

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF
3 SHERMAN DIVISION

4 TIMOTHY JACKSON,

5 Plaintiff,

6 vs.

7 LAURA WRIGHT, et al.,

8 Defendants.

CASE NO. 4:21-CV-00033-ALM

9 VIDEOTAPED ZOOM ORAL DEPOSITION OF

10 REBECCA GEOFFROY-SCHWINDEN, Ph.D.

11 September 27, 2024

12 (Reported Remotely)

13 *****

14 VIDEOTAPED ORAL DEPOSITION OF REBECCA GEOFFROY-
15 SCHWINDEN, Ph.D., produced as a witness at the instance
16 of the plaintiff and duly sworn, was taken in the
17 above-styled and -numbered cause on the 27th day of
18 September, 2024, from 1:33 p.m. to 4:38 p.m., before
19 Kim D. Carrell, Certified Shorthand Reporter in and for
20 the State of Texas, reported remotely by computerized
21 stenotype machine at the University of North Texas
22 System, 801 North Texas Boulevard, Gateway Suite #308,
23 Denton, Texas, pursuant to the Federal Rules of Civil
24 Procedure and the provisions stated on the record or
25 attached hereto.

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A G R E E M E N T S

DEPOSITION OF: REBECCA GEOFFROY-SCHWINDEN, Ph.D.

DATE: SEPTEMBER 27, 2024

CAUSE NO. 4:21-CV-00033-ALM

THIS DEPOSITION SHALL BE TAKEN PURSUANT TO:

- ☒ Notice
☐ Agreement
☐ Court Order
☐ Subpoena
☒ Rules of Federal Civil Procedure

ORIGINAL TO:

- ☐ Witness
☒ Witness's attorney (Ms. Quimby)
☐ Producing attorney
☐ Signature waived

NUMBER OF DAYS FOR SIGNATURE

- ☐ 20 days
☒ 30 days
☐ Other:

MISCELLANEOUS:

- ☐ Any objection made by one party good for all parties.
☒ An unsigned copy may be used at any trial, hearing, or arbitration proceedings.

P R O C E E D I N G S

THE VIDEOGRAPHER: Today is September 27, 2024. The time to 1:33 p.m. We are on the record.

REBECCA GEOFFROY-SCHWINDEN, Ph.D.,
having been first duly sworn, testified as follows:

EXAMINATION

BY MR. ALLEN:

Q. Professor Geoffroy-Schwinden, can I ask you to state your full name for the record, please?

A. Sure. It's Rebecca Dowd Geoffroy-Schwinden.

Q. How would you like me to refer to you today?

A. You can call me Dr. Geoffroy-Schwinden.

Q. Okay. If I say Professor Geoffroy-Schwinden, would that be okay, too?

A. Yeah, that's fine.

Q. I can't promise I won't mix them up, so I want to try to get that in ahead of time.

A. Okay.

MR. ALLEN: Can the attorneys of record put their appearances in the record?

My name is Michael Thad Allen for the Plaintiff, Timothy Jackson. And I'm here with my client, Timothy Jackson, today.

MS. QUIMBY: My name is Mary Quimby. I'm an Assistant Attorney General with the Texas Attorney

1 General's office. I represent the Defendants in this
2 matter, and Dr. Geoffroy-Schwinden in this deposition.

3 MR. STOWERS: Renaldo Stowers, Deputy
4 General Counsel, University of North Texas System.

5 (Deposition Exhibit Number 1 marked.)

6 Q. Dr. Geoffroy-Schwinden, I'm going to introduce
7 an exhibit, which will happen from time to time in the
8 course of this deposition. I'll be presenting you
9 documents, asking you questions about them.

10 And the first thing I want to do is introduce
11 what's called a notice of deposition, and then I'll
12 explain some of the sort of loose rules of the road for
13 conducting the deposition.

14 Can I ask you if you can see that exhibit,
15 please?

16 A. Yes. I see the top of the page.

17 Q. Okay. Now, this is a good tutorial. If, at
18 any time, you want more time to read an exhibit, I am
19 going to try to dump them in the chat, so that your
20 attorney can also share them with you simultaneously if
21 that's more convenient for you. But feel free to ask
22 me at any time to navigate through, if you want to read
23 something, you need more time to read. No one wants
24 you to answer a question when you haven't been able to
25 read the document that you are being asked about. Is

1 that clear?

2 A. Yes.

3 Q. Do you recognize this document? And I'm just
4 going to scroll down to the bottom of page 1. You'll
5 see it has two pages, so I'm going to scroll to the next
6 page. And that's all there is to it.

7 Have you had a chance to review this document?

8 A. You know, I don't think I have. Can I have a
9 moment, please?

10 Q. Absolutely.

11 A. And then can you scroll down, please? Okay.

12 Q. So just to restate the question, do you
13 recognize this re-notice of taking deposition?

14 A. Yes, yes.

15 Q. And is it accurate to say you appeared today in
16 response to this re-notice of taking deposition?

17 A. Yes.

18 Q. Okay. And I don't have any further questions
19 about that document. We're just going to introduce it
20 into the record.

21 And then, of course, let me go over some of
22 the other sort of loose rules of the road here.

23 Can I ask you to state for the record
24 anything, to your knowledge, that would prevent you
25 from testifying truthfully today?

1 A. No, there's nothing.

2 Q. You are not on any medications that would
3 affect your memory?

4 A. No.

5 Q. You are not suffering from an illness or a
6 mental condition that would affect your ability to
7 testify?

8 A. No.

9 Q. Thank you. As I ask you questions, your
10 attorney may object from time to time. In fact, it's
11 almost inevitable that that will happen. This is part
12 of building the record for the Court. As you probably
13 already understand, this is a very formal conversation
14 meant to create a record for the Court and meant to
15 discover what you would say when you testify at trial.
16 The objections are part of building that record. It
17 does not relieve you of the obligation to answer the
18 question, however. Is that clear?

19 A. Yes.

20 Q. There are some few exceptions, like
21 attorney-client privilege, and they will be very clear
22 if they come up, which they usually don't, because your
23 attorney will almost certainly instruct you not to answer
24 the question. But for the most part, unless that comes
25 up, you will have to answer questions that are asked

1 despite objections. Okay?

2 A. Okay.

3 Q. Likewise, because it's a formal record for
4 the Court, there are many things we do in ordinary
5 conversations that are obviously normal. We nod our
6 heads, we say um-hum and uh-huh. But for the purposes
7 of the court reporter's ability to keep a clean record,
8 I need to ask you to answer audibly to my questions
9 today; is that clear?

10 A. Yes.

11 Q. Likewise, I'll try to answer audibly and ask
12 questions clearly. However, you may want clarification
13 of questions from time to time, and that is perfectly
14 normal and acceptable. So if, at any time, you want
15 clarification of what I've asked you, please interrupt
16 me. It's not anything that is taken against the
17 witness. I'd much rather have you answering a clear
18 stated question than one that you don't understand
19 obviously. Is that clear?

20 A. Yes.

21 Q. By the same token, if you do not ask me for
22 a clarification, I will assume that you understand the
23 question as asked. Is that also clear?

24 A. Yes.

25 Q. Thank you. Now, I'll just ask you -- and I'll

1 try to abide by the same rules, that we not talk over
2 each other. That's probably the last rule of the road.
3 Is that clear?

4 A. Yes.

5 Q. All right. Can you explain for the record what
6 you have done to prepare for today's deposition?

7 A. I met with my attorneys.

8 Q. I'm not going to ask you what you discussed
9 with them, but I am entitled to know approximately how
10 long you met with your attorneys.

11 A. Maybe -- I think it was maybe three hours.

12 Q. Uh-huh. Did you review any documents in
13 preparation for this testimony?

14 A. Yes.

15 Q. What documents did you review in preparation
16 for your testimony today?

17 A. I reviewed the faculty statement on the Journal
18 of Schenkerian Studies and the grad students' statement
19 that that faculty statement linked to.

20 Q. Any other documents that you reviewed in
21 preparation for testimony today?

22 A. No.

23 Q. Okay. Did you talk to anyone else in addition
24 to your attorneys?

25 A. About what?

1 Q. About this deposition.

2 A. No.

3 Q. So I assume there was no one else in the room
4 with you and your attorneys when you were speaking with
5 them, correct?

6 A. There was no one else in the room.

7 Q. Okay. All right. I just briefly want to ask
8 you some questions about your career, your education,
9 background, things that you would likely have put on
10 your curriculum vitae and things like that.

11 Can I just ask you to state for the record
12 your educational career or the milestones in your
13 educational career starting with your undergraduate
14 degree up through whatever the last degree you have
15 received, including the school, the year, and the
16 nature of the degree?

17 A. Okay. I graduated from Penn State University -
18 Schreyer Honors College in 2007 with degrees with
19 distinction in history and international studies and
20 minors in French and music.

21 I earned a Master of Arts degree in Musicology
22 from Duke University in 2011 and a Ph.D. in Musicology
23 from Duke University in 2015, with a graduate certificate
24 in history and anthropology.

25 Q. So the Duke degrees were primarily in

1 musicology. Did I understand that correctly?

2 A. Not quite, because I also did -- the degrees
3 were in musicology, but I also did the graduate
4 certificate in history and anthropology. So I did take
5 history and anthropology coursework, as well.

6 Q. Okay. Are there any other degrees,
7 certificates, anything of that nature, that you've
8 earned up to the present?

9 A. I did get a certificate in college -- oh, wait,
10 no, I didn't. No, that's it.

11 Q. Okay. So you graduated in 2011 with your
12 master's in musicology. Was that part of a continuous
13 program that you continued through right up to the end
14 of your Ph.D.?

15 A. Yes. So I started -- I started at Duke in 2009
16 and got the master's in 2011, along the way to the Ph.D.
17 that I got in 2015.

18 Q. So it sounds like there was two years between
19 your degree at Penn State in history and international
20 studies with -- did you say a minor in French and music?

21 A. That's correct.

22 Q. And in 2009, you started the Duke graduate
23 program. What did you do in those intervening two
24 years?

25 A. I worked as a legal assistant.

1 Q. Why didn't you become a lawyer is the obvious
2 question.

3 A. I mean, look what I'm missing out on.

4 Q. Okay. And so I assume that was for a law firm
5 of some sort?

6 A. It was.

7 Q. Okay. So in the same way that you've just
8 described your educational career, can you describe the
9 course of your professional career in academia, starting
10 with your graduation in 2015 from Duke?

11 A. Sure. So I graduated in May of 2015 from Duke,
12 and I drove to Texas in July, and I started working as an
13 assistant professor in music history at the University of
14 North Texas in Denton. And I was in that position until
15 I was promoted to associate professor with tenure in
16 2021, June 2021, I think.

17 Q. Um-hum. And have you been promoted to full
18 professor?

19 A. Nope.

20 Q. And you remain an associate professor at this
21 time, right?

22 A. Yes.

23 Q. And it's only been, it sounds like, three years
24 since you were granted tenure?

25 A. Yes, that's correct.

1 Q. Okay, great. Do you have any administrative
2 duties at the University of North Texas?

3 A. Since the -- well, in the fall of '22, school
4 year '22-'23, and now '24-'25, I'm the program
5 coordinator of an undergraduate degree.

6 Q. What's the undergraduate degree that you're
7 coordinating or working with?

8 A. It's called -- I am coordinating it now.

9 Q. Okay.

10 A. But it didn't seem clear, because last year,
11 I was on leave, so I wasn't doing that work last year.
12 It's called Critical Studies in Music and Society.

13 Q. And you said you went on leave. Was that a
14 sabbatical?

15 A. It was -- well, it was -- I was on a hundred
16 percent research, because I had a research fellowship for
17 the year, so...

18 Q. Who granted the fellowship?

19 A. The National Endowment for the Humanities and
20 the Hagley Museum and Library.

21 Q. Well, congratulations.

22 A. Thank you.

23 Q. Have you been granted any other awards,
24 fellowships, scholarships, things of that nature, not
25 including scholarships you might have had as a graduate

1 student, but as a professor?

2 A. Yes, I have.

3 Q. Can you state them for the record, please?

4 A. How -- how down in the weeds do you want me to
5 get? Because it could be like an annoying list of like
6 small EBT grants. I may not remember them all.

7 Q. No, not the travel --

8 A. Not that I'm so prolific, but...

9 Q. -- the travel to the music history conference
10 in Odessa or something like that.

11 A. Yeah.

12 Q. Let's say anything that would have granted you
13 time off or travel visiting professorships, something of
14 that nature. A Fulbright -- a significant grant, if we
15 can understand one.

16 A. Anything that gave me time off. The only thing
17 is the NEH fellowship that I had last year that gave me
18 time off. I've had some funding to do like summer
19 research that was -- some of it was internal from UNT. I
20 had another NEH summer stipends to do research abroad.
21 But those, they didn't grant me time off.

22 Q. I understand. In that leave, that time you had
23 leave on the NEH grant, did you leave the University of
24 North Texas and go somewhere else to do your studies and
25 research?

1 A. Um-hum, yes. I was away.

2 Q. Was that when you were affiliated with the
3 Hagley Museum?

4 A. Yes.

5 Q. And I believe that's also affiliated with the
6 University of Delaware. Am I wrong?

7 A. I think they maybe have some programming with
8 them. They have some programming with them, but I didn't
9 do anything with the University of Delaware.

10 Q. Okay. So your primary affiliation was the
11 Hagley Museum?

12 A. Yes. Well, it's an NEH Hagley fellowship.

13 Q. Oh, wow.

14 A. So it's an NEH site-specific fellowship.

15 Q. Yeah.

16 A. So you know, yeah. I was doing my research
17 at Hagley. I lived there.

18 Q. Um-hum. And just because the jury and the
19 Court may not know what the Hagley Museum is, can you
20 just briefly describe in two or three sentences what
21 the Hagley Museum is?

22 A. Sure. It is the location of the DuPont
23 family's original gunpowder mill that opened in 1802.
24 And it's now a museum and library. And the museum is
25 dedicated to American technological innovation. And

1 the library is mostly about the history of business.

2 Q. Um-hum. Thank you.

3 A. Sure.

4 Q. Approx -- can you just state for the record
5 your publication record? Articles, books, articles in
6 edited books, anything of that nature?

7 A. I will do -- yeah, I'll try my best.

8 Q. Please.

9 A. So my book is -- what would you like? Like the
10 titles? The --

11 Q. Well, let's start. Let's start -- that's
12 probably too much of a mouthful, so let me strike that
13 question, and I'll ask you in series.

14 A. Okay.

15 Q. How many articles have you published as a --
16 I guess you're a music historian. Is that what you would
17 describe yourself as?

18 A. Yes. I'm a music historian.

19 Q. And other witnesses have testified that the
20 division you are in is the Music History, Theory, and
21 Ethnomusicology division, and that is split up itself
22 into three different subparts, and you're in the history
23 one?

24 A. That's correct.

25 Q. Okay. And so as a music historian, or as an

1 academic in general, can you explain how many articles
2 you've published, please?

3 A. Five in peer-reviewed journals.

4 Q. Um-hum. Have you published any articles that
5 were not peer reviewed?

6 A. Like in a -- in a journal, or like what kind of
7 publication do you mean?

8 Q. Well, it's sort of a question for you. I don't
9 know because I'm not a music historian. I'm asking you
10 if you've published peer-reviewed articles or articles
11 that were not subject to peer review.

12 A. Not that came out in a journal, not that came
13 out in a scholarly journal.

14 Q. Okay. It sounds like you have published
15 articles that were not subjected to the peer review.
16 So where did they appear?

17 A. Well, what I'm thinking of is a -- like a
18 newsletter from a society.

19 Q. Okay.

20 A. That would be done under editorial review, so
21 not an academic journal.

22 Q. By editorial review, do you mean that the
23 editors of that publication did work with you, reviewed
24 it, perhaps made suggestions, and it was eventually
25 published?

1 A. For this newsletter, yeah. So it's kind of
2 more like a newspaper or a magazine. Like it doesn't
3 have like a review process because it's just -- you know,
4 it's a scholarly newsletter.

5 Q. Sure. Is that something you would put in
6 your CV?

7 A. I put it under scholarly. I put it under
8 like a separate category, because it's not peer reviewed,
9 yeah.

10 Q. Right, right. Have you published articles in
11 scholarly books?

12 A. Yes. Like do you mean like book chapters in an
13 edited volume?

14 Q. An edited volume, book chapters of any sort.
15 And I'm going to ask you if you've published a book in a
16 second. I just want to know if you've published portions
17 of a book, a chapter, article, however you want to
18 characterize it.

19 A. Yeah, I have.

20 Q. Uh-huh. And was that -- well, let me back up.
21 When you say peer review, what do you mean by
22 that?

23 A. So when I say peer review, I mean that -- I
24 just mean to say that it got sent out to people who
25 wrote reports on it and give a review -- recommendation

1 about whether it should be published or not, and then
2 send it back.

3 Q. Right. And was that process double-blind?

4 A. For which publication?

5 Q. For the peer-reviewed publications that you
6 listed. I believe, five. Well, you haven't list them,
7 but you named the number five. Were those blind peer
8 review?

9 A. Yes, they were all -- those were blind peer
10 reviews.

11 Q. And by blind peer review, you understand
12 that we mean where neither the reviewer, nor you as the
13 author, are supposed to know each other's identity,
14 right?

15 A. That's usually what we mean by blind peer
16 review.

17 Q. Okay.

18 A. Yeah, you don't know the writer or the
19 reviewer.

20 Q. Okay. So I should have asked that at the
21 beginning, but now fast-forward to the articles you've
22 published in a book. What review process were those
23 subjected to?

24 A. It was different for different books.

25 Q. Um-hum. Well, let's back up and ask, how

1 many of those have you published? Not books. I mean,
2 articles in books.

3 A. Sorry. I'm kind of drawing a blank. I --
4 books in circulation. Okay, I remember. I knew I was
5 forgetting one. I think -- I'm sorry. I would have to
6 look at my CV. I think I've published three.

7 Q. And were those subjected to any kind of review?

8 A. They definitely went through review.

9 Q. Were they reviewed by the editor of the volume?

10 A. I'd have to take them each individually --

11 Q. Okay.

12 A. -- and try to remember.

13 Q. So let's -- yeah. Let's do that then.

14 A. Okay.

15 Q. What was the first in time? That's probably
16 the hardest to remember because it was longer ago. But
17 we'll start with that for lack of a better system.

18 A. Okay. So that one was about digital approaches
19 to historical acoustemologies. Roughly, that was the
20 title.

21 Q. Cosmologies?

22 A. No. That would be funny. Acoustemologies.

23 Q. Acoustemologies, sorry. And how was that
24 one reviewed before publication?

25 A. You know, I don't totally remember. I

1 wrote -- like I was writing that when I was graduating
2 from grad school, and it's all a little fuzzy. But I
3 will say that I remember going back and forth several,
4 several times with the editors of the volume.

5 Q. Um-hum.

6 A. And I know that that whole volume was peer-
7 reviewed, but I do not remember. I don't remember the
8 process.

9 Q. Yeah, that's fine.

10 A. Okay.

11 Q. And again, incidentally, if you don't know
12 something, you don't know. So you can just say you don't
13 know.

14 A. Oh, okay. Well, I feel bad. You are asking
15 me, so...

16 Q. No. Well, I might feel bad, too, but we can
17 only ask for what you know.

18 So the second article in time, what was that?

19 A. Okay. I think the second one was in a volume
20 called like Musical and Theatrical Circulations in
21 Eighteenth-Century Europe.

22 Q. Um-hum.

23 A. And it was about the building of the Paris
24 Conservatory's first music library.

25 Q. Um-hum. And about what year did that come out,

1 give or take, if you know?

2 A. I think it came out in 2018.

3 Q. Okay. And do you recall the process of review
4 that that article was subjected to?

5 A. I don't recall much about it. I do -- I do
6 believe I remember getting like a reader's report that
7 was specific to my chapter, like a blind reader's report
8 that was very specific to my chapter. And I don't know
9 about the process that the full book went through
10 because, you know, that's the editor's thing.

11 Q. Um-hum, right. Sure, sure. And the last
12 article you published in a scholarly volume or book?

13 A. That was more recent, in a Bloomsbury Handbook
14 of Art and Music.

15 Q. And was that subjected to peer review?

16 A. That was -- all of my back and forth was
17 peer-reviewed by the editors. And then they managed --
18 I don't know what they were doing with the review process
19 because, again, it's the editor's thing. So they managed
20 all of that peer review and funneled the -- I guess the
21 information to me.

22 Q. So they may have subjected it to some review
23 process that you weren't privy to. But as far as you
24 knew, you were communicating with the editor, or editors,
25 if there's more than one directly, right?

1 A. Well, Bloomsbury Handbooks go through peer
2 review, I mean --

3 Q. No, I know, I know. I'm not suggesting they
4 don't.

5 A. -- but I'm the one communicating with the
6 editors.

7 Q. Okay. And you don't remember getting sort of a
8 blind report on that one?

9 A. No.

10 Q. Okay. Have you ever published a monograph?

11 A. Yes.

12 Q. And what's that book?

13 A. It's called From Servant to Savant. And it was
14 published with Oxford in 2022.

15 Q. And was that accepted for publication at the
16 time you were going up for tenure?

17 A. It was. I'm trying -- it was. I'm trying to
18 remember if I had the final -- I had a contract. I'm
19 trying to remember if they had gone through that last
20 level where they talk to the board at the publisher.

21 Q. Right.

22 A. But I had -- it was under contract when I went
23 up for tenure.

24 Q. Sure. And have you published a scholarly
25 book since that time?

1 A. No, I wish I were that prolific.

2 Q. Okay, good. So as you probably have gathered,
3 this lawsuit is about what I will call the Schenker
4 controversy surrounding the Journal of Schenkerian
5 Studies that used to be published by the University of
6 North Texas Press. If I say the Schenker controversy,
7 do you know what I'm talking about?

8 A. No, because -- well, could you be more specific
9 about what that comprises?

10 Q. Sure. You know the Journal of Schenkerian
11 Studies, correct?

12 A. Yes.

13 Q. Now, I know you're a music historian and
14 not a music theorist. But I'll ask you, what is your
15 understanding of what the Journal of Schenkerian Studies
16 published?

17 A. Articles to do with Schenkerian analysis.

18 Q. And were you aware that the -- excuse me.
19 Strike that, please.

20 Were you aware that the Journal of Schenkerian
21 Studies published a Volume 12 in July of 2020 -- 2020,
22 yeah?

23 A. Yes.

24 Q. Did you -- are you a member of the Society
25 for Music Theory?

1 A. No.

2 Q. Was it in any way part of your academic
3 activities to -- let me strike that.

4 In the course of your academic studies in
5 2019, 2020, were you aware of a plenary talk by the
6 New York Hunter College, the City University of New
7 York Hunter College, Professor Philip Ewell, who gave
8 a plenary address in February of 2019?

9 A. I had heard people say that he had.

10 Q. Did you ever read a version of that plenary
11 address that was published in Spectrum? I believe the
12 journal is called Spectrum maintained by the Society for
13 Music Theory.

14 A. No, I never did.

15 Q. Did you listen to Professor Ewell's talk when
16 it was posted online?

17 A. No.

18 Q. Did you understand that the Journal of
19 Schenkerian Studies published the Symposium in response
20 to Philip Ewell's, let's say, for lack of a better word,
21 scholarship?

22 A. Do you mean their response to the -- to this
23 talk you were asking me about?

24 Q. That's what I'm trying to find out, what you
25 know about it. Right? So the Volume 12 publishes the

1 Symposium, right?

2 A. Yes.

3 Q. And as you understood it at the time, what was
4 that Symposium about?

5 A. It was about Professor Ewell's talk, I guess,
6 yeah. Or just about his work, yeah.

7 Q. And his talk at the Society for Music Theory
8 conference in 2019?

9 A. Yeah. I think so, yeah.

10 Q. Okay. How did you learn about -- well, let
11 me strike that.

12 At some point, did you come to learn that
13 there was a controversy surrounding Volume 12 of the
14 Journal of Schenkerian Studies?

15 A. I learned that a lot of people were talking
16 about it, yes.

17 Q. Um-hum. When?

18 A. I don't remember the date.

19 Q. Do you remember how you learned?

20 A. I do.

21 Q. Can you explain for the record how you learned
22 about this controversy?

23 A. I got a text message about it.

24 Q. From whom?

25 A. From April Prince.

1 Q. Who is April Prince?

2 A. She's a -- at the time, was a senior lecturer.
3 Now, she's a principal lecturer of music history at the
4 University of North Texas.

5 Q. Is she a colleague then?

6 A. Yes.

7 Q. Okay. What did she say in these text message
8 exchanges with you?

9 A. I don't remember the details of what she said
10 about it. She just forwarded a picture of like people's
11 Twitter posts.

12 Q. So it was -- was it your understanding from
13 your communications with -- did you say April Prince?
14 Did I get her name right?

15 A. Um-hum.

16 Q. So you understood from April Prince that, for
17 lack of a better word, it was blowing up on Twitter?

18 A. Well, I didn't know exactly what was going
19 on. I just knew people were talking about UNT on
20 Twitter, like a couple of people. You know what I mean?
21 I mean, I did not know the extent of it or anything.

22 Q. Okay.

23 A. So at that time, I didn't know if it was like
24 one person or not.

25 Q. Sure. And if I said this was July 2020, late

1 July 2020, does that sound accurate to you? Does that
2 help refresh your memory of when this was?

3 A. Yeah, late July 2020 sounds correct. I just do
4 not remember the dates. I mean, I was -- yeah.

5 Q. And backing -- oh, sorry. Were you finished?

6 A. No, that's good.

7 Q. I was breaking that rule of interrupting you.
8 See? I apologize.

9 So backing up to the Journal of Schenkerian
10 Studies, please tell the Court how you understood the
11 Journal of Schenkerian Studies was organized.

12 A. I did not know.

13 Q. Okay.

14 A. I didn't know. I knew it was published out
15 of our department, and it was published out of the music
16 theory area, but I didn't know about its organization
17 honestly.

18 Q. Okay. Are you aware that there's another music
19 theory journal published by the University of North Texas
20 Press that's also published out of the MHTE?

21 A. Yes, I think Theoria. Is that what you're
22 referring to? Yes, I've heard of it.

23 Q. That's a nice guess.

24 A. Yeah.

25 Q. And who edits that?

1 A. I don't know. Do you mean now or then?

2 Q. Either one.

3 Who edited in 2020, if you know?

4 A. I don't know. I don't know.

5 Q. Okay. All right. Do I understand by your
6 answers that you don't really read Theoria either for
7 your work?

8 A. Yeah, you do. Yes, that's correct. I do not.

9 Q. And of course, I'm not imputing some sort of
10 ignorance to you. It's not in your field, right?

11 A. Correct, yeah. I read musicology, music
12 history journals. I do not regularly read music theory
13 journals, no.

14 Q. Okay. And since you didn't know who the editor
15 was in 2020, I suppose it would be accurate to say that
16 you don't know how Theoria was organized either?

17 A. I have no idea. No, I don't know.

18 Q. Okay. All right. So let's go then to the time
19 you first learned that there was something being said on
20 Twitter about UNT and the Journal of Schenkerian Studies
21 when you were corresponding with your friend, April
22 Prince, or I'll say colleague, let's say. What happened
23 after that?

24 MS. QUIMBY: Objection, form.

25 A. Do you mean that day or --

1 Q. Well, in as much detail as you can remember
2 now, what happened next? You know, what happened next
3 with regard to this issue that was brewing over the
4 Journal of Schenkerian Studies?

5 MS. QUIMBY: Objection, form.

6 A. I mean, I don't know over all. Do you want
7 like a timeline of the day or --

8 Q. Not so much the day. Just you know, your
9 experience of what was happening. I mean, I understand
10 it's now what, four years later, so you're unlikely to
11 say, oh, my gosh, at 2:00 p.m. on July 27th or something.
12 It's not about that. Trust me. I just am trying to find
13 out what you remember about how this controversy
14 developed.

15 A. I might need some prompting if you could help
16 me.

17 Q. Sure. Let's ask a few more questions, and
18 maybe that will help jog your memory.

19 A. Yeah, yeah.

20 Q. Do you remember what the Journal was accused of
21 doing that made people so, I don't know, exercised on
22 Twitter?

23 MS. QUIMBY: Objection, form.

24 A. Well, I didn't read -- you know, I didn't read
25 a lot of it. So I'm not on social media, so I didn't

1 read many -- I know, I'm like my husband says.
2 But I didn't read a lot of those tweets or anything; just
3 the ones, the couple that were sent to me. And they know
4 they were upset about, you know, the response to Ewell,
5 I guess.

6 Q. Un-hum. And I understood from what you said
7 earlier that you had never read the version of Philip
8 Ewell's plenary address that was published in Spectrum,
9 correct?

10 A. That's correct.

11 Q. And you never viewed his talk at the SMT 2019
12 plenary session?

13 A. That's correct.

14 Q. Did you read Volume 12 of the Journal of
15 Schenkerian Studies?

16 A. I skimmed parts of it and read parts of it.

17 Q. Can you describe in as much detail as you can
18 remember what parts you skimmed and what parts you read?

19 A. Yeah, inasmuch as I can remember. I looked
20 at Nick Stoia's article. He actually ended up as a
21 professor at Duke after I left there, and so I looked at
22 Nick Stoia's article. That wasn't part of the Symposium,
23 but I had opened the journal, so I looked at Nick's
24 article.

25 Q. Did he publish one of the mainline articles?

1 I'll say -- I'll just represent for the record, there
2 were three articles that were more or less ordinary,
3 vanilla, peer-reviewed articles, and then there was the
4 Symposium, which was separate. Does that correspond to
5 your memory of the journal?

6 MS. QUIMBY: Objection, form.

7 Q. Volume 12, I mean.

8 A. I don't remember the number. But I know --
9 like I know there were articles that didn't have to do
10 with the Symposium.

11 Q. Okay. And Nick Stoia's article was one of
12 those?

13 A. I believe so, yeah.

14 Q. Okay. What was your impression of that
15 article?

16 A. I thought it was good. I thought it was good.
17 Nick does good work.

18 Q. Do you know him otherwise?

19 A. No, I don't. No. I mean, I met him in passing
20 at Duke when he was interviewing, I think, maybe.

21 Q. Uh-huh.

22 A. But that's all. So anyway, I remember Nick's
23 article being in it.

24 Q. And did it strike you that Nick Stoia's article
25 was below the standards you would expect of an academic

1 journal in the music field?

2 MS. QUIMBY: Objection, form.

3 A. I mean, I don't remember. Are you asking me to
4 like go into detail about my evaluation of Nick's
5 article? I mean, I looked at Nick's article.

6 Q. No. Just in general terms, in reviewing Nick
7 Stoia's article --

8 A. Uh-huh.

9 Q. -- did you have any concerns for the quality of
10 scholarship that was appearing to the Journal of
11 Schenkerian Studies?

12 A. Okay. I didn't -- okay. Let's not overstate
13 how much I read the journal. I didn't really review it,
14 so I don't feel comfortable, on record, talking about
15 Nick Stoia's work from four years ago.

16 Q. Yeah, that's fine.

17 A. Yeah.

18 Q. Nothing alarmed you that this piece by Nick
19 Stoia was somehow egregiously poor quality or something
20 of that nature, did it?

21 MS. QUIMBY: Objection, form.

22 A. I just don't remember.

23 Q. Okay. What else did you read or skim in the
24 journal --

25 A. The Symposium.

1 Q. The Symposium? Did you read all of the
2 Symposium?

3 A. I read some of it. I skimmed some of it.

4 Q. Okay. What did you read? Let's start with
5 that. Do you remember which articles you read in
6 particular?

7 A. I read an article by my colleague, Tim Jackson.

8 Q. Um-hum.

9 A. I remember reading a piece that was anonymous.
10 I know I looked at a piece that referenced things about
11 Abraham Lincoln.

12 Q. Um-hum.

13 A. I don't -- I don't really remember the other
14 details.

15 Q. Okay. And do you remember anything about the
16 articles you skimmed?

17 A. What about them?

18 Q. Which ones they were, who the authors were.

19 A. Like I said, I remember that I looked at Tim's.
20 I remember that there was an anonymous one.

21 Q. Okay.

22 A. I haven't gone back to it since 2020.

23 Q. And I understand.

24 A. Yeah.

25 Q. I'm just trying to find out what you know.

1 A. Yeah, yeah. No, no, I know.

2 Q. So did you form an impression in that, you
3 know, late summer, early fall of 2020, as to what this
4 controversy was about?

5 MS. QUIMBY: Objection, form.

6 A. Which controversy?

7 Q. Sorry. The controversy over Volume 12 of the
8 Journal of Schenkerian Studies.

9 A. Do you mean like before, like when it came out,
10 or --

11 Q. Well, sure. Let's start with July.
12 July 2020.

13 A. Okay.

14 Q. Before the end of July, did you form an
15 understanding of what the controversy surrounding
16 Volume 12 of the Journal of Schenkerian Studies was
17 about?

18 A. Yeah. I mean, I knew people were talking about
19 it, yeah.

20 Q. And what were the specific criticisms they
21 had of the Journal of Schenkerian Studies by the end of
22 July?

23 MS. QUIMBY: Objection, form.

24 A. Whose criticisms?

25 Q. Well, that's what I'm trying to find out.

1 Were there criticisms being leveled at the Journal of
2 Schenkerian Studies in July of 2020?

3 A. I believe so.

4 Q. And do you remember in any detail what they
5 were?

6 A. I remember that there was concern about its
7 contents.

8 Q. And what were the concerns about its contents?

9 A. The way that it went after Ewell and the way
10 that it dealt with race.

11 Q. Um-hum. And when you read the articles that
12 you read -- I understood -- I understand you didn't read
13 everything carefully, so it's not about that. But in
14 what you did read, did you personally form an opinion
15 about the way it went after Ewell?

16 A. Yeah.

17 Q. And what was your impression and understanding,
18 as an academic music historian, of the way in which
19 Volume 12 of Schenkerian Studies -- or of the Journal of
20 Schenkerian Studies went after Ewell?

21 A. I guess it was more just that he wasn't there.

22 Q. Can you explain what you mean by that? He
23 wasn't there?

24 A. That there wasn't -- he wasn't part of the
25 issue.

1 Q. The volume part?

2 A. Yes.

3 Q. And how about the second thing you mentioned,
4 dealing with race? Did you form an understanding as an
5 academic music historian about how the Volume 12 of the
6 Journal of Schenkerian Studies dealt with race?

7 A. Yes.

8 Q. And what was your understanding of how the
9 Journal of Schenkerian Studies in July of 2020 had dealt
10 with race?

11 MS. QUIMBY: Objection, form.

12 A. Sorry. Can you repeat the question?

13 Q. Sure. What was your understanding at that time
14 by the end of -- say, July 2020, of how the Journal of
15 Schenkerian Studies had dealt with race?

16 MS. QUIMBY: Objection, form.

17 A. Dealt with it? Would you be able to rephrase
18 that?

19 Q. Well, sure. I was trying to use the words you
20 used when you were explaining what about the contents of
21 Volume 12 seemed to be creating controversy in July of
22 2020. And I believe you said the way it went after
23 Ewell was one thing, and the way it dealt with race was
24 another.

25 A. Well, those were -- so that was my response

1 to what -- like what people were talking about, about the
2 issue.

3 Q. Okay, sure. And then I still want to know what
4 your understanding of those issues was from your own
5 personal engagement with Volume 12 of the Journal of
6 Schenkerian Studies, and so that's why I'm asking.

7 Did you form an understanding of how Volume 12
8 dealt with race, in your words?

9 A. Well, it wasn't -- it didn't seem like it was
10 situated in the scholarly literature about race.

11 Q. All of Volume 12 or specific articles?

12 A. Just some of them.

13 Q. Uh-huh. And was the article you reviewed by
14 Timothy Jackson one of those?

15 A. Yes.

16 Q. Okay. So was there anything else that you
17 remember? I want to come back to that in a second. But
18 is there anything else, besides the way the volume went
19 after Ewell and the way the volume dealt with race, that
20 you remember being controversial in that July of 2020
21 time frame?

22 A. Well, also, the having the anonymity of
23 authors.

24 Q. How many authors were published anonymously?

25 A. I think one.

1 Q. Um-hum. And what were -- what, to your
2 knowledge, were people saying in the field about
3 publishing an anonymous author?

4 MS. QUIMBY: Objection, form.

5 A. I might be conflating what I was thinking and
6 what other people were thinking, because I don't remember
7 specifically what people said. I think it was just...

8 Q. That's fine.

9 A. Yeah.

10 Q. Yeah. So what did you think about an anonymous
11 piece being published in the Journal of Schenkerian
12 Studies?

13 A. I was surprised.

14 Q. And why were you surprised?

15 A. You don't see that in peer-reviewed journals.

16 Q. So were you aware that the Society for Music
17 Theory circulated, or at least people within the Society
18 for Music Theory circulated a petition condemning
19 Volume 12 of the Journal of Schenkerian Studies?

20 A. I was aware of that, yes.

21 Q. And it was signed by the vast majority of
22 members of the society?

23 MS. QUIMBY: Objection, form.

24 A. I don't know how many people signed it.

25 Q. Do you remember it being a lot?

1 A. Like compared to what? Our societies are
2 really small.

3 Q. I think Philip Ewell testified that it was
4 something like 900 people signed this.

5 A. I have no idea about the number.

6 Q. Well, I'm representing that to you, that it was
7 somewhere in the neighborhood of 900.

8 A. Well, you can represent anything, but I don't
9 remember that.

10 Q. I'm not saying that you do, and I'm not saying
11 it's from your personal experience. But what I am going
12 to ask you is, does that sound like a lot of scholars?

13 A. I don't know. It depends if you're in a field
14 of 50,000 or two.

15 Q. Well, you just said that your fields are very
16 small, right?

17 A. Well, they feel that way.

18 Q. Is music theory a pretty small field in your
19 experience?

20 A. I mean, you know what? I'm going to step
21 back from what I said because I genuinely do not know --

22 Q. Okay.

23 A. -- how many people are in the Society for Music
24 Theory. I don't know how many people are music theorists
25 who identify that way. I really just don't know.

1 Q. Okay. No, that's fine.

2 Was there any similar initiative in any kind
3 of professional society for music history that you had
4 more personal experience with?

5 MS. QUIMBY: Objection, form.

6 A. There was nothing circulated about -- I'm
7 trying -- there was nothing like a petition or anything
8 in the American Musicological Society, no.

9 Q. Okay. But it surprised you that there was
10 anonymous -- that some author had sought to publish
11 anonymously. You said that, right?

12 A. Yes.

13 Q. And you did know that the Society for Music
14 Theory was condemning the volume, correct?

15 MS. QUIMBY: Objection, form.

16 A. Yeah.

17 Q. So in that light, were you truly surprised that
18 someone would not want to be known to have published a
19 controversial piece in the Journal of Schenkerian
20 Studies?

21 MS. QUIMBY: Objection, form.

22 A. Well, people didn't sign a petition before they
23 did that, so you're kind of reversing the order of what
24 happened. You are not understanding, so it was --

25 Q. Okay. Please help me.

1 A. Yeah. No, it was published anonymously, and
2 then the petition came out. So it doesn't -- it was
3 just the order of events is not making sense to me here.

4 Q. Oh, I understand. But you -- so you think that
5 someone who suspected that this would be controversial
6 and then turned out to be correct about that --

7 A. I have no idea what they suspected.

8 Q. -- that's somehow surprising?

9 A. I don't even know who they are. I don't know
10 what it --

11 Q. Of course, they're anonymous. It's just
12 surprising that an anonymous author suspecting something
13 is going to be controversial didn't want to be known,
14 that that surprises you.

15 A. No. I just -- you are really speculating.
16 Like --

17 Q. I'm speculating?

18 A. -- the deposition. We're talking -- I don't
19 know what the anonymous author was concerned about. I
20 don't know who they are.

21 Q. But you found it strange. Did you find it
22 unacceptable?

23 A. Yes.

24 Q. Why?

25 A. It's unusual in a peer-reviewed journal to have

1 anonymous publications.

2 Q. What would -- what do you think would happen if
3 that person was known?

4 A. I have no idea.

5 Q. You have absolutely no idea?

6 A. No, I don't.

7 Q. Well, you know what happened to Timothy
8 Jackson, right?

9 A. No, I don't.

10 Q. You don't? You were in his department.

11 A. What do you mean?

12 Q. Did you -- you don't have any idea what
13 happened to Timothy Jackson?

14 A. When? About what?

15 Q. Like for his publication in Volume 12 of the
16 Journal of Schenkerian Studies.

17 A. Tim doesn't talk to me. Please, walk me
18 through it. Ask me.

19 Q. Sure.

20 A. What do you mean?

21 Q. You have no knowledge of what happened to
22 Timothy Jackson because of his publication in Volume 12
23 of the Journal of Schenkerian Studies. Is that your
24 testimony today?

25 A. What do you mean, what happened to him? I

1 don't know what happened to him.

2 Q. Do you have -- do you have any conception
3 of the reaction focused on Timothy Jackson after he
4 published in Volume 12 of the Journal of Schenkerian
5 Studies?

6 MS. QUIMBY: Objection, form.

7 A. Like the reaction? I just need you to break
8 this down, because I don't know general things about Tim.

9 Q. Sure. I'm not asking for general things
10 about Tim. I'm asking for specific things about Tim.

11 A. No, you're not. You're asking me what happened
12 to him.

13 Q. How did -- how did people -- how did people in
14 the Society for Music Theory react to Timothy Jackson's
15 publication?

16 A. They sent out a petition.

17 Q. Did the petition praise him?

18 A. I didn't read it.

19 Q. You don't have any knowledge whether the
20 petition praised him or condemned him?

21 A. You told me that it condemned the journal
22 issue.

23 Q. Did graduate students in the Music History,
24 Theory, and Ethnomusicology division write anything about
25 Timothy Jackson's publication in Volume 12 of the Journal

1 of Schenkerian Studies?

2 A. They put out a statement in response to the
3 journal.

4 Q. Is that the statement that you reviewed before
5 you sat for this deposition today?

6 A. Yes.

7 Q. Do you have any understanding of whether they
8 were praising or condemning Timothy Jackson?

9 A. Can I look at it? Just because I want to
10 talk about the specific parts you're referring to.

11 Q. You've already testified that you reviewed it.
12 Is your testimony today that despite preparing for this
13 deposition and reviewing that document, you cannot
14 testify right now about whether it is positive or
15 negatively disposed towards Timothy Jackson?

16 MS. QUIMBY: Objection, form.

17 A. I believe I have a right to look at the
18 document you're asking me about.

19 Q. No, you must answer the question as asked.
20 Now, if you don't know, that's a perfectly acceptable
21 answer.

22 A. I mean, so can you repeat your question?

23 Q. Sure. As you sit here, having testified that
24 you reviewed the graduate students' statement, do you
25 have any understanding of whether it was negative or

1 positively disposed towards Timothy Jackson for his
2 publication in Volume 12 of the Journal of Schenkerian
3 Studies?

4 MS. QUIMBY: Objection, form.

5 A. Negligently or positively disposed. Like do
6 you mean did it condemn the journal issue?

7 Q. Let's -- let's start with that. In your words,
8 did the graduate student statement condemn the journal?

9 A. Yes, it expressed concerns about the journal
10 issue.

11 Q. Just concerns, or did it condemn the journal?

12 MS. QUIMBY: Objection, form.

13 A. I mean, it raised -- it outlined concerns about
14 the journal issue.

15 Q. Did it call for Timothy Jackson personally to
16 be disciplined?

17 A. I really want to look. I want you to show me
18 that. I don't want to say something that's wrong, you
19 know. You put me under a lot of pressure. And now, I'm
20 like feeling anxious. So can I look at the document?

21 Q. Well, we'll get to the document, but I want you
22 to answer the question as asked.

23 Is it your testimony right now that you are
24 refusing to answer that question, that despite reviewing
25 the document --

1 A. No, it's not that I'm refusing. But can you
2 just rephrase it?

3 Q. Sure. I asked if it was your understanding
4 that the student statement had called for Timothy Jackson
5 to be disciplined.

6 A. I know it included Tim's name and in relation
7 to the journal, and I don't remember exactly what they
8 asked for.

9 Q. Okay. Do you remember exactly what they were
10 concerned about in your -- in your words?

11 MS. QUIMBY: Objection, form.

12 A. Like so what they were concerned about with the
13 journal issue?

14 Q. Sure. Let's start with that.

15 A. The way it went after Dr. Ewell.

16 Q. Um-hum.

17 A. The way that it dealt with race, yeah.

18 Q. Anything else?

19 A. They were the same.

20 Q. Anything else, as you sit here today, that
21 you remember it going after Timothy Jackson or the
22 journal for? The student statement?

23 MS. QUIMBY: Objection, form.

24 A. Do I remember anything going after Timothy
25 Jackson. No, I just -- I'm sorry. I remember that they

1 mentioned him in relation to the journal.

2 Q. Um-hum.

3 A. And that they wanted the journal like, yeah.

4 Q. Wanted the journal like what?

5 A. Investigated.

6 Q. All right. And do you remember the faculty
7 submitting a statement about Timothy Jackson and the
8 journal?

9 A. Not about Timothy Jackson, no.

10 Q. Okay. About the journal?

11 A. Yes, about the journal.

12 Q. And who drafted that statement?

13 A. It was a group effort.

14 Q. Um-hum. Were you part of that group?

15 A. I was.

16 Q. What was your role in formulating the faculty
17 statement that you just testified about?

18 A. We all went back and forth on drafts. So I had
19 worked on one, but I guess typically, most of that
20 is not there. And so --

21 Q. Sure.

22 A. But yeah, we went back and forth on like
23 several drafts, like kind of a collaborative, yes.

24 Q. Did you have different drafts saved on your
25 work computer?

1 A. No, not on my work computer. I don't think
2 on my work computer. I think the one that I wrote, I
3 had on a Google drive.

4 Q. Okay.

5 A. But I think the other ones I just had in emails
6 that had been exchanged. And so I don't remember if any
7 of them are on my work computer now or were then.
8 I can't remember.

9 Q. Just backing up, I think one of the things that
10 you said you had thought was unusual was that, in your
11 words, Ewell was not there in Volume 12 of the Journal of
12 Schenkerian Studies; is that right?

13 A. Um-hum, yes.

14 Q. Okay. And by that, you meant he wasn't --
15 something by him wasn't published with these other
16 papers in the Symposium?

17 A. Yes.

18 Q. Okay. Was it your understanding that Ewell was
19 never invited to participate in the Journal?

20 A. I had no -- I have no idea.

21 Q. Okay.

22 THE WITNESS: Do you mind if we take a
23 quick break?

24 MR. ALLEN: Of course.

25 THE WITNESS: Just a restroom break.

1 Thank you.

2 MR. ALLEN: Of course. I think I should
3 have said, but maybe I didn't. But you can ask for a
4 break at any time.

5 THE WITNESS: Okay.

6 MR. ALLEN: You just have to answer
7 whatever question is in front of you. So we can go --
8 we can go off the record.

9 THE VIDEOGRAPHER: Off the record at
10 2:33 p.m.

11 (Recess taken)

12 THE VIDEOGRAPHER: The time is 2:44.
13 We're on the record.

14 Q. Thank you. Just a couple of brief questions,
15 and then we'll move on from that issue of Ewell not being
16 there.

17 Were you aware there was a call for papers
18 that went out to the entire Society for Music Theory
19 soliciting papers for Volume 12 of the Journal of
20 Schenkerian Studies?

21 A. No.

22 Q. So you don't have any reason to believe that
23 a call for papers was not received by Philip Ewell?

24 MS. QUIMBY: Objection, form.

25 A. I have no idea of Philip Ewell's email.

1 Q. Okay. Did you read any of the local press
2 about the controversy surrounding the Volume 12 of the
3 Journal of Schenkerian Studies in the Denton Record
4 Chronicle?

5 A. No.

6 MR. ALLEN: Okay. I'm getting an exhibit
7 ready, and I want to mark as Exhibit 2 for the record,
8 which I'm going to also drop in the chat for your
9 attorney.

10 (Deposition Exhibit Number 2 marked.)

11 Q. This is an email from Dani Oort, it appears, to
12 Peter Kohanski. And you are on the cc line. Do you see
13 that?

14 A. Yes.

15 Q. It says -- and it starts off, "Dear Rebecca,
16 thank you for your supportive words."

17 A. Yep.

18 Q. And just so -- this is a two-paged document.
19 It has the UNT Bates number 0355. And you'll see the
20 last page has no content to speak of except for this --
21 what appears to be your -- forwarded to your email; is
22 that right?

23 A. Yeah. It looks like my signature line.

24 Q. Yeah. So if I hold it here, it cuts off some
25 of your signature block, but this is the entire body of

1 the email thread that I have in Exhibit Number 2. Do
2 you want a chance to look at that?

3 A. I do, yeah, because I don't --

4 Q. Go ahead.

5 A. Okay.

6 Q. So it's the nature of emails that they always
7 start at the bottom and go towards the top, so I'm going
8 to start with the last email in the thread. It's an
9 email from you on July 27th, 2020, to Dani and Peter.
10 It doesn't have who those individuals are. Do you know
11 who Dani and Peter are?

12 A. I do.

13 Q. Can you state for the record who they are?

14 A. The Dani was a graduate student in the
15 department and Peter continues to be.

16 Q. And is this Peter Kohanski whose email is in
17 the -- next in the thread?

18 A. It looks like it.

19 Q. And Dani Van Oort is the other individual?

20 A. Yes.

21 Q. Okay. So you write to Dani and Peter, "As
22 GAMuT's advisor, I want to thank you for your leadership
23 and for the MHTE graduate students' professionalism
24 in responding to the recent issue of the Journal of
25 Schenkerian Studies. Indeed, as we learned in the

1 diversity and inclusion training last fall, the
2 department has much work ahead of it, work in which
3 I hope to take an active role."

4 Did I read that accurately?

5 A. Yes.

6 Q. What is -- just for the record, what is the
7 acronym GAMuT, G-A-M-u-T?

8 A. It's the Graduate Association of Musicologists
9 and Theorists.

10 Q. So is that a loose -- loosely -- can I loosely
11 describe that as a UNT organization of graduate students
12 in the College of Music?

13 A. Yes.

14 Q. Okay. What leadership were you thanking them
15 for?

16 A. I don't remember. I mean, obviously, I'm
17 referring to the journal. I do not remember.

18 Q. Do you remember what you were talking about
19 when they were responding to the recent issue of the
20 Journal of Schenkerian Studies here?

21 A. I don't.

22 Q. And what did you learn in the diversity and
23 inclusion training of that last fall that you hoped to
24 take an active role in?

25 A. That the department had much work ahead of it.

1 Q. Like what? What kind of work?

2 A. You know, the grad students had a lot of
3 complaints.

4 Q. Like what?

5 A. Well, I'm embarrassed to say, I don't remember
6 the details of their complaints. They were unhappy
7 with -- I don't remember. I just know that they had
8 complaints, for sure.

9 Q. And they were complaints about diversity and
10 inclusion?

11 A. Yeah. I mean, I guess.

12 Q. What is it -- what does that mean? What is
13 diversity at the University of North Texas in 2020?

14 A. Well, I don't know about UNT's official
15 stance at that time.

16 Q. Well, this was department -- your department
17 having much work ahead of it, right?

18 A. That's what that sentence says.

19 Q. In its diversity and inclusion training last
20 fall at the University of North Texas?

21 MS. QUIMBY: Objection, form.

22 A. UNT didn't have -- well, you know, I didn't
23 participate in like university-level training. What is
24 this? Sorry. What did you want me to answer?

25 Q. Well, I'm trying to figure out what you were

1 saying in July of 2020, right?

2 You say, "Indeed, as we learned in the
3 diversity and inclusion training last fall."

4 And I'm wondering, what does diversity mean in
5 this diversity and inclusion training last fall at the
6 University of North Texas?

7 A. Oh. It was just the title of the training that
8 the department had hosted.

9 Q. Um-hum. And what was it about?

10 A. Diversity and inclusion.

11 Q. What does that mean, diversity and inclusion,
12 in the training?

13 A. We talked about people feeling not included
14 at work.

15 Q. Um-hum.

16 A. People feeling not represented.

17 Q. Um-hum.

18 A. Yeah, like it was -- it was kind of like a
19 typical like diversity and inclusion training.

20 Q. All right. What does -- what does diversity
21 typically mean then in that training that you experienced
22 back in the fall of what I assume was 2019, right?

23 MS. QUIMBY: Objection, form.

24 A. So you want to know what diversity meant in --
25 like in the training that we had?

1 Q. Yes.

2 A. Like a variety of people.

3 Q. A variety of any people?

4 A. I guess. I mean, diversity. Different kinds,
5 you know, purple, green, little.

6 Q. Um-hum. And so if we found that diversity
7 and inclusion training, it would be about purple and
8 little people? Is that what your testimony is?

9 A. No, no. But I'm telling you that -- you are
10 asking me in the abstract what the word diversity means.
11 Is there something more specific you want me to explain
12 about the word?

13 Q. Well, you're getting at the heart of the
14 question. To me, diversity and inclusion aren't very
15 specific. So I'm asking you what -- if it was specific
16 enough to have training on it, what was being trained?
17 What were you trained to do?

18 A. Making people feel welcome in a workplace
19 environment.

20 Q. Um-hum. Does writing, you know, statements
21 condemning Timothy Jackson and the Journal of Schenkerian
22 Studies, do you think that was calculated to make him
23 feel included?

24 MS. QUIMBY: Objection, form.

25 A. I don't -- I don't know what you mean.

1 Q. You really don't? That's your testimony?

2 A. Yeah, I really don't.

3 Q. Okay.

4 A. I'm sorry.

5 Q. All right.

6 A. It's Friday afternoon.

7 Q. You don't remember -- you don't remember what
8 the graduate students' response was at this time that
9 you're writing and thanking them for?

10 A. No, I don't -- I do not remember what I meant
11 by responding in that -- like with the date and stuff.
12 I just don't. I don't.

13 Q. And as an advisor to GAMuT, did you work with
14 them in any capacity to develop a response?

15 A. No, I did not. No, I did not. Not that I
16 remember, no.

17 Q. Okay. And then again, this diversity and
18 inclusion training was so memorable, that you really
19 can't remember anything about it, right?

20 MS. QUIMBY: Objection, form.

21 A. Well, I told you. I didn't say I don't
22 remember anything. I'm just saying like it was just
23 regular diversity and inclusion training. So we like, I
24 don't know, wrote on Post-It notes on the wall about --
25 like I wrote about a time when someone asked me in the

1 elevator if I was a student, and that made me feel not
2 like a professor, you know, or like things like that.
3 Like I mean, it was like a solid five years ago.

4 Q. Um-hum.

5 A. So --

6 Q. Did they teach you about anything called
7 microaggressions?

8 MS. QUIMBY: Objection, form.

9 A. Actually, I'm trying to think. I don't
10 remember if it was part of that training --

11 Q. Um-hum.

12 A. -- day.

13 Q. So to tie this up, this responding, do you
14 remember at least this much? That this responding to the
15 recent issue of the Journal of Schenkerian Studies, that
16 involved these same issues that we discussed at the
17 beginning of your deposition: The Symposium, the way
18 it went after Ewell, the way it dealt with race, the
19 anonymous author, the idea that Ewell was not there,
20 those things were what they were responding to as best
21 as you can remember today?

22 MS. QUIMBY: Objection, form.

23 A. I don't remember if it was all of those things
24 that they responded to. So that -- but I -- obviously,
25 I said the issue, so...

1 Q. Okay. Do you remember any unique issues that
2 the students were concerned with which weren't part of
3 other people's concerns that you were hearing about
4 either through friends, colleagues, through social media,
5 to the extent it was circulated to you, email, and so
6 forth?

7 MS. QUIMBY: Objection, form.

8 A. Like unique, like they were the only ones?

9 Q. Yes.

10 A. Like concerns that were particular to them?

11 Q. Yes.

12 A. No. I mean, I -- from what I remember, it
13 was quite similar to the other conversations.

14 Q. Okay. Do you remember in those conversations
15 my client, Timothy Jackson, being accused of being a
16 racist?

17 MS. QUIMBY: Objection, form.

18 A. I don't remember that specifically. Like
19 someone -- like which conversations? Like who are you
20 asking said that Tim was a racist?

21 Q. Well, you know, because you had the
22 conversations apparently. You have testified to being
23 in communication with the graduate students, as we've
24 seen in Exhibit 2, as their advisor through GAMuT.
25 You've testified to getting messages in text form from

1 colleagues of yours and other conversations that you
2 were privy to, even if circulated to you secondhand, for
3 instance, Twitter posts that might have been circulated
4 to you by a colleague.

5 So my question is, in the stream of those
6 communications about the Journal of Schenkerian Studies
7 at the end or -- of July, beginning of August, 2020, do
8 you recall Timothy Jackson being accused of being a
9 racist?

10 MS. QUIMBY: Objection, form.

11 A. I would just need you to tell me who you're
12 talking about, what conversation, like what exchange.
13 Again, like we're talking four years, so it would be
14 helpful.

15 Q. Sure. Okay. Well, I'm sure it would be.
16 But the problem is I wasn't there and I don't know, so
17 I'm asking you. Do you remember anyone specifically
18 telling you that?

19 A. I don't recall specific people calling Tim a
20 racist.

21 Q. Okay. Do you recall anyone specifically
22 calling the Journal of Schenkerian Studies racist?

23 A. Not the overall journal. I mean, do you mean
24 like the whole journal? Do you mean like that issue?

25 Q. Well, that would be a question for you. If

1 there was such an allegation, accusation being made, I'd
2 be interested to know who said it, what they were talking
3 about.

4 A. I don't remember specific --

5 Q. Okay.

6 A. I do not remember specific people saying that
7 the Journal of Schenkerian Studies was racist. I don't
8 remember specific people.

9 Q. Uh-huh. And again, if you don't know, then
10 that's all -- that's all I want to know. That's fine.

11 A. Oh, okay. Thank you.

12 Q. Now, I believe you testified that you're a
13 historian of music. Are you a historian of American
14 forms of music, as well as European forms of music?

15 A. Well, that's a tricky question, but I do -- I'm
16 a historian of French music.

17 Q. Uh-huh.

18 A. And so sometimes, that French music is in the
19 Caribbean and like the mid-Atlantic region. But I'm a
20 historian of French music.

21 Q. Do you have any general knowledge, as a music
22 historian, of hip-hop, rap, and American jazz?

23 A. I'm not in that scholarly conversation. I
24 mean, I know it exists.

25 Q. Oh, I know. I'm not saying you're a

1 specialist.

2 A. Okay.

3 Q. But have you read any -- any literature about
4 the history of rap, hip-hop, or American jazz?

5 A. Maybe like generally, like maybe in some grad
6 courses, stuff like that.

7 Q. Sure.

8 A. Like I read recently Daphne Brooks' Liner Notes
9 for the Revolution. So that's definitely situated in
10 that literature, although it's not -- it's about how
11 Black women were foundational to discourses about rock
12 criticism. So it doesn't get as much into like rap and
13 hip-hop.

14 Q. Okay. I have a -- I have a question, just
15 if you know, again. Is it controversial in music history
16 that American jazz originated as an African American
17 musical art form?

18 A. I have no idea. I'm not going to comment on
19 that as someone who's not in a jazz conversation.

20 Q. Okay. And if I asked you the same about
21 hip-hop or rap, you'd answer the same?

22 MS. QUIMBY: Objection, form.

23 A. Do you mean if they're foundational to American
24 music?

25 Q. No, no. I'm sorry. Let me rephrase that.

1 Is it at all controversial in music history
2 that hip-hop originated as an African American musical
3 art form?

4 A. I don't know.

5 Q. And is it at all controversial in the history
6 of music as you understand it, that rap originated as an
7 African American art form?

8 A. I don't know.

9 Q. And you claim to be a historian of music,
10 right?

11 MS. QUIMBY: Objection, form.

12 A. Of Eighteenth-Century music, so like Bach to
13 Beethoven, like 1700 to 1804. But my current book goes
14 up to 1820.

15 Q. I understand. So you just have no knowledge
16 of, say, Twentieth-Century musical art forms in the
17 United States?

18 A. Not on the level of detail that I would feel
19 comfortable talking about in like an expert kind of way.
20 I mean, I could teach some things, but I -- no, hum-um.

21 Q. Uh-hum.

22 A. I stick to my expertise.

23 (Deposition Exhibit Number 3 marked.)

24 MR. ALLEN: I'm going to introduce as
25 Exhibit 3. This is a report. I'm just going to

1 represent to you that this is a report that came out in
2 November of 2020. It was called the Ad Hoc Panel Report
3 about the Journal of Schenkerian Studies. It has this
4 Exhibit D and these -- this string of gobbledygook at
5 the top because it's been marked by the United States
6 District Court of the Eastern District of Texas.

7 This is the first page because it's been
8 introduced in court, but this is the actual title page to
9 the Ad Hoc Panel Report.

10 Q. Do you recognize this at all?

11 A. Not really.

12 Q. Okay. And I don't -- do you remember reading
13 the Ad Hoc Panel Report that came out in November of 2020
14 about the Journal of Schenkerian Studies?

15 A. I didn't read it.

16 Q. Okay. So there are various attachments
17 to the report at the end. And I just want to call your
18 attention to this one. One thing that's attached is
19 the statement of UNT faculty on Journal of Schenkerian
20 Studies. Do you see that? This is captioned in this
21 Exhibit 3 here.

22 A. Exhibit 4?

23 Q. Yes. There's a little bit of confusion.

24 A. Okay.

25 Q. And you're right to point this out.

1 A. Okay.

2 Q. So this -- these are -- there are several
3 documents attached to the Ad Hoc Panel Report as
4 exhibits.

5 A. Okay.

6 Q. I'm introducing the whole thing as an exhibit
7 for the record as Exhibit 3.

8 A. Oh, okay, okay.

9 Q. Just to keep everything in one place.

10 A. Got it.

11 Q. I'll just tell you, this is an exhibit that's
12 been used in other depositions, so I'm trying to keep
13 things consistent.

14 A. Okay.

15 Q. One of the exhibits -- and you're perfectly
16 correct. There's an Exhibit 1, 2, 3, and so on, to the
17 Ad Hoc Panel Report. And one of those exhibits is,
18 indeed, marked Exhibit 4 to the Ad Hoc Panel Report.

19 "News from SEM: General News, Statement of
20 UNT Faculty on Journal of Schenkerian Studies."

21 Did I read that correctly?

22 A. Yes.

23 Q. And I believe your name is affixed to this
24 statement, right?

25 A. Yes.

1 Q. Do you recognize this statement?

2 A. Yes.

3 Q. How -- let me strike that.

4 Explain what role you played in generating
5 this statement of the UNT faculty.

6 MS. QUIMBY: Objection, form.

7 A. You know, co-wrote it with colleagues.

8 Q. And you co-wrote it with colleagues in this end
9 of July time frame?

10 A. I guess so, yeah. Yes.

11 Q. About how long did it take to generate the
12 drafts to the finished product?

13 A. Well, if memory serves, at least several days.
14 It could have been as much as a week or so.

15 Q. Okay.

16 A. Several days, I guess.

17 Q. Um-hum. And do you recognize the other people
18 who have signed this document?

19 A. Yes.

20 Q. They're all colleagues of yours in the MHTE
21 program, right?

22 A. They were at the time. Some of them are no
23 longer there.

24 Q. Okay.

25 A. Yeah.

1 Q. Right, right. Good to point that out.

2 Now, did you publish this statement as a
3 private citizen?

4 MS. QUIMBY: Objection, form.

5 A. What do you mean?

6 Q. Did you -- let me ask a different question
7 then.

8 Did you publish this statement in your
9 official capacity as a professor of the University of
10 North Texas?

11 MS. QUIMBY: Objection, form.

12 A. Well, it's not an official statement from
13 the university.

14 Q. Okay. And is it then a statement of you and
15 your colleagues speaking as private citizens?

16 MS. QUIMBY: Objection, form.

17 A. We're speaking as colleagues, as colleagues.

18 Q. Um-hum. Well, colleagues implies to me that
19 it's in your professional capacity bound together by your
20 common work. Is that what you mean?

21 MS. QUIMBY: Objection, form.

22 A. I mean, we wrote the statement together --

23 Q. Okay.

24 A. -- because we share a concern. We shared a
25 concern.

1 Q. Um-hum.

2 A. But it wasn't like UNT's announcement about
3 anything to do with the journal or the College of Music.

4 Q. Right. And I think you stated before that
5 you weren't making it as a statement on behalf of the
6 University of North Texas, right?

7 A. Right.

8 Q. So my follow-up question, was it your
9 understanding that you were making this statement as
10 a private individual?

11 MS. QUIMBY: Objection, form.

12 A. No, that wasn't -- I did not understand
13 this to be like Rebecca Geoffroy's personal views on
14 something.

15 Q. Okay. Did you do anything to make clear within
16 the university that you were not publishing this
17 statement as an employee of the State of Texas?

18 MS. QUIMBY: Objection, form.

19 A. Did I do anything to make clear that I was
20 not publishing this in the -- that I -- sorry. The
21 double negative tripped me up.

22 Q. Yeah. Let me strike that question.

23 A. That I was not publishing this as a public
24 employee?

25 Q. Yes. Let me strike that question. I'll try to

1 formulate it in a less confusing way. And thank you for
2 pointing that out.

3 Do you recall doing anything at the
4 University of North Texas to make clear that this
5 statement was being made by you and others in such
6 a way that it was not a statement made by you as an
7 employee of the State of Texas, as a public employee,
8 as you just said?

9 MS. QUIMBY: Objection, form.

10 A. Did I do anything to make clear that this was
11 not -- did I do anything to make clear to the University
12 of North Texas that this was not a statement made -- I'm
13 sorry. So you are asking if I communicated with like
14 the General Counsel's Office or like the Dean or --

15 Q. Anything of that nature, yes.

16 A. So I mean, I didn't talk to the General
17 Counsel's Office before I sent -- before we were --
18 when we were working on this.

19 Q. And did you talk to anyone else, like the Dean,
20 the division head, anyone like that?

21 A. Oh, I mean, during that week --

22 Q. Um-hum.

23 A. -- I spoke to the division head and the Dean.

24 Q. About the nature of this statement, right?

25 A. Not about the nature of this statement, no. I

1 mean, not about the nature of the statement.

2 (Deposition Exhibit Number 4 marked.)

3 MR. ALLEN: I'm going to introduce into
4 the record Exhibit 4. This is the e-mail chain with
5 UNT Bates stamp 0276. This is an email from Catherine
6 Ragland to, among others, the witness, Rebecca
7 Geoffroy-Schwinden.

8 Q. Do you see this email?

9 A. I do, yeah.

10 Q. Do you remember getting this email?

11 A. I don't remember, no.

12 Q. Okay.

13 A. I'd need to -- I'd need to look at the whole
14 thing because I don't remember it.

15 Q. I understand. And it's a rather long email, so
16 I don't want to -- I don't have questions about all
17 of it.

18 A. Okay.

19 Q. But I am going to skip down to later in the
20 thread.

21 On the other hand, if you or your attorney
22 wants to see any other aspect of the thread, you're
23 welcome to, and I'm sure your attorney will have a
24 chance to ask you questions later in our deposition.
25 I'm going to -- I'm sorry. Go ahead.

1 A. No, okay. Go ahead.

2 Q. I'm going to skip down to page 7 of 13 here,
3 which is right where we are.

4 This is Ellen Bakulina writing to you and
5 others. And she seems to be addressing you personally.
6 Do you see that?

7 A. Yes.

8 Q. Do you remember this email from that time?

9 A. I don't remember it.

10 Q. So Ellen Bakulina writes to you, "Do you know
11 if there are any guidelines regarding the 'Open Letter
12 On Anti-Racist Actions' that a group of theorists have
13 posted through SMT announced. I'm trying to understand
14 if any of those who are associated with JSS (I am no
15 longer -- I have resigned from the editorial board) can
16 sign. If one wants to sign, is it better to wait until
17 our faculty letter is published?"

18 Did I read that correctly?

19 A. Yep.

20 Q. Is she referring to the faculty letter that
21 we just reviewed which was attached to the Ad Hoc Panel
22 Report, the one that I introduced into the record as
23 Exhibit 3?

24 MS. QUIMBY: Objection, form.

25 A. So when she says, "If one wants to sign, is

1 it better to wait until our faculty letter is published?"

2 Q. Yes.

3 A. Probably.

4 Q. Okay. You don't have any firm memory if that's
5 the specific faculty letter that was being generated at
6 this time that wound up as the attachment to the Ad Hoc
7 Panel Report?

8 A. I don't have a specific memory of the email.

9 Q. Okay. And then it looks like Frank
10 Heidelberg, in an email that spans the page -- do you
11 see this?

12 A. Um-hum.

13 Q. And again, I believe you are in here, right
14 here.

15 A. Yep.

16 Q. He responds, "Dear Ellen, you can sign anything
17 as an individual as long as it does not reflect any
18 official opinion of the institution. This also applies
19 to the soon to be published faculty letter."

20 Did I read that correctly?

21 A. You did.

22 Q. And then he says, "We, as faculty, cannot
23 represent UNT in this regard. Any official UNT
24 statement needs to be approved by the Provost office."

25 Right?

1 A. That's what Frank said. Frank wrote that.

2 Q. Do you have any reason to believe that's wrong,
3 that's incorrect?

4 A. I have no idea. You'd have to ask Frank.

5 Q. Okay. But based on your knowledge of the
6 University of North Texas and its policies, and as an
7 employee there, you don't have any reason to believe
8 he's wrong about that, right?

9 A. I don't know.

10 Q. Okay. And does this help refresh your memory,
11 that the people who signed that statement were talking
12 about whether they were signing as individuals or as
13 official employees of a state institution, the University
14 of North Texas?

15 MS. QUIMBY: Objection, form.

16 A. I mean, it doesn't really refresh my memory.
17 I do see that Ellen and Frank have sent these emails.
18 They did send these emails.

19 Q. So then you weigh in, in this email right here.
20 This is you, correct?

21 A. Yep.

22 Q. And this is the official email that you used as
23 a professor at the University of North Texas?

24 A. Yep. That's my work address.

25 Q. Uh-huh. And this is an email of July 30th,

1 2020, that starts on UNT 280 here, and goes over onto
2 the next page.

3 And you say, "I apologize I don't have any
4 institutional authority on these issues. I spoke with
5 Warren and John yesterday who said we have a right to
6 speak. The Dean has not responded to my specific,
7 written email request asking whether our letter breach
8 this policy. I have added a sentence that you will see
9 momentarily that unequivocally states that we write as
10 individuals and do not represent the university."

11 Did I read that correctly?

12 A. Yep.

13 Q. And you included some policy language here,
14 right?

15 A. Yeah.

16 Q. Referred to as policy language.

17 A. I guess, yeah.

18 Q. Who is Warren?

19 A. Warren Henry is like an Associate Dean in the
20 College of Music.

21 Q. Associate Dean of what?

22 A. I'm a little embarrassed, but I don't remember
23 his exact title. He's an Assistant Dean of like Academic
24 something.

25 Q. That's okay.

1 A. Yeah, like he's the person we go to with
2 issues, so we don't bother the Dean. So he's just below
3 the Dean.

4 Q. If you would make that a title, I would think
5 it should be entered into national law.

6 A. Yeah.

7 Q. But we'll have to go with that.

8 And John, does this refer to John Richmond?

9 A. Yeah. I believe so, yeah.

10 Q. Okay. And do you have any memory of what
11 policy of the University of North Texas this comes from?

12 A. I don't. And so I guess I said Andrew and
13 Gillian provided it, so I don't know if they would
14 remember which like handbook or something it was pulled
15 from.

16 Q. Sure, um-hum. But it was definitely, as you
17 sit here today in your memory, as you remember things
18 today, an official policy of the University that you
19 were relying on there, right?

20 A. I can't say that I remember that today.

21 Q. Okay.

22 A. But I can read the email that's up here and
23 that it was from me.

24 MR. ALLEN: I'm going to introduce for the
25 record as Exhibit 5 one additional email, which I'm also

1 going to drop in the chat. Exhibit 5 is captioned
2 Faculty Statement on Journal of Schenkerian Studies.

3 (Deposition Exhibit Number 5 marked.)

4 Q. Did I read that correctly?

5 A. Yep.

6 Q. And this is sent from you to Dean Richmond on
7 July 30th, 2020?

8 A. Yes.

9 Q. And you write to Dean Richmond, "Thank you
10 for taking the time to speak with me yesterday and for
11 understanding our need to speak as individual faculty
12 members to our respective disciplines. I want to ask
13 explicitly whether our statement will violate UNT
14 Policy 06.035."

15 Did I read that right?

16 A. Yep.

17 Q. And what is UNT Policy 06.035?

18 A. I don't remember. I don't know the title of it
19 off the top of my head.

20 Q. And is this the same policy language that
21 you had quoted in the email thread that we looked at as
22 Exhibit 4?

23 A. Could you toggle back? Let me just read this
24 here.

25 Q. Oh, absolutely.

1 A. Can you go back to the previous?

2 Q. Yep. Here is Exhibit 4.

3 A. It looks the same. It looks similar, yeah.

4 Q. And again, I'm not -- if there's a typo or
5 something, I'm not asking about that. But its origin
6 is from that same policy; is that accurate?

7 A. I'm not sure, because the policy number isn't
8 in the -- I don't know where Gillian and Andrew pulled
9 the policy language.

10 Q. Okay.

11 A. And they didn't -- the policy number wasn't
12 in that previous email. So like I don't know if it's
13 from like two different handbooks or -- I'm not sure on
14 the policy number.

15 Q. Okay. And do you know what Dean Richmond's
16 response was to this?

17 A. I don't. I don't even know if he responded.

18 Q. Okay. You remember that there were no
19 consequences to you personally for publishing the
20 faculty statement, right? Is that accurate?

21 A. I -- you're saying that there were not personal
22 consequences to this statement?

23 Q. Yes.

24 A. I feel like there's a lot of personal
25 consequences. I'm talking to you right now.

1 Q. Well, you understand --

2 A. I do understand.

3 Q. -- the faculty statement attacked my client --

4 A. No, it didn't. It questioned the policies --

5 Q. -- that resulted in the closure of the journal.

6 A. -- around the journal. You are

7 mischaracterizing that statement.

8 Q. No, I am not.

9 A. It doesn't mention Tim Jackson.

10 Q. I am not, ma'am.

11 A. Show me Tim Jackson's name.

12 Q. You make the statement --

13 A. Show me his name.

14 Q. All right. You make the statement -- are you
15 upset?

16 A. You asked me something personal, so I responded
17 personally. I was offended.

18 Q. Do you think the attacks on my client were very
19 personal?

20 A. I have no idea. I wasn't part of those.

21 Q. Did you ever ask my client if he felt
22 personally attacked?

23 A. He won't -- he doesn't speak to me.

24 Q. After you signed this statement, he doesn't
25 speak to you?

1 A. He's never spoken to me since then.

2 Q. Does that surprise you?

3 A. I don't know.

4 Q. You signed a statement incorporating the
5 students' statement which called for him to be fired,
6 right?

7 A. It did not incorporate the students' statement
8 into our statement.

9 Q. Did Timothy Jackson ever call for you to be
10 fired, Dr. Geoffroy-Schwinden?

11 A. No.

12 Q. Did he ever call for you to be investigated?

13 A. Yes. I mean, right here, right now, yes. I am
14 being investigated by you with Tim right there.

15 Q. Just to be clear, you're being sued for
16 defamation. Is that clear with you?

17 A. Yes. Is that what?

18 Q. For making false statements about my client.
19 That's what you're being sued for.

20 A. I realize that that's what I'm being sued for,
21 but it didn't happen.

22 Q. What didn't happen?

23 A. I did not make false statements about your
24 client.

25 Q. Were there consequences for you at the

1 University of North Texas from the administration for
2 signing the faculty statement?

3 MS. QUIMBY: Objection, form.

4 A. Like what kind of consequence?

5 Q. Were you placed under investigation, like my
6 client was?

7 MS. QUIMBY: Objection, form.

8 A. I wasn't investigated for anything --

9 Q. Thank you.

10 A. -- that I'm aware of.

11 Q. Good point.

12 MR. ALLEN: All right. I want to
13 introduce -- Madam Court Reporter, am I up to Exhibit 6?

14 THE REPORTER: That's right.

15 (Deposition Exhibit Number 6 marked.)

16 MR. ALLEN: I'm going to introduce as
17 Exhibit 6 into the record and also -- sorry about that --
18 drop into the chat an email of July 29th, 2020, captioned
19 Journal of Schenkerian Studies, Geoffroy-Schwinden to
20 Dean John Richmond.

21 Q. Did I get the caption of the first email right?

22 A. Sorry. Re: Journal of Schenkerian Studies,
23 yes.

24 Q. Um-hum. Here's the -- so just so you know,
25 there's nothing on the second page, just like that other

1 email we looked at. This is the entirety of the message.
2 All right. I'm just going to ask you to look at it.
3 It's relatively brief. Let me know when you've had a
4 chance to look at it.

5 A. Okay.

6 Q. So you're arranging a meeting with Dean
7 Richmond on July 29th of 2020, right?

8 A. A phone call, it looks like, maybe.

9 Q. And did that -- did that phone meeting take
10 place?

11 A. I did talk to him on the phone.

12 Q. What did you guys talk about?

13 MS. QUIMBY: Objection, form.

14 A. I asked -- I wanted to talk to him, I think,
15 about the statement that we were working on.

16 Q. Uh-huh. And what did you tell him about the
17 statement you were working on?

18 MS. QUIMBY: Objection, form.

19 A. I don't remember -- I don't remember what
20 I told him. I don't remember telling him anything
21 specific about it.

22 Q. Um-hum.

23 A. To be honest, I remember one -- I don't
24 remember what I said to him. I guess I was calling
25 him because I just -- I don't know. I was trying to --

1 Q. Do you remember -- sorry, go ahead.

2 A. No, I just -- I don't -- I don't remember
3 what I said to him.

4 Q. Do you remember what he said to you?

5 MS. QUIMBY: Objection, form.

6 A. I remember -- I think I remember one thing he
7 said.

8 Q. What did -- what did Dean John Richmond say
9 to you on July 29th in this meeting?

10 MS. QUIMBY: Objection, form.

11 A. I remember him saying, "Don't proscribe."

12 Q. Don't proscribe what? What did he mean by
13 that?

14 A. I don't know, because that's what he said.
15 And you know how deans talk. They usually say some
16 things, so that you don't know what they're saying, or
17 maybe you don't know.

18 Q. Maybe that could be a title of a dean, as
19 well.

20 A. Yeah.

21 Q. Okay. So as you sit here today, you have no
22 specific memory of what John Richmond said to you other
23 than he said, "Don't proscribe"?

24 A. That's my only memory, like specific memory
25 from that conversation.

1 (Zoom audio distortion)

2 Q. Is that right? I'm sorry. Did you hear my
3 question?

4 A. Oh, sorry. No.

5 Q. Yeah, I think the -- I think the internet
6 cut us out there.

7 I said you remember him saying, "Don't
8 proscribe." But as you sit here today, you don't
9 remember what he specifically meant by that. Is that
10 your testimony?

11 A. I'm not -- I'm not sure exactly what he
12 meant by that.

13 Q. Do you remember being not sure at the time in
14 July when he said that?

15 A. Yeah. I mean, like I said, I took it like
16 a kind of typical dean comment, where I'm like that
17 probably means like a lot of things.

18 Q. Okay.

19 THE WITNESS: Do you think we could take
20 another brief break? Because it's been another hour
21 about.

22 MR. ALLEN: Oh, sure. I was -- I was just
23 going to go -- I'll tell you what. Can I introduce one
24 more exhibit? And then I think this will bring this
25 chapter to a close.

1 THE WITNESS: Okay.

2 MR. ALLEN: And I don't think it will take
3 long. Obviously, Professor Geoffroy-Schwinden, if it
4 gets too long in the tooth, I'll just call a break.
5 Okay?

6 THE WITNESS: Okay.

7 MR. ALLEN: But I think we can get through
8 this real quickly.

9 I'm going to mark for the record Exhibit 7,
10 which is very short.

11 (Deposition Exhibit Number 7 marked.)

12 Q. It's an MHTe individual faculty statement.
13 Geoffroy-Schwinden to Benjamin Brand on July 30th, 2020.

14 Did I read that correctly?

15 A. Yes, you did.

16 Q. And it has the UNT Bates stamp number UNT 417.
17 And it has an attachment, which is not part of this
18 exhibit, Individual MHTe Faculty Response.

19 Did I read that correctly?

20 A. Yes.

21 Q. So my question for you is, is this the
22 finalized Individual MHTe Faculty Response addressing
23 the Journal of Schenkerian Studies that was sent to your
24 division head, Benjamin Brand, on this day?

25 MS. QUIMBY: Objection, form.

1 Q. Is there something unclear about my question?

2 MR. ALLEN: I don't know if -- I don't
3 know if I can hear her. Can other people hear the
4 witness?

5 MS. QUIMBY: I think she's just thinking.

6 MR. ALLEN: Oh, okay. I don't know what's
7 going on. Should we just take a break, Mary?

8 MS. QUIMBY: Can you -- okay. Yeah, I
9 think we may just need to take a break. I'm sorry.

10 MR. ALLEN: It seems like another
11 technical difficulty. So could we go off the record?

12 THE VIDEOGRAPHER: Off the record at 3:32.

13 (Recess taken)

14 THE VIDEOGRAPHER: On the record the 3:33.

15 MR. ALLEN: Sorry. Madam Court
16 Reporter, can you read the last question to the
17 witness?

18 Q. And you may have answered, but we couldn't hear
19 your answer.

20 A. That's okay.

21 Q. BY THE REPORTER:

22 QUESTION: So my question for you is,
23 is this the finalized Individual MHTE Faculty
24 Response addressing the Journal of Schenkerian
25 Studies that was sent to your division head,

1 Benjamin Brand, on this day?

2 MS. QUIMBY: I renew my objection.

3 A. And I said I didn't know if it was -- I don't
4 know if it's the finalized version.

5 Q. You don't remember the document name you gave
6 to the final version?

7 MS. QUIMBY: Objection, form.

8 A. I don't remember the document name.

9 Q. Okay.

10 A. Like the file name. I don't remember.

11 Q. Yes. If there was a file in your papers named
12 Individual MHTe Faculty Response that was the last in
13 time of four drafts, would that be the final faculty
14 statement?

15 MS. QUIMBY: Objection, form.

16 A. I don't know. I don't remember how many
17 versions I had. I don't remember how many versions, how
18 many I had, how many like other people had, how many
19 Steve Friedson had. I'm not -- I just don't know based
20 on this email.

21 Q. So I'm just trying to authenticate when this
22 statement was sent to your department or division head,
23 I suppose. And I'm talking about in the form that we've
24 discussed embedded in Exhibit 3, which was the Ad Hoc
25 Panel Report. So do you remember sending this to your

1 department chair, this, meaning the statement of UNT
2 faculty that is embedded in the Exhibit 3, November 25th,
3 2020 Ad Hoc Panel Report. Do you remember sending that
4 to your division head at any point?

5 A. I don't remember it. I don't remember it in
6 particular.

7 Q. Do you have any reason to believe that this was
8 not at least some version of the faculty statement that
9 you'd been working on with your colleagues?

10 MS. QUIMBY: Objection, form.

11 A. It's titled Individual MHTE Faculty
12 Response.pdf.

13 Q. So that would have been at least some version
14 of the final that ended up in the Ad Hoc Panel Report?

15 A. I'm not sure because I don't know anything --
16 well, I mean, you showed me the Ad Hoc Panel Report, but
17 I don't if this version -- like I don't know what this
18 attachment is, because it's not open.

19 Q. That's kind of why I'm asking.

20 A. And then I don't know if it's the same as the
21 ad hoc.

22 Q. Okay. And that's why -- that's why I'm asking
23 you, because I don't know either. I'm trying to find it.

24 A. Okay. That makes two of us.

25 MR. ALLEN: Yeah, that's fine. I think

1 it's time for a break. Went a little longer than I
2 thought because of the technical interlude. And how long
3 would you like, Mary and Professor Geoffroy-Schwinden?

4 THE WITNESS: Could I have, like, 15
5 minutes? Would that be okay?

6 MR. ALLEN: Yeah. Sure. Absolutely.

7 THE WITNESS: Okay. Great.

8 THE VIDEOGRAPHER: Off the record at 3:36.

9 (Recess taken)

10 THE VIDEOGRAPHER: The time is 3:45.
11 We're back on the record.

12 (Deposition Exhibit Number 8 marked.)

13 MR. ALLEN: I'm going to mark for the
14 record Exhibit 8.

15 Q. I'm going to represent to you, Professor
16 Geoffroy-Schwinden, that these are going to be four
17 drafts. You'll see that they begin with Bates number
18 UNT 0427, and they're numbered sequentially 0428, 0429,
19 and 0430, in that order.

20 Now, the file names, as they were disclosed
21 to us, were draft 1, 2, 3, and I believe 4, something of
22 that nature, in series. So this explains perhaps the
23 nature of my questions about the email that we examined
24 as Exhibit 7. I'm trying to identify what was
25 specifically sent to Benjamin Brand, because these

1 documents weren't produced in series with that email.

2 Does that make sense?

3 A. Yeah, um-hum.

4 Q. And it will also allow us to explore how this
5 draft evolved in -- you know, as it was being formulated
6 by you and your colleagues.

7 A. Okay.

8 Q. So let me ask if you -- I'm just going to
9 look at the first page of Exhibit 8 for the time being,
10 because we're going to go through each of them. Do you
11 recognize this?

12 THE WITNESS: I don't have it on my
13 screen.

14 MR. ALLEN: I'm sorry.

15 THE WITNESS: That's okay.

16 MR. ALLEN: I took them down, and thank
17 you for pointing that out.

18 THE WITNESS: Sure.

19 A. Okay. So can you -- would you just point
20 out with --

21 Q. Sure. This is Exhibit 8 for the record,
22 which I've introduced. It's four drafts of a statement
23 that was associated with your file in discovery. These
24 documents are produced with Bates stamps. These are
25 page numbers that attorneys assign to all of the

1 documents in a series that they produce. So this was
2 produced as UNT 427 through UNT 431.

3 A. Okay.

4 Q. And so, like I said, these were produced as
5 draft 1, draft 2, draft 3, and draft 4. And it may be
6 that the last one would have the title of the document
7 that it has in this email, but I want to be able to
8 confirm that since you seem to be the one that was
9 sending these and they were produced in your file.

10 A. Not all of them, though. So like I don't
11 know -- yeah, I don't know about the file names. But
12 okay. Yeah, let's go through it together.

13 Q. Well, that's fine. And I don't know either.
14 That's why I want to ask you questions about it.

15 A. Okay.

16 Q. All right. So do you recognize this first
17 statement in the series?

18 A. To be honest, I don't recog -- I see it. I
19 don't like recognize it. But you know, you're showing
20 it to me, and it was produced in discovery, and I --
21 you know, I get that.

22 Q. Sure. And so it says the "Statement by the
23 below-signed faculty."

24 Right?

25 A. It says that, yeah.

1 Q. So was it -- excuse me. Is it your
2 understanding, as you sit here today, that this was an
3 intermediate product, the final version of which would
4 be signed by all of the faculty as a faculty statement?

5 MS. QUIMBY: Objection, form.

6 A. I'm not sure who saw this version, or I don't
7 know who was -- I don't know.

8 Q. You may not have even seen this version? Is
9 that what you're saying?

10 A. No, I just -- I don't know. Sorry. Are you
11 asking me if this was like a media document among faculty
12 or --

13 Q. Is this a draft -- so it seems to me, and
14 correct me if I'm wrong, your colleagues, those who
15 eventually signed the faculty statement that we've
16 already examined as an attachment to Exhibit 3, which
17 is in the record, this was formulated by the faculty to
18 be a signed statement that was going to be submitted to
19 the administration; is that accurate?

20 MS. QUIMBY: Objection, form.

21 A. We weren't -- I don't know what step in the
22 process this version was. But it wasn't meant for the
23 admini -- and I don't know if it was meant for the
24 administration. I don't know that we -- because we --
25 there wasn't anything that went to the administration.

1 Q. And I'm not asking if this is the first draft
2 or second draft.

3 A. Okay.

4 Q. I'm just asking a pretty basic question,
5 I hope, is that is this a draft of the statement which
6 was eventually finalized and signed by all of the faculty
7 and sent to the administration?

8 MS. QUIMBY: Objection, form.

9 A. I mean, you're showing it to me as having
10 been submitted as one of the drafts. I can't honestly
11 say that I remember it. It very well could have been one
12 of the drafts. I don't know who wrote this. I don't
13 know who it was shared with. I don't know where -- you
14 know, I'm not sure.

15 Q. Yeah. So do you see these bubbles here?

16 A. Yeah.

17 Q. I'm going to open them up in the sidebar.

18 A. Okay.

19 Q. Someone seems to have commented on this
20 particular document.

21 A. Yeah.

22 Q. And the name associated with these bubbles is
23 Rebecca Geoffroy-Schwinden.

24 A. Yes.

25 Q. Do you see that?

1 A. Yes.

2 Q. And it's dated July 28th?

3 A. Uh-huh.

4 Q. Does this help clarify that you worked on
5 this document?

6 A. It has comment bubbles in my name, yeah.

7 Q. Do you have any reason to believe someone else
8 would have used your computer to write those bubbles?

9 A. No.

10 Q. Let's look at the statement.

11 Right here, the draft says, "We are dismayed."
12 Right?

13 A. It says that, yes.

14 Q. And it talks about "The uncritical,
15 unscholarly, anti-Black racist treatment that he and
16 his pioneering work endured in the recent issue of the
17 Journal of Schenkerian Studies."

18 Right?

19 A. It says that, yep.

20 Q. And is that referring to the work of Timothy
21 Jackson, which was published in the Journal of
22 Schenkerian Studies, Volume 12?

23 A. It doesn't specify that there, no. It doesn't
24 say Tim Jackson.

25 Q. It recognizes some, quote, thoughtful

1 contributions, right?

2 A. We recog -- yes.

3 Q. What was your understanding of the
4 contributions that were, quote, thoughtful?

5 A. Some of the articles -- some of the articles
6 were thoughtful, so critical, scholarly.

7 Q. Uh-huh. And what made them thoughtful?

8 A. At this point, I don't remember. I would have
9 to be presented with them to be -- but I do not remember
10 the specifics at this point.

11 Q. And here, it says, "We support and believe
12 our graduate students."

13 Right?

14 A. Yes.

15 Q. And what was your understanding of what
16 document was linked here?

17 A. I don't know. Can you click it?

18 Q. I can. If need be, I'll show the -- let me
19 stop sharing for a second, and then I'll re-share.

20 You should now see my entire Chrome website
21 which opened when I clicked that URL that's embedded in
22 the document.

23 A. Okay.

24 Q. Do you remember seeing this document, which I'm
25 going to go ahead and mark as Exhibit 9 for the record?

1 I'm going to download a copy of this and mark it in the
2 record as Exhibit 9. Okay?

3 (Deposition Exhibit Number 9 marked.)

4 Q. Do you recognize Exhibit 9?

5 A. I just want to read it to make sure that I --
6 to make sure that I do.

7 Q. I think it just disappeared.

8 A. It did. Oh, there it is. Okay.

9 Q. Some magical powers that Chrome has, I guess,
10 is to make things disappear and reappear.

11 A. No, I get it. I get it.

12 So it looks -- it looks like the grad
13 students' statement, this does.

14 Q. Um-hum. And --

15 A. Can I see the second page just to --

16 Q. Yes, absolutely.

17 A. Thanks. Okay.

18 Q. And I'm just going to represent to you, see how
19 it says page 2 of 2? So there are no other pages, right?

20 A. Not here on this document, no.

21 Q. Right. So we confirmed that that's the
22 document that was linked in this draft marked UNT 427,
23 right?

24 A. You said you clicked it and opened that, so...

25 Q. Yes.

1 A. Okay.

2 Q. And again, if I'm trying to pull a fast one on
3 you, your attorney, Mary Quimby, is very competent and
4 she'll catch me, I'm sure.

5 A. Okay, okay. I trust her.

6 Q. And let me scroll up. This is another
7 exhibit that was attached to the Ad Hoc Panel Report
8 embedded in Exhibit 3. Confusingly enough, it is also
9 called Exhibit 3, but it's Exhibit 3 to the Ad Hoc Panel
10 Report.

11 A. Okay.

12 Q. Is this that same statement that we just
13 clicked on and was embedded in the draft faculty
14 statement?

15 MS. QUIMBY: I don't -- you haven't
16 changed the exhibit.

17 MR. ALLEN: Oh, yes, yes. My mistake.

18 Q. See here, the header up here is Exhibit 3,
19 November 25, 2020. And I can scroll to the top just to
20 confirm that this the Ad Hoc Panel Report that we had
21 discussed earlier as Exhibit 3.

22 A. Okay.

23 Q. And then we're going down to -- it's Exhibit
24 Pack. And one of the exhibits is this document. And I'm
25 just going to ask you to review it in as much detail as

1 you need to, to confirm or not whether it is the document
2 that was linked to that URL that we clicked and was
3 embedded in the Exhibit 9 -- or excuse me, embedded in
4 Exhibit 8, in which we pulled up online as Exhibit 9.

5 A. Could you just scroll down a little, so I could
6 keep looking at it?

7 Q. Yeah, absolutely.

8 A. Thank you. Okay. So yeah, they look similar,
9 the linked one and this one.

10 Q. Okay. And I'll just briefly pull up Exhibit 9,
11 which should also be visible. And, again, I'm just going
12 to scroll through it slowly, but it should be enough for
13 you to at least -- is that the same -- to the best of
14 your knowledge, is that the same text?

15 A. They look similar, yeah.

16 Q. Okay. Thank you. Now, I'm going to direct
17 your attention back to Exhibit 8.

18 A. Okay.

19 Q. So this -- this -- in linking the graduate
20 students' statement, it says, "We support and we believe
21 our graduate students. Read their statement and demands
22 here."

23 Right?

24 A. Uh-huh.

25 Q. Now, there's something here about systemic

1 racism and so forth. This is where you've dropped one
2 comment in.

3 "On the one hand, it seems important to note
4 that 'due process' takes time. On the other hand, the
5 system affords this opportunity to people who already
6 hold power. This seems like a special call against Tim
7 that I think we probably should not make in this kind of
8 statement. Thoughts?"

9 Do you remember making that comment on this
10 draft?

11 A. I don't remember making that comment. But it's
12 -- obviously, I did.

13 Q. What do you mean by, "The system that affords
14 opportunity to people who already hold power"?

15 A. Well, like the opportunity like I'm having
16 right now to talk to you.

17 Q. So you think being called to account before the
18 Courts of the United States is a system that affords this
19 opportunity to people who already hold power?

20 A. Well, I think I'm lucky that I'm able to have a
21 conversation about this.

22 Q. How is this an opportunity for people who
23 already hold power?

24 A. Well, I've -- because I'm able to actually have
25 a chance to talk in front of the legal system.

1 Q. Do you consider yourself someone who already
2 has power?

3 A. I do.

4 Q. Do you think due process -- actually, let's
5 back up.

6 What do you understand by, quote, due process?

7 A. Like having an opportunity to have an
8 investigation into something.

9 Q. Do you know what -- as you understand it, do
10 you know what the elements of due process rights are?

11 A. Didn't -- didn't make it to law school.

12 Q. That's fine.

13 And you say here, "This seems like a specific
14 call against Tim."

15 Right?

16 A. That's what it says.

17 Q. You also make another bubble comment on the
18 paragraph that follows that.

19 "This issue is born of these divisions where
20 theory is separated from historical and cultural work.
21 Not sure if this is too much, though."

22 MS. QUIMBY: I'm sorry --

23 A. Could you open it on the side? Because it's
24 like cut off on my screen, so I can't see the first part.
25 There we go. Thank you.

1 Q. Can you see -- and if it's --

2 A. Yep.

3 Q. I'm not quite sure how to make this bigger
4 if --

5 A. That's okay. I can -- I can see it the way
6 it is. It's totally fine.

7 Q. Okay, great.

8 A. It was just cut off before.

9 Q. Let me read it again into the record.

10 "This issue is born of these divisions where
11 theory is separated from historical and cultural work.
12 Not sure if this is too much, though."

13 Did I read that right?

14 A. You read that right.

15 Q. What did you mean by that?

16 A. I need to go back to the paragraph it's
17 commenting on. (Muffled reading) Okay.

18 Q. I'm just asking what that meant to you.

19 A. I'm not trying to be annoying.

20 Q. No, no, not at all.

21 A. Could you read on my comment? I'm sorry.

22 Q. That's okay.

23 A. I genuinely am not trying -- I don't know
24 what I mean by this issue here. Like I don't know if
25 I --

1 Q. Okay.

2 A. But I think I mean this issue, like the one
3 that I'm commenting on.

4 Q. And again, if you don't know or you don't
5 remember, then you don't, so you can say that.

6 A. Okay, okay.

7 Q. Is that your testimony? You just don't know
8 what was your thinking at the time when you wrote that?

9 A. Well, it means what it says in the sense that
10 (as read) There's deeply entrenched boundaries among
11 research into music cultural -- culture, history, and
12 theory that's complicit here.

13 "This issue is born of these divisions."

14 So I guess maybe the issue -- it looks like
15 it's referencing back maybe to the paragraph before.

16 Q. Where you are talking about practices that
17 protect the systemic racism? Is that it?

18 A. I don't know. I don't know what I mean by this
19 issue. I'm sorry.

20 Q. Do you know what you mean by practices that
21 protect the systemic racism?

22 MS. QUIMBY: Objection, form.

23 Q. This was highlighted here, right?

24 (As read) Practices that protect the
25 systemic racism (discrimination? Inequality?) Built into

1 institutional walls, which impedes equally -- excuse me,
2 which impedes equally swift official responses to these
3 kinds of crises.

4 A. Okay. So what did you want me to answer about
5 that?

6 Q. Is that what that's referring to when you said
7 this double bubble?

8 A. You know, it doesn't seem that way actually.

9 Q. Okay.

10 A. Those seem unrelated now that I'm -- I mean,
11 but this is me interpreting like kind of on the spot,
12 trying to walk us through it.

13 Q. And when you say "complicit" here, what do
14 you mean, complicit? Complicit in what?

15 A. That's -- that's actually what I'm wondering
16 with you here. Clearly, this is a draft. I'm wondering
17 what time I wrote it, and if I did, because if I'm
18 commenting, maybe someone else did.

19 Q. Sure. Well, let me -- let me move on and ask
20 this question.

21 Are all of the eventual signatories, were they
22 all working on this draft, commenting on the drafts that
23 were circulating?

24 MS. QUIMBY: Objection, form.

25 A. I don't know. I don't know.

1 Q. Okay. All right. Let me move to the next
2 draft. Okay?

3 Now, just to avoid clicking each time and
4 introducing all sorts of repetitive exhibits, can we
5 agree that this remains the same embedded link?

6 A. Am I allowed to ask my attorneys about
7 that? Because I just don't know if it's okay to assume
8 something like that. I'm not sure.

9 Q. Sure, sure.

10 A. And I know you are not trying to like --

11 Q. No, no, I'm not. Well, let's -- I'm going to
12 state for the record that the document, to this extent,
13 speaks for itself. Anyone can open the link, and that
14 will confirm what is linked there. All right? We've
15 already introduced Exhibit 9 into the record, which was
16 the first link. And that can be confirmed independently
17 of the witness's testimony.

18 But I do want to ask you, Professor
19 Geoffroy-Schwinden, in all drafts of the faculty
20 statement such as you remember them, you understood
21 that they linked to a students' statement, correct?

22 A. I don't know that all of the drafts did.

23 Q. Okay. We will go through them then.

24 A. Well, I just don't know if these are all of the
25 drafts like from -- yeah.

1 Q. This says again, "We write in support of our
2 graduate students and the concerns they have expressed
3 here."

4 A. Okay.

5 Q. Doesn't that indicate that this is also a
6 student statement, this link?

7 A. That this is a student statement?

8 Q. No, that the link -- sorry, my unclarity, and
9 you're right to point it out.

10 "We write in support of our graduate students
11 and the concerns that they have expressed here:" And
12 then there's a URL.

13 Is it your understanding of this draft, that
14 that also is a link embedding the students' statement, or
15 at least a reference that's embedding it by reference to
16 the students' statement?

17 A. This link in this draft clicks out to the
18 students' statement, per -- yeah, like per the record,
19 like we've been talking about.

20 Q. Okay, thanks. And here, it just says, "We
21 write in support," right?

22 A. It does say that.

23 Q. And here, it says, "The undersigned faculty
24 members are dismayed," right?

25 A. Yep.

1 Q. There's some things moved around. That's
2 normal, as you said before, in a draft. And if you
3 have -- do you have anything else to point out about
4 this draft?

5 A. No.

6 Q. I don't believe there are any comments to
7 this draft. These are just the ones that link on page 1.
8 See?

9 A. Okay.

10 Q. So I'll go to the third draft, for some reason
11 in a different font, but that happens.

12 A. Okay.

13 Q. "Professor Philip Ewell and his work in the
14 recent issue of the Journal of Schenkerian Studies."
15 Right?

16 A. That's what that says, yes.

17 Q. So do you consider denouncing a bit of a
18 stronger form of feeling than dismay?

19 MS. QUIMBY: Objection, form.

20 A. I don't -- I don't know. They're just
21 different verbs.

22 Q. Sure. Is denounce stronger than expressing
23 dismay?

24 MS. QUIMBY: Objection, form.

25 A. It depends on the scenario.

1 Q. In this scenario, in this document, do you
2 understand denounce to be stronger than expressing
3 dismay?

4 A. I'm not sure. I'm sure it's a point --

5 Q. Okay.

6 A. -- that my colleagues thought about because
7 they fight over commas. But I don't know the intention
8 between the change between those. I don't remember the
9 intention between that change in verbiage.

10 Q. Um-hum. And there's a statement that
11 "The Journal of Schenkerian Studies contained several
12 unresearched statements about Black Americans."

13 Right?

14 MS. QUIMBY: Objection, form.

15 A. If that's what that -- what you're highlighting
16 says in the document.

17 Q. Okay. And this looks like it's been pretty
18 stable, this paragraph.

19 And then here, once more, "We write in support
20 of the graduate students. You can find their statement
21 here."

22 And again, there's the URL link, right?

23 A. Yes.

24 Q. There's a reference to the "mandatory
25 administrative process to begin to address this problem."

1 Do you know what that refers to?

2 A. I don't.

3 Q. Now, this is the last one in the series.

4 And now, the last one is signed by everyone, right?

5 A. It has a list of signatures. I'd have to
6 look at the side by side, but it has a list of
7 signatures, yeah.

8 Q. Absolutely. And now, it says, "We, the
9 undersigned faculty members stand in solidarity with
10 our graduate students and their letter of condemnation
11 of the Journal of Schenkerian Studies."

12 Did I read that correctly?

13 A. That's what this draft says.

14 Q. Do you understand standing in solidarity to be
15 a stronger statement than denounce?

16 MS. QUIMBY: Objection, form.

17 A. Well, denounce -- like the way that -- where
18 the verb was situated in the previous draft was referring
19 to the issue. And solidarity here seems like the verb
20 is -- that this is referring to the graduate students.
21 So this is just a different sentence.

22 Q. Okay, sure. Is it more strongly identifying
23 this statement with the letter of condemnation issued by
24 the graduate students?

25 MS. QUIMBY: Objection, form.

1 A. I wouldn't say that it more strongly affiliates
2 it with them, no, not necessarily.

3 Q. Well, this sentence doesn't even mention the
4 student statement, right? The student letter, as it's
5 referred to. This is the first sentence of the previous
6 draft.

7 A. Okay. Yeah, no.

8 Q. It doesn't -- that doesn't incorporate anything
9 referring to the students, does it?

10 A. It does not.

11 Q. Now, in this fourth version on UNT 430, "The
12 undersigned faculty members stand in solidarity with the
13 graduate students in their letter of condemnation of the
14 Journal of Schenkerian Studies."

15 Right?

16 A. That's what this version says, yes.

17 Q. Does this version qualify that statement in any
18 way?

19 MS. QUIMBY: Objection, form.

20 A. So you are asking if this version of -- if it
21 qualifies the phrase "stand in solidarity"?

22 Q. Yes.

23 A. Not in that sentence.

24 Q. Okay. Thank you. Now, it says something about
25 the epi -- "Epistemic center of the journal lies in a

1 racist discourse that has no place in any publication."

2 What did you mean by the epistemic center?

3 How did you understand that?

4 A. I think I -- like the knowledge center, like
5 the idea that held it together.

6 Q. So the idea that held together the Journal of
7 Schenkerian Studies is inherently racist? Is that what
8 you're saying?

9 A. That's not what that sentence says.

10 Q. Well, I'm just trying to figure out what it
11 means. If the epistemic center of the journal lies in a
12 racist discourse, again, what does that mean?

13 MS. QUIMBY: Objection, form.

14 A. Well, it means what it says, I guess.

15 Q. What's an epi -- okay. What's an epistemic
16 center? Maybe you can explain that for the Court.

17 MS. QUIMBY: Objection, form.

18 A. Well, like I just said, it's like the central
19 -- the central idea that it hangs together on, the
20 knowledge.

21 Q. Sure. Isn't the central idea of the Journal
22 for Schenkerian Studies, as I believe you testified
23 earlier, Schenkerian analysis?

24 MS. QUIMBY: Objection, form.

25 A. I don't know. I mean, so the journal, right,

1 that is dedicated to Schenkerian analysis. And it looks
2 like this sentence is talking about the journal issue, so
3 the specific issue.

4 Q. Okay. The journal issue of Volume 12?

5 A. It's not cited here.

6 Q. So can you define the epistemic center of
7 the journal issue you are talking about here in this
8 statement?

9 MS. QUIMBY: Objection, form.

10 A. I don't -- are you asking like -- I don't --
11 you read the sentence --

12 Q. Right.

13 A. -- that the epistemic center of the journal
14 issue lies in a racist discourse, and it continues. And
15 you asked me what epistemic center meant, and I said my
16 understanding, at least from this perspective, is that it
17 means like the idea that it hung together on.

18 Is that clear for you?

19 Q. Okay. Yes, that is clear to me.

20 A. Okay.

21 Q. Now, I'm asking you to tell me your
22 understanding of what was that idea that the Volume 12
23 hung together on, in your words?

24 A. This sentence says, "The epistemic center of
25 the journal issue lies in a racist discourse that has no

1 place in any publication, especially in an academic
2 journal."

3 Q. Okay, right. And so racist discourse, maybe we
4 can agree, that's relatively vague and general, right?

5 A. What do you mean? How is racist discourse --

6 Q. I want to know. What is the -- what is the
7 racist discourse that is the epistemic center of Volume
8 12 of the Journal of Schenkerian Studies? Can you
9 identify that for me, please?

10 A. I can't. I don't have the journal issue in
11 front of me.

12 Q. And you don't remember what you meant by that
13 at the time when you signed this statement?

14 A. I don't understand what you're asking me for
15 here. So -- but the epistemic center of the journal
16 issue lies in a racist discourse. Okay. So...

17 Q. And then instead of saying as the one version
18 that preceded it had said, "We support our graduate
19 students," this statement now says, "We endorse the call
20 for action outlined in our student letter." Right?

21 A. That's what that clause says, yes.

22 Q. And, again, there's the link to the students'
23 letter, correct?

24 A. Yes.

25 Q. So the faculty moved from supporting to

1 endorsing, correct?

2 A. Not the letter. I mean, what do you mean?

3 Like, yes, the word switched from support to endorse.

4 Q. Okay.

5 A. But there are other revisions in that
6 paragraph, it appears.

7 Q. Then it says (as read) which asks the College
8 of Music publicly condemn -- ask that the public -- I'm
9 sorry.

10 A. That's okay.

11 Q. I'm going to read it from the top, just so we
12 get it cleanly into the record.

13 "We endorse the call for action outlined in
14 our students' letter" -- the URL follows -- "which asks
15 that the College of Music 'publicly condemn the issue and
16 release it freely online to the public' and 'provide a
17 full public account of the editorial and publication
18 process and its failures.' Responsible parties must" --
19 be appropriately -- "be held appropriately accountable."

20 Did I read that correctly?

21 A. Yeah, yeah.

22 Q. On a third try?

23 A. That's okay. It's late and it's Friday.

24 Q. Yes. Thank you.

25 So is it your testimony then, as I'm

1 gathering, that you believe this limits the endorsement
2 of the letter?

3 A. Yes.

4 Q. How does it limit the endorsement of the
5 letter?

6 A. I believe that that statement specifies what
7 part of the letter is endorsed.

8 Q. Does it say which -- only that part which asks?
9 It doesn't say that, right?

10 A. It says, "We endorse the call for action which
11 asks the College of Music to publicly condemn the issue
12 and release it freely online to the public and provide
13 a" -- public -- "full public account of the editorial
14 and publication process and its failures."

15 Q. And it's your -- it's your testimony today that
16 this "which asks" limits the entire endorsement?

17 A. Grammatically, it would appear so.

18 Q. Well, grammatically, it would appear that it
19 doesn't say only that part which asks, right? It doesn't
20 say only that part.

21 A. "Only" does not appear in that paragraph.

22 Q. Right. And it doesn't say we partially
23 endorse, right?

24 A. "Partially" does not appear in that paragraph.

25 Q. Okay. Do you recall any discussion among the

1 group of professors generating this statement about how
2 the group should limit its endorsement of the call for
3 action of the students?

4 A. I don't remember.

5 Q. I just want to go back now, and this will
6 probably be the last thing I need to talk about, the
7 famous Exhibit 3.

8 A. Okay.

9 Q. I just want -- I just want to walk us through
10 the student statement here. So this is the student
11 statement, which we've discussed before. What is the
12 call to action here?

13 MS. QUIMBY: Objection, form.

14 Q. Is that question unclear to you?

15 If we -- if we skip down to this statement, it
16 says, "We endorse the call for action outlined in our
17 students' letter."

18 Correct?

19 A. Yep. That's what that says.

20 Q. And this is the student letter that was linked
21 to that statement, correct?

22 A. Um-hum.

23 Q. So my question is, what is the call to action
24 that is referred to in the faculty statement?

25 MS. QUIMBY: Objection, form.

1 A. To publicly condemn the issue and release it
2 freely online to the public.

3 Q. Um-hum.

4 A. "Provide a full public account of the editorial
5 and publication process and its failures."

6 That's -- those are the ones outlined in the
7 faculty statement.

8 Q. This statement also calls on the University
9 of North Texas and UNT College of Music to take other
10 actions, right? It says so right here. And I'm
11 referring to this sentence under paragraph enumerated
12 number 2 on JACKSON 0226.

13 It says, "We also call on the University of
14 North Texas and the UNT College of Music to take the
15 following actions:"

16 Right?

17 A. It does say that, yes.

18 Q. And one of those is to dissolve the journal,
19 right?

20 A. It says dissolve the journal, yep.

21 Q. Do you know if that, in fact, took place?

22 A. No, I don't.

23 Q. Has the Journal of Schenkerian Studies appeared
24 since July of 2020?

25 A. I have no idea. Like I said, never read it,

1 still don't.

2 Q. Okay. Here's something about critically
3 examining the culture of UNT and etc., etc.

4 And then under the paragraph number 3 on the
5 second page of the student statement, it says, "Hold
6 accountable every person responsible for the direction
7 of the publication. This will involve recognizing both
8 whistleblowers and those who failed to heed them in this
9 process. This should also extend to investigating past
10 bigoted behaviors by faculty and, by taking this into
11 account, the discipline and potential removal of
12 faculty who used the JSS platform to promote racism.
13 Specifically, the actions of Dr. Jackson -- both past
14 and present -- are particularly racist and unacceptable."

15 Did I read that correctly?

16 A. You did.

17 Q. Now, it's your testimony today that you never
18 intended to endorse these statements?

19 A. No, I didn't -- I didn't -- no, I didn't
20 endorse these statements.

21 Q. Even though the faculty statement endorses
22 the students' statement, your testimony today is that --

23 A. I'm sorry, no. We did not endorse this whole
24 statement, so you've just misstated my testimony today.

25 Q. No, no, no. I'm saying even though this

1 statement endorses the call for action outlined in the
2 student letter, right?

3 A. It does not endorse the entire call for action.

4 Q. All right. Okay, then good.

5 A. It endorses the call to make it publicly
6 available and -- do you want to repeat that again into
7 the record, or are we good? Do you want me to finish
8 it?

9 Q. No, no. I'm -- let me finish. And then if you
10 disagree, maybe you can enlighten me. All right?

11 A. Okay. Sounds good.

12 Q. This faculty statement endorses the call for
13 action outlined in the student letter.

14 So far, so good. And you are arguing that
15 this subordinate clause, which asks that the College of
16 Music publicly condemn the issue and release it freely
17 online to the public and provide a full public account
18 of the editorial and publication process and its
19 failures, is only thing you endorse in that letter?

20 MS. QUIMBY: Objection, form.

21 Q. Is that your testimony today, that you don't
22 endorse the other things, only these two things that you
23 quoted?

24 A. That's what that sentence grammatically says.

25 Q. Even though it doesn't say exclusively or

1 anything limiting it to only these things, that's your
2 testimony, right?

3 MS. QUIMBY: Objection, form.

4 A. I testified that the word "exclusively" does
5 not appear in that sentence.

6 Q. And you don't -- sorry about that. I just
7 clicked on it and made my Chrome browser blow up.

8 You agree that this embeds the letter by
9 reference to this URL link, correct?

10 A. I agree that that -- yes, the URL link is
11 there.

12 Q. So just the last couple of questions.

13 A. Um-hum.

14 Q. Can you identify any concrete actions, past
15 or present, of Timothy Jackson that are particularly
16 racist?

17 A. I would just say maybe some of the writing in
18 the article.

19 Q. So his published speech basically, right?

20 MS. QUIMBY: Objection, form.

21 A. Sorry, wait. No. Sorry, what do you mean?

22 Q. Well, I asked if you can identify concrete
23 specific actions of Dr. Jackson, either past or present,
24 that are particularly racist.

25 A. I would just say some of the writing in the

1 article.

2 Q. Okay. And besides writing, as you sit here
3 today, can you identify any specific actions that Dr.
4 Jackson has committed, either past or present, that are
5 particularly racist?

6 A. Not in my experience, not that I've experienced
7 personally.

8 Q. Okay, thanks. And if I asked you the same
9 question about, quote, bigoted behaviors, would your
10 answer be the same?

11 A. I haven't experienced that personally.

12 Q. Okay. Have you witnessed it experienced by
13 others?

14 A. I have -- no.

15 Q. Okay. Now, about the discussions that led to
16 the formulation of this final circulated and published
17 UNT faculty statement, do you recall any expressed
18 discussions about limiting the endorsement of the
19 faculty of the students' statement?

20 MS. QUIMBY: Objection, form.

21 A. Do I recall specifically limiting like the
22 length of the statement?

23 Q. No, no, no. Sorry. I wasn't clear, and thanks
24 for interjecting. And, again, I'm not trying to put
25 words in your mouth, but it seems to me your testimony is

1 this endorsement of the call to action outlined in the
2 students' letter you're testifying is limited to only
3 these things.

4 A. Yep.

5 Q. Right?

6 A. That's correct.

7 Q. And so my question for you is, were there
8 documents that recorded discussions about the limitations
9 the faculty who signed this letter wished to place on
10 this endorsement for the call for action outlined in the
11 students' letter?

12 A. I don't remember.

13 MR. ALLEN: Okay. Mary, I think I'm done,
14 but I want to look at my notes real quick. And if I've
15 missed an exhibit or some such thing, and come back on
16 the record. And we can pass the witness, or maybe I have
17 one or two more questions. But I think we're almost
18 done, Professor Geoffroy-Schwinden.

19 MS. QUIMBY: Do you want to just take
20 five? Do you mind?

21 MR. ALLEN: Absolutely. Not more. I'm
22 going to stay here and just go on mute, but I'll be right
23 here.

24 MS. QUIMBY: Okay.

25 THE VIDEOGRAPHER: Off the record at 4:26.

1 (Recess taken)

2 THE VIDEOGRAPHER: The time is 4:38.
3 We're on the record.

4 MR. ALLEN: I'm going to pass the
5 witness to Attorney Quimby.

6 MS. QUIMBY: I'll reserve my questions for
7 trial.

8 MR. ALLEN: All right.

9 THE VIDEOGRAPHER: The time is 4:38.
10 We're off the record.

11 (Proceedings concluded at 4:38 p.m.)

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CHANGES AND SIGNATURE

WITNESS: REBECCA GEOFFROY-SCHWINDEN, Ph.D.

DATE: SEPTEMBER 27, 2024

PAGE/LINE

CHANGE

REASON

1 _____
2 I, REBECCA GEOFFREY-SCHWINDEN, Ph.D., have read the
3 foregoing deposition and hereby affix my signature
4 that same is true and correct, except as noted above.
5

6 _____
7 REBECCA GEOFFROY-SCHWINDEN, Ph.D.

8 THE STATE OF _____)

9 COUNTY OF _____)

10 Before me, _____, on this day
11 personally appeared REBECCA GEOFFROY-SCHWINDEN, Ph.D.,
12 known to me or proved to me on the oath of

13 _____ or through _____ (description
14 of identity card or other document) to be the person
15 whose name is subscribed to the foregoing instrument
16 and acknowledged to me that he/she executed the same
17 for the purpose and consideration therein expressed.

18 Given under my hand and seal of office on this
19 _____ day of _____, _____.

20 _____
21 NOTARY PUBLIC IN AND FOR

22 THE STATE OF _____
23

24 My Commission Expires: _____
25

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF
3 SHERMAN DIVISION

4 TIMOTHY JACKSON,

5 Plaintiff,

6 vs.

7 LAURA WRIGHT, et al.,

8 Defendants.

)
)
)
)
)
)
)

CASE NO. 4:21-CV-00033-ALM

9
10 REPORTER'S CERTIFICATION OF

11 ORAL DEPOSITION OF REBECCA GEOFFROY-SCHWINDEN, Ph.D.

12 September 27, 2024
13

14
15
16 I, KIM D. CARRELL, a Certified Shorthand Reporter
17 in and for the State of Texas, hereby certify to the
18 following:

19 That the witness, REBECCA GEOFFROY-SCHWINDEN, Ph.D.,
20 was duly sworn and that the transcript of the oral
21 deposition is a true record of the testimony given by the
22 witness;

23 That the deposition transcript was duly submitted
24 on October 30, 2024, to Ms. Mary Quimby, the attorney for
25 the defendants, for examination, signature, and return to

1 me by December 2, 2024;

2 That pursuant to the information given to the
3 deposition officer at the time said testimony was taken,
4 the following includes all partes of record and the
5 amount of time used by each party at the time of the
6 deposition;

7 Mr. Michael Thad Allen - 02 HRS: 34 MIN

8 Attorney for the Plaintiff

9 Ms. Mary Quimby - 00 HRS: 00 MIN

10 Attorney for the Defendants

11

12 I further certify that I am neither counsel for,
13 related to, nor employed by any of the parties or
14 attorneys in the action in which this proceeding was
15 taken, and further that I am not financially or
16 otherwise interested in the outcome of the action.

17 Certified to by me on this 29th day of October,
18 2024.

19

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

21

22 JULIA WHALEY & ASSOCIATES, INC.
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23 Carrollton, Texas 75007-1640
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24 Firm Registration No. 436
Certification Expires 10-31-26
25 Notary Comm. Expires 12-1-25

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