 22 But no, I don't think we ignored such evidence.  
 23 **Q.** And you would not consider that best practices  
 24 if evidence was ignored?  
 25 **A.** We were not asked about best practices about

1 how we did the review process. We were asked to judge  
 2 the best practices of the Journal of Schenkerian Studies.  
 3 **Q.** I understand that. I'm asking you. So could  
 4 you answer the question as asked?  
 5 **A.** I'm not sure of the question.  
 6 **MR. ALLEN:** Madam Court Reporter, could  
 7 you read the previous question back to the witness?  
 8 **Q.** BY THE REPORTER:  
 9 **QUESTION:** Would you consider it best  
 10 practices for the ad hoc panel to ignore  
 11 exculpatory evidence?  
 12 **A.** If we did that. I don't not think that is what  
 13 happened.  
 14 **Q.** Right. That's not my question. I understand  
 15 that you deny that happened. My question is would that  
 16 be best practice --  
 17 **A.** You are asking me what I believe is best  
 18 practice. I don't -- I don't think I should venture  
 19 an opinion about that. I told you that research  
 20 practices, we do not ignore evidence. But you are  
 21 asking specifically about the activities of the panel,  
 22 and I think I've answered that.  
 23 **Q.** No, I think you have not. I think you have not  
 24 answered whether it would be best practice for a panel  
 25 such as your ad hoc panel to ignore exculpatory evidence.

1 We can agree, can we not, Professor  
 2 Ishiyama --  
 3 **A.** We did not.  
 4 **Q.** Can we agree that the ad hoc panel should not  
 5 ignore exculpatory evidence?  
 6 **MS. QUIMBY:** Objection, form.  
 7 **A.** No, I don't agree to that because we did not do  
 8 that. I'm very narrow in terms of what we did, not  
 9 speculate on whether or not something happened.  
 10 **Q.** I'm not asking you to speculate. I'm asking  
 11 you to tell me precisely for the record your methods.  
 12 **A.** Are you asking for my opinion, sir?  
 13 **Q.** I'm asking for your understanding of what  
 14 your task was. If you want to characterize that as your  
 15 opinion, that's fine with me. Your understanding of your  
 16 task as a member of the ad hoc panel was that it would  
 17 be -- it would not be best practice to ignore exculpatory  
 18 evidence. Can we agree on that?  
 19 **A.** But the charge -- your question started with  
 20 objectivity.  
 21 **Q.** Yes.  
 22 **A.** Not best practice. I'm not sure how they're  
 23 related.  
 24 **Q.** You brought up best practice, sir. So that's  
 25 why I was asking you that question.

1 **A.** Well, that's beyond the scope of the charge.  
 2 **Q.** Well, I'm not asking you only about the scope  
 3 of the charge. I'm asking you about your approach of the  
 4 investigation in the ad hoc panel.  
 5 **A.** We considered all of the evidence objectively,  
 6 meaning that without prejudice and without preconceived  
 7 notion, that's how we proceeded.  
 8 **Q.** Okay. Did you invite Timothy Jackson in  
 9 advance to respond to the investigation report that you  
 10 eventually produced?  
 11 **MS. QUIMBY:** Objection, form.  
 12 **A.** We asked him to testify. We did not ask him to  
 13 respond to the report. That was not part of our charge.  
 14 **Q.** Were you aware that Timothy Jackson did respond  
 15 to the report?  
 16 **A.** He did send us a message. The committee  
 17 reviewed it and determined that this evidence actually  
 18 did not affect our assessment of the general review  
 19 processes, which was our focus.  
 20 **Q.** What evidence are you referring to?  
 21 **A.** Well, the fact that there was nothing  
 22 produced that demonstrated what the review process was.  
 23 Dr. Jackson had sent us a large group of emails, which  
 24 we surveyed carefully, and could not determine what the  
 25 review process was for Volume 12.

1 Also, that there was self-publication by the  
2 editor with no clear evidence that there were special  
3 precautions to prevent a conflict of interest and that  
4 the head made a decision regarding publication of an  
5 anonymous contributor, but we didn't focus too much on  
6 that because that does happen as long as there's some  
7 message or information provided in the journal that  
8 there's a reason why they're doing -- the editor's doing  
9 that. That did not appear. So that's what we were  
10 looking at.

11 Q. Are you referring to the -- I'm just trying to  
12 figure out what documents you are referring to, and I  
13 think we'll get to these. But are you referring to an  
14 email Timothy Jackson sent you with attachments in  
15 advance of his interview or shortly after his interview  
16 in the midst of the investigation, or -- and this is the  
17 question about the response -- are you referring to  
18 documents sent to you after the investigation was  
19 complete?

20 A. You know, I don't -- I'm not -- I don't recall  
21 four years ago exactly the sequence. I do know that  
22 Dr. Jackson had sent us something that was a body of  
23 emails that he said would outline the review process.  
24 We did review that, and there was no evidence that  
25 indicated that there was a clear review process. So I'm

1 referring partially to that. I cannot recall in what  
2 sequence those appeared.

3 Q. Okay. Hopefully, we'll clear this up later.  
4 I think I know which documents you are referring to. And  
5 when we come to those, hopefully, we can clear that up.

6 I want to return to the COPE principles, if  
7 I could for a moment. I believe you did say you  
8 interviewed the individuals at the University of North  
9 Texas who were responsible for operating the University  
10 of North Texas Press?

11 A. Yes. I don't recall their names right now, but  
12 yes.

13 Q. Was one named Chrisman, if that helps you  
14 recall?

15 A. I did not hear the name. Could you repeat it?  
16 One was named who?

17 Q. Chrisman. Chrisman. C-H --

18 A. I don't recall that name.

19 Q. Okay, that's fine. Were COPE principles  
20 required by the University of North Texas Press?

21 A. I am not aware if they have. Requirement is  
22 not what COPE recommends. It's best practices that they  
23 seek editors to pursue. I'm unaware of what the  
24 University of North Texas requires.

25 Q. You do know that the University of North Texas

1 published the Journal of Schenkerian Studies, right?

2 A. That, I do know, yes.

3 (Deposition Exhibit Number 7 marked.)

4 MR. ALLEN: Let me -- sorry. I'm going  
5 to mark for the record as Exhibit 7 a document that is  
6 dated in handwriting September 16, 2020 and Journal  
7 Review #2.

8 Q. And I'm going to represent to you, Professor  
9 Ishiyama, that to the best of my knowledge, these are  
10 notes of a Professor Wallach who was on the program --  
11 excuse me, the ad hoc committee. Do you recognize the  
12 handwriting by any chance?

13 A. No, I do not.

14 Q. Did members of the ad hoc panel share their  
15 notes with each other?

16 A. No. We actually discussed in our meetings our  
17 points. We did not share the notes.

18 Q. Okay. So what we have here are one individual  
19 on the panel's notes. And I want to ask you a few  
20 questions to see if you recall the things that are  
21 recorded in these contemporaneous notes being discussed  
22 by the ad hoc panel. I'm obviously not trying to  
23 attribute this to you, just so we're clear. It does  
24 refer to Ron Chrisman here and Karen DeVinney.  
25 Do you see that at the top?

1 A. Yes.

2 Q. Does that help refresh your memory as to who  
3 the individuals were who were operating the University of  
4 North Texas Press?

5 A. Yes, it does. I had misheard you say before  
6 Christmas, but Chrisman sounds more familiar.

7 Q. Okay. Understandable. Just real quick,  
8 something I know is probably not within the purview of  
9 your investigation or at least at the Center, but there's  
10 a note here that after one year, there should be or there  
11 was a free online upon access in the library. Do you  
12 remember the UNT Press discussing how the University  
13 Press made the Journal available to the public in this  
14 way?

15 MS. QUIMBY: Objection, form.

16 A. No, I don't. But they were talking about their  
17 production processes may be part of it.

18 Q. You don't have any reason to believe this was  
19 not accurate?

20 A. No. But I can't be sure, because these are not  
21 my notes.

22 Q. I understand, sir.

23 A. And I -- they talked a lot about production.

24 MR. ALLEN: Now, unfortunately, I can't  
25 refer to Bates numbers here, Attorney Quimby. But I'm



1 turning to page 3, I believe, of the PDF.

2 Q. There's a number of circled numbers, and  
3 I'm going to draw your attention, if I may, Professor  
4 Ishiyama, to number 3.

5 A. Um-hum.

6 Q. It appears that there is some discussion of the  
7 committee on publication ethics noted here. See?

8 A. Um-hum, yes.

9 Q. And it says, "Did not put in contract. Do that  
10 in the future."

11 Did I read that correctly?

12 A. Yes.

13 Q. Do you remember discussing that the contracts  
14 with the journals that were published by the University  
15 of North Texas Press did not have COPE principles in  
16 their contracts?

17 MS. QUIMBY: Objection, form.

18 A. I recall that Ron Chrisman did talk about the  
19 production process and mentioned that COPE principles  
20 should be in future activities of the UNT Press.

21 However, you know, being part of a contract is  
22 not normally the case with most journals. Rather, these  
23 are best practices that editors should pursue. And I  
24 think the fact that it was not in the contract is not  
25 that unusual for most journals, although journals do

1 the press at that time, right? Do you remember him  
2 saying that?

3 MS. QUIMBY: Objection, form.

4 A. That specific statement, I don't recall. But  
5 he may have.

6 Q. Okay. There's also mention of another journal  
7 in the College of Music. Did you remember talking about  
8 that with the University of North Texas Press?

9 MS. QUIMBY: Objection, form.

10 A. I do not recall that specific statement. But  
11 since he was talking about the operations of the press,  
12 he may have mentioned it.

13 Q. You don't have any reason to believe that's not  
14 Theoria, the title page we examined previously, right?

15 MS. QUIMBY: Objection, form.

16 A. I would not know.

17 Q. Okay. Do you have any knowledge of whether the  
18 University of North Texas Press now requires COPE  
19 principles for the journals it publishes?

20 A. No. Again, our focus was only on producing the  
21 report. I have not followed things since.

22 Q. Okay. And you didn't think it was your  
23 obligation to compare the Journal of Schenkerian Studies  
24 to the practices of a journal like Theoria in the same  
25 department, in the same field, right?

1 abide by the guidelines that they wish to be reputable.

2 Q. And did you find any evidence that the Journal  
3 of Schenkerian Studies as not reputable, sir?

4 A. If you -- if, in evaluating again, not the  
5 journal, but the processes that were used, did not  
6 comport to best practices in journal editing.

7 Q. Did you have any evidence that that affected  
8 the reputation of the articles published by the Journal  
9 of Schenkerian Studies?

10 A. We were not asked to evaluate the reputation of  
11 the Journal, nor the articles that appeared, only on the  
12 processes used.

13 Q. Well, that's not my question. I just asked in  
14 the course of your investigation, did any evidence come  
15 forward that indicated that the articles published in the  
16 Journal of Schenkerian Studies were not esteemed in the  
17 field?

18 MS. QUIMBY: Objection, form.

19 A. No.

20 Q. Back to what appears to be the people who ran  
21 in the press statements to the ad hoc panel, it also  
22 records that what they had discussed, COPE principles not  
23 really being in the contracts, but maybe should be in the  
24 future, how the contracts were structured. It appears  
25 that Ron Chrisman said this is the standard practice for

1 A. No. We were asked to evaluate using our  
2 experiences objectively, the practices of the Journal  
3 of Schenkerian Studies.

4 MR. ALLEN: I'm going to mark for the  
5 record as Exhibit 8 another set of notes from your ad hoc  
6 panel.

7 (Deposition Exhibit Number 8 marked.)

8 Q. Do you see -- I'll just state for the record  
9 this begins UNT 003301.

10 A. Yes.

11 Q. And I'll just ask if you know whose notes these  
12 are.

13 A. I believe these were the sort of list of  
14 questions that we came up with. And in order to pursue  
15 our interviews, we had collectively wrote this. And then  
16 I believe I typed it up and circulated it.

17 Q. Okay. And it seems like under these questions  
18 for Ron Chrisman and Karen DeVinney, there are some typed  
19 in notes here.

20 A. Yes.

21 Q. Do you see those?

22 A. Yes.

23 Q. And so my question for you is, do you know what  
24 these notes represent?

25 A. I would have to look at them carefully.

<p><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">69</p> <p>1       <b>Q.</b> Can I ask you to read this block right here?</p> <p>2       <b>A.</b> Notes from -- okay.</p> <p>3               "Notes from the Committee on Publication</p> <p>4 Ethics. Although UNT Press may not be part of COPE, they</p> <p>5 should abide by these standards, especially these two --</p> <p>6 the first relates to 'anonymous' authorship and the</p> <p>7 second deals with editors publishing in their own</p> <p>8 journals."</p> <p>9               And then there's a quote.</p> <p>10              "Journals should adopt and promote an</p> <p>11 authorship policy that is appropriate to the field of</p> <p>12 research. Your procedures should encourage appropriate</p> <p>13 authorship attribution and discourage guest and ghost</p> <p>14 authorships. These will vary from journal to journal</p> <p>15 but might include:</p> <p>16              1) requiring statements of each individual's</p> <p>17 contribution to the research and publication.</p> <p>18              • Use checklists to prevent ghost authorship,</p> <p>19 See for example, PLoS journals.</p> <p>20              • Requiring all authors to sign an authorship</p> <p>21 declaration.</p> <p>22              • Including all authors in communications,</p> <p>23 acknowledging receipt of a submission, not just the</p> <p>24 corresponding author.</p> <p>25              • Clearly specifying authorship criteria in</p>	<p><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">71</p> <p>1 if you click on this link, and we can do that if you</p> <p>2 want, and I'll ask your attorney to verify that with you.</p> <p>3 I'm just going to represent that the following document</p> <p>4 is accessible at that website URL. And I'm going to mark</p> <p>5 it as Exhibit 9 for the record.</p> <p>6                       (Deposition Exhibit Number 9 marked.)</p> <p>7               MS. QUIMBY: I meant to ask this before</p> <p>8 we got started again. Are you able to send the documents</p> <p>9 in the chat, so that the witness is able to better access</p> <p>10 them?</p> <p>11              MR. ALLEN: I hadn't thought of that,</p> <p>12 but that is a great idea.</p> <p>13              MS. QUIMBY: It may prevent the</p> <p>14 scrolling.</p> <p>15              MR. ALLEN: I think I can just plop</p> <p>16 them in there, and thanks for that suggestion.</p> <p>17              As your attorney indicated, I'm putting this</p> <p>18 in the chat, Professor Ishiyama. It should have arrived.</p> <p>19 It's a rather large document.</p> <p>20              THE WITNESS: Can we open it in the chat</p> <p>21 or --</p> <p>22              MS. QUIMBY: I believe you may have to</p> <p>23 download it, and then open it as opposed to what I just</p> <p>24 said.</p> <p>25              THE WITNESS: May we go off the record?</p>
<p><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">70</p> <p>1 the Instructions to Authors."</p> <p>2       <b>Q.</b> Okay. And just to ask you again, now that</p> <p>3 you've read it, do you recall writing that, or was that</p> <p>4 one of the other ad hoc panel members?</p> <p>5       <b>A.</b> I do not recall. It may have been me, but I</p> <p>6 cannot recall. These are spontaneous notes, so I do not</p> <p>7 know, and they're typed.</p> <p>8       <b>Q.</b> I understand. What is ghost authorship?</p> <p>9       <b>A.</b> Ghost authorship is something that PLoS uses to</p> <p>10 identify anonymous ownership, meaning they use a</p> <p>11 pseudonym instead of their real name, or even saying</p> <p>12 anonymous. That would be ghost authorship.</p> <p>13       <b>Q.</b> What is PLoS, P-L-O-S?</p> <p>14       <b>A.</b> I do not recall what the acronym stands for,</p> <p>15 but it is a journal that is published open access in</p> <p>16 Europe. And they have developed guidelines on ghost</p> <p>17 authorship that COPE recommended consulting, so as an</p> <p>18 example.</p> <p>19       <b>Q.</b> And your understanding of ghost authorship was</p> <p>20 that it's a form of anonymous publication, like, say, I</p> <p>21 don't know, for lack of a better analogy, adopting some</p> <p>22 kind of pseudonym on social media or some such thing?</p> <p>23       <b>A.</b> Yes, that's accurate. I would consider that</p> <p>24 a form -- a form of ghost authorship.</p> <p>25       <b>Q.</b> And I'm just going to represent to you that</p>	<p><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">72</p> <p>1              MR. ALLEN: Please.</p> <p>2              THE VIDEOGRAPHER: Off the record at</p> <p>3 11:00.</p> <p>4                       (Recess taken)</p> <p>5              THE VIDEOGRAPHER: On the record at</p> <p>6 11:04.</p> <p>7       <b>Q.</b> Okay. Professor Ishiyama, I just had a --</p> <p>8 and sorry the document is so large. But I just had a</p> <p>9 question on the first page.</p> <p>10       <b>A.</b> Um-hum.</p> <p>11       <b>Q.</b> A series of questions. Can you read the</p> <p>12 title of this article into the record?</p> <p>13       <b>A.</b> Yeah. What Should Be Done To Tackle</p> <p>14 Ghostwriting In The Medical Literature.</p> <p>15       <b>Q.</b> Is it your understanding, as a member of the ad</p> <p>16 hoc panel, that there was significant differences between</p> <p>17 medical literature and articles published in music</p> <p>18 theory, such as in the Journal of Schenkerian Studies?</p> <p>19       <b>A.</b> No.</p> <p>20       <b>Q.</b> Okay.</p> <p>21       <b>A.</b> Well, are you referring to this particular</p> <p>22 article or --</p> <p>23       <b>Q.</b> Well, in general, what you know of medical</p> <p>24 publications or scientific publications. For example,</p> <p>25 let me ask you a specific example. Is it your</p>

<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">73</p> <p>1 understanding that it's common in medical or</p> <p>2 scientific journals to publish with multiple authors?</p> <p>3 <b>A.</b> I can't say for sure. But you know, because</p> <p>4 it's not my field.</p> <p>5 <b>Q.</b> Sure.</p> <p>6 <b>A.</b> But I understand that that is common.</p> <p>7 <b>Q.</b> And did you understand from your experience</p> <p>8 investigating the Journal for Schenkerian Studies that</p> <p>9 most authors single author their articles in music</p> <p>10 theory, at least in the Journal of Schenkerian Studies?</p> <p>11 MS. QUIMBY: Objection, form.</p> <p>12 <b>A.</b> I don't know about that.</p> <p>13 <b>Q.</b> That's not something the ad hoc panel</p> <p>14 considered?</p> <p>15 MS. QUIMBY: Objection, form.</p> <p>16 <b>A.</b> No.</p> <p>17 <b>Q.</b> And I think your attorney is raising a good</p> <p>18 objection, so I'm going to rephrase the question just for</p> <p>19 the purpose of the records and get a clean answer, and</p> <p>20 we'll move on.</p> <p>21 So the ad hoc panel did not consider the</p> <p>22 differences between multi-authored articles and science</p> <p>23 and a single authored article -- single author articles</p> <p>24 in music theory to be relevant to its investigation?</p> <p>25 MS. QUIMBY: Objection, form.</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">75</p> <p>1 appropriation of authorship. And COPE used this link</p> <p>2 as an example, not exclusively for the entire world, but</p> <p>3 this would be an example of how you might tackle the</p> <p>4 issue of ghostwriting. Ghostwriting, as you pointed out,</p> <p>5 deals with misappropriation of authorship, including</p> <p>6 having a senior scholar taking credit for something</p> <p>7 someone else wrote. We took it as very broadly.</p> <p>8 <b>Q.</b> Like a graduate student writes something, and</p> <p>9 the senior scholar, perhaps the dissertation advisor or</p> <p>10 something, appro -- (Zoom audio distortion) -- as their</p> <p>11 then work?</p> <p>12 <b>A.</b> I would think that's what this article deals</p> <p>13 with. Yes, I think that's what this article is referring</p> <p>14 to, although there are other forms of misappropriation.</p> <p>15 <b>Q.</b> And that's not so much anonymous publishing,</p> <p>16 I think you would agree, as it is bordering on</p> <p>17 plagiarism or research misconduct, right?</p> <p>18 MS. QUIMBY: Objection, form.</p> <p>19 <b>A.</b> I think -- I think misappropriation can take a</p> <p>20 variety of forms. Anonymous publishing is, you know --</p> <p>21 as I mentioned in the report, does happen.</p> <p>22 <b>Q.</b> Sure. But my follow-up question and the last</p> <p>23 question on this was did you find any evidence in your</p> <p>24 investigation that there was ghost publishing, this kind</p> <p>25 of misappropriation that we've just discussed on the</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">74</p> <p>1 <b>A.</b> No. That was not relevant to our charge.</p> <p>2 <b>Q.</b> Okay. So I also wanted to draw your attention</p> <p>3 to the definition of ghostwriting that's on the first</p> <p>4 page of this article.</p> <p>5 <b>A.</b> Um-hum.</p> <p>6 <b>Q.</b> And see if that helps clarify what that meant</p> <p>7 to the ad hoc panel. I just have highlighted briefly two</p> <p>8 sentences that I'm going to read into the introductory</p> <p>9 paragraph, which is in bold.</p> <p>10 "Ghost writing occurs when someone makes</p> <p>11 substantial contributions to a manuscript without</p> <p>12 attribution or disclosure."</p> <p>13 Did I read that correctly?</p> <p>14 <b>A.</b> Yes.</p> <p>15 <b>Q.</b> And then out of this article, on the top of the</p> <p>16 second column to the right, the lead sentence says,</p> <p>17 "Ghost authorship exists when someone as made substantial</p> <p>18 contributions to writing a manuscript and this role is</p> <p>19 not mentioned in the manuscript itself."</p> <p>20 Did I read that right?</p> <p>21 <b>A.</b> Yes.</p> <p>22 <b>Q.</b> Is that really what you understood as anonymous</p> <p>23 publication?</p> <p>24 <b>A.</b> No. But part of it was also misappropriation</p> <p>25 of authorship. Anonymous is not necessarily the</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">76</p> <p>1 first page of this article?</p> <p>2 <b>A.</b> Not in terms -- not in terms of how this was</p> <p>3 defined. But again, it was the link that was provided</p> <p>4 for informational purposes. We did not use this</p> <p>5 particular definition that is used here to assess the</p> <p>6 use of anonymous authorship.</p> <p>7 <b>Q.</b> Okay. But you still found it relevant</p> <p>8 to refer to standards for medical publications when</p> <p>9 evaluating the Journal of Schenkerian Studies, correct?</p> <p>10 <b>A.</b> Well, there's a link provided by COPE that here</p> <p>11 are some suggestions to consider, as an example.</p> <p>12 <b>Q.</b> And this was the one that was on that link</p> <p>13 page, correct?</p> <p>14 <b>A.</b> That's right.</p> <p>15 <b>Q.</b> Okay. I am getting back to the famous -- no.</p> <p>16 Where was my exhibit here? I want to get back to the</p> <p>17 Ad Hoc Panel Report and have us go through some of the</p> <p>18 substance of it, Professor Ishiyama.</p> <p>19 <b>A.</b> Yes.</p> <p>20 <b>Q.</b> And then we may be able to get through this by</p> <p>21 your 12:00 and hopefully finish. I don't know, but I'm</p> <p>22 going to try to do that.</p> <p>23 <b>A.</b> Okay.</p> <p>24 <b>Q.</b> And that was Exhibit 3. Okay. So let me ask</p> <p>25 you, before we go into the substance of the Ad Hoc Panel</p>

<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">77</p> <p>1 Report --</p> <p>2 <b>A.</b> Excuse me. Is this -- what I'm seeing is not</p> <p>3 the Ad Hoc Panel Report.</p> <p>4 <b>Q.</b> I'm sorry. It actually is. That was way back</p> <p>5 to Exhibit 1, which we were talking about. See?</p> <p>6 <b>A.</b> Yes.</p> <p>7 <b>Q.</b> Again, this is a perfect example of</p> <p>8 interrupting me if you need clarification. Thank you.</p> <p>9 I wanted to ask if the ad hoc panel</p> <p>10 interviewed the graduate student editor, Levi Walls?</p> <p>11 <b>A.</b> Yes, we did.</p> <p>12 <b>Q.</b> And about graduate student editorships, is</p> <p>13 that, in and of itself, inappropriate?</p> <p>14 <b>MS. QUIMBY:</b> Objection, form.</p> <p>15 <b>A.</b> It depends on the journal.</p> <p>16 <b>Q.</b> What does it depend on?</p> <p>17 <b>A.</b> Well, if it is a student journal, I'm</p> <p>18 familiar with those, we've had experiences of having</p> <p>19 graduate students being the lead editor. But these often</p> <p>20 only publish student publications, like other graduate</p> <p>21 students, other universities, or other undergraduates.</p> <p>22 Generally speaking, it's not the case that I'm aware of</p> <p>23 that a journal that publishes peer-reviewed articles</p> <p>24 from senior scholars is edited by a student.</p> <p>25 <b>Q.</b> And did you find that to be concealed by the</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">79</p> <p>1 <b>Q.</b> And when you interviewed Levi Walls -- I</p> <p>2 suppose his pronunciation is Levi Walls, I believe, one</p> <p>3 witness said. What did he say to the ad hoc panel?</p> <p>4 <b>A.</b> Well, I don't recall his entire testimony,</p> <p>5 but his -- he did talk about this sense of an unequal</p> <p>6 relationship between the editor, which included Benjamin</p> <p>7 Graf as well, and the editorial advisory board. The</p> <p>8 editorial advisory board, if not the editorial board,</p> <p>9 included Dr. Jackson and his colleague, Dr. Slottow.</p> <p>10 Levi Walls, I believe, said that he felt uncomfortable</p> <p>11 because he did not have the independence to make</p> <p>12 judgments and that these were largely -- especially</p> <p>13 regarding the Volume 4, these decisions were not made by</p> <p>14 him as editor. And Benjamin Graf also supported that</p> <p>15 assessment of a sort of unequal distribution of power</p> <p>16 among the editorial advisory board, meaning Dr. Jackson</p> <p>17 and Dr. Slottow, and then the editors.</p> <p>18 <b>Q.</b> Just a point of clarification, I believe you</p> <p>19 misspoke and said Volume 4. Did you mean Volume 12?</p> <p>20 <b>A.</b> I mean Volume 12. Yeah, sorry.</p> <p>21 <b>Q.</b> Yeah. Just -- just for the record.</p> <p>22 I think the Ad Hoc Panel Report used the word</p> <p>23 or phrase "power differential."</p> <p>24 <b>A.</b> Yes.</p> <p>25 <b>Q.</b> Okay. Levi Walls, were you aware that Levi</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">78</p> <p>1 Journal in any way?</p> <p>2 <b>MS. QUIMBY:</b> Objection, form.</p> <p>3 <b>A.</b> On the webpage, no. But it seemed strange that</p> <p>4 an editor, a graduate student, would be making</p> <p>5 the sole decisions about whether or not it should be</p> <p>6 published when the submissions were largely from</p> <p>7 non-graduate students or senior scholars.</p> <p>8 <b>Q.</b> And did my client, Timothy Jackson, ever give</p> <p>9 you an explanation for why the Journal of Schenkerian</p> <p>10 Studies had been edited by graduate students?</p> <p>11 <b>MS. QUIMBY:</b> Objection, form.</p> <p>12 <b>A.</b> He said that was the tradition. And there was</p> <p>13 no reason to question that tradition, but we found it</p> <p>14 odd.</p> <p>15 <b>Q.</b> Did you find that it had compromised the</p> <p>16 quality of articles in the Journal?</p> <p>17 <b>A.</b> We didn't assess the quality of articles in the</p> <p>18 Journal, but we did not think it was best practice since,</p> <p>19 I think as we indicated in the report, the editors, or</p> <p>20 the most recent ones, were students of</p> <p>21 Dr. Jackson's.</p> <p>22 <b>Q.</b> And why was that a problem?</p> <p>23 <b>A.</b> Because it doesn't allow for independence of</p> <p>24 action on the editors in charge of making decisions on</p> <p>25 publications. It is an odd arrangement.</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">80</p> <p>1 Walls had published a public apology on July 27th about</p> <p>2 his role in the Journal of Schenkerian Studies?</p> <p>3 <b>A.</b> He -- he mentioned it in his testimony. We did</p> <p>4 not read that.</p> <p>5 <b>Q.</b> That was not read?</p> <p>6 <b>A.</b> No.</p> <p>7 <b>Q.</b> Were you aware that it was in the packet of</p> <p>8 documents that had been provided by Timothy Jackson?</p> <p>9 <b>A.</b> I think -- well, if you are referring to the</p> <p>10 apology, he did mention that in his testimony. But it</p> <p>11 had to do -- we had understood it was an apology for</p> <p>12 what was produced. And that he, as editor, felt some</p> <p>13 responsibility because on paper, he is the</p> <p>14 decision-maker.</p> <p>15 <b>Q.</b> Sure.</p> <p>16 <b>A.</b> We were not interested in the content of the</p> <p>17 journal, only the processes used. We didn't pay a great</p> <p>18 deal of attention to that.</p> <p>19 (Deposition Exhibit Number 10 marked.)</p> <p>20 <b>MR. ALLEN:</b> I'm going to mark as</p> <p>21 Exhibit 10 for the record a Facebook post by Levi Walls</p> <p>22 dated July 27th, 2020.</p> <p>23 <b>Q.</b> And this may be very short, Professor Ishiyama,</p> <p>24 because I'm just going to ask you if you ever recall</p> <p>25 seeing this in any form, whether in the -- on Facebook or</p>

1 in a printout or some sort of screen shot, do you recall  
 2 seeing this? I'm happy to allow you to read it. It goes  
 3 on for some three pages.  
 4 **A.** I don't recall, because I usually don't follow  
 5 Facebook, so I couldn't say that. It may have been in  
 6 the packet of materials that Levi submitted, but I can't  
 7 be sure. If you give me a moment, I can read it.  
 8 **Q.** Why don't you read the first two paragraphs  
 9 there, and then give me an assessment of whether you had  
 10 read it as part of the investigation, if you know?  
 11 **A.** These seem to be introductory paragraphs as  
 12 opposed to more substantive information. I think I'd  
 13 probably need to read the rest, too.  
 14 **Q.** Can I fast-forward to page 2, and you can read  
 15 that or --  
 16 **A.** Yes.  
 17 **Q.** I'm sorry. I didn't -- of course, maybe this  
 18 is easier. I just plopped it in the -- I just plopped it  
 19 in the chat for your review there as well.  
 20 **A.** Um-hum. Now, was the question do I recognize  
 21 this or any content or part of it?  
 22 **Q.** My question is if you remember reviewing  
 23 this Facebook apology that Levi Walls had published on  
 24 July 27th, 2020, which was directly before your panel  
 25 in early August, and if that was part of the

1 investigation.  
 2 **A.** I think we were aware of it. But as I  
 3 indicated, much of it related to the content of the  
 4 Journal issue.  
 5 **Q.** Okay.  
 6 **A.** We were not interested in the content of the  
 7 journal issue, only the process that was followed.  
 8 **Q.** I see. He does discuss certain things  
 9 related to the process, however, does he not?  
 10 **A.** Yes, he did.  
 11 **Q.** He says, "I have no control over the content of  
 12 the journal."  
 13 Right?  
 14 **A.** That demonstrated the power asymmetry that we  
 15 had mentioned in the report. And also, the passage that  
 16 Dr. Jackson is the one who made decisions, not Levi, or  
 17 Ben Graf before him.  
 18 **Q.** And here, this second page that you had  
 19 perused, he said he gave comments to one author --  
 20 **A.** Um-hum.  
 21 **Q.** -- including that they seemed to devalue other  
 22 fields of study and that they cherry-picked information to  
 23 make Schenker appear in a better light, and that they  
 24 confused cultural appropriation with egalitarianism.  
 25 Doesn't that bear on the process for

1 publication?  
 2 **MS. QUIMBY:** Objection, form.  
 3 **A.** That was his -- that was his evaluation of the  
 4 review process. And he did testify. Much of this, he  
 5 repeated --  
 6 **Q.** Okay.  
 7 **A.** -- in his testimony to us, so...  
 8 **Q.** Okay, good. That's -- you were aware of it, as  
 9 you said.  
 10 **MR. ALLEN:** Let me see if I can find the  
 11 exhibit. I'm going to mark for the record Exhibit 11.  
 12 (Deposition Exhibit Number 11 marked.)  
 13 **Q.** This is an email from Levi Walls to you,  
 14 Professor Ishiyama, on September 30th, 2020.  
 15 **A.** Um-hum.  
 16 **Q.** It's in rather fine print. Just so you know,  
 17 there's not much more to this. It's UNT 2533. It looks  
 18 like you're setting up a Zoom meeting with Mr. Walls at  
 19 2:15 of that day. And it looks like he sent this to you  
 20 around that time, at least judging from the time stamp of  
 21 14:24.  
 22 Did I read that correctly?  
 23 **A.** Can you scroll down again, so I can look at the  
 24 date and time of the previous one?  
 25 **Q.** Sure.

1 **A.** Okay. 2:43. We would like to meet with you.  
 2 And then if you can scroll back for a moment. And that  
 3 is military time at 2:24; is that correct? Oh.  
 4 September 24th and then September 30th. Yes, okay.  
 5 **Q.** So it looks like --  
 6 **A.** So it was afterwards.  
 7 **Q.** Okay, good. That was going to be my question.  
 8 Did you receive this before or after the meeting.  
 9 **A.** Um-hum.  
 10 **Q.** And so he's -- he's basically -- well, have you  
 11 had a chance to review this before I ask you questions  
 12 about it?  
 13 **A.** Well, no, I have not reviewed it. He did send  
 14 it to me. I recall that. And I do recall that much of  
 15 it was just a repeat of what he apparently had said in  
 16 his Facebook post. But you know, this is how we became  
 17 aware of it. And he felt like he needed to follow up on  
 18 our meeting.  
 19 **Q.** Right. And he said, "I have no control over  
 20 the content of the journal."  
 21 Right?  
 22 **MS. QUIMBY:** Objection.  
 23 **A.** I believe -- I'm not recalling exactly his  
 24 words, but I think he did seem to suggest that, yes.  
 25 **Q.** See that, what I've just highlighted?

1 **A.** Yes. I don't recall him specifically saying it  
2 to us in our testimony, but he did seem to indicate that  
3 he had little control over the content.

4 **Q.** Did -- sorry, go ahead.

5 **A.** Even as editor.

6 **Q.** He also said he was -- it was an extremely  
7 shameful position to be the editor at the Journal of  
8 Schenkerian Studies?

9 MS. QUIMBY: Objection, form.

10 **A.** He may have. I do not recall. But it's his  
11 testimony and it appears here in writing, so...

12 **Q.** And you received this email, right?

13 **A.** Yes, although I don't recall specifically  
14 word for word what the email said, but...

15 **Q.** He also went on to give some concrete examples.  
16 For instance here, let's just read this, which I'm going  
17 to highlight briefly for the purpose of our testimony.

18 "For the first few months, the job seemed fine  
19 as I got to work with three articles on various topics.  
20 Typesetting and offering clarity related edits."

21 **A.** Um-hum.

22 **Q.** However, after Philip Ewell's SMT presentation,  
23 Timothy Jackson decided that it was the responsibility of  
24 the Journal to, quote, protect Schenkerian analysis.

25 "Although, after serious thought, I

1 essentially agreed with Ewell's talk. It was not up to  
2 me what did or did not go into the journal. After seeing  
3 some of the responses, I started to become incredibly  
4 worried. I gave comments to one author, including  
5 that they seemed to devalue other fields of study, that  
6 they cherry-picked information to make Schenker appear  
7 in a better light, and that they confused cultural  
8 appropriation with egalitarianism. Shortly after, I was  
9 told by Timothy Jackson (my superior in at least three  
10 senses: A tenured faculty member who ran the journal and  
11 also served as my academic advisor) that it was not my  
12 job to censor people. After this, things continued to  
13 go in a direction that I found to be disgusting."

14 Did I read that correctly?

15 **A.** Yes, you did.

16 **Q.** Did that implicate the processes by which the  
17 journal was published?

18 **A.** Well, some of it did. Not -- much of  
19 it had to do with the content. Again, which I have to  
20 reiterate, we ignored the content of the articles and  
21 what was being said. But the power differential between  
22 Levi Walls who's officially the editor of the journal --

23 **Q.** Sure.

24 **A.** -- and the actual process by which decisions  
25 were made, that is -- that is something that we did

1 consider.

2 **Q.** Okay. And did you include that in the Ad Hoc  
3 Panel Report?

4 **A.** Yes, the power differential is clearly  
5 indicated as a problem with the journal. It has been a  
6 problem for some time.

7 **Q.** And it caused him not to be able to assert his  
8 own editorial views; is that correct?

9 **A.** That would be true. That's also something that  
10 Dr. Graf said as well, the previous editor.

11 **Q.** And now, I know you didn't, as you say  
12 apparently, address the content of the journal. That  
13 was a matter of indifference to you, I suppose. But he  
14 also says here that he thought he essentially agreed with  
15 Philip Ewell's talk.

16 **A.** That may be true. I do not know what Philip  
17 Ewell's talk was about, nor did -- not did most all of  
18 our committee -- I think our committee members didn't  
19 know either.

20 **Q.** I'm not imputing -- I'm not imputing to your  
21 knowledge of -- in fact, you've testified that the  
22 knowledge of the actual controversy was a matter of  
23 indifference to the panel, right?

24 **A.** Yes, absolutely.

25 **Q.** I think you -- so you've already stated that, I

1 think, more than once. So I understand that's your  
2 testimony.

3 **A.** Um-hum.

4 **Q.** But here, this witness, a very key witness, can  
5 we agree, the student editor of the journal?

6 **A.** I would say a witness, not a key witness.  
7 We had multiple bits of evidence, multiple pieces of  
8 evidence that we considered.

9 **Q.** Oh, I don't deny that. But he's --

10 **A.** I would not say he's the key witness.

11 **Q.** He was an important witness. Would you  
12 disagree?

13 **A.** I would say he is a witness.

14 **Q.** Just a witness among others, right?

15 **A.** Among others, yes.

16 **Q.** That's your testimony today?

17 **A.** Yes.

18 **Q.** And he's telling you, as a member of the ad hoc  
19 panel, that he essentially agreed with Philip Ewell's  
20 talk, and he relates how this complicated his work as  
21 the editor of the journal, right?

22 MS. QUIMBY: Objection, form.

23 **A.** I cannot infer that was his meeting, but that  
24 was irrelevant to us.

25 **Q.** It's certainly part of an editor's task to

<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">89</p> <p>1 shepherd the content of articles, so that they address</p> <p>2 the purpose of a journal, its field, topics, ideas in a</p> <p>3 field, things of that nature, correct?</p> <p>4 MS. QUIMBY: Objection, form.</p> <p>5 A. Could you repeat that? I'm not exactly</p> <p>6 sure --</p> <p>7 Q. Sure. Let me -- let me draw an analogy.</p> <p>8 Is it true, sir, that you can separate content</p> <p>9 from the procedures of editorship so cleanly as you seem</p> <p>10 to imply? For instance, when you were the editor of the</p> <p>11 poli-science journals, political science journals, if</p> <p>12 someone had sent in an article in sociology, would you</p> <p>13 have exercised content control over those kinds of</p> <p>14 submissions?</p> <p>15 MS. QUIMBY: Objection, form.</p> <p>16 A. If it did fit the mission of our journal,</p> <p>17 editors do do that. But it has to be the mission of</p> <p>18 the journal.</p> <p>19 Q. And so isn't it fair to say that Levi Walls'</p> <p>20 preoccupation with content and the procedures for</p> <p>21 critiquing authors' work, asking them to make changes,</p> <p>22 isn't that the ordinary, day in and day out workaday</p> <p>23 work of a journal editor?</p> <p>24 MS. QUIMBY: Objection, form.</p> <p>25 A. Well, I can't speak for all of the -- you're</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">91</p> <p>1 Do you remember that this section was drafted</p> <p>2 as part of the Ad Hoc Panel Report of November 25, 2020?</p> <p>3 A. Yes, it was.</p> <p>4 Q. And just scrolling through, you have a</p> <p>5 subsection: Editorial and Review Processes, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And then this section, before it closes and</p> <p>8 moves on to the publication and anonymously authored</p> <p>9 contribution, relates a relatively peculiar episode.</p> <p>10 A. Yes.</p> <p>11 Q. Can you read the two paragraphs that begin,</p> <p>12 "Levi Walls informed the panel," through the end of this</p> <p>13 subsection?</p> <p>14 A. "Levi Walls informed the panel that he read</p> <p>15 each piece, but had multiple concerns, as the editor,</p> <p>16 about proceeding with several of the contributions. He</p> <p>17 said he shared these concerns with Dr. Benjamin Brand</p> <p>18 (the Division Head of MHTE) and Dr. Graf, and then</p> <p>19 directly with Dr. Jackson. However, he said these</p> <p>20 concerns were dismissed by Dr. Jackson."</p> <p>21 "Mr. Walls reported to the panel that he</p> <p>22 raised concerns to Dr. Jackson about the content of the</p> <p>23 pieces as well as the quality of writing in February</p> <p>24 2020. He stated that after raising concern, he was taken</p> <p>25 into Dr. Jackson's car, where Dr. Jackson told him that</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">90</p> <p>1 asking about my experience?</p> <p>2 Q. Yes.</p> <p>3 A. No, I think that --</p> <p>4 Q. Okay.</p> <p>5 A. -- this rejects if it's inappropriate for</p> <p>6 our journal, meaning it does not fit the mission of the</p> <p>7 journal, or if it's essentially a very poorly written</p> <p>8 piece that would not stand peer review.</p> <p>9 Q. Right.</p> <p>10 A. That's not about content.</p> <p>11 Q. It could be rejected at the gate, so to speak.</p> <p>12 A. Yes.</p> <p>13 Q. I'm going to back to Exhibit 3, the ad hoc</p> <p>14 panel.</p> <p>15 MR. ALLEN: I'm sorry. Attorney Quimby,</p> <p>16 I realized that I failed to push send. I not only have</p> <p>17 to drop it into the chat, but now, I'm going to push</p> <p>18 send. Sorry about that.</p> <p>19 Q. I just sent the Exhibit 3, the Ad Hoc Panel</p> <p>20 Report, over.</p> <p>21 A. Okay.</p> <p>22 Q. Now, this is -- I'm forwarding -- I'm</p> <p>23 fast-forwarding to a section of the Ad Hoc Panel Report</p> <p>24 which begins with this heading: The Editorial and Review</p> <p>25 Processes Employed for Volume 12.</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">92</p> <p>1 it was not his 'job to censor people' and was told not to</p> <p>2 do it again. He said Dr. Jackson informed him that since</p> <p>3 these were senior scholars, their reputations were enough</p> <p>4 to vet them. Dr. Graf confirmed that Levi Walls shared</p> <p>5 information about his encounter with Dr. Jackson around</p> <p>6 the time of its occurrence. This was followed by the</p> <p>7 final decision, made by Dr. Jackson (according to both</p> <p>8 Dr. Graf and Mr. Walls) to proceed with the publication</p> <p>9 of several of the pieces without substantial</p> <p>10 modifications."</p> <p>11 Q. And so this touches on both consent and</p> <p>12 editorial practices. And I was just wondering what your</p> <p>13 understanding was at the time of what he was being asked</p> <p>14 to censor or not censor. What was this issue of</p> <p>15 censorship about?</p> <p>16 MS. QUIMBY: Objection, form.</p> <p>17 A. I do not know what Dr. Jackson meant, censored.</p> <p>18 Q. Well, what was -- what was your understanding</p> <p>19 of what student editor Levi Walls was bringing to</p> <p>20 Dr. Jackson for clarification about what should be</p> <p>21 censored or not censored?</p> <p>22 MS. QUIMBY: Objection, form.</p> <p>23 A. I do not -- I do not know. Again --</p> <p>24 Q. Okay.</p> <p>25 A. -- I think this was entirely on process.</p>

<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">93</p> <p>1       <b>Q.</b> I see.</p> <p>2       <b>A.</b> Not on content.</p> <p>3       <b>Q.</b> And I've always been puzzled by this section,</p> <p>4 Professor Ishiyama, because is it ever the job of an</p> <p>5 editor of a journal to censor people?</p> <p>6       MS. QUIMBY: Objection, form.</p> <p>7       <b>A.</b> Again, it could depend on what you mean by</p> <p>8 censor.</p> <p>9       <b>Q.</b> Well, you put it in your report, so that's</p> <p>10 why I'm asking you.</p> <p>11       <b>A.</b> Well, no. This is a quote. It's in the</p> <p>12 report, but it's a quote from what Dr. Jackson was</p> <p>13 reported to say.</p> <p>14       <b>Q.</b> Sure.</p> <p>15       <b>A.</b> I don't think we need -- I would ask perhaps</p> <p>16 the plaintiff to define that.</p> <p>17       <b>Q.</b> Well, they had a chance to depose Professor</p> <p>18 Jackson. But again, we're talking about the Ad Hoc Panel</p> <p>19 Report. And I'm asking --</p> <p>20       <b>A.</b> Okay. This is a quote. Again, this is a</p> <p>21 quote.</p> <p>22       <b>Q.</b> Oh, I understand. It's a quote that you placed</p> <p>23 in the Ad Hoc Panel Report, right?</p> <p>24       <b>A.</b> As dutifully reflecting what the testimony</p> <p>25 said.</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">95</p> <p>1 editorial review, then the editor does have the</p> <p>2 responsibility to review a piece. But I don't understand</p> <p>3 the status of these articles, if they were peer reviewed</p> <p>4 or if they were editor reviewed. It seems confusing.</p> <p>5       <b>Q.</b> I understand. Sure, I understand. Although</p> <p>6 you were given an extensive packet of e-mails that were,</p> <p>7 more or less, comprehensive, detailing the communications</p> <p>8 between the editorial staff that led to the publication</p> <p>9 of these articles, right?</p> <p>10       <b>A.</b> Yes.</p> <p>11       <b>Q.</b> I'm going to represent to you, because you've</p> <p>12 said the content of the publication didn't matter to you</p> <p>13 supposedly.</p> <p>14       <b>A.</b> It did not.</p> <p>15       <b>Q.</b> There was a paper delivered by this public</p> <p>16 intellectual music theory professor from New York named</p> <p>17 Philip Ewell. He gave a plenary presentation at the</p> <p>18 Society for Music Theory that was very well received, but</p> <p>19 nonetheless, controversial. Then the call for papers</p> <p>20 went out for the Journal of Schenkerian Studies for</p> <p>21 soliciting responses to this article -- or excuse me, to</p> <p>22 this presentation at this Society for Music Theory. The</p> <p>23 papers that were published in Volume 12 in the Symposium</p> <p>24 were roughly split between people who were pro-Ewell and</p> <p>25 people who were anti-Ewell.</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">94</p> <p>1       <b>Q.</b> Of Levi Walls.</p> <p>2       <b>A.</b> Of Levi Walls, yes.</p> <p>3       <b>Q.</b> And now, I want to ask a follow-up question.</p> <p>4 In your experience and expertise as an</p> <p>5 academic editor of journals, can you identify a context</p> <p>6 in which it's appropriate for an editor to censor people?</p> <p>7       MS. QUIMBY: Objection, form.</p> <p>8       <b>A.</b> I don't think -- it depends on what you mean by</p> <p>9 censor. If you mean the job is to edit and marshal the</p> <p>10 peer-review process, then yes, that is the responsibility</p> <p>11 of the editor. But censorship is not something we</p> <p>12 consider.</p> <p>13       <b>Q.</b> Is it -- is it appropriate for an academic</p> <p>14 editor to censor for viewpoints?</p> <p>15       <b>A.</b> I'm not going to venture an opinion. I would,</p> <p>16 myself, not do that. I don't think censorship is part of</p> <p>17 the discussion. Rather, it's the editor's job to make</p> <p>18 sure the peer-review process had integrity.</p> <p>19       <b>Q.</b> Okay.</p> <p>20       <b>A.</b> That it is peer reviewed.</p> <p>21       <b>Q.</b> And not to short-circuit the peer-review</p> <p>22 process by telling an author that they may or may not</p> <p>23 express a certain view?</p> <p>24       <b>A.</b> Well, I mean, it depends. If this is --</p> <p>25 if the argument is that these pieces were edited --</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">96</p> <p>1 Do you have any information to suggest that</p> <p>2 my summary to you is wrong in any way?</p> <p>3       <b>A.</b> I have no idea what the content of the journal</p> <p>4 was.</p> <p>5       <b>Q.</b> Okay, good.</p> <p>6       <b>A.</b> I don't even know if some were pro. I have not</p> <p>7 read a single piece. I'm not even sure what Philip Ewell</p> <p>8 said, as I've said before.</p> <p>9       <b>Q.</b> So you didn't read a single one of the</p> <p>10 contributions in Volume 12 of the Journal of Schenkerian</p> <p>11 Studies?</p> <p>12       <b>A.</b> No, no.</p> <p>13       MS. QUIMBY: Objection.</p> <p>14 Renaldo, please. I think I'm having a -- on</p> <p>15 my end, I'm having freezing. Is that mine freezing? I</p> <p>16 can see myself kind of jump around on the screen. I just</p> <p>17 want to kind sure my objections were heard. I don't know</p> <p>18 that I was able to get them in because of the --</p> <p>19       MR. ALLEN: I'm seeing you freezing, too,</p> <p>20 Mary. So I know what you mean. If you want to -- I</p> <p>21 don't know. Was it to form? Now, she's totally frozen.</p> <p>22       THE VIDEOGRAPHER: Do you want to go off</p> <p>23 the record?</p> <p>24       MR. ALLEN: Sure.</p> <p>25       THE VIDEOGRAPHER: Off the record at</p>



<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">97</p> <p>1 11:39.</p> <p>2 (Recess taken)</p> <p>3 THE VIDEOGRAPHER: The time is 11:48.</p> <p>4 We're on the record.</p> <p>5 Q. I think we were here. Thanks for your</p> <p>6 patience, Professor Ishiyama. I'm trying to share again</p> <p>7 Exhibit Number 3. I believe we were here, right? And we</p> <p>8 were talking about the car story?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Just about Professor Graf and his</p> <p>11 role in editing the journal, how did you understand</p> <p>12 Professor Graf's role in your investigation?</p> <p>13 A. Professor Graf, who had been a graduate student</p> <p>14 editor prior to getting his Ph.D. and then being</p> <p>15 appointed lecturer in the department, was the editor up</p> <p>16 until Volume 12. And he was also part of the editing of</p> <p>17 the three articles that appeared in the volume that had</p> <p>18 nothing to do with the -- whatever it is -- Symposium.</p> <p>19 Q. Um-hum.</p> <p>20 A. And then Levi Walls took -- was responsible for</p> <p>21 the remaining articles that appeared in the Symposium.</p> <p>22 Q. And did you understand from Professor Graf that</p> <p>23 he had also suffered from what you called a power</p> <p>24 differential and had sort of no sort of authority to</p> <p>25 discuss or do the normal work of editing with the</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">99</p> <p>1 A. Yes.</p> <p>2 Q. And he purports to attach letters and</p> <p>3 documents.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you remember getting this email?</p> <p>7 A. No, I do not. I mean, we probably did receive</p> <p>8 it. It's a fairly short message, and attachments, but I</p> <p>9 do not recall specifically getting it. But I do believe</p> <p>10 we did.</p> <p>11 Q. And the attachments are -- it looks like</p> <p>12 someone named Chaouat -- I don't even want to attempt</p> <p>13 to pronounce that name. I'm looking at the first</p> <p>14 attachment.</p> <p>15 The second attachment is Editorial Process of</p> <p>16 JSS Volume 12 condensed.</p> <p>17 There's a Revised Levi Walls Documentation,</p> <p>18 October 4th, 2020, document.</p> <p>19 And letter to UNT committee.</p> <p>20 Do you remember receiving attachments that</p> <p>21 are described in that attachment line?</p> <p>22 MS. QUIMBY: Objection, form.</p> <p>23 A. I don't specifically recall. But the -- it was</p> <p>24 sent to us, and I'm sure we read it.</p> <p>25 Q. Now, I'm not trying to catch you out. You said</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">98</p> <p>1 journal?</p> <p>2 MS. QUIMBY: Objection, form.</p> <p>3 A. Dr. Graf had mentioned the power differential.</p> <p>4 And he said that it was problematic, as I recall. I</p> <p>5 would not know if suffering was the word he used, but he</p> <p>6 did mention that as part of an issue.</p> <p>7 Q. Did he say words to the effect that he felt</p> <p>8 he couldn't say no?</p> <p>9 MS. QUIMBY: Objection, form.</p> <p>10 A. I do not recall if he said those words. But he</p> <p>11 did feel that there was some asymmetry in terms of</p> <p>12 decisions about editing journal articles.</p> <p>13 MR. ALLEN: Okay. Well, let me take</p> <p>14 this down and put it in the chat. I think is what I</p> <p>15 want. Let me introduce the next exhibit. Are we on</p> <p>16 Exhibit 12 for the record?</p> <p>17 THE REPORTER: Yes.</p> <p>18 (Deposition Exhibit Number 12 marked.)</p> <p>19 Q. I've marked an exhibit as Exhibit 12, Professor</p> <p>20 Ishiyama. And I'm going to also try to put it in the</p> <p>21 chat here for your counsel.</p> <p>22 This is -- Exhibit 12 is an email from Timothy</p> <p>23 Jackson to you, Professor Ishiyama, as well as the other</p> <p>24 members of the ad hoc panel, on October 17, 2020.</p> <p>25 Did I read that right?</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">100</p> <p>1 this is a short message, but I just wanted to call your</p> <p>2 attention to the fact that it's actually a very, very,</p> <p>3 very long message because the attachments are so long.</p> <p>4 A. Yes.</p> <p>5 Q. So again, I'm not trying to hoodwink you there,</p> <p>6 but there is a large number of documents. And do you</p> <p>7 remember looking through these documents?</p> <p>8 A. I do recall the email chain, which was</p> <p>9 purportedly to document the review process for Journal</p> <p>10 Volume 12. I do recall that we went through this fairly</p> <p>11 carefully, including using text analysis, looking for</p> <p>12 mentions of the term "commentary," which is something</p> <p>13 that Dr. Jackson said this was. But yes, we do look at</p> <p>14 this.</p> <p>15 Q. Is the -- is the Journal of Schenkerian</p> <p>16 Studies, Volume 12, did it publish those articles that</p> <p>17 were at the center of the controversy as, quote,</p> <p>18 commentaries?</p> <p>19 A. I do not recall. I remember that the journal</p> <p>20 itself indicated that it was a Symposium. That, we knew.</p> <p>21 Q. Now, I just want to call your attention briefly</p> <p>22 to a few emails between professor -- excuse me, Levi</p> <p>23 Walls, the student editor of the Journal or the oncoming</p> <p>24 student editor, and Professor Timothy Jackson</p> <p>25 at the inception of the Symposium that was eventually</p>

<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">101</p> <p>1 published in Volume 12. I'm going to call your attention</p> <p>2 to UNT page 2705. And my question is, how will I</p> <p>3 navigate there. Here we go. I've -- these are</p> <p>4 represented by Professor Jackson as emails between him</p> <p>5 and Mr. Walls.</p> <p>6 A. Um-hum.</p> <p>7 Q. Do you see those in Exhibit 12?</p> <p>8 A. Are you -- there are two of them.</p> <p>9 Q. Yes.</p> <p>10 A. One is November 15th, 2019, at 10:40 a.m.</p> <p>11 And then there's one above that says "to me."</p> <p>12 Q. Yes, and do you see, this is by Levi.</p> <p>13 A. Yeah, yeah. Yes.</p> <p>14 Q. Here -- well, I'll ask you to -- and this is</p> <p>15 also by Mr. Walls. Can I ask you just to read these two</p> <p>16 emails?</p> <p>17 A. Would you like me to start with the top one and</p> <p>18 then move down?</p> <p>19 Q. It seems that that is first in time, so let's</p> <p>20 go with that.</p> <p>21 A. Okay.</p> <p>22 "Dear Dr. Jackson. Hope you are well! When</p> <p>23 would you like to get together to talk about Bach?</p> <p>24 Unfortunately, I haven't had any time devoted to Berlioz</p> <p>25 lately, as I've been swamped with classes and private</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">102</p> <p>1 MS. QUIMBY: Objection, form.</p> <p>2 A. I do recall him recounting that, yes.</p> <p>3 Q. And here, he says it strikes him as naive,</p> <p>4 correct? In Exhibit 12, on UNT page 02705?</p> <p>5 MS. QUIMBY: Objection, form.</p> <p>6 A. Let me examine. Naive. Where -- okay,</p> <p>7 "Which strikes me as naive."</p> <p>8 Yes, I see that.</p> <p>9 Q. Thank you. Now, of course, this wouldn't</p> <p>10 have been considered relevant by the ad hoc panel,</p> <p>11 that he seemed to be misrepresenting a paper that he</p> <p>12 essentially agreed with. But in internal correspondence</p> <p>13 within the journal, he characterized the same paper as</p> <p>14 naive.</p> <p>15 MS. QUIMBY: Objection, form.</p> <p>16 A. Is there a question? Was there a question?</p> <p>17 I didn't hear it.</p> <p>18 Q. Yes. This -- this kind of information would</p> <p>19 not have been considered relevant by the panel, the ad</p> <p>20 hoc panel, right?</p> <p>21 A. No, no.</p> <p>22 MS. QUIMBY: Objection, form.</p> <p>23 A. Okay. That's all I need to know.</p> <p>24 There's another email. This one, a few days</p> <p>25 later, on November 18th, 2020 -- excuse me. This is</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">102</p> <p>1 teaching. But I would be happy to discuss the Passion</p> <p>2 in more detail. Of course, you've dedicated considerably</p> <p>3 more time to it than I have, but I can surely follow you</p> <p>4 and share any thoughts/questions! At the moment, I can't</p> <p>5 leave Denton Thursday through Sunday because my wife</p> <p>6 takes the car to work all day. But I can travel Monday</p> <p>7 through Wednesday, or meet on campus any day."</p> <p>8 The second email, also entitled "to me" from</p> <p>9 November 15th, 2019 at 10:40 a.m.</p> <p>10 It says, "I would also be very interested in</p> <p>11 discussing a particular Schenker paper from SMT. You've</p> <p>12 likely heard about it, as it caused quite a stir. I was</p> <p>13 very ambivalent about it because it suggested that</p> <p>14 analysis that utilizes levels of hierarchy is inherently</p> <p>15 racist, which strikes me as naive. Reinhold --"</p> <p>16 Q. You can stop reading there.</p> <p>17 A. Okay.</p> <p>18 Q. So the paper he's referring to is the paper</p> <p>19 by Philip Ewell delivered at SMT, which in the email</p> <p>20 we examined that he sent to the ad hoc panel here,</p> <p>21 Exhibit 11 --</p> <p>22 A. Um-hum.</p> <p>23 Q. -- he declared that he essentially agreed with.</p> <p>24 Do you remember him saying that to the ad hoc panel in</p> <p>25 that email?</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">103</p> <p>1 2019. And I'm just going to represent to you that this</p> <p>2 is within days of the presentation of Professor Philip</p> <p>3 Ewell's paper at the Society for Music Theory, which was</p> <p>4 a plenary talk, which kicked off this entire controversy.</p> <p>5 And here, he says that "The paper's willful</p> <p>6 ignorance of Schenker's Jewish identity is indeed deeply</p> <p>7 troubling. That seems to mark it as implicitly</p> <p>8 antisemitic at the very least."</p> <p>9 Did I read that correctly?</p> <p>10 MS. QUIMBY: Objection, form.</p> <p>11 A. Yes.</p> <p>12 Q. And in your view, is that consistent with</p> <p>13 someone who essentially agrees with a paper, that they</p> <p>14 declare it's implicitly antisemitic?</p> <p>15 MS. QUIMBY: Objection, form.</p> <p>16 A. We did not consider this. It was beyond the</p> <p>17 scope of our investigation.</p> <p>18 Q. Okay. This was considered irrelevant, right?</p> <p>19 A. Yes, it was.</p> <p>20 MS. QUIMBY: Objection, form.</p> <p>21 Q. He also says here, "But his" -- meaning Ewell's</p> <p>22 -- "claim that the entire theoretical world view, and by</p> <p>23 extension, those who helped spread it, is racist becomes</p> <p>24 very problematic when we consider the intimate connection</p> <p>25 between Schenkerian analysis and the Jewish identity."</p>

<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">104</p> <p>1 This observation was also irrelevant to the</p> <p>2 ad hoc panel, right?</p> <p>3 <b>A.</b> Yes.</p> <p>4 MS. QUIMBY: Objection, form.</p> <p>5 <b>Q.</b> Skipping down, next, we have a November 19th,</p> <p>6 2019 email in which Timothy Jackson raises the issue.</p> <p>7 "For the first time, it occurred to me that</p> <p>8 it might be appropriate for the journal to solicit</p> <p>9 responses."</p> <p>10 Did I read that correctly?</p> <p>11 <b>A.</b> Yes.</p> <p>12 <b>Q.</b> Let me ask you a few questions about</p> <p>13 solicitation. Is it appropriate for editors of</p> <p>14 peer-reviewed journals to solicit submissions of</p> <p>15 articles?</p> <p>16 MS. QUIMBY: Objection, form.</p> <p>17 <b>A.</b> Yes, but not responses to -- I mean, I don't</p> <p>18 know about appropriate. But this is generally we solicit</p> <p>19 contributions for special issues. That is common.</p> <p>20 <b>Q.</b> Okay. I'm just going to skip down. Here's</p> <p>21 another -- in red, another email from Levi Walls</p> <p>22 November 19. November 19, 2019.</p> <p>23 He says, "Dear Dr. Jackson, I agree that a</p> <p>24 response in the JSS would be very appropriate. It would</p> <p>25 be nice to have it for the upcoming issue, although it</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">106</p> <p>1 MS. QUIMBY: Objection, form.</p> <p>2 <b>A.</b> I don't know about concealing, but he may not</p> <p>3 have sought to antagonize Dr. Jackson.</p> <p>4 <b>Q.</b> And in that -- if that same -- or let me strike</p> <p>5 that, please.</p> <p>6 Did you consider whether there was a power</p> <p>7 differential that prompted Levi Walls to change his</p> <p>8 story on July 27th of 2020?</p> <p>9 MS. QUIMBY: Objection, form.</p> <p>10 <b>A.</b> I can't speculate on that. But the fact</p> <p>11 that this power differential existed between a graduate</p> <p>12 student and his dissertation advisor, that affected</p> <p>13 Dr. Graf as well.</p> <p>14 <b>Q.</b> Did you ever -- sorry.</p> <p>15 <b>A.</b> So I can't say what it caused him to do.</p> <p>16 <b>Q.</b> So do you recall reading any messages from Levi</p> <p>17 Walls in which he was concerned about the future of his</p> <p>18 career when the Journal of Schenkerian Studies was</p> <p>19 attacked by almost the entire Society for Music Theory?</p> <p>20 MS. QUIMBY: Objection, form.</p> <p>21 <b>A.</b> I don't specifically recall. I do recall that</p> <p>22 there was something to that effect, but I cannot quote</p> <p>23 you when or where. But there definitely was some concern</p> <p>24 expressed by this.</p> <p>25 <b>Q.</b> And was that prompted by a fear -- in your</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">105</p> <p>1 is very forthcoming (around mid-December). A response in</p> <p>2 issue 13 would, of course, be quite late. Did you have</p> <p>3 any particular Schenkerians in mind?"</p> <p>4 Did I read that correctly?</p> <p>5 <b>A.</b> Yes.</p> <p>6 <b>Q.</b> And I have a question about what you've</p> <p>7 characterized as a, quote, power differential, that</p> <p>8 apparently you believe, if I read the Ad Hoc Panel Report</p> <p>9 correctly, infected the relationship between Professor</p> <p>10 Jackson and Levi Walls. Given the give and take between</p> <p>11 these two music theorists, one, the professor, the other,</p> <p>12 the student editor, does this indicate that Mr. Walls had</p> <p>13 no control? Is it consistent with what he said in his</p> <p>14 email to you that he had no control?</p> <p>15 MS. QUIMBY: Objection, form.</p> <p>16 <b>A.</b> I think it is indicative of the power</p> <p>17 differential in the sense that Mr. Walls, even if he did</p> <p>18 object, would not have expressed it to his dissertation</p> <p>19 advisor. That is the power differential.</p> <p>20 <b>Q.</b> So that -- so he was either concealing things</p> <p>21 from Professor Jackson -- well, let me ask this in two</p> <p>22 parts.</p> <p>23 You believe it's possible that the power</p> <p>24 differential caused him to conceal things from Professor</p> <p>25 Jackson?</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">107</p> <p>1 understanding, would that have been prompted by a fear</p> <p>2 that he would have been retaliated against in some way by</p> <p>3 Professor Jackson?</p> <p>4 MS. QUIMBY: Objection, form.</p> <p>5 <b>A.</b> I cannot say that he used the term</p> <p>6 "retaliation," but I think there was some -- he did use</p> <p>7 the term "pressure." Both he and Dr. Graf used to term</p> <p>8 "pressure."</p> <p>9 <b>Q.</b> But the only pressure they identified was the</p> <p>10 pressure supposedly exerted by Dr. Jackson, right?</p> <p>11 MS. QUIMBY: Objection, form.</p> <p>12 <b>A.</b> That, I cannot say. I think that Mr. Walls did</p> <p>13 mention feeling discomfort as to the controversy,</p> <p>14 although we did not consider the, you know, substance</p> <p>15 of the controversy.</p> <p>16 <b>Q.</b> Oh, of course. You didn't consider whether the</p> <p>17 scholars who were objecting to the publication of</p> <p>18 the Journal of Schenkerian Studies and Volume 12 might</p> <p>19 have been put -- might be putting pressure on Levi Walls?</p> <p>20 MS. QUIMBY: Objection, form.</p> <p>21 <b>A.</b> We -- we don't know. We had no evidence to</p> <p>22 that effect.</p> <p>23 <b>Q.</b> And that's fine. And this correspondence</p> <p>24 in Exhibit 12, which we've just read on UNT page 2709,</p> <p>25 that was also irrelevant to the ad hoc panel's</p>

<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">108</p> <p>1 investigation?</p> <p>2 <b>A.</b> Yes.</p> <p>3 MS. QUIMBY: Objection, form.</p> <p>4 <b>Q.</b> Thank you. Was evidence that Levi Walls was</p> <p>5 lying about the episode in the car that you summarized in</p> <p>6 the Ad Hoc Panel Report, would that have been relevant to</p> <p>7 the ad hoc panel?</p> <p>8 MS. QUIMBY: Objection, form.</p> <p>9 <b>A.</b> In a bit, although it did demonstrate the power</p> <p>10 differential. But there was other things that we</p> <p>11 considered for that. And also, it was minor compared</p> <p>12 to the other problems we had pointed out with JSS.</p> <p>13 <b>Q.</b> And for you, in that room when you</p> <p>14 interviewed -- I guess it was a Zoom room when you</p> <p>15 interviewed --</p> <p>16 <b>A.</b> It was a Zoom, yes.</p> <p>17 <b>Q.</b> -- Professor Walls -- I mean, Levi Walls. Was</p> <p>18 there a power differential between you and Mr. Walls?</p> <p>19 <b>A.</b> I have no control over Mr. Walls' future. I</p> <p>20 would say not. I'm not on his committee. I'm not in</p> <p>21 his field. I don't review his work. I'm not his</p> <p>22 dissertation chair, so I do not believe he felt a power</p> <p>23 differential.</p> <p>24 <b>Q.</b> You don't -- you don't believe there was</p> <p>25 a power differential between you, a distinguished</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">110</p> <p>1 MHTE, Benjamin Brand, and a graduate student within MHTE,</p> <p>2 Levi Walls?</p> <p>3 MS. QUIMBY: Objection, form.</p> <p>4 <b>A.</b> I do not know for sure since I'm not familiar</p> <p>5 with their relationship. But again, the same answer as</p> <p>6 it applied to the dean. If the division head had some</p> <p>7 influence over funding or other things, perhaps so. But</p> <p>8 the division head is not the student dissertation chair.</p> <p>9 <b>Q.</b> I didn't suggest he was. I was just asking</p> <p>10 about whether or not there was a power differential,</p> <p>11 right? And you're saying you don't -- you can't really</p> <p>12 speak to that?</p> <p>13 <b>A.</b> No. Yes.</p> <p>14 <b>Q.</b> Again, in this packet of information you got</p> <p>15 from Timothy Jackson, let's see. One last question on</p> <p>16 this, and I think we will be done with this packet.</p> <p>17 I'm going to call your attention to UNT 2663.</p> <p>18 Do you see how this has Call For Papers here?</p> <p>19 <b>A.</b> Yes.</p> <p>20 <b>Q.</b> And again, we had talked about the call for</p> <p>21 papers that was sent out by the Journal of Schenkerian</p> <p>22 Studies earlier. And you had testified, I believe, that</p> <p>23 you could no longer remember whether you had or had not</p> <p>24 read it, right?</p> <p>25 <b>A.</b> This was part -- this is part of the big</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">109</p> <p>1 university research professor, and a graduate student,</p> <p>2 Levi Walls?</p> <p>3 MS. QUIMBY: Objection, form.</p> <p>4 <b>A.</b> No.</p> <p>5 <b>Q.</b> Okay.</p> <p>6 <b>A.</b> No, I do not.</p> <p>7 <b>Q.</b> And that was not considered relevant in your ad</p> <p>8 hoc panel investigation?</p> <p>9 MS. QUIMBY: Objection, form.</p> <p>10 <b>A.</b> No, it was not.</p> <p>11 <b>Q.</b> Is there a power differential between</p> <p>12 Mr. Walls and Dean John Richmond of the College of</p> <p>13 Music?</p> <p>14 MS. QUIMBY: Objection, form.</p> <p>15 <b>A.</b> I cannot answer that. I do not know.</p> <p>16 <b>Q.</b> You don't know if there's a power differential</p> <p>17 between the dean of a College of Music and a graduate</p> <p>18 student within the College of Music?</p> <p>19 MS. QUIMBY: Objection, form.</p> <p>20 <b>A.</b> I can't speculate. But I would imagine if the</p> <p>21 dean had control over funding and other sources that he</p> <p>22 depended on, perhaps so. But I cannot testify to that.</p> <p>23 I do not know their relationship.</p> <p>24 <b>Q.</b> Can you testify to whether there was an</p> <p>25 inherent power differential between the division head of</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">111</p> <p>1 collection of emails that Dr. Jackson sent to us?</p> <p>2 <b>Q.</b> Yes.</p> <p>3 <b>A.</b> We did review this.</p> <p>4 <b>Q.</b> Okay. So you recall reviewing the call for</p> <p>5 papers?</p> <p>6 MS. QUIMBY: Objection, form.</p> <p>7 <b>A.</b> Yes, although not in great detail, but we did</p> <p>8 review this.</p> <p>9 <b>Q.</b> Okay.</p> <p>10 <b>A.</b> Especially that referred not to the substance,</p> <p>11 but only the process.</p> <p>12 <b>Q.</b> I understand. And did you understand it was</p> <p>13 sent to a server list in which members of the Society for</p> <p>14 Music Theory all had access?</p> <p>15 MS. QUIMBY: Objection, form.</p> <p>16 <b>A.</b> We did not consider that, but it does appear so</p> <p>17 on the heading.</p> <p>18 <b>Q.</b> And one of the allegations, just flipping back</p> <p>19 over to -- I believe it was Exhibit 3, is it not? The</p> <p>20 Ad Hoc Panel Report? No, wait. Yes, it is.</p> <p>21 I'm running through it to the exhibit that was</p> <p>22 the UNT faculty statement. Do you see this in the ad hoc</p> <p>23 panel report, which you attached as Exhibit 4 to that</p> <p>24 report?</p> <p>25 MS. QUIMBY: Objection, form.</p>

<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">112</p> <p>1       <b>A.</b> Yes, I see it.</p> <p>2       <b>Q.</b> And here, it says, "He" -- meaning Philip Ewell</p> <p>3 -- "was not afforded the opportunity to respond</p> <p>4 in print."</p> <p>5       Did I read that correctly?</p> <p>6       <b>A.</b> Yes.</p> <p>7       <b>Q.</b> And so I'm flipping back over to our</p> <p>8 Exhibit 12, the call for papers. Isn't that a false</p> <p>9 statement if Philip Ewell received the call for papers?</p> <p>10 Was there anything about that, that didn't invite him to</p> <p>11 respond?</p> <p>12       MS. QUIMBY: Objection, form.</p> <p>13       <b>A.</b> I don't believe so. Because generally, when</p> <p>14 you have a response or rejoinder, the off-beat person is</p> <p>15 directly invited by the editor, not in the general call</p> <p>16 to the society.</p> <p>17       <b>Q.</b> So you're saying it was not best practice to do</p> <p>18 it that way, right?</p> <p>19       MS. QUIMBY: Objection, form.</p> <p>20       <b>A.</b> I didn't hear the question. Could you repeat</p> <p>21 that? You broke up.</p> <p>22       <b>Q.</b> Yeah, sorry. I'm just trying to summarize.</p> <p>23 Your testimony is that it was not best practice to send</p> <p>24 out a call for papers rather than a direct invitation?</p> <p>25       MS. QUIMBY: Objection, form.</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">114</p> <p>1       MS. QUIMBY: Objection, form.</p> <p>2       <b>Q.</b> That's not qualified by saying he was not</p> <p>3 offered the opportunity to respond in print by engraved</p> <p>4 invitation, by direct solicitation, by direct invitation.</p> <p>5 It doesn't have anything to do -- it doesn't say anything</p> <p>6 about that, does it?</p> <p>7       MS. QUIMBY: Objection, form.</p> <p>8       <b>A.</b> Well, apparently, it doesn't. But I -- again,</p> <p>9 best practice would be that the editor directly invites</p> <p>10 the person who's going to author the rejoinder. And that</p> <p>11 a general call to the society is really not -- it's a</p> <p>12 poor substitute.</p> <p>13       <b>Q.</b> Okay. And you knew from your interviews and</p> <p>14 perusal of the records given to you by Timothy Jackson</p> <p>15 that the Journal had nothing against inviting Professor</p> <p>16 Ewell to respond to Volume 12, right?</p> <p>17       MS. QUIMBY: Objection, form.</p> <p>18       <b>A.</b> Had nothing against it. I think we did find</p> <p>19 actually that they did not invite directly Professor</p> <p>20 Ewell.</p> <p>21       <b>Q.</b> Do you remember discussing that they had</p> <p>22 entertained the possibility of inviting Professor Ewell</p> <p>23 to contribute to the next volume, so that he could</p> <p>24 address the responses?</p> <p>25       MS. QUIMBY: Objection, form.</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">113</p> <p>1       <b>A.</b> We did not say that one substituted for the</p> <p>2 other. But generally, what we had said is the invitation</p> <p>3 should go to the author, and there should be author</p> <p>4 specific an opportunity for a rejoinder.</p> <p>5       <b>Q.</b> Okay. And -- but it's not true, what the</p> <p>6 faculty statement says, that Philip Ewell was not</p> <p>7 afforded an opportunity to respond in print, was it?</p> <p>8       MS. QUIMBY: Objection, form.</p> <p>9       <b>A.</b> I can't testify to that. But I think they</p> <p>10 meant he was not directly contacted by the editor.</p> <p>11       <b>Q.</b> But they didn't write that in their faculty</p> <p>12 statement that you attached as an exhibit to the Ad Hoc</p> <p>13 Panel Report, did they?</p> <p>14       MS. QUIMBY: Objection, form.</p> <p>15       <b>A.</b> I cannot surmise that -- what their intention</p> <p>16 was and how they expressed it, but...</p> <p>17       <b>Q.</b> I'm not asking about that. I'm asking about</p> <p>18 them not writing that -- the statement is very factual</p> <p>19 and clearcut.</p> <p>20       They write in Exhibit 3 in the UNT faculty</p> <p>21 statement, "The fact that he was not afforded the</p> <p>22 opportunity to respond."</p> <p>23       Right? They say, "He was not afforded the</p> <p>24 opportunity to respond," right?</p> <p>25       <b>A.</b> Yes.</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">115</p> <p>1       <b>A.</b> I recall in our interviews, Professor Slottow</p> <p>2 had mentioned that. Yes, I do remember that.</p> <p>3       <b>Q.</b> Okay, okay. I'm going to pull these down</p> <p>4 for a sec.</p> <p>5       Just one more thing, if you don't mind. I</p> <p>6 know it's past 12:00. But I believe I can get to one</p> <p>7 last thing, Professor Ishiyama, and we will be done. Do</p> <p>8 you mind -- do you mind going forward with that, or do</p> <p>9 you want a break?</p> <p>10       <b>A.</b> No, we can -- we can go forward with it.</p> <p>11       MR. ALLEN: Okay. I'm going to mark for</p> <p>12 the record Exhibit 13.</p> <p>13       (Deposition Exhibit Number 13 marked.)</p> <p>14       <b>Q.</b> And I'm going to plop it in the chat as well.</p> <p>15 Now, I've got to get my share thing going on.</p> <p>16       This is an email from UNT's records disclosed</p> <p>17 to us, I believe, from your file.</p> <p>18       <b>A.</b> Um-hum.</p> <p>19       <b>Q.</b> Given the page number, UNT 3435.</p> <p>20       <b>A.</b> Yes.</p> <p>21       <b>Q.</b> And do you remember drafting this email,</p> <p>22 Professor Ishiyama?</p> <p>23       <b>A.</b> Yes.</p> <p>24       <b>Q.</b> What was the purpose of this email?</p> <p>25       <b>A.</b> Professor Bakulina, in an unsolicited way, had</p>

1 an event that happened. We are required by law to report  
2 this.

3 Q. What is "this"?

4 A. And that it happened.

5 Q. Can you describe "this" for the record, what  
6 you mean by that?

7 A. This event that she shared with us, which had  
8 to deal with some instances of unethical behavior towards  
9 her as the email indicates. She recounted that to us in  
10 our interview with her, and we are required by law to  
11 report this. So I dutifully did that.

12 Q. So she recounted that Timothy Jackson had made  
13 her feel, quote, uncomfortable on several occasions. Is  
14 that it?

15 A. Yes.

16 Q. And I'll get to the second part in a second.

17 All right. Is there a rule or policy against  
18 making a colleague feel uncomfortable?

19 MS. QUIMBY: Objection, form.

20 A. That, I cannot say. But we are required for  
21 any report related to these matters to report it to the  
22 Title IX Coordinator. That is required. It's been very  
23 clear to us that we are required to do that.

24 Q. And what is the unethical behavior towards her  
25 that you were reporting?

1 it. We do not judge what the content is. That is not  
2 our place. It would be the Title IX Coordinator.

3 Q. And I guess it's supposedly harassment where  
4 you have a reporting that it was discussed with her the  
5 confidential proceedings about her interview for the  
6 position she currently held at that time?

7 MS. QUIMBY: Objection, form.

8 Q. Is that what you understood you were reporting?

9 A. We are reporting what she related to us after  
10 we told her that it would have to be shared with the  
11 Title IX Coordinator. We're compelled by law to do so.

12 Q. And yet you can't name the law that compels you  
13 to report the time --

14 A. I'm not a lawyer, sir.

15 Q. Can I -- can I --

16 A. So I do not know.

17 Q. You're going to have to let me finish my  
18 question.

19 A. Well, I'm --

20 Q. I'm trying not to speak over you, and I'd just  
21 appreciate that you let me finish.

22 A. Certainly.

23 Q. So you can't name the law which required you to  
24 report someone feeling, quote, uncomfortable?

25 MS. QUIMBY: Objection, form.

1 A. I do not recall exactly. She discussed some  
2 things. We told her that we would have to report this to  
3 the Title IX Coordinator and she continued. I do not  
4 know the -- I don't recall the details.

5 Q. And there were also, supposedly in 2016,  
6 which would have been four years before this time,  
7 inappropriate questions and comments about her health.  
8 Is that what it says here?

9 A. I recall she did say something to that effect.  
10 I do not remember the details.

11 Q. What makes a question or comment about  
12 someone's health, quote, inappropriate?

13 A. I do not know. But that was her claim. And  
14 we're required by law to report it.

15 Q. What law are you referring to?

16 A. I do not -- that, I cannot quote. But we have  
17 been told as faculty members, that if there are reports  
18 of any kind of harassment, that we need to report that,  
19 and we're required to report it. That was -- that was  
20 shared with me. I cannot tell you the exact.

21 Q. How did you interpret -- so you interpret  
22 anytime someone makes comments that makes someone feel  
23 uncomfortable as harassment? Is that your testimony?

24 A. No. We interpreted her report to us. We just  
25 said she made a report to us. We're required to report

1 A. No, I cannot. I cannot specifically cite the  
2 law. But we were told, and in our training, that we  
3 would have to deal with this -- deal with this directly.  
4 My colleagues all understood it that way, too.

5 Q. Oh, I'm sure they did. This was signed.  
6 Well, it's not signed by all of them. It's signed by  
7 you or at least in the signature block. But it's cc'd  
8 to all of them, correct?

9 A. That's correct.

10 Q. So they were all behind reporting Timothy  
11 Jackson for making someone feel uncomfortable?

12 MS. QUIMBY: Objection, form.

13 A. As she related to us, the words she used.

14 Q. Is it that -- the woman that made this  
15 reportable to the Title IX Coordinator?

16 MS. QUIMBY: Objection, form.

17 A. No. This was related to us, and we had to  
18 report it.

19 Q. Okay. So when Ellen Bakulina signed a  
20 petition, which we've already reviewed, which endorsed  
21 the call for action of graduate students who were calling  
22 for Timothy Jackson to be fired, don't you think that  
23 made Timothy Jackson feel uncomfortable?

24 MS. QUIMBY: Objection, form.

25 A. I would not know.

<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">120</p> <p>1       <b>Q.</b> That never occurred to you to ask?</p> <p>2           MS. QUIMBY: Objection, form.</p> <p>3       <b>A.</b> No, it would not. It was irrelevant to our</p> <p>4 investigation. We were compelled, again, to report this</p> <p>5 by law. Even though I can't cite the law, that is what</p> <p>6 had been communicated to us by the University.</p> <p>7       <b>Q.</b> If it -- is it just because someone tells you</p> <p>8 something, you are required to report? Is that your</p> <p>9 understanding?</p> <p>10      <b>A.</b> That is our understanding. We do not make</p> <p>11 judgments about the content.</p> <p>12      <b>Q.</b> Are you not required to report it if</p> <p>13 something comes to your attention --</p> <p>14           MS. QUIMBY: Objection, form.</p> <p>15      <b>Q.</b> -- whether they tell you it or not, that you</p> <p>16 learn of something? You're not required to report it if</p> <p>17 you learn of something? Only when someone tells you</p> <p>18 something, even if it be secondhand?</p> <p>19           MS. QUIMBY: Objection, form.</p> <p>20      <b>A.</b> I think it depends. If it's specifically</p> <p>21 directed to us to report it --</p> <p>22      <b>Q.</b> Sure.</p> <p>23      <b>A.</b> -- then we don't really go through hearsay or</p> <p>24 other things, I mean, or rumors. This is something that</p> <p>25 we did because she was aware that we would have to do</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">122</p> <p>1 directly.</p> <p>2      <b>Q.</b> And Timothy Jackson told you directly that</p> <p>3 he was facing threats of retaliation of his First</p> <p>4 Amendment rights, did he not?</p> <p>5           MS. QUIMBY: Objection, form.</p> <p>6      <b>A.</b> Which was irrelevant to our investigation</p> <p>7 again.</p> <p>8      <b>Q.</b> And the First Amendment of law -- okay, sorry.</p> <p>9 I over-spoke. Go ahead.</p> <p>10     <b>A.</b> Yeah. That was irrelevant to our</p> <p>11 investigation. Title IX, I think, and I cannot be sure,</p> <p>12 but it's specific to these kinds of issues of harassment</p> <p>13 and sexual harassment. We have no -- there's nothing</p> <p>14 that talks about threats because of First Amendment</p> <p>15 freedom. I do not know the law specifically, but that's</p> <p>16 what we were told.</p> <p>17     <b>Q.</b> You do know the First Amendment is a law of the</p> <p>18 United States, right?</p> <p>19     <b>A.</b> Absolutely. It is part of the First Amendment</p> <p>20 of the Constitution.</p> <p>21     <b>Q.</b> And you did know that there was an academic</p> <p>22 freedom policy at the University of North Texas?</p> <p>23     <b>A.</b> Yes, was.</p> <p>24     <b>Q.</b> Timothy Jackson did complain to you that his</p> <p>25 rights under that policy were being violated, right?</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">121</p> <p>1 this, and we did.</p> <p>2      <b>Q.</b> Did she ask you to report it?</p> <p>3      <b>A.</b> We told her we had to.</p> <p>4           MS. QUIMBY: Objection, form.</p> <p>5      <b>Q.</b> Did she ask you to report it?</p> <p>6           MS. QUIMBY: Objection, form.</p> <p>7      <b>A.</b> No, but we said we had to.</p> <p>8      <b>Q.</b> And you have described repeatedly that the</p> <p>9 scope of your investigation was very narrow, focused on</p> <p>10 the publication and review in the Journal, right?</p> <p>11     <b>A.</b> Yes.</p> <p>12     <b>Q.</b> But when someone reports vague feelings</p> <p>13 of discomfort, you reported that to the Title IX</p> <p>14 Coordinator, so that Timothy Jackson faced a Title IX</p> <p>15 complaint, correct?</p> <p>16           MS. QUIMBY: Objection, form.</p> <p>17     <b>A.</b> Yes, as we were required again --</p> <p>18     <b>Q.</b> Okay.</p> <p>19     <b>A.</b> -- by law.</p> <p>20     <b>Q.</b> Sure. You don't feel you were required by law</p> <p>21 to report threats of retaliation against Timothy Jackson</p> <p>22 for violation of his First Amendment rights, did you?</p> <p>23           MS. QUIMBY: Objection, form.</p> <p>24     <b>A.</b> That was beyond the scope of our investigation.</p> <p>25 We only did this because Professor Bakulina told us</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">123</p> <p>1           MS. QUIMBY: Objection, form.</p> <p>2     <b>A.</b> But that was irrelevant to our investigation.</p> <p>3 It was only on process. You know, if he had written to</p> <p>4 us and said, that complaint would not be going to the</p> <p>5 Title IX Coordinator.</p> <p>6     <b>Q.</b> You also were aware that he was being</p> <p>7 threatened with adverse employment actions by the</p> <p>8 graduate students and by his faculty colleagues, right?</p> <p>9           MS. QUIMBY: Objection, form.</p> <p>10     <b>A.</b> Yes. But that's not -- we didn't pay any</p> <p>11 attention to that. We actually ignored all of it.</p> <p>12     <b>Q.</b> I'm just trying to get a sense of how the ad</p> <p>13 hoc panel worked. So all of those -- all of those</p> <p>14 things which we've named -- First Amendment retaliation,</p> <p>15 violation of the academic freedom policy, the harassment</p> <p>16 of Timothy Jackson by calling for him to be fired, and</p> <p>17 so forth, all of that was not relevant to the panel,</p> <p>18 correct?</p> <p>19     <b>A.</b> Yes, not relevant.</p> <p>20     <b>Q.</b> But when there was a complaint that could be</p> <p>21 filed against Timothy Jackson, that was required by law.</p> <p>22 That's your testimony?</p> <p>23     <b>A.</b> That was our understanding of the five members</p> <p>24 of the panel.</p> <p>25           MR. ALLEN: Okay, okay. It's about --</p>

<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">124</p> <p>1 can we go off the record, please?</p> <p>2 THE VIDEOGRAPHER: Off the record at</p> <p>3 12:25.</p> <p>4 (Recess taken)</p> <p>5 THE VIDEOGRAPHER: The time is 12:30.</p> <p>6 We're on the record.</p> <p>7 Q. Thank you, Professor Ishiyama. I just have one</p> <p>8 last short series of questions. At least that</p> <p>9 is my intention, that they be short. I'm going to call</p> <p>10 your attention back to Exhibit 9, which was introduced</p> <p>11 into the record. Do you remember looking at the title</p> <p>12 page and table of contents of Volume 26 of Theoria from</p> <p>13 2020?</p> <p>14 A. Yes.</p> <p>15 Q. And don't let me mischaracterize your</p> <p>16 testimony, but I believe you testified that there might</p> <p>17 be a representation somewhere in the journal of the</p> <p>18 methods of review of the articles or things of that</p> <p>19 nature, right?</p> <p>20 MS. QUIMBY: Objection, form.</p> <p>21 Q. Other than on the title page?</p> <p>22 A. There might be. I do not know. I mean, there</p> <p>23 should be something.</p> <p>24 Q. So in the intervening time, we were able to</p> <p>25 find the page where the review processes of the Journal</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">126</p> <p>1 articles in a journal would not count as review</p> <p>2 articles typically, right?</p> <p>3 MS. QUIMBY: Objection, form.</p> <p>4 A. I think it would depend on how they defined it.</p> <p>5 Q. What is a review article typically understood</p> <p>6 as in a scholarly journal?</p> <p>7 A. Well, again, I can only speak to my field --</p> <p>8 Q. Sure.</p> <p>9 A. -- and the field of the other five people on</p> <p>10 the committee. But review articles are often collections</p> <p>11 of books that are reviewed, often critically by an</p> <p>12 author, and to reveal the state of the art in the field.</p> <p>13 Q. Right. And if we skip back to the title page,</p> <p>14 which I'm going to -- just by the titles. And I know</p> <p>15 you are not a music theorist or a student of Russian</p> <p>16 music. But did these titles suggest to you as an</p> <p>17 experienced academic who's been an editor of political</p> <p>18 science journals and other academic publications, that</p> <p>19 these are review articles?</p> <p>20 MS. QUIMBY: Objection, form.</p> <p>21 A. I couldn't say until I read them, so it's</p> <p>22 hard to determine just based on the title.</p> <p>23 Q. So here, it also says, "All submissions will be</p> <p>24 peer reviewed for their scholarly quality, clarity, and</p> <p>25 originality. Only high level professional research</p>
<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">125</p> <p>1 were discussed, and that's what I would like to ask you a</p> <p>2 few questions about.</p> <p>3 A. Okay.</p> <p>4 MR. ALLEN: So I've taken the liberty of</p> <p>5 adding a third page to Exhibit 5. Hold on. I think I'm</p> <p>6 getting mixed up. I want to correct the record. I</p> <p>7 believe I was referring to the past exhibit by its</p> <p>8 wrong identification number.</p> <p>9 I'm discussing Exhibit 5. Theoria, Volume 26,</p> <p>10 2020, for the record. I'm just skipping down. I've</p> <p>11 taken the liberty of adding the third page to this</p> <p>12 exhibit, which formerly had only two pages. And this is</p> <p>13 the appendix, page 157, which has the Theoria journal's</p> <p>14 Directions to Contributors. And I'm not asking you to</p> <p>15 verify that. I want your opinion as an expert and member</p> <p>16 of the ad hoc panel about this in the journal of Theoria.</p> <p>17 Q. It represents that review articles of books</p> <p>18 related to the history of music -- it refers to "review</p> <p>19 articles of books related to the history of music theory</p> <p>20 and analysis."</p> <p>21 Right?</p> <p>22 A. Yes.</p> <p>23 MS. QUIMBY: Objection, form.</p> <p>24 Q. And panel -- panel presentations to a</p> <p>25 conference that was simply published as expanded</p>	<p style="text-align: right;"><i>John Toaru Ishiyama, Ph.D. 9/27/24</i></p> <p style="text-align: right;">127</p> <p>1 materials will be considered. Ph.D. candidates and</p> <p>2 junior faculty in the related disciplines are</p> <p>3 particularly encouraged to submit articles."</p> <p>4 Did I read that correctly?</p> <p>5 A. Yes.</p> <p>6 Q. Would that lead you to believe that Theoria,</p> <p>7 the other journal published in the College of Music under</p> <p>8 the umbrella of the University of North Texas Press,</p> <p>9 would subject all of its articles to peer review?</p> <p>10 MS. QUIMBY: Objection, form.</p> <p>11 A. That would be -- that's the statement they</p> <p>12 make, so I don't know if they did.</p> <p>13 But they say, "All submissions will be peer</p> <p>14 reviewed."</p> <p>15 Q. And that doesn't suggest that there's a</p> <p>16 separate kind of track for publishing papers that were</p> <p>17 expanded into articles after a professional conference,</p> <p>18 does it?</p> <p>19 MS. QUIMBY: Objection, form.</p> <p>20 A. Well, so it suggests that those submissions</p> <p>21 also be peer-reviewed.</p> <p>22 Q. Okay. And would you understand the peer-review</p> <p>23 process to be double-blind? The double-blind peer-review</p> <p>24 process we discussed earlier?</p> <p>25 A. It is the standard.</p>



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1 MR. ALLEN: Okay. I'm going to pass the

2 witness, Mary.

3 MS. QUIMBY: I'll reserve my questions

4 for trial.

5 MR. ALLEN: Thank you, Professor

6 Ishiyama.

7 (No deletions.)

8 THE VIDEOGRAPHER: Off the record at

9 12:35.

10 (Proceedings concluded at 12:35 p.m.)

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1 CHANGES AND SIGNATURE

2 WITNESS: JOHN TOARU ISHIYAMA, Ph.D.

3 DATE: SEPTEMBER 27, 2024

4 PAGE/LINE CHANGE REASON

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3 I, JOHN TOARU ISHIYAMA, Ph.D., have read the

4 foregoing deposition and hereby affix my signature that

5 same is true and correct, except as noted above.

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8

9 JOHN TOARU ISHIYAMA, Ph.D.

10 THE STATE OF

11 COUNTY OF

12 Before me, , on this day

13 personally appeared JOHN TOARU ISHIYAMA, Ph.D., known to

14 me or proved to me on the oath of (description of

15 identity card or other document) to be the person whose

16 name is subscribed to the foregoing instrument and

17 acknowledged to me that he/she executed the same for the

18 purpose and consideration therein expressed.

19

20 Given under my hand and seal of office on this

21 day of , .

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John Toaru Ishiyama, Ph.D. 9/27/24 131

1 UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF

3 SHERMAN DIVISION

4 TIMOTHY JACKSON, )

5 )

6 Plaintiff, )

7 )

8 vs. ) CASE NO. 4:21-CV-00033-ALM

9 )

10 LAURA WRIGHT, et al., )

11 )

12 Defendants. )

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1 deposition;

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Attorney for the Plaintiff

3

4 Ms. Mary Quimby - 00 HRS: 00 MIN  
Attorney for the Defendants

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, and further that I am not financially or  
9 otherwise interested in the outcome of the action.

10 Certified to by me on this 28th day of October,  
11 2024.

12

13

14 Kim D. Carrell, CSR NO. 1184  
Date of Expiration: 7-31-26

15

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18 Certification Expires 10-31-26  
Notary Comm. Expires 12-1-25

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