

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF CHARLESTON ) NINTH JUDICIAL CIRCUIT

Robert T. Dillon, Jr., PhD, )  
 )  
Plaintiff, )  
 ) Civil Action No.:  
 ) 2016-CP-10-3774  
v. )  
 )  
The College of Charleston and )  
Brian McGee, in his individual )  
capacity, )  
 )  
Defendants. )

\*\*\*\*\*

DEPOSITION OF: ROBERT T. DILLON  
VOLUME 1

DATE TAKEN: Thursday, May 4, 2017

TIME: 3:00 P.M.

PLACE: McNair Law Firm  
100 Calhoun Street, Suite 400  
Charleston, South Carolina

REPORTED BY: MARY ANN RIDENOUR, RPR, CLR  
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## STIPULATIONS

11 It is hereby stipulated and agreed by and between  
12 the parties hereto, through their respective counsel,  
13 that the reading and signing of the transcript is  
14 waived by the Deponent.  
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1 (The deposition commenced at 3:00 P.M.)  
2 ROBERT DILLON, SWORN.  
3 DIRECT EXAMINATION BY MR. DIXON:  
4 Q. Professor Dillon, good afternoon. My name is  
5 Josh Dixon. I represent the College in this matter.  
6 A. Good to meet you.  
7 Q. Could you please state your full name for the  
8 record.  
9 A. Robert Thomas Dillon, Junior.  
10 Q. Have you ever given a deposition before?  
11 A. No, sir.  
12 Q. Okay. There's some general rules about a  
13 deposition that I need to go over.  
14 Number one, do you understand that you're under  
15 oath today --  
16 A. Yes, sir.  
17 Q. -- just as if you were testifying in court?  
18 A. Uh-huh.  
19 Q. If you -- I'll skip to the next one. The  
20 court reporter is transcribing what we're saying  
21 today --  
22 A. Okay.  
23 Q. -- and so I would ask that, number one, you  
24 provide answers that are verbal, no shaking of the head  
25 or gesticulating; and that when you respond

1 affirmatively, instead of uh-huh, you say yes;  
 2 negatively, instead of huh-uh, you say no; and that you  
 3 do your best to try not to talk over me when I'm asking  
 4 a question. I'll likewise do my best not to talk over  
 5 you when you're answering one. You understand?  
 6 A. Yes, sir, I do.  
 7 Q. Thank you. If you don't understand a  
 8 question, please ask me to repeat it or rephrase it.  
 9 I'll be happy to do that. Any questions about the  
 10 deposition should be directed toward me and not your  
 11 counsel. If you do not ask me to repeat a question,  
 12 I'll assume that you have understood it; is that  
 13 fair?  
 14 A. Sure.  
 15 Q. Okay. Since the deposition has started,  
 16 you're not permitted to talk anything -- talk  
 17 substantively, rather, with the deposition -- or with  
 18 your counsel about matters pertaining to the  
 19 deposition. Do you understand that?  
 20 A. Yes, sir.  
 21 Q. Okay. Let me know if you need a break. I  
 22 will probably take a break, give or take, every hour.  
 23 That is how I operate. If you need one more frequently  
 24 than that, just let me know.  
 25 A. Okay.

1 Q. Are you on any medications or drugs that  
 2 would affect your ability to testify today?  
 3 A. No, sir.  
 4 Q. Okay. Is there any other reason that you  
 5 can't testify fully and accurately today?  
 6 A. No, sir.  
 7 Q. Mr. Dillon -- I may lapse into calling you  
 8 "Mr. Dillon." I mean no disrespect. Just note at the  
 9 outset I intend to call you "Professor" or "Dr. Dillon"  
 10 every chance I get.  
 11 A. Thank you.  
 12 Q. I don't intend any disrespect.  
 13 A. "Mister" is a great deal of respect in some  
 14 institutions, like University of Virginia,  
 15 interestingly enough.  
 16 Q. Okay. Dr. Dillon, what is your current  
 17 address?  
 18 A. 1747 Somerset Circle, Charleston, 29407.  
 19 Q. And how long have you lived there?  
 20 A. Thirty years.  
 21 Q. I presume you own the home?  
 22 A. Yes, sir.  
 23 Q. Okay. Who do you live there with, or do you  
 24 live with anyone?  
 25 A. Yes, my wife and my son.

1 Q. What is your wife's name?  
 2 A. Sharon Brian Dillon.  
 3 Q. And how about your son's name?  
 4 A. Brian Thomas Dillon.  
 5 Q. How old is your son?  
 6 A. Thirty.  
 7 Q. Do you have any other children?  
 8 A. Yes, sir.  
 9 Q. Tell me about your other children, please.  
 10 A. I have a daughter named Virginia Anne Dillon  
 11 Bouillerot. And she lives in Brooklyn. It's, if it  
 12 matters, B-o-u-i-l-l-e-r-o-t. It's French.  
 13 Q. Okay. She lives in Brooklyn?  
 14 A. Yes, sir.  
 15 Q. Okay. Have you ever gone by any other  
 16 names?  
 17 A. No.  
 18 Q. Okay. Any other prior marriages, other than  
 19 to Sharon Brian Dillon?  
 20 A. No, sir.  
 21 Q. Okay. How long has your son Brian lived at  
 22 your residence at 1747 Somerset?  
 23 A. Continuously, except for when he was gone to  
 24 college.  
 25 Q. Okay. Do you have any other family living in

1 the Charleston area, other than what we have already  
 2 talked about?  
 3 A. No, sir.  
 4 Q. Does your wife have any other family living  
 5 in the Charleston area?  
 6 A. No, sir.  
 7 Q. Okay. Could you please tell me your email  
 8 address?  
 9 A. Sure. Dillonr@fwgna.org. That stands for  
 10 Fresh Water Gastropods of North America, fwgna.org.  
 11 Q. Do you have any other e-mail addresses that  
 12 you use?  
 13 A. Yes. I use fwgna@hotmail.com.  
 14 Q. Any others?  
 15 A. No, sir.  
 16 Q. What is your telephone number? And I'm -- do  
 17 you have a land line, I guess I should start with?  
 18 A. I do not have a land line, no.  
 19 Q. Do you have a cell phone?  
 20 A. Yes.  
 21 Q. What is your cell phone?  
 22 A. (843) 670-8002.  
 23 Q. Do you have any social networking accounts?  
 24 A. Yes, sir, Facebook and LinkedIn, and this  
 25 thing called ResearchGate, which is for researchers.

1 Q. Okay. Do you post regularly to Facebook?  
 2 A. No.  
 3 Q. Do you post irregularly to Facebook?  
 4 A. Occasionally, yes.  
 5 Q. How often do you post to Facebook?  
 6 A. Oh, once or twice a month, maybe.  
 7 Q. Okay. Have you ever posted about the  
 8 incident that's the substance your lawsuit to  
 9 Facebook?  
 10 A. I have forwarded links to articles, to  
 11 articles that have been published elsewhere, yes.  
 12 Q. Articles about this?  
 13 A. Yes.  
 14 Q. The substance of your lawsuit?  
 15 A. Yes. Yes.  
 16 Q. Okay. Have you ever posted about your  
 17 employment -- in the past three years, or let's say in  
 18 the past five years, have you ever posted about your  
 19 employment with the College?  
 20 A. About my employment?  
 21 Q. Yes, generally. My first question was, have  
 22 you posted about this situation? My second is a more  
 23 general question. In the past five years, have you  
 24 posted about your employment?  
 25 A. Beyond the situation, the answer is no,

1 nothing other than forwarding links to published  
 2 articles about it.  
 3 Q. Okay. I'm a user of LinkedIn, so I'm aware  
 4 that it's not quite as -- maybe the way to put it is,  
 5 not as social as Facebook. But I'll ask the question  
 6 anyway. Have you posted any articles or posts to  
 7 LinkedIn about the substance of your lawsuit?  
 8 A. No, sir.  
 9 Q. How about ResearchGate?  
 10 A. No, sir.  
 11 Q. Okay. We'll get into your resume in a  
 12 moment. But for now I'd like to just ask you if you  
 13 are a member of any social organizations or clubs?  
 14 A. That include church?  
 15 Q. That would include church.  
 16 A. Yes. Yes. First Scots Presbyterian Church.  
 17 Q. How long have you been going to First  
 18 Scots?  
 19 A. Thirty years, 32 years, actually.  
 20 Q. Okay.  
 21 A. And Phi Beta Kappa, the Lowcountry Phi Beta  
 22 Kappa Association; and Sigma Xi, which is the  
 23 scientific research society, Sigma Xi; and Americans  
 24 United for the Separation of Church and State; the  
 25 Lowcountry Sacred Harp Society. That's -- that's

1 pretty much it.  
 2 Q. Okay. What is the Lowcountry Sacred Harp  
 3 Society?  
 4 A. It's an organization dedicated to singing out  
 5 of the shape notes in the sacred harp tradition.  
 6 Q. Dedicated to singing --  
 7 A. Singing shape notes.  
 8 Q. Shape notes?  
 9 A. Yeah, nineteenth century shape notes.  
 10 Circles are so, squares are la, diamonds are mi.  
 11 Q. Okay. Do you sing, yourself?  
 12 A. Yes. I sing in the choir at First Scots  
 13 Church.  
 14 Q. Okay. And you mentioned Sigma Xi. And  
 15 that's -- the Xi is spelled X-I?  
 16 A. X-I, yes. Yes.  
 17 Q. What is that?  
 18 A. It's an honor society for researchers, for  
 19 scientific researchers.  
 20 Q. Are you still in that?  
 21 A. Yes, sir.  
 22 Q. Okay.  
 23 A. I'm -- the formal office name is Counselor  
 24 for Sigma Xi, certain duties prescribed in the bylaws  
 25 for a counselor. I was president and vice president,

1 and secretary/treasurer, all those other things.  
 2 Q. Okay. Are you also in the American  
 3 Malacological Society?  
 4 A. Yes, sir.  
 5 Q. Still?  
 6 A. Yes. Yes. That's a professional  
 7 organization, yes.  
 8 Q. How about the Fresh Water Mollusk  
 9 Conservation Society?  
 10 A. Yes.  
 11 Q. The National Center for Science Education?  
 12 A. Yes.  
 13 Q. You've already mentioned Lowcountry Phi Beta  
 14 Kappa. The Society for Fresh Water Science?  
 15 A. Yes.  
 16 Q. Presbyterian Association for Science?  
 17 A. Yes.  
 18 Q. Excuse me. Finish, please, yeah.  
 19 A. Presbyterian Association for Science,  
 20 Technology and the Christian Faith.  
 21 Q. Okay. Other than the ones we've discussed,  
 22 are there any additional societies that you can think  
 23 of?  
 24 A. That's pretty complete.  
 25 Q. Okay.

1 A. I cannot think of any. Oh, the South  
 2 Carolinians For Science Education. I'm the president  
 3 of that. It's a statewide organization. I feel like  
 4 I'm missing some. But, anyway, that's all I can think  
 5 of now.  
 6 Q. Okay. If something comes back to you during  
 7 the --  
 8 A. Right.  
 9 Q. -- course of the deposition --  
 10 A. Sure. Sure.  
 11 Q. -- feel free to --  
 12 A. If I think of something else I belong to...  
 13 Q. Okay. Okay. Have you ever been arrested for  
 14 a crime?  
 15 A. The VA Tech -- the VA -- the Lowcountry  
 16 Virginia Tech Alumni Association.  
 17 Q. Okay.  
 18 A. I'm going to think of these all afternoon  
 19 long.  
 20 No, I have never been arrested for a crime.  
 21 Q. Okay. Have you ever been a party to any  
 22 other lawsuits, either --  
 23 A. No, sir.  
 24 Q. Okay. Either as a plaintiff or a  
 25 defendant?

1 A. No.  
 2 Q. Okay. I have seen your resume. I understand  
 3 you went to Virginia Tech?  
 4 A. Yes, sir.  
 5 Q. And you graduated in 1977 with a BA in  
 6 biology?  
 7 A. That is correct.  
 8 Q. And then you went to Penn, where you --  
 9 A. That's right.  
 10 Q. -- received a Ph.D. in --  
 11 A. In just biology, interestingly enough.  
 12 Q. Okay.  
 13 A. In certain Ivy League traditions, any  
 14 specialization below that is considered vain or  
 15 nonsense. So a lot -- of a lot of colleges and  
 16 universities will have molecular biology or genetics,  
 17 or physiology, or whatever. But Penn is just biology.  
 18 Q. Okay. Okay. And you attained your Ph.D. in  
 19 1982?  
 20 A. That is correct.  
 21 Q. Okay. What, if anything, did you do to  
 22 prepare for this deposition?  
 23 A. I refreshed my memory on the relevant  
 24 documents.  
 25 Q. I'm not going to ask you the substance of any

1 meetings that you had with Ms. Bloodgood.  
 2 A. Sure.  
 3 Q. Did you meet with Ms. Bloodgood?  
 4 A. I did meet with her, as well, yes.  
 5 Q. When you say refreshed your substance --  
 6 refreshed your recollection on the substance --  
 7 A. Yes.  
 8 Q. -- what exactly do you mean?  
 9 A. I reread a lot of the stuff, which has been  
 10 over a year now.  
 11 Q. What you say "a lot of the stuff," tell me  
 12 what you're referring to.  
 13 A. Material, the memos, letters, documents,  
 14 e-mails that have surrounded the controversy.  
 15 Q. Okay. Would these be the types of things  
 16 that you placed online?  
 17 A. Yes. Exactly.  
 18 Q. Okay.  
 19 A. In fact, what I did was -- go on my web site  
 20 and click through all those links. That's --  
 21 Q. Okay. Since we're talking about it, might as  
 22 well --  
 23 A. -- a complete list.  
 24 (Discussion held off the record.)  
 25 (Defendant's Exhibit No. 1 marked for

1 identification.)  
 2 BY MR. DIXON:  
 3 Q. I have handed you what we have marked as  
 4 Exhibit No. 1. The document at the top says, Woodrow  
 5 Wilson Correspondence. At the bottom it has a FWGNA  
 6 web site --  
 7 A. Yes.  
 8 Q. -- address?  
 9 A. Yes.  
 10 Q. So a three-page document?  
 11 A. Sure.  
 12 Q. Do you recognize this --  
 13 A. Sure.  
 14 Q. -- document?  
 15 A. Yes.  
 16 Q. What is this?  
 17 A. That is on my web site. It's my -- my -- as  
 18 advertised, it's my compilation of all the documents  
 19 having to do with the controversy we're discussing this  
 20 afternoon.  
 21 Q. Okay. So would it be fair to say that you  
 22 went back and reviewed --  
 23 A. Yes, I did. Yes, I did.  
 24 Q. -- these documents?  
 25 A. Okay.

1 Q. Just --  
 2 A. Not all them, of course. But...  
 3 Q. Professor Dillon, let me get my question out.  
 4 I know --  
 5 A. Okay, sorry.  
 6 Q. -- you're -- no, it's fine. I know you're  
 7 going to be able to anticipate what I'm going to say.  
 8 But just so the --  
 9 A. Okay.  
 10 Q. -- court reporter can get it down.  
 11 So you went back and reviewed many of these  
 12 documents, if not all?  
 13 A. Yes, sir.  
 14 Q. Okay. And I'll represent to you that I just  
 15 went to the FWGNA web site and printed this off. These  
 16 are available for download --  
 17 A. Sure.  
 18 Q. -- on your web site --  
 19 A. Uh-huh. Uh-huh.  
 20 Q. -- correct?  
 21 A. That is correct.  
 22 Q. Okay. And you put them there?  
 23 A. Yes, sir.  
 24 Q. Okay. How many times did you meet with  
 25 Ms. Bloodgood about your deposition?

1 A. Just once specifically about it.  
 2 Q. Did you meet with anyone else about your  
 3 deposition?  
 4 A. No, sir.  
 5 Q. Did you speak with anyone else about your  
 6 deposition?  
 7 A. No, sir.  
 8 Q. Okay. Let's see.  
 9 (Defendant's Exhibit No. 2 marked for  
 10 identification.)  
 11 BY MR. DIXON:  
 12 Q. I already cheated and peered at this for some  
 13 of the earlier questions. But I have handed you what  
 14 has been marked as Exhibit No. 2. It is a packet of  
 15 documents. The cover page has a Bates number down at  
 16 the far-right bottom --  
 17 A. Yes.  
 18 Q. -- that says, College 988.  
 19 A. Uh-huh.  
 20 Q. And then it goes through College 999; is that  
 21 correct?  
 22 A. That is correct. Yes, sir.  
 23 Q. Do you recognize this document?  
 24 A. Yes. It's my curriculum vitae as of last  
 25 March.

1 Q. Okay. I'm going to ask you about your  
 2 employment history, as listed on here. And it looks  
 3 like you've got it in reverse chronological order.  
 4 A. Yes.  
 5 Q. Let's start on page two and go in  
 6 chronological order.  
 7 A. Yes.  
 8 Q. You received your Ph.D. from Penn in 1982?  
 9 A. Yes.  
 10 Q. And it looks like your first job after you  
 11 received your Ph.D. was as an assistant professor at  
 12 Rutgers?  
 13 A. Yes.  
 14 Q. Is that correct?  
 15 A. Correct.  
 16 Q. Let's actually go before that. It looks like  
 17 when you were -- why don't -- why don't you walk me  
 18 through this, beginning with 1975, when you were a  
 19 biological --  
 20 A. Sure.  
 21 Q. Just walk me through your --  
 22 A. All right.  
 23 Q. -- employment history.  
 24 A. The 1975 position was while I was still an  
 25 undergraduate at VA Tech. That was a summer job that I

1 had with TVA. A remarkable learning opportunity. I  
 2 worked there for three months, lived in Norris,  
 3 Tennessee, and did a fresh water mussel survey.  
 4 Then the 1977 position, I would have just finished  
 5 up my degree requirements at Virginia Tech. Actually,  
 6 finished up at Christmas of 1976. And so for the  
 7 following some months, not a year, for quite a few  
 8 months thereafter, I was full time employed by the  
 9 Department of Biology, The Center for Environmental  
 10 Studies at Virginia Tech, as a regular hourly  
 11 technician. Then, yes, I went off to graduate school.  
 12 The next one is a teaching assistantship that I  
 13 held at the University of Pennsylvania, taught  
 14 limnology.  
 15 Then the next item was my fifth year in graduate  
 16 school. I had finished up all the requirements, all  
 17 the research, and all I needed to do was write up my  
 18 dissertation, and so was very fortunate to be offered a  
 19 fellowship there on Capital Hill, an AAAS Congressional  
 20 fellowship, to work on Section 404 of the Clean Water  
 21 Act. I lived that fifth year in Washington and worked  
 22 on Capital Hill.  
 23 Then, during that year, I was offered a position  
 24 at Rutgers. That was a sabbatical replacement  
 25 position. That was a one-year position only. They

1 had -- they had two professors going on sabbatical  
 2 leave. One was a geneticist and one was an  
 3 invertebrate zoologist. I'm rather unique in that I  
 4 can fill both of those holes. So I got that job. And  
 5 I lived in the Rutgers area, in the area around New  
 6 Brunswick, for a year. And during that period of time,  
 7 I applied for and was offered the position at the  
 8 College of Charleston.  
 9 So that's where I've been ever since, from 1983  
 10 then to present, well, until last year. Assistant  
 11 professor there for the first seven years.  
 12 Q. If I may, I'd like to stop you there.  
 13 A. Yes. Okay.  
 14 Q. I'd like to talk about your employment  
 15 briefly before --  
 16 A. Okay.  
 17 Q. -- the College, then we'll talk about your  
 18 employment at the College.  
 19 A. Okay.  
 20 Q. At any of these prior jobs --  
 21 A. Yes.  
 22 Q. -- or any other prior job, have you ever been  
 23 disciplined?  
 24 A. No. No, have not.  
 25 Q. Okay. Have you ever had any student file a

1 complaint, lodge a complaint --  
 2 A. No.  
 3 Q. -- against you?  
 4 A. No, sir.  
 5 Q. Okay. Were you fired from any of these  
 6 jobs?  
 7 A. No, sir.  
 8 Q. Okay. Now let's go to the College. So it  
 9 looks like in 1983 you were hired from Rutgers as an  
 10 assistant professor, correct?  
 11 A. Yes, that's correct.  
 12 Q. Okay. You were employed from 1983 to 1981,  
 13 sorry, 1991 as an assistant professor, whereupon you  
 14 became an associate professor?  
 15 A. Yes, sir.  
 16 Q. And you hold that position today, correct?  
 17 A. Until last --  
 18 Q. That's a fair correction.  
 19 A. -- summer.  
 20 Q. Okay. We'll get there. What year were you  
 21 granted tenure?  
 22 A. 1990, I believe. No, wait. No, wait. '92.  
 23 Strange situation there. In those days, I think  
 24 it's still true, but in those days you could be  
 25 promoted without being tenured or tenured without being

1 promoted. And, in fact, what happened is that in 1990  
 2 I was tenured but not promoted. And then in 1991, I  
 3 was promoted. Yes, that's what happened.  
 4 Q. So you were tenured?  
 5 A. Tenured, but not promoted in 1990, and then  
 6 promoted the next year.  
 7 Q. Does it not work like that anymore?  
 8 A. It may not. I'm sorry, I -- it's extremely  
 9 rare to have one and not the other. It may not even be  
 10 that way anymore, to tell you the truth. It's just  
 11 nearly unheard of today or recent years.  
 12 Q. Okay. So you believe you were tenured in  
 13 1990?  
 14 A. Yes, that is correct, and then promoted in  
 15 '91. Yes.  
 16 Q. Did you make tenure the first time you were  
 17 up?  
 18 A. Yes, sir.  
 19 Q. Okay. So looking at your employment history  
 20 and talking with you about it, from March of 2016 to  
 21 today, am I correct in surmising that you have never  
 22 had a job in administration?  
 23 A. That is correct.  
 24 Q. Okay. Have you ever taken a course in  
 25 academic administration?

1 A. No, sir.  
 2 Q. Have you ever attended a conference in  
 3 academic administration?  
 4 A. No, sir.  
 5 Q. Okay. I wasn't clear on my first question.  
 6 I meant to ask, have you ever had a job in academic  
 7 administration?  
 8 A. No administration whatsoever.  
 9 Q. Okay. Okay. In '91, you were promoted to  
 10 associate professor. Do you recall how many times you  
 11 applied for that promotion?  
 12 A. Yes. In fact, the previous year I would have  
 13 applied for both tenure and promotion, right? So I  
 14 wanted to be promoted in 1990. That was denied. I was  
 15 tenured but was not promoted. So the '91 would have  
 16 been the second time I applied for promotion.  
 17 Q. Okay. So you applied in '90, and that was  
 18 denied?  
 19 A. Yes.  
 20 Q. That was for the promotion. You were denied  
 21 that promotion?  
 22 A. Yes.  
 23 Q. Applied again in '91?  
 24 A. Yes.  
 25 Q. And that went through?

1 A. That is correct.  
 2 Q. Okay. Let's take a look at Exhibit No. 3.  
 3 (Defendant's Exhibit No. 3 marked for  
 4 identification.)  
 5 BY MR. DIXON:  
 6 Q. Okay. I have just handed you what we've  
 7 marked as Exhibit No. 3. This is a one-page document  
 8 that at the bottom right has a Bates number College  
 9 00570; is that correct?  
 10 A. Yes.  
 11 Q. Do you recognize this document?  
 12 A. Yes. That would be the denial of my  
 13 promotion in 1990.  
 14 Q. The last sentence before the concluding best  
 15 wishes sentence says, My decision was based on the  
 16 evidence you presented and the judgments of your peers  
 17 concerning the quality of your teaching, professional  
 18 growth and development, and service to the College to  
 19 the -- I'm sorry, service to the College and the wider  
 20 community.  
 21 Do you have any recollection, other than what's on  
 22 this page, about why you were denied tenure, I'm sorry,  
 23 why you were denied the promotion?  
 24 A. It was bad student evaluations.  
 25 Q. Okay. And can you explain that to me,

1 please?  
 2 A. I'm nobody's friend. I do not court  
 3 students, nor do I cave in to them, nor do I make  
 4 compromises to them. And I -- and since the process of  
 5 student evaluations is a popularity contest, I do not  
 6 win.  
 7 Q. Well, let's unpack that.  
 8 A. Okay.  
 9 Q. Do you mean that you do not befriend your  
 10 students?  
 11 A. That is correct.  
 12 Q. Okay. And why is that?  
 13 A. I'm not their friend.  
 14 Q. What are you to them?  
 15 A. The boss.  
 16 Q. And what the boss says goes?  
 17 A. Amen, brother.  
 18 Q. Okay. Let's go to the next one. We'll come  
 19 back to that.  
 20 A. Okay.  
 21 Q. I just wanted to introduce the topic.  
 22 A. Okay.  
 23 Q. The next document I'm going to mark No. 4.  
 24 (Defendant's Exhibit No. 4 marked for  
 25 identification.)

1 BY MR. DIXON:  
 2 Q. I'm handing you what we've marked as Exhibit  
 3 No. 4. It's a one-page document with Bates number  
 4 College 01975; is that correct?  
 5 A. Yes.  
 6 Q. Do you recognize this document?  
 7 A. Yes. This is a memo from Mike Auerbach, who  
 8 was, at that time, the chairman of the Biology  
 9 Department. He subsequently came back as dean. But in  
 10 1997, he was Chairman of the Biology Department. And  
 11 he was referring to my application for promotion to the  
 12 rank of professor.  
 13 Q. And so the record is clear, this is after you  
 14 have been granted the promotion to associate --  
 15 A. Yes, that's right.  
 16 Q. -- professor?  
 17 A. The next step would be full professor.  
 18 Q. Okay.  
 19 A. The technical name is just professor. And  
 20 I -- and you need ten years of experience, I think.  
 21 And, so, it's 1997. And I applied for promotion to the  
 22 rank of full professor. And -- and it's an elaborate  
 23 process. Really accumulated a very large packet, lots  
 24 of letters of recommendation, student evaluations for  
 25 ten years.

1 And the first -- the next step, once -- once a  
 2 packet has been assembled, the next step is to -- is  
 3 the be evaluated by your departmental colleagues, by  
 4 the other members of the department who are tenured at  
 5 that point. So I was not -- so I was called in for and  
 6 interview, then sent away while the deliberation took  
 7 place. And, apparently, the vote went against me. I  
 8 was not present in the room.  
 9 And then, after this meeting -- and it must have  
 10 gone on for some hours, I don't recall, this lobbyist,  
 11 who would have been a good friend of mine, Dr. Jim  
 12 Smiley, who was a previous chairman of the department,  
 13 then recommended to me that I withdraw my application.  
 14 He said to me, and I have no reason to doubt him, he  
 15 said that you simply can't get promoted without an  
 16 endorsement from your department at this level. So he  
 17 recommended I withdraw my application for promotion,  
 18 which I did, I guess the next day. My memory is vague  
 19 on that, too.  
 20 Then, the next morning, I went to the Chairman,  
 21 Auerbach, and asked that my request for promotion be  
 22 withdrawn.  
 23 Q. Did he accept that withdrawal?  
 24 A. Yes. As I recall, it was withdrawn. I don't  
 25 think it went any further than that. So this is a memo

1 from Mike Auerbach to Gordon Jones, who was the  
 2 provost. No, Gordon Jones was the dean. Conrad Festa  
 3 was the provost. And he's asking, Is withdrawing the  
 4 packet now an option? And, as I recall, the answer is  
 5 yes. So it just stopped there.  
 6 Q. Okay. Who is -- you see in the e-mail --  
 7 A. Yes.  
 8 Q. -- "To" line --  
 9 A. Yes.  
 10 Q. -- you mentioned --  
 11 A. Gordon Jones was the dean at the time, yes.  
 12 Q. Right. You've mentioned Conrad Festa.  
 13 A. Provost. And David Cohen was a librarian.  
 14 He may have been dean of the library. Why is he there?  
 15 I cannot remember. Was he possibly Chairman of the T&P  
 16 Committee? There's also a college-wide T&P. I know  
 17 David very well. He's a librarian, Dean of Libraries,  
 18 or has been, retired now. I speculate that he was the  
 19 Chairman of the T&P Committee in 1997.  
 20 Q. And --  
 21 A. I don't remember.  
 22 Q. -- T&P stands for?  
 23 A. Tenure and Promotion --  
 24 Q. Okay. Thank you.  
 25 A. -- Committee.

1 Q. So at the time, Auerbach was the dean of the  
 2 department?  
 3 A. Yes, chairman. Dr. Auerbach was chairman.  
 4 Q. I'm sorry, chairman of the Biology  
 5 Department?  
 6 A. Yes.  
 7 Q. Okay. Do you recall, was this your first  
 8 attempt at a promotion to full professor?  
 9 A. Yes.  
 10 Q. Okay. So you withdrew, in essence?  
 11 A. Yes.  
 12 Q. Because you had been informed that you did  
 13 not have the support of the first stage of the process  
 14 and there was no point in going further?  
 15 A. That is correct.  
 16 Q. Okay. How many other steps are there, once  
 17 you receive the -- assume you had received --  
 18 A. Right.  
 19 Q. -- the support of the department, then what  
 20 happens?  
 21 A. The next step would be the college-wide  
 22 Tenure and Promotion Committee. That's what I think  
 23 David Cohen may have been chairman of. Then there is  
 24 an interview with -- no. There's an interview with the  
 25 dean, then the T&P Committee, then the provost, I want

1 to say. Then the president makes a decision on the  
 2 basis of all those things.  
 3 Q. Okay.  
 4 A. I think that's the way it works.  
 5 Q. Okay.  
 6 A. Dean, committee, provost, president.  
 7 Q. Okay. We're on number five. Unfortunately,  
 8 my tabs don't match up, so bear with me.  
 9 A. Sure.  
 10 (Defendant's Exhibit No. 5 marked for  
 11 identification.)  
 12 BY MR. DIXON:  
 13 Q. Dr. Dillon, I've handed you what's been  
 14 marked as Exhibit No. 5. Down at the right-hand, the  
 15 Bates label is College 498.  
 16 A. Yes.  
 17 Q. Do you recognize this document?  
 18 A. This must be my denial of promotion to the  
 19 rank of professor in the year 2000.  
 20 Q. Okay. So there's been a denial in 1997?  
 21 A. Yeah, it --  
 22 Q. Well --  
 23 A. It didn't go forward. I withdrew the packet  
 24 in 1997.  
 25 Q. Okay.

1 A. Yes.  
 2 Q. Fair correction. Then in 2000, it looks like  
 3 you applied again?  
 4 A. Yes.  
 5 Q. Do you recall -- I mean, this is from Alex  
 6 Sanders, the President. Did you pass the previous  
 7 steps and then failed at the President step, or did it  
 8 fail somewhere else along the way?  
 9 A. As I recall, the department vote was 12 to  
 10 12, split right down the middle, after hours of  
 11 discussion. I did not get the support of the dean or  
 12 the provost. I don't remember the T&P Committee. I'm  
 13 a vague on that. The President said no.  
 14 Q. So if it split down the middle, are you  
 15 saying that informally it was known that you didn't  
 16 have the support of the dean and the provost?  
 17 A. Oh, that's passed along with the rest of the  
 18 packet.  
 19 Q. Okay.  
 20 A. So the results of each vote, previous vote,  
 21 impact the next level, I suppose.  
 22 Q. I see. So it's not necessarily a -- each  
 23 phase is not an automatic disqualifier?  
 24 A. That is --  
 25 Q. For example, if you don't pass the

1 departmental, you still go on to the dean; is that  
 2 correct?  
 3 A. That is correct.  
 4 Q. Okay.  
 5 A. All the way through the process, yes.  
 6 Q. So as you recall it, the department vote was  
 7 split down the middle?  
 8 A. Yes.  
 9 Q. Did not have the support of the dean. And  
 10 you're not sure about the T&D -- T&P, rather?  
 11 A. Yeah. I can't remember the Tenure and --  
 12 yeah, Tenure and Promotion Committee, the college-wide  
 13 Tenure and Promotion Committee.  
 14 Q. But you did not have the support of the  
 15 provost?  
 16 A. That is correct.  
 17 Q. Do you recall who the dean was at that  
 18 time?  
 19 A. I think it was still Gordon Jones.  
 20 Q. And how about the provost?  
 21 A. I think it was still Conrad Festa, I think.  
 22 Q. Okay.  
 23 A. I can't remember. I think.  
 24 Q. If you look at the cc's at the bottom --  
 25 A. Oh, you're right.

1 Q. -- it does say Conrad.  
 2 A. There it is. Yes, I should have looked at  
 3 the cc. Yes, I was right. Dean was still Gordon  
 4 Jones. Provost still Conrad Festa.  
 5 Q. Going back to Exhibit No. 4, the 1997  
 6 withdrawal --  
 7 A. Yes.  
 8 Q. -- of the application, were you told the  
 9 reason that it was surmised you would not have passed  
 10 through the departmental stage?  
 11 A. No, I don't think I was ever given a reason.  
 12 Q. How about in 2000, were you told a reason  
 13 that you were split down the middle, split down the  
 14 middle on departmental, and did not have the support of  
 15 the dean and the provost?  
 16 A. No. It's only inferential.  
 17 Q. And what do you infer?  
 18 A. Bad student evaluations.  
 19 Q. Okay. I'm postponing the discussion of that,  
 20 just so you know.  
 21 A. Okay.  
 22 Q. Because we have some that I'd like to talk  
 23 about. But we're not quite there yet.  
 24 (Defendant's Exhibit No. 6 marked for  
 25 identification.)

1 BY MR. DIXON:  
 2 Q. I'm handing you what we've marked as Exhibit  
 3 No. 6. This document has a Bates label of College  
 4 1684. Do you see that?  
 5 A. Yes, sir.  
 6 Q. Do you recognize this document?  
 7 A. Yes. This is -- I'm not a hundred percent  
 8 sure I ever saw it, but I know what it is. Have I?  
 9 Have I seen this? I must have. I must have. It --  
 10 all of these documents together -- back up here.  
 11 Q. Do let me specify for the record that this is  
 12 a three-page document --  
 13 A. Yes.  
 14 Q. -- beginning with what I already said --  
 15 A. Yes.  
 16 Q. -- and ending with College 1686.  
 17 A. Yes. I did apply for promotion a third time,  
 18 to full professor a third time. And it was just in  
 19 2013, just very recently. And it was at that point --  
 20 at that point, the Biology Department concluded, as  
 21 they say, that I had not presented enough information  
 22 for them to be able to support me, I think. Packet --  
 23 submit the -- yes, yes, yes.  
 24 MS. BLOODGOOD: Don't talk out loud because  
 25 she has to take down --

1 THE WITNESS: Okay.  
 2 MS. BLOODGOOD: She can't do --  
 3 THE WITNESS: I'm sorry. I was mumbling.  
 4 MS. BLOODGOOD: She can't do mumbling.  
 5 THE WITNESS: I was mumbling.  
 6 BY MR. DIXON:  
 7 Q. Let me direct you to what I think you were  
 8 starting to read. It's the second sentence. Dillon's  
 9 packet was only several pages in length, it had no  
 10 materials on teaching, and was essentially devoid of  
 11 all elements required in a packet. The cover letter  
 12 from Dr. Dillon, as well as his responses to inquiries  
 13 from his chair, made it clear that the dearth of  
 14 materials was intentional. In fact, Dr. Dillon  
 15 mentioned that should evaluations which -- should  
 16 evaluations -- evaluators -- there appears to be a  
 17 typo, but I'll read it as it's stated. In fact,  
 18 Dr. Dillon mentioned that should evaluators which more  
 19 material on his activities they should search the web.  
 20 I assume that the "which" in that sentence should  
 21 be "wish" or "want," or something along those lines.  
 22 A. Yes, sir. Yes, sir. That -- that is, in  
 23 fact, yes, what happened.  
 24 Q. Okay. So did you, in fact, submit an  
 25 application in 2013 that was only several pages in

1 length?

2 A. That is correct, yes.

3 Q. And why did you do that?

4 A. I felt as though my materials would speak for

5 themselves. I did my best to satisfy the minimum

6 requirements. I put up my CV, when it said CV. By

7 now, by 2013, these -- these -- this process has gone

8 online and there will be a screen in which you can

9 upload supporting documents. And I think it was

10 optional, and so I didn't. I felt as though my record

11 would speak for itself. I'd been there 30 years, by

12 that point. All of these people know me very well.

13 Q. So is it correct, then, that the cover letter

14 made it clear that the dearth of materials was

15 intentional?

16 A. That is correct. I put up what I thought was

17 sufficient. But, apparently, my colleagues disagreed.

18 Q. Okay. Now, by this time -- and we'll get

19 there eventually in the time line. But my

20 understanding is that by this time, you had already

21 retired and had entered the TERI program?

22 A. I think that is correct, yes.

23 Q. Okay.

24 A. Yes, that was 2014. Yeah.

25 Q. So reading this from a disinterested

1 standpoint, I'm wondering whether or not you actually

2 wanted the promotion at this point. Is that -- did you

3 actually want the promotion at this point?

4 A. Yes, sir, I did.

5 Q. Why did you want it?

6 A. Perhaps it was vanity, validation. I do feel

7 as though I deserve a full -- a full professorship. I

8 felt that I did since 1997.

9 Q. When you applied, were you aware that your

10 application process may not have been as full as some

11 of your peers?

12 A. Yes.

13 Q. So if you wanted it, why would you submit

14 such a thin application?

15 A. I thought it was sufficient.

16 Q. Okay. But you recognized that it was not as

17 articulated as your peers' --

18 A. Yes.

19 Q. -- applications might have been?

20 A. Yes, sir.

21 Q. Okay. Thank you. So why didn't you make it

22 as detailed as your peers' applications?

23 A. It is a lot of work. It's hours and hours

24 and hours of preparation. And I felt it was

25 unnecessary.

1 Q. When you say "unnecessary," do you mean

2 unnecessary to -- what you submitted was sufficient or

3 the committee who was going to review it should not

4 have demanded as much, or something else?

5 A. Ask me the question again.

6 Q. Sure.

7 MR. DIXON: Sure. Can you please repeat back

8 what he said before I asked that question?

9 (Requested portion read back.)

10 BY MR. DIXON:

11 Q. So what do you mean when you said "I felt it

12 unnecessary"?

13 A. I felt as though I deserved a promotion since

14 1997.

15 Q. But you knew that your colleagues had

16 prepared more detailed applications?

17 A. Yes, sir.

18 Q. Yet, you still did not do what your

19 colleagues had done?

20 A. I'm not my colleagues.

21 Q. Okay. What do you mean by that? Do you

22 think you -- do you feel like you should have been

23 awarded a full professorship, despite not submitting an

24 application that was comparable to your peers?

25 A. I feel as though my qualifications are so

1 outstanding that it should be evident to all 500

2 faculty in the College of Charleston that this young

3 man should be a full professor.

4 Q. Okay. Do you feel that way today?

5 A. Yes, sir.

6 Q. Okay. When you say "young man," you're

7 referring to the you --

8 A. Yes.

9 Q. -- of 2013? Okay.

10 Why? What qualifications do you have that are so

11 outstanding that everyone should be aware of this,

12 despite the lack of a full application?

13 A. Well, my curriculum vitae has 60 papers on

14 it, 60 peer-reviewed publications; has a single author

15 book for Cambridge University Press, published in 2000;

16 president of numerous societies; editorships on boards.

17 My professional qualifications are -- I think speak for

18 themselves.

19 Q. Is an element of the criteria for elevation

20 to -- is one element of the criteria for professorship,

21 or elevation to professorship, teaching?

22 A. Yes.

23 Q. Okay. And the teaching requirement is

24 evidenced in part by student evaluations?

25 A. That is correct.

1 Q. Are there any other indicia of teaching that  
 2 is -- are reviewed for a professorship application,  
 3 other than student evals?  
 4 A. My colleagues will look at my course  
 5 materials. That includes syllabus, and tests and  
 6 quizzes. Also, I think they look at my grade  
 7 distribution. I know the chairman and the dean look at  
 8 my grade distribution. And, again, I think these are  
 9 self-evidently excellent.  
 10 Q. Other than the student evals?  
 11 A. Yes.  
 12 Q. Okay. So your view is that the course  
 13 materials are self-evidently excellent?  
 14 A. Yes.  
 15 Q. And the grade distribution is evidently or  
 16 manifestly excellent?  
 17 A. In my judgment, yes. It -- I've, for 30  
 18 years, awarded approximately 40 percent D's, F's and  
 19 W's. That sounds like excellence to me.  
 20 Q. What does W stand for?  
 21 A. Withdrawal.  
 22 Q. Is -- is the 40 percent D's, F's and W's  
 23 something that you decide prior to the class, that  
 24 you're going to award 40 percent D's, F's and W's, or  
 25 has it just turned out that the class has presented 40

1 percent D's, F's and W's?  
 2 A. That's a multiyear average. I've had this  
 3 average pointed out to me by a chairman.  
 4 Q. So it's -- just to answer my question, it  
 5 wasn't your intent at the outset of a class to have  
 6 this distribution?  
 7 A. No.  
 8 Q. Okay. Who pointed that out to you?  
 9 A. I have had the least eight or ten chairmen,  
 10 possibly Auerbach, possibly Lou Burnett, who was before  
 11 Auerbach, possibly Mark Lazzaro. I cannot remember.  
 12 Q. If you recall any others --  
 13 A. Okay.  
 14 Q. -- do let me know.  
 15 So other -- when it has been pointed out to you by  
 16 the deans, including Auerbach, Burnett, and Lazzaro,  
 17 has it been pointed out in a positive light or in a  
 18 negative?  
 19 A. Negative light.  
 20 Q. And tell me, please, what they said.  
 21 A. I've received a computer printout of the  
 22 grade distributions of all the courses offered in the  
 23 School of Science and Math, with my distribution  
 24 circled in red.  
 25 Q. Were any words --

1 A. No words.  
 2 Q. Okay. And you took that to be negative?  
 3 A. Oh, I took it as a commendation.  
 4 Q. Okay. So can you explain this to me?  
 5 A. Yes. It's -- I would think that we would  
 6 want at the College of Charleston -- we would have very  
 7 rigorous standards. And I would think that those of us  
 8 who applied the most rigorous standards would be the  
 9 best teachers.  
 10 Q. But it was circled in red. And from what I  
 11 understood your prior testimony to be hinting at, if  
 12 not stating directly, was that your deans didn't feel  
 13 like this was a positive attribute of your classes?  
 14 A. In retrospect, it may have been ambiguous.  
 15 Q. You don't believe -- you don't think that  
 16 your deans were pointing this out to you and stating  
 17 sub silentio, This number is too high?  
 18 A. It's possible. I hope not. I like to think  
 19 the best of my superiors.  
 20 Q. How would you respond to the statement that a  
 21 grade distribution of 40 to 50 percent D's and F's and  
 22 W's is indicative of a failure of the professor to  
 23 teach the material, if the students are unable to, at a  
 24 greater rate than that, pass the class satisfactorily  
 25 and that's an indication that the professor is failing

1 the students in teaching them the course material? How  
 2 would you respond to that argument?  
 3 A. Whoever would be asking that question would  
 4 know me or, if not, could observe my classroom. They  
 5 could look at my syllabus and materials, or they could  
 6 come visit me, make an independent judgment.  
 7 Q. My question is more general than that. I'm  
 8 just -- the simple one piece of evidence that we  
 9 have --  
 10 A. Yes.  
 11 Q. -- is that the course distribution is as  
 12 you've stated. The argument is, that's an indicator  
 13 that the professor is not teaching his students well,  
 14 if they're not able to pass the class with any higher  
 15 numbers than that. How would you respond to that  
 16 argument, in the abstract?  
 17 A. I would ask whoever was inquiring that they  
 18 examine my course materials and visit my classroom,  
 19 satisfy for themselves that I demand rigor from my  
 20 students.  
 21 Q. In October of 2013, which is when you  
 22 received --  
 23 A. Yes.  
 24 Q. -- this memo, at that time, did you -- or at  
 25 any other time, did you -- let me ask -- backtrack.

1 That's a bad question.  
 2 At the time you received the memo, did you fear  
 3 that you were going to be ever terminated by the  
 4 College, either have tenure revoked or terminated?  
 5 A. Maybe.  
 6 Q. Okay. Please tell me why you felt that way.  
 7 A. We also have an annual review process, an  
 8 annual evaluation process. And by this point, Jaap  
 9 Hillenius had been the department chair for some years.  
 10 Q. Just slow down, real quick, just for the  
 11 court reporter.  
 12 A. And I had gotten very bad annual reviews.  
 13 And I heard from some friends that Dr. Hillenius and  
 14 Dr. Auerbach were gunning for me. That's all I heard.  
 15 Q. Again, this is in 2013?  
 16 A. '13, yes.  
 17 Q. You didn't hear why they were gunning for  
 18 you?  
 19 A. No. It could be the student evaluations.  
 20 Q. Who did you hear this from?  
 21 A. Okay. Robert Dukes, a colleague in the  
 22 Philosophy Department, now retired.  
 23 Q. Was it only Robert Dukes who told you this or  
 24 did anyone else tell you this?  
 25 A. I may have heard it indirectly from Jim

1 Deavor, who is the associate dean today. You could ask  
 2 him.  
 3 Q. Associate Dean of the School of Science --  
 4 A. And Math. You'd better watch out, Rob. Jaap  
 5 and Mike are gunning for you.  
 6 Q. Those were the words that came out of  
 7 Deavor's mouth?  
 8 A. Possibly Bob Dukes', Robert Dukes, a full  
 9 professor in the physics department.  
 10 Q. Okay. Anyone else, other than Dukes and  
 11 Deavor?  
 12 A. Not that I recall.  
 13 Q. Okay. So Dukes you know said something --  
 14 A. Yes.  
 15 Q. -- along those lines? And Deavor may have;  
 16 you don't recall specifically; is that fair?  
 17 A. That is fair. I will also add that  
 18 Dr. Deavor still works in that office.  
 19 Q. Okay. And --  
 20 A. That is why I'm not sure.  
 21 Q. I don't understand.  
 22 A. I'm afraid that he will get in trouble if I  
 23 say that I remember clearly.  
 24 Q. You understand that you're under oath,  
 25 correct?

1 A. Yes.  
 2 Q. And that the consequences of lying under oath  
 3 are substantial, correct?  
 4 A. Ask me question the again.  
 5 MR. DIXON: Would you read it back, please.  
 6 (Requested portion read back.)  
 7 BY MR. DIXON:  
 8 A. That is fair, yes.  
 9 Q. Okay. So it's fair that you do not --  
 10 A. Do not recall specifically.  
 11 Q. Okay. Let me get my question out. I know  
 12 you're anticipating it, and I do the same thing. But  
 13 if you could, let me get my question out before you  
 14 answer.  
 15 So you have no specific recollection or general  
 16 recollection of Jim Deavor ever saying anything to you  
 17 along the lines of Auerbach and Hillenius are gunning  
 18 for you?  
 19 A. No specific recollection.  
 20 Q. Do you have a general recollection?  
 21 A. Yes, a vague general recollection.  
 22 Q. Tell me what you recall, please.  
 23 A. Just being warned.  
 24 Q. And do you recall anything that he said,  
 25 specifically?

1 A. No.  
 2 Q. Do you recall when this was?  
 3 A. In the 2013, 2014.  
 4 Q. The time frame of this --  
 5 A. About in here.  
 6 Q. -- memo?  
 7 A. 2013, '14.  
 8 Q. Okay. Tell me specifically what you recall  
 9 about Robert Dukes --  
 10 A. Yes.  
 11 Q. -- on this topic.  
 12 A. He did tell me that Auerbach was gunning for  
 13 me. Auerbach and Hillenius, I think he said. You  
 14 better watch out, Rob, is what he said.  
 15 Q. You specifically remember that he said  
 16 Auerbach, and you believe he may have said --  
 17 A. Auerbach and Hillenius, I think so.  
 18 Q. Okay. I'm trying to draw a distinction here.  
 19 A. Uh-huh.  
 20 Q. The way that you answered the question, I  
 21 thought you were saying that you specifically recall  
 22 him saying Auerbach was after you. He may have said  
 23 Hillenius was after you?  
 24 A. The dean was after you, the Dean's Office is  
 25 after you, something to that effect.

1 Q. Okay. So the specific recollection is about  
 2 Auerbach?  
 3 A. Yes, who would have been the dean at the  
 4 time. Yes.  
 5 Q. Right. What about Hillenius? Do you recall  
 6 him specifically saying --  
 7 A. Vaguely, maybe. No, that's not as clear in  
 8 my mind.  
 9 Q. What did you say when he said they're gunning  
 10 for you?  
 11 A. I don't remember.  
 12 Q. Did anyone else say anything along these  
 13 lines around that time?  
 14 A. Nobody but those two, maybe. No, I don't  
 15 remember. I have no specific recollections.  
 16 Q. Okay. Did they tell you why they thought  
 17 Auerbach and Hillenius were gunning for you?  
 18 A. No.  
 19 Q. We started this topic because I asked whether  
 20 or not you thought you were going to be -- either have  
 21 tenure revoked or lose your job. Other than what you  
 22 just told me, did you have any other reasons to think  
 23 you were going to have either one of these things  
 24 happen to you?  
 25 A. I don't understand the question.

1 Q. You told me that you thought you were going  
 2 to lose your job around this time period, 2013, October  
 3 2013. As evidence of that or reason for that suspicion  
 4 or fear, you pointed to comments that Dukes and Deavor  
 5 made. Were there any other things that occurred, that  
 6 made you think you were going to lose your job around  
 7 that time period?  
 8 A. Nothing other than the terrible annual  
 9 evaluations, I suppose.  
 10 Q. Okay. So this application, if I understand  
 11 what happened here, didn't make it out of the  
 12 department consideration?  
 13 A. Correct.  
 14 Q. Okay. And looked like the vote, on the very  
 15 last page there, was 18 in favor of denying, one  
 16 opposed?  
 17 A. Yes. Okay.  
 18 Q. Was your fear of being terminated what  
 19 motivated your retirement?  
 20 A. No.  
 21 Q. Okay. What motivated your retirement?  
 22 A. The TERI program was being terminated,  
 23 actually. So on a -- on a sliding scale, so that those  
 24 of us who retired, I guess it was 2013, would have five  
 25 full years in the program, and those in 2014 would have

1 four, and those in 2015 would have three. So I decided  
 2 to retire July 1 of that year, I guess it was 2013, so  
 3 that I would have five full years of TERI --  
 4 Q. Okay.  
 5 A. -- benefits.  
 6 Q. And just briefly explain to me what you  
 7 understand TERI to be.  
 8 A. It's a program wherein you notify the State  
 9 retirement office that you would like to begin drawing  
 10 a pension, that you are effectively retiring. And the  
 11 pension then is set aside in an escrow account. You  
 12 continue to work for five -- a maximum of five years.  
 13 That pension money is held and then given to you as --  
 14 in a lump sum, upon your retirement.  
 15 Q. And did that happen to you when you announced  
 16 your retirement from the College?  
 17 A. I got three years' worth, yes.  
 18 Q. Okay.  
 19 A. Three years.  
 20 Q. And how much was that; do you recall?  
 21 A. I do not. No. I could look it up.  
 22 Q. Would it have been somewhere --  
 23 A. Something like --  
 24 Q. No, go ahead, please.  
 25 A. Something like three annual salaries. No,

1 not that much. 100 -- more than \$100,000, not 200.  
 2 Q. Okay. Do you have documents showing --  
 3 A. Yes, I could certainly look that up.  
 4 Q. Okay. Did anything else motivate your  
 5 decision to retire? I mean, obviously, you were able  
 6 to do so by virtue of age. Were you ready to stop  
 7 working?  
 8 A. Well, I am a dinosaur, to tell you the truth.  
 9 The discipline of genetics moves very quickly. And I  
 10 do think that as a matter of -- as a matter of duty to  
 11 our profession that all we college professors, in all  
 12 disciplines, need to retire as early as we can to make  
 13 space for our younger, brighter, more needy colleagues.  
 14 There are literally hundreds, if not thousands, of  
 15 young geneticists in their second or third post doc, 30  
 16 years old, 33 years old, that would love that chair I  
 17 was sitting in, a professorship at the College of  
 18 Charleston. And I do feel that we serve the discipline  
 19 as we serve our students, by retiring at the very  
 20 earliest opportunity.  
 21 I would also have become eligible for Social  
 22 Security in -- this year, as a matter of fact. Just  
 23 turned 62 in June. So the time -- so I felt the  
 24 combination of the TERI, plus a general duty to my  
 25 discipline and my colleagues to retire as early as

1 possible.  
 2 Q. Were you -- "disillusioned" is perhaps the  
 3 wrong word, but were you disillusioned with your job?  
 4 Did your decision to retire have anything to do with  
 5 your desire to leave your job?  
 6 A. It has never been easy. I don't wake up in  
 7 the morning expecting things to be easy. I didn't -- I  
 8 probably shouldn't have emphasized how bad it was in  
 9 2013. It was bad in 1997. It was bad in 1985. It's  
 10 been a very difficult job for 33 years.  
 11 Q. What -- in what ways has it been difficult  
 12 for you?  
 13 A. Everybody wants to be liked. Nobody wants to  
 14 look like a hard ass. I would like to be friends with  
 15 everybody. But I can't be.  
 16 Q. Do you think you could be friendlier with  
 17 people than you are?  
 18 A. Interesting question. Do you mean students?  
 19 Q. Anyone, students included. And if you have a  
 20 two-part answer that's one answer for students, one for  
 21 none, that's fine.  
 22 A. Okay. For everybody else, I think I'm the  
 23 friendliest person you've ever met.  
 24 Q. Okay.  
 25 A. For students, we do have a business

1 relationship and I have to be very professional. No,  
 2 not friendly. It's tough.  
 3 Q. Do you feel your colleagues are too lax on  
 4 their students?  
 5 A. I won't judge. I won't judge anybody.  
 6 Q. I'm asking you to judge. I'm asking your  
 7 opinion.  
 8 A. Oh, I must?  
 9 Q. You must judge.  
 10 A. Yes. Then, yes.  
 11 Q. You do?  
 12 A. I do.  
 13 Q. All of them, all of your colleagues?  
 14 A. Every one them. I've been horrified with the  
 15 other 499 of my colleagues for 33 years.  
 16 Q. 499 faculty at the College?  
 17 A. Every one them.  
 18 Q. "Horrified" is a strong word.  
 19 A. It is.  
 20 Q. But it's accurate?  
 21 A. It is accurate. However, I'm friendly with  
 22 them.  
 23 Q. Okay. And in what ways have you been  
 24 horrified? Or tell -- give me, please, some specific  
 25 instances of situations that have horrified you in this

1 respect.  
 2 A. I had a colleague -- you want specific? I  
 3 remember a colleague came to visit me in my lab some  
 4 years ago. And while he was visiting me, a student  
 5 came in the door and said, Dr. So-and-So, I need to ask  
 6 you some questions about the next test. And  
 7 Dr. So-and-So said, Sure. And the student had a stack  
 8 of three-by-five cards. And he went through them, Do  
 9 we need to know X? And my colleague said, Yes. And he  
 10 put that card over here. Do we need to know Y? No.  
 11 And he put the card over here. Do we need to know X?  
 12 Yes. Do we need to know Y? No. I was horrified.  
 13 Let me tell you another story. You want to hear a  
 14 couple of stories? I'll tell you a couple of stories.  
 15 Q. Sure.  
 16 A. My daughter finished up her master's degree  
 17 in history at University of Chicago. And she came back  
 18 home for six months before going off to get her Ph.D.  
 19 at Oxford. And she wanted to pick up a little bit of  
 20 Latin. She is a scholar of Eastern European history.  
 21 And I advised her against taking a class at the College  
 22 of Charleston. But she said, How bad could it be, a  
 23 summer school class at the College of Charleston in  
 24 Latin 101?  
 25 She went for -- now, she is 28 years old, has her

1 master's from the University of Chicago. And she  
 2 went -- she attended the summer school in Latin for  
 3 about two weeks. And she came home and she said, Dad,  
 4 this course is so bad that I'm going to simply sit in  
 5 the library and teach myself Latin.  
 6 Being a father, now, this infuriated me so that I  
 7 went to Randolph Hall, the third floor, where the  
 8 Classics still sit. I understand that our -- that many  
 9 of our other departments are horrible. But I had  
 10 expected -- I had some minimal expectations for our  
 11 Classics. I went up to find the instructor who was  
 12 teaching my daughter Latin. I had his office number.  
 13 Knocked on his door. He was not there. Office hours  
 14 not posted. All professors are supposed to post their  
 15 office hours. No, was not present. Office hours not  
 16 posted. I turned around.  
 17 There in the office across me was the chairman of  
 18 the Classics Department. I said, I'm looking for  
 19 Professor So-and-So.  
 20 Why are you looking for Professor So-and-So?  
 21 My daughter is in his class. I'd like to speak to  
 22 him about his instructional abilities.  
 23 Chairman of Classics said, Oh, I know he's not any  
 24 good.  
 25 I said, Well, then, why did you -- he's a high

1 school Latin teacher. I said, Why did you hire -- an  
 2 adjunct. He's not a full professor. He's an adjunct  
 3 high school teacher. I said, Why did you hire him to  
 4 teach Latin at the College of Charleston? And the  
 5 chairman of the Classics Department at the College of  
 6 Charleston said this. He said, We couldn't get anybody  
 7 good.  
 8 Welcome to the College of Charleston, ladies and  
 9 gentlemen.  
 10 Q. So he was, in your mind, and maybe in  
 11 others', a poor teacher?  
 12 A. Yes.  
 13 Q. Okay.  
 14 A. I could tell you many other stories.  
 15 Q. We may come back to that. We'll stop at that  
 16 for now.  
 17 A. I'll tell you one more. Can I tell you one  
 18 more?  
 19 Q. You may. Sure.  
 20 A. Two years ago, year and a half ago, I went on  
 21 sabbatical leave. And the College actually encourages  
 22 tenured and tenured track professors to go on  
 23 sabbatical for a full year because they can hire  
 24 adjuncts to take our positions and make money. They  
 25 can pay us a half salary, pay the adjuncts a

1 thousand dollars, I don't know what they pay, and still  
 2 make money.  
 3 It was the fall, and I was packing my office to  
 4 leave. And I heard the door open to my lab, the  
 5 genetics lab, and the -- one of the current  
 6 geneticists, one of the tenured geneticists, came in  
 7 with the young lady who would be the adjunct to teach  
 8 Genetics Lab 305L at the College of Charleston for a  
 9 year. And the staff geneticist -- we had opened up a  
 10 box from Carolina Biological, and it was fruit flies.  
 11 Now, genetics lab involves seven different experiments  
 12 involving fruit flies. It's fruit flies all semester  
 13 long. I've designed seven of the nine instruction --  
 14 instructional layer on fruit flies. The staff  
 15 geneticist opened up the box. And in were the stocks  
 16 to begin the semester's investigation. And the young  
 17 lady, she was a post doc at MUSC, said -- giggled and  
 18 said, They're so teensy. Had never seen a fruit fly  
 19 before. Three days before the semester is to begin,  
 20 which involves all fruit flies entirely, the person  
 21 they have hired has never seen a fruit fly before.  
 22 I am horrified by the quality of instruction at  
 23 the College of Charleston for 33 years. I wake -- it's  
 24 a nightmare to me. It's a scandal, a shame.  
 25 Q. When we first started talking about your

1 horror, I had been under the impression that you were  
 2 talking about how your colleagues were easy graders.  
 3 But now it sounds like that may be part of it, but  
 4 you're also horrified by the quality of the teaching?  
 5 A. Yes, sir.  
 6 Q. Okay. How would you describe your own  
 7 personal reputation among your students, as far as  
 8 teaching goes?  
 9 A. Pretty tough.  
 10 Q. Anything else?  
 11 A. Likes bluegrass music.  
 12 Q. Pretty tough, referring to your grading?  
 13 A. Yes, my expectation.  
 14 Q. How about your teaching itself?  
 15 A. In lab, I try to teach as little as possible.  
 16 As a matter of fact, I tell my students, If at any  
 17 point I begin to explain anything, stop me. Lab is  
 18 supposed to be doing, not talking. So they have a  
 19 manual and they have the instructions. And, ideally,  
 20 they come in and I say, Here's the material, here's  
 21 material A, here's material C. And I just sit. I am,  
 22 of course, present during the entire three-hour period,  
 23 if questions arise. And they certainly do. But then I  
 24 don't answer questions, under any circumstance. I ask  
 25 questions. I've been doing this for so long, 33 years,

1 that I can instantly diagnose what every student's  
 2 question is. I've had every question asked me hundreds  
 3 of times, everything you can possibly imagine. And so  
 4 I know what the student's problem is. I can diagnose  
 5 it down to a page on the freshman biology textbook.  
 6 This person -- this student doesn't understand the  
 7 concept of dominance. So a student comes up and asks  
 8 me a question. I can see that there is an underlying  
 9 fundamental misunderstanding about the process of  
 10 inheritance. And I'll look at him and her and I'll  
 11 say, What is dominance? Then he or she will do his or  
 12 her best to answer that question, which will lead to  
 13 another question. So, ultimately, the students teach  
 14 themselves. I don't teach, ideally.  
 15 Q. Would you describe this as the Socratic  
 16 method?  
 17 A. Yes, sir.  
 18 Q. There have been some -- and we'll get to it  
 19 later. But there have been some who would describe it  
 20 as the Kafka method?  
 21 A. Yes, it has been called that.  
 22 Q. What would your response to that accusation  
 23 be? First of all, what do you interpret that to mean?  
 24 A. I don't know what that means.  
 25 Q. Okay.

1 A. I read it for the first time ever in that  
2 article in the Chronicle of Higher Education. And I'll  
3 confess, I still don't know exactly what he meant by  
4 that.  
5 Q. Do you disagree with the characterization?  
6 A. I don't understand it. I'll just put it that  
7 way.  
8 Q. All right. So it is your practice -- and let  
9 me -- that's a bad question.  
10 When you first started teaching, let's say at the  
11 College, was that your method, as well?  
12 A. I've refined it over the years.  
13 Q. Okay.  
14 A. For the first 15 or 20 years at least, I did  
15 teach lectures. That is a different experience. For  
16 the last six or eight years, it's been entirely  
17 genetics lab, just labs.  
18 Q. So how does that relate to my question, which  
19 was, when you first started at the College, did you  
20 have the same method?  
21 A. You would use a -- I would use a different  
22 technique for a lecture section.  
23 Q. Okay. So when you -- did I understand you  
24 correctly to say for the past six years, six to eight  
25 years, you've only taught labs?

1 A. Yes. That's roughly true, I think.  
2 Q. So is it fair to say, then, that you have  
3 employed the Socratic method, as you've described it,  
4 for the past six to eight years?  
5 A. Well, more than that. In the case of a  
6 lecture, I do have to explain something.  
7 Q. Okay.  
8 A. But in Genetics lecture, also in Evolution  
9 lecture, these are all problem-oriented courses. So  
10 there will be homework assignments, lots of homework  
11 assignments, actual numerical problems to solve, story  
12 problems of various sorts. In that case, in the case  
13 of a lecture, I'll challenge the students to solve a  
14 problem, solve problem number eight in the back of the  
15 book. Actually, I had supplemental problem sheets,  
16 handed them out. I challenge -- and then the tests are  
17 almost entirely problems like that. There might be a  
18 graph to interpret or calculations to do. It is still  
19 inquiry-based, still problem-based, but dry, not wet.  
20 Q. As one who is far removed from college, I  
21 don't understand what you mean when you say the test is  
22 almost entirely "problems." What do you mean by  
23 "problems"?  
24 A. In the case of Genetics, numerical -- a  
25 problem will be a question with a numerical answer.

1 Solve -- it will be -- you remember in algebra story  
2 problems, where a train is traveling so many miles an  
3 hour, then when will Train A run into Train B, only  
4 with peas or flies.  
5 Q. Okay. Okay. When -- I have read in some  
6 other articles, and we'll get there as well, that part  
7 of your teaching philosophy is to pepper either the  
8 lecture or responses in labs with incorrect  
9 information. Would that be -- first of all, do you  
10 understand what I'm asking you?  
11 A. Yes.  
12 Q. Okay.  
13 A. And not pepper, but occasionally --  
14 Q. Okay.  
15 A. -- I do say things that are incorrect.  
16 Q. Now, would that be in lectures or lab, or  
17 both?  
18 A. Both.  
19 Q. Okay. I thought --  
20 A. It's not unusual.  
21 Q. I thought I understood you to say that in  
22 labs you only answer questions with questions.  
23 A. That is true.  
24 Q. So how do you say anything?  
25 A. I fail. Well --

1 Q. Okay, I see. So there are some times when  
2 you answer a question?  
3 A. Yes. I will -- I'm -- I'm asked a question.  
4 I ask another question back. Suppose the answer to my  
5 question is incorrect, then I would look and say, If  
6 that were true, what could you assume about something  
7 else? And then the student will make an incorrect  
8 assumption. And then I would say, If that were true,  
9 are your organisms triploid? We all know, yes, your  
10 organisms are triploid. So in that sense, yes. I'm  
11 not saying anything incorrect in lab, but I will let  
12 students take me down incorrect roads.  
13 Q. Okay. So you would not, in the course of a  
14 lecture, for example, make a statement that is -- that  
15 you know to be incorrect?  
16 A. I might, in lecture.  
17 Q. Okay.  
18 A. Something that's just wrong.  
19 Q. And what is the purpose? What is your  
20 pedagogical purpose in doing that?  
21 A. See if anybody is listening.  
22 Q. And in lab, would the same --  
23 A. See if you're thinking.  
24 Q. Do students -- did students ever correct  
25 you?

1 A. Occasionally. It's a blessed day.  
 2 Q. But not often?  
 3 A. Usually not.  
 4 Q. Okay. All right.  
 5 MS. BLOODGOOD: Can we take a break?  
 6 MR. DIXON: Yes.  
 7 (A brief recess was taken.)  
 8 BY MR. DIXON:  
 9 Q. Professor Dillon, during your time at the  
 10 College, did you ever receive any reprimands?  
 11 A. Yes, sir.  
 12 Q. Can you please tell me about those?  
 13 A. One -- and -- and my memory is very vague on  
 14 these. But it has been recalled to my attention that I  
 15 had three. One was having to do with a period when I  
 16 was insensitive to a student while Mike Auerbach was  
 17 chairman. One had to do with an incident during Darwin  
 18 Week. And that reprimand was written by Jim Deavor  
 19 when he was dean, acting dean. And the third one was  
 20 by Mark Lazzaro when he was chair. And not only have I  
 21 no recollection of what it was, I can't find any  
 22 paperwork about it. It was an e-mail. It was -- it's  
 23 an e-mail that appears as a footnote on one of those  
 24 memos that -- that Dr. McGee sent me. And I can't find  
 25 anything in my files about it. I was hoping that you

1 all had a copy of it.  
 2 Q. Well, I'm not sure if we're speaking of the  
 3 same thing, but I do have something I'd like to talk  
 4 about.  
 5 A. Okay.  
 6 Q. So give me a minute and we'll get there.  
 7 You mentioned the insensitive to a student remark.  
 8 Let's talk about that one first.  
 9 (Defendant's Exhibit No. 7 marked for  
 10 identification.)  
 11 (Discussion held off the record.)  
 12 BY MR. DIXON:  
 13 Q. Dr. Dillon, I've handed you what we've  
 14 marked -- what has been marked as Exhibit No. 7. Take  
 15 a minute. This document says at the bottom Bates  
 16 labeled with College 2949. Do you recognize this  
 17 document?  
 18 A. Yes.  
 19 Q. What is this document?  
 20 A. This is my Letter of Reprimand from Michael  
 21 Auerbach in December of 2000.  
 22 Q. And is this the first of the three situations  
 23 you told me about with the insensitivity toward a  
 24 student?  
 25 A. The first one that I mentioned, yes.

1 Q. That's what I mean, yes.  
 2 A. Yes.  
 3 Q. Okay. The explication of what happened is in  
 4 the second paragraph. You were exceedingly callous in  
 5 how you responded to Mrs. -- and I'm going to use the  
 6 phrase just "Mrs. Redacted" because we're not permitted  
 7 to use student names. So Mrs. Redacted's explanation  
 8 of why she missed an exam. It does not matter in the  
 9 least that you do not feel that death is a tragedy;  
 10 what matters is what the STUDENT feels. You also  
 11 mentioned that Redacted's personal situation was  
 12 irrelevant to your make-up policy. I understand your  
 13 belief that students taking make-up exams generally  
 14 have more time to study and that, as a result, you  
 15 penalize them for taking a make up. However, I find it  
 16 incredulous that you believe that a student returning  
 17 home to care for a terminally ill parent is somehow  
 18 profiting from the situation. It was also  
 19 inappropriate to ask Redacted her religious  
 20 affiliation, as you did in the later conversation.  
 21 Similarly, once Redacted returned to campus after her  
 22 mother died, you encouraged her to take her final exam  
 23 quickly because, "Her mother would have wanted her to".  
 24 Do you remember this situation?  
 25 A. I really don't.

1 Q. Now, let me be clear, I'm sorry. When I ask  
 2 you "the situation," what I mean is, do you remember  
 3 the incident with the student?  
 4 A. No. I really don't.  
 5 Q. Okay. Do you have any reason to doubt that  
 6 what Mr. Auerbach has put in the letter here is an  
 7 accurate recordation of what occurred?  
 8 A. No, sir.  
 9 Q. Okay. Do you recall the student?  
 10 A. No, sir.  
 11 Q. Okay. Do you recall ever telling a student  
 12 that you didn't do -- you didn't view death as a  
 13 tragedy?  
 14 A. No.  
 15 Q. Is it your policy to make makeup exams more  
 16 difficult than exams taken in the normal course?  
 17 A. They are -- they used to be, when I did  
 18 lectures, they would sometimes be oral. They would  
 19 often -- they would always be the same, the same exam.  
 20 But they might be offered orally, as opposed to  
 21 written.  
 22 Q. Why would you do that?  
 23 A. So that I could get feedback as the students  
 24 were doing problems.  
 25 Q. And why would -- how does that relate to the

1 student taking a makeup exam?

2 A. It's actually a better way to offer an exam.

3 I will learn much more about the student's strengths

4 and weakness if I see him or her solve a problem on the

5 blackboard. Of course, it can't be done in an ordinary

6 exam. You have 35 students in a room. But if you just

7 have one making up at some separate time and place, you

8 can actually learn a lot about the student. And, of

9 course, there's no time limit either. Can learn a lot

10 more about the student by offering an exam orally.

11 Q. So your recollection is that you would not

12 make makeup exams more difficult?

13 A. They're not more difficult. They're the same

14 exam, but they might -- but students might feel as

15 though they were more difficult.

16 Q. Is that because they were oral?

17 A. Possibly.

18 Q. Okay.

19 A. That's what I'm speculating here.

20 Q. Do you recall a situation where a student

21 requested a makeup exam because her mother was

22 terminally ill?

23 A. No, although it's certainly possible.

24 Everything here looks plausible to me.

25 Q. Do you recall saying to a student that she

1 should take a makeup exam quickly because her mother

2 would have wanted her to?

3 A. I don't remember that.

4 Q. Okay. I'm going hand to what you what we've

5 marked as Exhibit No. 8.

6 (Defendant's Exhibit No. 8 marked for

7 identification.)

8 BY MR. DIXON:

9 Q. I've handed you Exhibit No. 8, Bates labeled

10 College 3063. Do you recognize this document?

11 A. Yes. This is an admonition from Jim Deavor,

12 who was the acting dean at the time, regarding a event

13 that happened at Darwin Week in 2002.

14 Q. Okay. What happened that precipitated this

15 memo?

16 A. As I recall -- let's see. The event on

17 February 11, 2002, I could look it up. But it seems to

18 me that was a presentation made by a Christian minister

19 on the relationship between science and faith. In more

20 recent years, we have been moving that off campus. But

21 that would have been the second Darwin Week or

22 something like it. And in those days, we would

23 sometimes have religious -- religiously oriented

24 presentations in the science center itself. And the

25 person -- and there were people that were disruptive.

1 Evolution was much more controversial, strangely

2 enough, in 2002 than it is now. And there were some

3 people who I thought -- there were some badgering the

4 Christian minister, who was -- who had just made a

5 presentation on the relationship between science and

6 faith. And I think I came to his defense. I think

7 they asked a question, they asked another question,

8 then they started to argue. And, as I recall, I

9 stepped in.

10 Q. Do you recall what you said?

11 A. I do not. I don't remember the details at

12 all. But I remember that occasionally we would have

13 demonstrators or protesters or people that seemed quite

14 disruptive. The choice of words, I'm -- I'm --

15 (witness talking to self.)

16 Q. Dr. Dillon, I'm sorry to interrupt you.

17 You're --

18 A. Sorry.

19 Q. It's impossible --

20 A. Sorry.

21 Q. -- for the court reporter --

22 A. Sorry.

23 Q. -- to catch that.

24 The admonition was, as you can read in the last

25 sentence there, not to make stereotypical remarks which

1 are offensive not only to the person to whom they are

2 directed but also to those who hear them.

3 Do you recall --

4 A. No.

5 Q. -- what the stereotypical remark was?

6 A. No, I do not.

7 Q. Okay. Was the minister -- you said that

8 evolution was more disputed. Were the rabble-rousers

9 Creationists?

10 A. Yes, they were.

11 Q. Okay. And so you were coming to the defense

12 of the Christian minister?

13 A. Yes.

14 Q. And the Christian minister, presumably,

15 therefore was advocating for harmony between faith and

16 evolution?

17 A. Yes.

18 Q. Okay. And do you -- I mean, did you call, to

19 your recollection, did you call them rednecks?

20 A. No. I would not call them that.

21 Q. Did you call them stupid? Did you call --

22 A. No. I would never say such a thing.

23 Q. Okay. You have no recollection of what you

24 said, okay.

25 Okay. I'm going to hand you what we're marking

1 Exhibit No. 9.  
 2 (Defendant's Exhibit No. 9 marked for  
 3 identification.)  
 4 BY MR. DIXON:  
 5 A. Oh.  
 6 Q. I've just handed you a document that's Bates  
 7 labeled College 2944. Looks to be an email from Mark  
 8 Lazzaro to you, September 28, 2006. Do you recognize  
 9 this document?  
 10 A. No, but I have no reason to doubt its  
 11 authenticity.  
 12 Q. The document states -- it's, again, from  
 13 Lazzaro to you, saying a student in your Fall 2007,  
 14 then that's scratched through, says 2006 genetics lab  
 15 has complained to me that you are threatening to "flunk  
 16 their ass" if they don't know specific a technique  
 17 or -- sorry, know specific techniques. You told me you  
 18 are making these comments out of your sarcastic sense  
 19 of humor, but please remember not all students may see  
 20 the humor in it.  
 21 Do you recall telling a student or group of  
 22 students you would flunk their ass?  
 23 A. No, I do not.  
 24 Q. Do you dispute that it happened?  
 25 A. Gosh, this is 20 years ago. No, ten years

1 ago. I have no recollection. I have none.  
 2 Q. Do you have any reason to dispute --  
 3 A. No.  
 4 Q. -- that it happened?  
 5 A. It seems like an authentic document. I just  
 6 have no recollection of the incident whatsoever.  
 7 Q. Okay. But, again, you don't have any reason  
 8 to dispute --  
 9 A. No.  
 10 Q. -- that it happened? Again, let me get my  
 11 question out.  
 12 You don't have any reason to dispute that it  
 13 happened?  
 14 A. That is correct.  
 15 Q. Okay. Thank you. Okay. So we've just  
 16 talked about incidents of discipline. You've listed  
 17 for me the three that we talked about. Do you have any  
 18 recollection of any additional instances?  
 19 A. No, sir.  
 20 Q. Okay. Let's talk about student complaints,  
 21 I'm sorry, student or any complaints against you. Do  
 22 you have any recollection of any complaints against  
 23 you, other than what we've already talked about?  
 24 A. It's not unusual for students to complain  
 25 directly to me. It has not been for 30 years. No

1 specific recollection of any specific complaint,  
 2 however.  
 3 Q. No specific recollection of any complaint to  
 4 you directly?  
 5 A. That is -- that's correct.  
 6 Q. Okay.  
 7 A. Although it is not unusual, I don't remember  
 8 any specifics.  
 9 Q. What would the -- was there a common thread  
 10 that ran through student complaints to you?  
 11 A. Well, sure. It's almost always complaints  
 12 about grading, tests, quizzes. Sure.  
 13 Q. Okay. But other than that, you don't have  
 14 any recollection of any specific complaints?  
 15 A. No.  
 16 Q. How about complaints made to supervisors, by  
 17 students or otherwise, not to you directly?  
 18 A. I think it's not been unusual to have  
 19 students then failing to get whatever grade they  
 20 thought they deserved on the lab, report -- going to  
 21 the department chair.  
 22 Q. Other than that type of complaint, do you  
 23 have any recollection of any other type of  
 24 complaints?  
 25 A. No.

1 Q. Okay. I'm going to hand you momentarily  
 2 what's been marked as Exhibit No. 10.  
 3 (Defendant's Exhibit No. 10 marked for  
 4 identification.)  
 5 BY MR. DIXON:  
 6 Q. The document I just handed you is Bates  
 7 labeled College 2936, on College of Charleston  
 8 letterhead. And it's a series of documents going  
 9 through 2939. I believe that they are in reverse  
 10 chronological order, so starting at the back may be  
 11 beneficial. The last document, 2939, is -- appears to  
 12 be a letter from you to a student whose name has been  
 13 redacted, or a student's father whose name has been  
 14 redacted. Do you -- the last document, 2939, do you  
 15 recognize that document?  
 16 A. I don't have --  
 17 Q. Oh.  
 18 (Discussion held off the record.)  
 19 (Defendant's Exhibit Nos. 11 and 12 marked  
 20 for identification.)  
 21 BY MR. DILLON:  
 22 Q. I've handed you Exhibit 10. It is a  
 23 four-page packet Bates labeled College 2936 through  
 24 College 2939; is that correct?  
 25 A. Yes.

1 Q. Thank you. The last page in the packet,  
2 College, 2939, appears to be a letter from you to a  
3 student's father whose name is redacted. Take a  
4 minute, if you would, and tell me if you recall sending  
5 this letter?  
6 A. I don't remember it, but I'm sure it's mine.  
7 Q. Okay. It is a letter on -- signed by you May  
8 15, 1991. It appears to be the student, the father of  
9 a student, rather, wherein a meeting was requested by  
10 the father. And you state, Your daughter's final grade  
11 is a D.  
12 And then the next paragraph says, Here's some  
13 advice, father-to-father. Your daughter is grown up.  
14 She has been trying to communicate with you for some  
15 time, and you have not listened. Her grade in my  
16 course is simply a message to you in another language.  
17 Use whatever time you had set aside for a meeting with  
18 me to take your daughter to lunch at McDonald's. Tell  
19 her that you love her, then listen.  
20 Does reading through that letter --  
21 A. Yes.  
22 Q. -- spur any memories?  
23 A. Don't have a clue. I do not remember that.  
24 Maybe I'm getting old.  
25 Q. Would you agree with me that this letter is

1 an inappropriate letter to send to a student's  
2 father?  
3 A. It is the business of a university to impart  
4 upon the men it serves the right thought of the world.  
5 The thought is tested and established and at length  
6 becomes part of immemorial wisdom. So teach us to  
7 number our days that we apply our hearts unto wisdom as  
8 right thought and inspiration.  
9 MR. DIXON: Could you please read back my  
10 question?  
11 A. It was very appropriate. Was the question,  
12 do I agree it's inappropriate? It is -- it is --  
13 (Requested portion read back.)  
14 BY MR. DIXON:  
15 A. I do not agree.  
16 Q. You think that this letter is appropriate?  
17 A. It's precisely what a university should do.  
18 Q. Okay. So why did you state the Woodrow  
19 Wilson quote?  
20 A. That's my -- that is my stated goal in  
21 Genetics 305 Lab. It's my objective. It's my outcome.  
22 It's my -- the reason that I wake up in the morning and  
23 go through an otherwise miserable, miserable experience  
24 for 33 years, was to teach us to number our days that  
25 we may apply our hearts unto wisdom.

1 Q. Do you -- so you view it as the proper role  
2 of a college professor to send a letter to a father of  
3 a student telling him that your daughter is a  
4 grown-up?  
5 A. Yes.  
6 Q. You view it as the proper role to tell a  
7 father of a student that her poor grade is a message to  
8 her father?  
9 A. Yes.  
10 Q. And you view it as a proper role of a college  
11 professor to forego a meeting with you and use that  
12 time to take her to McDonald's whereupon he should tell  
13 her that he loves her?  
14 A. Yes.  
15 Q. Okay. It appears that your superiors have  
16 felt differently about this situation.  
17 Moving from the back to the forward, the previous  
18 page, 2938. This appears to be a letter from the  
19 father to Dr. Lightsey, who was the president of the  
20 College at the time. The letter from the father says,  
21 among other things -- I'll read from the second  
22 paragraph. Several days have passed but I'm still  
23 upset by its tone and content. The "its" being  
24 reference to the letter, the previous letter.  
25 In my opinion, it is presumptuous and insulting.

1 Obviously, he attacked me instead of addressing my  
2 daughter's concerns. What kind of person would write  
3 such a letter to a parent they have never even met?  
4 Do you recall seeing this letter?  
5 A. Actually, I don't. Well, it does say CC me.  
6 No, I do not remember this. No, I have no  
7 recollection.  
8 Q. Okay. Last line, or last paragraph.  
9 Frankly, this incident has shaken our confidence in the  
10 College of Charleston and its teaching staff. This is  
11 not what we expected.  
12 Do you think that this was a proper response to  
13 your letter?  
14 A. I'm not surprised by the response. I'm  
15 disappointed, but not surprised.  
16 Q. The first page of the packet, Bates labeled  
17 2936, is from Sam Hines, who was the Vice President  
18 of -- for Departmental Affairs. Appears to be a letter  
19 from Hines to the student's father. The last full  
20 paragraph, other than the salutation, says, I have met  
21 with the instructor and discussed the inappropriateness  
22 of his letter to you. I also informed him that he is  
23 not permitted to discuss a student's academic  
24 performance without her/his permission.  
25 Do you recall this letter?

1 A. I may not have seen this letter. And the  
 2 answer is, no. I don't -- I literally don't remember  
 3 anything about this --  
 4 Q. Do you --  
 5 A. -- this entire episode.  
 6 Q. You have no recollection of the meeting with  
 7 Hines?  
 8 A. No.  
 9 Q. No recollection of him discussing the  
 10 appropriateness of the letter to you?  
 11 A. No.  
 12 Q. Or the letter. Do you have any reason to  
 13 doubt --  
 14 A. No, no reason to doubt. My memory is just  
 15 bad, I'm sorry.  
 16 Q. Okay.  
 17 A. My wife says, Every day is a new experience  
 18 for you, isn't it, Rob?  
 19 Q. We have now Exhibit No. 11.  
 20 (Discussion held off the record.)  
 21 BY MR. DIXON:  
 22 Q. Dr. Dillon, I've handed you what has been  
 23 marked as Exhibit No. 11, Bates labeled at the bottom  
 24 College 2942. At the top it says, Note To The File,  
 25 from Lindstrom.

1 Do you -- to your recollection, have you ever  
 2 seen --  
 3 A. Wow.  
 4 Q. -- this document?  
 5 A. No.  
 6 Q. Would you take just a minute, read through  
 7 it, and tell me if you recall the incident alleged in  
 8 here?  
 9 A. Thank you. Question? I'm sorry, is there a  
 10 question?  
 11 Q. Yeah. Now, that you've had a chance to look  
 12 through this document, do you have any recollection of  
 13 the events?  
 14 A. No, sir.  
 15 Q. Okay. The handwritten notation at the top  
 16 appears to me to read, Conrad, I thought you should see  
 17 this. Bill.  
 18 Would that be a note most likely from W.A.  
 19 Lindstrom --  
 20 A. Yes, his name is Bill.  
 21 Q. -- to Conrad --  
 22 A. Festa.  
 23 Q. -- Festa?  
 24 A. Who was the provost, yes.  
 25 Q. Okay. She says, midway through the document

1 on paragraph numbered one, About 75 percent of the  
 2 class failed the first test.  
 3 Was that a common occurrence in your classes?  
 4 A. Yes, it was.  
 5 Q. The first test would have a higher fail rate  
 6 than the class generally, because students did not --  
 7 A. Yes, that is true.  
 8 Q. Okay. Why would that be?  
 9 A. Speculating. I guess a lot of the  
 10 students -- well, this -- this might be the first upper  
 11 division class a student has ever had. It's Biology  
 12 311 at the time. They would have had high school and  
 13 they would have had freshman biology. And those  
 14 instructors, those professors, probably weren't as  
 15 demanding as I was, probably tended to focus on subject  
 16 matter, probably were not as interested in problem  
 17 solving, methodology, theory. I was probably a great  
 18 surprise to them.  
 19 Q. So a 75 percent fail rate for the first test  
 20 on your upper level classes was not uncommon?  
 21 A. Not unusual.  
 22 Q. Okay. She stated that she now understands --  
 23 I'm again reading from paragraph one. She stated that  
 24 she now understands why the advice she received via the  
 25 student grapevine was to avoid this professor.

1 Understanding that you were a professor and not  
 2 necessarily in tune with the student grapevine, is it  
 3 accurate, to your knowledge, that the student  
 4 grapevine --  
 5 A. I am not surprised.  
 6 Q. Okay. So it would be accurate you would not  
 7 be surprised if the student grapevine was to caution  
 8 against taking you?  
 9 A. Correct.  
 10 Q. Okay. And in your mind, that would be, why?  
 11 Why would students avoid taking you, in your mind?  
 12 A. They don't want to work.  
 13 Q. Any other reason?  
 14 A. They hate to think.  
 15 Q. Any other reason?  
 16 A. No. Well, no.  
 17 Q. Okay. So students don't want to work and  
 18 they hate to think are the reasons that you were -- the  
 19 student grapevine warned against you, in your mind?  
 20 A. There are other classes -- to be complete,  
 21 there are other classes that require much less work and  
 22 much less thought. That's the best way to put it.  
 23 Q. The second-to-last paragraph of the document  
 24 in the second sentence of that paragraph says, It is my  
 25 personal feeling that a failing rate that high, if it

1 continues to final grading, reflects not only on the  
2 students but also on the teacher and his or her  
3 methods. It could also result in the teacher affecting  
4 his or her own teaching load.

5 Do you understand what is meant in that second  
6 sentence that I read, It could also result in the  
7 teacher affecting his or her own teaching load?

8 A. Wow. No, I don't understand that.

9 Q. Is one meaning potentially that a professor,  
10 by having a reputation of being a teacher that students  
11 should avoid, would get fewer students and therefore  
12 fewer exams to grade?

13 A. Yes, you're right. I wonder if that -- that  
14 could be what Bill Lindstrom means.

15 Q. Okay. Is it the case that you were  
16 attempting to affect your own teaching load by your  
17 difficult classes?

18 A. No. Of course not. No. But there was a  
19 period of time, very brief, early in my career -- this  
20 would be -- well, 1991, six or eight years. There was  
21 a period of time when I asked students, when I'd  
22 distribute three-by-five cards, and I would ask them  
23 contact information. And I would ask, Why did you take  
24 this class? And the most common reason is, Everything  
25 else was full. I don't think I could impact the class.

1 It was either required or the student didn't have a  
2 choice.

3 Q. Surely, there were other professors who were,  
4 according to the student grapevine, those that should  
5 be avoided?

6 A. I imagine, yes.

7 Q. And therefore, surely, there would be other  
8 classes that were not full?

9 A. There have been periods -- that's not true  
10 now. But maybe in the '90s, when our -- all of our  
11 classes were subscribed then even more. We had --  
12 well, it was before we started hiring adjuncts and  
13 temps hand over fist, is what happened.

14 Q. Okay.

15 A. When I arrived at the College of Charleston  
16 in 1983, there was no such thing as an adjunct.  
17 Everybody was either a tenured professor or an  
18 instructor. I never -- there was a formal grade, not  
19 tenured track but full-time, called instructor. I  
20 never -- and then there were graduate students, of  
21 course. I never saw a part-time temp or an adjunct  
22 until the '90s, I want to say. It may have been right  
23 about that time.

24 Q. Okay. And so the point being, until around  
25 this time, professors' classes were relatively full?

1 A. They were full, yes.

2 Q. Okay.

3 A. So -- well, the College may have doubled in  
4 size. When I arrived, it was 5,000. And in the '90s,  
5 I think we went to ten, or something like it. The  
6 College could have been something in 1983. By 1990, by  
7 the Lightsey administration, it was probably ruined for  
8 good.

9 Q. And is that because of the hiring of the  
10 adjuncts?

11 A. Yeah. The student body doubled. But we  
12 didn't hire any more professors. We hired adjuncts and  
13 temps.

14 Q. Okay.

15 A. Right in there.

16 Q. We've already touched on this, but Lindstrom  
17 says, It's my personal feeling that a failing rate that  
18 high, if it continues to final grading, reflects not  
19 only on the students but also on the teacher and his or  
20 her methods.

21 I presume that you disagree with that statement?

22 A. I'm sure that Dean Lindstrom means it  
23 reflects well on me.

24 Q. I see. Why would he be making a note to file  
25 if he thought this was a commendation?

1 A. That -- that's an interesting question.

2 Q. Is it -- is it --

3 A. Let me look at this a little further.

4 Q. Sure. As you do so, I'd ask you to consider  
5 the possibility that he is not suggesting this reflects  
6 positively on the teacher.

7 A. Oh. I wasn't reading it that way. I thought  
8 it was something like a commendation. This is intended  
9 to be bad?

10 Q. I'm looking at the "Re" line of this, and  
11 it's labeled "verbal complaint."

12 A. Oh. Yes. Yes. A student is complaining.  
13 You wouldn't expect the students to like a good  
14 professor, would you? I don't think. I'm not -- I  
15 shouldn't ask you a question.

16 Q. Okay. I'm going to hand you what's been  
17 marked as Exhibit 12.

18 A. Okay. I believe your counsel also --

19 MS. BLOODGOOD: I already have it.

20 MR. DIXON: Okay.

21 BY MR. DIXON:

22 Q. This is a document Bates labeled College  
23 2943. Do you recognize this document?

24 A. Let me see. I do not recognize this  
25 document.

1 Q. I'm not sure that you should. I can't tell  
2 that it was handed to you or given to you in any way.  
3 My next question is, do you recognize, or do you  
4 recall rather, the situation described in the first  
5 paragraph of the document?  
6 A. No, I do not. I do not remember anything  
7 about this. No.  
8 Q. According to this letter, a student arrived  
9 at your office asking for help, having the problems  
10 worked out on the paper. You then looked at the work  
11 and said, "Come back with a better effort."  
12 You don't recall that situation?  
13 A. I do not, no.  
14 Q. Do you have any reason to doubt that it  
15 occurred?  
16 A. I have no reason to doubt it. I have no  
17 reason to doubt that.  
18 Q. Okay. You then went on to say, according to  
19 this letter, "get out of his office," and saying "I was  
20 screwed."  
21 A. Good heavens.  
22 Q. "I was screwed anyway and would fail his  
23 class."  
24 A. No. I could not have said such a thing.  
25 Q. Now, why would you not have said that?

1 A. I don't use that kind of language.  
2 Q. The screwed?  
3 A. My gracious, no.  
4 Q. Okay. What about, Get out of his office?  
5 A. It looks to me as though I asked that person  
6 to go away and get a better effort. That actually is  
7 perfectly plausible.  
8 Q. Okay.  
9 A. Come back when you are better ready to answer  
10 these questions.  
11 Q. Do you recall --  
12 A. And then, if they don't leave your office,  
13 you might reasonably say, Leave my office.  
14 Q. Get out of my office?  
15 A. Leave my office.  
16 Q. Do you have any reason to doubt --  
17 A. I might well say, Please leave my office.  
18 Q. Okay. That's fine. But you would not have  
19 said, I was screwed anyway --  
20 A. No.  
21 Q. -- because you would not have used that  
22 language?  
23 A. Good gracious.  
24 Q. Okay. I feel -- the next paragraph starts, I  
25 feel Dr. Dillon has already prejudiced himself against

1 me and I could not pass his class at this point, no  
2 matter what I did.  
3 Have you had that complaint by students before?  
4 A. I have had students say the second half, I  
5 couldn't pass his class no matter what I did. I have  
6 had students say -- it's not an unusual thing for  
7 students to say. And it may be a real spark of  
8 progress. There are lots of Biology majors who really  
9 should pick another major. They probably can't pass  
10 the particular class, no matter how hard they study.  
11 That actually is an awakening. I wouldn't be  
12 prejudiced against a person. But that second half of  
13 that sentence is actually kind of a spark. Sometimes  
14 an F is not a failure.  
15 Q. Is that necessarily the case, if someone  
16 expresses that opinion, or is it sometimes the case?  
17 A. I'll go with often the case.  
18 Q. Okay.  
19 A. Scientific ability is a talent, just like  
20 musical talent or athletic ability. Most students  
21 don't realize that. When they arrive as freshman, they  
22 probably -- oh, well, they want to be doctors.  
23 Actually, something like 40 percent of all incoming  
24 freshman mention something about medical in their  
25 orientation. And in the first few years, they change

1 their major, so that Biology majors no more than 100 or  
2 so, I would guess, a year, 150 a year. We have 700  
3 biology majors at the freshman level. By the time they  
4 walk across the stage, there will be a hundred and  
5 something. Those students leave. And it's -- and I  
6 think, I hope, I trust that it is a realization on  
7 their part that their strengths lie elsewhere. They're  
8 not going to be -- they're not going to be middle  
9 linebackers on the football team. They don't have the  
10 skill. They don't have the talent. And they're not  
11 going to be scientists.  
12 Q. That, to me, sounds like a description of  
13 something that might occur freshman, perhaps sophomore  
14 year. If I'm understanding genetics, your genetics  
15 class, that's an upper level class, correct?  
16 A. Yes. It's supposed to be the first class you  
17 take as a sophomore.  
18 Q. Okay.  
19 A. Well, in the last ten years or so, we changed  
20 our curriculum. So we have Biology 111, 112, 211. Our  
21 introductory sequence is actually three semesters.  
22 That's very unusual nationwide. Then, ideally, the  
23 fourth semester, second semester of the sophomore year,  
24 you would take genetics. It would be your first upper  
25 division class. 211 is kind of an intermediate class.

1 It would be your first 300 level class. It is an  
 2 eye-opening experience. If it's taught correctly, it's  
 3 an eye-opening experience. It is much more  
 4 mathematical rigorous, verifiable and quantifiable than  
 5 anything they've probably ever come against as a  
 6 biology major. And now that -- you would hope that  
 7 would be true with all courses in education. All  
 8 courses should be eye-opening experiences. Every one  
 9 should challenge us. Just turns out that Biology 111  
 10 doesn't.  
 11 Q. So Biology 111 is the first in the sequence?  
 12 A. Yes.  
 13 Q. The second, I missed.  
 14 A. 112.  
 15 Q. And then 211?  
 16 A. Then 211, interestingly enough, a third  
 17 semester introductory course, which is very unusual.  
 18 Q. And then your class is designed to be, the  
 19 genetics lab, I mean --  
 20 A. Yeah, the fourth semester.  
 21 Q. Does the --  
 22 A. Ideally.  
 23 Q. Does the lab -- is the lab accompanied by a  
 24 course in genetics?  
 25 A. Yes. And most students just take the lecture

1 and not the lab. The lecture is required for biology  
 2 majors. And so each semester, 60 or 80 students will  
 3 be in the lecture. The lab is optional. And I will  
 4 have 30 or 45, or something like that. Actually, often  
 5 less. Of the 60 or 80 or -- gosh, now we have that big  
 6 122-person lecture room. We may be teaching 120-person  
 7 lecture sections of genetics. We may be, now that I  
 8 think about it.  
 9 Q. And 120 in the lecture and how many in the  
 10 lab?  
 11 A. In the lab, 15 times three, let's say,  
 12 roughly. The great the majority -- the majority of  
 13 genetic students do not take the lab.  
 14 Q. When you say 15 times three, that's because  
 15 there's three sections?  
 16 A. Yes, three sections of labs.  
 17 Q. Each section having 15 students?  
 18 A. Yes.  
 19 Q. The 120 for the lecture. How many sections  
 20 of the lecture are there?  
 21 A. The 211?  
 22 Q. No, the genetics lecture.  
 23 A. Oh, okay. Yeah, the 305 lecture, I have not  
 24 been involved with it for some years, but I think there  
 25 are typically one or two lecture sections. And they

1 are very large. They might be 90. They might be 120.  
 2 Q. Each section?  
 3 A. Yes. Maybe as big as two nineties or one  
 4 times 120. A lot. A lot of students in those  
 5 lectures. I have not taught the lecture in quite a few  
 6 years. That's a recent development.  
 7 Q. So by the time someone gets to your lab, they  
 8 are likely a declared Biology major?  
 9 A. Yes, or Biochemistry. It's also required for  
 10 Biochemistry.  
 11 Q. Okay.  
 12 A. Almost all Biology or Biochemistry.  
 13 Q. You said somewhere around 700 students in the  
 14 incoming class would declare as a Biology major?  
 15 A. Yes. At most times, during most semesters,  
 16 we have 700 Biology majors. And the great majority are  
 17 freshman.  
 18 Q. Right. By the time they graduate, there are  
 19 100?  
 20 A. Something like a hundred and something.  
 21 Q. Give or take, a hundred in each class?  
 22 A. Yes.  
 23 Q. When you receive -- well, scratch that.  
 24 That would mean, then, if there are one or two  
 25 lecture sections, 90 to 120 each, there is still some

1 degree of further winnowing that occurs?  
 2 A. Oh, yes. Oh, yes.  
 3 Q. Okay. From sophomore year --  
 4 A. Yes.  
 5 Q. -- to senior year?  
 6 A. Yes.  
 7 Q. Okay. But, by the numbers anyway, that --  
 8 the winnowing occurs, the majority of it anyway, occurs  
 9 freshman year and maybe first semester of sophomore  
 10 year, just by the numbers?  
 11 A. I hate to confess this, but I'm afraid that  
 12 most of the winnowing is not done by our department,  
 13 but rather by organic chemistry. That is a crying  
 14 shame. We should be much more selective with our  
 15 students than we are. Organic chemistry is often not  
 16 taken until the junior year. Chemistry is required.  
 17 So it's either the sophomore or the junior year when  
 18 most -- when a large fraction of our majors realize  
 19 they need to change their major.  
 20 Q. Is organic chemistry required for a Biology  
 21 major?  
 22 A. A BS in biology, yes, not a BA.  
 23 Q. Okay.  
 24 A. That's an important distinction.  
 25 Q. It's been a long time since I've been in

1 school. Is there a way to generally characterize the  
2 classes that are appropriate for a BS and then those  
3 for a BA? And let me just state this, that when I was  
4 in school, there were biology classes designated under  
5 the Biology heading that were more focused on the  
6 ecology. There were others that were more focused the  
7 human body.

8 A. I see.

9 Q. Is the BS a human body type of indication?

10 A. Actually, the opposite.

11 Q. Okay.

12 A. The BS, Bachelor of Science, in Biology is  
13 pretty constrained. It's pretty narrow. And it  
14 requires a freshman course and genetics. And then, I  
15 guess, it's something like three or four other courses  
16 at the 300 level for -- I want to say four other  
17 courses at the 300 level, and general chemistry, and  
18 organic chemistry, and general physics, as well. So  
19 it's a pretty constrained curriculum. And math through  
20 calculus. Whereas, the BA is much looser. It's just  
21 some number of hours at above the 100 level, some  
22 number of hours. I don't remember what it is. And  
23 some of those for BA can be 200 level classes, which  
24 include human anatomy and human physiology. A large  
25 fraction of our students want to go to nursing school,

1 interestingly enough. And many of them do transfer out  
2 after two years. And those nursing curricula require  
3 human anatomy and human physiology. So we have a lot  
4 of students in those 200 level.

5 Q. Okay. Do you view it as part of your  
6 teaching philosophy to ensure that students who you do  
7 not perceive as being capable of graduate work and  
8 beyond receive a low grade as a way to deter them from  
9 choosing that path?

10 A. No, that is not my teaching philosophy at  
11 all. My teaching philosophy is to try to advance the  
12 right thought of the world. Now, in the College of  
13 Charleston Science Center, the right thought of the  
14 world is defined as being the scientific method,  
15 construction of testable hypotheses about the natural  
16 world. My job for 33 years has been to promote the  
17 scientific method, the right thought of the world, as I  
18 see it, well, as I must insist it is, wearing a lab  
19 coat. The construction of testable hypotheses about  
20 the natural world must be rigorous and must be  
21 analytical. It must verifiable. It must be  
22 falsifiable. It must be precise. That's my job and --  
23 period. Period. Just period. That's it. Now, that's  
24 number one.

25 Number two would be the subject matter. Number

1 one is the scientific method about which we cannot  
2 compromise. Now, given that I'm advanced in scientific  
3 method, the name of the class is Genetics 305L. The  
4 subject matter has got to be the mechanism of  
5 inheritance. All right. Then we'll talk about fruit  
6 flies, we'll talk about electrophoresis, we'll talk  
7 about DNA. The subject matter -- that's not the  
8 important thing. The important thing is the scientific  
9 method, the right thought of the world, the scientific  
10 method. Given that we do that, then, the subject  
11 matter would be number two.

12 Number three, and way, way down on the list, if it  
13 is possible to somehow -- if it is possible to somehow  
14 satisfy the students without compromising one and two,  
15 I will do it. So, yes, in fact, I will give you a  
16 makeup if your mother dies. It has nothing to do with  
17 advancing the scientific method or the subject matter  
18 of inheritance. But I will make accommodations for you  
19 if your mother died. That's my philosophy.

20 One more. The student leaves the science center  
21 and goes to the Humanities side of the campus, and  
22 there he takes a poetry class. That professor demands  
23 that that student is sensitive, is intuitive, since  
24 it is -- observant, that is able to transmit within  
25 words to -- to -- to construct in the English language

1 a picture, a prose, a poetry. And that student is --  
2 has to do -- has to make that poet happy. Notice that  
3 in college, nobody is a teacher. Everybody is a  
4 professor. What does that mean? That means that each  
5 of us is a professional in some other discipline who  
6 teaches. I'm not a science teacher. I'm a scientist.  
7 And in my laboratory, you will think like me.

8 Then, the student leaves and goes into the  
9 Humanities side, and there is a poet who demands that  
10 everybody think like him.

11 And after four years of this misery -- this is a  
12 nightmare to a poor student, who is constantly  
13 whipsawed. And it's not just poetry and science, but  
14 humanities, and math, and literature, and law,  
15 government, religion. This poor student is beaten upon  
16 by not science teachers but scientists who demand the  
17 right thought of the world as we practice it in this  
18 room. That harrowing process amounts to a liberal  
19 education, an education in the higher -- a higher  
20 education, a liberal education. The student will know  
21 to number his days that he may apply his heart unto  
22 wisdom. That's my teaching philosophy.

23 Q. Okay. Let's look at some reviews.

24 (Defendant's Exhibit No. 13 marked for  
25 identification.)

1 BY MR. DIXON:  
 2 Q. These are in reverse chronological order.  
 3 I've handed you what we've marked as Exhibit No. 13.  
 4 It is a series of documents starting with College  
 5 1174 --  
 6 A. Yes.  
 7 Q. -- going through, well, I'm sorry, I need to  
 8 start again because there are a few breaks. 1174, 75,  
 9 76, 78, 80, 81, 82.  
 10 A. There's a 77 in mine. You don't have a 77?  
 11 (Discussion held off the record.)  
 12 BY MR. DIXON:  
 13 Q. Let's start with 77, 78, 79, 80, 81, 82, 83,  
 14 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97,  
 15 98, 99, 2000, I'm sorry, 1200, 1201, 1202 and 1203 and  
 16 1204.  
 17 A. Okay.  
 18 Q. Is that correct?  
 19 A. Check.  
 20 Q. Okay. Let's turn, please. As I said, they  
 21 appear to be in, roughly at least, reverse  
 22 chronological order. If we could, let's start with  
 23 document 1204, toward the back.  
 24 A. 1204.  
 25 Q. I guess, before we get there, these documents

1 appear to me anyway to be evaluations of you --  
 2 A. Yes.  
 3 Q. -- from sometime in the past. It looks like  
 4 January 2006 through December of 2015; is that  
 5 correct?  
 6 A. Yes.  
 7 Q. Okay. So let's turn to 1204, which is the  
 8 review from January 1, 2006, through December 31, 2008.  
 9 A. Yes.  
 10 Q. I don't want to go through the whole  
 11 document, but I would like to bring your attention to  
 12 the second-to-last sentence of the second paragraph.  
 13 However, it should be possible to find a way to avoid  
 14 demoralizing these students without lowering your  
 15 standards. I maintain that it is possible to improve  
 16 in this area.  
 17 Do you know what he's referring to or what the  
 18 reviewer is referring to? I don't know who that is  
 19 here.  
 20 A. I don't know who it was. Doesn't say.  
 21 Q. It may be that it's the prior page is the  
 22 beginning of the --  
 23 A. It was Dr. Hillenius.  
 24 Q. Okay.  
 25 A. Yes, it was.

1 Q. Okay. So the first page, 1201, is the --  
 2 A. (Witness reading to self.) Okay. Sorry.  
 3 This is -- yes.  
 4 Q. Yeah, I'm sorry. My copy is a little bit  
 5 different from yours. We're going to work off of  
 6 yours. Looks to me like 1202 is the front page, signed  
 7 by you and Hillenius?  
 8 A. Yes.  
 9 Q. There then appears to be a blank -- an  
 10 unsigned page?  
 11 A. Yes. Yes.  
 12 Q. Then the final page that I was just reading  
 13 from?  
 14 A. Yes.  
 15 Q. So do you know what Hillenius is speaking of  
 16 when he says, However, it should be possible to find a  
 17 way to avoid demoralizing these students without  
 18 lowering your standards?  
 19 A. Yes.  
 20 Q. What is that?  
 21 A. He wants me to sacrifice one and two for  
 22 three.  
 23 Q. In our prior discussion?  
 24 A. Yes.  
 25 Q. How does -- how does he want you to do that,

1 in your estimate?  
 2 A. He wants me to be easier. He wants me to  
 3 make accommodations to students. He wants me to listen  
 4 to their excuses.  
 5 Q. Well, as I read it, he's -- that certainly  
 6 may be part of what he's saying. What I read, though,  
 7 is him saying that it should possible to find a way to  
 8 avoid demoralizing the students. Isn't there a  
 9 difference between being difficult and being  
 10 demoralizing?  
 11 A. He's -- he thinks -- I'm sure he does think  
 12 his statement is true. I'm sure that Dr. Hillenius  
 13 thinks it should be possible to find a way to  
 14 demoralizing students -- to avoid demoralizing students  
 15 without lowering standards. I'm sure he thinks that  
 16 must be true. It is false. We have a difference in  
 17 teaching philosophy.  
 18 Q. Is it your view that the only way to be  
 19 exacting in one and two is to demoralize students?  
 20 A. I'm sorry if they are demoralized.  
 21 Q. That's not an answer to my question. Is it  
 22 your view that the only way to obtain one and two is to  
 23 demoralize students?  
 24 A. I have many students who are not demoralized.  
 25 Q. Is it your view, Dr. Dillon --

1 A. Yes.  
 2 Q. -- that it is impossible to sacrifice one and  
 3 two without demoralizing students?  
 4 A. It -- yes, of course. You can be -- I can be  
 5 unbending in one and unbending in two, and not  
 6 demoralize students.  
 7 Q. Okay. Is it your understanding of what  
 8 Hillenius is speaking about here --  
 9 A. Yes.  
 10 Q. -- is demoralizing students separate from one  
 11 and two, i.e. as you just said, it is possible to  
 12 pursue one --  
 13 A. Yes.  
 14 Q. -- possible to pursue two and not demoralize  
 15 students, right?  
 16 A. I hate to imagine what Dr. Hillenius is  
 17 saying here. But we have had these discussions. I'm  
 18 sure we talked about it in 2008. And what I think he  
 19 means is any student. Now, good students react very  
 20 well. I have many students go on to med school, many  
 21 go to graduate school, many write excellent letters of  
 22 recommendation. Matter of fact, I was mentioned in the  
 23 College of Charleston magazine, the very month I was  
 24 relieved of my duties, by a student who said, I  
 25 remember Dr. Dillon. He's now a successful

1 entrepreneur in Colorado. And he was the subject of a  
 2 profile by the College of Charleston. And he didn't  
 3 end up being a biology major. He ended being a  
 4 business major. But he said, I remember Dr. Robert  
 5 Dillon.  
 6 I do very, very well with many students. But I  
 7 cannot avoid demoralizing at least a few. It just  
 8 turns out to be true.  
 9 Q. And why is that the case?  
 10 A. I don't know. I will speculate, however,  
 11 that the students who are demoralized are having a hard  
 12 time coping with the fact that their talents may not  
 13 lie in science, that they may have talents in other  
 14 areas. It may be a crisis in their own  
 15 self-estimation. It's not unusual in higher education.  
 16 Q. So is it your view, then, that what is --  
 17 what Hillenius is talking about here are those students  
 18 who are having that crisis --  
 19 A. Yes.  
 20 Q. -- that you're speaking of? He's not  
 21 speaking, in your view, about sarcastic comments, say,  
 22 from the professor?  
 23 A. Correct.  
 24 Q. Okay. Would you make sarcastic comments to  
 25 students in class?

1 A. I'm not sarcastic, but I am challenging.  
 2 Q. Explain to me the difference.  
 3 A. Remember, I will say things that are not  
 4 true. That could be viewed as sarcasm, but that's not  
 5 what I intend. I intend to be challenging.  
 6 Q. On 1202 --  
 7 A. 1202.  
 8 Q. -- you'll see that the teacher effectiveness  
 9 for that year or that time period was a two. And two,  
 10 according to the legend above, is defined as  
 11 demonstrating professional competence, correct?  
 12 A. Yes.  
 13 Q. Three would be high professional competence;  
 14 four, exceptional professional competence; and one  
 15 would be unsatisfactory?  
 16 A. Yes.  
 17 Q. So this document shows, am I correct, that  
 18 your evaluation rating for teaching effectiveness was  
 19 two?  
 20 A. That is correct.  
 21 Q. How was that two or how was that number  
 22 determined?  
 23 A. It's a subjective judgment from Dr.  
 24 Hillenius.  
 25 Q. What was it based on?

1 A. Have no idea.  
 2 Q. He never told you what this was based on?  
 3 A. No.  
 4 Q. You were never given the criteria that went  
 5 into the teaching effectiveness number?  
 6 A. I don't recall, no.  
 7 Q. Okay. Would it have included student  
 8 evaluations?  
 9 A. I'm sure it must.  
 10 Q. Are there any other things that you're sure  
 11 it must include?  
 12 A. How many students complained to the chairman,  
 13 how many phone calls the chairman gets from the dean  
 14 and the provost. Yes, I image that there were periods  
 15 of time in the months from 2006 to 2008 when the  
 16 door -- when a knock came on the door and it was yet  
 17 another student complaining about how demoralized he or  
 18 she was with Dr. Dillon.  
 19 Q. Okay.  
 20 A. That's probably quite common.  
 21 Q. Okay. I'm going to work off the correct one  
 22 here. Give me one second.  
 23 A. This thing is buzzing me and driving me nuts.  
 24 One second.  
 25 (Discussion held off the record.)

1 BY MR. DIXON:  
 2 Q. Dr. Dillon, if you would, please turn to  
 3 College 1196. I'm sorry, actually, let's make that  
 4 1195. This is now the review period from January 1,  
 5 2007, to December 31, 2009, correct?  
 6 A. Yes.  
 7 Q. And that's your signature there?  
 8 A. Yes.  
 9 Q. And that appears to be Deavor as the dean?  
 10 A. Yes.  
 11 Q. And whose signature is that as the Department  
 12 Chair?  
 13 A. I think that's -- I think that's Dr.  
 14 Hillenius. Gosh, it's a mess, isn't it? Should have  
 15 been Hillenius. Yeah, I think it is. No, you're  
 16 right, it's not. I don't know. Let me think about  
 17 that for a minute. 2007 to 2009. Who would that be?  
 18 Q. The actual signature appears to have occurred  
 19 in --  
 20 A. 2010.  
 21 Q. -- September of 2010.  
 22 A. Who would that be? Somebody acting as  
 23 (witness talking to self.)  
 24 MS. BLOODGOOD: Don't mumble.  
 25 THE WITNESS: Sorry. Sorry.

1 BY MR. DIXON:  
 2 A. I don't know. I do not know.  
 3 Q. Okay, that's fine. And, real quick, I just  
 4 forgot to do this on the prior evaluation we were  
 5 talking about. Turn back, please, to 1201. That is  
 6 your signature there, right?  
 7 A. Yes.  
 8 Q. Faculty member. And then Jaap Hillenius --  
 9 A. Yes.  
 10 Q. -- is listed as the department chair. And  
 11 that's James Deavor --  
 12 A. Yes.  
 13 Q. -- correct, as the dean?  
 14 Okay, I'm sorry. Turn back now to 1195.  
 15 A. Okay.  
 16 Q. Your teaching effectiveness listed there,  
 17 again, is two, correct?  
 18 A. Yes.  
 19 Q. And if you would turn to 1196, under the  
 20 Teaching Effectiveness header. Many -- many students,  
 21 I presume -- I'm reading now about midway through. The  
 22 sentence starts on the far right. Many -- again,  
 23 students I surmise -- many students express  
 24 considerable frustration with your course, most  
 25 particularly with the way in which you send them back

1 to find the answers to the majority of their questions.  
 2 Figuring it out on your own is certainly an excellent  
 3 way to learn, but there are ways to guide students to  
 4 be successful autodidacts without demoralizing them or  
 5 lowering your standards. I maintain that it possible  
 6 to improve in this area.  
 7 Is this the same tension --  
 8 A. Yes.  
 9 Q. -- that we saw --  
 10 A. It's the same thing.  
 11 Q. -- in the last review?  
 12 A. Uh-huh. Uh-huh.  
 13 Q. He, Hillenius or whomever it may be, I  
 14 believe it's Hillenius although I'm not sure, whoever  
 15 the reviewer is says here that, Students express  
 16 considerable frustration with your course. Figuring it  
 17 out on your own is an excellent way to learn, but there  
 18 are ways to guide students to be successful autodidacts  
 19 without demoralizing them or lowering your standards.  
 20 Is he referring here, do you believe, to your  
 21 habit, propensity, practice, whatever you want to call  
 22 it, of answering questions with questions?  
 23 A. Probably, yes, among other things.  
 24 Q. Okay. If you would, please turn to College  
 25 1186. This appears to me to be a review for a

1 different time period, January 1, 2008, through  
 2 December 31, 2010; is that correct?  
 3 A. Yes.  
 4 Q. And here your teaching effectiveness is  
 5 listed as a one, correct?  
 6 A. Correct.  
 7 Q. That's your signature, correct?  
 8 A. Yes.  
 9 Q. Then Jaap's signature?  
 10 A. Yes.  
 11 Q. And it looks to me anyway to be Mike  
 12 Auerbach's signature?  
 13 A. Yes.  
 14 Q. Okay. Turn, please, to the next page, which  
 15 is 1187. I'm now reading from Teaching Effectiveness.  
 16 A. Yes.  
 17 Q. The second -- the second sentence there. In  
 18 the area of teaching, however, there is a glaring  
 19 problem, namely in the way you interact with students.  
 20 In previous evaluations, other chairs and I have tried  
 21 hinting, nudging, and subtly suggesting that you should  
 22 improve in this area, with no noticeable effect.  
 23 I'm going to skip over a few sentences and start  
 24 with, The issue is not with the material taught in your  
 25 class; you are clearly a capable geneticist and a

1 recognized authority in that field, and your lectures  
 2 are also typically outstanding. But the way you  
 3 interact with your students remains highly problematic.  
 4 As chair, I continue to receive a steady stream of  
 5 distraught students through this office, all with the  
 6 same recurring complaints: not only are you a harsh  
 7 grader, you provide no help when students have  
 8 questions, and they find your unrelenting use of  
 9 sarcasm bewildering, demoralizing, and, not  
 10 infrequently, offensive.  
 11 Let's stop there for a second. Do you recall ever  
 12 a student coming to you and complaining that your  
 13 unrelenting use of sarcasm --  
 14 A. Gracious.  
 15 Q. -- was offensive?  
 16 A. No, sir.  
 17 Q. Do you recall a student coming to you and  
 18 complaining about the unrelenting use of sarcasm being  
 19 demoralizing?  
 20 A. No, sir.  
 21 Q. How about bewildering?  
 22 A. No, sir.  
 23 Q. Okay. Would you dispute that students made  
 24 those complaints to Hillenius and Auerbach?  
 25 A. I have no way to judge. I was not there.

1 Q. Okay, that's fair.  
 2 He says in the next paragraph, With respect to the  
 3 first complaint, I have no fundamental problem with  
 4 your being an exacting lab instructor with high  
 5 standards for student performance, provided ample to --  
 6 excuse me -- provided ample opportunity exists for  
 7 students to learn from their mistakes. In my  
 8 interactions with you and your students, however, I  
 9 have seen little evidence of the latter; often,  
 10 students don't understand what they did wrong, and are  
 11 afforded no opportunity to redeem themselves. This can  
 12 be done much better.  
 13 Do you agree that your teaching revealed little  
 14 evidence of the latter, i.e. an ample opportunity for  
 15 students to learn from their mistakes?  
 16 A. Just the opposite. I think making mistakes  
 17 is the very best way to learn.  
 18 Q. And if you would, continue.  
 19 A. I don't think anybody learns from an A paper.  
 20 I don't think anybody learns from a paper with nothing  
 21 on it. You learn from lots of X's, lots of red.  
 22 Q. Okay.  
 23 A. Lots of questions.  
 24 Q. Okay. Second, your policy -- I'm going to  
 25 continue now with the last paragraph on that page.

1 Second, your policy of have not answering questions  
 2 from students under any circumstances is  
 3 counterproductive.  
 4 I'm going to skip over a few sentences. That does  
 5 not excuse university faculty -- I'm reading from the  
 6 second-to-last line of that paragraph. That does not  
 7 excuse university faculty, excuse me, from answering  
 8 all, and the emphasis on "all," questions. There is  
 9 legitimate middle ground here, and you must do more to  
 10 find it.  
 11 In response to any of these comments from the  
 12 chair or the dean, we have gone now through at least  
 13 one chair and two deans, did you make efforts to  
 14 incorporate any of these suggestions into your actual  
 15 teaching?  
 16 A. No, sir.  
 17 Q. Okay.  
 18 A. We have a difference in teaching philosophy.  
 19 Q. Okay.  
 20 A. I profoundly disagree with most of the things  
 21 written in this, in this document.  
 22 Q. And you made no efforts --  
 23 A. Oh, I made -- I made --  
 24 Q. Let me finish. Let me finish.  
 25 And you made no efforts to adjust your teaching,

1 based --  
 2 A. Correct.  
 3 Q. -- on these comments, because of your  
 4 disagreement in philosophy?  
 5 A. My philosophy has not changed in 33 years. I  
 6 have not changed.  
 7 Q. Okay. So just to be clear, just to be clear,  
 8 you have made no efforts to change your teaching  
 9 tactics, techniques in response to anything that was  
 10 said in any of these reviews?  
 11 A. Correct.  
 12 Q. Okay.  
 13 A. I would also just add that it was at two. It  
 14 was competent in 2007. Without my changing anything at  
 15 all, it became unsatisfactory in 2008.  
 16 Q. The point you're making is that in prior  
 17 years we've discussed it was a two, and now --  
 18 A. Exactly.  
 19 Q. -- in 2008 through '10 --  
 20 A. Yes.  
 21 Q. -- it's a one?  
 22 A. Yes.  
 23 Q. Okay.  
 24 A. I would also notice that Dr. Auerbach's name  
 25 is at the bottom.

1 Q. Okay. So what is the point of that? What is  
2 the point you're making by highlighting that fact?  
3 A. Dr. Auerbach and I have a long-standing  
4 animosity, going back to when he was department chair.  
5 I actively opposed his hire as dean. I attacked him  
6 during his interview process. I spoke vehemently  
7 against him when his -- when his candidacy was  
8 discussed in the Biology Department.  
9 Q. And why did you -- I'm sorry, I didn't mean  
10 to interrupt you.  
11 A. Because he has no qualifications for his job.  
12 None. He is not a scientist. It's been 40 years since  
13 he's done any research. He's not a teacher. It's been  
14 40 years since he taught anything, has ever been in a  
15 classroom, 40 years. His one and only skill appears to  
16 be administrative. And he is the worst administrator I  
17 have -- he has no people skills. He's worse than I am.  
18 His people skills are worse than mine.  
19 Q. So you admit you have poor people skills?  
20 A. Yes.  
21 Q. Okay.  
22 A. Fortunately, that's not my job. I'm supposed  
23 to be a scientist who teaches. I'm not supposed to be  
24 an administrator.  
25 Q. Well, students are people, right?

1 A. Yes.  
2 Q. And your poor people skills would -- excuse  
3 me. Your poor people skills would therefore translate  
4 into issues with interacting with students, correct?  
5 A. It's a prickly scientist; it's not a person.  
6 Q. What does that mean, I'm sorry?  
7 A. That means that fellow in the laboratory  
8 wearing the white lab coat is mean and difficult, has  
9 no people skills, and is utterly unsensitive to my  
10 needs as a student. Rather, he demands from me  
11 satisfaction corresponding to his criteria. He has no  
12 people skills. He's just a horrible person.  
13 Q. And who are you referring to?  
14 A. Me.  
15 Q. You're referring to yourself. And is that  
16 your own estimate? I'm -- I'm somewhat confused as  
17 to --  
18 A. Yes.  
19 Q. I mean, we're trying to get this for the  
20 court reporter.  
21 A. Yes.  
22 Q. It's difficult, I think, for what you just  
23 said to come through.  
24 You would describe yourself -- am I understanding  
25 you correctly to say that you would describe yourself

1 as a prickly scientist?  
2 A. Yes.  
3 Q. Okay. Does a prickly scientist lack people  
4 skills?  
5 A. Yes.  
6 Q. Okay. Students are people, correct?  
7 A. Yes.  
8 Q. And so your interactions with students, you  
9 would therefore conclude -- let me finish, please.  
10 Your interactions with students are impacted by your  
11 poor people skills?  
12 A. Yes.  
13 Q. Impacted in a negative way?  
14 A. Probably.  
15 Q. I didn't mean to interrupt you. Go ahead.  
16 A. With me, the scientific method, construction  
17 of testable models about the natural world, is number  
18 one. I will not compromise that. Number two is the  
19 subject matter. And then, finally, if there is some  
20 way I can conduct this the next three hours without  
21 compromising number one and number two, I might  
22 consider it. I have terrible people skills. And  
23 that's what a scientist is.  
24 Q. Okay. And are you -- do you have terrible  
25 people skills outside of the classroom?

1 A. No. I'm fine.  
2 Q. So it's only in the classroom that you would  
3 say you have poor people skills?  
4 A. Yes, that is true. I -- I -- I would much  
5 rather be a nice person. I wish I didn't have to be so  
6 mean. It's a miserable job that I do, really.  
7 Everybody wants to be liked. But I have to do it.  
8 Q. Because the students have to live up to your  
9 standards?  
10 A. Because I'm a college professor and I'm a  
11 scientist, that's right.  
12 Q. Okay.  
13 A. It's my job to be a scientist.  
14 Q. How about people outside of the classroom, in  
15 situations independent of your job, do people need to  
16 live up to your exacting standards, as well?  
17 A. No. I've long given up on that.  
18 Q. But you that would be your preference?  
19 A. Pardon?  
20 Q. That would be your preference?  
21 A. Oh, no. Oh, boy. That's a strange -- from  
22 the minute I wake up in the morning until the minute I  
23 go to bed, I essentially never agree with anything I  
24 see. Fortunately, I'm a very forgiving person. I'm  
25 very flexible. I don't -- I try not to argue with

1 anybody. I try to get along with everybody. I turn it  
 2 off. I turn it off. I really wish the critical dial  
 3 would stay at zero. But it has to be cranked up to  
 4 nine when I go into that classroom to do my job.  
 5 Q. Do you feel that way -- I'm trying to  
 6 understand what you mean --  
 7 A. Yes.  
 8 Q. -- when you say from the moment you wake up.  
 9 A. Yes.  
 10 Q. Do you feel that way, now that you're  
 11 retired?  
 12 A. Yes. Even in scientific papers, for example,  
 13 I do remain active in research. I travel some. I  
 14 write some papers. I'm going to a meeting in June. I  
 15 remain active in my research. And so I pick up a  
 16 scientific paper, and it is my job to say, This is  
 17 horrible. This experiment is terrible. The methods  
 18 are all messed up. There's no way that this person  
 19 could possibly have any idea about the hypothesis he's  
 20 trying to test. It's all a piece of hogwash. That's  
 21 what a scientist does. He picks up these pieces of  
 22 paper. He reads. And he's critical. Critical. I  
 23 don't believe -- I don't believe anything I read ever  
 24 in the scientific literature. It's all horrible,  
 25 horrible. It's my job.

1 Q. Putting aside your work --  
 2 A. Yeah.  
 3 Q. -- are you critical of the things you see on  
 4 the news?  
 5 A. Oh, gosh, yes.  
 6 Q. The way people drive? I mean --  
 7 A. You're right.  
 8 Q. -- is it everything?  
 9 A. But not -- the answer is, yes. But, no, I'm  
 10 a very nice -- very, I hope, forgiving driver. I don't  
 11 blow my horn at anybody. I don't like the way people  
 12 drive, but got to let it go. I hope I've been okay to  
 13 you. I haven't -- maybe I haven't. I've tried to be  
 14 nice, anyway.  
 15 Q. How about, are you happier not being a  
 16 professor, not having to interact with these with  
 17 students?  
 18 A. Wow. Maybe. In some respects yes, some  
 19 respects no. I certainly miss the learning. I miss  
 20 some students -- reliably, every year, a few a year  
 21 would present themselves who wanted to learn. It's a  
 22 rare thing. I had 25 or 30 undergraduate students. I  
 23 had ten or 12 master's students. But occasionally a  
 24 few a year would present themselves genuinely  
 25 interested in science and wanting to learn. Now, they

1 would become undergraduate assistants, let's say, or  
 2 just -- just laboratory help. They might get -- might  
 3 get undergraduate credit for it, they might not.  
 4 And I love learning. As much as I hate teaching,  
 5 I love learning. Teaching -- I hate books. I hate  
 6 blackboards. I hate desks. I hate chalk. I hate  
 7 tests. I hate grading. The worst thing that I would  
 8 ever have to do, and thank God I don't have to do it  
 9 again, is to grade a test and judge a student A through  
 10 F. It was a nightmare. And I did it every week of my  
 11 life for 33 years. I miss the learning. I do not miss  
 12 the teaching.  
 13 Q. Are you saying that you would learn from your  
 14 students? When you -- when you said you miss the  
 15 learning, you then started talking about your students.  
 16 So I'm assuming --  
 17 A. Yes.  
 18 Q. -- that what you mean by that is that you  
 19 learn from your students?  
 20 A. Yes. We go together. Yes. In a real  
 21 laboratory, the students and a professor work together,  
 22 like colleagues. Oh, it's -- I miss that.  
 23 Q. But you don't miss the teaching?  
 24 A. Correct.  
 25 Q. Okay.

1 A. I had a graduate student who was taken away  
 2 from me by this whole thing. Her name was --  
 3 MS. BLOODGOOD: You probably don't want to  
 4 say her name.  
 5 THE WITNESS: Okay, I won't.  
 6 (Discussion held off the record.)  
 7 BY MR. DIXON:  
 8 Q. What we'll do is, just to the extent student  
 9 names are used, and they may need to be, we'll  
 10 designate this as confidential.  
 11 A. Okay.  
 12 Q. Please, go ahead.  
 13 A. If it matters, her name was Elizabeth. And  
 14 she asked me to be on her -- on her master's committee.  
 15 And she wanted to work on fresh water snails, which is  
 16 the love of my life. So, very strange thing. It turns  
 17 out that scientists pick little tiny, tiny areas which  
 18 we know way too much about and dedicate our lives to  
 19 some tiny little aspect of -- corner of nature. And  
 20 this young lady wanted to work on fresh water snails,  
 21 which is very unusual, in a marine biology program.  
 22 Understand, we don't have a master's program in fresh  
 23 water, a master's in marine biology. And I had a fresh  
 24 water snail student for the first time in 20 years.  
 25 And when her -- when her advisor -- I was going to

1 serve on her committee. When her advisor learned that  
 2 I was going to be sanctioned by the College, he went to  
 3 the director of the graduate program and had her  
 4 reassigned. So I lost her. I saw her again at the  
 5 Sigma Xi banquet a few weeks ago, and she's doing okay.  
 6 But it was painful. I miss that.

7 Q. Okay. We'll come back to Elizabeth.

8 But I want to follow up on the happier -- the  
 9 question I asked was whether or not you're happier  
 10 having retired? And as I understood you to say, you  
 11 miss the learning?

12 A. Yes.

13 Q. But you do not miss the teaching?

14 A. Yes.

15 Q. Any other things that you don't miss?

16 A. Let me think. Bosses. I'm just going to say  
 17 administrators of all sort, at every level, all the way  
 18 up. What a bunch of redacted. Year after year, after  
 19 year of redacted. Oh.

20 Q. All right. Anything else?

21 A. I'm done.

22 Q. Okay. We'll come back to that, too, I'm  
 23 sure.

24 Let's return to the document in front of you,  
 25 please. Paragraph -- on the page -- flip over one,

1 please. Other way. And then --

2 A. 87?

3 Q. One more to 88.

4 A. 88.

5 Q. Third -- the first full paragraph. A very  
 6 substantial proportion of your students simply don't  
 7 understand that you're being sarcastic. When they hear  
 8 from you, in lieu of a response to an innocuous  
 9 question, that "their role in this course is to make  
 10 you happy" they do not understand you're only trying to  
 11 be funny, and interpret it to mean that you're  
 12 capricious and arbitrary.

13 Did you say that to students, that their role in  
 14 this course is to make you happy?

15 A. I might have, among other things. They have  
 16 many roles.

17 Q. Do you have a specific memory of stating to  
 18 a --

19 A. No.

20 Q. -- class that their role is to make you  
 21 happy?

22 A. No, I do not remember that.

23 Q. Okay. But you wouldn't dispute that you said  
 24 it?

25 A. Wouldn't dispute it.

1 Q. Okay. There is a big difference, he says,  
 2 between appropriately challenging a student to think  
 3 something through on their own, and misleading them to  
 4 the point of utter confusion. And no students should  
 5 resort -- should have to hear their -- sorry, let me  
 6 start that sentence again.

7 And no student should have to hear their  
 8 instructor resort to ad hominem retorts, no matter how  
 9 they are intended.

10 Do you know what he's referring to there, ad  
 11 hominem --

12 A. I do not.

13 Q. -- retorts? You don't recall a situation in  
 14 this time period where you made a personal comment  
 15 about a student?

16 A. No, I do not.

17 Q. Okay. Frankly, I am tired of having to  
 18 apologize to your students for the way you interact  
 19 with them.

20 The last paragraph, I note that the materials --  
 21 it says "your" but it should be "you" -- the materials  
 22 you submitted for this evaluation do not at all address  
 23 teaching and teaching effectiveness; it would appear  
 24 that you do not think it is a significant component of  
 25 your job.

1 Is that -- is that statement true of  
 2 Dr. Hillenius, that you didn't think that --

3 A. I don't remember.

4 Q. Let me -- let me finish the question.

5 Is that statement true, that you did not think it  
 6 was a significant component of your job to teach?

7 A. Oh, that's quite clear, clearly false. It is  
 8 50 percent of my job.

9 Q. Well, I understand that's 50 percent of the  
 10 evaluation. But that's not what he's stating. He's  
 11 stating that you don't believe -- it would appear you  
 12 don't think a significant component of your job.

13 A. It was a horrifying component of my job. It  
 14 was the worst part of my job. It was at least 50  
 15 percent of my job. Yeah. Oh, it's definitely my job.  
 16 I just told you how much I hated it. You're not  
 17 expected to like work. That's why it's called work.

18 Q. Did you feel that the students who were  
 19 incapable of keeping up, as you mentioned -- I think  
 20 you said some students have a scientific mind --

21 A. Some.

22 Q. -- some do not?

23 A. It's true.

24 Q. Did those students try your patience?

25 A. No.

1 Q. Did you feel it was beneath you that they  
2 were in your class?  
3 A. No.  
4 Q. Did you treat them differently from the ones  
5 who did have a scientific mind?  
6 A. No.  
7 Q. Isn't it true that in no prior evaluation  
8 that we've gone over before there has been no mention  
9 of ad hominem retorts?  
10 A. It is possible that there were some earlier  
11 that I had no recollection of.  
12 Q. Okay.  
13 A. And have probably forgotten them already.  
14 Q. Okay. Turn with me, please, to 1180. This  
15 is a review for the school -- or for the years January  
16 1, 2009, through December 31, 2012, correct?  
17 A. Correct.  
18 Q. And is that your signature at the bottom?  
19 A. Yes, sir.  
20 Q. Department Chair Jaap and Dean Mike?  
21 A. Yes.  
22 Q. Okay. Looks like this has evaluations for  
23 each of the four years in that time period, correct?  
24 A. Yes.  
25 Q. And I'm looking at your teaching

1 effectiveness there for 2009. It's listed as a two.  
2 2010, listed as a one. 2011, as a two. 2012, as a  
3 two. Is that correct?  
4 A. Yes.  
5 Q. The next page over, Teaching Effectiveness.  
6 A. Yes.  
7 Q. In my last evaluation, I chided you for your  
8 inadequate way of interacting with students.  
9 I'll skip to the next sentence. I must admit, I  
10 had little confidence my evaluation would have much  
11 effect, but I'm pleased to note that not a single one  
12 of your students during Fall 2011 and Spring 2012  
13 complained to me about your teaching.  
14 Now, you did not teach in the fall 2012 due to  
15 your sabbatical. I consider that --  
16 A. Because I wasn't teaching.  
17 Q. I consider that a measurable improvement.  
18 A. Thank you.  
19 Q. Do you recall anything that you did different  
20 in that time period, other than take a sabbatical?  
21 A. Take a sabbatical, there you go. No, I  
22 don't.  
23 Q. Okay.  
24 A. I'm quite sure I did not change.  
25 Q. Okay. Turn with me, please, to 1178. Again,

1 at bottom, is that your signature?  
2 A. Yes, sir.  
3 Q. And Jaap's signature as department chair?  
4 A. Yes.  
5 Q. And Mike's as dean?  
6 A. Yes, sir.  
7 Q. This appears to be a review for January 1,  
8 2011, through December 31, 2013?  
9 A. Yes, sir.  
10 Q. And your teaching effectiveness is noted here  
11 for 2011, '12 and 13 as a two, correct?  
12 A. Yes.  
13 Q. Okay. Turn with me one more page, two more,  
14 I suppose, 1176.  
15 A. 1176.  
16 Q. The other way. Yeah.  
17 A. Other way. Other way.  
18 Q. This appears to be the same type of document,  
19 but the date range from January 1, 2012, through  
20 December 31, 2014, correct?  
21 A. Correct.  
22 Q. That is your signature at the bottom?  
23 A. Yes, sir.  
24 Q. Jaap's signature as department chair and  
25 Mike's as dean?

1 A. Yes.  
2 Q. And your ratings here, 2012 to 2014, all  
3 straight twos, correct?  
4 A. Yes, sir.  
5 Q. Okay. So it's not the case that Dean  
6 Auerbach was necessarily giving you ones, correct?  
7 A. That is correct.  
8 Q. Okay. The final one starts on 1174.  
9 A. Yes.  
10 Q. It is noted at the top that it is an  
11 evaluation for January 1, 2013, through December 31,  
12 2015, correct?  
13 A. Yes.  
14 Q. 2013 and '14 are twos, and 2015 is a one,  
15 correct?  
16 A. That is correct.  
17 Q. And 2015 would have been the -- December 31,  
18 2015 would have been the January before these  
19 unpleasant events began --  
20 A. Yes.  
21 Q. -- correct? And that's your signature at the  
22 bottom?  
23 A. Yes, sir.  
24 Q. And Jaap's and Mike's, as well?  
25 A. Yes.

1 Q. Okay. The review date would have been June  
2 of 2016, which was -- or the signature date, rather?  
3 A. Yes. Yes, signature date.  
4 Q. So these were completed after many of the  
5 events --  
6 A. Yes --  
7 Q. -- have occurred?  
8 A. -- that's correct.  
9 Q. But it relates to a time period beforehand?  
10 A. Yes, that is correct.  
11 Q. So the teaching effectiveness on the next  
12 page, line, or heading, the first line under that  
13 states, This evaluation does not address the issue of  
14 your course syllabus, and your refusal to include  
15 course-specific learning outcomes, that emerged in  
16 early 2016, correct?  
17 A. Correct.  
18 Q. In the middle of the next paragraph it  
19 states, As in previous years?  
20 A. As in previous years, oh, the next paragraph,  
21 yes.  
22 Q. As in previous years, your course evaluations  
23 remain gravely problematic: while your students  
24 recognize your knowledge as a geneticist, they also  
25 rate you as one of the least helpful faculty in the

1 classroom.  
2 I'll skip a few lines. You still have limited  
3 patience for students who ask questions or ask for  
4 assistance.  
5 Do you see that?  
6 A. Yes.  
7 Q. Okay. These evaluations contain numerous  
8 troubling comments that characterize you as  
9 "unapproachable," "rude," or "condescending" in the  
10 classroom, and your feedback as "unhelpful" or  
11 "terrible," right?  
12 A. Yes.  
13 Q. Okay. The final paragraph on that page  
14 states that, It should be noted that these are the  
15 comments of the relatively few students remaining in  
16 your course sections at the end of the semester?  
17 A. Oh, dear.  
18 Q. I guess the idea here being that if a  
19 students withdraws, they are not asked --  
20 A. That is correct.  
21 Q. -- to give an evaluation of the professor?  
22 A. Yes.  
23 Q. Okay. Would you agree with me that many of  
24 the students who withdrew, had they given evaluations,  
25 would have given low evaluations? Is that a fair

1 statement?  
2 A. I don't know.  
3 Q. Okay. Would students withdraw from your  
4 class because they started it, perceived that it was  
5 going to be something they thought it was not, and  
6 withdraw before the end?  
7 A. That's certainly possible.  
8 Q. Okay. Is that accurate; do you know?  
9 A. It's probably true.  
10 Q. Okay. In Spring -- I'll start reading again.  
11 In Spring 2015, nearly 46 percent of your students  
12 withdrew before the end of the semester, and in Fall  
13 2015 nearly 40 percent did so and, again, therefore  
14 submitted no course evaluations.  
15 Do you any of reason to dispute these numbers?  
16 A. Seems correct.  
17 Q. Okay. There's a sentence here, I'll start  
18 it, the next sentence. I'll start it midsentence. Not  
19 a single one of the students in one of your Spring 2015  
20 sections endured past the midterm. The entire section  
21 withdrew.  
22 Do you recall that?  
23 A. Yes.  
24 Q. How many students were in that section to  
25 begin with, if you recall?

1 A. Just five.  
2 Q. Okay.  
3 A. If I could explain?  
4 Q. Yeah, sure.  
5 A. That was a big mistake. We moved from the  
6 old science center where we had a dedicated Genetics  
7 lab during renovations into the new science center  
8 where we shared with -- Genetics shared with a bunch of  
9 other classes and a Chemistry lab. And had to find  
10 some way to pack a large number of students into a  
11 small number of instructional hours. So that semester,  
12 I had a morning section. It was the first time they'd  
13 ever, in 33 years, had a morning laboratory section.  
14 It's -- a morning laboratory section takes up a block  
15 of three hours and conflicts with lectures. Typically,  
16 a student will take lectures in the morning and lab in  
17 the afternoon. All the lectures are offered in the  
18 mornings. And so I only had five students in that  
19 particular section to begin with, because it was at a  
20 weird, weird time. And then, I think at least one or  
21 two of them, within a week, transferred to one of the  
22 afternoon sections. I had one morning section, three  
23 afternoon sections. So I think in a matter of week or  
24 two I was down to four or three students in a lab that  
25 holds 15. It was very odd.

1 Q. Okay. And you usually have 10 to 15?  
 2 A. Ten to 15, uh-huh.  
 3 Q. So this one was unusual because it was in the  
 4 morning; it conflicted with the lectures?  
 5 A. Yes.  
 6 Q. The -- your -- what would your usual dropout  
 7 rate as a percentage be? Earlier, we talked about 40  
 8 percent --  
 9 A. Yeah.  
 10 Q. -- being D's, F's and W's. What about just  
 11 the W's?  
 12 A. Just W's? Three or four of those 15,  
 13 whatever that quantity is.  
 14 Q. Okay. Okay.  
 15 A. Fifteen, one over five, do the math, 20  
 16 percent.  
 17 Q. And you said that some of the students who  
 18 withdrew from this particular section withdrew from  
 19 this section with you and re-enrolled in another  
 20 section with you --  
 21 A. That's my recollection.  
 22 Q. -- in the afternoon?  
 23 A. That is my recollection, yes.  
 24 Q. Okay.  
 25 A. I think so.

1 Q. Okay. Did you report this, the fact that all  
 2 the students had withdrawn, to Jaap?  
 3 A. No. I don't think there's any mechanism for  
 4 it. It may be completely unprecedented. It's  
 5 certainly the first time it ever happened to me. I  
 6 don't know anybody else it's ever happened to.  
 7 Q. When you say "mechanism" --  
 8 A. What would you -- yeah, I don't know how to  
 9 do it.  
 10 Q. I'm not trying to be sarcastic here. But,  
 11 like, pick up the phone, that's what I'm asking.  
 12 A. Uh-huh.  
 13 Q. Did you pick up the phone and call him, and  
 14 tell him that all of my students withdrew?  
 15 A. No. I don't know why I would.  
 16 Q. Okay. Is it -- isn't it part of your -- I  
 17 mean, what if all of the students for all of your  
 18 sections had withdrawn? Would that be something that  
 19 you think you should report to your department chair?  
 20 A. I prefer not to deal in hypotheticals.  
 21 Q. Well, I'm asking you one. I mean --  
 22 A. I don't think it's ever happened. It is hard  
 23 for me to imagine it happening. I don't know what I  
 24 would do in such a case.  
 25 Q. Isn't it part of your job to teach a certain

1 number of classes?  
 2 A. Yes.  
 3 Q. And if one of those classes goes away, would  
 4 that be something that your supervisor would want to  
 5 know about, your boss would want to know about?  
 6 A. Well, it lasted for half a semester anyway,  
 7 maybe more. It would have lasted for six or eight  
 8 weeks, I guess. My memory is poor on that.  
 9 Q. Okay.  
 10 A. So it did occur. The class did occur. And  
 11 we're not expected to report -- well, in fact, I'm  
 12 sure -- I assume that department chairmen get reports  
 13 of withdrawals. There must be reports generated  
 14 somehow.  
 15 Q. But in this particular section, there were  
 16 only five students to begin with?  
 17 A. Yes.  
 18 Q. So withdrawal of five students, you said that  
 19 your withdrawal rate was typically three to four, so  
 20 withdrawal of five wouldn't have come up on anyone's  
 21 radar, correct?  
 22 A. Correct. So it's entirely unprecedented, as  
 23 far as I know. I don't think we have any procedure to  
 24 deal with it, certainly no requirements. I guess I had  
 25 assumed that the department chair was getting reports.

1 Q. The -- your review on this point says, The  
 2 fact that you effectively failed teach your full  
 3 complement of courses for much of the Spring 2015  
 4 semester without informing your department chair is  
 5 grossly irresponsible, and unacceptable. It also means  
 6 that you owe the Department the equivalent of a course.  
 7 Any future course assignments will have to take this  
 8 into consideration.  
 9 Do you remember any conversations with Jaap, or  
 10 Chair Hillenius, or Dean Auerbach about this?  
 11 A. Yes, by June. Yes, after the semester was  
 12 long over. Yes. And my answer would be, I did teach  
 13 the course for quite a few weeks. And then,  
 14 ultimately, students withdrew.  
 15 Q. Would these -- speaking generally now about  
 16 the evaluations, would they -- would there be an  
 17 interview before the evaluation with either the chair  
 18 or the dean with you to discuss your perception of how  
 19 the review period had gone? Was it based solely on  
 20 documents submitted to them? Help me understand how  
 21 this report comes about.  
 22 A. No, there is no interview. In fact, there's  
 23 no interaction between me and my department chair  
 24 whatsoever. Months, years pass. For the last couple  
 25 of years of my career, I was located in a facility up

1 Meeting Street called the SCRA. And, of course, when  
2 my duties were reassigned, I didn't have any occasion  
3 to be on the campus at all. I was in -- my regular  
4 office and my regular lab are about a mile up Meeting  
5 Street.

6 Q. I want to cut you off. I don't want to  
7 interrupt you.

8 A. Yes.

9 Q. But I want to specify that what I'm asking  
10 about is not anything specific --

11 A. Oh, right.

12 Q. -- to these events, but just the reviews  
13 generally. Were the reviews preceded with an  
14 interview?

15 A. No.

16 Q. Okay.

17 A. There's no process of any sort. There's no  
18 visitations. There's no observations. I think that  
19 the department chair judges the success or failure of  
20 his faculty by student evaluations, possibly by grade  
21 point distributions, and by the number of knocks on his  
22 door. No, I was not ever interviewed, ever asked.

23 Q. When you say GPA distributions, what does  
24 that even mean?

25 A. Grade point average. Right, right. I'm

1 sorry, the distribution of grades. I should just say  
2 grades. I think it is -- it is noted.

3 Q. So just help me understand this. When you  
4 say grade distributions, do you mean you are evaluated  
5 on the grades that you give your students?

6 A. I think so.

7 Q. Okay. So if you give students many A's,  
8 you're graded better; is that what you're saying?

9 A. Yes.

10 Q. Okay. How about after the evaluation is  
11 completed, is it -- how is it transmitted to you?

12 A. Oh.

13 Q. I presume that changed over time. But I  
14 guess my question is, was it followed up with a  
15 conversation?

16 A. That might be the single worst day of the  
17 year. For years and years, and years -- I do have to  
18 sign this thing. Some years, I've been able to simply  
19 sign it and put it in the department chair's box. But  
20 other years, I have walked in and signed it in his  
21 presence, and then walked back out. No, there has  
22 never been any attempt or any effort to engage me in  
23 any discussion of teaching philosophy or teaching  
24 approaches. It is possible that the department chairs,  
25 for 30 years, have feared that it would be

1 unproductive. But for whatever reason, no. No  
2 conversation before or after ever -- has ever taken  
3 place. You have a complete record of the interaction  
4 as written.

5 Q. Well, help me understand, then. I thought I  
6 heard you to say earlier that you and Hillenius had  
7 widely divergent --

8 A. Yes.

9 Q. -- philosophies. How did you learn his  
10 philosophy if not through a conversation with him?

11 A. These documents.

12 Q. Okay.

13 A. I just disagree with everything written.

14 Notice the signature line says, The following  
15 signatures indicate that the Chair and the Faculty  
16 Member have met and discussed the annual evaluation.

17 That usually means I walk in the door and I say,  
18 I've seen your evaluation. Then I sign it and I hand  
19 it to him. We do not signify agreement by the fact  
20 that an evaluation is as written.

21 Q. So all you know about Hillenius', Auerbach's,  
22 Deavor's teaching philosophy is what you have gleaned  
23 from reading these reviews?

24 A. Yes, sir.

25 Q. Okay. Did you -- did it dismay you that you

1 received ones and twos on teaching effectiveness from  
2 your superiors?

3 A. I guess I got beyond it after the first few  
4 years. As we have already amply demonstrated, I never  
5 got good teaching evaluations, never got good  
6 evaluations of any sort from any boss I ever had.

7 Q. Going back to --

8 A. 1983.

9 Q. Okay.

10 A. Never got a good evaluation from any boss,  
11 ever. So, no, I was not dismayed for yet another year.

12 Q. Okay.

13 A. 2016 was the same as 1983.

14 Q. In 1983, did you have -- were you dismayed?

15 A. Yes, I probably was initially shocked, I'm  
16 sure I was, to discover the actual practice of teaching  
17 at the College of Charleston was so corrupt, so  
18 retched, so poor and wrong. It did get worse in the  
19 '90s. In the '80s, it was bad. In the '90s, it got so  
20 much worse. I guess I gave up then. Gave up worrying  
21 about my evaluations.

22 Q. But we're talking about two different things,  
23 or we morphed into talking about something, it seems to  
24 me. My question was, were you dismayed about your  
25 reviews being so poor, which really doesn't seem to me

1 anyway to have anything to do with the level of  
 2 teaching at the College; this is more a function of  
 3 your relationship with your superiors.  
 4 A. Yes.  
 5 Q. So my question is, and I believe you've  
 6 answered it, but I just want be clear, that in 19 --  
 7 the early -- in the '80s, when you first arrived at  
 8 your college, at the College, you received poor  
 9 evaluations --  
 10 A. Yes.  
 11 Q. -- on your teaching, correct?  
 12 A. Yes.  
 13 Q. Thank you.  
 14 A. Yes.  
 15 Q. And, at first, you were dismayed?  
 16 A. Yes.  
 17 Q. And then, over time, you became inured to  
 18 it?  
 19 A. Yes.  
 20 Q. Okay. And so when you received a one in  
 21 2015, a two in 2014, a three -- a two in 2012, et  
 22 cetera, you had come to expect that --  
 23 A. Yes.  
 24 Q. -- is that accurate? Okay. And had you  
 25 resigned yourself to that being the way it was going to

1 be, much in the same way a poor student might resign  
 2 himself to receiving a poor grade in your class?  
 3 A. Yes.  
 4 MS. BLOODGOOD: Object to the form.  
 5 MR. DIXON: Let's go off real quick.  
 6 (Discussion held off the record.)  
 7 BY MR. DIXON:  
 8 Q. Were there faculty members at the College who  
 9 were similarly exacting as you?  
 10 A. Yes, one or two in the '80s. Norman  
 11 Chamberlain, I had great respect for him. Maggie  
 12 Pennington, in her own way. One or two.  
 13 Q. No others during your entire tenure there?  
 14 A. Just a few. Oh, some good -- no. Just a  
 15 few. Just a few in the '80s.  
 16 Q. Okay. Who other than -- and I'm not sure I  
 17 got the name right.  
 18 A. Rick Heldrick in the Chemistry Department  
 19 still works there today. There are some chemists,  
 20 organic chemists. Marion Doig was good, retired now.  
 21 Jim Smiley was good. Retired now. There were -- in  
 22 the '80s, you could look around and see specks of real  
 23 teaching excellence.  
 24 Q. So the names that you just gave me --  
 25 A. Yes.

1 Q. -- were names from the '80s?  
 2 A. Yes. All would have been there in the '80s.  
 3 Q. How about the '90s?  
 4 A. Well, many of them carried on to the '90s,  
 5 but they began to retire. Norman Chamberlain retired  
 6 early '90s, I guess. Maggie Pennington in the early  
 7 '90s, I guess. Yes, they began to disappear.  
 8 Q. Were there any new faces that appeared in the  
 9 '90s who you had respect for or who had -- let me  
 10 rephrase the question.  
 11 Were there any new faces that appeared in the '90s  
 12 who had similar standards as yours?  
 13 A. Yes and no. Yes, in that I could name for  
 14 you Chris Corey, for example, who is a geneticist we  
 15 have to this day. I could name for you Jason Vance,  
 16 who is a physiologist we hired just six or eight years  
 17 ago. I could name for you some very good professors  
 18 with very exacting standards who, nevertheless,  
 19 compromise those standards in reaction to pressure from  
 20 the administration.  
 21 Q. Okay. I don't want to talk about those.  
 22 A. Okay.  
 23 Q. What I want to talk about is people who had  
 24 similarly exacting standards, who maintained them.  
 25 A. Right. No. I would be the only one.

1 Q. So none from the '90s?  
 2 A. Not even in the '90s.  
 3 Q. And none from the 2000s?  
 4 A. No.  
 5 Q. The alts, none from the alts or the teens?  
 6 A. I am the only one.  
 7 Q. Okay. Okay. Do you -- strike that.  
 8 Did you ever have any conflicts or disagreements  
 9 with any other professors?  
 10 A. Yes.  
 11 Q. Can you tell me about those?  
 12 A. Wow. I'm sure there had been many. The  
 13 first ones that I think of -- the first one was -- was  
 14 Julian Harrison and Chip Beinbaum, who -- no, not the  
 15 first one I think of. I'll finish this and then I'll  
 16 come back to another one. Julian Harrison and Chip  
 17 Beinbaum, who had strikingly different ways of looking  
 18 at the graduate program in Marine Biology than I. And  
 19 I had a long-running fight over a student of -- a  
 20 marine biology student. I had a terrible conflict of a  
 21 professional nature and a personal nature with the  
 22 department chairman in the '90s, a fellow named Lou  
 23 Burnett. He was chairman for, I guess, six or eight  
 24 years. And we fought over everything. And, similarly,  
 25 I fought over Mike Auerbach when he was chair, over

1 professional, as well as personal, over every aspect  
2 you could possibly imagine. The answer is, yes. And I  
3 imagine I could begin to list them. Is that enough,  
4 four?

5 Q. That's fine. That's enough for now. Yeah, I  
6 don't think we need to -- I think I can figure out a  
7 better way to go down that road.

8 A. Okay.  
9 (Defendant's Exhibit No. 14 marked for  
10 identification.)

11 BY MR. DIXON:

12 Q. Professor Dillon, I'm handing you what's been  
13 marked as Exhibit No. 14. It is a document entitled,  
14 Point of View (Faculty) Swimming with Snails.

15 Do you recognize this document?

16 A. Yes, sir.

17 Q. What is this?

18 A. This is an essay I published in the College  
19 of Charleston magazine in 2010.

20 Q. Okay. And toward the end, on the far right  
21 column, you state something that you may have stated  
22 verbatim here earlier. Third full paragraph down. I  
23 myself am a scientist, not a teacher.

24 A. Yes, sir.

25 Q. Do you see that?

1 A. Uh-huh.

2 Q. The next -- first sentence of the -- sorry,  
3 the next paragraph, first sentence says, Thank heaven  
4 that it is not my job -- sorry, let me start again.

5 Thank heaven that's not my job. I hate school and  
6 everything about it -- classrooms, desks, tests, grades  
7 and even books.

8 Then the sentence preceding the first one I read,  
9 the last sentence of the second paragraph says, We are  
10 professionals in some other discipline, who teach.

11 Do you see that?

12 A. Yes. Yes.

13 Q. Is that how you view yourself, a professional  
14 in some other discipline who teaches?

15 A. Yes, sir.

16 Q. Okay. Then the very last sentence, the last  
17 clause states, There lurks a genuinely nasty codfish,  
18 who for some mysterious reasons, swims with snails?

19 A. Yes, sir.

20 Q. I'm assuming that you're referring to  
21 yourself as a "genuinely nasty codfish." What do you  
22 mean by referring to yourself as a "genuinely nasty  
23 codfish"?

24 A. This is a statement of my teaching  
25 philosophy, as clearly -- as clear as I can make it.

1 And I do suggest all my students read this. There's a  
2 link from my syllabus. And one of few things I say on  
3 the first day of class is, You need to go to this link  
4 and read this essay. So, theoretically, every student  
5 knows what my teaching philosophy is. And here it is.  
6 And it says I am not going to be nice; I'm going to be  
7 nasty. And I am not going to have anything to say  
8 about the air, or the land. I am a fish. We will swim  
9 in this class. All right. I don't talk about poetry  
10 and I don't talk about history. Now, there will be  
11 other point of view. Of course, there will. You will  
12 leave this pond and you will go to the river bank, and  
13 there some nasty hoptoad who sees only the river bank,  
14 yes. That's as clear as I can say what my philosophy  
15 is.

16 Q. What do you mean by referring to yourself as  
17 a "genuinely nasty codfish"? And by that question, I'm  
18 focusing on the "generally nasty" --

19 A. Okay.

20 Q. -- adjective.

21 A. That I am going to be -- I'm -- that I am  
22 going to have no social skills.

23 Q. Okay. Can you elaborate?

24 A. Precisely, that I will -- that I will -- that  
25 when you bring your personal problems to me, it's like

1 talking to a codfish. I live in the canal. I swim.  
2 Why are you telling me that your grandmother died? I'm  
3 a codfish.

4 Q. Meaning, why you are you telling me that your  
5 grandfather -- grandmother died --

6 A. Yes.

7 Q. -- I'm going to make no exceptions for my  
8 exacting standards?

9 A. We are -- we are in this --

10 Q. Is that a yes?

11 A. Yes.

12 Q. Okay.

13 A. Yes.

14 Q. I'm sorry, I saw your head nod.

15 A. We are in the canal. Yes. We are swimming  
16 in this -- in this canal.

17 Q. And you view that -- is there a difference in  
18 lacking personal skills on the one hand and being  
19 genuinely nasty on the other? Are those the same  
20 thing?

21 A. In mean people, yes, they are.

22 Q. How about in you?

23 A. Yes. Me, yes. I have been characterized as  
24 both.

25 Q. Being genuinely nasty?

1 A. Nasty, yes.  
 2 Q. And lacking social skills?  
 3 A. Yes.  
 4 Q. Okay. Do you view those as being  
 5 different?  
 6 A. No. Lots of nice people lack social skills.  
 7 Q. Yet, you would still characterize them as  
 8 genuinely nasty?  
 9 A. No. No. They're not necessarily --  
 10 genuinely nasty is a subset of people with missing  
 11 social skills.  
 12 Q. Okay. Okay.  
 13 A. There are nice people missing social skills.  
 14 Q. Okay. And you're not one of those?  
 15 A. No, not that one.  
 16 Q. Okay. Okay. Okay.  
 17 (Defendant's Exhibit No. 15 marked for  
 18 identification.)  
 19 BY MR. DIXON:  
 20 Q. Professor Dillon, I have handed you what  
 21 we've marked as Exhibit 15. This exhibit -- let me  
 22 look over your shoulder real quick, if I may?  
 23 This exhibit is a two-page exhibit, the first page  
 24 being labeled Plaintiff 864, the second Plaintiff 865,  
 25 the first being on College of Charleston letterhead.

1 Do you recognize this document?  
 2 A. Yes, sir.  
 3 Q. What is this document?  
 4 A. It is a letter from Elise Jorgens, who was  
 5 the provost in 2006, to Senator Bob Walker in Columbia,  
 6 having to do with the creation/evolution controversy  
 7 that was raging in those months.  
 8 Q. You're also mentioned in this letter.  
 9 A. Yes, sir. I am the president of the South  
 10 Carolinians for Science Education, which is a citizens  
 11 for science group. And in that capacity, I fight  
 12 creationism in the State science standards. The  
 13 science standards were up for reauthorization in 2005.  
 14 And I, at least once or twice a month, drove to  
 15 Columbia to testify before the State Board of  
 16 Education, the Senate Education Committee, et cetera,  
 17 et cetera, having to do with the rigor of our science  
 18 standards.  
 19 Q. In secondary education?  
 20 A. K-12, yes, sir.  
 21 Q. Oh, okay. Yeah, okay.  
 22 A. Okay. Grade ten, the specific controversy of  
 23 it was a grade ten biology standard having to do with  
 24 biological evolution, yes.  
 25 Q. Okay. The letter states, and I'll just read

1 this sentence from the -- toward the end of the first  
 2 paragraph. Dr. Dillon has now been told again that he  
 3 may not, under any circumstances or in any fashion,  
 4 communicate publicly as a representative of the  
 5 College, whether intentionally or unintentionally.  
 6 Do you know what that sentence is in reference  
 7 to?  
 8 A. Yes. Earlier in the spring, we received a  
 9 threat. And it was communicated by the College's  
 10 representative in Columbia at the time. Fred Daniels  
 11 was his name. A memo was sent from Fred Daniels, I  
 12 believe, to the dean, her name was Norine Noonan, that  
 13 a professor in your Biology Department is creating a  
 14 disruption -- I was not -- named Dr. Robert Dillon, and  
 15 that unless Dean Noonan did whatever she could to stop  
 16 this professor, the funding for the College of  
 17 Charleston Science Center would be threatened, the  
 18 science center on the corner of Coming and Calhoun.  
 19 This is a direct threat. The senator was not named.  
 20 But our representative sent an e-mail to our dean  
 21 saying unless you muzzle that Professor Dillon, you're  
 22 not going to get your science center.  
 23 Q. So a state senator --  
 24 A. Yes.  
 25 Q. -- sent a letter to Noonan?

1 A. A state senator spoke to our representative,  
 2 Fred Daniels. Fred Daniels then e-mailed our dean.  
 3 And the dean came to my defense. That is to her  
 4 credit. But then she said, I agree with you, however,  
 5 that Dr. Dillon should not present himself as a  
 6 professor at the College of Charleston. When I  
 7 testified for the state board or the senate panels, or  
 8 whatever it is, I would stand up and say, I'm  
 9 Dr. Dillon, biology professor at the College of  
 10 Charleston. That's the way I would introduce myself.  
 11 And my dean said, Dr. Dillon is performing an excellent  
 12 service, but he -- I will make sure that he does not  
 13 represent himself as a professor in the Biology  
 14 Department at the College of Charleston.  
 15 She sent an e-mail then to -- and the only way I  
 16 know this, by the way, is that she put me on the CC  
 17 line of her reply. We may have that in the records  
 18 somewhere. I think we -- oh, no. And it turned out  
 19 that the original e-mail was at the bottom of this  
 20 reply that she sent, the threat that our funding would  
 21 be -- would be cut off unless she -- unless she muzzled  
 22 this Professor Dillon.  
 23 Q. Oh. So you learned about it because she  
 24 forwarded or CC'd you on an e-mail that contained --  
 25 A. Yes.

1 Q. -- the substance of the threat?

2 A. I will also mention, by the way, that serving

3 on the State Board of Education in 2006 was a woman

4 named Terry Seckinger, who is Chip Campsen's sister,

5 who is currently on the Commission of Higher Education.

6 And I have reason to believe that much, if not all, of

7 the College's actions in February originated from Terry

8 Seckinger, who was also involved in this 2005-2006

9 controversy. She's a very powerful, well-connected

10 insider. She's currently the commit -- the Chairman of

11 the Committee on Curriculum in the Commission of Higher

12 Education in Columbia. She was involved in this same

13 controversy as it boiled over in 2005-2006.

14 Anyway, in any case --

15 Q. I'm sorry to interrupt.

16 A. Yes.

17 Q. I'm going to need you to clarify what you

18 just said.

19 A. Yes.

20 Q. Are you saying the incident with the -- your

21 syllabus --

22 A. Yes.

23 Q. -- had to do --

24 A. Yes.

25 Q. Okay. Walk me through that again because --

1 A. Yes.

2 Q. -- I got lost.

3 A. Yes. Okay. Yes. I will. I will walk you

4 through this right now. New paragraph.

5 The current Chairperson of the Commission, South

6 Carolina Commission on Higher Education Committee on

7 Curriculum, is a woman named Terry Seckinger. She is a

8 creationist. She is a Bible-thumping Baptist. And she

9 is very much opposed to evolution in all its forms.

10 Her name is Terry Seckinger.

11 She and I crossed swords repeatedly in 2005 and

12 2006. Ultimately, she did not prevail. We -- we were

13 able to get good, rigorous science standards through

14 the State Board of Education. They were ultimately

15 defeated at the Education Oversight Committee. But

16 during this period of time, I was repeatedly at odds

17 with a woman named Terry Seckinger.

18 We know, because we got from the College as a

19 matter of discovery one fragmentary e-mail that

20 occurred in the spring of 2006, that says this. It's

21 an e-mail from Doug Ferguson, who was at that time

22 chairman of the investigative review panel to provost

23 Brian McGee. And it says this. CHE wants to interview

24 me about Dillon.

25 Commission on Higher Education was involved. They

1 were interested in this as it unfolded this past

2 spring, okay? Now, that much we know. And we also

3 know that Terry Seckinger is very influential in the

4 Commission of Higher Education right now.

5 Let me say one last thing. Earlier this

6 afternoon, my attorney asked Dr. Brian McGee if there

7 had been any communications between the Commission of

8 Higher Education and him having to do with this

9 controversy, and he said no, which is a lie. Put that

10 down. We heard Brian McGee lie right at this table

11 three hours ago. There is something going on regarding

12 this 2005-2006 creationism thing. It has not gone

13 away. People have long memories in this state. And I

14 believe I was targeted because of some actions that I

15 took as president of the South Carolinians For Science

16 Education. I want that to be on the record. I think

17 that's what the origin of this is.

18 Now, that being said, I received tremendous

19 pressure in the spring of 2006 to renounce my

20 connection with the College of Charleston because I was

21 fighting creationism in Columbia. Very powerful

22 senators. Bob Walker was one of them. Senator Fair

23 was another. Sits on the Senate Education Committee,

24 as he did, and the Education Oversight Committee. Mike

25 Fair, Senator Mike Fair, put his name down. He was a

1 ferocious opponent of mine in those days. And Senator

2 Walker and Senator Fair put pressure on my bosses to

3 muzzle me in 2006.

4 And, yes, in fact, I had a meeting with my dean

5 and I had a meeting with my provost. Also had a

6 meeting with my chair in those days, okay? And each of

7 them said the same thing. They said, You may go to

8 Columbia and you may testify as a citizen. But you may

9 not connect the College of Charleston's name with what

10 you're doing here.

11 And I said it to Dr. Jorgens, the provost, and I

12 said it to Dr. Noonan, who was the dean, and I said it

13 to Dr. Lazzaro, who was the chair. I said, This is my

14 job. I said, The majority of the students that I teach

15 Evolution 352 are products of the State of South

16 Carolina's K-12 education. I consider it a part of my

17 job as a professor in the Biology Department at the

18 College of Charleston to defend rigorous science

19 standards in the state of South Carolina. I will

20 continue to use my affiliation with the College of

21 Charleston. I consider it a part of my job.

22 So she says both the department have been -- his

23 chair and his dean have been enjoined to ensure

24 Dr. Dillon's compliance. I never said I would comply.

25 I would have told her quite the opposite in May of

1 2006. And I would have told my dean and my chair the  
 2 same thing.  
 3 I have never gotten along with my bosses at any  
 4 level over matters of great principle, great principle.  
 5 Q. Other than the e-mail fragment --  
 6 A. Yes.  
 7 Q. And you're saying that e-mail fragment was  
 8 something that was produced by the College --  
 9 A. Yes. Yes.  
 10 Q. -- in this case?  
 11 A. You should have that.  
 12 Q. Do you happen to know -- I know the answer to  
 13 this is no. Do you happen to know the Bates number of  
 14 that document?  
 15 A. No.  
 16 Q. Okay. Is it -- can you describe it to me?  
 17 Is it a -- is that the only thing on the page?  
 18 A. Yeah. It will -- it's an e-mail that will be  
 19 from, I think, it's Fred Daniels to Norine Noonan. And  
 20 it was supplied with -- you know, in the discovery, in  
 21 the ordinary discovery process. And one of the  
 22 questions that you all asked us is, Can you supply any  
 23 information to support your allegation that the College  
 24 had a long-running feud with Dr. Dillon over the  
 25 creation/evolution controversy? And we did supply

1 those documents in that discovery. You all should have  
 2 them somewhere.  
 3 Q. So I'm -- I'm -- I may have misheard you.  
 4 Did we produce it or did you produce it?  
 5 A. We produced it.  
 6 Q. You produced it?  
 7 A. We may have produced this, as well. It says,  
 8 Plaintiff.  
 9 Q. Yes, this is your document.  
 10 A. Right.  
 11 Q. We received this from you.  
 12 A. It may be around there. It would have been  
 13 in relation to the same question anyway.  
 14 Q. Other than this e-mail fragment, do you --  
 15 have you come across -- strike that.  
 16 Other than this e-mail fragment, do you have any  
 17 other evidence that Dr. McGee spoke with anyone about  
 18 you to the CHE?  
 19 A. No, just a single -- it's a strange e-mail  
 20 fragment that I found going through your CD. And it  
 21 appears to be an e-mail without a body. It has to  
 22 Brian McGee from Doug Ferguson. And on the subject  
 23 line it says, CHE wants to talk to me about Dillon.  
 24 CHE wanted to talk to me about Dillon. About eight  
 25 words, that's all I've got.

1 Q. And this is when you were reviewing the CD  
 2 that we produced, you're saying?  
 3 A. Yes. That's how I know that it's still  
 4 active as of 2016. I thought it was gone as of 2006.  
 5 But now I know that vendetta still exists, may still  
 6 exist, because the CHE was involved in the episode this  
 7 spring. And Dr. McGee lied when he said he didn't know  
 8 anything about it.  
 9 Q. All right. Back in the 2006 time frame --  
 10 I'll probably --  
 11 A. Yes.  
 12 Q. -- butcher the name. Terry Seckinger was  
 13 what?  
 14 A. Terry -- yes, Terry Seckinger was a member of  
 15 the State Board of Education.  
 16 Q. What is Terry Seckinger's job now?  
 17 A. She is on the Commission on Higher Education.  
 18 Q. Was she also on the CHE in 2016?  
 19 A. Yes. Yes.  
 20 Q. Okay. The second page of that exhibit that I  
 21 just showed you --  
 22 A. Yes.  
 23 Q. -- marked Plaintiff 865 --  
 24 A. Yes.  
 25 Q. -- obviously related to the first. It

1 appears to be an e-mail from Provost Jorgens --  
 2 A. Yes.  
 3 Q. -- to you, basically putting in writing that  
 4 you were not to represent you were speaking on behalf  
 5 of the College, correct?  
 6 A. Yes.  
 7 Q. Okay. Did you, in fact, continue to speak --  
 8 when you were testifying, did you continue to introduce  
 9 yourself as Professor Rob Dillon --  
 10 A. Yes.  
 11 Q. -- from the College of Charleston?  
 12 A. The -- the --  
 13 Q. I'm sorry. I'm sorry. From the College of  
 14 Charleston, Rob Dillon from the College of Charleston?  
 15 A. Yes.  
 16 Q. Thank you.  
 17 A. The controversy blew up again in 2013, 2014.  
 18 It comes up every time there's reauthorization of the  
 19 state science standards. And, yes, at all times I have  
 20 continued to identify myself as from the College of  
 21 Charleston.  
 22 Senator Walker was not re-elected, but Senator  
 23 Fair was. I was to meet him again two years ago.  
 24 Q. You were to meet him?  
 25 A. Yes. He remains very prominent, or remained

1 very prominent, in Columbia up until last year. But in  
 2 2015 -- no, sorry, 2013-2014, he had a seat on the  
 3 Senate Education Committee and also on the Education  
 4 Oversight Committee.  
 5 And the newspapers have a lot of articles about my  
 6 interactions with him. They have a lot -- he has an  
 7 op-ed piece where he carries on at great length about  
 8 the controversy. There's lots of written stuff about  
 9 both of these, the 2005-2006 and the 2013  
 10 controversies. It was statewide news, to some extent  
 11 even national.  
 12 Q. Did the controversy come up between 2006 and  
 13 2013?  
 14 A. No. Then it went away. Right. It's  
 15 cyclical. So there might have been one or two little  
 16 things, but basically it went away until 2013.  
 17 Q. And, obviously, you'd be speculating. But  
 18 I'd ask you to speculate. Why do you think Professor  
 19 McGee was angry with you about all of this?  
 20 A. I think he received pressure from the  
 21 Commission on Higher Education, specifically Terry  
 22 Seckinger.  
 23 Q. Pressure to do what?  
 24 A. To get rid of me.  
 25 Q. Now, the controversy came up in 2013?

1 A. Yes.  
 2 Q. What, did it subside?  
 3 A. Yes. Kind the same way it did in 2005-2006.  
 4 We were able to prevail on the State Board of  
 5 Education, but were not able to prevail in the  
 6 Education Oversight Committee, leading to a draw. It's  
 7 kind of funny. If you open up the state K-12 science  
 8 curriculum today, what's actually in force was  
 9 completely revised in 2014, except the section on  
 10 biological evolution, which didn't evolve, which  
 11 remained exactly the same because the -- ultimately,  
 12 the State Board of Education, Education Oversight  
 13 Committee ended up at loggerheads over that page of the  
 14 K-12 science curriculum. It ended up being a draw,  
 15 basically.  
 16 Q. Which was the same result as 2006?  
 17 A. Yes. Yes. Ultimately, a draw. I feel as  
 18 though that's as good as a win --  
 19 Q. Okay.  
 20 A. -- in these circumstance.  
 21 Q. So, in any event, the controversy --  
 22 A. I'll take it.  
 23 Q. In any event, the controversy died down  
 24 around what time period, 2014?  
 25 A. Yes. Yes. It has not been back up in the

1 last couple of years.  
 2 Q. Okay. So at the time that this e-mail --  
 3 around the time frame that this e-mail fragment  
 4 occurred, you had already retired from the College,  
 5 correct?  
 6 A. No. The e-mail fragment is from the spring.  
 7 Q. Of 2015?  
 8 A. 2016.  
 9 Q. '16?  
 10 A. Yes, this past spring. One year ago.  
 11 Q. My question was not clear. You had already  
 12 entered the TERI program --  
 13 A. Oh.  
 14 Q. -- at that point?  
 15 A. Yes. I'm sorry. I entered the TERI program  
 16 four or five years ago, 2013. Yes, the TERI program.  
 17 Although, continued to teach, yes.  
 18 Q. And the TERI program expired in five years,  
 19 correct?  
 20 A. Exactly.  
 21 Q. So July 1 -- around July 1, 2018?  
 22 A. Yes. I think that's right. That's when I  
 23 was planning to retire.  
 24 Q. And so you would have rolled off the TERI  
 25 program in two years anyway?

1 A. Yes.  
 2 Q. Correct?  
 3 A. That's correct.  
 4 Q. Okay. So I'm struggling with incentive here.  
 5 A. Yes.  
 6 Q. If you're going to roll off of TERI and go  
 7 about your merry way anyway --  
 8 A. Yes.  
 9 Q. -- why would Terry Seckinger pre-empt that  
 10 natural occurrence by just two years?  
 11 A. She has a vendetta.  
 12 Q. Okay.  
 13 A. As do others.  
 14 Q. Who else at the College do you believe has a  
 15 vendetta?  
 16 A. I believe Mike Auerbach has a vendetta, a  
 17 long-standing vendetta.  
 18 Q. Maybe I should be clear. Based on this  
 19 issue. Maybe I should be clear. Who else at the  
 20 College has a vendetta against you based on this issue?  
 21 You've already mentioned Brian McGee.  
 22 Do you believe Doug Ferguson has a vendetta?  
 23 A. I don't know him, no.  
 24 Q. Anyone else at the College, other than Brian?  
 25 A. And Auerbach, Mike Auerbach.

1 Q. Based on this?  
 2 A. Oh, on the creation/evolution?  
 3 Q. On the creation/evolution.  
 4 A. No. His vendetta comes from another source.  
 5 Q. Okay. Let's put all that -- put other  
 6 sources aside.  
 7 A. Okay.  
 8 Q. I just want to talk about this.  
 9 A. Just creation/evolution?  
 10 Q. Correct. You've mentioned Brian. Anyone  
 11 else?  
 12 A. It -- that's all.  
 13 Q. Okay.  
 14 A. Essentially, he was -- he was pressured by  
 15 the Commission on Higher Education because a prominent  
 16 member of the Commission on Higher Education has a  
 17 vendetta against me left over from 2006.  
 18 Q. Okay. Just to close the loop. Anyone else  
 19 at the College -- does anyone else at the College, in  
 20 your view, have a vendetta against you based on the  
 21 creation/evolution debate?  
 22 A. No.  
 23 Q. Okay. Let's talk about other vendettas --  
 24 A. Okay.  
 25 Q. -- since there -- since we're talking about

1 them. You believe that Mike Auerbach has a vendetta  
 2 against you?  
 3 A. Yes.  
 4 Q. You believe that Mike Auerbach has a vendetta  
 5 against you based on what we spoke about earlier, your  
 6 opposition to him?  
 7 A. Yes.  
 8 Q. Are there any other grounds for  
 9 Mr. Auerbach's --  
 10 A. I don't think --  
 11 Q. -- Dr. Auerbach's vendetta against you?  
 12 A. I don't think so, no.  
 13 Q. Does anyone else at the College have a  
 14 vendetta against you?  
 15 A. Maybe. I wouldn't be doing my job. Nobody I  
 16 can think of. No.  
 17 Q. How about Jaap?  
 18 A. I just can't attribute that motive to him. I  
 19 think he's just stupid, stupid and compliant. I don't  
 20 think he hates me. And it's possible Brian McGee is  
 21 just -- Brian McGee and Mike Auerbach are just stupid.  
 22 Q. When you say "stupid," do you mean -- they're  
 23 obviously not stupid. They are -- they are very  
 24 accomplished in education. They have Ph.D.s, as do  
 25 you. Do you mean that they are pawns for someone else?

1 Can you elaborate on you what you mean by "stupid"? By  
 2 all appearances, they are not stupid.  
 3 A. To your -- to your appearance, to the way you  
 4 examine things. Can I elaborate on "stupid"? As you  
 5 yourself said, I would have retired in two years. As  
 6 you yourself have noted, I hadn't changed in 33 years.  
 7 Why couldn't they let me go? What exactly happened in  
 8 2016? What exactly happened in February of 2016, after  
 9 33 years of dealing with Rob Dillon?  
 10 Q. I mean, I have to state the obvious. There  
 11 was a refusal to modify your syllabus.  
 12 A. Do they honestly think that a single  
 13 paragraph -- they do. They represented to us this  
 14 afternoon that a single paragraph on the syllabus of an  
 15 upper division biology course could literally threaten  
 16 the reaccreditation of the College of Charleston. They  
 17 have said that in this room. They say one single  
 18 paragraph, one syllabus, in one upper could threaten  
 19 the reaccreditation of the College of Charleston.  
 20 Maybe that's just stupid, by evidence. Or maybe it's a  
 21 vendetta. I don't know. Or maybe it's a difference in  
 22 teaching philosophy. You can add that, too. It could  
 23 be a difference in philosophy. Because we could -- we  
 24 could discuss that.  
 25 Q. So just to chase that rabbit down the hole,

1 what you mean by "difference in philosophy," I'm  
 2 surmising, is that it is conceivable that you were  
 3 terminated -- the sanction was imposed against you  
 4 because they thought that your teaching philosophy was  
 5 not appropriate for the College?  
 6 A. Yes, and let me expand. There are two ways  
 7 in which our philosophies differ quite clearly and  
 8 quite radically.  
 9 One is the teaching philosophy, right? They would  
 10 never endorse what I've written here in 2010, nor does  
 11 anybody at the College, as far as I know, nor has  
 12 anybody ever, no boss ever has. This is a radical,  
 13 radical statement here. And it's possible that  
 14 prompted them, after 33 years, knowing that I would go  
 15 in two, to suddenly reach a point of snapping. In year  
 16 33, we've had as much of Dillon as we possibly can.  
 17 And it's his teaching philosophy, which we tolerated  
 18 through the '80s, '90s and 2000s. That's possible,  
 19 that we utterly cannot take it anymore.  
 20 There's another philosophy, which we haven't  
 21 touched on in this forum, and it's the actual quote  
 22 itself. Is it the business of a university to impart  
 23 upon the men it serves the right thought of the world.  
 24 Now, that is as politically incorrect as it can  
 25 possibly be. And I put it there because I believe it.

1 I wasn't baiting anybody. I amply demonstrated that I  
2 think there is a right thought of the world. This is  
3 in my hand. But it turns out that the prevailing  
4 philosophy on all college campuses in the year 2016 is  
5 not there is one right thought in the world but rather  
6 a diversity of equally appropriate thoughts, so that  
7 when I quoted Wilson 1896, it really was a red flag.  
8 And Dr. McGee possibly -- I don't know, he may have a  
9 very strong feeling against an assertion of a right  
10 thought of the world that has been tested and  
11 established, and at length become part of immemorial  
12 wisdom of the race. That is, again, a very radical  
13 statement in 2016. It may have been commonplace in  
14 1896. But in this year, in this climate, in academia  
15 today, to assert a right thought of the world is  
16 extremely politically incorrect.

17 Let me add something else. That quote ends with a  
18 quote from Psalm 90, So teach us to number our days  
19 that we may apply our hearts unto wisdom. It's overtly  
20 Judeo-Christian. All right. Without question, to  
21 evince Christian values of any sort on a college campus  
22 today is extremely incorrect politically. I have  
23 continually, for 33 years, evinced my Christian faith  
24 from the College of Charleston Science Center. That's  
25 what I was doing in Columbia in 2005. That's what I'm

1 doing with Darwin Week for 16 years. I have witnessed  
2 as a Christian at the corner of Coming and Calhoun. So  
3 that quote from Woodrow Wilson was politically  
4 incorrect on many different levels. And it is  
5 possible, I don't know, that I was targeted for my  
6 political beliefs, for -- for philosophical differences  
7 between myself and McGee.

8 Q. Now, those wouldn't be political beliefs;  
9 they would be -- they would be religious?

10 A. Religious or philosophical, yes. Now,  
11 political beliefs would probably have to do with the  
12 creation/evolution controversy. But my religious and  
13 my philosophical beliefs are quite unconventional,  
14 radical, on a College of Charleston -- on any college  
15 campus today. And they may just couldn't stand it --  
16 stood it another two years, and let me go. I don't  
17 know. Or maybe they're just stupid. You can pick.  
18 You can pick. Leave it to a jury. Let them pick.

19 Q. Heretofore I had not understood in your  
20 description of the Wilson quote that the right thought  
21 of the world was a comment on what a layman might term  
22 relativism versus absolutism.

23 A. Yes, it was.

24 Q. I had heretofore understood you to be saying  
25 it was only a description of the scientific method,

1 i.e. our experiments are geared toward understanding --

2 A. Yes.

3 Q. -- the objective -- objective physical world  
4 out there.

5 A. Yes. Yes. Yes. Yes.

6 Q. But I hear you now to be saying --

7 A. Yes.

8 Q. -- it also has --

9 A. Business of the university.

10 Q. Let me finish. -- it has philosophical and  
11 religious connotations?

12 A. It does.

13 Q. What do you mean you have "witnessed as a  
14 Christian at the corner of Coming and Calhoun," if I  
15 got that quote right?

16 A. Yes. I have coordinated Darwin Week for 16  
17 years, since the year 2001. And it was -- became clear  
18 to me in that year, in the year 2001, after the  
19 first -- back up a notch.

20 Creationism came to the state level shortly after  
21 No Child Left Behind laws in the late '90s. Up until  
22 around 2000, we had no state curricula of any sort.  
23 But because of No Child Left Behind, every state in the  
24 union had to develop its own statewide standards of  
25 math and English and science. So in the year 2000, we

1 developed our first statewide standards.

2 At that point, I was called to Columbia. And I  
3 saw -- and there was a debate in the State Board of  
4 Education in 2000, in the committee, in the curriculum  
5 committee of the State Board of Education. Thank  
6 heavens it didn't leave the committee. I was there for  
7 the committee meeting. I realized -- I could see what  
8 was going to happen. I could see the writing on the  
9 wall.

10 So I came back here to Charleston and I said, To  
11 the extent I can help this, I'm going to create a  
12 Darwin Week. Actually, originally it was a Darwin Day.  
13 In 2001, it was a Darwin Day. It extended to a week  
14 almost immediately.

15 And most of the events in the week were of a  
16 scientific nature. There'd be regular seminars by  
17 regular geologists and evolutionary biologists and  
18 astronomers. It would be a regular scientific meeting.  
19 But least one or two events during that week would be  
20 of a religious nature.

21 Turns out, there is no controversy in science over  
22 biological evolution. It quite obviously happens. The  
23 origin of the controversy is religious. It's entirely  
24 religious. It is -- it arises when people don't  
25 understand the relationship between religion and

1 science.  
 2 So, in addition to programming a scientific  
 3 component, I also programmed a religious component.  
 4 Towards the end, there were two or three religious  
 5 components. They generally took place off campus.  
 6 They would take place at a church. We had them at  
 7 Circular Congregational Church. We had them at First  
 8 Scots. Had them at the Episcopal church. We had one  
 9 up at the Jewish Community Center on Sam Rittenberg,  
 10 I'm sorry, on Wallenberg. We would have them all  
 11 around the -- around Charleston. And at those events,  
 12 we would talk about the relationship between science  
 13 and faith. That's where it's most appropriate, where  
 14 this discussion most appropriately occurs. It best  
 15 occurs not in college campuses, not -- now, we did have  
 16 them not in a science lab, okay, not in a seminar  
 17 setting, but ideally in a sanctuary or fellowship hall  
 18 of a religious institution. That's where you can  
 19 actually make some progress resolving the apparent  
 20 controversy between science and religion. That's what  
 21 I have done, or tried to do, for 16 years.  
 22 Now, it has related -- we've been over some of  
 23 that today. It has resulted in a lot of controversy,  
 24 real controversy, real intellectual controversy.  
 25 People have yelled. People have written letters to the

1 editor. State senators have become mad over what I do.  
 2 And -- but it is my calling. It's what I -- what I  
 3 feel the ambition of a university is, to impart upon  
 4 the men it serves the right thought of the world. I  
 5 don't think a lot of people like that kind of thing. I  
 6 have hurt people's feelings. I've gotten in the  
 7 newspaper a lot. Said controversial things with  
 8 "College of Charleston professor" underneath me.  
 9 That's one possible explanation for what happened  
 10 in 2016.  
 11 Q. Did the -- did your witness as a Christian  
 12 include the way that you taught your class?  
 13 A. No, but often it does come up in the context  
 14 of teaching evolution in particular. Also, when I used  
 15 to teach freshman, it would come up in the freshman  
 16 class. It became clear to me that a student was having  
 17 a religious objection to what I was saying, so I would  
 18 say, See me after class. That's all I would ever do.  
 19 It does come up. It's not unusual. I'd have to say,  
 20 See me after class. And then, at that point, yes, in  
 21 fact, I would say -- we would explore the student's  
 22 religious beliefs on this. What is -- what it -- by  
 23 questions. What is the origin of the concern you  
 24 expressed? Why do you think that is the case?  
 25 Ultimately, I would lead through religious subject,

1 ideally. Didn't always work. But heaven knows I  
 2 tried. What particular passage in Genesis are you  
 3 quoting here? How do you understand that passage in  
 4 Genesis? Adam and Eve, what do you understand the  
 5 original sin to be? Is it possible to have a creation  
 6 narrative without Adam and Eve? What, then, do you  
 7 understand original sin to be? And what do you  
 8 understand Jesus to have been brought here on this  
 9 Earth to do? Can you witness as a Christian, given  
 10 that Christ came to take away the original sin, the sin  
 11 of Adam, given that Christ's business here was to --  
 12 was to justify our sin, if Adam and Eve did not  
 13 literally live in the Garden of Eden to create that  
 14 original sin in the first place? These are very  
 15 important conversations. And I have had them with  
 16 students in the College of Charleston Science Center,  
 17 no, not in the Genetics Lab 305L. But, boy, it comes  
 18 up. And when we have these conversations, I feel like  
 19 I'm doing my job.  
 20 Q. Okay. I think I can assume from your answer  
 21 that what I'm going to ask next is correct. But what I  
 22 understand you to be saying is that there would be  
 23 students in your class, presumably from a religious  
 24 upbringing, who would voice objections to the fact of  
 25 evolution on religious grounds, uniquely Christian --

1 A. Turns out to be.  
 2 Q. -- Christian often. They would voice those  
 3 objections to you. You would say, See me after class.  
 4 And then, in the post class discussions with the  
 5 students, you would try to explain to them how  
 6 evolution and Christianity are not in conflict with one  
 7 another?  
 8 A. Yes, or try to help them see that. Yes, I  
 9 don't preach in my class any more than I try not to  
 10 preach -- I don't preach in my office any more than I  
 11 try not to preach in my lab. That being said, you can  
 12 be the judge how well I succeed. I may be a sinner. I  
 13 try not to preach in my office, either. I try to lead  
 14 the students through a series of questions to their own  
 15 understanding of the relationship between science and  
 16 faith.  
 17 Q. Do you apply the same Socratic method on the  
 18 no -- no direct answers?  
 19 A. Yeah, I try not to answer. I do have very  
 20 profound feelings about this. But that's not the point  
 21 here. And, in fact, I'm sure I'm drawing students to  
 22 under -- to the -- to my position. I'm sure I must be  
 23 trying to draw students to my position. I'm sure  
 24 that's always true. Whatever I do, I will have a very  
 25 deeply held position, which I would love to draw

1 students into an understanding, to the right thought of  
 2 the world. There is the one right thought of the  
 3 world. Just that one.  
 4 Q. Is Christianity the right thought of the  
 5 world?  
 6 A. Yes.  
 7 Q. Let me just take stock. Do you know Brian  
 8 McGee not to be a Christian?  
 9 A. I heard him testify this morning that he goes  
 10 to a Roman Catholic congregation, I think. That's all  
 11 I know about it.  
 12 Q. Before today?  
 13 A. Before today. That surprised me, actually.  
 14 Q. Okay. Why did it surprise you?  
 15 A. I don't know.  
 16 Q. You expected him not to be Christian or  
 17 Catholic?  
 18 A. Yeah. It surprised me, and I don't know why  
 19 it did. I'm just going to leave it at that.  
 20 Q. Well, I'm not content to leave it at that --  
 21 A. Okay.  
 22 Q. -- because I'd like to understand the source  
 23 of your surprise.  
 24 A. Those He has justified, He has sanctified.  
 25 Those whom He has called into a right alignment with

1 Him, He has given good works to do. Those he has  
 2 justified, He has sanctified. It's not good works that  
 3 we ourselves choose, but we are given a righteous walk.  
 4 Forgive me, this is a commission of the original sin  
 5 when I say I cannot see a righteous walk. It is a  
 6 commission of the original sin, and I ask forgiveness  
 7 of the Lord for saying as I speak, I cannot see  
 8 righteousness here. By your fruit, He shall know you.  
 9 I don't see fruit on this tree. I don't see the fruit.  
 10 Q. I can read between the lines.  
 11 A. Okay.  
 12 Q. But just for the record I need an answer that  
 13 is a little bit more --  
 14 A. Okay.  
 15 Q. -- direct.  
 16 A. I didn't mean to interrupt you.  
 17 Q. No, please, go ahead.  
 18 A. The world has many right thoughts. You asked  
 19 me if Christianity was a right thought, the right  
 20 thought of the world. And the answer is, yes. If you  
 21 asked me if science is the right thought of the world,  
 22 I would say yes. There are many right thoughts of the  
 23 world. And each has its own culture, its own way of  
 24 looking at the world, its own language. When you  
 25 address me as a scientist, I will give you an answer in

1 the language of science. If you address me as a  
 2 lawyer, I'll try to address you as a lawyer.  
 3 I don't actually speak your language, by the way.  
 4 I see that you live in a world that I cannot -- that  
 5 I -- I've -- a world only dimly do I understand. All  
 6 of you here, you live in a world I only dimly  
 7 understand and whose language I barely speak. I'm a  
 8 scientist. I speak science very well. I'm also a  
 9 Christian and speak the language of Christianity. If  
 10 I'm asked a Christian question, I can answer it in its  
 11 language. If I'm asked a question of science, I'll  
 12 answer it in a science language. If I'm asked a  
 13 question of religion, I can answer it in a -- oh, I'm a  
 14 member of the Christian Jewish Council, by the way.  
 15 You asked all my members and affiliations. I'm a  
 16 member, board member, of the Christian Jewish Council  
 17 of Greater Charleston.  
 18 If you ask me a question of religion, I can answer  
 19 it in the language of the religion. But what I think  
 20 you're asking me -- I don't know. I think you're  
 21 asking me to answer a question of religion in the  
 22 language of law.  
 23 Q. I think I'm asking you a question of  
 24 psychology in the English language.  
 25 A. Okay.

1 Q. The question is, why did it surprise you to  
 2 learn that Brian Dillon [sic] was Roman Catholic?  
 3 A. I can only answer what I take to be a  
 4 religious question in the language of Christianity.  
 5 And when I say I see no fruit, that's a reference to,  
 6 By your fruit ye shall know them. When I say, Those  
 7 He's justified, He's sanctified, that's Romans. You  
 8 can -- the only way I know to recognize a Christian is  
 9 by what they do and what they say. And I can see it in  
 10 you, actually. But I can't see it in Brian McGee.  
 11 MR. DIXON: Okay. Okay. I have one more  
 12 document, but I think I'll be content to go the next --  
 13 I mean, by one more --  
 14 MS. BLOODGOOD: You can hold it?  
 15 MR. DIXON: I mean one more that I had  
 16 planned to get to tonight, but I think we can probably  
 17 hold it. It's 7:45.  
 18 (Discussion held off the record.)  
 19 MR. DIXON: Because of the lateness of the  
 20 hour, the parties have agreed to continue the  
 21 deposition until May 16th, or another date, if a  
 22 conflict comes up, that the parties shall agree to at  
 23 said future time.  
 24 And, Dr. Dillon, I would caution you, remind you,  
 25 state that because the deposition is continuing,

1 conversations with your counsel in the break between  
 2 now and then are treated as if they were breaks during  
 3 the day today, i.e. the same rules apply from now until  
 4 May 16th with respect to communications that you have  
 5 with your counsel.  
 6 THE WITNESS: I'm sure she knows what those  
 7 rules are.  
 8 MR. DIXON: Yes, she does, I'm sure.  
 9 (The deposition adjourned at 7:48 P.M.)  
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1 STATE OF SOUTH CAROLINA )IN THE COURT OF COMMON PLEAS  
 2 COUNTY OF CHARLESTON )NINTH JUDICIAL CIRCUIT  
 3 Robert T. Dillon, Jr., PhD, )  
 4 Plaintiff, )  
 5 )Civil Action No.:  
 6 )2016-CP-10-3774  
 7 v. )  
 8 The College of Charleston and )  
 9 Brian McGee, in his individual )  
 10 capacity, )  
 11 Defendants. )  
 12 \*\*\*\*\*  
 13 DEPOSITION OF: ROBERT T. DILLON  
 14 VOLUME 2  
 15 DATE TAKEN: Tuesday, May 16, 2017  
 16 TIME: 8:30 A.M.  
 17 PLACE: McNair Law Firm  
 18 100 Calhoun Street, Suite 400  
 19 Charleston, South Carolina  
 20 REPORTED BY: MARY ANN RIDENOUR, RPR, CLR  
 21 Registered Professional Reporter,  
 22 Certified LiveNote Reporter  
 23 and Notary Public  
 24  
 25 POST OFFICE BOX 21784  
 CHARLESTON, SC 29413-1784

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#### STIPULATIONS

It is hereby stipulated and agreed by and between the parties hereto, through their respective counsel, that the reading and signing of the transcript is waived by the Deponent.

1 (The deposition reconvened at 8:36 A.M.)  
 2 ROBERT DILLON, HAVING BEEN PREVIOUSLY SWORN.  
 3 BY MR. DIXON:  
 4 Q. Good morning, Dr. Dillon. We're going to go  
 5 back on the record now to reconvene the deposition from  
 6 previously.  
 7 I need to caution you that the same rules still  
 8 apply that we discussed at the outset of your -- the  
 9 previous session. If you need me to go over those, I'm  
 10 happy to.  
 11 I did go back and read the transcript of our prior  
 12 deposition, and the one thing I would caution you to  
 13 do, to think through, is to let me finish my question  
 14 before you --  
 15 A. All right.  
 16 Q. -- answer. There are some places where the  
 17 record is unclear because of interjections. So that  
 18 the court reporter can get it down, I ask you to  
 19 continue to do that.  
 20 Have you had any thoughts about changing -- let me  
 21 strike that.  
 22 In thinking about the deposition, your testimony,  
 23 have you had any considerations of changing anything  
 24 you said previously to me?  
 25 A. No.

1 Q. Okay.  
 2 A. I'd cut about half of it.  
 3 Q. Okay.  
 4 A. I would edit it.  
 5 Q. Did you have -- you did you speak with your  
 6 counsel about the deposition in the intervening  
 7 period?  
 8 A. Not really.  
 9 Q. What do you mean "not really"?  
 10 A. Didn't talk about anything I said, although I  
 11 was cautioned not to speak -- say as much.  
 12 Q. Okay. Your counsel said after the last  
 13 session that you shouldn't say as much?  
 14 A. That is correct.  
 15 Q. What were the exact words that she said?  
 16 A. I don't remember.  
 17 Q. Okay. But the gist of it was, don't say as  
 18 much as you said?  
 19 A. Yes.  
 20 Q. How -- what did you interpret that to mean?  
 21 A. Say less.  
 22 Q. Okay.  
 23 A. Keep my answers brief.  
 24 Q. Okay. Okay. I want to start with a new  
 25 exhibit. I believe we're on No. 16.

1 (Defendant's Exhibit No. 16 marked for  
 2 identification.)  
 3 MR. DIXON: I'll hand it to you.  
 4 MS. BLOODGOOD: Thank you.  
 5 BY MR. DIXON:  
 6 Q. I've handed you a copy of your Complaint in  
 7 this case Dr. Dillon. Do you recognize this document?  
 8 A. Yes, sir.  
 9 Q. Turn with me, please, to paragraph 13. That  
 10 paragraph discusses Jaap Hillenius and states that the  
 11 two of you have disagreed vehemently for years  
 12 regarding the issue of teacher philosophy?  
 13 A. Yes.  
 14 Q. We touched upon that last time, but I would  
 15 like to understand any instances that you recall of  
 16 vehement disagreements with Jaap Hillenius regarding  
 17 the issue of teacher philosophy.  
 18 A. I do not remember any specific -- any  
 19 specific cases. However, there is a process of annual  
 20 evaluation.  
 21 Q. The ones we went over last time?  
 22 A. Yes, which we've been over, at which an  
 23 interview occurs. And my scores are low, sometimes  
 24 extremely low. And on those occasions, we would  
 25 discuss teaching philosophy.

1 Q. And what did he say about your teaching  
 2 philosophy that caused you to believe, or his own, that  
 3 caused you to believe he disagreed with you?  
 4 A. He would emphasize student evaluations. He  
 5 would say my student evaluations are too low.  
 6 Q. How does that evidence a disagreement in  
 7 teaching philosophy?  
 8 A. I do not believe in student evaluations and  
 9 do not read them.  
 10 Q. Why don't you do that?  
 11 A. It -- student evaluations undermine the  
 12 proper relationship between a professor and his  
 13 students, as he -- as imagine the following case. A  
 14 airline pilot is beginning to land at an airport, and  
 15 he sends an evaluation back to the passengers asking at  
 16 what angle he should set his airplane flaps. That  
 17 would undermine the confidence of the passengers in the  
 18 ability of the airline pilot to land the plane.  
 19 Student evaluations are injurious to the relationship  
 20 between a professor and his students.  
 21 Q. How should a student -- how should a  
 22 professor, rather, be evaluated on teaching, in your  
 23 view?  
 24 A. By the -- by the performance of his students  
 25 subsequently.

1 Q. Meaning in the real world, after academia,  
 2 after college?  
 3 A. Yes, certainly including that. Final exam  
 4 scores would be another good way. There are  
 5 standardized tests in chemistry and that sort of thing.  
 6 There's a nationally normed GRE test in biology that  
 7 could be used. We've never used it. Performance after  
 8 the semester is over.  
 9 Q. Okay. Read with me, if you would, paragraph  
 10 14.  
 11 A. Sure.  
 12 Q. Paragraph 14, Plaintiff vocally and actively  
 13 opposed another supervisor's (Dean Michael J. Auerbach)  
 14 re-hire as Dean five (5) years ago.  
 15 A. Yes, sir.  
 16 Q. When we spoke last time, you spoke about this  
 17 topic. And as I recollect your testimony, the basic  
 18 gist is that you opposed his rehire because you didn't  
 19 feel like he was -- he was up on current methodology.  
 20 Is that a fair way of putting it? And if it's not,  
 21 correct me, please.  
 22 A. I think he has no qualifications whatsoever  
 23 to be involved with higher education.  
 24 Q. And this was -- in your Complaint, it says it  
 25 was five years ago. Do you recall the year that he was

1 rehired?  
 2 A. No, but it has been some years. I do not  
 3 remember the actual year.  
 4 Q. Okay.  
 5 A. A few years.  
 6 Q. Before -- and I don't want to talk about the  
 7 syllabus event yet. Other than poor student  
 8 evaluations or, I'm sorry, poor professor evaluations  
 9 that you received, that we spoke about last time, were  
 10 there any other ways in which Hillenius demonstrated  
 11 his antipathy toward you?  
 12 A. No.  
 13 Q. And I'll ask the same question about  
 14 Auerbach.  
 15 A. Yes, occasional sarcastic remarks passing in  
 16 the hallway.  
 17 Q. I don't need to catalog them, but I would be  
 18 curious if you could -- does one come to mind?  
 19 A. No.  
 20 Q. Okay.  
 21 A. He was -- let me think. No. He was also  
 22 clearly not supportive of Darwin Week. He did instruct  
 23 the secretary to -- to not advertise it on the closed  
 24 circuit TV. This is last year, 2016. Not supportive  
 25 of Darwin Week.

1 Q. And you conclude he wasn't supportive of  
 2 Darwin Week because he didn't want the secretary to  
 3 broadcast it on closed circuit TV?  
 4 A. Yes.  
 5 Q. Okay. Can you give me an example of a  
 6 sarcastic remark he would make to you?  
 7 A. No, sir.  
 8 Q. Any other ways in which he exhibited his  
 9 antipathy toward you, other than the syllabus event?  
 10 A. No, sir.  
 11 Q. Okay. Let's turn back to your Complaint,  
 12 Paragraph 15. Defendant McGee is currently angry at  
 13 Plaintiff because of the way Plaintiff allegedly  
 14 undermined McGee's attempt to satisfy an antiquated  
 15 state law requiring study of the United States  
 16 Constitution in spring of 2015.  
 17 Can you please explain to me what that paragraph  
 18 means?  
 19 A. We have provided documents, e-mails. It was  
 20 several years. It was 2015. And apparently we  
 21 received pressure from state legislators to satisfy a  
 22 1920's era state law on the Constitution and the  
 23 Federalist Papers. And I could look it up. It is in  
 24 the record, the actual law, the actual and antiquated  
 25 law. And from what I can see, most colleges and

1 universities around the state simply refused to comply  
 2 with an antiquated law. I'm quite sure the University  
 3 of South Carolina simply refused. The President of  
 4 that college said no. But we did. But we, the College  
 5 of Charleston, did move to satisfy that law with an  
 6 online quiz taken by students as a requirement for  
 7 graduation, multiple choice test online, multiple  
 8 choice.  
 9 In 2015, we were -- we, the faculty, the broad  
 10 faculty, received an e-mail from Vice Provost Lynne  
 11 Ford, calling us to a -- calling us to a forum, an open  
 12 forum, where we would brainstorm questions for the  
 13 upcoming quiz on the U.S. Constitution. And at that  
 14 point, I lost my temper and sent a series of five  
 15 e-mails, which could be summed up in a single sentence:  
 16 Either do it right or don't do it at all. That was the  
 17 last line on the fifth e-mail. Either do it right or  
 18 don't do it at all, period.  
 19 Q. Okay. When you say you lost your temper,  
 20 what do you mean, exactly?  
 21 A. Looking back on the tenor of those e-mails,  
 22 they were quite sarcastic. And I may have used some  
 23 uncharitable nouns to characterize administrators.  
 24 Q. Do you recall what those nouns were?  
 25 A. Maybe boneheads, bozos.

1 Q. Who did you call a bonehead, boneheads and  
2 bozos?  
3 A. Possibly everybody in Randolph Hall.  
4 Q. Who is -- who does that -- who sits in  
5 Randolph Hall?  
6 A. Brian McGee.  
7 Q. Okay. In some of his responses to you, or in  
8 his response to you to those e-mails, did Provost McGee  
9 explain to you that if you had an objection to the  
10 plan, you were free to make proper motions or  
11 procedures through the Faculty Senate?  
12 A. He may well have. I don't recall clearly.  
13 Do not recall.  
14 Q. Okay.  
15 (Discussion held off the record.)  
16 BY MR. DIXON:  
17 Q. Professor Dillon, I'm going to hand you a  
18 series of exhibits. Let's start with 18. And I'll go  
19 ahead and mark 19, as well.  
20 (Defendant's Exhibit Nos. 18 and 19 marked  
21 for identification.)  
22 BY MR. DIXON:  
23 Q. There's 18 and 19. I'd ask you if you  
24 recognize these documents?  
25 A. They appear to be -- well, this is -- this is

1 a print of an official Policy 9.1.2.  
2 Q. I'm sorry, when you say "this," which one are  
3 you looking at now?  
4 A. Number 18 --  
5 Q. Okay.  
6 A. -- is a copy of one of our many official  
7 policies. Both of them are. Both of them are copies  
8 of our myriad official policies at the College of  
9 Charleston.  
10 Q. And Number 18 says that it is a Code of  
11 Conduct of Discipline -- sorry, Code of Conduct and  
12 Disciplinary Actions, correct?  
13 A. Yes, sir.  
14 Q. And it's labeled 9.1.2?  
15 A. Yes.  
16 Q. Then Number 19 is the second one I've handed  
17 you.  
18 A. Yes, yes, yes.  
19 Q. That one is also called an Official Policy?  
20 A. Yes.  
21 Q. And it is called Prohibition of  
22 Discrimination and Harassment, Including Sexual  
23 Harassment and Abuse?  
24 A. Yes, sir.  
25 Q. It is Policy 9.1.10?

1 A. Yes.  
2 Q. Prior to spring of 2016, had you read these  
3 policies, to your recollection?  
4 A. No, I don't believe I had.  
5 Q. Okay. Have you, since?  
6 A. Yes.  
7 Q. Okay. We can put those aside. I will be  
8 coming back to them, so don't put them away.  
9 (Defendant's Exhibit Nos. 20 and 21 marked  
10 for identification.)  
11 BY MR. DIXON:  
12 Q. I'm going to hand you what we're marking as  
13 Exhibit 20. Dr. Dillon, I've handed you what we've  
14 marked as Exhibit Nos. 20 and 21. I ask you to take a  
15 look at 20 first.  
16 A. Yes, sir.  
17 Q. Do you recognize this document?  
18 A. This appears to be the Principles of  
19 Accreditation document published by SACSCOC.  
20 Q. Okay. Prior to spring of 2016, had you  
21 looked at this document?  
22 A. No, sir.  
23 Q. And then flip over, if you would, to Exhibit  
24 21. Do you recognize this document?  
25 A. Yes.

1 Q. What is this document?  
2 A. It appears to be the resource manual that  
3 goes with the reaccreditation procedure published  
4 by the SACSCOC.  
5 Q. And then prior to spring 2016, had you read  
6 this document?  
7 A. No, sir.  
8 Q. Prior to spring 2016, had you heard of either  
9 one these documents?  
10 A. No.  
11 Q. As we sit here today, have you read these  
12 documents?  
13 A. No.  
14 Q. Okay. I should be clear. Have you read  
15 Exhibit No. 20?  
16 A. No, sir.  
17 Q. Have you read Exhibit 21?  
18 A. Let me clarify. In their entirety or in  
19 small parts?  
20 Q. Well, let's start with in their entirety?  
21 A. No, sir.  
22 Q. Neither one of them?  
23 A. Neither one of them in their entirety.  
24 Q. Have you read No. 20 in small parts?  
25 A. I have read extracts, small extracts, of 20.

1 Q. How about 21, small extracts, as well?  
 2 A. Yes, sir.  
 3 Q. Okay. If you would on Exhibit 20, please  
 4 turn to page 27.  
 5 A. Page 27, page 27, page 27.  
 6 Q. See right there in the middle of the page, to  
 7 make sure we're on the same page, 3.3, Institutional  
 8 Effectiveness?  
 9 A. Yes, sir.  
 10 Q. Then a subheading under that is 3.3.1.1?  
 11 A. Yes, sir.  
 12 Q. It says, Educational programs, to include  
 13 student learning outcomes; do you see that?  
 14 A. Yes, sir.  
 15 Q. Okay. And then above that it says, The  
 16 institution -- I'm reading now from 3.3.1 -- identifies  
 17 expected outcomes, assesses the extent to which it  
 18 achieves these outcomes, and provides evidence of  
 19 improvement based on analysis of the results in each of  
 20 the following areas.  
 21 Then under that, one of them is listed as  
 22 educational programs, to include student learning  
 23 outcomes, correct?  
 24 A. Yes, sir.  
 25 Q. Then on Exhibit 21 now, if you would turn,

1 please, to page 72.  
 2 A. Student learning outcomes. Student learning  
 3 outcomes.  
 4 Q. Pretty much right there in the middle of the  
 5 page under the Notes section.  
 6 A. Yes, sir.  
 7 Q. The second full paragraph. An institution is  
 8 responsible for identifying the instructor of record;  
 9 that is, the person qualified to teach the course and  
 10 who has overall responsibility for the  
 11 development/implementation of the syllabus.  
 12 And I should be clear, for the development, slash,  
 13 implementation of the syllabus.  
 14 The achievement of student learning outcomes  
 15 included as part of the syllabus, and for issuing  
 16 grades; do you see that?  
 17 A. Yes, sir.  
 18 Q. Are these -- excuse me. When you said you've  
 19 read experts from this document, is this the excerpt  
 20 you're read?  
 21 A. Maybe.  
 22 Q. Okay.  
 23 A. Maybe.  
 24 Q. Just, what is your understanding of what  
 25 SACSCOC is?

1 A. It is a consortium of colleges and schools  
 2 regionally constituted, which those colleges and  
 3 schools have -- to which those colleges and schools  
 4 have appointed accreditation, the authority to  
 5 reaccredit.  
 6 Q. What does "accreditation" mean in your  
 7 understanding?  
 8 A. Validity -- a license to perform a job is an  
 9 accreditation, a license -- a license to -- a license  
 10 to perform a task, yes.  
 11 Q. Is it the case that a college or university  
 12 that is unaccredited cannot receive federal funds?  
 13 A. I think that's true. I don't know.  
 14 Q. In your understanding, if a college or  
 15 university loses its ability to accept federal funds,  
 16 is that devastating to the college or university?  
 17 A. No.  
 18 Q. Why is that?  
 19 A. I can think of some institutions of higher  
 20 learning that specifically reject government funding of  
 21 all sorts.  
 22 Q. What are those?  
 23 A. I think Hillsdale College.  
 24 Q. Where is Hillsdale?  
 25 A. In Michigan.

1 Q. Any others?  
 2 A. That's one that stands out in my mind. It's  
 3 a remarkable institution.  
 4 Q. Do you know how it is funded, how its student  
 5 tuition is funded, if not through federal aid?  
 6 A. I think it has endowments and -- and tuition,  
 7 certainly.  
 8 Q. How do students pay the tuition, if not  
 9 through federal aid?  
 10 A. With money.  
 11 Q. Obtained from where?  
 12 A. From their own money. I think they pay with  
 13 their own money, I think.  
 14 Q. And Hillsdale, is it a private institution?  
 15 A. It is. I guess it would have to be.  
 16 Q. Any others?  
 17 A. That's the only one I can think of. It is  
 18 famous for that.  
 19 Q. Is that -- do you know a -- well, strike  
 20 that.  
 21 The College does accept federal funding currently,  
 22 correct?  
 23 A. Certainly.  
 24 Q. Okay. If it were to lose that ability, then  
 25 the character of the university would change; is that a

1 fair statement?  
 2 A. Yes.  
 3 Q. Okay. And the College is a public  
 4 university, correct?  
 5 A. Yes.  
 6 Q. So it would be fair to say, then, it would  
 7 change the character of the university were it to lose  
 8 the ability to accept federal funding?  
 9 A. Yes.  
 10 Q. Okay. I want to go back to Exhibit 17 --  
 11 A. 17, 17, 17.  
 12 Q. -- which I have not yet handed you.  
 13 A. Oh, that's right.  
 14 Q. I'm getting ready to hand it to you.  
 15 (Discussion held off the record.)  
 16 (Defendant's Exhibit No. 17 marked for  
 17 identification.)  
 18 BY MR. DIXON:  
 19 Q. Okay. I'm going to hand you what is being  
 20 marked, or what has been marked rather, as Exhibit 17.  
 21 This exhibit is the Bates range of Plaintiff 851  
 22 through 859 and College 3744 through 3748. Would you  
 23 take a look at that?  
 24 A. Thank you.  
 25 Q. Confirm that is, in fact, what I've handed

1 you, first of all.  
 2 A. Yes. Yes. You've -- you've -- you've handed  
 3 me a series of e-mails from the spring of 2015,  
 4 involving the -- involving the state requirement to  
 5 issue a course on the founding documents, yes.  
 6 Q. Okay. So this is the e-mail thread that you  
 7 were referring to earlier?  
 8 A. Yes.  
 9 Q. Had you read these statutes before you  
 10 received the first e-mail from Lynne?  
 11 A. No. Well, yes. No. The answer is no.  
 12 Q. So what -- walk me through what happened  
 13 here. As I understand it -- turn to the very back,  
 14 College 3747.  
 15 A. College 37?  
 16 Q. 47.  
 17 A. All the way to the very back, 3747, yes.  
 18 Q. Looks like this thread begins on April 21 --  
 19 A. Yes. Yes.  
 20 Q. Let me finish, I'm sorry. -- April 21, 2015,  
 21 with an e-mail from Lynne Ford to faculty  
 22 administration?  
 23 A. Yes.  
 24 Q. Were you on that e-mail distribution list?  
 25 A. Let's see. Yes.

1 Q. So prior to receiving this e-mail from Lynne  
 2 Ford, did you -- had you read the statutes at issue?  
 3 A. No.  
 4 Q. So was it the receipt of the e-mail that  
 5 prompted you to investigate the statutes?  
 6 A. Yes.  
 7 Q. Okay. So then it looks like three days  
 8 later -- no, I'm sorry. It's a little bit confusing  
 9 because --  
 10 A. It is, yes.  
 11 Q. -- there are some that are --  
 12 A. This is not complete. This is not complete.  
 13 Q. It looks like on Friday -- look with me,  
 14 please, at Plaintiff 853 in your packet.  
 15 A. 853, yes.  
 16 Q. Friday, April 24, an e-mail from you to Lynne  
 17 Ford. It says, I can hold my pen no longer, in the  
 18 first line?  
 19 A. Yes.  
 20 Q. I assume that means that's the first -- your  
 21 first e-mail response to Lynne?  
 22 A. Yes. It -- see the subject line says, First  
 23 Blast --  
 24 Q. Yes.  
 25 A. -- on the Founding Documents?

1 Q. Okay. So you had planned out several  
 2 separate blasts?  
 3 A. Yes, sir.  
 4 Q. Okay. So on 854, when you say at the very  
 5 bottom of page 854 --  
 6 A. Yes.  
 7 Q. -- Dear Lynne, Who needs a library, since the  
 8 invention of Google? I just found something written by  
 9 a guy named "Alexander Hamilton."  
 10 When you wrote the first blast, you had already  
 11 intended to write the second blast --  
 12 A. Yes, sir.  
 13 Q. -- including that? That was a sarcastic  
 14 statement, of course?  
 15 A. Yes, sir, that was sarcastic.  
 16 Q. And then College 3745, please turn with me to  
 17 that page.  
 18 A. 3745, yes. 3745, yes.  
 19 Q. Very last paragraph. This -- now we're  
 20 looking at Dr. McGee's response --  
 21 A. Yes.  
 22 Q. -- to your missives?  
 23 The second sentence of the last paragraph, If  
 24 Professor Dillon is convinced of the rightness of his  
 25 claims, though, I recommend that he stop writing emails

1 and avail himself of the process available in Article  
 2 II of the Faculty Bylaws and seek to call an  
 3 Extraordinary Faculty Meeting. He certainly has  
 4 adequate time to collect the necessary 50 signatures  
 5 well before May 15. Or, if that would be too much  
 6 trouble for Professor Dillon, he can persuade two  
 7 Senators to offer and second a repeal motion at the  
 8 September meeting of the Faculty Senate.  
 9 A. Yes, sir.  
 10 Q. Do you recall reading that?  
 11 A. Yes. Yes, I do.  
 12 Q. Okay. Did you take either one of these  
 13 steps?  
 14 A. No, I did not.  
 15 Q. Okay. Did you and Professor McGee have any  
 16 verbal discussion regarding the exchange evidenced in  
 17 this e-mail?  
 18 A. I've never met Professor McGee.  
 19 Q. Okay. So the answer to my question is, no?  
 20 A. Is, no.  
 21 Q. Did you have any follow-up e-mail exchange  
 22 regarding this, other than what's listed here?  
 23 A. No, sir.  
 24 Q. Okay. In your Complaint, which is Exhibit  
 25 No. 16 --

1 A. Back to -- yes. Yes, the Complaint, in the  
 2 Complaint.  
 3 Q. Yes.  
 4 A. Here. It's right here.  
 5 Q. Paragraph 15 on page 2.  
 6 A. Paragraph 15 on page 2.  
 7 Q. We read this previously. But you conclude in  
 8 paragraph 15, or allege rather, that Defendant McGee is  
 9 angry at you because of this e-mail thread.  
 10 Why do you conclude that?  
 11 A. It's from his -- the tone of his e-mail.  
 12 Q. Explain that to me.  
 13 A. From the tone of his -- of his e-mail, April  
 14 24, 2015.  
 15 Q. The tone of the e-mail. Can you explain what  
 16 you mean by "the tone"?  
 17 A. First line, I am dismayed by the tone.  
 18 He is dismayed himself.  
 19 Q. He says he's dismayed by the tone and tenor  
 20 of your e-mails?  
 21 A. Yes.  
 22 Q. So why do you conclude from that that he's  
 23 angry with you?  
 24 A. This entire message is probably as sarcastic  
 25 as anything I wrote in my e-mail messages.

1 Q. Okay. Do you know if the class was taught as  
 2 proposed in these e-mails by the administration?  
 3 A. I think it ended up as a -- I think, as a  
 4 multiple choice test for seniors to take when they  
 5 apply for graduation.  
 6 Q. Okay.  
 7 A. No, there was no class.  
 8 Q. Okay. But it was -- the offering was made,  
 9 as proposed in this e-mail thread?  
 10 A. The offering?  
 11 Q. What was done by the administration to  
 12 comply, in its view, with the state law is as expressed  
 13 in these e-mail threads, correct?  
 14 Is that not a clear question?  
 15 A. I don't understand.  
 16 Q. Sure. I'm sorry, that's my fault.  
 17 Did the College do what Brian McGee said the  
 18 College was going to do?  
 19 A. Oh.  
 20 Q. If you recall?  
 21 A. Here, here, here, here, here. Yes.  
 22 Ultimately, I think he did as he announced he would --  
 23 Q. Okay.  
 24 A. -- on April the 6th.  
 25 Q. Okay. Thank you.

1 Your Complaint -- again, flip over one page to  
 2 paragraph 16. These three supervisors, you allege in  
 3 paragraph 16, i.e. Jaap, Mike and Brian, feel  
 4 threatened by the Plaintiff's political activities in  
 5 Columbia, where in his capacity as President of the  
 6 South Carolinians for South Carolina -- sorry -- South  
 7 Carolinians for Science Education, he has challenged  
 8 powerful state senators over the state K-12 science  
 9 standards.  
 10 Is that what we were talking about last time, your  
 11 activities in Columbia for various committees and the  
 12 Commission on Higher Education?  
 13 A. Yes.  
 14 Q. Okay. Why do you conclude that these three  
 15 supervisors are threatened by this activity?  
 16 A. I do have written evidence that all levels of  
 17 the College administration felt threatened in 2005,  
 18 2006. I inferred that all levels of the administration  
 19 were equally threatened in 2015, 2016, for the same  
 20 reasons.  
 21 Q. Okay. But -- so you have no written evidence  
 22 that Jaap felt threatened by this?  
 23 A. Correct.  
 24 Q. No written evidence that Auerbach felt  
 25 threatened by this?

1 A. Correct.  
 2 Q. And no written evidence that McGee felt  
 3 threatened by this?  
 4 A. Correct.  
 5 Q. Okay. How would -- how would your activities  
 6 in Columbia on this issue threaten Jaap, Mike and  
 7 Brian? I don't understand the connection there.  
 8 A. By actively opposing legislation or policies  
 9 forwarded by powerful state senators, I might -- I  
 10 might indirectly threaten funding for projects ongoing  
 11 at the College, threaten state funding for the College,  
 12 might threaten state funding for the College.  
 13 Q. Okay. But Jaap, Mike and Brian never told  
 14 you this?  
 15 A. Correct.  
 16 Q. Okay. Paragraph 17, you say that these three  
 17 supervisors also feel threatened by your independent  
 18 success coordinating Darwin Week.  
 19 How are they threatened by Darwin Week?  
 20 A. Although I certainly did not intend it,  
 21 Darwin Week became attached to me personally. I was  
 22 often the subject of newspaper reports having to do  
 23 with Darwin Week. And very rarely was the College  
 24 mentioned in those newspaper reports, television,  
 25 television news reports. Although, I did not --

1 certainly never intended it, it appeared sometimes in  
 2 some years that I was overshadowing the entire  
 3 institution.  
 4 Q. And how does -- how do we get from there to  
 5 the supervisors felt threatened by you?  
 6 A. They were concerned that one of their  
 7 employees might rise to a station above them.  
 8 Q. Did they ever express that opinion to you in  
 9 verbal form?  
 10 A. No, sir.  
 11 Q. Did they ever express that to you in written  
 12 form?  
 13 A. No, sir.  
 14 Q. Okay. Paragraph 18, Defendant McGee resents  
 15 the fact that Plaintiff is the current President of the  
 16 Lowcountry Phi Beta Kappa (PBK) Association and  
 17 Defendant College cannot seek a Phi Beta Kappa chapter  
 18 without Plaintiff's personal approval, which he will  
 19 not give.  
 20 Can you explain that allegation to me, please?  
 21 A. Phi Beta Kappa is the nation's number one  
 22 honor society. Chapters are awarded only after an  
 23 extensive review process at a rate of about one a year,  
 24 three every three years. The College did mount an  
 25 effort to attract to shelter -- the verb is

1 "shelter" -- a Phi Beta Kappa chapter during the  
 2 Sanders administration, ten or 15 years ago and, at  
 3 that time, encouraged the formation of a Phi Beta Kappa  
 4 association.  
 5 An association is not a chapter; it's a club.  
 6 It's a club of members, Phi Beta Kappa members, who  
 7 live in a particular region, but cannot induct any new  
 8 members, cannot induct a student, for example. It's  
 9 called the Lowcountry Phi Beta Kappa Association,  
 10 founded 15 years ago or so.  
 11 Now -- and -- and the College applied for a  
 12 chapter and failed. Didn't get through the first  
 13 round. It's a very difficult process.  
 14 But maintained that Association for another ten  
 15 years or so. We did have some clerical support. Our  
 16 Charter was hung in Randolph Hall. But I'm not aware  
 17 that the College ever came back to apply again. There  
 18 was -- there was talk, there was simply talk among  
 19 members of Phi Beta Kappa on the faculty at the College  
 20 that we might apply again a second time.  
 21 Clearly, among the many requirements that the  
 22 College would need to meet is the endorsement of the  
 23 local association, the members of Phi Beta Kappa who  
 24 live in the Charleston area, some of which are on the  
 25 faculty at the College, as was I. Clearly, the College

1 cannot prevail in such a difficult endeavor if the  
 2 association, the local association of alumni, is  
 3 opposed.  
 4 When Glenn McConnell accepted the presidency of  
 5 the College of Charleston, I think that was 2015,  
 6 summer, I can't remember, I was, at that time, on the  
 7 board of the Lowcountry Phi Beta Kappa Association,  
 8 serving as treasurer. And I sent him a series of  
 9 e-mails and letters, and formal letters with stamps,  
 10 inviting him to address us. By that point, our Charter  
 11 had been removed from the walls of Randolph Hall. We  
 12 had lost funding. We were meeting at the Charleston  
 13 Library Society. And never received a reply. I spoke  
 14 on the telephone with President McConnell's secretary,  
 15 who indicated on multiple occasions that he was too  
 16 busy.  
 17 I suspect, do not know, that Provost McGee was  
 18 involved in that series of letters and e-mails. I  
 19 suspect that as the chief academic officer, if the  
 20 President received a letter or an e-mail inviting him  
 21 to address the scholarly society, he would have  
 22 forwarded or brought that letter to the attention of  
 23 the senior academic official. I would have guessed  
 24 that he would send the Provost, if he himself didn't  
 25 feel qualified to address a scholarly society. A

1 reasonable inference. So I suspect that Dr. McGee was  
2 involved in that series of e-mails and letters, which  
3 were ultimately ignored, never acted on, never  
4 responded to.

5 The College of Charleston will not shelter a Phi  
6 Beta Kappa chapter, as terribly as they have treated us  
7 in the last five or ten years. I have written a letter  
8 to the current secretary. He's aware of the situation  
9 here. I can't imagine, however, the College of  
10 Charleston could ever have a Phi Beta Kappa chapter.

11 Q. How has the College treated the chapter  
12 terribly?

13 A. The Randolph Hall was renovated about five  
14 years ago and the inside repainted. Our Charter went  
15 missing. It was taken down off the walls. The walls  
16 were repainted. We later found it behind a sofa in one  
17 of the faculty -- one of the private faculty offices.  
18 Got the message, we did.

19 Q. Did anyone tell you that the location was  
20 intentional, that the removal was intentional?

21 A. No, sir.

22 Q. Okay. Any other ways that you -- that the  
23 charter was treated terribly?

24 A. Financial support withdrawn, clerical  
25 support, franking. We used to get stamps. Withdrawn.

1 Used to meet in Randolph Hall. Fees went up.

2 Q. You have no knowledge, personal knowledge,  
3 that McConnell forwarded these e-mails or letters, or  
4 anything about this for that matter, to McGee,  
5 correct?

6 A. Correct. Inference.

7 Q. Do you know if the College wants to seek a  
8 Phi Beta Kappa chapter?

9 A. I infer they do not. No, I don't know. I do  
10 not know. No.

11 Q. As you sit here today, do you know if McGee  
12 knows that, your affiliation with the Phi Beta Kappa  
13 chapter?

14 A. I do not.

15 Q. When -- you said that the removal of the  
16 charter went missing five years ago, give or take?

17 A. Yes.

18 Q. When did the College apply for the chapter  
19 and fail? Was that during Sanders?

20 A. Yes, during the Sanders administration.

21 Q. Ten, 15 years?

22 A. Ten, 15, yes.

23 Q. So the Association was there, despite the  
24 failure of the chapter, for --

25 A. Yes.

1 Q. -- five or ten years?

2 A. Five or ten year.

3 Q. That affiliation persisted until the Charter  
4 was removed?

5 A. Informally, yes. Yes, yes.

6 Q. So the disassociation --

7 A. Was a slow thing.

8 Q. Was it informal, i.e. the removal of the  
9 Charter indicated the College was no longer interested  
10 in the affiliation, or was there a formal  
11 disassociation between the College and Association?

12 A. There was never a formal association.

13 Q. Other than the hanging of the plaque?

14 A. Yes, sir.

15 Q. Okay. The chapter, okay.

16 A. And clerical support. We did have --  
17 initially, our books were kept by a secretary in  
18 Randolph Hall. Our mailing list was kept by a  
19 secretary in Randolph Hall. And our mailing was done  
20 by the College of Charleston, initially.

21 Q. Did this clerical -- when about did this  
22 clerical support end?

23 A. Ten years ago or so.

24 Q. And when did you stop meeting in Randolph  
25 Hall?

1 A. About five years ago.

2 Q. I asked you about the College wanting a Phi  
3 Beta Kappa chapter. Do you know whether McGee wants  
4 the College to have a Phi Beta Kappa chapter?

5 A. No, sir.

6 Q. Okay. Why did you refuse -- you say in  
7 paragraph 18, The College cannot seek a Phi Beta Kappa  
8 chapter without Plaintiff's personal approval, which he  
9 will not give.

10 First of all, when was the last time you refused  
11 to give your personal approval to a Phi Beta Kappa  
12 chapter?

13 A. I have not -- I have not done so.

14 Q. Have you ever communicated to anyone that you  
15 would not give your personal approval?

16 A. Yes, to the secretary, the national  
17 secretary, of Phi Beta Kappa.

18 Q. How about to the College, have you?

19 A. No. No, sir.

20 Q. You have never made that known to the  
21 College?

22 A. That is correct.

23 Q. Okay, thanks. So why do you conclude that  
24 McGee resents the fact -- resents your affiliation with  
25 Phi Beta Kappa?

1 A. I infer it from the absence of any response  
 2 to my letters and e-mails inviting the President to  
 3 address us.  
 4 Q. Okay. Have you ever filed a grievance  
 5 against Hillenius?  
 6 A. No, sir.  
 7 Q. Ever filed a grievance against Auerbach?  
 8 A. No, sir.  
 9 Q. Against McGee?  
 10 A. I suppose the grievance in the spring of 2016  
 11 was.  
 12 Q. That's a fair clarification. I'm speaking  
 13 now before spring of 2016.  
 14 A. Oh. No.  
 15 Q. Okay. Thank you. Before spring of 2015, had  
 16 the various antipathies that you have identified in  
 17 your complaints, had those manifested themselves in any  
 18 way? That's not a good question.  
 19 Had these three supervisors, prior to spring of  
 20 2016, taken any steps that you could identify against  
 21 you based on the antipathy alleged here?  
 22 A. My annual evaluations were very low.  
 23 Q. Okay. Anything else?  
 24 A. No.  
 25 Q. Did McGee have anything to do with your

1 evaluations, to your knowledge?  
 2 A. No.  
 3 Q. Okay.  
 4 (Defendant's Exhibit No. 22 marked for  
 5 identification.)  
 6 BY MR. DIXON:  
 7 Q. Professor Dillon, I'm handing you what's been  
 8 marked as Exhibit 22, Bates labeled College 459 through  
 9 461. Do you recognize this document?  
 10 A. Yes, sir. It's my Wednesday -- this is the  
 11 lab syllabus for my Genetics Lab 305L, the Wednesday  
 12 section, from the spring of 2016.  
 13 Q. Okay. And look with me, if you would, to  
 14 section number two, Explicit Learning Outcome.  
 15 A. Yes, sir.  
 16 Q. Is this the syllabus that started it all, so  
 17 to speak?  
 18 A. Yes, sir.  
 19 Q. Okay. Why did you create a syllabus for your  
 20 class, to begin with?  
 21 A. To outline course expectations and present  
 22 information about myself, course policies, and to  
 23 present a schedule for the coming semester.  
 24 Q. Does the College have -- at any time, did the  
 25 College have any policies mandating or governing

1 syllabi?  
 2 A. No, sir. That -- can I amend that?  
 3 Q. Please.  
 4 A. The policy we had is that a syllabus would be  
 5 presented, but nothing about the content of the  
 6 syllabus.  
 7 Q. Okay. So in your view, at the time, you were  
 8 free to make the syllabus look however you wanted to?  
 9 A. Yes, sir.  
 10 Q. Okay. Have you ever altered your syllabus  
 11 or -- strike that.  
 12 In any previous years, had you ever been asked by  
 13 any administrator or supervisor to make any changes to  
 14 your syllabus?  
 15 A. No, sir.  
 16 Q. Okay. When did you first -- to your  
 17 knowledge or your recollection, when did you first read  
 18 the Woodrow Wilson quote that's listed there in section  
 19 number two?  
 20 A. 2015, I think.  
 21 Q. And can you tell me how you came across it?  
 22 A. I was reading a recent biography of Woodrow  
 23 Wilson. And I've always been a big fan of Woodrow  
 24 Wilson. I was reading a recent biography by Scott  
 25 Berg. Did some additional research and found it

1 online.  
 2 Q. The biology was of Scott Berg?  
 3 A. Yeah, a Scott Berg -- yes, 2014 maybe.  
 4 Q. Did the biography discuss the current, what I  
 5 understand anyway, to be the current debate regarding  
 6 Woodrow Wilson's racism?  
 7 A. No, sir. Although, certainly that was an  
 8 element of the -- of the -- certainly his policies  
 9 regarding segregation were covered in the book.  
 10 Q. By "policies regarding segregation," do you  
 11 mean as President of Princeton College?  
 12 A. I don't remember. No. I was speaking of the  
 13 federal government.  
 14 Q. When he was president, the policies of  
 15 segregation regarding federal employment?  
 16 A. Yes.  
 17 Q. Okay. You don't remember, in the biography  
 18 anyway, it being discussed that he was a segregationist  
 19 at Princeton?  
 20 A. No, I don't remember that.  
 21 Q. Okay.  
 22 A. I don't remember anything at all about that.  
 23 Q. So had you ever included the Woodrow Wilson  
 24 quote anywhere on any prior syllabus or is this the  
 25 first manifestation of it?

1 A. It started in 2015, I want to say. It -- it  
2 had been going for a year or so by the spring of 2016,  
3 a year or so.

4 Q. So you had had it, to your recollection, on  
5 your syllabi for spring of 2015, fall of 2015, and then  
6 this was the third semester?

7 A. I -- that sounds right. I don't remember  
8 clearly.

9 Q. Okay. Why did you decide to include it on  
10 the syllabus?

11 A. I like it.

12 Q. But surely you like a lot of things that  
13 don't go on a syllabus. Why did you think it was  
14 proper for a syllabus?

15 A. It is a very clear statement of a learning  
16 outcome at the -- for higher education. I like it as a  
17 clear statement of learning objectives or outcomes.

18 Q. Okay. Walk me through that, if you would.  
19 Let's look at the quote.

20 A. Okay.

21 Q. And explain to me how this is a clear  
22 statement of your view of learning outcomes.

23 A. It's the business of a university to impart  
24 to the rank and file of the men whom it trains the  
25 right thought of the world.

1 There is a right thought. And that simple  
2 observation has become so -- has become extremely  
3 confused in recent years. This is an 1896 quote. It  
4 might almost have been a platitude in 1896. But in  
5 2017, that simple -- that first clause is a powerful  
6 statement against prevailing culture, the statement  
7 that there is a right thought of the world and that  
8 it's the business of a university to impart or share  
9 that right thought with the students it trains. That  
10 is a remarkable statement.

11 Q. Now, in any of the documents that you put on  
12 your web site regarding this event, did you express  
13 that your -- the reason for your putting this statement  
14 on your syllabus was for that reason, as opposed to --  
15 which we'll come to -- but as opposed to the notion  
16 that the right thought of the world is a statement  
17 regarding scientific observation?

18 That was a very long question, and I can rephrase  
19 it --

20 A. Yes, please do.

21 Q. -- if you'd like for me to.

22 The notion that you just expressed to me is that  
23 the right thought of the world is a simple observation  
24 against prevailing culture?

25 A. Yes.

1 Q. In any of the communications that you had  
2 regarding this syllabus event, did you express that  
3 notion, that that was the reason you had put the  
4 syllabus -- the statement on the syllabus?

5 A. No.

6 Q. Okay. What did you tell -- what did you say  
7 at the time was the stated reason for putting that  
8 quote on the syllabus?

9 A. I never said.

10 Q. You don't recall documents where you  
11 explained that this statement was a statement regarding  
12 the scientific method?

13 A. I did not, no.

14 Q. Okay. Does the -- how does the Woodrow  
15 Wilson quote relate specifically to your class, to  
16 Genetics Lab 305L?

17 A. It does materialize at the end of the 14  
18 weeks. The students will understand the scientific  
19 method, will, if not embrace, at least understand the  
20 scientific method as the right thought of the world.

21 Q. How is that different from Bio 211?

22 A. No --

23 Q. Any -- is it different from any biology  
24 class?

25 A. Ideally, no. However, Biology 305 is a

1 majors course. The students are either Biology  
2 major -- BS Biology majors or biochemists. They're  
3 science majors. And so we have a reasonable  
4 expectation that they will not merely understand it,  
5 but do it.

6 Q. And the same could be said, then, I assume  
7 about any Biology majors lab course?

8 A. At the 100 level, for nonmajors in  
9 particular, perhaps merely the understanding of it.

10 Q. So getting back to the -- how this course or  
11 how this statement is related to your course, how is  
12 Genetics Lab 305 -- strike that question, please.

13 Couldn't this explicit learning outcome, this  
14 Woodrow Wilson quote that you have, be suited for any  
15 majors course in biology?

16 A. Yes. Yes.

17 Q. Is there anything specific about this  
18 learning outcome to Genetics Lab 305L?

19 A. No.

20 Q. Okay. Who was your direct report in the  
21 spring of 2016?

22 A. Chairman Jaap Hillenius.

23 Q. Then above him?

24 A. Mike Auerbach, yes.

25 Q. Okay. I'm going to hand you what has been

1 mark as Exhibit 23.  
 2 (Defendant's Exhibit No. 23 marked for  
 3 identification.)  
 4 BY MR. DIXON:  
 5 Q. I've handed you Exhibit 23, College 4555  
 6 through College 458. Do you recognize this document?  
 7 A. Yes, sir.  
 8 Q. It starts at the back in chronological order.  
 9 The first e-mail is an e-mail from Jaap to you  
 10 regarding the syllabus; am I correct in that?  
 11 A. Yes.  
 12 Q. Why did you provide it to Jaap?  
 13 A. All faculty are, I think, required to provide  
 14 syllabuses to the Department. They're kept on file as  
 15 a matter of record. That's true for many years.  
 16 Q. Okay.  
 17 A. Many years.  
 18 Q. So this was a normal procedure?  
 19 A. Yes.  
 20 Q. You would take the syllabus and send it to  
 21 whoever your department chair might be?  
 22 A. Yes, sir.  
 23 Q. Okay. So then Jaap in his e-mail said the  
 24 Woodrow Wilson quote is lofty, but not very specific.  
 25 It also dates from 1896, and genetics has come a long

1 way since then. Asks you to include a brief list of  
 2 learning outcomes and amend the syllabus.  
 3 So then in response the next day you say, It's  
 4 explicit as it can possibly be.  
 5 A. Yes, sir.  
 6 Q. Do you still believe that?  
 7 A. Yes, sir.  
 8 Q. Okay. And then Hillenius, if you turn  
 9 forward to the first page of the document, at the  
 10 bottom states that this -- your learning outcome may be  
 11 fine for an overall course philosophy.  
 12 Do you see where I'm reading?  
 13 A. Yes, sir.  
 14 Q. It does not meet the minimum standards.  
 15 Then the very last line he says he's going to  
 16 provide you two examples, the last line of that page, I  
 17 should say. Then he does that on the -- on page 456.  
 18 Then he says, You are free to develop SLOs particular  
 19 to your course, but a set of five to eight items --  
 20 sorry, five to eight SLOs must be generated.  
 21 As you look at the examples, do you see that those  
 22 examples relate specifically to a particular course?  
 23 A. Yes.  
 24 Q. Okay. So then the very first e-mail on the  
 25 first page, would it be fair to say you refused to

1 modify your syllabus?  
 2 A. Yes.  
 3 Q. Okay. You copied -- or James Deavor is  
 4 copied. What was his position at the time?  
 5 A. He's Assistant Dean or Associate Dean.  
 6 Q. Of the School of Science and Math?  
 7 A. Of the School of Science and Math, yes.  
 8 Q. Okay. Let's go to 24.  
 9 (Defendant's Exhibit No. 24 marked for  
 10 identification.)  
 11 BY MR. DIXON:  
 12 Q. I've handed you a series of documents. I  
 13 think it's a three-page package, College 447 through  
 14 College 448, and then Plaintiff 765. Do you have what  
 15 I'm referring to?  
 16 A. Yes, sir.  
 17 Q. Okay. So it appears on Plaintiff 765 that  
 18 the matter has been escalated to Auerbach, the Dean; is  
 19 that right?  
 20 A. Yes, sir.  
 21 Q. He is -- he informs you that the College  
 22 accreditor, in the first line there, SACSOC -- sorry,  
 23 SACSCOC requires that every syllabus contain course  
 24 learning outcomes, correct?  
 25 A. Correct. That's what he says.

1 Q. Fair. And he tells you that, in the final  
 2 sentence of the second paragraph, that failure to do so  
 3 he says, but he's obviously referring to amend your  
 4 syllabus to comply with Hillenius's instruction, will  
 5 be deemed insubordination; do you see that?  
 6 A. Yes, sir.  
 7 Q. And will result in the initiation of formal  
 8 disciplinary procedures; do you see that?  
 9 A. Yes, sir.  
 10 Q. And did you read this e-mail at the time?  
 11 A. Yes, sir.  
 12 Q. Okay. So turn back, if you would, one page  
 13 to College 448. It appears that your response to this  
 14 e-mail suggests that the problem was one of formatting.  
 15 Do you see where it says that?  
 16 A. Yes, sir.  
 17 Q. I'm going to hand you what we've marked as  
 18 Exhibit 25.  
 19 (Defendant's Exhibit No. 25 marked for  
 20 identification.)  
 21 BY MR. DIXON:  
 22 Q. 25 is Bates labeled College 156 through  
 23 College 160. Are you looking at the same thing?  
 24 A. Yes, sir.  
 25 Q. Okay. So is this an e-mail that you attached

1 to -- I'm sorry. Is this is an attachment that you  
 2 attached to this e-mail to Mike saying perhaps the  
 3 problem is one of formatting?  
 4 A. Yes.  
 5 Q. And then at the bottom you say, of that  
 6 e-mail anyway, you say, See attached?  
 7 A. Yes.  
 8 Q. So it appears -- turn with me to 25, the one  
 9 I just handed you.  
 10 A. Yes.  
 11 Q. The syllabus. It appears you took the  
 12 Woodrow Wilson quote and broke it up into several  
 13 discreet bullet points?  
 14 A. Yes, sir.  
 15 Q. You knew that this would not satisfy their  
 16 request, correct?  
 17 A. I really didn't. I couldn't imagine what  
 18 they wanted.  
 19 Q. Well, I mean, in Exhibit 23 Hillenius had  
 20 given you two examples of what they wanted, correct?  
 21 A. Yes. They were bullet point lists. I  
 22 thought maybe if I -- I legitimately thought maybe if I  
 23 reformatted Woodrow Wilson as a list, that would  
 24 satisfy Hillenius.  
 25 Q. Did you read the examples that were given to

1 you by Hillenius in that e-mail?  
 2 A. Yes.  
 3 Q. And you understand that the bullet points,  
 4 although they're not bullet points, they're numbered?  
 5 A. They are numbered, you're right.  
 6 Q. That's beside the point. The list, those  
 7 refer to skills, acts, however, whatever the right word  
 8 is, that will occur in the Genetics Lab or in that  
 9 particular class, correct?  
 10 A. Banalities.  
 11 Q. But to answer my question is?  
 12 A. Yes, they are banalities.  
 13 Q. Okay. But they are banalities, be that as  
 14 they may, that occur in that particular class?  
 15 A. Yes.  
 16 Q. So you thought by formatting the list in  
 17 Exhibit -- as you did in Exhibit 25, that you thought  
 18 it was possible anyway that that would satisfy your  
 19 superiors?  
 20 A. Yes, sir.  
 21 Q. Okay. Well, it didn't.  
 22 A. Note that.  
 23 Q. At the bottom of Exhibit -- the first page of  
 24 Exhibit 24, Hillenius -- I'm sorry, Auerbach informs  
 25 you that your response is unsatisfactory because you

1 have not furnished learning outcomes that were crafted  
 2 by you, address the course you are teaching, and meet  
 3 the expectations of your supervisor; thus, I am  
 4 reiterating my request that you provide satisfactory  
 5 learning outcomes.  
 6 And then the last paragraph says -- I've got a  
 7 hole punched through mine. But I assume it says, The  
 8 compliance, or, Your compliance by this deadline?  
 9 A. Simply, Noncompliance by this deadline.  
 10 Q. Noncompliance by this deadline will be deemed  
 11 to be a violation of the Code of Professional Conduct  
 12 and the Statement of Professional Ethics.  
 13 Do you see that?  
 14 A. Yes, sir.  
 15 Q. Did you see that at the time?  
 16 A. Yes, sir.  
 17 Q. You read it at the time?  
 18 A. Yes, sir.  
 19 Q. You understand what it meant at the time?  
 20 A. Yes.  
 21 Q. Consequently, you would receive a sanction as  
 22 detailed in Article VII, Section B of the FAM,  
 23 correct?  
 24 A. Yes.  
 25 Q. Okay.

1 (Discussion held off the record.)  
 2 (Defendant's Exhibit No. 85 marked for  
 3 identification.)  
 4 BY MR. DIXON:  
 5 Q. Dr. Dillon, I'm handing you what's been  
 6 marked as Exhibit No. 85. Do you recognize this  
 7 document?  
 8 A. Yes, sir.  
 9 Q. What is this document?  
 10 A. It's the Faculty/Administration Manual at the  
 11 College of Charleston.  
 12 Q. What do you understand this document to be?  
 13 A. The bible by which we are to conduct -- by  
 14 which the faculty and administration are to conduct the  
 15 College.  
 16 Q. Okay. Just wanted to introduce it. We don't  
 17 need to talk about it this minute, but we will come  
 18 back to it.  
 19 So then carrying on in Exhibit 24, which is the  
 20 e-mail thread between you and Auerbach, in the first  
 21 e-mail, which is the -- by "first" I mean the top  
 22 e-mail on page 24. That is your response to Auerbach.  
 23 And your last paragraph says, I do not think this is  
 24 insubordination.  
 25 Do you see that?

1 A. Yes, sir.  
 2 Q. Would you agree that your -- if your  
 3 supervisor thinks something is insubordination, that  
 4 that carries more weight than whether or not you think  
 5 it is?  
 6 A. No, sir.  
 7 Q. Okay. I think it is a difference of  
 8 philosophy, you go on to say.  
 9 Explain that statement to me.  
 10 A. I don't think I can be ordered to lie. These  
 11 explicit learning outcomes are indeed the outcome, the  
 12 objectives to which I teach Genetics Lab 305L; hence,  
 13 this is not insubordination.  
 14 Q. Neither Hillenius nor Auerbach told you that  
 15 you could not include the Woodrow Wilson quote on your  
 16 syllabus, correct?  
 17 A. Correct. Correct.  
 18 Q. And, in fact, had you wanted to, you could  
 19 have put it on the first page of the syllabus, it alone  
 20 in 36-point font and highlighted, and it would be the  
 21 centerpiece of the syllabus, then you turn over to the  
 22 next page and everything else is there. That would  
 23 have been acceptable, correct?  
 24 A. To them, perhaps.  
 25 Q. Okay. You, of course, were never told the

1 words that could come out of your mouth or couldn't  
 2 come out of your mouth in class, correct? You were  
 3 never told how you had to -- what things you had to say  
 4 to students, right?  
 5 A. Correct.  
 6 Q. Okay. The content of the course, I mean?  
 7 A. Correct.  
 8 Q. Okay. What -- what did you think would be  
 9 the outcome of your refusal to abide by Hillenius and  
 10 Auerbach's demands with respect to your syllabus?  
 11 A. Another bad annual evaluation.  
 12 Q. Okay. Okay. The College stated, or Auerbach  
 13 anyway, that your refusal to modify the syllabus would  
 14 be deemed insubordination, correct?  
 15 A. Yes.  
 16 Q. And he stated that failure to comply or  
 17 noncompliance by the deadline elicited would be deemed  
 18 a violation of the Code of Professional Conduct,  
 19 right?  
 20 A. Yes.  
 21 Q. And that you would receive a sanction as  
 22 detailed in Article VII, Section B of the FAM,  
 23 correct?  
 24 A. Yes.  
 25 Q. So that's more serious than a bad evaluation,

1 correct?  
 2 A. Yes.  
 3 Q. Turn with me, if you would, to -- we've  
 4 marked it as Exhibit 85, page 143 of that document.  
 5 Not the Bates label, but the number of the document.  
 6 A. Yes.  
 7 Q. The upper, right-hand page.  
 8 A. Yes, yes 143, 143.  
 9 Q. Article VII, Section B, Section Sub 1 is  
 10 labeled, Sanctions. Do you see that?  
 11 A. Yes, sir.  
 12 Q. And this is the section that Auerbach was  
 13 referring to in his e-mail to you, correct?  
 14 A. Yes, sir.  
 15 Q. And it says under Sanctions that, If the  
 16 Provost believes that the conduct of a faculty member,  
 17 although not constituting adequate cause for dismissal,  
 18 justifies imposition of a sanction, such as but not  
 19 limited to a reprimand, a demand for restitution, a  
 20 modification of duties, or a suspension without pay,  
 21 the Provost shall notify the faculty members, the basis  
 22 of the proposed sanction, and provide the faculty  
 23 member an opportunity to persuade the Provost that the  
 24 sanctioned should not be imposed.  
 25 Do you see that?

1 A. Yes, sir.  
 2 Q. When you received the e-mail from Auerbach  
 3 directing you to this section of the FAM, did you go  
 4 read it?  
 5 A. No, sir.  
 6 Q. Okay. Did you know it otherwise?  
 7 A. No, sir.  
 8 Q. Had you read the FAM before spring of 2016?  
 9 A. In part, yes.  
 10 Q. Okay. Would it be fair to say you were not  
 11 familiar with it before spring of 2016?  
 12 A. I am familiar with parts of it. I am not  
 13 familiar with other parts.  
 14 Q. Well, my question was, in spring of 2016,  
 15 were you familiar with it before -- before these  
 16 events?  
 17 A. There are some parts having to do with  
 18 faculty governments. For example, the Constitution and  
 19 By-Laws are in here. I am familiar with those parts.  
 20 I was familiar with those parts prior to the spring of  
 21 2016. The parts for tenure and promotion, I'm familiar  
 22 with those parts. This part I was not familiar with.  
 23 Q. Okay. "This" part being the Section --  
 24 A. Section VII (B)(1).  
 25 Q. Article VII, Section (B) --

1 A. Sorry.  
 2 Q. -- (1)?  
 3 A. Yes. Yes.  
 4 Q. Okay. And how about Article VII, Section  
 5 (B)(2) which is called, Assignment To New Duties In  
 6 Certain Cases?  
 7 A. I was -- I was unfamiliar with those  
 8 sections.  
 9 Q. Okay. That's also under Section B in Article  
 10 VII, correct?  
 11 A. Yes, sir.  
 12 Q. Okay. So just so I get my time line right,  
 13 you can look back at Exhibit 23 if you need to. The  
 14 first indication that you had from your superiors that  
 15 the syllabus you had proposed was not compliant was on  
 16 January 19, 2016, correct? I'm looking now on Exhibit  
 17 23.  
 18 A. Yes.  
 19 Q. Okay. That was the e-mail from Hillenius to  
 20 you?  
 21 A. Yes.  
 22 Q. The matter was then escalated to Auerbach,  
 23 who sent you an e-mail on February 9. I'm now looking  
 24 on --  
 25 A. Yes.

1 Q. Okay. And then he, on -- he, Mike, on  
 2 February 10, gave you a deadline of February 12 to  
 3 submit a compliant syllabus, correct?  
 4 A. Yes, sir.  
 5 Q. Okay. So it appears that February 12 came  
 6 and went, and you did not submit another revised  
 7 syllabus, correct?  
 8 A. I'll note the answer is, yes. And this was  
 9 Darwin Week of 2016. I was very, very busy teaching  
 10 all of my classes, hosting speakers from out of town,  
 11 out of country. We have something called Piccolo  
 12 Darwin Week, with busloads of children, which I was  
 13 involved with loading and unloading from the back of  
 14 the -- back of the school. I -- the timing was  
 15 horrible. And I wonder if it wasn't on purpose.  
 16 Q. Well, did it really matter how busy you were?  
 17 I mean, did you intend to change your syllabus?  
 18 A. I did not.  
 19 Q. Okay. And when did the semester start?  
 20 A. January, second week of January, usually.  
 21 First meeting was January the 13th.  
 22 Q. Okay. So by the time that Auerbach gave you  
 23 the deadline of February 12, we're now talking about  
 24 approximately a month after classes had started?  
 25 A. Yes, sir.

1 Q. Okay. I'm going to hand you what's been  
 2 marked as Exhibit 26.  
 3 (Defendant's Exhibit No. 26 marked for  
 4 identification.)  
 5 (Discussion held off the record.)  
 6 BY MR. DIXON:  
 7 Q. Exhibit 26. I have handed you Exhibit 26,  
 8 College 446, a one-page document. Have you seen this  
 9 document before?  
 10 A. Yes, sir.  
 11 Q. Were you -- do you recall, were you shown  
 12 this document -- let me strike that.  
 13 Did you see this document, to your recollection,  
 14 on February 12, 2016?  
 15 A. Yes, sir.  
 16 Q. So you were copied on this?  
 17 A. Yes, sir. Yes.  
 18 Q. Okay.  
 19 A. I must have been.  
 20 Q. Okay.  
 21 A. I must have been.  
 22 Q. And this is a memorandum from Auerbach to  
 23 McGee regarding your syllabus, right?  
 24 A. Yes, sir.  
 25 Q. Second sentence of the second paragraph

1 Auerbach says, I also reminded him, meaning you, him,  
 2 that the College had an official policy on structure of  
 3 syllabi that included learning outcomes as a required  
 4 component.  
 5 Did Auerbach do that?  
 6 A. Yes.  
 7 Q. And then let's do go to the FAM now, which is  
 8 to your left, up and to your left. Thank you. Page  
 9 155. I'm going to read from Article VIII(A)(2), which  
 10 is labeled --  
 11 A. Yes.  
 12 Q. -- Course Objectives. At the beginning of  
 13 each term, instructional staff members are responsible  
 14 for stating clearly and in writing the instructional  
 15 objectives of each course they teach.  
 16 Do you see that?  
 17 A. Yes, sir.  
 18 Q. And is it your understanding that this  
 19 applied to syllabi?  
 20 A. Yes, sir.  
 21 Q. Okay. So this -- this does not state the  
 22 content of -- does not dictate the content of what the  
 23 course objectives are, just that they need to be stated  
 24 on the syllabus, correct?  
 25 A. Yes.

1 Q. Okay. The last paragraph of the memo to  
 2 McGee from Auerbach, which I believe --  
 3 A. Yes.  
 4 Q. -- is Exhibit 26, again states that your  
 5 actions represent a violation of the Code of  
 6 Professional Conduct and the Statement of Professional  
 7 Ethics, as detailed in the FAM, right?  
 8 A. Yes, sir.  
 9 Q. And that insubordination -- I'm sorry. And  
 10 that this insubordination should result in a sanction  
 11 as detailed in Article VII, Section B, correct?  
 12 A. Yes, sir.  
 13 Q. At the time you received this, did you go  
 14 look at Article VII, Section B?  
 15 A. No, sir.  
 16 Q. Did you read the violation of the Code of  
 17 Professional Conduct?  
 18 A. No.  
 19 Q. Did you do that previously?  
 20 A. Not previously, not at -- not as of February  
 21 2016.  
 22 Q. Okay. I'm going to hand you what's been  
 23 marked as Exhibit 27.  
 24 (Defendant's Exhibit No. 27 marked for  
 25 identification.)

1 BY MR. DIXON:  
 2 Q. This is a two-page document, College 430  
 3 through 431. Do you recognize this document?  
 4 A. Yes, sir. It is a memo from Provost McGee to  
 5 Doug Ferguson.  
 6 Q. And what is this memo doing?  
 7 A. It is establishing a special panel, an  
 8 investigative panel, to evaluate the charge that I was  
 9 noncompliant.  
 10 Q. And you would agree that Professor McGee had  
 11 the authority to do this, correct?  
 12 A. Yes, sir.  
 13 Q. Okay. And that it was proper under the  
 14 College's policies?  
 15 A. No, sir.  
 16 Q. Tell me why you disagree with that statement.  
 17 A. I believe Policy 9.1.10 has to do with sexual  
 18 harassment, not -- not noncompliance on a syllabus.  
 19 Q. Well, that is the title of the policy. It is  
 20 titled, Prohibition of Discrimination and Harassment,  
 21 Including Sexual Harassment and Abuse.  
 22 But the policy is larger than that; is it not?  
 23 Turn with me to page 1034 of Exhibit 19.  
 24 A. Yes, sir.  
 25 Q. It's -- it says Applicability at the top,

1 1.1, Covered Policies. This Procedure will be used to  
 2 investigate initial complaints concerning a matter, or  
 3 an alleged violation of a policy, dealing with one or  
 4 more of the following.  
 5 And then you get to Sub (a) is the policy  
 6 entitled, Prohibition of Discrimination. Sub (b) is  
 7 student grievances. And Sub (c) is Code of  
 8 Professional Conduct and Statement of Professional  
 9 Ethics, as described in the FAM not covered under (a),  
 10 right?  
 11 A. It does say that, yes.  
 12 Q. Okay. So this policy would apply, then, to  
 13 complaints concerning Code of Professional Conduct and  
 14 Statement of Professional Ethics, right?  
 15 A. Yes.  
 16 Q. Then, if you turn with me please to page 1037  
 17 of that same exhibit, Bates number 1037, I'm sorry.  
 18 Under Sub (c) -- and incidentally, it is Sub (c) under  
 19 3.0. So 3.0 Sub (c). 3.0 is entitled, Referral To  
 20 Investigator. Sub (c) says, Code of Professional  
 21 Conduct and Statement of Professional Ethics -- In the  
 22 case of a complaint against a faculty member for  
 23 unprofessional conduct (other than Discrimination), the  
 24 Dean of the appropriate School, after consultation with  
 25 the Office of the Provost, shall appoint a

1 disinterested investigative review panel consisting of  
 2 no more than three faculty members or academic  
 3 administrators from the School to investigate the  
 4 matter; do you see that?  
 5 A. Yes, sir.  
 6 Q. And then there's a Footnote 4 there that  
 7 says, In exceptional circumstances, the Provost may  
 8 determine, in the exercise of his/her discretion -- I'm  
 9 sorry, I misspoke -- in the exercise of her/his  
 10 discretion, that fundamental fairness would be better  
 11 by appointing a panel outside of the School to conduct  
 12 the investigation.  
 13 Do you see that?  
 14 A. I'm sorry, I lost you. Where are you?  
 15 Q. I'm sorry, I'm on page 1038.  
 16 A. Yes.  
 17 Q. The footnote at the very bottom of the page,  
 18 Footnote 4.  
 19 A. Yes.  
 20 Q. Where that footnote authorize the Provost, in  
 21 his or her discretion, to appoint a panel outside of  
 22 the school?  
 23 A. Yes, sir.  
 24 Q. Okay. So you would agree with me, then, that  
 25 this policy authorizes McGee to appoint a disinterested

1 review panel, correct?  
 2 MS. BLOODGOOD: Object to the form. You  
 3 answer it anyway.  
 4 BY MR. DIXON:  
 5 A. Okay. No, I would not agree. I think the  
 6 title of -- the name of the entire policy has do with  
 7 sexual harassment. And, hence, any additions below the  
 8 title of the entire policy are immaterial.  
 9 Q. So --  
 10 A. Let --  
 11 Q. -- in your view -- I'm sorry, did I interrupt  
 12 you?  
 13 A. Let me add, when I read the memo from Provost  
 14 McGee --  
 15 Q. We're now speaking of Exhibit 27?  
 16 A. Yes.  
 17 Q. Okay.  
 18 A. -- and came to the point where it says  
 19 9.1.10, I did look it up, saw that it was entitled,  
 20 Prohibition of Discrimination and Harassment, Including  
 21 Sexual Harassment and Abuse, and assumed it was a typo.  
 22 Q. Okay.  
 23 A. I assumed it was a typo.  
 24 Q. So did you not, therefore, go on to read the  
 25 rest of the policy; is that what you're saying?

1 A. Correct.  
 2 Q. Okay. So in your view, the title of the  
 3 policy limits the contents of the policy?  
 4 A. Yes, sir.  
 5 Q. Limits the express language of the policy, in  
 6 fact?  
 7 A. That would be my assertion.  
 8 Q. Okay. Let's go to Tab -- Exhibit 28, which I  
 9 will be handing you soon.  
 10 (Defendant's Exhibit No. 28 marked for  
 11 identification.)  
 12 BY MR. DIXON:  
 13 Q. All right. I've handed you what's been  
 14 marked as Exhibit 28. This is a document that has  
 15 Bates label Plaintiff 899 through Plaintiff 920; is  
 16 that correct?  
 17 A. Let's see. I'm sorry, ask me the question  
 18 again.  
 19 Q. Sure. I've handed you Exhibit 28, which is  
 20 Bates labeled Plaintiff 899 through 920, correct?  
 21 A. Yes.  
 22 Q. Okay. And tell me what this document is.  
 23 A. This is a memo from Brian McGee to myself.  
 24 Subject line is, Proposed Sanction and Opportunity To  
 25 Persuade.

1 He outlines the sanction which he may impose upon  
 2 me and asks me to provide to him a reason why he should  
 3 not.  
 4 Q. Does he also impose discipline against you?  
 5 A. Yes.  
 6 Q. Okay. And then, it looks to me anyway, that  
 7 the memo is 899 through 904. And then, from 905 to  
 8 920, we're looking at sort of the previous  
 9 correspondence that had been exchanged?  
 10 A. Yes.  
 11 Q. Right? Okay.  
 12 So the memo -- I want to talk just about the memo  
 13 first.  
 14 Did you receive this on February 18, 2016, to your  
 15 recollection?  
 16 A. Yes, sir.  
 17 Q. How did you receive it?  
 18 A. By e-mail.  
 19 Q. Okay. In the first paragraph there, there  
 20 are listed two stated grounds for discipline; do you  
 21 see that?  
 22 A. Yes, sir.  
 23 Q. The first, and then the second, the first  
 24 being Auerbach maintains you failed to comply with the  
 25 direct order, even after you were told repeatedly,

1 correct?  
 2 A. Yes.  
 3 Q. And that second, you violated a policy of the  
 4 College, i.e. the course content policy, right? That's  
 5 what it says?  
 6 A. That's what he says, yes.  
 7 Q. Yes. Right.  
 8 A. Yes, he says both of those things.  
 9 Q. Okay. Second page of the memo, right smack  
 10 in the middle of the page, third full paragraph, No one  
 11 is disputing your ability to include the Wilson  
 12 quotation on your syllabi; do you see that?  
 13 A. Yes, sir.  
 14 Q. Do you -- you would agree with that  
 15 statement?  
 16 A. Yes, sir.  
 17 Q. Okay. So then the final paragraph of that  
 18 page McGee says, I find your conduct in the exchanges  
 19 with your supervisors to be insubordinate, with four  
 20 separate and documented instances in which you  
 21 expressly failed to comply with the lawful, reasonable  
 22 directives of those supervisors; do you see that?  
 23 A. Yes, sir.  
 24 Q. Do you agree you were given at least four  
 25 instances to comply, putting aside whether or not you

1 agree that the orders were lawful or reasonable?  
 2 A. Failed to -- (witness talking to self.)  
 3 MS. BLOODGOOD: If you mumble, she has to  
 4 write it down.  
 5 BY MR. DIXON:  
 6 A. It says that, but I don't agree with it.  
 7 Q. Okay. Tell me what you mean, please.  
 8 A. Let's see. We're reading from, I find your  
 9 conduct in the exchanges with your supervisors to be  
 10 insubordinate, with four separate and documented  
 11 instances in which you expressly failed to comply with  
 12 the lawful, reasonable directives.  
 13 I assert these directives are -- are requesting me  
 14 to lie. These were not lawful or reasonable  
 15 directives.  
 16 Q. Okay. That's fine. What I'm asking you  
 17 about is, were there four separate and documented  
 18 instances in which you failed to comply with their  
 19 directives, be they unlawful or not?  
 20 A. I would have to go back and look at all of  
 21 the memos previous. I don't remember.  
 22 Q. Okay.  
 23 A. I don't remember.  
 24 Q. Okay. That's fine. In any event, the record  
 25 speaks for itself. If you were given four instances in

1 the e-mails, you wouldn't dispute that?  
 2 A. The record will speak for itself.  
 3 Q. Okay.  
 4 A. Yes, sir.  
 5 Q. And then McGee says in Footnote 2 that --  
 6 I'll start from the middle. We can read the beginning,  
 7 if we need to. Your argument misrepresents the meaning  
 8 of insubordination. No one is telling you what  
 9 instructional philosophy to adopt, or that you must  
 10 agree with the directives of your supervisors.  
 11 Instead, insubordination is the willful failure by an  
 12 employee to comply with a lawful, reasonable order; do  
 13 you see that?  
 14 A. Yes, sir.  
 15 Q. Why do you contend the orders of your  
 16 supervisors or were not lawful or reasonable?  
 17 A. Because I stated clearly what my course  
 18 learning outcomes were. Any request to change those  
 19 course learning outcomes is a request that I  
 20 misrepresent Biology 305L at the College of Charleston.  
 21 Q. Okay. So then on page three, very top, McGee  
 22 says in the last sentence of that partial paragraph,  
 23 Consequently, I find that you have violated the  
 24 College's Employee Code of Conduct, as published at  
 25 College Policy 9.1.2; do you see that?

1 A. Yes, sir.  
 2 Q. Let's go back and look at the Code of  
 3 Conduct, which is Exhibit No. 18.  
 4 A. Yes, sir.  
 5 Q. I guess, before we go down this trail, do you  
 6 agree that -- putting aside the question of whether or  
 7 not you agree you were, in fact, insubordinate.  
 8 Putting aside the question of whether or not agree that  
 9 you were, in fact, insubordinate. Assume for the sake  
 10 of argument that you were insubordinate. Do you agree  
 11 that the College's Policy at 9.1.2, which is Exhibit  
 12 No. 18, applied to your situation?  
 13 A. I did not notice this earlier in the morning,  
 14 but I call your attention to the date in the upper  
 15 right-hand corner. That is 8th of March, 2016. This  
 16 is -- this memo is February 18, 2016.  
 17 Q. Okay. Do you -- are you aware of any  
 18 differences between the previous policy and the one  
 19 adopted on 3/8/16?  
 20 A. It is possible.  
 21 Q. But are you aware of any?  
 22 A. No, none that I am aware of.  
 23 Q. Okay.  
 24 A. But this policy did not pertain to me.  
 25 Q. All right. Well, let's look at this Exhibit

1 18. We can walk through it, if we need to. But I  
 2 would ask you to turn to page 1028. Do you see where  
 3 it says, Listing of Offenses?  
 4 A. Yes, sir.  
 5 Q. Then you see above that page, there's a chart  
 6 called Offenses, then Range of Action?  
 7 A. Yes, sir.  
 8 Q. If you would turn to the next page and look  
 9 at the second line, do you see there where it says,  
 10 Offense, Insubordination; Range of Action, Written  
 11 Reprimand to Termination?  
 12 A. Yes, sir.  
 13 Q. So would you agree that under this policy,  
 14 and putting aside the question of whether or not you  
 15 were, in fact, insubordinate, Brian had the authority  
 16 under this policy to discipline you for  
 17 insubordination?  
 18 A. Yes, with those stipulations.  
 19 Q. Thank you.  
 20 The next paragraph, Brian goes on to say that,  
 21 Because you have failed to follow College policy as  
 22 stated in the FAM Article VIII, Section A (2); do you  
 23 see where I'm reading from?  
 24 A. Yes.  
 25 Q. Okay. And then, of course, Article VIII,

1 Section A (2) is the policy that we read previously  
 2 about the contents of the syllabi, correct?  
 3 A. Yes.  
 4 Q. And the procedures summarized for you by your  
 5 supervisors, I separately find your conduct to have  
 6 violated the Code of Professional Conduct and the  
 7 Statement of Professional Ethics, as stated in the FAM  
 8 and the College's Employee Code of Conduct, as  
 9 published at College Policy 9.1.2; do you see that?  
 10 A. Yes, sir.  
 11 Q. If, in fact, your conduct violated Article  
 12 VIII 8, Section A (2) of the FAM, I understand that you  
 13 dispute that it does, but assume for the sake of  
 14 argument that it does, do you agree with everything  
 15 else that is stated in that paragraph?  
 16 A. Yes. He certainly did find my conduct --  
 17 yeah, Dr. McGee did find my conduct to have violated  
 18 the Code of Professional Conduct. Yes, he did  
 19 certainly do that. And the Employee Code of Conduct,  
 20 yes, he did. Yes, agree with that. He certainly did  
 21 find that I had violated those things.  
 22 Q. And assuming that your syllabus, in fact,  
 23 violated Article VIII, Section A (2) of the FAM, do you  
 24 agree that McGee's finding in that regard was  
 25 appropriate, proper?

1 A. I don't know.  
 2 Q. Okay. Okay.  
 3 A. It's too hypothetical.  
 4 Q. All right. Turn with me, please, in Exhibit  
 5 No. 85, which is the FAM --  
 6 A. Yes.  
 7 Q. -- to page 62 of the FAM, not the Bates  
 8 labeling. Bates label Plaintiff 262.  
 9 A. 262. 262. Yes, sir.  
 10 Q. Section IV -- sorry, Article IV (B)(1).  
 11 A. Yes.  
 12 Q. Code of Professional Conduct. The College  
 13 requires all instructional and library faculty members  
 14 and all classified and unclassified administrators to  
 15 conduct themselves in accordance with federal, state  
 16 and local laws and regulations, as applicable, and to  
 17 comply with all policies and procedures set forth in  
 18 the FAM; do you see that?  
 19 A. Yes, sir.  
 20 Q. So would you agree with me that a violation  
 21 of the FAM constitutes a violation of the Code of  
 22 Professional Conduct?  
 23 A. Yes, sir.  
 24 Q. Okay, thank you. Would you also agree that a  
 25 violation of 9.1.2, Code of Conduct, constitutes a

1 violation of the FAM? I'm sorry. I'm sorry. Strike  
 2 that.  
 3 Violation of 9.1.2 violates the Code of  
 4 Professional Conduct as set forth in the FAM, Article  
 5 IV, Section B (1)?  
 6 And to assist you, I would ask you -- I stopped  
 7 reading last time at "FAM." It then goes on to say,  
 8 And on the policy web site, the Human Resources web  
 9 site, the College of Charleston Administrative  
 10 Memorandum and Notices, and all other policies and  
 11 procedures that may be prescribed by the President and  
 12 the Provost.  
 13 So the question is, would a violation -- don't you  
 14 agree with me that a violation of 9.1.2 would  
 15 constitute a violation of the Code of Professional  
 16 Conduct?  
 17 A. Yes, it would.  
 18 Q. Okay. So then Brian, in Exhibit 28 -- I  
 19 direct your attention back to Exhibit 28. Brian goes  
 20 on to say on page three that he's considering the  
 21 imposition of a sanction, right?  
 22 This is in second full paragraph, second line.  
 23 Second full paragraph.  
 24 A. Second full paragraph, yes, there it is.  
 25 Q. And he notes at the bottom of that paragraph

1 that in considering the sanction he is also considering  
 2 reprimands regarding inappropriate remarks or conduct  
 3 in your interactions with students or the public on  
 4 three separate occasions, 2000, 2002 and 2006, right?  
 5 A. Yes, sir.  
 6 Q. We talked about those last time, correct?  
 7 A. Yes.  
 8 Q. Okay. So then he goes on in the next  
 9 sentence to say no sanction has yet been imposed, he's  
 10 simply contemplating the sanction, right?  
 11 A. Yes.  
 12 Q. And then the next bullet pointed paragraph  
 13 sets forth what the sanction may be.  
 14 Then, at the conclusion of that on page five --  
 15 A. Yes, sir.  
 16 Q. -- he gives you the opportunity to persuade  
 17 him, correct?  
 18 A. Yes.  
 19 Q. And the opportunity to persuade is an  
 20 opportunity to persuade that the sanctions should not  
 21 be imposed, right?  
 22 A. Yes.  
 23 Q. Okay. Then there's a break in the memo with  
 24 a number of stars stating -- I'm sorry. There's a  
 25 break in the memo, noted by a few stars. And then the

1 next sentence after the break says, While awaiting my  
 2 final determination of your sanction, and consistent  
 3 with my authority, as described in the FAM, I have  
 4 decided you will be assigned to new duties with pay,  
 5 effective immediately.  
 6 Do you see that?  
 7 A. Yes, sir.  
 8 Q. Okay. And then in the bullet points beneath  
 9 that he goes on to state what the discipline would be,  
 10 right?  
 11 A. Yes, sir.  
 12 Q. He then on page six, last clause of the first  
 13 partial paragraph states that the assignment to new  
 14 duties is not a sanction, right?  
 15 A. Yes.  
 16 Q. Do you agree with all of this? I mean --  
 17 well, that's a bad question.  
 18 Do you agree that McGee, putting aside again the  
 19 question of whether or not your syllabus complied with  
 20 the FAM, do you agree that McGee had the authority to  
 21 impose a discipline against you?  
 22 A. He does have that authority, yes.  
 23 Q. Okay. Thank you. And then, finally, in the  
 24 last full paragraph of the memo, he advises you that  
 25 he's appointing, or he has appointed, or he is

1 directing that three faculty make up the disinterested  
 2 review panel, and then they shall investigate the  
 3 allegation that you've violated the Code of  
 4 Professional Conduct and Statement of Professional  
 5 Ethics with respect to the syllabus, right?  
 6 A. He says that, yes.  
 7 Q. Okay. The review panel will not be  
 8 considering the allegation that you have violated the  
 9 Employee Code of Conduct, Employee College Policy  
 10 9.1.2, right?  
 11 A. Yes.  
 12 Q. Okay. Did you appeal this -- let me  
 13 backtrack.  
 14 In this memo, as I understand it, McGee does two  
 15 things, overarching things anyway. Number one is, he  
 16 informs you that he is considering a sanction.  
 17 Number two, he is imposing discipline against you that  
 18 is effective immediately; is that correct?  
 19 A. Yes.  
 20 Q. Did you appeal the imposition of the  
 21 immediate discipline?  
 22 A. No. I went to the opportunity to persuade.  
 23 No, at that point, I began to draft my persuasion, as  
 24 he instructed me to do.  
 25 Q. But you understood, did you not, that the

1 persuasion applied to the potential sanction, not to  
 2 the discipline?  
 3 A. I don't suppose I did make that distinction.  
 4 Q. Do you understand it, as we read it now?  
 5 A. No, I'm not sure I do.  
 6 Q. Well, the memo prior to the stars on page  
 7 five concludes with the potential sanction that Brian  
 8 is getting ready to impose against you or considering  
 9 imposing against you, correct?  
 10 A. Yes.  
 11 Q. In the bullet list we just looked at, these  
 12 are the terms of the sanction, right?  
 13 A. Yes. The hypothetical yes.  
 14 Q. Right.  
 15 A. Hypothetical.  
 16 Q. Were you unable to persuade him, he would  
 17 impose these sanctions, correct?  
 18 A. Yes.  
 19 Q. Okay. So then, after the stars on page five  
 20 he says, While awaiting my final determination, I have  
 21 decided that you will be assigned to new duties with  
 22 pay effective immediately?  
 23 A. Yes.  
 24 Q. Right? So that's a different type of act, is  
 25 it not, on the second one?

1 A. Yes.  
 2 Q. He's assigning you new duties with pay  
 3 effective immediately. You don't have an opportunity  
 4 to persuade with respect to that, right?  
 5 A. Yes.  
 6 Q. You only have an opportunity to persuade with  
 7 respect to the potential sanction, correct?  
 8 A. Yes.  
 9 Q. Okay. So that discipline of assigning to new  
 10 duties which was effective immediately, did you appeal  
 11 that to anybody?  
 12 A. I don't think I can.  
 13 Q. Okay.  
 14 A. I'm not sure how to do it.  
 15 Q. Okay. My first question is, did you?  
 16 A. I did not.  
 17 Q. Okay. And why not?  
 18 A. I don't know how to. I'm not sure it can be  
 19 done.  
 20 Q. Would you turn -- open the FAM, please,  
 21 Exhibit 85.  
 22 I direct your attention to page 25 of the FAM.  
 23 Section 11 there is called Faculty Hearing Committee;  
 24 do you see that?  
 25 A. Yes.

1 Q. Under Section (b), the Duties of the Faculty  
 2 Hearing Committee. One of those duties, Exhibit -- or,  
 3 I'm sorry, subheading number four says, To hear cases  
 4 involving alleged violation of academic freedom.  
 5 Do you see that? That's on page 26.  
 6 A. Yes.  
 7 Q. Number five is hear cases involving alleged  
 8 violation of due process; do you see that?  
 9 A. Yes, sir.  
 10 Q. So is it not true -- strike that.  
 11 Under this language, isn't it true that the  
 12 Faculty Hearing Committee is authorized to hear cases  
 13 involving alleged violation of academic freedom?  
 14 A. Yes, sir.  
 15 Q. Is it true that the Faculty Hearing Committee  
 16 is authorized to hear cases involving alleged violation  
 17 of due process?  
 18 A. Yes, sir.  
 19 Q. Okay. Turn with me to page 24 of the FAM.  
 20 This section -- I'm sorry heading 10 called Faculty  
 21 Grievance Committee; do you see that?  
 22 A. Yes, sir.  
 23 Q. Under (b), Duties, the Faculty Grievance  
 24 Committee may hear from any faculty member grievances  
 25 of a nature not in the purview of the Faculty Hearing

1 Committee; is that correct?  
 2 A. Yes, sir.  
 3 Q. So isn't it true that under Section 7 and  
 4 Section 10, you had the right -- and/or Section 10.  
 5 A. Yes.  
 6 Q. You had the right to some appeal of  
 7 Professor -- I'm sorry, of Dr. McGee's discipline of  
 8 you that took effect immediately?  
 9 A. What he has done has defamed me. That's not  
 10 controlled by the Hearing Committee under 11. That is  
 11 a grievance under 10, Academic. So I could not carry  
 12 this to the Hearing Committee.  
 13 Q. Would -- it's your position, then, that the  
 14 imposition of the discipline that is effective  
 15 immediately --  
 16 A. Yes.  
 17 Q. -- that that's not a violation of academic  
 18 freedom?  
 19 A. It was a violation of academic freedom.  
 20 Well, the sanctions are a violation of academic  
 21 freedom, the first pages of the memo.  
 22 Q. Well, they couldn't have been at that point,  
 23 right, because they weren't yet imposed?  
 24 A. Exactly. So my academic freedom was not  
 25 violated at that point. I was defamed at that point,

1 as of February of whatever.  
 2 Q. I believe it's the 18th.  
 3 A. Okay. As of February 18, I was defamed.  
 4 Q. How -- what I'm trying to understand is, if  
 5 the discipline that is effective immediately is  
 6 opposed -- is imposed, rather, on the same basis as the  
 7 potential sanction, and the potential sanction  
 8 constitutes a violation of academic freedom, how does  
 9 the discipline not constitute a violation of academic  
 10 freedom?  
 11 A. I suppose I had assumed that I would be right  
 12 back in the classroom. He didn't indicate how long,  
 13 did he?  
 14 MS. BLOODGOOD: I'm just getting worried  
 15 about this exhibit again.  
 16 THE WITNESS: Oh, this?  
 17 MR. DIXON: Thank you.  
 18 BY MR. DIXON:  
 19 A. He -- he didn't indicate how long I would be  
 20 reassigned. I think the verb he uses is "reassignment"  
 21 to new duties.  
 22 Q. Well, he says on Plaintiff 903, the last  
 23 paragraph of -- the last sentence, rather, of the first  
 24 paragraph under the stars, that your teaching and  
 25 service duties for the remainder of the 2016 spring

1 semester shall be immediately assumed by others.  
 2 A. I did not meet -- did not think he meant to  
 3 extend it beyond, to the entire semester. Says, Until  
 4 such time as you receive instructions from me.  
 5 Q. Okay.  
 6 A. I thought I might receive written  
 7 instructions from him next week.  
 8 Q. Okay. Would the removal of teaching for one  
 9 day constitute a violation of academic freedom?  
 10 A. It might.  
 11 Q. There are circumstances under which it  
 12 certainly would be, right? Let's say, for example,  
 13 that you had said in your class that Christianity and  
 14 biology are harmonious. Brian McGee issued a memo  
 15 saying to you, I remove you from class for one day  
 16 because you've expressed that opinion in your class.  
 17 A. Yes.  
 18 Q. Wouldn't that be a violation of academic  
 19 freedom?  
 20 A. Yes.  
 21 Q. Okay. How is this any different? He has  
 22 removed you from your class, for at least a period of a  
 23 day. I take it that he doesn't list an end date of the  
 24 discipline. But he has removed teaching duties, based  
 25 on the events outlined in the memo?

1 A. As of February 18, 2016, I did not realize  
 2 how wicked Brian McGee was.  
 3 Q. Okay. But you understood that you were  
 4 reassigned to new duties with pay, effective  
 5 immediately?  
 6 A. Yes.  
 7 Q. Okay. Take five.  
 8 (A brief recess was taken.)  
 9 BY MR. DIXON:  
 10 Q. Dr. Dillon, please turn with me in Exhibit  
 11 16, which is your Complaint --  
 12 A. 16, the Complaint.  
 13 Q. You might want to pull that one out and keep  
 14 it with the FAM.  
 15 A. Yes. Yes.  
 16 Q. We'll be turning back to it.  
 17 A. Right. Where did it go? There it is.  
 18 Q. Paragraph 19, please.  
 19 A. Yeah, okay. Yes, sir.  
 20 Q. Were you -- did Hillenius tell you that one  
 21 paragraph in your syllabus might jeopardize the  
 22 College's reaccreditation?  
 23 A. Yes, sir. That was essentially his -- the  
 24 substance of his first couple e-mails to me.  
 25 Q. Might he not have been saying that if the

1 College were to allow every professor to write whatever  
 2 they wanted for their course objective, that might put  
 3 the College's reaccreditation at threat?  
 4 A. I think he was just speaking to me. I don't  
 5 remember. I do not remember.  
 6 Q. Well, let me ask you in the abstract, then.  
 7 Were the College to allow every professor to write  
 8 whatever they wanted in the course objective section of  
 9 their syllabi, or not even to require a course  
 10 objective section of the syllabi, would that threaten  
 11 the College's accreditation, in your view?  
 12 A. Wow. Another hypothetical. No.  
 13 Q. That would not?  
 14 A. It would not.  
 15 Q. And that is despite page -- tell me why you  
 16 conclude that, please.  
 17 A. I think reaccreditation is based on such a  
 18 tremendous list of criteria that even the utter failure  
 19 of one minor would not jeopardize reaccreditation.  
 20 It's a massive document. That's just one page. One  
 21 complete failure in a single paragraph of a massive  
 22 document would not jeopardize reconsideration. That's  
 23 my guess.  
 24 Q. If, however -- if all of the other factors  
 25 were in perfect equipoise and the College failed on the

1 outcomes criteria, is it not true that that would  
 2 jeopardize reaccreditation?  
 3 A. I just don't think so.  
 4 Q. Have you ever spoken with anybody at SACSCOC  
 5 about it?  
 6 A. No, sir.  
 7 Q. Before we took a break, you stated something  
 8 along of lines of your view was that the discipline  
 9 imposed against you, not the proposed sanction but the  
 10 discipline, constituted defamation?  
 11 A. Yes, sir.  
 12 Q. Explain to me what you mean by that, please.  
 13 A. According to the Faculty/Administration  
 14 Manual, the reassignment to new duties can only be done  
 15 in situations where the faculty member poses  
 16 significant risk of harm to the students, or the  
 17 students to the faculty, that there is significant risk  
 18 of harm. That's the noun in there. I do not think  
 19 that I posed a significant -- but -- but then I was not  
 20 given any opportunity to explain myself. I -- I was  
 21 unable then to notify my students, at least it seemed  
 22 that I wasn't, and my colleagues that I was not going  
 23 to hurt anybody, right? And the College completely  
 24 closed any comment and completely refused to make any  
 25 comment. I was -- I was removed from my class, and the

1 College would not say why. But if you look in the  
 2 Faculty/Administration Manual, the only reason you can  
 3 be removed is because you're going to harm somebody.  
 4 Q. Isn't it true that the College has a policy  
 5 against commenting on personnel matters?  
 6 A. That is true.  
 7 Q. Wasn't that the stated reason anyway for why  
 8 the College did not comment on the grounds for your  
 9 discipline?  
 10 A. Yes.  
 11 Q. Okay. The actual language of the  
 12 Faculty/Administration Manual says, If the Provost  
 13 determines there is a strong likelihood that the  
 14 faculty member's continuous and normal duties threatens  
 15 immediate harm to that faculty member or others, the  
 16 Provost may assign the faculty member to new duties?  
 17 We'll get to it, because I don't want to get out  
 18 of order, but isn't it true that the statement  
 19 "threatens immediate harm" is not limited to bodily  
 20 injury? I believe I may have read that.  
 21 A. A strong inference.  
 22 Q. Am I correct that I read somewhere that even  
 23 you said it doesn't say that it applies to -- it's  
 24 limited to bodily injury? Haven't you made that  
 25 argument before?

1 A. I don't remember making that argument.  
 2 Q. Do you remember saying anything like that or  
 3 writing anything like that?  
 4 A. I don't remember. No, I don't.  
 5 Q. Okay. It doesn't say anyway "threaten bodily  
 6 harm," right?  
 7 A. Correct.  
 8 Q. Okay.  
 9 A. It just says "harm."  
 10 Q. And wouldn't -- would not the failure of  
 11 accreditation result in harm?  
 12 A. It would.  
 13 Q. Was the College undergoing reaccreditation, a  
 14 reaccreditation process, around the spring of 2016?  
 15 A. Yes, sir.  
 16 Q. Tell me about that, please.  
 17 A. It's an elaborate procedure. I don't know  
 18 much about it. I have -- I was involved in a committee  
 19 convened by the Biology Department to meet certain  
 20 standards. There were reports generated of the  
 21 ordinary nature regarding graduates and curricula, and  
 22 things of that nature. It is an elaborate process. It  
 23 does take several years. I think it may not be done  
 24 yet, amazingly. It takes many years, several years to  
 25 complete. Certainly continued into 2017. May not even

1 be done now.  
 2 Q. Okay. So just so I understand your view or  
 3 your argument on defamation, am I correct in asserting  
 4 that your defamation claim is premised on the notion  
 5 that by imposing the discipline against you of removing  
 6 you from -- or assigning new duties to you, that when  
 7 read in conjunction with the FAM, the implication is  
 8 that you threatened immediate physical harm to  
 9 someone?  
 10 A. Yes.  
 11 Q. Is that all of your defamation claim, or is  
 12 there any other aspect of your defamation claim, or is  
 13 that it?  
 14 A. I consider I had been defamed by the actions  
 15 of all my superiors, chairman, dean and provost, for  
 16 years, in the way I have been treated, not just -- not  
 17 just privately, but in public meetings and in  
 18 societies, actions. I could not put my hand on a -- on  
 19 a particular case. But I have not been treated with  
 20 respect for 33 years.  
 21 Q. Okay.  
 22 A. Publicly. I've been publicly...  
 23 Q. I mean, I have to do this. I need -- I need  
 24 you to tell me every single statement that has ever  
 25 been made that you contend constitutes defamation.

1 A. I cannot put my hand on a single statement.  
 2 Q. Okay.  
 3 A. But I consider that it has been ongoing.  
 4 Q. All right. I need you to tell me every act  
 5 that you contend constitutes defamation. You've  
 6 already told me about the one --  
 7 A. Right.  
 8 Q. -- the imposition of the discipline by McGee.  
 9 I need you to tell me every fact that you contend  
 10 constitutes defamation.  
 11 A. I can give at least a few.  
 12 Q. I need every one.  
 13 A. I could only give you -- well, my  
 14 reassignment to teach genetics labs exclusively. When  
 15 I arrived at the College of Charleston in 1983, I  
 16 taught four different courses: General Biology,  
 17 General Biology Lab, Genetics and Genetics Lab.  
 18 Through the years, those assignments have been  
 19 withdrawn to the point as of 2016, I only was allowed  
 20 to teach genetics lab, while -- while adjuncts taught  
 21 genetics lecture. Adjuncts, temps and part-timers,  
 22 with no experience whatsoever, taught genetics lecture.  
 23 I, with 33 years of experience and a Ph.D. from an Ivy  
 24 League university, was not allowed to teach genetics  
 25 lecture.

1 Q. When was the last time you taught a genetics  
 2 lecture?  
 3 A. Oh, six or eight years ago, ten perhaps.  
 4 Q. Have there been any other reassignments in  
 5 the past, call it three years, not from -- you filed  
 6 your Complaint on July 21, 2016. Have there been any  
 7 reassignments in the five years prior to the filing of  
 8 the Complaint that you contend constitute defamation?  
 9 A. Not that I can recall.  
 10 Q. What -- how are the reassignments defamatory?  
 11 A. My colleagues infer that I am incompetent to  
 12 teach genetics lab, sorry, genetics lecture. They  
 13 infer that I am incompetent to teach genetics lecture,  
 14 and that that I'm incompetent to teach evolution by the  
 15 way I had that assignment removed from me.  
 16 Q. When was that removed?  
 17 A. Five or six years ago, I guess. I present  
 18 myself as an evolutionary scientist in the Holy City of  
 19 the South, but I am no longer allowed to teach  
 20 evolution.  
 21 Q. How was it communicated to you that you could  
 22 no longer teach genetics lecture?  
 23 A. I find myself reassigned. We're not in  
 24 charge of our own duties.  
 25 Q. How does it work? Do you get an e-mail

1 saying this semester you shall teach...

2 A. Strangely, we find -- find out online. In

3 recent years -- there is a portal called MyCharleston.

4 And within that portal, there is A an academic tab.

5 And at some point in the spring, prior to your next

6 year's assignments, what will appear is the classes you

7 will be teaching next semester. They appear some

8 months in advance. And then you discover,

9 interestingly.

10 Q. Okay. So you became aware of what classes

11 you would be teaching in the upcoming semester by

12 clicking on the academic tab on the portal?

13 A. Yes, to find out. Yes.

14 Q. Okay. And you just one day clicked on it and

15 there you discovered you're no longer teaching genetics

16 class, just lab?

17 A. Yes.

18 Q. In addition to genetics and evolution, were

19 there any other -- I guess "reassignment" is the best

20 word?

21 A. General biology.

22 Q. When was that? When was the last time you

23 taught general bio?

24 A. Ten or 15 years ago. It's been a while.

25 Q. I had understood from our last session that

1 you did not view yourself as a teacher. Do you view

2 yourself as a professional who taught?

3 A. Yes.

4 Q. It seems to me that a professional who

5 teaches wouldn't be so bothered by having classes

6 removed from his course load.

7 A. I was.

8 Q. You were bothered by it?

9 A. More to the point, others -- others thought

10 less of me because of it.

11 Q. Who thought less you?

12 A. And I -- and I have no idea. They wouldn't

13 bring it up to my attention. But it was defamatory.

14 Q. All right.

15 A. In a subtle way. In a subtle way.

16 Q. All right. Genetics, evolution, general

17 biology. Any other classes that were taken?

18 A. Just those. Just those three.

19 Q. Okay. And am I right that the most recent of

20 these would have been at least five years ago?

21 A. Yes.

22 Q. Okay. Putting aside the reassignment to labs

23 only or to genetics lab only, and putting aside the

24 assignment of new duties with pay that McGee imposed

25 upon you on February 18, 2016, are there any other acts

1 that the College took that you contend constitute

2 defamation?

3 A. I don't know the legal definition of the word

4 "defamation" and so I may be wrong, but it seems when

5 I -- when I was denied promotion to professor three

6 times -- this is a private matter involving

7 departmental colleagues. But certainly uncharitable

8 remarks were made by the chair in his summary letters,

9 which -- at least one of which I have seen.

10 Q. What were those remarks?

11 A. I don't remember the details. It would have

12 been the case when I was denied promotion -- the

13 time -- the first time I went up for promotion, when

14 Dr. Auerbach was chairman, which I withdrew,

15 subsequently withdrew on the advice of friends, there

16 was a letter written by Dr. Auerbach which I thought

17 was very harsh. And it seems possible to me, and I

18 don't know the definition of the word "defamation,"

19 that letter may have defamed me in the eyes of my

20 colleagues. It would not have been public at the time.

21 None of those are published in any sense; they're

22 personnel matters. But it seems as though Dr. Auerbach

23 in particular had a vendetta of such great feeling

24 against me that he defamed me among my Department.

25 Q. And what year was that, remind me?

1 A. I don't remember.

2 Q. Was it in the '90s?

3 A. Maybe. It's actually in that record. We did

4 go over it --

5 Q. Okay.

6 A. -- last time.

7 Q. Okay.

8 A. When he was chair.

9 Q. The most -- my recollection is, the most

10 recent time you were denied promotion was in 2013?

11 A. Yes, just a couple of years ago. Yes. And

12 then, before -- and then, before that, the process went

13 all the way through to a letter from the president

14 denying me. And then, before that, the first time --

15 have you got that? That time --

16 Q. Well, I --

17 A. Whatever that is.

18 Q. I want to talk about the most recent one --

19 A. Okay.

20 Q. -- which was in October of 2013. We've --

21 we've talked about it before. It's Exhibit No. 6. I

22 can hand it to you, if you'd like for me to.

23 A. Okay.

24 Q. Were there any acts or statements made in the

25 context of this denial that you contend constitute

1 defamation? I'm not limiting myself to the actual  
2 memo, although I want to be inclusive of that. But my  
3 question is broader than that.  
4 A. No. This is -- this is perfectly  
5 businesslike. There's no problem there.  
6 Q. Okay. Not the memo itself?  
7 A. This goes over there? Yes.  
8 Q. I'm sorry, I'm not being clear. I believe I  
9 understood you to just say that the exhibit that I  
10 handed you --  
11 A. Yes.  
12 Q. -- contained no defamatory statements or  
13 acts, correct?  
14 A. That is correct.  
15 Q. Okay. In the context of this particular  
16 promotion denial, do you contained that there were any  
17 statements or acts that constituted defamation?  
18 A. No, sir.  
19 Q. Okay. So would I be correct, then, to assume  
20 that, or to infer, that all of the allegedly defamatory  
21 statements were made prior to 2013, in connection with  
22 your promotion denials?  
23 A. Yes. Yes, that is correct.  
24 Q. Okay. Okay. So other than the statements  
25 made in your denials to professor, your reassignment to

1 teaching -- to teach genetics lab only --  
2 A. Yes.  
3 Q. -- and your reassignment of February 28,  
4 2016, were there any other defamatory statements or  
5 acts you contend the College made?  
6 A. That's all I can think of.  
7 Q. Okay. If you recall any others while we sit  
8 here today --  
9 A. Certainly.  
10 Q. -- I'd ask you to please supplement your  
11 testimony.  
12 Is there anything I can do or say to help you  
13 recall any additional ones?  
14 A. I'll think about it.  
15 Q. So nothing I can do or say that would --  
16 A. That is correct.  
17 Q. -- spur a memory? Okay.  
18 In connection with the Woodrow Wilson incident --  
19 A. Yes.  
20 Q. -- what you've just testified to is that the  
21 act of reassigning you constitutes defamation. Do you  
22 contend that there were any statements that were made  
23 in this process that were defamatory?  
24 A. No.  
25 Q. Okay.

1 A. The silence was defamatory.  
2 Q. The silence in not explaining the reasons for  
3 your immediate discipline; is that what you mean?  
4 A. Yes, sir.  
5 Q. Okay. In your -- strike that.  
6 Had you read the section regarding immediate harm  
7 prior to Provost McGee's February 18 memo to you?  
8 A. No.  
9 Q. Okay. In your knowledge, had any of your  
10 colleagues, any professor at the College, read that  
11 section?  
12 A. Wow. Not as far as I know.  
13 Q. Okay. Did anyone tell you that they had read  
14 this and your -- you were -- here you were disciplined  
15 and, Oh, my gosh, what did you do?  
16 A. There were many questions of that sort, yes.  
17 Q. Okay. Please tell me about those.  
18 A. I had -- there are 35 members of the Biology  
19 Department. Many of them asked me about the situation.  
20 I don't remember who it was. I could not give you any  
21 names. But many of them were very concerned.  
22 Q. And I want to be specific here. I'm not  
23 speaking about the sanction that was imposed in March;  
24 I'm speaking just about the discipline that was imposed  
25 upon you of reassignment with pay.

1 A. Yes.  
2 Q. Are you saying that many members of the  
3 Biology Department asked you questions about that  
4 particular discipline?  
5 A. Yes.  
6 Q. And you cannot recall a single name of anyone  
7 who did, at this time?  
8 A. No, sir.  
9 Q. What types of questions did they ask? Do you  
10 recall any specific questions they asked about it?  
11 A. Why? What happened?  
12 Q. And did you explain to them what happened?  
13 A. Yes, sir.  
14 Q. When they asked why, did they say anything  
15 along the lines of, Wow, I thought removal from the  
16 classroom was only appropriate in cases of immediate  
17 harm? Did anyone link your discipline back to that  
18 particular section of the FAM regarding immediate harm?  
19 A. Not that I recall.  
20 Q. Did anyone indicate to you that they were  
21 familiar with that section of the FAM --  
22 A. No.  
23 Q. -- at the time?  
24 A. No.  
25 Q. Okay. And when you explained what

1 happened -- they said why, and then you explained what  
 2 happened, what did you say?  
 3 A. I was banned from campus for a Woodrow Wilson  
 4 quote.  
 5 Q. Were you banned from campus on February 18?  
 6 A. I guess effectively I was banned to -- to the  
 7 SCRA facility up Meeting Street.  
 8 Q. Where do you see that written?  
 9 A. It -- what happens is that in 2016, several  
 10 of us, six of us, had laboratory facilities about a  
 11 mile north of campus and only got down to the main part  
 12 of campus to teach. That was the only reason we had to  
 13 be there. Having -- having my instructional duties  
 14 reassigned meant that I really had no business on the  
 15 main campus.  
 16 Q. But you weren't prohibited by Provost McGee  
 17 from visiting the main campus?  
 18 A. Not at that time.  
 19 Q. Okay. So, then, did you tell people that you  
 20 had been banned from campus after February 18, but  
 21 before the sanction was imposed?  
 22 A. No, sir.  
 23 Q. Okay. So what did you say when people said,  
 24 Why? Why were you disciplined?  
 25 A. Effectively banned. You will not see me on

1 campus. You will not see me on campus. For the  
 2 foreseeable future, because of a Woodrow Wilson quote,  
 3 I will not be on campus.  
 4 Q. So you told people who asked that you were  
 5 implicitly banned from campus because of a Woodrow  
 6 Wilson quote?  
 7 A. Effectively. Let's use the adverb  
 8 "effectively."  
 9 Q. Effectively. But you agree with me today  
 10 that you were effectively banned?  
 11 A. Not technically banned, but effectively.  
 12 Q. What would have happened if you walked on to  
 13 campus between February 18 and March 18? Would anyone  
 14 have forcibly removed you?  
 15 A. No.  
 16 Q. Would you say anything else to people when  
 17 they would ask why?  
 18 A. I would explain the situation, sure.  
 19 Sometimes the explanation would be extensive.  
 20 Q. Okay. I'm going to hand you what we marked  
 21 as Exhibit 29.  
 22 MR. DIXON: I'm going to take 6 back and give  
 23 it to you, Madam Court Reporter.  
 24 (Defendant's Exhibit No. 29 marked for  
 25 identification.)

1 BY MR. DIXON:  
 2 Q. This is a one-page document that is Bates  
 3 labeled College 462; is that right?  
 4 A. Yes.  
 5 Q. And do you recognize this document?  
 6 A. Yes, sir.  
 7 Q. What is this document?  
 8 A. This is a reply that I sent to Dr. McGee,  
 9 February the 19th, shortly -- one day after his memo  
 10 proposing sanctions.  
 11 Q. Okay. So this, in your mind, was your  
 12 response to McGee's notice of opportunity to persuade;  
 13 is that right?  
 14 A. My first response, yes.  
 15 Q. Okay.  
 16 A. Was actually a request for clarification.  
 17 Q. Okay. Understood.  
 18 (Defendant's Exhibit No. 30 marked for  
 19 identification.)  
 20 BY MR. DIXON:  
 21 Q. I'm handing you what's been marked as Exhibit  
 22 30, a two-page document, College 1362 through 1363; is  
 23 that right?  
 24 A. Yes.  
 25 Q. Do you recognize this document?

1 A. Yes. This is Dr. McGee's reply to me, same  
 2 day.  
 3 Q. He says in the second paragraph that you have  
 4 not been relieved of all duties, instead reassigned by  
 5 me to new duties, right?  
 6 A. Yes.  
 7 Q. Go back to 29, please. What clarification  
 8 are you seeking?  
 9 A. On February the 18th, he -- Dr. McGee --  
 10 let's see. Paragraph top of page two summarizes my --  
 11 he summarizes the correspondence that had previously  
 12 occurred between myself and Dean Auerbach, and that  
 13 reformatting the Wilson quote might satisfy the -- the  
 14 SACSCOC -- the SACSCOC requirement was -- was not --  
 15 was not acceptable. I thought that it might be, and it  
 16 wasn't.  
 17 I also had asked that -- if this was the way we  
 18 want to spend the last day of our lives, if the  
 19 Bridegroom were to come tonight? Perhaps we could just  
 20 drop the entire thing. That no longer pertains, as  
 21 well.  
 22 So I wanted to clarify Dr. McGee's arguments --  
 23 understanding of my arguments. It -- the one and two  
 24 no longer pertain. I simply asserted that the course  
 25 requirements, as I've stated them on my syllabus,

1 accurately reflect my expectations in Genetics Lab 305L  
2 and that to state anything else would be a  
3 misrepresentation. That's what I -- so I -- my  
4 clarification regarding Dr. McGee's e-mail of the  
5 previous day. So are you asking me to lie? I'm trying  
6 to find out if that's what he wants me to do.

7 Q. And how would adopting the suggestions by  
8 Hillenius constitute lying?

9 A. Those are not my course requirements. Those  
10 are banalities. I don't care. The -- the objective of  
11 road building is not the dumping of asphalt. Those  
12 were all -- the reason I'm building this road is that  
13 I'm -- got construction equipment, and I'm digging a  
14 hole, and I'm dumping asphalt in it. Nonsense. Those  
15 are not -- those are not suitable course objectives in  
16 higher education. These are my objectives. It's the  
17 business of a university to impart on the men it serves  
18 the right thought of the world. That's what I'm doing  
19 here.

20 Q. Would listing course-specific course  
21 objectives that followed the Woodrow Wilson quote in  
22 the course objective section, would that constitute  
23 lying?

24 A. It would.

25 Q. Okay.

1 A. It would be stating that these are objectives  
2 of the course, as though dumping asphalt is an  
3 objective of road building. It's not an objective.

4 Q. Okay. So in McGee's memo, Exhibit No. 30, he  
5 then, at the very conclusion of that memo states that,  
6 You continue to have the opportunity to persuade -- I'm  
7 reading from the second page now.

8 A. Yes. Yes.

9 Q. -- as described in my previous memorandum.  
10 You must do so by the announced deadline.

11 A. Yes, sir.

12 Q. Before we get to that deadline, however.

13 (Defendant's Exhibit No. 31 marked for  
14 identification.)

15 BY MR. DIXON:

16 Q. I'm handing you what's been marked as Exhibit  
17 31. It's a two-page document, College 1367 through  
18 College 1368.

19 A. Yes.

20 Q. Now, McGee had imposed the discipline on you  
21 as of -- or on February 18, right?

22 A. Yes. Yes. That was the 18th. Yes. Yes.

23 Q. Okay. And then -- so that was -- what day of  
24 the week was that; do you recall?

25 A. Oh, I do not.

1 Q. Well, let's do this. The document I just  
2 handed you 1367, it says Monday.

3 A. Yes.

4 Q. It says that it is -- the e-mail is from you  
5 to Mike Auerbach on Monday, February 22, right?

6 A. Yes.

7 Q. So that would make the 19th a Thursday,  
8 correct?

9 A. Thursday, yes.

10 Q. Okay. So on the Thursday that McGee sent you  
11 the memo, did anyone approach you and say, Why? Any of  
12 your colleagues or anyone approach you and say, Why has  
13 this been done?

14 A. Friday, I want to think.

15 Q. It didn't happen on Thursday?

16 A. Correct.

17 Q. So it did happen on Friday?

18 A. Yes.

19 Q. Do you recall who approached you on Friday  
20 and said --

21 A. No, sir.

22 Q. How did -- to your knowledge, how did anyone  
23 know that this had happened as of Friday?

24 A. I -- I would have been on campus. I pretty  
25 much went to campus every day of the week either for

1 teaching or for lab prep.

2 Q. All right. Well, according to your syllabus,  
3 this class was taught, Genetics Lab 305L --

4 A. Yeah.

5 Q. -- was taught Monday, Tuesday afternoon,  
6 Tuesday evening and Wednesday. Did you have any other  
7 classes that you taught that semester?

8 A. No, sir.

9 Q. Okay. So why would you have been on campus  
10 on Friday?

11 A. Genetics lab is very labor intensive. I went  
12 every day of the week crossing fruit flies, rearing  
13 fruit flies, preparing agents and things. I was always  
14 in that room, every day of the week, and nights as  
15 well.

16 Q. Okay. So on Friday --

17 A. Friday.

18 Q. -- February 20 you went to campus?

19 A. No, I don't think I did.

20 Q. Okay.

21 A. Probably didn't, at that point.

22 Q. Okay. Did you go to your office?

23 A. Yes. I would have seen possibly six or eight  
24 colleagues.

25 Q. Do you recall who you saw and do you recall

1 what they said about these events?  
 2 A. My memory is not that good.  
 3 Q. So you don't recall?  
 4 A. I do not recall.  
 5 Q. Do you recall any specific colleague that you  
 6 saw on that day?  
 7 A. No, sir.  
 8 Q. Do you recall anything specific that was said  
 9 to you about these events on that day --  
 10 A. No.  
 11 Q. -- by your colleagues?  
 12 A. It was certainly discussed in the hallway,  
 13 but I cannot remember any specifics.  
 14 Q. Do you know how they learned?  
 15 A. Probably said, Why are you here, or something  
 16 like it.  
 17 Q. No, I'm sorry, do you know -- do you know how  
 18 they learned of the discipline?  
 19 A. My guess would be they said, You're not  
 20 normally here this morning, or, Good to see you this  
 21 afternoon, or something like it. And then I would say  
 22 something like, Well, I can't go to the campus today,  
 23 something like that.  
 24 Q. Okay.  
 25 A. Or, I'm not going to the campus today, or

1 something like that. I don't remember.  
 2 Q. So they didn't have independent knowledge of  
 3 McGee's memo of the previous day?  
 4 A. Correct.  
 5 Q. You informed them of the implications,  
 6 consequences, discipline imposed by the memo, right?  
 7 A. Yes. I would have said --  
 8 Q. Okay.  
 9 A. -- I have been kicked out of my class, or  
 10 something like that.  
 11 Q. So you did not go to campus on Friday the  
 12 20th?  
 13 A. Correct.  
 14 Q. Did you go to campus over that weekend?  
 15 A. Good question. I don't remember. I did  
 16 sometimes tend -- no, probably -- almost certainly no.  
 17 But I don't remember.  
 18 Q. Did you go to your office over that  
 19 weekend?  
 20 A. Yes, my office is -- I don't remember.  
 21 Q. You don't recall if you went to your office  
 22 over that weekend?  
 23 A. It's certainly possible. My memory is not  
 24 that good. I just don't remember what I did.  
 25 Q. Did anyone over the weekend approach you

1 about these events and ask why?  
 2 A. I don't remember.  
 3 Q. Okay.  
 4 A. I just do not remember.  
 5 Q. Is it fair to say that prior to the next  
 6 Monday --  
 7 A. Yes.  
 8 Q. -- the only time that you recall anyone  
 9 approaching you about these events, any of your  
 10 colleagues or anyone else approaching you about these  
 11 events, would therefore have been on that Friday that  
 12 you showed up?  
 13 A. Friday. That seems the most likely thing to  
 14 me. Again, I don't have any specific memory of any of  
 15 this. But I'm sure it happened. I just can't remember  
 16 any details.  
 17 Q. Okay. So then let's talk about Monday. Did  
 18 you go to your office on Monday?  
 19 A. I'm sure I did, yes. I must have.  
 20 Q. Did you go to campus on Monday?  
 21 A. No.  
 22 Q. Okay.  
 23 A. I don't think so.  
 24 Q. Did anyone approach you on Monday and ask  
 25 you, Why?

1 A. I feel sure they did. But I don't have any  
 2 strong recollection. I just can't remember the  
 3 details.  
 4 Q. To your recollection, did they gain any  
 5 knowledge of this independent of you?  
 6 A. I -- not to my knowledge. It's certainly  
 7 possible.  
 8 Q. Now, people wouldn't have noted your presence  
 9 on Monday, right, because that was a day that you had  
 10 the lab?  
 11 A. Correct. That's Monday afternoon.  
 12 Q. So your presence on Monday afternoon would  
 13 not have been unusual at your office?  
 14 A. A normal Monday a year ago would probably  
 15 have had me at my office on Meeting Street for an hour  
 16 or two, but then going down to the main campus in the  
 17 late morning for class, to get ready for class.  
 18 Q. Okay. So you did not, I assume, go down to  
 19 campus on that Monday?  
 20 A. Correct.  
 21 Q. Okay. Now backtrack with me for one second.  
 22 I didn't understand why your presence at your office  
 23 would have been unusual on a Friday.  
 24 A. I have a lot of lab prep every day of the  
 25 week and sometimes weekends, too.

1 Q. So you would have usually, on a Friday, been  
2 down on campus?  
3 A. Probably, yes.  
4 Q. I see. So it was because you no longer had  
5 lab duties that you were not going to campus and  
6 therefore showed up at your office on that Friday?  
7 A. Yes.  
8 Q. And it is because of that, that your  
9 colleagues noted your presence was unusual there?  
10 A. Yes.  
11 Q. Okay. So then on Monday, February 22 --  
12 we're now looking at Exhibit 31. You sent an e-mail to  
13 Mike Auerbach and SSM faculty?  
14 A. Yes.  
15 Q. How many people are in SSM faculty, give or  
16 take?  
17 A. Eightyish, maybe 80, 100 perhaps, 100.  
18 Q. Am I correct in assuming that on that Friday,  
19 when colleagues approached you about your presence,  
20 that this would have been people in SSM faculty?  
21 A. Yes.  
22 Q. Okay. It's only SSM faculty that is in your  
23 office building?  
24 A. Yes, that is correct.  
25 Q. Okay. All right. So on this date, you,

1 through this e-mail, informed all of SSM faculty that  
2 you had received a memo from McGee relieving you of  
3 your instructional duties effective immediately and  
4 threatening to suspend you without pay for the next --  
5 I'm sorry, '16-'17 academic year, right?  
6 A. Yes.  
7 Q. Then you go on to sort of explain your view  
8 of the situation. Why did you send this e-mail to  
9 everyone in the faculty?  
10 A. Because it seemed quite clear to me that  
11 rumors were likely to spread as the week progressed.  
12 My absence would be noticed by more and more people.  
13 Q. Rumors had not spread at that time, though,  
14 right?  
15 A. I don't know.  
16 Q. You didn't have any knowledge of any rumors  
17 that had spread at the time?  
18 A. I did not have any knowledge.  
19 Q. Were you attempting to garner support for  
20 your position through this e-mail among your faculty,  
21 co-faculty?  
22 A. Explain my position.  
23 Q. That's it? Were you not attempting to garner  
24 support?  
25 A. No, merely explain.

1 Q. To what end?  
2 A. So that my colleagues would not think I was a  
3 sex pervert or something.  
4 Q. So you're saying, then, that by this time,  
5 three days after the sanction or, I'm sorry, discipline  
6 was imposed, you had read the FAM --  
7 A. Yes.  
8 Q. -- at that time?  
9 No one at the College ever accused you of being a  
10 sex pervert, right?  
11 A. Correct.  
12 Q. No one in College administration ever accused  
13 you of that?  
14 A. Correct.  
15 Q. No one at the College even ever used those  
16 terms to describe you, even glancingly, right?  
17 A. Correct.  
18 Q. Those terms are your terms, right?  
19 A. Correct.  
20 Q. So you attach to the e-mail the entire record  
21 of the interactions, right?  
22 A. Yes.  
23 Q. And state, Please feel free to share this  
24 matter openly with all interested parties, right?  
25 A. Yes.

1 Q. So the College, because it treated this as a  
2 personnel matter, did not disclose this, right?  
3 A. Correct.  
4 Q. Okay.  
5 (Defendant's Exhibit No. 32 marked for  
6 identification.)  
7 BY MR. DIXON:  
8 Q. Dr. Dillon, I've handed you Bates label  
9 Plaintiff 818. Do you recognize this document?  
10 A. Yes.  
11 Q. What is this document?  
12 A. This is a memo from Doug Ferguson, who was  
13 the chairman of the disinterested investigative review  
14 panel, to me.  
15 Q. Do you contend that the panel was not, in  
16 fact, disinterested?  
17 A. I don't see any evidence that they were.  
18 Q. Do you have any evidence that they were  
19 not?  
20 A. Ferguson is a member of the Communications  
21 Department, which is Brian McGee's home department.  
22 Q. And anything other than that?  
23 A. No.  
24 Q. At some level, every professor is under  
25 McGee, aren't they?

1 A. That is correct.  
 2 Q. Okay.  
 3 (Defendant's Exhibit No. 33 marked for  
 4 identification.)  
 5 BY MR. DIXON:  
 6 Q. Exhibit 33 I'm handing you. Does your  
 7 exhibit have just one page or two?  
 8 A. One.  
 9 Q. Okay. I've handed you Exhibit 33, College  
 10 1369?  
 11 A. Yes, sir.  
 12 Q. Do you recognize this document?  
 13 A. I do.  
 14 Q. What is this?  
 15 A. This is a memo that I sent to my students in  
 16 all sections of genetics lab Monday afternoon, February  
 17 the 22nd.  
 18 Q. And it looks like from the time stamp this  
 19 e-mail was sent at 3:46 p.m.; is that correct?  
 20 A. Yes.  
 21 Q. The time stamp of Exhibit 31, which was the  
 22 e-mail to all SSM faculty, was 3:56 p.m., right?  
 23 A. Yes.  
 24 Q. Okay. So this was obviously then sent on  
 25 that same day, within ten minutes of the prior

1 e-mail?  
 2 A. Yes.  
 3 Q. Why did you send this e-mail to all of your  
 4 students?  
 5 A. To protect myself from the implication that I  
 6 was -- to protect myself from the defamation that I  
 7 deeply felt that -- by the College's actions.  
 8 Q. The defamation caused by the reassignment?  
 9 A. Yes.  
 10 Q. Had, prior to you sending this e-mail, any  
 11 student approached you and indicated knowledge of these  
 12 events?  
 13 A. No, sir.  
 14 Q. And by "these events" I should be clear. By  
 15 the discipline?  
 16 A. No, sir.  
 17 Q. Thank you.  
 18 Do you know, sitting here today, of any students  
 19 that came to be aware of this independent of this  
 20 e-mail, prior to this e-mail, I should say?  
 21 A. No, sir.  
 22 Q. Okay.  
 23 A. That was the beginning of the first -- first  
 24 section of that week.  
 25 Q. Okay. And just so I'm clear, the "To" line

1 says, Students and All Sections of Genetics Lab 305L.  
 2 Were you the only teacher of Genetics 305L at that  
 3 time?  
 4 A. Yes. My -- my sections were reassigned to  
 5 Agnes Southgate, at that point. Agnes Southgate is  
 6 another professor in the Biology Department. Melissa  
 7 Scheiber is an adjunct and Dr. Hillenius the chairman.  
 8 Some of the sections had been reassigned and some had  
 9 not, so these would -- these would be the -- best I can  
 10 do for the official instructors of those courses.  
 11 Q. Okay. So am I correct in assuming that Agnes  
 12 Southgate also was teaching a Genetics Lab 305L?  
 13 A. As of February the 22nd?  
 14 Q. Correct.  
 15 A. She took it as an overload.  
 16 Q. As an?  
 17 A. Overload. She took it as an overload.  
 18 Q. In other words, was she -- she was assigned  
 19 your duties?  
 20 A. Yes. Yes.  
 21 Q. So before your duties had been assigned, she  
 22 was not teaching?  
 23 A. Correct.  
 24 Q. How about Melissa Scheiber?  
 25 A. That is correct. Same thing. She -- she

1 would have been -- she would have been assigned my labs  
 2 as an overload on the third week of February.  
 3 Q. Okay. So they were already teaching other  
 4 labs?  
 5 A. Or lectures.  
 6 Q. Lab or lectures?  
 7 A. Yes.  
 8 Q. So it was determined that one person couldn't  
 9 take all of your sections, they had to be split up  
 10 among at least two people?  
 11 A. Yes.  
 12 Q. Okay. So at the time prior to your  
 13 suspension, I should say discipline, i.e. February 18,  
 14 were you the only Genetics Lab 305 instructor?  
 15 A. Yes.  
 16 Q. Okay. Thank you.  
 17 And then this e-mail is similar to the one you  
 18 sent to your colleagues in the School of Science and  
 19 Math, in that it is designed to explain your actions,  
 20 correct.  
 21 A. Yes.  
 22 Q. Okay. All right. I'm going to hand you  
 23 what's been marked as Exhibit 34.  
 24 (Defendant's Exhibit No. 34 marked for  
 25 identification.)

1 BY MR. DIXON:  
 2 Q. I have handed you Plaintiff 795. Do you  
 3 recognize this document?  
 4 A. Yes.  
 5 Q. This appears to be the cover e-mail for the  
 6 memorandum in opposition, or that, I should say, the  
 7 memorandum responding to McGee's opportunity to  
 8 persuade, correct?  
 9 A. Yes.  
 10 Q. And the e-mail appears to me was sent to all  
 11 SSM faculty, right?  
 12 A. Yes.  
 13 Q. Why did you send it to all SSM faculty?  
 14 A. Again, to make sure that everybody understood  
 15 the nature of the discipline against me.  
 16 Q. All right. Well, the opportunity to persuade  
 17 did not have anything to do with the discipline. It  
 18 was a sanction, correct?  
 19 A. Yeah. Yes.  
 20 Q. Okay. We'll come back to the actual memo.  
 21 I'm going to hand you Exhibit 35.  
 22 (Defendant's Exhibit No. 35 marked for  
 23 identification.)  
 24 BY MR. DIXON:  
 25 Q. I've handed you College 434 and 433. Do you

1 recognize this document?  
 2 A. 432?  
 3 Q. I'm sorry, 432 and 433.  
 4 A. Yes.  
 5 Q. What is this document?  
 6 A. This would be Brian McGee's reply to my memo  
 7 of February the 24th, 11 in the morning. He replies at  
 8 12:31.  
 9 Q. Okay. And in that e-mail he says in the  
 10 second paragraph that, The College understands this  
 11 exchange as incident to a personnel matter. It has and  
 12 will be -- it has been and will continue to be your  
 13 choice, not the College's, to distribute your personnel  
 14 materials.  
 15 Do you see that?  
 16 A. Yes.  
 17 Q. Is that accurate?  
 18 A. Yes, that is correct.  
 19 Q. Okay. All right. I'm going to hand you  
 20 Exhibit 36.  
 21 (Defendant's Exhibit No. 36 marked for  
 22 identification.)  
 23 BY MR. DIXON:  
 24 Q. I've handed you College 434 through 435. Do  
 25 you recognize this document?

1 A. Yes.  
 2 Q. What is this document?  
 3 A. This is my attempt to persuade the Provost  
 4 not to impose sanctions.  
 5 Q. All right. So in this memo you don't say  
 6 that you're going to amend your syllabus, correct?  
 7 A. Correct.  
 8 Q. In fact, the last paragraph of the document  
 9 on the next page you state that, I have not changed the  
 10 way I teach my class, nor changed the learning outcomes  
 11 I expect in my students, in 34 years, right?  
 12 A. Correct.  
 13 Q. Now, you told me that you didn't start  
 14 including the Woodrow Wilson quote on your syllabi  
 15 until spring of 2015, correct?  
 16 A. Correct.  
 17 Q. Did you have any verbiage for SLOs on your  
 18 syllabus before 2015?  
 19 A. No, sir.  
 20 Q. None at all?  
 21 A. No, sir.  
 22 Q. Okay. Why did you in 2015 put the Woodrow  
 23 Wilson quote under the heading SLO?  
 24 A. I received -- in previous semesters, we, the  
 25 Department, were receiving requests to include student

1 learning outcomes in our syllabuses from the Department  
 2 Chair, from Dr. Hillenius. He would always, as a  
 3 custom at the beginning of each semester, remind us to  
 4 file our -- our syllabuses. And he would also add,  
 5 Please remember to expressly state your student  
 6 learning outcomes on your syllabus.  
 7 Q. And this began in what year?  
 8 A. Oh, 2013 or 2014, I guess. Some years  
 9 previous.  
 10 Q. To the best of your recollection, did your  
 11 syllabi from 2013 have any SLOs?  
 12 A. No, sir.  
 13 Q. 2014, any SLOs?  
 14 A. No.  
 15 Q. And so then spring of 2015 would be the first  
 16 time you had an SLO, correct?  
 17 A. Yes.  
 18 Q. And it was the full Woodrow Wilson quote at  
 19 that time?  
 20 A. Yes, sir.  
 21 Q. Okay. So the memorandum that you're looking  
 22 at, which is Exhibit 36, the "Re" line is, Are We  
 23 Student-Centered, correct?  
 24 A. Yes.  
 25 Q. And as I read the bullet points you've

1 identified there, your argument appears to be that this  
 2 will harm the students if I am removed?  
 3 A. Yes, sir.  
 4 Q. Is that a fair assessment of the memo?  
 5 A. Yes, sir.  
 6 Q. Other than this memo, did you do anything  
 7 else to try to persuade Dr. McGee not to issue  
 8 sanctions against you?  
 9 A. No, sir.  
 10 Q. Okay. I'm going to hand you Exhibit 37.  
 11 (Defendant's Exhibit No. 37 marked for  
 12 identification.)  
 13 BY MR. DIXON:  
 14 Q. I handed you Plaintiff 798 through Plaintiff  
 15 799. Do you recognize this document?  
 16 A. Yes, sir.  
 17 Q. What is this document?  
 18 A. This is a memo I sent to the School of  
 19 Science and Math faculty. It was in reply to an e-mail  
 20 from John Peters, who is a member of the Department,  
 21 the Biology faculty. And I don't have that e-mail. I  
 22 can't remember what happened to it. But anyway, the  
 23 situation was discussed within the Department of  
 24 Biology. And John Peters must have e-mailed about --  
 25 maybe he -- maybe it was individual e-mail. No. No.

1 John Peters must have sent an e-mail to SSM faculty.  
 2 And he must have asked me about my student learning  
 3 outcomes.  
 4 Q. There's not an e-mail -- there's no e-mail  
 5 listed here --  
 6 A. Right.  
 7 Q. -- from Peters to SSM faculty?  
 8 A. Correct. But I'm about 90 percent sure there  
 9 was one, but I cannot remember it. It would have --  
 10 Q. Peters contacted you seeking clarification of  
 11 your position, right?  
 12 A. Yes.  
 13 Q. And you believe that was by e-mail?  
 14 A. Yes.  
 15 Q. Okay. And what did he ask?  
 16 A. He would have argued strongly in favor of my  
 17 complying with the Chairman's request. He -- he is  
 18 a -- he -- his Ph.D. is in Education, not in Biology,  
 19 interestingly enough. His specialty is in pedagogy.  
 20 And he would have argued that I should simply comply,  
 21 simply provide a list of five banalities on my  
 22 syllabus. Why not?  
 23 Q. You say, John -- this is a reply to my good  
 24 friend, John Peters and others?  
 25 A. Yes.

1 Q. Do you recall any others?  
 2 A. No. Again, this was a subject of discussion  
 3 throughout the Department.  
 4 Q. And the topic of the discussion was your  
 5 failure to modify your SLOs?  
 6 A. Yes.  
 7 Q. Okay. So no one, to your knowledge, was  
 8 confused that you were a sex offender?  
 9 A. Not to my knowledge. Not to my face.  
 10 Q. Okay. And no one was confused that you posed  
 11 serious -- or the threat of immediate bodily harm,  
 12 right?  
 13 A. That is correct.  
 14 Q. Okay. The topic is, Just Five Theses. And  
 15 in the text of the document you end a few choice  
 16 paragraphs with German. I presume that the -- this is  
 17 a reference to Martin Luther's 95 theses?  
 18 A. Yes.  
 19 Q. And the language there at the end of  
 20 paragraph one and paragraph two are -- that's text from  
 21 the five -- the 95 theses?  
 22 A. I think it's -- it is Luther. And I think  
 23 it's in the 95. Here I stand. I can do no other.  
 24 That may be conversation he had with Zwingli on the  
 25 subject of communion. I cannot remember where that

1 quote comes from.  
 2 Q. But it is Luther?  
 3 A. Yes, it is Martin Luther.  
 4 Q. What was the point of paralleling your  
 5 situation with Martin Luther's?  
 6 A. To impress upon people my resolve.  
 7 Q. Resolve to not change your syllabus?  
 8 A. Yes, sir.  
 9 Q. Okay. You say we talked about it earlier,  
 10 the second of these two pages under paragraph five. It  
 11 is absurd to imagine that the reaccreditation of the  
 12 entire College of Charleston might be jeopardized by a  
 13 single set of learning objectives on a syllabus of a  
 14 single upper-division biology elective.  
 15 Did anyone at the College ever tell you that that  
 16 was their position, that your syllabus jeopardized  
 17 their accreditation?  
 18 A. Yes. That was the substance of all the  
 19 communication I had.  
 20 Q. Okay. Did anyone speak to you independent of  
 21 these e-mails communications?  
 22 A. I was never -- I never spoke to a single one  
 23 of my superiors, chairman, dean or provost, during the  
 24 entire fiasco.  
 25 Q. So presumably none of them ever said to you,

1 then --  
 2 A. Correct. No phone calls.  
 3 Q. Hold on, hold on, hold on. Let me finish.  
 4 None of them said to you, then, that your syllabus  
 5 threatens the College's reaccreditation?  
 6 A. Not orally.  
 7 Q. Okay.  
 8 A. But in writing.  
 9 Q. Okay. And are -- was -- was that ever  
 10 communicated to you in writing, other than the  
 11 documents that you've put on your web page on -- and we  
 12 went over in Exhibit 1?  
 13 A. Never communicated to me other than in  
 14 writing.  
 15 Q. Okay. Other than those writings, is my  
 16 question?  
 17 A. Yes.  
 18 Q. Is that -- let's make sure the record is  
 19 clear.  
 20 Was it ever communicated to you in any writings,  
 21 other than the writings on Exhibit 1?  
 22 A. No.  
 23 Q. Okay. Thank you.  
 24 (Defendant's Exhibit No. 38 marked for  
 25 identification.)

1 BY MR. DIXON:  
 2 Q. I'm handing you what's been marked as Exhibit  
 3 38, Bates label College 1110. Do you recognize this  
 4 document?  
 5 A. Yes, sir.  
 6 Q. What -- go ahead, I'm sorry.  
 7 A. This is a memo from Doug Ferguson to myself,  
 8 asking for a clarification on how my -- my stated  
 9 learning outcomes connect to Genetics Lab 305L.  
 10 Q. So the point of this memo, in your view, was  
 11 a request for you to explain how the Woodrow Wilson  
 12 quote relates to Genetics Lab 305?  
 13 A. Yes, sir.  
 14 Q. Okay. The -- the panel notes there at the  
 15 last paragraph, or Ferguson rather notes, that they are  
 16 not charged with questions of insubordination, only  
 17 policy compliance; do you see that?  
 18 A. Yes, sir.  
 19 Q. Did you understand that at the time?  
 20 A. Yes, sir.  
 21 Q. Okay. So their sole function was to evaluate  
 22 whether your syllabus complied with the provisions of  
 23 the FAM, right?  
 24 A. Yes, sir.  
 25 Q. Okay.

1 (Defendant's Exhibit No. 39 marked for  
 2 identification.)  
 3 BY MR. DIXON:  
 4 Q. I'm handing you what's been marked as Exhibit  
 5 39. It's a one-page document, Bates labeled College  
 6 1112. Do you recognize this document?  
 7 A. Yes, sir.  
 8 Q. Dr. Dillon, what is this document?  
 9 A. This is my reply to Dr. Ferguson.  
 10 Q. Okay. So Exhibit 38 was the memo from  
 11 Ferguson to you seeking your supplication of the  
 12 syllabus because they had been assigned the task of  
 13 determining whether your syllabus complied with the  
 14 FAM, right?  
 15 A. Yes, sir.  
 16 Q. And then Exhibit 39 is your response to that  
 17 request?  
 18 A. Yes, sir.  
 19 Q. Okay. Now, in this memo I do not see any  
 20 reference to the concept that we discussed last time  
 21 and briefly this time about the Woodrow Wilson quote  
 22 containing a statement of absolutism versus relativism.  
 23 Maybe that's not the right way to put it. And feel  
 24 free to correct my terminology if you have a better way  
 25 to put it. But in this memo, all I see is what is

1 stated in the second full paragraph, i.e. Wilson's  
 2 right thought is understood to mean the scientific  
 3 method.  
 4 Am I missing something in this memo?  
 5 A. I'm not sure. The Wilson -- Wilson's quote  
 6 focuses on the existence -- the absolute existence of a  
 7 right thought. In Genetics Lab 305L, the right thought  
 8 is the scientific method. It might be some other right  
 9 thought, and is certainly some other right thought, in  
 10 some other building. But there must be a single right  
 11 thought, no matter where we go. And that's the -- that  
 12 is both the theme of Woodrow Wilson and the theme of  
 13 Genetics Lab 305L.  
 14 Q. Okay. But you don't see any reference in  
 15 this document to the Woodrow Wilson quote meaning  
 16 anything other than a focus on the scientific method?  
 17 A. That is what it means, yes.  
 18 Q. Okay.  
 19 A. In Genetics Lab.  
 20 Q. You had told me previously that the Woodrow  
 21 Wilson quote also contained a notion of being in  
 22 opposition to the present -- what is the word I'm  
 23 looking for -- not multiculturalism, but any view is  
 24 the correct view; is that fair?  
 25 A. Yes.

1 Q. Okay. I don't see a reference to that  
2 element of the quote in this memo.  
3 A. There's a footnote here that says -- that  
4 asks the committee to read my essay in the College of  
5 Charleston magazine. I also asked my students. You  
6 may have noticed this same link on the syllabus itself.  
7 One of the things I do on the first day of class is  
8 point everybody to that essay and suggest that they  
9 read that essay. That essay expands from the Woodrow  
10 Wilson assertion that a right thought exists across  
11 liberal education to every department. It is an  
12 unconventional view of higher education. But I  
13 encourage the students to embrace it.  
14 Q. But I don't see it spelled out the way you  
15 spelled it out to me in our previous discussion. I  
16 mean, I won't dispute you, that it is there in your  
17 statement, your Swimming With Snails essay. I'm not  
18 qualified to do that. But it certainly, would you  
19 agree with me, is not quite as clearly enunciated as  
20 you did with me previously?  
21 A. One of the other things I tell my students on  
22 the very first day of class is, I will try, if at all  
23 possible, never to explain anything.  
24 Q. Well, but this memo is not a memo to your  
25 students. This is to Dr. Ferguson in response to your

1 request for additional information, right?  
2 A. Yes.  
3 Q. And so I would assume that your purpose in  
4 responding to this memo would be somewhat different,  
5 your purposes and methods, would be somewhat different  
6 from responding to a student question?  
7 A. Yes. I have spelled it out better much,  
8 better than I would for a student, but not completely.  
9 Q. Okay.  
10 A. Hoping that my audience would understand.  
11 Q. Okay.  
12 A. I actually have expectations for my  
13 colleagues, for my colleagues, for the faculty, for my  
14 administrators, for my president.  
15 Q. And what do you mean by that?  
16 A. I expect them to think.  
17 Q. So would you -- by that, are you indicating  
18 that your response to Ferguson's request for  
19 information was intentionally cryptic?  
20 A. It seemed clear to me.  
21 Q. But was it intentionally cryptic --  
22 A. No.  
23 Q. -- to Dr. Ferguson?  
24 A. No.  
25 Q. Okay.

1 A. It was not intentionally cryptic.  
2 Q. Okay. Why did you choose to focus on the  
3 right thought being the scientific method and not the  
4 right thought being a reference to absolutism in this  
5 memo?  
6 A. I was being a scientist.  
7 Q. Okay. Let's go to Exhibit 40.  
8 (Defendant's Exhibit No. 40 marked for  
9 identification.)  
10 BY MR. DIXON:  
11 Q. I have handed you Exhibit 40, Bates labeled  
12 College 391 through College 422; is that correct?  
13 A. Yes. Yes.  
14 Q. And do you recognize this document?  
15 A. Yes. This is the report of the investigative  
16 review panel to Dr. McGee.  
17 Q. And in sum and substance, what does this memo  
18 say?  
19 A. They find -- they find I am, in fact,  
20 noncompliant.  
21 Q. With?  
22 A. Presumably, the FAM.  
23 Q. Well, I mean, it says it right there at --  
24 A. Where is it?  
25 Q. -- the first sentence of the second

1 paragraph.  
2 A. There it is. Yes, thank you.  
3 Q. So they find that you are noncompliant with  
4 the FAM's provisions regarding the content of the  
5 syllabi, right?  
6 A. Yes.  
7 Q. And that was after you had been given an  
8 opportunity to explain to them why your syllabus  
9 complied with that policy, right?  
10 A. Yes.  
11 Q. The panel concludes in the last paragraph of  
12 the first page that there's no general reference to  
13 biology nor any specific mention of genetics, right?  
14 A. Correct.  
15 Q. The one panel noted -- sorry. Although at  
16 least one member of the panel noted that the quotation  
17 might be seen as serving as a general epistemological  
18 philosophy for the course, right?  
19 A. Yes.  
20 Q. So then the panel goes on to refer to the  
21 memo asking for you to clarify, that we've already  
22 looked at, right?  
23 A. Yes.  
24 Q. Two members of the panel -- I'm reading now  
25 from the third full paragraph from the bottom. Two

1 members of the panel believe that Dr. Dillon's latest  
 2 statements would have come very close to being learning  
 3 outcomes and perhaps would have been accepted as  
 4 learning outcomes, had he chosen to explicitly state  
 5 them as outcomes his syllabus either initially, or at  
 6 any other point when given multiple opportunities to do  
 7 so, at which time his department could have issued  
 8 approval.  
 9 If you felt comfortable describing to the  
 10 investigative panel in a little bit more detail or  
 11 specificity what you meant by the Woodrow Wilson quote,  
 12 why did you not include that same type of supplication  
 13 on the syllabus?  
 14 A. I expect my students to think.  
 15 Q. Okay. So then the panel concludes that they  
 16 concluded that your syllabus did not comply with the  
 17 FAM, right?  
 18 A. Yes.  
 19 Q. Okay. And then the documents after the  
 20 two-page memo appeared to be types of documents they  
 21 considered, right?  
 22 A. My own syllabus, plus those of several  
 23 others.  
 24 Q. Right. Okay.  
 25 (Defendant's Exhibit No. 41 marked for

1 identification.)  
 2 BY MR. DIXON:  
 3 Q. I'm going to hand you what we've marked as  
 4 Exhibit 41. Dr. Dillon, these series -- this series of  
 5 e-mails I've handed you constitute Plaintiff 739  
 6 through 754. Do you see that?  
 7 A. Yes.  
 8 Q. And do you recognize these e-mails?  
 9 A. These are a series of communications between  
 10 me and representatives of the AAUP.  
 11 Q. All right. Well, let's go to the very last  
 12 page, which is Plaintiff's 754. These e-mails are in  
 13 reverse chronological order, so we'll start back there  
 14 and work forward. The first e-mail is from Jorge  
 15 J-o-e-r-g, Tiede, T-i-e-d-e -- if you know of a  
 16 pronunciation different from my mangled one, please let  
 17 me know -- to Simon Keith Lewis.  
 18 Do you see that?  
 19 A. Yes.  
 20 Q. Who is Professor Lewis?  
 21 A. He is the local -- the -- the College of  
 22 Charleston president or representative of the AAUP.  
 23 Q. And what is the AAUP?  
 24 A. The American Association of University  
 25 Professors.

1 Q. And according to your understanding, what --  
 2 what do they do? What are they?  
 3 A. Professional organization dedicated to  
 4 guarding the best practices in the professoriate.  
 5 Q. Is it a union in other states?  
 6 A. It might be. It's not here.  
 7 Q. All right. So Lewis is the AAUP rep for the  
 8 College of Charleston?  
 9 A. Yes.  
 10 Q. Does every college have an AAUP rep?  
 11 A. I don't know.  
 12 Q. Okay. So, obviously -- well, I shouldn't say  
 13 it that way. Presumably, you contacted Lewis about  
 14 your predicament?  
 15 A. I don't remember. Or he had heard about it  
 16 and contacted me. I really don't remember.  
 17 Q. Is he in the department? Is he a  
 18 professor?  
 19 A. He is. In what department?  
 20 Q. Is he in SSM?  
 21 A. No.  
 22 Q. Okay.  
 23 A. He's not. I can't remember what department  
 24 he is. History. I don't remember. I wouldn't guess.  
 25 Q. Okay.

1 A. Shame on me. I should know that.  
 2 Q. The AAUP then expresses its view in this  
 3 response to Professor Lewis that alternative  
 4 "assignments in lieu of teaching" or suspension -- or  
 5 to be suspensions, and, further, suspensions to be a  
 6 major sanction that can be imposed only after an  
 7 adjudicative hearing, right?  
 8 A. Yes.  
 9 Q. Then on -- and that e-mail from Joerg Tiede  
 10 is to Professor Lewis on Monday, March 14.  
 11 Then, that same day it appears that Professor  
 12 Lewis forwarded to you the e-mail from Tiede, right?  
 13 A. Yes.  
 14 Q. And he says to you, Please let me know if you  
 15 wish to follow up on Mr. Tiede's invitation to contact  
 16 him with a complaint, which you did, correct?  
 17 A. Yes. Yes.  
 18 Q. Then, on March 15, you sent him an e-mail  
 19 explaining the situation --  
 20 A. Yes.  
 21 Q. -- or your view of the situation; is that  
 22 correct?  
 23 A. Yes.  
 24 Q. The last paragraph on Plaintiff 752 says, The  
 25 Administration is treating this situation as a

1 personnel matter, but I think the broader issues should  
 2 be of general interest to the entire community of  
 3 higher education; is that right?  
 4 A. Yes.  
 5 Q. So at this time, March 15, you're still under  
 6 the discipline that Provost McGee has imposed, right?  
 7 A. Yes.  
 8 Q. And you're expressing the view that it is not  
 9 a personnel matter, but is of interest to the entire  
 10 community of higher education, right?  
 11 A. Yes.  
 12 Q. Is that because of the notions of academic  
 13 freedom?  
 14 A. Yes.  
 15 Q. Okay. And specifically the notions of  
 16 academic freedom, at this point on March 15, associated  
 17 with the discipline that Provost McGee has imposed upon  
 18 you?  
 19 A. Yes, I think so. When -- I don't remember  
 20 when -- when --  
 21 Q. I'll tell you that.  
 22 A. Okay.  
 23 Q. We'll get there. But March 18 --  
 24 A. March 18, thank you.  
 25 Q. -- is the date that the sanction was imposed.

1 A. The sanction, okay.  
 2 Q. Right now, we're still operating --  
 3 A. Okay.  
 4 Q. -- under the discipline that was imposed.  
 5 So then on page 750 -- I guess I should specify  
 6 here I'm skipping over several, back and forth. But it  
 7 looks like after the initial communication with  
 8 Professor Lewis to George Tiede, the e-mail was  
 9 forwarded to you. And then you had direct exchange  
 10 with George Tiede, personally, right?  
 11 A. Yes.  
 12 Q. So Lewis was copied on at least some of that  
 13 correspondence. But the back and forth was between you  
 14 and Mr. Tiede?  
 15 A. Yes.  
 16 Q. On Plaintiff 750, you send an e-mail to  
 17 Mr. Tiede, second full paragraph, And bless your heart.  
 18 Do you see where I'm reading?  
 19 A. Yes.  
 20 Q. Looks like Joerg has read the FAM and was  
 21 trying to make sense of it, right?  
 22 A. Yes.  
 23 Q. You say -- I'm sorry, And bless your heart  
 24 for digging into our miserable "Faculty Administration  
 25 Manual." You seem to be quite correct -- section

1 VII.B.2 (page 144) does indeed rather clearly state  
 2 that "Assignment to New Duties" is for situations where  
 3 "the faculty member's continuance in normal duties  
 4 threatens immediate harm to that faculty member or to  
 5 others." But no, heaven forbid, no harm has been  
 6 alleged in my case, to anybody!  
 7 This, as I read this, appears to me that you are  
 8 realizing this for the first time; is that correct?  
 9 Was it in this e-mail exchange that you realized this  
 10 for the first time?  
 11 A. No. I -- I knew it. But I was really  
 12 surprised that he dug it out.  
 13 Q. Why do you say, You seem to be quite  
 14 correct?  
 15 A. But I suppose Provost McGee could argue that  
 16 VII (B)(2) is not exclusive.  
 17 Q. No, no, no. I'm not there. I'm asking about  
 18 the second sentence of the second paragraph, You seem  
 19 to be quite correct.  
 20 A. It seems possible that Provost McGee could  
 21 argue that -- this only applies to harm situations,  
 22 that it does not only apply -- it's not exclusive. It  
 23 seems possible. Seemed possible. Turns out not to be  
 24 true, but it seemed possible --  
 25 Q. Well, then --

1 A. -- on March 16.  
 2 Q. I'm sorry. Then in that paragraph where you  
 3 just read from you say, the last sentence, And (again,  
 4 thinking like a lawyer) the text does not specify  
 5 bodily harm. Might Provost McGee argue that my  
 6 syllabus is harming the entire College community, by  
 7 jeopardizing the SACSCOC reaffirmation process?  
 8 Do you see that?  
 9 A. Yes.  
 10 Q. Isn't it, as we discussed, true that the text  
 11 does not specify bodily harm?  
 12 A. That is, in fact, what he did sitting at this  
 13 very table.  
 14 Q. All right. The paragraph above the one we  
 15 were just reading from, your language is, You seem to  
 16 be quite correct.  
 17 That type of expression strikes me as a type of  
 18 expression coming from someone who is realizing  
 19 something for the first time. Am I wrong about that?  
 20 A. It is possible that on Wednesday, March 16, I  
 21 realized that there might be some other alternative  
 22 explanation. So a month later, maybe not bodily harm.  
 23 It's not anybody's first, second, third, fourth or  
 24 fifth interpretation of that. But lawyers might think  
 25 that way.

1 Q. Okay. So then the AAUP sent a letter around  
2 that same time to President McConnell, correct?  
3 A. Yes. What's the date on that letter?  
4 Q. Yeah. I'm going to hand you what's been  
5 marked as Exhibit 42.  
6 (Defendant's Exhibit No. 42 marked for  
7 identification.)  
8 BY MR. DIXON:  
9 Q. Bates label College 342 through 326 -- 324  
10 through 326.  
11 A. Thank you.  
12 Q. Is that correct?  
13 A. Yes.  
14 Q. And do you recognize this document?  
15 A. Yes.  
16 Q. What is this document?  
17 A. It's a letter from the AAUP representative,  
18 whose name is Hans-Joerg Tiede, to President Glenn  
19 McConnell.  
20 Q. And you are listed on the last page of this  
21 document as a recipient?  
22 A. Yes.  
23 Q. A carbon copy recipient, right?  
24 A. Yes.  
25 Q. Okay. So you seek -- according to the first

1 paragraph, you were seeking the advice and assistance  
2 of the AAUP as a result of a February 18 memo, right?  
3 A. Yes.  
4 Q. And that's the memo that imposed the  
5 discipline against you and notified you of the  
6 potential sanction against you, right?  
7 A. Yes.  
8 Q. On the second page, in the second full  
9 paragraph, Mr. Tiede lists certain policies or  
10 procedures that the AAUP recommended, right?  
11 A. Yes.  
12 Q. Now, those procedures are not the same as the  
13 procedures in the FAM, right?  
14 A. Yes.  
15 Q. Okay. So as I understand it, this letter  
16 from Tiede, much like the memo from Provost McGee on  
17 February 18, is about two things. Number one, it is  
18 about the discipline imposed on you on February 18 and  
19 about the potential sanction to be issued against you,  
20 correct?  
21 A. Yes.  
22 Q. Okay. Let's go with Exhibit 43.  
23 (Defendant's Exhibit No. 43 marked for  
24 identification.)  
25 BY MR. DIXON:

1 Q. I've handed you what's been Bates labeled as  
2 Plaintiff 947 through 995; is that correct?  
3 A. Yes.  
4 Q. And it appears to me that the first four  
5 pages constitute a memo from McGee to you, dated March  
6 18. And then everything else is background  
7 documentation regarding the syllabus dispute,  
8 correct?  
9 A. Yes.  
10 Q. Okay. So do you remember getting this  
11 memo?  
12 A. Yes.  
13 Q. How did you get it, by e-mail?  
14 A. Yes, sir.  
15 Q. Okay. I presume that McGee did not copy the  
16 entire School of Science and Math on this e-mail to  
17 you?  
18 A. I think that's correct, yes.  
19 Q. Okay. To your recollection, did he just send  
20 it to you?  
21 A. On page four he says Auerbach, Hillenius,  
22 Pope and Gertner, who I don't know.  
23 Q. Right. Okay. So to the best of your  
24 knowledge, the memo was sent to you, but then copied on  
25 these four people only, correct?

1 A. Yes.  
2 Q. Okay. In this memo, McGee addresses the  
3 concerns that you raised about, Are we  
4 student-centered, and your response to his opportunity  
5 to persuade, correct?  
6 A. Yes.  
7 Q. Do you think an employer should have the  
8 discretion to interpret its own policies?  
9 A. I don't know.  
10 Q. Okay. Did you -- did you ever appeal to  
11 the -- "appeal" is the wrong word because it's a loaded  
12 term.  
13 Did you ever seek to have the College's treatment  
14 of you or syllabus policy addressed through the Faculty  
15 Senate?  
16 A. No.  
17 Q. Okay. Did you ever meet personally with the  
18 investigative review committee?  
19 A. No, sir.  
20 Q. The communication was what we have already  
21 seen. Were there any additional correspondences  
22 between you and any members of the committee?  
23 A. No, sir.  
24 Q. Okay. So then, of course, Professor McGee,  
25 in this document, imposes the sanction upon you. And

1 the sanction was consistent with what he had outlined  
 2 he would do in February, on February 18, right?  
 3 A. Yes.  
 4 Q. Okay. He then says at the bottom of page 950  
 5 that, For the duration of the current semester, your  
 6 assignment to new duties continues, right?  
 7 A. Yes.  
 8 Q. Okay. The sanction began August 16, 2016,  
 9 correct?  
 10 A. Yes.  
 11 Q. I should -- I should direct you to the  
 12 portion I'm reading from.  
 13 A. Yes. Yes.  
 14 Q. Plaintiff 949, the first bullet point.  
 15 A. Yes.  
 16 Q. The sanction was comprised of suspension  
 17 without pay from August 16, 2016, through December 31,  
 18 2016?  
 19 A. Yes.  
 20 Q. Right? Your e-mail account was closed. Your  
 21 university e-mail account was closed. And you will no  
 22 longer have office -- no longer have access to your  
 23 office and laboratory, beginning, again, on October 16,  
 24 2016.  
 25 You had access to your office from that time

1 period up until August 16, 2016, correct?  
 2 A. Yes.  
 3 Q. Okay. Did you go to your office at any time  
 4 during that time period?  
 5 A. Yes.  
 6 Q. Regularly?  
 7 A. Pretty regularly, yes.  
 8 Q. Okay. Did you generally go to your office  
 9 over the summer?  
 10 A. Yes. Yes, I do.  
 11 Q. Okay. You did that summer, as well?  
 12 A. Yes.  
 13 Q. Okay. Top of page 950, the suspension  
 14 included writing no letters of reference, right?  
 15 A. Yes.  
 16 Q. And then the final paragraph of the sanctions  
 17 states that, After the 2017 summer terms, you may  
 18 resume your duties as an instructor of record only if  
 19 you submit your syllabi to your Department Chair, prior  
 20 to the first day of classes for the relevant academic  
 21 term and on a schedule to be determined by the Chair;  
 22 do you see that?  
 23 A. Yes.  
 24 Q. That was -- everyone had to do that, right?  
 25 Every professor had to do that anyway, right, submit

1 the syllabi to department chair for approval?  
 2 A. Not prior to the first day of classes. And  
 3 this is the first I've seen of any approval process.  
 4 The chairman has always said, Send us your syllabuses  
 5 for the files, for the files, not send us your syllabus  
 6 for my approval. That -- that's -- that's actually  
 7 new.  
 8 Q. Well, isn't it the case that this whole  
 9 situation started because Hillenius did not approve of  
 10 your prior syllabus?  
 11 A. Yes.  
 12 Q. Okay. All right. Let's go to Exhibit 44.  
 13 (Discussion held off the record.)  
 14 (Defendant's Exhibit No. 44 marked for  
 15 identification.)  
 16 BY MR. DIXON:  
 17 Q. I'm handing you what's been marked as Exhibit  
 18 44. This is Plaintiff 641 through 645. Do you see  
 19 that?  
 20 A. Yes, sir.  
 21 Q. Do you recognize these documents?  
 22 A. This is e-mail correspondence between myself  
 23 and Mr. Steve Kolowich, who is from the Chronicle of  
 24 Higher Education.  
 25 Q. All right. On the first e-mail that I have,

1 or that is in this document anyway, is an e-mail  
 2 from -- it's at the very back. It goes in reverse  
 3 chronological order again. An e-mail from Steve to  
 4 you, dated March 24, which would have been a few days  
 5 after Brian McGee's March 18 memo to you, stating, It  
 6 was good talking with you this week. I'm wondering if  
 7 you can send me two things, if you can locate them.  
 8 Do you recall if you contacted Steve or if Steve  
 9 contacted you?  
 10 A. I sent an op-ed piece to the Chronicle of  
 11 Higher Education. And then, on the basis of that, the  
 12 editor of that periodical contacted me and said that  
 13 they would like to do an extended article about it in  
 14 addition, to run along with my op-ed piece, and that I  
 15 would be hearing from a Mr. Kolowich in that context.  
 16 Q. Okay. So before you submitted the op-ed to  
 17 the Chronicle, had you had any verbal or written  
 18 communication with anyone at the Chronicle?  
 19 A. No.  
 20 Q. Okay. So the op-ed was the first  
 21 communication between you and them?  
 22 A. Yes.  
 23 Q. Did the communication between you and them  
 24 sending -- when you sent them the op-ed, did it go by  
 25 e-mail?

1 A. Yes.  
 2 Q. And who did you send it to, individually?  
 3 A. Cannot remember. It may have been just the  
 4 editor at the Chronicle. The initial submission may  
 5 have been a vanilla e-mail address.  
 6 Q. Okay. So then, obviously, that would have  
 7 been after Brian McGee's memo, I should be clear, March  
 8 18 memo?  
 9 A. I think it was before, although not published  
 10 until after. I may have contacted them earlier than  
 11 the 18th, maybe. I do not remember.  
 12 Q. Okay. But in any event, Kolowich,  
 13 K-o-l-o-w-i-c-h, contacted you by e-mail on March 24,  
 14 right?  
 15 A. Yes.  
 16 Q. And then your response to his e-mail says,  
 17 Thank you for your kind words. I also very much  
 18 enjoyed chatting with you on Wednesday afternoon as  
 19 well!  
 20 So Kolowich's first e-mail to you came on  
 21 Thursday, March 24. Your reference to a conversation  
 22 on Wednesday sounds like you had a conversation with  
 23 him on a Wednesday before the e-mail.  
 24 A. Yes.  
 25 Q. To your recollection, was that the day

1 before?  
 2 A. I do not remember. It could be. I do not  
 3 remember.  
 4 Q. So could have been March 24 or it could have  
 5 been the previous Wednesday?  
 6 A. Could have been. I just don't remember.  
 7 Q. Okay. Was that phone -- was that  
 8 conversation by phone?  
 9 A. Yes.  
 10 Q. Was Kolowich taking notes of the  
 11 conversation, to your knowledge?  
 12 A. Yes. I think he may have been recording it,  
 13 actually.  
 14 Q. Audio recording?  
 15 A. I -- maybe. Maybe.  
 16 Q. What makes you think that?  
 17 A. My memory is vague, but he may have said  
 18 something like, Do you mind if I record this  
 19 conversation? He may have said that. My memory is  
 20 vague on that.  
 21 Q. Okay. So it looks like Kolowich is asking  
 22 you questions about your prior discipline, right?  
 23 A. Yes, he did.  
 24 Q. What did you understand the purpose of that  
 25 to be?

1 A. I had no idea. I was actually quite  
 2 surprised and a little bit disappointed.  
 3 Q. Yeah. Tell me what you mean, "disappointed."  
 4 A. I had hoped to focus on the recent problems,  
 5 not dredge up student complaints from 15 years ago.  
 6 Q. Well, I mean, didn't McGee say in his memo  
 7 that part of the reason he was imposing the sanction  
 8 against you was because of prior complaints?  
 9 A. Yes.  
 10 Q. Okay. So, I mean, at least according to  
 11 McGee's memo, it's related?  
 12 A. Yes, according to McGee, and apparently to  
 13 Mr. Kolowich.  
 14 Q. Okay.  
 15 A. I had hoped not.  
 16 Q. Okay. You say in some of the responses to  
 17 Kolowich, Some of the things we talked about last  
 18 time -- I'm reading now from Plaintiff 643. My  
 19 understanding of death, for example, is very unusual.  
 20 I am ready to die tonight, no sorrow. I number my  
 21 days. N equals one.  
 22 A. Did I say that?  
 23 Q. Plaintiff number 643.  
 24 A. Okay. Move forward. Yes.  
 25 Q. And the next paragraph goes on to say, This

1 is one of the reasons why I try (desperately!) to keep  
 2 my relationships with my students professional. I  
 3 really do not want to hear excuses for missed work.  
 4 We've talked about that?  
 5 A. Yes.  
 6 Q. On page 641, there's an e-mail exchange  
 7 between Steve Kolowich and you on Friday, March 25,  
 8 where Kolowich says in the last paragraph, Speaking of  
 9 Calvinists, I'm interested to learn more about the  
 10 tribute to George Wishart that you wear on your lab  
 11 coat.  
 12 First of all, have I pronounced that name right?  
 13 A. Yes.  
 14 Q. Who is George Wishart?  
 15 A. What a strange question. George Wishart was  
 16 a Roman Catholic priest who felt a powerful conversion  
 17 to Protestantism and was essentially the mentor of John  
 18 Knox. Wishart preached all over Scotland in the mid  
 19 16th century. And Knox was his bodyguard, carried a  
 20 long sword with him. It was very dangerous to preach  
 21 the Reformation, as has been many, many occasions in  
 22 the history of the world. Wishart was captured by  
 23 Cardinal Beaton and burned at the stake. Yes, I carry  
 24 George Wishart on my lab coat.  
 25 Q. Why do you wear him on your lab coat?

1 A. Well, there are two answers to that. Easy  
 2 answer is, this lab coat was given to me by my daughter  
 3 when she was a student in Scotland. And she bought a  
 4 lab coat there and decorated it herself, and decorated  
 5 it with pictures of John Knox and George Wishart, and  
 6 sent it to me. That being said, I wouldn't have worn  
 7 it if I didn't like it.  
 8 Q. Did she introduce you to the story of Wishart  
 9 and Knox?  
 10 A. No. I'm a big fan of John Knox, and one of  
 11 my -- yeah, George Wishart, towering figures in world  
 12 history. I'm sure everybody greatly admires both of  
 13 them.  
 14 Q. She gave you the lab coat decorated with the  
 15 Wishart memorabilia because she knew that he was one of  
 16 your heroes?  
 17 A. Yes. Okay. Strange request.  
 18 Q. Let's do take a break.  
 19 (A lunch recess was taken.)  
 20 (Defendant's Exhibit No. 45 marked for  
 21 identification.)  
 22 BY MR. DIXON:  
 23 Q. Dr. Dillon, I am handing you what's been  
 24 marked as Exhibit 45. Do you recognize this  
 25 document?

1 A. Yes, this is --  
 2 Q. What is this document?  
 3 A. This is a -- this is the article that was  
 4 written about me in the Chronicle of Higher Education.  
 5 Q. Okay. And the author is Steve Kolowich, the  
 6 same individual with whom you were corresponding?  
 7 A. Yes.  
 8 Q. Okay. So as we've discussed, the Chronicle  
 9 learned about the syllabus issue because of your op-ed  
 10 that you sent them, correct?  
 11 A. Yes.  
 12 Q. Plaintiff 627, the paragraph beginning, That  
 13 prickliness has cost him.  
 14 A. Yes.  
 15 Q. Do you see that? Later on in that paragraph  
 16 it says, By his own reckoning, he has been  
 17 marginalized -- removed first from 100-student survey  
 18 courses to 40-student lectures and, now, to labs with  
 19 10 to 15 students.  
 20 Do you -- did you tell Steve Kolowich that the  
 21 reason you had been moved from 100-student survey  
 22 courses was because of your prickliness?  
 23 A. Possibly. I don't remember.  
 24 Q. Is that true, in your view, that it is your  
 25 prickliness --

1 A. It's the student evaluations.  
 2 Q. This is what -- this is the line we were  
 3 speaking of last time. Mr. Dillon's teaching methods  
 4 run to the Kafkaesque. He refuses to answer students'  
 5 questions with anything but questions. He says  
 6 sometimes -- he says he sometimes purposely misleads  
 7 students by making factually wrong statements in class,  
 8 reasoning students who did the reading should be able  
 9 to correct him. (They rarely do, he says.)  
 10 Did you -- I presume you told Mr. Kolowich about  
 11 your refusal to answer students' questions?  
 12 A. Yes.  
 13 Q. And that you purposely mislead students?  
 14 A. Yes.  
 15 Q. Later in the document, page Plaintiff 630,  
 16 with the big M, Mr. Dillon.  
 17 A. Yes.  
 18 Q. Mr. Kolowich writes about a situation that we  
 19 discussed last time, a student complaining about how  
 20 you had treated her after she missed an examination.  
 21 It was my recollection when we spoke last time you  
 22 had no memory of this event. Is that still the case  
 23 today?  
 24 A. That is correct.  
 25 Q. Okay. So in your -- is it your

1 understanding, then, that Mr. Kolowich got what he  
 2 wrote about from the documents and not from you?  
 3 A. I think I sent this to him. I think I found  
 4 it in my files and sent it to him.  
 5 Q. My question wasn't clear. What I meant was  
 6 that he got this information from documents, not from  
 7 conversations with you?  
 8 A. We -- we had two interviews. My dim  
 9 recollection is that the first time he asked me about  
 10 it, and I said I don't remember. I will look in my  
 11 files.  
 12 And then I did send him the thing. And then he  
 13 asked me about it on the second occasion.  
 14 Q. On the second occasion, did you tell him that  
 15 you had no recollection of the event?  
 16 A. Yes, I think so.  
 17 Q. Okay. If in this article Mr. Kolowich put  
 18 anything in quotes that you said, do you dispute that  
 19 you said it?  
 20 A. No, I do not.  
 21 Q. Okay. I'm going to hand you what we've  
 22 marked as Exhibit 46.  
 23 (Defendant's Exhibit No. 46 marked for  
 24 identification.)  
 25 BY MR. DIXON:

1 Q. I have handed you Exhibit 46, which is  
 2 Plaintiff's 604 through Plaintiff's 608. Do you  
 3 recognize this document?  
 4 A. Yes.  
 5 Q. What is this document?  
 6 A. This is the op-ed that I had published in the  
 7 Chronicle.  
 8 Q. Is it verbatim your words?  
 9 A. Yes, it is.  
 10 Q. Okay. They took no editorial license?  
 11 A. They may have trimmed a little bit. I do not  
 12 recall that they changed anything.  
 13 Q. Okay. What was your purpose in writing this  
 14 article?  
 15 A. To clear my name.  
 16 Q. Tell me what you mean, please.  
 17 A. I felt strongly that I had been libeled in  
 18 February. And I wanted to explain myself as clearly as  
 19 I could to as broad an audience as I could, and that  
 20 included a national audience.  
 21 Q. In the piece, on page 607 you write, I have  
 22 no direct information about with the Southern  
 23 Association of Colleges and Schools and Commission on  
 24 Colleges.  
 25 Do you see that?

1 A. Yes.  
 2 Q. Is that correct?  
 3 A. Yes.  
 4 Q. As of the time, you had no direct information  
 5 about SACSCOC?  
 6 A. That is correct.  
 7 Q. Is it the case, as we sit here today, you  
 8 also have no direct information about SACSCOC?  
 9 A. I have read small extracts of some of those  
 10 documents, subsequently.  
 11 Q. Some of the documents that we've introduced  
 12 as exhibits today?  
 13 A. Yes.  
 14 Q. Have you read anything other than what we've  
 15 introduced today, to your recollection?  
 16 A. No.  
 17 Q. Okay.  
 18 (Defendant's Exhibit No. 47 marked for  
 19 identification.)  
 20 BY MR. DIXON:  
 21 Q. I'm handing you what we marked as Exhibit 47.  
 22 This is a document that begins with Plaintiff 609 and  
 23 ends with Plaintiff 623. Do you see that?  
 24 A. Yes, sir.  
 25 Q. What is this document?

1 A. This must be the comments that were added  
 2 below the Chronicle news article from back in March of  
 3 2016.  
 4 Q. Do you know if this was -- these comments are  
 5 from the article that you penned, the op-ed, or are  
 6 they from Kolowich's article?  
 7 A. I believe it's Kolowich's article, I think.  
 8 Q. Well, the very first comment states, You  
 9 could take the time to write this but you can't write a  
 10 simple list of learning outcomes? I would have  
 11 suspended you too.  
 12 Does that sound like it's in reference to your own  
 13 op-ed?  
 14 A. Perhaps it's both. You're right. It was --  
 15 they were published side-by-side in the -- in the  
 16 newspaper.  
 17 Q. Published side-by-side in the newspaper, but  
 18 one appeared prior to the other in the e-mail version;  
 19 is that correct? I'm sorry, the online version. Do I  
 20 have that wrong?  
 21 A. That might be correct, although they appeared  
 22 simultaneously in the print. They may have appeared  
 23 differently, at different times, in online.  
 24 Q. So you believe they appeared simultaneously  
 25 in print?

1 A. They did, yes.  
 2 Q. Okay. Do you know who any of these  
 3 individuals are who made comments to your article or to  
 4 the article about you, whichever it may be?  
 5 A. No.  
 6 Q. Okay. Has anyone ever told you that I'm a  
 7 commenter on these articles?  
 8 A. No.  
 9 Yes, this is for both things. Because if you read  
 10 just the second page, You paint a very different  
 11 picture from the article that appeared in yesterday's  
 12 Chronicle.  
 13 So -- so, obviously, the thread stayed open. So  
 14 it must have started with the op-ed. And it must have  
 15 stayed open for some days, I would guess, while the  
 16 second -- while -- while the news article came out.  
 17 No, no, no. Wait. No. The news article came out  
 18 first and then my op-ed. That's the way it is.  
 19 Q. Okay.  
 20 A. This is the few days before the Silly,  
 21 Sanctimonious Games appeared online, a few days before.  
 22 Q. The op-ed?  
 23 A. Before the op-ed.  
 24 Q. Okay. Okay.  
 25 A. Yes.

1 Q. I've got some e-mail that I think will clear  
2 this up.  
3 A. Okay, to the extent there is any confusion.  
4 (Defendant's Exhibit No. 48 marked for  
5 identification.)  
6 BY MR. DIXON:  
7 Q. I'm going to hand you what's been marked  
8 Exhibit 48.  
9 A. Okay.  
10 Q. I've handed you Plaintiff 800, Dr. Dillon,  
11 correct?  
12 A. Yes.  
13 Q. Do you recognize this document?  
14 A. Yes.  
15 Q. What is it?  
16 A. This is --  
17 Q. Go ahead. What is this document?  
18 A. This is an e-mail that I sent to School of  
19 Science and Math regarding the article in the Chronicle  
20 of Higher Education.  
21 Q. And the subject line is, Going National,  
22 right?  
23 A. Yes.  
24 Q. Were you proud of this story?  
25 A. No. I was embarrassed by the Silly,

1 Sanctimonious Games story.  
2 Q. You were embarrassed? Why were you  
3 embarrassed by it?  
4 A. Well, it was very personal. I had no idea he  
5 would get into matters of philosophy and religion, and  
6 whatever -- wherever else he went. I -- I suppose I  
7 could have refused to answer. He kind of dragged me  
8 along. It was very personal. I prefer not to be the  
9 personal focus here.  
10 Q. Okay. But, I mean, you wrote the op-ed  
11 piece, right?  
12 A. Correct.  
13 Q. It was about your situation?  
14 A. Yes.  
15 Q. You had communications with Kolowich --  
16 A. Yes.  
17 Q. -- wherein you discussed these personal  
18 matters?  
19 A. Yes.  
20 Q. Surely, you expected, or you should have  
21 expected, that Kolowich would write about the things he  
22 was asking you about?  
23 A. He left a lot of stuff out.  
24 Q. Okay. The College is not responsible for  
25 that, correct, leaving stuff out that you wanted in?

1 That's not the College's fault?  
2 A. The College made me -- made me publish this  
3 op-ed. Then the editor assigned the reporter to follow  
4 up. And the reporter asked all sorts of questions  
5 which ultimately yielded an uncomfortable article.  
6 Q. You spoke with the editor out of your own  
7 volition, correct? No one made you speak with the  
8 editor?  
9 A. Yeah, I did submit the -- the op-ed to the --  
10 to the editorial page, yes.  
11 Q. Right. But once you did that, and Kolowich  
12 contacted you, you were -- you would have been free at  
13 that point to say, you know, I'm not interested in  
14 discussing this matter with you, right?  
15 A. Yes. In retrospect, I should have said that.  
16 Q. Okay. And you were free to send or not send  
17 the op-ed to the Commission, I'm sorry, the Chronicle  
18 of Higher Education, correct?  
19 A. Pardon me?  
20 Q. Yeah. You were free to not submit your op-ed  
21 to the Chronicle of Higher Education, correct?  
22 A. Correct.  
23 Q. Okay. You felt as if you had to, but there  
24 was no -- no one forced you to do that?  
25 A. That is correct.

1 Q. Okay. And you felt as if you had to, for  
2 what reason?  
3 A. To clear my name.  
4 Q. How had your name been sullied?  
5 A. There had been this implication that I was  
6 harming students.  
7 Q. Why was that implication not adequately dealt  
8 with by your e-mails to the students and the faculty  
9 SSM?  
10 A. At some point, if my -- if my College of  
11 Charleston account is closed, if my -- if I can't  
12 communicate as coc.edu, national or international  
13 colleagues are going to wonder. I have to explain.  
14 Q. When your e-mail account was shut down, it  
15 was -- well, was your e-mail account ever shut down?  
16 A. In August, when I retired.  
17 Q. When you retired?  
18 A. Yes.  
19 Q. Okay. But it wasn't shut down by virtue of  
20 the sanction?  
21 A. Correct.  
22 Q. What happened to e-mails that were sent to  
23 that e-mail address? Are they forwarded immediately?  
24 A. They are, yes. I set an automatic forward to  
25 my current e-mail, which still works, thank God. I

1 don't know how long -- I'm not sure how long that will  
 2 continue. It's never been mentioned in any of our  
 3 correspondence or e-mails. I -- I don't have access to  
 4 my e-mail account right now. I cannot send out of  
 5 coc.edu. But messages that are sent there continue to  
 6 be forwarded to me, thank heaven. I don't know how  
 7 long that would go on. Thank heaven, it still goes on.  
 8 Q. Do you have any reason to think it will be  
 9 anything less than perpetuity?  
 10 A. I can't imagine. I don't know. I don't  
 11 know.  
 12 Q. Okay.  
 13 A. I have no idea how long this will continue.  
 14 It is a blessing. Don't mention it to my bosses.  
 15 Q. I won't.  
 16 Had anyone outside of the College contacted you  
 17 about the situation, any of your colleagues or any --  
 18 let me -- bad question.  
 19 As of the date you published or sent the op-ed to  
 20 the Chronicle, had anyone outside of the College  
 21 community contacted you about the situation?  
 22 A. No.  
 23 Q. Okay. All right. This may be a little out  
 24 of order, but I would like to get it into the record.  
 25 (Defendant's Exhibit No. 49 marked for

1 identification.)  
 2 BY MR. DIXON:  
 3 Q. I'm handing you what's been marked as Exhibit  
 4 49. Hold on one second.  
 5 (Discussion held off the record.)  
 6 BY MR. DIXON:  
 7 Q. I'm going to hand you Exhibit 50.  
 8 Dr. Dillon, I'm handing you what's been marked  
 9 Exhibit 49. I handed you Plaintiff 809 through 812; is  
 10 that correct?  
 11 A. Yes.  
 12 Q. Do you recognize this document?  
 13 A. This is my correspondence with the editor,  
 14 whose name is Dianne Donovan.  
 15 Q. Okay. This one, like many of them, is in  
 16 reverse chronological order. It looks like, from the  
 17 very last e-mail thread, that there was correspondence  
 18 between you and someone there at March 14, 2016?  
 19 A. Yes.  
 20 Q. I don't have that here. But the next e-mail  
 21 is from the editors to you on March 17, letting them  
 22 know that they received your article, right?  
 23 A. Yes.  
 24 Q. That was the day before Dr. McGee issued the  
 25 sanction to you, correct?

1 A. Yes.  
 2 Q. Okay. Then the next day, the very top of  
 3 that same page, you forwarded them the memo, the March  
 4 18 memo, right?  
 5 A. Yes. Well, the link, the web link.  
 6 Q. Right. You forwarded them the link to the  
 7 memo?  
 8 A. Right.  
 9 Q. Then March 21, they tell you -- Dianne tells  
 10 you that a reporter will be assigned, right?  
 11 A. Yes.  
 12 Q. I presume that was Kolowich?  
 13 A. Yes.  
 14 Q. You write, Dear Dianne, Excellent news, with  
 15 an exclamation point.  
 16 You obviously submitted this to them with the  
 17 intent that it be published?  
 18 A. Yes.  
 19 Q. And you were excited, it sounds like, that  
 20 they were going to, right?  
 21 A. Yes.  
 22 Q. Okay. Looks like Plaintiff 810, you received  
 23 \$250 for the article?  
 24 A. Yes.  
 25 Q. Now we've got Exhibit 50.

1 (Defendant's Exhibit No. 50 marked for  
 2 identification.)  
 3 BY MR. DIXON:  
 4 Q. Okay. I'm handing you what's been marked as  
 5 Exhibit 50. This is Plaintiff 801. Do you see that?  
 6 A. Yes.  
 7 Q. Just a one-page document?  
 8 A. 802.  
 9 MS. BLOODGOOD: 802.  
 10 (Discussion held off the record.)  
 11 BY MR. DIXON:  
 12 Q. I've handed you 802, Dr. Dillon. Do you  
 13 recognize this document?  
 14 A. Yes.  
 15 Q. What is this document?  
 16 A. This is an e-mail I sent to my faculty  
 17 colleagues, to alert them about the publication of the  
 18 article in the Chronicle.  
 19 Q. Now, this is 802.  
 20 A. I'm sorry, Post and Courier. Post and  
 21 Courier.  
 22 Q. Right. It looks like you're -- well, let me  
 23 ask you this way. Did you like all this media  
 24 attention?  
 25 A. No.

1 Q. Well, why are you sending it to all SSM  
2 faculty?  
3 A. To clear my name.  
4 Q. Okay.  
5 (Defendant's Exhibit No. 51 marked for  
6 identification.)  
7 BY MR. DIXON:  
8 Q. Dr. Dillon, I'm handing you what's been  
9 marked as Exhibit 51. Do you recognize this  
10 document?  
11 A. Yes. This is a copy of the article in the  
12 Post and Courier, March 29.  
13 Q. Okay. So this is the article that's referred  
14 to in your previous e-mail?  
15 A. Yes.  
16 Q. Turn with me, please, to your last -- the  
17 last few sentences. Plaintiff 651, at the bottom the  
18 page says, Dillon still has a chance to recant.  
19 According to a memo from McGee, he will be allowed to  
20 submit a revised syllabus for a chance at returning to  
21 the classroom in fall 2017. But when asked if he would  
22 take that opportunity, Dillon was quick to answer.  
23 "No, no. The dye is cast," he said. "I didn't start  
24 this fight, but it's an important one, and we will see  
25 it through."

1 Do you see that?  
2 A. Yes.  
3 Q. Do you dispute that you said those words that  
4 are quoted?  
5 A. I'm sure I did.  
6 Q. Okay. Now I'm going to hand you what we're  
7 marking as Exhibit 52. We're a little bit out of  
8 order, so I apologize for jumping around. This is 801.  
9 (Defendant's Exhibit No. 52 marked for  
10 identification.)  
11 BY MR. DIXON:  
12 Q. Dr. Dillon, Exhibit 52 is marked Plaintiff  
13 801; is that correct?  
14 A. Yes.  
15 Q. And what is this document?  
16 A. That's the e-mail I sent to the School of  
17 Science and Math faculty, announcing the Chronicle  
18 article.  
19 Q. Okay. And would your reason for forwarding  
20 this to all SSM be the same, i.e. to clear your name?  
21 A. Yes.  
22 Q. It looks like to me from the text of this  
23 document, Both pieces will appear together in the  
24 old-fashioned paper edition of The Chronicle hitting  
25 the newsstands next week; is that right?

1 A. Yes.  
2 Q. So then what appears to me to have happened  
3 was the article entitled, Silly, Sanctimonious Games  
4 came out first, right?  
5 A. Yes.  
6 Q. Then the op-ed came out within a number of  
7 days of that online. And I should be clear, when I say  
8 the Silly, Sanctimonious Games came out, what I mean is  
9 came out online?  
10 A. Yes.  
11 Q. Then the op-ed came out online. Then both  
12 were posted together in the print edition, correct?  
13 A. Yes.  
14 Q. Okay. The Post and Courier reporter from  
15 Exhibit 51, Paul Bowers, you spoke with Mr. Bowers?  
16 A. Yes.  
17 Q. Did you speak in person or on the phone?  
18 A. On the phone.  
19 Q. Did Mr. Bowers take notes, to your  
20 knowledge?  
21 A. I feel sure he must have.  
22 Q. Did he tell you he was recording the call?  
23 A. My memory is very vague. He could have.  
24 Just don't remember.  
25 Q. Okay. I'm going to hand what we're marking

1 as Exhibit 53.  
2 (Defendant's Exhibit No. 53 marked for  
3 identification.)  
4 BY MR. DIXON:  
5 Q. I've handed you, Dr. Dillon, Plaintiff 655  
6 through 656. Do you recognize this document?  
7 A. Yes. This is e-mail correspondence between  
8 myself and Travis Rice, who is a local reporter, a  
9 reporter for News 2 TV station.  
10 Q. How did -- did Mr. Rice contact you or did  
11 you contact him?  
12 A. He contacted me.  
13 Q. And was the same true with Bowers, did Bowers  
14 contact you or did you contact him?  
15 A. I think Bowers contacted me. I -- I cannot  
16 remember that.  
17 Q. Okay.  
18 A. I cannot remember.  
19 Q. Did you have a -- looks like you had an  
20 in-person interview with Mr. Rice, or did you speak to  
21 him over the phone?  
22 A. Yes, there was a television crew there.  
23 Q. Okay. Was there footage taken, to your  
24 knowledge, footage made that was not published on the  
25 story?

1 A. Yes. They probably ran the camera for 30  
 2 minutes, and it ends up being a couple of minutes on  
 3 air.  
 4 Q. Okay. And you had a -- did you have  
 5 conversations with Mr. Rice that were off interview,  
 6 off recording?  
 7 A. Probably.  
 8 Q. Okay.  
 9 A. Surely.  
 10 Q. To your knowledge, did Mr. Rice record those  
 11 calls by way of an audio recording device?  
 12 A. Not to my knowledge.  
 13 Q. Okay. I'm going to hand you what we're  
 14 marking as Exhibit 54.  
 15 (Defendant's Exhibit No. 54 marked for  
 16 identification.)  
 17 BY MR. DIXON:  
 18 Q. I handed you Plaintiff 726 through Plaintiff  
 19 728. Do you see that?  
 20 A. Yes.  
 21 Q. Do you recognize this document?  
 22 A. This is a transcript of the TV news report  
 23 that was run by Channel 2 on March 30.  
 24 Q. Okay. So this is a written story  
 25 accompanying the video --

1 A. Yes.  
 2 Q. -- that Mr. Rice shot?  
 3 A. Yes.  
 4 Q. Okay. And did you only meet with Mr. Rice  
 5 that one time we discussed?  
 6 A. Yes.  
 7 Q. Okay. I think I've asked this about every  
 8 previous article, but if I haven't, then, I'd like my  
 9 question to apply to all the previous articles.  
 10 Anytime you were quoted, do you have any reason to  
 11 dispute that you actually said what was quoted?  
 12 A. No, sir.  
 13 Q. Okay. All right. Exhibit 55.  
 14 (Defendant's Exhibit No. 55 marked for  
 15 identification.)  
 16 BY MR. DIXON:  
 17 Q. I handed you a one-page document, Plaintiff  
 18 866. Do you see that?  
 19 A. Yes, sir.  
 20 Q. Do you recognize this document?  
 21 A. This is an e-mail from a colleague of mine  
 22 with DNR named Peter Kingsley-Smith, to me, a date of  
 23 March 30.  
 24 Q. And DNR, state Department of Natural  
 25 Resources?

1 A. Yes, sir.  
 2 Q. Okay.  
 3 A. At Fort Johnson.  
 4 Q. This was dated March 30, correct?  
 5 A. Yes.  
 6 Q. He says, I was not aware of any of this prior  
 7 to your e-mail.  
 8 Do you see that?  
 9 A. Yes.  
 10 Q. Do you know what e-mail he's referring to?  
 11 A. I do not. I sent a lot of e-mails.  
 12 Q. More than what we have here?  
 13 A. Maybe I sent an e-mail to him, specifically.  
 14 I do not remember. Or maybe he got it from any of the  
 15 other ones I sent to the School of Science and Math  
 16 broadly. I want to say there is another e-mail prior  
 17 to this one, where I specifically -- which I would have  
 18 specifically addressed to him as the chairperson of  
 19 this young lady's committee, and the other members of  
 20 the committee, probably, and Elizabeth. I think  
 21 probably there was an e-mail prior to this one. I  
 22 cannot remember.  
 23 Q. Explain to me how -- why is Peter  
 24 Kingsley-Smith, who is at DNR, affiliated with the  
 25 College of Charleston?

1 A. The graduate program in marine biology is a  
 2 consortium program, and the faculty include people with  
 3 several state agencies, including the DNR, National  
 4 Marine Fisheries, and other. All of us can serve on  
 5 the committees of graduate students.  
 6 Q. Okay. He says, I was not aware of any of  
 7 this prior to your e-mail, right?  
 8 A. Yes.  
 9 Q. Does that imply that he had no independent  
 10 knowledge of any of your issues with the College prior  
 11 to receiving such information from you?  
 12 A. As I recall, it came out -- I sent him an  
 13 e-mail on the day of the newspaper report or the --  
 14 maybe, no, the day after, the day or the day after the  
 15 Post and Courier report.  
 16 Q. So you sent him an e-mail the day of or the  
 17 day after the Post and Courier?  
 18 A. I think that is correct.  
 19 Q. And the e-mail -- did the e-mail attach a  
 20 link to the report or highlight the report?  
 21 A. Maybe. I do not remember.  
 22 Q. Okay. But in the event, his response to you  
 23 indicates he had no knowledge of this event other than  
 24 what he had received from you, right?  
 25 A. Prior to my e-mail, yes.

1 Q. Okay. So then this is the student whose name  
 2 I won't say that you were referring to in the last --  
 3 our last discussion, who was removed from your -- you  
 4 were -- you were no longer on her advisory committee,  
 5 right?  
 6 A. Yes.  
 7 Q. Did the student go on to graduate, I'm sorry,  
 8 go on to receive an advanced degree, to your  
 9 knowledge?  
 10 A. I believe she will be awarded a degree this  
 11 spring, has already been awarded, very close.  
 12 Q. Okay.  
 13 A. I think close. I'm not sure.  
 14 Q. Do you know if this -- your removal from her  
 15 advisory committee set her back in any way?  
 16 A. I don't think so.  
 17 Q. Okay. I'm going to hand you what we marked  
 18 as Exhibit 56.  
 19 (Defendant's Exhibit No. 56 marked for  
 20 identification.)  
 21 (Discussion held off the record.)  
 22 BY MR. DIXON:  
 23 Q. Dr. Dillon, I have handed you what's been  
 24 marked as Exhibit 56. This is a three-page document,  
 25 College 341 through 343; is that correct?

1 A. Yes.  
 2 Q. Did you recognize this document?  
 3 A. Yes. This is the second letter sent by the  
 4 Associate Secretary of the AAUP to President McConnell.  
 5 Q. And this would have been after the sanction  
 6 of March 18 was imposed against you, correct?  
 7 A. Yes.  
 8 Q. Again, the AAUP comments on the due process  
 9 elements of your issues with the College and notes  
 10 their own view of this. But they don't discuss  
 11 specifically the terms of the FAM, correct?  
 12 A. Yes, I think so.  
 13 Q. Okay. All right. I'm going to hand you what  
 14 we've marked as Exhibit 57.  
 15 (Defendant's Exhibit No. 57 marked for  
 16 identification.)  
 17 BY MR. DIXON:  
 18 Q. This document, Dr. Dillon, is a one-page  
 19 document called College 345, or not called, but with  
 20 Bates label 345. Do you recognize this document?  
 21 A. Yes.  
 22 Q. What is this document?  
 23 A. This is a Notice of Grievance I sent to the  
 24 Chairman of the Faculty Hearing Committee, Lee Lindner.  
 25 Q. Okay. And you say in the first opening

1 paragraph, By this memorandum I wish to file a  
 2 grievance with your committee, under the  
 3 Faculty/Administration Manual Section X, I believe  
 4 that's an I(2)(a)?  
 5 A. Yes.  
 6 Q. Is that correct?  
 7 A. Yes.  
 8 Q. At the time you submitted this, presumably  
 9 you had read Section X(I)(2), right?  
 10 A. Yes.  
 11 Q. And do you recall what that says?  
 12 A. It lists the formal process by which a  
 13 grievance can be filed with the Hearing Committee.  
 14 Q. Okay. And one of the bases is violation of  
 15 academic freedom set forth in the FAM, correct?  
 16 A. Yes.  
 17 Q. Okay. And that, in fact, was the basis of  
 18 your challenge, correct, academic freedom?  
 19 A. Yes.  
 20 Q. Did you have any other bases that you set  
 21 forth in here?  
 22 A. Pardon?  
 23 Q. Were there any other bases of appeal that you  
 24 set forth in here?  
 25 A. Just academic freedom.

1 Q. Okay. Other than this single-page document,  
 2 did you submit any additional evidence to the  
 3 committee?  
 4 A. No, sir.  
 5 Q. Why did you not submit any additional  
 6 evidence?  
 7 A. I thought this was complete.  
 8 Q. Did you provide them with any of the prior  
 9 correspondence that we've talked about today?  
 10 A. No, although it was easily available.  
 11 Q. How was it available to them?  
 12 A. Through the web site.  
 13 Q. The web site? You're referring to your own  
 14 web site?  
 15 A. Yes.  
 16 Q. Okay. Where you placed everything?  
 17 A. Yes.  
 18 Q. Let's -- I'm handing you what has been marked  
 19 as Exhibit 58.  
 20 (Defendant's Exhibit No. 58 marked for  
 21 identification.)  
 22 BY MR. DIXON:  
 23 Q. I've handed you Plaintiff 869 through 870.  
 24 Do you see that?  
 25 A. Yes.

1 Q. Do you recognize this document?  
 2 A. Yes. This is the memo from Lee Lindner, the  
 3 Chair of the Faculty Hearing Committee, to me.  
 4 Q. All right. The date is April 12, 2016,  
 5 right?  
 6 A. Yes.  
 7 Q. Which is a week later to the day that you  
 8 filed the Notice of Grievance, right?  
 9 A. Yes.  
 10 Q. Lindner says that, We, the committee,  
 11 deliberated the merits of your complaint that there was  
 12 a violation of your academic freedom, right?  
 13 A. Yes.  
 14 Q. It looks like a Dr. Anthony Bishara recused  
 15 himself from the committee because he had been -- he  
 16 was involved in an off-campus singing group with you;  
 17 is that right?  
 18 A. Yes.  
 19 Q. The last line of the first paragraph says,  
 20 Our Committee was unanimous in its judgment that your  
 21 Notice of Grievance does not describe sufficient  
 22 evidence of a violation of your academic freedom to  
 23 warrant a hearing on this charge; do you see that?  
 24 A. Yes.  
 25 Q. The next paragraph, second full sentence says

1 that, A detailed description of such evidence -- I  
 2 should read the whole thing.  
 3 The first sentence of the second paragraph states,  
 4 The College of Charleston FAM Section X.I.2.a.3  
 5 requires a Notice of Grievance to contain "a detailed  
 6 description of evidence tending to support the position  
 7 of the grievant." A detailed description of such  
 8 evidence was not included in the Notice of Grievance  
 9 and so our committee proceed based on our general  
 10 knowledge of the case gained from information you have  
 11 made public. According to the FAM section VIII.A.2,  
 12 instructional objectives are required to be clearly  
 13 stated in writing (presumably in the syllabus). Your  
 14 instructional objectives in Biology 305L are not  
 15 specific to that course. Our committee sees no reason  
 16 to think that being required by the College to include  
 17 course specific instructional objectives and student  
 18 learning outcomes is a violation of your academic  
 19 freedom. Thus, our committee has decided that there is  
 20 not sufficient evidence to justify holding a hearing to  
 21 assess the claim that your academic freedom has been  
 22 violated.  
 23 Do you see that?  
 24 A. Yes.  
 25 Q. So you would agree with me, wouldn't you,

1 that the committee ruled on your charge, ruled on your  
 2 appeal?  
 3 A. I don't think, in retrospect, I was able to  
 4 give them enough information. I did not realize from  
 5 my reading of Faculty/Administration Manual that such a  
 6 detailed record was required at that time. As I  
 7 understood it, I would request a hearing, the hearing  
 8 on the basis of what I wrote. The hearing would be  
 9 granted and then I would supply information.  
 10 Q. The committee says that they have gained --  
 11 sorry, proceeded based on their general knowledge of  
 12 the case gained on -- gained from information you have  
 13 made public, right?  
 14 A. Yes.  
 15 Q. And at the time, you had made public pretty  
 16 much everything we've discussed today?  
 17 A. Yes.  
 18 Q. Right? Okay. So I don't want to focus on  
 19 that so much as I do the last sentence, which is, The  
 20 committee has decided there is not sufficient evidence  
 21 to justify holding a hearing to assess the claim that  
 22 your academic freedom has been violated.  
 23 As I read that, I interpret that to mean they have  
 24 reviewed the evidence that you placed online and they  
 25 have concluded that there's not sufficient evidence to

1 justify a hearing because you have not demonstrated a  
 2 case of violation of academic freedom; is that fair?  
 3 A. I'm not going to disagree with you. That is  
 4 the interpretation that you state. But it is not my  
 5 interpretation.  
 6 Q. Tell me your interpretation, please.  
 7 A. My interpretation is that the committee went  
 8 forward from my request for a hearing, all the way  
 9 through the deliberation process, and discovered that  
 10 there was not sufficient evidence one way or the other.  
 11 Q. Well, the sentence before what I just read  
 12 says, Our committee sees no reason to think that being  
 13 required by the College to include course specific  
 14 instructional and student learning outcomes is a  
 15 violation of your academic freedom.  
 16 A. I think I could have persuaded them. But  
 17 there is some reason to think that the request of the  
 18 dean and the chair were a violation of my academic  
 19 freedom. I think I could have persuaded them, had I  
 20 been given a hearing. I would have asked them, Why  
 21 not? Can you be specific? What evidence do you  
 22 require? What can I bring to your attention?  
 23 Q. Well, you --  
 24 A. I really thought I would get a hearing.  
 25 Q. You admit that you had the opportunity to

1 submit anything that you wanted to them, correct?  
 2 A. I thought it was premature.  
 3 Q. But what is the answer to my question? You  
 4 had the ability to do that, right?  
 5 A. But I didn't think it was needed.  
 6 Q. Did you or did you not have the opportunity  
 7 to do it?  
 8 A. Yes.  
 9 Q. Okay. You didn't think it was needed,  
 10 however, for what reason? Why didn't you think it was  
 11 needed?  
 12 A. My reading of the Faculty/Administration  
 13 Manual does not indicate that the hearing -- that the  
 14 consideration of the claim will precede the hearing.  
 15 Q. Turn with me, please, to  
 16 Faculty/Administration Manual, Plaintiff 267.  
 17 A. Plaintiff 267?  
 18 Q. You there?  
 19 A. Yes.  
 20 Q. I'm sorry. Statement of Academic Freedom.  
 21 Do you contend that any of the provisions of the  
 22 Statement of Academic Freedom were violated in your  
 23 case?  
 24 A. Yes.  
 25 Q. Which ones?

1 A. Faculty member is entitled to freedom in the  
 2 classroom in discussing his or her subject.  
 3 Q. How were you told in the classroom how you  
 4 could or could not discuss your subject?  
 5 A. A series of objectives were mandated to me  
 6 that I do not recognize.  
 7 Q. This sentence says, The faculty member is  
 8 entitled to freedom in the classroom, with the emphasis  
 9 on "in the classroom," in discussing his or her  
 10 subject.  
 11 How were you denied the freedom to discuss  
 12 anything in your classroom?  
 13 A. The objectives of my class were literally  
 14 dictated to me.  
 15 Q. But there was no statement regarding what you  
 16 could or could not say in the classroom, correct?  
 17 A. They told me I could not assert that it is  
 18 the business of a university to impart upon the men it  
 19 serves the right thought of the world.  
 20 Q. How did they tell you that you couldn't  
 21 assert that? No one ever told you that you couldn't  
 22 include the Woodrow Wilson quote on your syllabus.  
 23 A. It was the objective of my course, that is  
 24 my -- not merely a statement of philosophy, but an  
 25 actual objective. And I will not lower objectives to

1 any banality --  
 2 Q. Assume for the sake of argument --  
 3 A. -- below that.  
 4 Q. -- that someone had written your course  
 5 objectives for you, and they were -- you went kicking  
 6 and screaming into the lecture hall the next day.  
 7 Would those course objectives that Hillenius, say, had  
 8 written for you have dictated what you could say to  
 9 students in the classroom, in any way?  
 10 A. In the sense that I would have been held  
 11 noncompliant if I had deviated, apparently.  
 12 Q. Okay. Any other of these provisions that you  
 13 contend were violated?  
 14 A. No.  
 15 Q. And no said to you directly what you could or  
 16 could not say in the classroom itself, right?  
 17 A. I was directly told what I had to use as my  
 18 objectives.  
 19 Q. Right. But no one told you directly what you  
 20 could or could not say in the classroom, right?  
 21 A. I suppose I could have listed -- I could have  
 22 complied with the demand that I furnish some objectives  
 23 and then failed to do that, lying. I suppose I could  
 24 have lied, yes.  
 25 Q. But, I mean, the words never came out of

1 anyone's mouth, Dr. Dillon, you may not say this or  
 2 that in the classroom, right?  
 3 A. I was told what to say. Right, I was told  
 4 exactly what I had to say. I had to list bullet point  
 5 banalities as course objectives.  
 6 Q. But you were never told what the content of  
 7 those bullet point banalities, as you call them, have  
 8 to be, right?  
 9 A. That is correct, merely that I had to focus  
 10 my course on bullet point banality.  
 11 Q. Okay. Did anyone ever say to you these  
 12 words: Dr. Dillon, you may or may not say -- you may  
 13 not say X in the classroom, end quote?  
 14 A. No.  
 15 Q. Did anyone put that in writing to you?  
 16 A. No.  
 17 Q. Okay. Turn with me, please, to Plaintiff  
 18 388.  
 19 A. 388, yes, sir.  
 20 Q. Do you see where I'm reading, Requesting a  
 21 Hearing?  
 22 A. Yes.  
 23 Q. So this is the procedure, correct, governing  
 24 when you -- governing requesting a hearing before the  
 25 Faculty Hearing Committee, right? If you look on page

1 387, you can see here that we're referring to  
 2 grievances before the Faculty Hearing Committee?  
 3 A. Yes.  
 4 Q. So the way to request a hearing, under  
 5 Subheading 2, is to file a Notice of Grievance within  
 6 20 working days of the act complained of, correct?  
 7 A. Yes.  
 8 Q. Under 2(A)(3), the FAM states that, A  
 9 detailed description of evidence tending to support the  
 10 position of the grievant should be submitted,  
 11 correct?  
 12 A. Yes.  
 13 Q. The names of potential witnesses for the  
 14 grievance, correct?  
 15 A. Yes.  
 16 Q. The specific remedial action or relief  
 17 sought, correct?  
 18 A. Yes.  
 19 Q. A brief summary of the results of the  
 20 previous decisions on the issues involved, correct?  
 21 A. Yes.  
 22 Q. And it was -- among other things, you didn't  
 23 submit a detailed description of the evidence tending  
 24 to support the position of the grievant, correct?  
 25 A. It was sufficiently detailed.

1 Q. In what way was it sufficiently detailed?  
 2 A. It quite clearly states what the grievance  
 3 is, quite clearly states the kind of evidence that I  
 4 will support. All this is very clear and very  
 5 complete.  
 6 Q. Did you list any of the prior correspondence  
 7 in your grievance?  
 8 A. No.  
 9 Q. Did you list of the documents that we've  
 10 talked about today?  
 11 A. No.  
 12 Q. Did you list your syllabus?  
 13 A. No, not even that.  
 14 Q. Okay.  
 15 A. I assumed that would come up with the hearing  
 16 itself.  
 17 Q. The Requesting a Hearing (2)(b) says, The  
 18 committee will meet -- I'm now on page 389 -- will meet  
 19 within five working days after receipt of the Notice of  
 20 Grievance in order to determine whether the grievance  
 21 has been properly and timely filed and whether the  
 22 nature of the grievance is within the jurisdiction of  
 23 the Hearing Committee. If the committee decides the  
 24 grievance should be heard, it shall set a date for the  
 25 hearing.

1 Then it goes on to say the time lines. Does that  
 2 sentence that I just read, If the committee decides  
 3 that the grievance should be heard, does that sentence  
 4 not imply that the Faculty Hearing Committee has the  
 5 discretion to determine whether or not the grievance  
 6 should be heard?  
 7 A. Certainly, yes.  
 8 Q. Okay. Going back to Exhibit 58.  
 9 A. Yes, sir.  
 10 Q. The last paragraph, the last sentence I  
 11 should say, of the first page says, Because -- and I'll  
 12 paraphrase, two passages of the FAM are in conflict, it  
 13 is not clear whether we have jurisdiction in this case.  
 14 But the issue of jurisdiction is moot since we do not  
 15 believe the grievance letter describes sufficient  
 16 evidence to warrant a hearing.  
 17 Do you see that?  
 18 A. Yes.  
 19 Q. So you'd agree, wouldn't you, that the  
 20 Faculty Hearing Committee did not conclude that they  
 21 lacked jurisdiction?  
 22 A. I will agree that they did not make a  
 23 decision. But, apparently, they did not make a  
 24 decision on jurisdiction.  
 25 Q. So they did not conclude that they lacked

1 jurisdiction, right?  
 2 A. That seems to be the sense of that sentence,  
 3 yes.  
 4 Q. Okay. So now let's get to Exhibit 59.  
 5 (Defendant's Exhibit No. 59 marked for  
 6 identification.)  
 7 BY MR. DIXON:  
 8 Q. Dr. Dillon, I have handed you what's been  
 9 marked as Exhibit 59. It is Plaintiff 801. I'm sorry,  
 10 805; is that correct?  
 11 A. Yes.  
 12 Q. Do you recognize this document?  
 13 A. This is the memo I sent to Dr. Lindner after  
 14 receiving his of April the 12th.  
 15 Q. Okay. Then, Exhibit 60.  
 16 (Defendant's Exhibit No. 60 marked for  
 17 identification.)  
 18 BY MR. DIXON:  
 19 Q. I've handed you Exhibit 60. This is a  
 20 one-page, two-page rather, document, Plaintiff 867  
 21 through 868; is that correct?  
 22 A. Yes.  
 23 Q. Do you recognize this document?  
 24 A. This is Lindner's reply to me of 15 April.  
 25 Q. Okay. The last sentence of the first

1 paragraph states, As you point out, the By-Laws are  
 2 more vague and ambiguous; hence, we use that to  
 3 consider your notice of grievance.  
 4 Do you see that?  
 5 A. Where? I'm not seeing that. Where are we,  
 6 again?  
 7 Q. Last sentence of the first full paragraph.  
 8 A. Yes.  
 9 Q. Okay. So according to Lindner, the committee  
 10 considered your Notice of Grievance, correct?  
 11 A. Yes.  
 12 Q. Okay. Turning back quickly to Exhibit 57.  
 13 A. 57.  
 14 Q. First paragraph there identifies the act  
 15 complained of as the March 18 sanction, correct?  
 16 A. Yes.  
 17 Q. You did not, at this time, complain of the  
 18 February 18 --  
 19 A. That is correct.  
 20 Q. -- discipline, correct?  
 21 A. Correct.  
 22 Q. Okay. Why didn't you complain about that, at  
 23 this time?  
 24 A. That was defamation. I don't think the  
 25 Hearing Committee can do anything about that.

1 Q. Do you hold that view today?  
 2 A. Yes.  
 3 Q. Okay. All right. So we've pulled your  
 4 Complaint out, which is above everything else, right  
 5 here.  
 6 A. Yes.  
 7 Q. Thank you. There are a couple of allegations  
 8 in here that I don't understand and I'm hoping you can  
 9 help me understand them. Paragraph 59.  
 10 A. 59, 59, yes.  
 11 Q. McGee's appointment of the "group of three"  
 12 made it impossible for Plaintiff to thereafter file a  
 13 grievance regarding the more important issues of  
 14 academic freedom and due process as the grievance  
 15 committee found that the group of three's investigation  
 16 has used up Plaintiff's time to file a grievance.  
 17 Do you see that?  
 18 A. Yes.  
 19 Q. Can you explain to me what you mean by  
 20 that?  
 21 A. I would not have interpreted as they did.  
 22 But it appears to me that at least some members of the  
 23 Hearing Committee thought I had used up my time.  
 24 Q. Used up your time to do what?  
 25 A. Used up my time to file a grievance to their

1 body. They thought that I had already expended my  
 2 time.  
 3 Q. When you say that, do you mean grievance to  
 4 their body with respect to the 2/18 discipline?  
 5 A. Yes. I did not -- I did not confuse the two,  
 6 but the Hearing Committee did.  
 7 Q. Can you show me in these documents I have  
 8 handed you where you are -- what evidence you have to  
 9 support this interpretation?  
 10 A. In Defendant's Exhibit 60.  
 11 Q. Okay.  
 12 A. The bottom paragraph says, The email above  
 13 was incorrect when stating today is the last day Rob  
 14 can grieve due process for being reassigned out of the  
 15 classroom.  
 16 I wasn't actually grieving about the February  
 17 reassignment, but somehow the Hearing Committee thought  
 18 I was. And this seems to have confused them.  
 19 Q. Tell me why you think the Hearing Committee  
 20 thought you were grieving the February 18 memo.  
 21 A. I don't know. They did not read my memo of  
 22 April 5 very well.  
 23 Q. No, what I'm saying is, tell me why you  
 24 think, as we sit here today --  
 25 A. Yes.

1 Q. -- the Faculty Hearing Committee thought that  
 2 you were appealing the February 18 memo.  
 3 A. I don't know.  
 4 Q. Well, you just said that you thought they  
 5 were confused. Why do you think they were confused?  
 6 What -- what leads you to think they were thinking that  
 7 way?  
 8 A. It's clear from this line I just read at the  
 9 bottom of Lindner's memo of April 15 that they're  
 10 talking about the February 19 memo. It's clear that  
 11 this body was talking about the February thing. I  
 12 don't know why they were talking about the February  
 13 thing.  
 14 Q. Okay. So your position is that you  
 15 intentionally did not file an appeal of the February 18  
 16 discipline because you perceived that to be  
 17 nonappealable?  
 18 A. Correct.  
 19 Q. Okay. So what does it mean in Paragraph 59  
 20 of your Complaint where it says, The "group of three"  
 21 made it impossible for Plaintiff to thereafter file a  
 22 timely grievance regarding the more important issues of  
 23 academic freedom and due process as the grievance  
 24 committee found that the group of three's investigation  
 25 has used up Plaintiff's time?

1 I don't understand what that means.  
 2 A. That entire group of three process is called  
 3 the investigative review panel. Used up a month. Had  
 4 McGee gone straight to the sanction in February, doing  
 5 what he -- skipping the month-long process, I would  
 6 have been able to appeal to the Hearing Committee.  
 7 Q. Appeal what to the Hearing Committee?  
 8 A. Appeal an academic freedom violation.  
 9 Q. But were you permitted to appeal that to the  
 10 Hearing Committee?  
 11 A. The Hearing Committee seems to think not.  
 12 They are confused. But we have to go to what they say.  
 13 They seem to think I have used up my time.  
 14 Q. I don't -- I don't understand that at all. I  
 15 don't read anywhere where they think that you used up  
 16 your time.  
 17 A. It seems obvious to me.  
 18 Q. I mean, they say, We used the By-Laws to  
 19 consider your Notice of Grievance.  
 20 That's on Exhibit 60.  
 21 A. The deadline for Rob to file a due process  
 22 grievance to your committee for it properly being  
 23 assigned has long passed.  
 24 There is no viable grievance left, the way I read  
 25 it.

1 Q. Okay. What they're talking about there is  
 2 the reassignment, not the sanction?  
 3 A. Yes. They should not be talking about the  
 4 reassignment.  
 5 Q. Okay. Put the reassignment to the side. Do  
 6 you read here, anywhere where the Faculty Hearing  
 7 Committee concludes that your appeal, grievance,  
 8 whatever you want to call it, of the March 18 sanction  
 9 was untimely?  
 10 A. They're -- no. Well, no. They seem to be  
 11 willing to entertain March 18. They did entertain  
 12 March 18 previous, but became confused about February  
 13 19.  
 14 Q. Okay. That's fine. That's, as I understand  
 15 it, what your position is. That's somewhat immaterial  
 16 because you didn't grieve that in the first place.  
 17 A. Yes.  
 18 Q. So putting their confusion to one side, they  
 19 did consider the appeal of the March 18 sanction on its  
 20 merits. They didn't give you a hearing, but they did  
 21 consider it. They never said -- let me -- let me  
 22 backtrack and say this. They never said your appeal of  
 23 the March 18 sanction is untimely, correct?  
 24 A. Correct.  
 25 Q. Okay.

1 A. Then I requested time to add additional  
 2 evidence.  
 3 Q. This is on Exhibit 59 now?  
 4 A. Yes. On 59 I said, Can I provide additional  
 5 evidence? And then they said, Your time is up.  
 6 Q. They did not say your time is up with respect  
 7 to March 18, did they?  
 8 A. Then they got confused. Then they got  
 9 confused about how much time I had after I asked for  
 10 another day.  
 11 Q. First of all, the -- we're referring to the  
 12 Exhibit 60 as an act of the committee?  
 13 A. Yes.  
 14 Q. But Lindner specifically says this is not an  
 15 official response, doesn't he?  
 16 A. He does.  
 17 Q. This is on his behalf only?  
 18 A. That is correct.  
 19 Q. So this isn't the committee's response. The  
 20 committee's response is Exhibit 58, right?  
 21 A. Yes.  
 22 Q. So no where in any official response did  
 23 anyone tell you that your appeal of the March 18  
 24 sanction was too late, right?  
 25 A. Correct.

1 Q. I'm going to hand you what we're marking as  
 2 Exhibit 61.  
 3 (Defendant's Exhibit No. 61 marked for  
 4 identification.)  
 5 BY MR. DIXON:  
 6 Q. This is a one-page document labeled College  
 7 2403; is that correct?  
 8 A. Yes.  
 9 Q. Do you recognize this document?  
 10 A. Yes. This is an e-mail sent by me to Beth  
 11 Lloyd, who is the chair of the Grievance Committee.  
 12 Q. This is an e-mail from you to Beth Lloyd,  
 13 correct?  
 14 A. Yes.  
 15 Q. Okay. In that e-mail, you tell Beth that  
 16 Lindner suggested that you might turn next to the  
 17 Faculty Grievance Committee, correct?  
 18 A. Yes.  
 19 Q. And your intent here, if I'm not  
 20 misunderstanding, was to further appeal the March 18  
 21 sanction, correct?  
 22 A. Yes.  
 23 Q. Was your intent to also appeal the February  
 24 18 discipline?  
 25 A. I guess it's too late.

1 Q. Okay. Is there anything the College did that  
2 you contend the College did to obfuscate your deadline  
3 to file an appeal of the February 18 discipline?  
4 A. Yes.  
5 Q. What did the College do?  
6 A. Appointed a special committee called an  
7 investigative review committee.  
8 Q. The investigative review committee, however,  
9 according to Brian McGee's memo, had one specific task.  
10 And that specific task was to determine whether or not  
11 there had been a violation of the FAM, correct?  
12 A. Yes.  
13 Q. The discipline was imposed because of the  
14 insubordination, right?  
15 A. Yes.  
16 Q. And nothing in the memo that Brian issued or  
17 anything else anyone told you stated that you couldn't  
18 appeal the discipline to any committee, right?  
19 A. That is true.  
20 Q. Okay. And then, once the investigative  
21 review committee issued its recommendation, and McGee  
22 issued his sanction on March 18, you filed the appeal  
23 and the committee ruled on it. They didn't give you a  
24 hearing, but they never told you that you were out of  
25 time?

1 A. Not initially.  
2 Q. Nor subsequently?  
3 A. Yes, subsequently there was -- there were  
4 statements that I was out of time.  
5 Q. Statements not by the committee, but  
6 statements by Lindner in that e-mail we're referring to  
7 now, right?  
8 A. By members of the committee, quoted by  
9 Lindner.  
10 Q. Okay. And those statements were that you  
11 were out of time in filing an appeal of the February 18  
12 discipline, correct?  
13 A. Yes.  
14 Q. Okay. But those statements would have come  
15 after the 20-day period to file an appeal had run,  
16 right?  
17 A. Yes.  
18 Q. Okay. So those statements could not have  
19 obfuscated your right to file an appeal. Those  
20 statements which were made after March 18 could not  
21 have obfuscated your right to file an appeal of the  
22 February 18 discipline, correct?  
23 Because the 20-day period had run by the time  
24 those statements by the committee members were made,  
25 you couldn't have relied on those statements to not

1 file an appeal?  
2 A. I have now received -- as of Friday  
3 afternoon, April the 15th, I received a memo from Lee  
4 Lindner saying, We will not hear your grievance.  
5 And I've received a second memo from Lee Lindner  
6 saying, We will not hear it. I've actually asked twice  
7 now. I understand that to mean I am done. I can't  
8 ask -- how many times do you ask? I think -- I think,  
9 if the first one doesn't foreclosure my opportunity to  
10 have a hearing, the second one certainly forecloses  
11 my opportunity to have a hearing. That's my  
12 understanding.  
13 Q. Okay. I'm trying to understand the  
14 allegation, suggestion, whatever it may be, that the  
15 College somehow obfuscated your rights and thereby  
16 caused you to miss a deadline. And I still don't  
17 understand. So I'm sorry, maybe I'm being  
18 thick-headed. Maybe it's been a long day. But I need  
19 you to walk me through it again, because I don't get  
20 it.  
21 A. In any ordinary world, I suppose, if I were  
22 literally to commit some egregious violation of faculty  
23 behavior, if I were to -- noncompliance. If -- if Jaap  
24 Hillenius said, Teach your class Monday afternoon, and  
25 I didn't show up to teach my class Monday afternoon,

1 what would ordinarily happen, I think, is that at some  
2 level some of my bosses would have immediately  
3 sanctioned me. Immediately sanctioned me. In other  
4 words, you didn't meet your class yesterday. You --  
5 you're suspended and we're going to find somebody to  
6 teach your class tomorrow, just like that. In an  
7 ordinary situation, there's no lag time between  
8 committing some egregious violation and a sanction, to  
9 put an end to it, a day or something, an hour. If this  
10 were in an ordinary world, if you're the police and you  
11 see somebody holding up a liquor store, you say, I'm  
12 going to throw you in jail, and that's just that. In  
13 this particular, very strange case, I seem to have  
14 committed some egregious violation of the policy, and  
15 then a month elapsed where an entire special procedure  
16 took place called the investigative review committee.  
17 And then a sanction was imposed. And then, within a  
18 period of time, 20 working days I think is what it  
19 says, I did -- I grieved for the imposition of the  
20 sanction. If there had been no one-month interval,  
21 if -- then I could have grieved about the original  
22 violation. But since a month had been interposed, the  
23 very -- the very invention of this disinterested  
24 investigative review panel, which took up one month,  
25 denied me the right to a hearing.

1 Q. I have two questions for you about that. One  
2 of your claims is a due process violation. Among the  
3 hallmarks of a due process violation are the lack of  
4 process, obviously. Is not the appointment of a  
5 disinterested investigative review committee the very  
6 definition of due process?

7 A. The very existence of this committee is -- is  
8 authorized by the policy on sexual harassment. No,  
9 it's -- it's entirely inappropriate to bring -- bring  
10 an investigative review panel, which is supposed to be  
11 for sex, here.

12 Q. So would you have preferred for Brian to  
13 simply sanction you without the buffer of a third  
14 party?

15 A. I would rather he drop it.

16 Q. Well, given the two choices, appointing an  
17 investigative review body or sanction you --

18 A. Yes.

19 Q. -- you prefer him to just sanction you?

20 A. Would have been easier, wouldn't it?

21 Q. Well, are you saying that you would?

22 A. Yes. Then I would have grieved. Yes, then I  
23 would have had a hearing.

24 Q. But no one told you at the College, while you  
25 were awaiting the final imposition of the sanction,

1 Indeed I do feel as though I have multiple causes for  
2 grievance, including not just violation of my academic  
3 freedom (which is clearly under the purview of the  
4 Hearing Committee) but also multiple violations of due  
5 process. Specifically, I do not think that my learning  
6 objectives, as stated in my syllabus, violate the  
7 letter (or spirit) of the FAM.

8 What -- this is the first time I -- as reading  
9 through these documents, this is the first time I  
10 recall seeing the word "due process" raised.

11 A. That is correct.

12 Q. Is it correct that this is the first time  
13 you've used this term?

14 A. I could not -- yes, you are correct.

15 Q. Okay. Thank you. And then, why?

16 A. Because you can't bring due process  
17 violations to the Hearing Committee.

18 Q. Are you sure?

19 A. I'm pretty sure. What does it say?

20 Q. Page 226.

21 A. 226.

22 Q. I'm sorry, Plaintiff 226, not page 226. If  
23 you turn one page prior to that, you'll see that we are  
24 talking about Header 11 of the Faculty Hearing on page  
25 225.

1 that you were unable to grieve the discipline, right?

2 A. Nobody told me that. I'm reading it from  
3 the -- I'm trying to understand the  
4 Faculty/Administration Manual here.

5 Q. Okay.

6 A. I didn't think I had a grievable -- I didn't  
7 think I had a grievance before the Hearing Committee at  
8 the time, until I had been sanctioned. Then I thought  
9 I did.

10 Q. Okay. But, again, no one told you you  
11 didn't?

12 A. That's my -- that is a plain reading of the  
13 Faculty/Administration Manual.

14 Q. I'm asking you a very simple question.

15 A. Yes, nobody told me. I read it cleanly from  
16 the Faculty/Administration Manual.

17 Q. Nobody told you that you had no rights of  
18 appeal --

19 A. Correct.

20 Q. -- of the February 18 discipline, correct?

21 A. That is correct.

22 Q. Okay. Thank you.

23 Have I handed you Exhibit 61?

24 A. Yes, sir.

25 Q. Okay. You say in the third full paragraph,

1 A. Yes.

2 Q. The types of appeals noted on page 226,  
3 number five is to hear cases involving alleged  
4 violation of due process, right?

5 A. You're right.

6 Q. So it is within the purview of the Faculty  
7 Hearing Committee to hear allegations of violations of  
8 due process, right?

9 A. You're right.

10 Q. Okay. And you did not bring that to the  
11 attention of the Faculty Hearing Committee previously,  
12 correct?

13 A. That is correct.

14 Q. Okay.

15 A. Yes.

16 (Defendant's Exhibit No. 62 marked for  
17 identification.)

18 BY MR. DIXON:

19 Q. I've handed you what we've marked as Exhibit  
20 62. It is a document Bates labeled College 2408; is  
21 that correct?

22 A. Yes.

23 Q. Do you recognize this document?

24 A. This is an e-mail from Beth Lloyd to me,  
25 saying that the Grievance Committee will hear my

1 grievance.  
 2 Q. She says, You indicated multiple violations  
 3 of due process.  
 4 Do you see where I'm reading?  
 5 A. Yes, I did. I did allege multiple violations  
 6 of due process.  
 7 Q. So then she asks, Is there another one for  
 8 which the deadline has not passed, right?  
 9 A. Yes, she asked me that.  
 10 Q. Okay. Was there one, in your view?  
 11 A. No. That's -- but excellent point. And  
 12 maybe I should -- maybe I should back up and expand on  
 13 something I said five minutes ago.  
 14 Violations of due process were entirely, I think,  
 15 entirely February violations. Once -- once the  
 16 investigative review panel had been convened and taken  
 17 up a month of time, that is, I do think, a due process  
 18 violation. What happened in March is not due process;  
 19 it's academic freedom. I don't think I could grieve  
 20 due process to the Hearing Committee because I  
 21 recognized that the deadline for that had passed. But  
 22 I thought I could grieve academic freedom to the  
 23 Hearing Committee. Then the Grievance Committee does  
 24 not have deadlines of any sort, so then I could do both  
 25 due process and academic freedom.

1 Q. Okay.  
 2 A. I think that was my thinking a year ago.  
 3 Q. Okay. So what is the due process claim you  
 4 are, at this point in time, wanting to pursue?  
 5 A. The disinterested investigative review panel.  
 6 Q. The due process claim you want to pursue at  
 7 the time of this e-mail --  
 8 A. Yes.  
 9 Q. -- is that the investigative review panel  
 10 used up your time?  
 11 A. I don't think it was properly empaneled. I  
 12 don't think it was applicable. I don't think that it  
 13 had any -- the provost had any business calling one.  
 14 Q. Okay. How did that -- how did the  
 15 appointment of that committee harm you?  
 16 A. Then a month was used up.  
 17 Q. Okay. But as we discussed, no one told you  
 18 you didn't have the right to grieve the discipline  
 19 during the time the committee used up, I'll use your  
 20 words, used up the time to appeal, correct?  
 21 A. That is correct.  
 22 Q. Okay. No one told you that and no one put it  
 23 in writing, right?  
 24 A. Correct.  
 25 Q. Okay.

1 (Defendant's Exhibit No. 63 marked for  
 2 identification.)  
 3 BY MR. DIXON:  
 4 Q. I'll hand you what's been marked as Exhibit  
 5 63. Do you recognize this document? I'm sorry, let me  
 6 backtrack. I handed you College 2410, a one-page  
 7 document; is that correct?  
 8 A. Yes.  
 9 Q. Do you recognize this document?  
 10 A. This is a memo from me to Beth Lloyd.  
 11 Q. And what does it say, in sum and substance?  
 12 A. It asks for -- if she would accept a formal  
 13 grievance, and the Grievance Committee, having to do  
 14 with my instructional objectives?  
 15 Q. All right. Now in this document, at least as  
 16 I read it, you're not complaining about the February 18  
 17 discipline, correct?  
 18 A. I am, when I counter that my instructional  
 19 objectives as stated on my syllabus comply in all  
 20 respects with the College policies in the  
 21 Faculty/Administration Manual. They do. They did.  
 22 And that was a February violation.  
 23 Q. Are you sure about that? Because wasn't that  
 24 what the investigative review committee was empaneled  
 25 to decide?

1 A. Yes. And they should never have been  
 2 empaneled.  
 3 Q. But they didn't -- that was not decided as of  
 4 February 18?  
 5 A. I should not have been -- I should not have  
 6 been charged. The charge should never had been made,  
 7 because my syllabus does comply with the  
 8 Faculty/Administration Manual, always did. The charge  
 9 should never have been made. And no panel should have  
 10 been reviewed, constituted to review it.  
 11 Q. Okay. I understand your position on that.  
 12 But I'm asking a different question. Does this  
 13 document complain about the February 18 discipline  
 14 against you?  
 15 A. I was -- in a sense, it's too late for that.  
 16 I -- I can't -- there's nothing to be done about my  
 17 removal from classes for the remainder of the semester.  
 18 It's now April 19. It's too late.  
 19 Q. Does the semester --  
 20 A. So the answer is, I can't -- I can't grieve  
 21 that. I can't grieve a terrible thing that's happened  
 22 in the past.  
 23 Q. Has the semester ended as of April 19?  
 24 A. Coming down the homestretch.  
 25 Q. What about summer school?

1 A. I don't teach summer school. April 13 is the  
2 last lab of the semester. April 20 is the lab quiz.  
3 This is the last week of class.  
4 Q. Okay. Did anything prevent you from filing a  
5 grievance to the Grievance Committee about your  
6 discipline before April 19?  
7 A. Well, the process, as far as I know, is  
8 always sequential. We don't complain to both Grievance  
9 and Hearing Committee simultaneously. You do one and  
10 then you do the other.  
11 Q. Have you ever written a letter of  
12 recommendation for a student over the summer?  
13 A. I -- I imagine. I guess. I don't know. I  
14 don't remember. Could have.  
15 Q. You were precluded by Dr. McGee's sanction,  
16 or discipline rather, of February 18 from writing  
17 recommendation letters over the summer. So even though  
18 the semester was coming to a quick end, as of April 19,  
19 the discipline imposed against you had effects that  
20 carried on well into the summer. So even though one  
21 aspect of the discipline may have been shortly ending,  
22 you had three more months where you were precluded from  
23 writing recommendation letters, right?  
24 A. That is correct.  
25 Q. Okay. All right. So you submit the

1 grievance to the Grievance Committee on April 19, 2016.  
2 (Defendant's Exhibit No. 64 marked for  
3 identification.)  
4 BY MR. DIXON:  
5 Q. I'll now hand you what's been marked as  
6 Exhibit 64. I've handed you one document, College  
7 2413; is that correct?  
8 A. Yes.  
9 Q. Do you recognize this document?  
10 A. Yes.  
11 Q. What is this document?  
12 A. This is a letter from Beth Lloyd, the Chair  
13 of the Grievance Committee, to me.  
14 Q. The committee concludes in its unanimous  
15 judgment that your notice was within the purview of the  
16 committee, correct?  
17 A. Yes.  
18 Q. Acknowledging they're not addressing issues  
19 of academic freedom or due process, right?  
20 A. Yes.  
21 Q. And the reason for that is because those  
22 matters are within the inclusive purview of the Faculty  
23 Hearing Committee?  
24 A. That is correct.  
25 Q. Okay. Beth says in the last paragraph that

1 the committee would like to meet with both parties,  
2 requesting a 30-minute meeting with you on Monday, May  
3 2.  
4 Do you see that?  
5 A. Yes.  
6 Q. Did that meeting happen?  
7 A. Yes.  
8 Q. Did it happen in person?  
9 A. Yes.  
10 Q. And was it at the Dean's Conference Room at  
11 86 Wentworth?  
12 A. Yes.  
13 Q. Okay.  
14 (Defendant's Exhibit No. 65 marked for  
15 identification.)  
16 BY MR. DIXON:  
17 Q. Dr. Dillon, I hand you what's been marked  
18 Exhibit 65. My copy does not have a Bates label.  
19 MS. BLOODGOOD: It's Plaintiff 871.  
20 THE WITNESS: Plaintiff 871.  
21 MS. BLOODGOOD: It's different than what  
22 you've got.  
23 (Discussion held off the record.)  
24 BY MR. DIXON:  
25 Q. This document is Bates labeled Plaintiff

1 871?  
2 A. Yes.  
3 Q. Do you recognize this document?  
4 A. Yes.  
5 Q. What is this?  
6 A. This is an exchange between myself and Beth  
7 Lloyd after the meeting, after the grievance hearing  
8 had been held, after she had sent me some potential  
9 compromise.  
10 Q. I don't want to interrupt your train of  
11 thought here, but it looks like that I've got these in  
12 the wrong order, so let's go ahead and introduce number  
13 66, then we can come back to 65.  
14 (Defendant's Exhibit No. 66 marked for  
15 identification.)  
16 BY MR. DIXON:  
17 Q. I'm handing you what's been marked as Exhibit  
18 66. It's a two-, three-page document, College 2426  
19 through College 2428?  
20 A. Yes.  
21 Q. Do you recognize this document?  
22 A. This is a memo that Beth Lloyd sent me in  
23 May.  
24 Q. And this is after the May 2 meeting that we  
25 discussed, right?

1 A. Yes.  
 2 Q. Okay. So it appears, without getting into  
 3 the details of this memo, that the Grievance Committee  
 4 met with you, sought some information from you, met  
 5 with Provost McGee, and sought some information from  
 6 him; does that appear to be correct?  
 7 A. Yes.  
 8 Q. And is your understanding of the purpose of  
 9 their meetings, respective meetings with you and  
 10 Provost McGee, to attempt to understand the parties'  
 11 positions in hopes to come to a compromise?  
 12 A. Yes.  
 13 Q. Now, it appears in the meeting with Provost  
 14 McGee that -- I'm looking now at the sort of bottom  
 15 half of page 2426 -- that with McGee they asked him if  
 16 there are any circumstances under which he would  
 17 consider reversing or reducing the sanctions, i.e. the  
 18 sanctions that you have grieved, the sanctions of March  
 19 18, correct?  
 20 A. Yes.  
 21 Q. McGee explained he would be amenable to  
 22 revisiting the whole matter if you would be willing to  
 23 satisfy the following conditions. And then it lists  
 24 three conditions. Do you see that?  
 25 A. Yes.

1 Q. So as of this time, Provost McGee is amenable  
 2 to withdrawing the sanction, correct, on certain  
 3 terms?  
 4 A. On certain -- yes.  
 5 Q. Okay. Then let's look at number 65, which  
 6 I've already handed you. It appears -- are you with  
 7 me?  
 8 A. Yes.  
 9 Q. It appears that the day after Beth sends you  
 10 this memo, you send her an e-mail saying, As a point of  
 11 clarification, did the Provost seem willing to consider  
 12 the compromise?  
 13 A. Yes.  
 14 Q. And then Beth responds by saying that the  
 15 interpretation is that it would be acceptable, but she  
 16 needs confirmation from the Provost, right?  
 17 A. Yes.  
 18 Q. And she notes that Hillenius and Auerbach  
 19 have to buy in, as well?  
 20 A. Yes.  
 21 (Defendant's Exhibit No. 67 marked for  
 22 identification.)  
 23 BY MR. DIXON:  
 24 Q. So then I will hand you what's been marked as  
 25 Exhibit 67. This document is a two-page document,

1 College 2446 through 2447; is that correct?  
 2 A. Yes.  
 3 Q. And what is this document?  
 4 A. This is Beth Lloyd's reply to me, reply to  
 5 my -- to my question of May 6 regarding -- regarding  
 6 the compromise.  
 7 Q. And, again, she repeats the language from her  
 8 prior e-mail or missive to you regarding Provost  
 9 McGee's conditions, right?  
 10 A. Yes.  
 11 Q. The committee, in the paragraph following,  
 12 notes that they are not Biology faculty and are,  
 13 therefore, limited to coming up with course-specific  
 14 SLOs, right?  
 15 A. Yes.  
 16 Q. So then they ask that you write up six more  
 17 specific learning outcomes/objectives related to your  
 18 content, right?  
 19 A. Yes.  
 20 Q. Okay. Then they say that they would like to  
 21 call a meeting with you, Auerbach, Hillenius and McGee,  
 22 with a specific goal of discussing the SLOs and  
 23 amending your syllabus to everyone's satisfaction and  
 24 to meet the FAM requirements, right?  
 25 A. Yes.

1 Q. Meeting with everyone in person is necessary,  
 2 right?  
 3 A. Yes.  
 4 Q. So at that time, is it your understanding  
 5 that you're heading toward a resolution of the  
 6 matter?  
 7 A. Yes.  
 8 Q. And that resolution will involve you writing  
 9 up six more specific learning outcomes/objectives  
 10 relating to your content?  
 11 A. Six?  
 12 Q. I'm reading from the middle of page 67, I'm  
 13 sorry, Exhibit 67.  
 14 A. 67.  
 15 Q. The sentence beginning, Specifically, in an  
 16 effort to meet the Provost's second condition.  
 17 A. More specific, okay. This is kind of  
 18 complicated. The compromise that Beth McGee offered to  
 19 me on May the 2nd -- May the 2nd, in that face-to-face  
 20 meeting, has listed at the bottom of the second page of  
 21 Exhibit 66, and it would involve a simple expansion of  
 22 the Wilson quote. You can see there's -- there's the  
 23 quote itself, then an explanation that Wilson's right  
 24 thought would mean the scientific method. A lot -- and  
 25 this -- and all these words here are words that I

1 myself had written in previous -- previous e-mails and  
 2 what have you. Fine. I thought that was perfectly  
 3 acceptable.  
 4 And so you'll read then at the top of 66 --  
 5 Q. I'm sorry, what Bates?  
 6 A. At the top of Exhibit 66 it says --  
 7 Q. Which page of the Exhibit 66?  
 8 A. The first page.  
 9 Q. Okay.  
 10 A. You indicate -- I indicated that I may be  
 11 willing to compromise. So this was the -- this was the  
 12 compromise on the table on May the 2nd. It had to do  
 13 with expanding the Wilson quote.  
 14 Now, in response to that, Brian McGee offered  
 15 three very severe requirements, that I would  
 16 essentially apologize, say that everything I had done  
 17 was wrong, and do what they told me to do.  
 18 I -- I've specifically -- I've said that I will  
 19 not list bullet point banalities on my syllabus.  
 20 Agreement that Dr. Dillon will create complete and  
 21 course specific learning outcomes and publish these in  
 22 all future course syllabi. Must be satisfactory to his  
 23 supervisors. That's -- that's not a compromise, okay?  
 24 What McGee has said at the bottom of the first page of  
 25 Exhibit 66 is not a compromise; it's the status quo.

1 And so my then e-mail inquiry of May the 6th, I  
 2 was legitimately confused. Where's the compromise?  
 3 Did -- did Dr. McGee agree with that proposal that you  
 4 made, that you offered to me? This is a completely  
 5 separate thing, and it's no compromise at all.  
 6 Q. I would interject that wouldn't the  
 7 compromise be that he was willing to revisit the  
 8 sanctions that had already been imposed, if you were  
 9 willing to do these three things that he sets -- that  
 10 are set forth at the bottom of 66?  
 11 A. No. I don't think that's a compromise.  
 12 That's what would have happened in February. They told  
 13 me that I had to do this or I would be sanctioned. I  
 14 had to meet -- they had to -- this is, You have to lie  
 15 on your syllabus. This is what this says. We're in  
 16 agreement that Dr. Dillon will lie on his syllabus.  
 17 I will not do that.  
 18 Q. It's semantic, perhaps. But it's a  
 19 compromise in that the sanction had already been  
 20 imposed. McGee was under no obligation to revisit it  
 21 whatsoever. He is agreeing to do so, if you will do  
 22 these three things. I understand that your view may be  
 23 that these three things are too much. But considering  
 24 that he is under no obligation to revisit the whole  
 25 matter, is that not a compromise?

1 A. This is not a compromise. What's written at  
 2 the bottom of Exhibit 66 is status quo. It represents  
 3 no compromise whatsoever.  
 4 And so now we've gone through 65. Well, I ask for  
 5 clarification.  
 6 And here we are at 67. And those -- those  
 7 requirements are listed again, agreement that  
 8 Dr. Dillon will complete -- complete course specific  
 9 learning outcomes and publish these in all future  
 10 syllabi, compliance with the FAM requirements  
 11 satisfactory to the supervisor. That's not a  
 12 compromise. That is status quo.  
 13 Q. If in May of 2016, after the sanction had  
 14 been imposed, you had come to Dr. Dillon [sic], hat in  
 15 hand, and said, I agree to do everything that you asked  
 16 in February of 2016, would Provost McGee have been  
 17 under any obligation to accept your -- to accept the  
 18 apology and to undo the sanction?  
 19 A. No, he would not.  
 20 Q. Okay.  
 21 (Defendant's Exhibit No. 68 marked for  
 22 identification.)  
 23 BY MR. DIXON:  
 24 Q. All right, Dr. Dillon. I'm handing you  
 25 what's been marked as Exhibit 68, Bates label College

1 2452, correct?  
 2 A. Correct.  
 3 Q. Do you recognize this document?  
 4 A. Yes.  
 5 Q. What is this document?  
 6 A. This is a memo from me to Dr. Lloyd on the  
 7 13th of May.  
 8 Q. And it states, I do greatly appreciate your  
 9 efforts to resolve the grievance I filed on 19 of  
 10 April, 2016. And I was disappointed to learn that the  
 11 Provost had rejected the compromise your committee  
 12 suggested back on May 2, 2016. Given a continued  
 13 intransigence, I suppose we have choice but to refer my  
 14 grievance to The President.  
 15 You wrote that?  
 16 A. Yes, sir.  
 17 Q. And you understand, as we sit here today,  
 18 that the Provost did not reject the compromise that the  
 19 committee suggested back on May 2, 2016, right?  
 20 A. Again, I call you back to Defendant's Exhibit  
 21 66. The compromise that the committee proposed is on  
 22 the bottom of the second page of 02427. That's the  
 23 compromise that the committee -- that the Hearing --  
 24 the Grievance Committee proposed. It extends a little  
 25 bit onto the page -- to the third page. That's the

1 compromise that they had in front of me on that day, on  
 2 May 2. And that's the one I said I would be willing to  
 3 consider. That's a compromise. And that was the one  
 4 that -- that the entire Grievance Committee worked out.  
 5 And that is a compromise.  
 6 And, again, what the Provost comes back with is no  
 7 compromise at all. Status quo. Do what we told you to  
 8 do. So I am sorry that the Provost rejected this  
 9 business on the bottom of the second page, potential --  
 10 adding something to the -- leave the Wilson quote, add  
 11 some explanation regarding Wilson's right thought below  
 12 it.  
 13 Q. The turn back to Exhibit 66, please.  
 14 A. Yes.  
 15 Q. Paragraph numbered two under the -- I'm  
 16 sorry, that's very unclear. The second paragraph on  
 17 the first page contains a separate paragraph numbered  
 18 two.  
 19 A. Okay.  
 20 Q. The second paragraph on the first page says,  
 21 During our meeting with you, we asked the following  
 22 questions.  
 23 Do you see where I am?  
 24 A. What is your position/feeling about --  
 25 Q. No, Exhibit 66.

1 A. Exhibit 66.  
 2 Q. College 2426.  
 3 A. Yes.  
 4 Q. Second full paragraph. During our meeting  
 5 with you.  
 6 A. Yes.  
 7 Q. We asked the following questions?  
 8 A. Yes.  
 9 Q. Okay, then paragraph number two.  
 10 A. Okay.  
 11 Q. I'll skip over paragraph number one.  
 12 What is your position/feeling about some sort of  
 13 compromise, such as the below?  
 14 A. Yes.  
 15 Q. For the lifting of the fall sanctions?  
 16 Now, it doesn't say what is your position/feeling  
 17 about the compromise below? It says "some sort of  
 18 compromise."  
 19 A. Yes.  
 20 Q. Such as below.  
 21 A. Yes.  
 22 Q. Okay. So they're proposing some sort of  
 23 compromise, not a specific type of compromise --  
 24 A. Yes.  
 25 Q. -- right?

1 A. Yes.  
 2 Q. Okay.  
 3 A. And I indicated that I may be willing to  
 4 compromise.  
 5 Q. Okay.  
 6 A. If that sort is like this.  
 7 Q. Right. But when you --  
 8 A. Right.  
 9 Q. -- say that the Provost has rejected the  
 10 compromise, you're -- I'm reading now from Exhibit 68.  
 11 A. Yes.  
 12 Q. When you say that you were disappointed to  
 13 learn that the Provost rejected the compromise your  
 14 committee suggested on May 2 --  
 15 A. Yes.  
 16 Q. -- McGee did not reject that compromise,  
 17 because that compromise was only, quote, some sort of  
 18 compromise, correct?  
 19 A. If -- if the language at the bottom of  
 20 Exhibit 66, page 2426, if the language that Provost  
 21 McGee suggested can be construed to be the same sort of  
 22 compromise as the language that the committee suggested  
 23 in Section 2 of the second paragraph of page 2426, yes.  
 24 Otherwise, no.  
 25 Q. Okay. That's all I'm asking.

1 The committee, on Exhibit 67, says, Specifically,  
 2 in an effort to meet the Provost's second condition, we  
 3 ask that you write up six more specific learning  
 4 outcomes/objectives related to your content?  
 5 A. Yes.  
 6 Q. They did not specify the language that you  
 7 were required to use, right?  
 8 A. They did not.  
 9 Q. I mean, so you short-circuited this process  
 10 before you provided four additional, for a total of  
 11 six, learning objectives, right?  
 12 A. Wait. This is now the Provost's condition.  
 13 We've completely forgotten the actual compromise  
 14 proposed by the Grievance Committee. It will never  
 15 appear again. Instead, we've taken this, this section  
 16 of wording that was entirely composed by the Provost,  
 17 as -- as his take-it-or-leave-it -- take-it-or-leave-it  
 18 demand. And in addition to this take-it-or-leave-it  
 19 demand, we're going to add further conditions that,  
 20 that paragraph, six more specific learning outcomes and  
 21 objectives, we've going to add even more to that. This  
 22 is much worse than no compromise.  
 23 Q. But there was no content that was specified  
 24 that the learning outcomes had to say.  
 25 A. It says, Specific. I object to specific

1 learning outcomes, anything more specific than, It is  
 2 the business of a university to impart upon the men it  
 3 serves the right thought of the world. That is as  
 4 specific as I can possibly be.  
 5 Q. Well, as I interpret "specific learning  
 6 outcomes/objectives," I'm looking now at Exhibit 66,  
 7 the bottom of the second page of that exhibit, 2427.  
 8 In the science departments -- do you see where I'm  
 9 reading?  
 10 A. Yes.  
 11 Q. -- of such universities, Wilson's "right  
 12 thought" is understood to mean "the scientific method."  
 13 Is that not a more specific learning objective?  
 14 A. I'll allow it as a compromise. You know,  
 15 this is not my favorite. Actually, my favorite would  
 16 be to leave my syllabus the way it was. But as a  
 17 compromise to my personal principles, I will allow that  
 18 second paragraph to be added. I don't like it, but it  
 19 is a compromise. That is a genuine compromise, right?  
 20 Q. Okay. So all the committee was saying on  
 21 Exhibit 67 was, Dillon, come up with six, six of these,  
 22 six things. Whatever you want to say, come up with it.  
 23 We're not going to tell you what it has to be, other  
 24 than it has to be more specific, correct?  
 25 A. Incorrect.

1 Q. How is that incorrect?  
 2 A. They're saying that I must -- agreement that  
 3 Dr. Dillon will create complete and course-specific  
 4 learning outcomes and publish these, and this is in  
 5 compliance with the FAM requirements. These must be  
 6 satisfactory to his supervisor.  
 7 Q. Okay.  
 8 A. So whatever it is I put down has got to be --  
 9 pass -- got to be judged by this man, who has already  
 10 demonstrated he does not understand what a learning  
 11 outcome is.  
 12 Q. But you short-circuited this process.  
 13 A. I didn't, no, sir.  
 14 Q. Did you provide them six more specific  
 15 learning outcomes or objectives?  
 16 A. That is not a -- I did not, because that's  
 17 not a compromise.  
 18 Q. Okay. Well, so then the committee appears to  
 19 take a different view.  
 20 (Defendant's Exhibit No. 69 marked for  
 21 identification.)  
 22 BY MR. DIXON:  
 23 Q. I'll hand you what's been marked as Exhibit  
 24 69. I hand you College 354; is that correct?  
 25 A. Yes.

1 Q. Do you recognize this document?  
 2 A. Yes. This is a memo from Brian McGee to Beth  
 3 Lloyd.  
 4 Q. From McGee to Beth Lloyd?  
 5 A. Yes.  
 6 Q. Wherein he says that he's provided -- I'm  
 7 sorry, wherein he says that you have provided him with  
 8 a copy of the latest letter --  
 9 A. Yes.  
 10 Q. -- i.e. the one wherein you complain of  
 11 McGee's continued intransigence?  
 12 A. Yes.  
 13 Q. He states that he's much puzzled by your  
 14 letter. I'll quote. I believed we were working  
 15 towards some solution in which Dr. Dillon could provide  
 16 course-specific learning outcomes satisfactory to his  
 17 supervisor, while simultaneously making references to  
 18 the Woodrow Wilson quotation he finds so central to his  
 19 own approach to instruction. As I indicated to you  
 20 previously, I was quite ready to meet with the  
 21 committee and with Dr. Dillon to continue a productive  
 22 discussion of this matter.  
 23 Do you see that?  
 24 A. Yes.  
 25 Q. Do you disagree that McGee was willing to

1 meet with you?  
 2 A. He was, apparently.  
 3 Q. And that he was quite ready to meet with the  
 4 committee?  
 5 A. Apparently.  
 6 Q. And continue a discussion of the matter,  
 7 right?  
 8 A. He's rejected any sort of compromise. He's  
 9 insisting on status quo. I don't see how that can be a  
 10 basis for negotiation.  
 11 When I go in to a used car lot and the sticker  
 12 price is \$15,000, and I say, I'll give you 12, the car  
 13 salesman says, It's 15. I leave. That's not --  
 14 there's no evidence of any sort of bargaining here.  
 15 There's no evidence of any sort of give. He's simply  
 16 restating the sticker price.  
 17 Q. Okay. I'll hand you what we've marked as  
 18 Exhibit 70.  
 19 (Defendant's Exhibit No. 70 marked for  
 20 identification.)  
 21 BY MR. DIXON:  
 22 Q. Dr. Dillon, I handed you 244 through 245; is  
 23 that correct?  
 24 A. Yes, sir.  
 25 Q. 244 appears to be an e-mail from Beth Lloyd

1 to you, right?

2 A. Yes.

3 Q. Stating, The Provost did not reject the

4 compromise, rather your chair and dean indicated that

5 it needed greater specificity, right?

6 A. Yes.

7 Q. Based on there [sic] responses, we asked that

8 you write the additional outcomes/objectives, right?

9 A. Yes.

10 Q. Okay. Then, rather than provide Beth

11 additional outcomes or objectives, you say, The origin

12 of the intransigence is immaterial, right?

13 A. Yes, sir.

14 Q. Plead forward my grievance to the

15 President?

16 A. Yes, sir.

17 Q. Okay. So you never had any intention of

18 writing any additional course-specific learning

19 objectives, did you?

20 A. The car salesman says it's 15. It's \$15,000.

21 Q. Did you ever have any intention of writing

22 any additional course-specific learning objectives?

23 A. Am I to now say, How about 13?

24 Q. Did you ever have any intention of writing

25 any additional course-specific learning objectives?

1 A. I had intention of the -- the original

2 compromise offered by the Grievance Committee, as

3 stated on the bottom of the second page of 66.

4 Q. Dr. Dillon?

5 A. Yes, that I would have done.

6 Q. I'm entitled to an answer to my question. I

7 understand that you have somewhere that you want to be

8 this evening. We're going to be here until I get an

9 answer to my question. If that means we're here until

10 after your event, then we'll have to discuss that. But

11 I am not the source of the length of this deposition.

12 And, frankly, I find it somewhat disrespectful that I'm

13 not getting a direct answer after repeating my question

14 several times. So I would ask for that modicum of

15 respect.

16 Did you ever have the intention of writing

17 additional course-specific learning objectives?

18 A. If those additional course-specific learning

19 objectives are as stated at the bottom of the second

20 page of 66, if that is what you mean, then the answer

21 is yes.

22 Q. Additional learning objectives --

23 A. Yes.

24 Q. -- of this sort?

25 A. Yes. That is an additional -- see where it

1 says, In the science departments of such universities

2 Wilson's "right thought"?

3 Q. Yes.

4 A. That is an additional course-specific

5 learning objective, I think.

6 Q. Okay. That's fair.

7 A. The answer is yes, if that's what you mean.

8 Q. That is what I mean.

9 A. Okay.

10 Q. And so what I don't understand is why, when

11 you were asked to provide four or six more, I'm not

12 sure which, you refused?

13 A. I don't see four or six more.

14 Q. Well, I'm looking on Exhibit 67, in the

15 paragraph beginning, Specifically, in effort to meet

16 the Provost's second condition, we ask that you write

17 up six more specific learning outcomes/objectives

18 related to your content.

19 A. As I interpret the compromise of May 2, this

20 is just one more course-specific learning objective.

21 And it describes Wilson's right thought. It is four

22 short paragraphs in length, but I would say that is one

23 more. I don't know what else you could add. Not -- I

24 can't -- we've tried dividing up paragraphs of this

25 sort into six little pieces, passing them off. But I

1 don't think that's going to solve the problem, either.

2 Q. Well, but what you've done in this paragraph

3 that begins, In the science departments of such

4 universities, that's -- that is not simply taking the

5 text of the Woodrow Wilson quote --

6 A. That's correct.

7 Q. -- and putting it into bullet points; that's

8 actually an amplification, illucidation, clarification,

9 whatever the right word is, of the quote, correct?

10 A. Yes.

11 Q. And so this could have been done, something

12 like it, for the how many ever times they requested,

13 four, five, six, whatever it was, to get four -- to get

14 four, five or six additional SLOs, correct?

15 A. Seems unlikely. This, by the way, was

16 rejected. So we're arguing hypotheticals that did not

17 exist. The -- the compromise of May 2 was rejected by

18 McGee.

19 Q. Okay. Exhibit 71.

20 (Defendant's Exhibit No. 71 marked for

21 identification.)

22 BY MR. DIXON:

23 Q. It's a four-page document starting at 2459,

24 College 2459 through College 2462; is that correct?

25 A. Yes.

1 Q. Do you recognize this document?  
 2 A. Yes. This is Beth Lloyd's letter to  
 3 President McConnell.  
 4 Q. And what does she say, in sum and substance,  
 5 in the letter?  
 6 A. She describes the -- the efforts of her  
 7 committee, the Grievance Committee, to mediate a  
 8 compromise between myself and Dr. McGee.  
 9 Q. Did you see this memo at the time? Looks  
 10 like it was -- you were cc'd on it?  
 11 A. Yes.  
 12 Q. Okay. So Beth gives a little bit of clarity  
 13 regarding the negotiations before the committee. In  
 14 the middle of page 26, sorry 2460, the paragraph  
 15 beginning, After receiving our recommendation; do you  
 16 see that?  
 17 A. No. After -- yes.  
 18 Q. Yeah. The Committee responded that we were  
 19 under the impression that something similar to the  
 20 suggested compromise would be acceptable, but thought  
 21 it was wise to get written confirmation from  
 22 Dr. Dillon's supervisors (Auerbach and Hillenius) since  
 23 this was part of the second condition.  
 24 Then it goes on to say that Auerbach and Hillenius  
 25 indicated the suggested compromise needed greater

1 specificity.  
 2 Do you see that?  
 3 A. Yes.  
 4 Q. Then they go on to, Beth does, to quote that  
 5 paragraph that I've read a couple times now, beginning  
 6 with the word, Specifically?  
 7 A. Yes.  
 8 Q. The committee then tells the President, the  
 9 last full paragraph there, The Provost did not reject  
 10 the compromise, rather your chair indicated -- and  
 11 dean, rather, indicated that it needed greater  
 12 specificity.  
 13 Do you see that?  
 14 A. Yes.  
 15 Q. Did you ever tell President McConnell, either  
 16 in writing or otherwise, that the Grievance Committee  
 17 had gotten this wrong; that the Provost did, in fact,  
 18 reject the compromise?  
 19 A. No.  
 20 Q. Okay.  
 21 (Defendant's Exhibit No. 72 marked for  
 22 identification.)  
 23 BY MR. DIXON:  
 24 Q. I'm going to hand you what's been marked  
 25 Exhibit 72. I handed you 26 -- College 2464; is that

1 correct?  
 2 A. Yes.  
 3 Q. Do you recognize this document?  
 4 A. Yes.  
 5 Q. And what is this?  
 6 A. This is a brief e-mail from President  
 7 McConnell to Beth Lloyd.  
 8 Q. Stating that he was letting McGee's decision  
 9 stand as the final action, right?  
 10 A. Yes.  
 11 Q. Okay. Did you -- did you appeal this  
 12 determination?  
 13 A. I think this is the end of the line.  
 14 Q. Did you appeal -- well, first of all, I  
 15 appreciate that commentary. Did you appeal this  
 16 determination?  
 17 A. No.  
 18 Q. Okay. Did you appeal the Faculty Hearing  
 19 Committee's determination?  
 20 A. No.  
 21 Q. Okay. Why don't we take five?  
 22 (A brief recess was taken.)  
 23 (Defendant's Exhibit No. 73 marked for  
 24 identification.)  
 25 BY MR. DIXON:

1 Q. I'm going to hand you Exhibit 73.  
 2 Dr. Dillon, I've handed you Exhibit 73. It's a  
 3 one-page document, Bates stamp College 369; is that  
 4 correct?  
 5 A. Yes.  
 6 Q. And what is this document?  
 7 A. This is an e-mail that I sent to the School  
 8 of Science and Math faculty May the 25th. It's my  
 9 good-bye to the College, my good-bye to my friends.  
 10 Q. Why are you sending a good-bye at this  
 11 point?  
 12 A. I'm not coming back. I can see I'm not.  
 13 Q. What do you mean, you can see you're not  
 14 coming back?  
 15 A. Well, I can't afford -- we -- my wife and I  
 16 cannot afford to live on a single salary. I've been  
 17 suspended without pay for the fall semester and, hence,  
 18 I decided then to retire.  
 19 Q. Okay. So the decision to retire was based on  
 20 the lack of an income?  
 21 A. Yes.  
 22 Q. Is that all?  
 23 A. Pardon?  
 24 Q. Is that all it was based on?  
 25 A. Yes, I guess, in the end.

1 Q. Okay.  
 2 A. I guess -- no. I was also a bit disappointed  
 3 in my colleagues. Never expected anything from any  
 4 administrator, but I think I had expected more support  
 5 from my friends.  
 6 Q. I presume that means you got little  
 7 throughout this process?  
 8 A. Yes, sir.  
 9 Q. Any other reason for your retirement?  
 10 A. No.  
 11 Q. Okay. I'm going to hand you what's been  
 12 marked as Exhibit 74.  
 13 (Defendant's Exhibit No. 74 marked for  
 14 identification.)  
 15 BY MR. DIXON:  
 16 Q. I hand you Plaintiff 646, a one-page  
 17 document. Do you recognize this document?  
 18 A. Yes.  
 19 Q. What is this?  
 20 A. This is an article in the Post and Courier,  
 21 August 2.  
 22 Q. Paul Bowers is the author?  
 23 A. Yes, sir.  
 24 Q. Same guy as the prior article?  
 25 A. Yes.

1 Q. What did you do between May 2016 and August  
 2 2016?  
 3 A. Hiked the Appalachian Trail, among other  
 4 things.  
 5 Q. How long was that? How long did you take to  
 6 hike the trail?  
 7 A. Ten days.  
 8 Q. Did you hike it alone?  
 9 A. Had a friend.  
 10 Q. Who was your friend?  
 11 A. His name is Bob Frankas, he lives in north  
 12 Georgia now, and my daughter, who lives in Brooklyn.  
 13 Q. Okay. You didn't teach summer school most  
 14 summers or -- strike that.  
 15 You told me earlier, I believe, that you didn't  
 16 teach summer school, generally, correct?  
 17 A. Correct.  
 18 Q. Okay. What would you normally do during the  
 19 summer?  
 20 A. Research.  
 21 Q. Did you research at all this past summer of  
 22 2016?  
 23 A. Yes.  
 24 Q. You continued your research?  
 25 A. Yes. Some travel, yes. Some collecting,

1 yes.  
 2 Q. So your summer, would it be fair to say, your  
 3 summer of 2016 didn't look much different from your  
 4 summer of 2015, '14, '13, as far as work goes?  
 5 A. Up until August of '15. Sorry, up until  
 6 early August. Then I had to start cleaning my stuff  
 7 out.  
 8 Q. Okay.  
 9 A. So I'd say June and July would have been  
 10 pretty normal.  
 11 Q. Okay. So no material alteration of your work  
 12 duties for July?  
 13 A. Correct.  
 14 Q. And June?  
 15 A. June and July, correct.  
 16 Q. Okay. Okay. In the newspaper article, it is  
 17 reported that you stated that you were, quote,  
 18 Constructively discharged after 34 years at the  
 19 College.  
 20 Do you see that?  
 21 A. Yes.  
 22 Q. Did you say that?  
 23 A. I did.  
 24 Q. What do you mean when you say "constructively  
 25 discharged"?

1 A. I mean that I had been forced out.  
 2 Q. How were you forced out?  
 3 A. Because I was being suspended without pay,  
 4 which essentially meant I could not remain.  
 5 Q. Other than the suspension without pay, were  
 6 there other acts the College took that you believe  
 7 constituted a constructive discharge?  
 8 A. A lot of the things in that sanction, not  
 9 merely the suspension without pay. A lot of them I  
 10 took to be almost demeaning. Yes, I felt very  
 11 marginalized and diminished by the actions of the  
 12 Provost.  
 13 Q. Okay. So not just the suspension without pay  
 14 itself, but the sanction generally?  
 15 A. Yes, and extended -- yes. It extended into  
 16 the next -- the spring of 2016, you'll recall.  
 17 Q. Right. Any other events or acts that you  
 18 contend constituted a constructive discharge, other  
 19 than the sanction in March?  
 20 A. No.  
 21 Q. Who were some colleagues who came to your  
 22 defense? Did you have any?  
 23 A. Yes, a few.  
 24 Q. Who were they?  
 25 A. Melissa Hughes is a full professor in the

1 Biology Department.  
 2 Q. Anyone else?  
 3 A. Allan Strand, another good friend.  
 4 Q. Also in Biology?  
 5 A. Yes.  
 6 Q. Anyone else?  
 7 A. Agnes Ayme-Southgate, A-y-m-e-s, [sic] dash  
 8 Southgate. She was very nice.  
 9 Q. She was one of the teachers --  
 10 A. Yes.  
 11 Q. -- to whom your section was assigned?  
 12 A. Yes.  
 13 Q. All right. Anyone else?  
 14 A. Not notably.  
 15 Q. Okay. How did they come -- these individuals  
 16 come to your defense?  
 17 A. Personal statements of support.  
 18 Q. To you?  
 19 A. To me. Actually, I think, as I recall, in  
 20 the spring of 2016, they nominated me for an award.  
 21 Q. Who is "they"?  
 22 A. I mean, Melissa Hughes and Allan Strand  
 23 nominated me for an award. I can't even remember what  
 24 it was. It's a college-wide award. I never get it.  
 25 But it was touching. And they wrote up a lot of nice

1 things about me and circulated it. And about half the  
 2 Department signed it, to get me -- I don't even  
 3 remember what it was. But it was a very sweet gesture.  
 4 I appreciated it.  
 5 Q. Was it an award, like, for good research?  
 6 A. It was probably Darwin Week, Darwin related  
 7 service. Probably service award, I want to say.  
 8 Q. Okay.  
 9 A. Very sweet.  
 10 Q. Did anyone else give you any personal  
 11 statement of support, other than the three people we've  
 12 already talked about?  
 13 A. Yes, I'm sure there were. Yes.  
 14 Q. Do you recall?  
 15 A. The important thing is to note how frightened  
 16 everybody was, and continues to be. It's probably  
 17 dangerous even to express support of me at the end of  
 18 this process. And so I don't remember anybody else's  
 19 name.  
 20 Q. Okay. You have no specific recollection of  
 21 anyone else saying anything, commending you on your  
 22 behavior during this process?  
 23 A. I -- I -- I can name three full professors  
 24 whose jobs are safe. No.  
 25 Q. I'm sorry, Dr. Dillon, you're under oath.

1 I've asked you a question. You have to --  
 2 A. I can't think of any others.  
 3 Q. You understand that you're under oath?  
 4 A. Yes.  
 5 Q. You understand that I am skeptical of that  
 6 when you preface a response by indicating you're  
 7 protecting someone?  
 8 A. I can't think of anybody else.  
 9 Q. Okay. Hughes, Strand and Southgate are full  
 10 professors?  
 11 A. Yes.  
 12 Q. Did you have a subsequent -- strike that.  
 13 We've talked about a previous Post and Courier  
 14 article about you --  
 15 A. Yes.  
 16 Q. -- written by Bowers. Did you have a  
 17 subsequent interview with Bowers that -- that preceded  
 18 this article?  
 19 A. Yes, I did.  
 20 Q. Was that in person?  
 21 A. Phone. Telephone.  
 22 Q. Phone, okay. Do you know if he was recording  
 23 the conversation?  
 24 A. I do not know.  
 25 Q. Okay.

1 (Defendant's Exhibit No. 75 marked for  
 2 identification.)  
 3 BY MR. DIXON:  
 4 Q. I'm going to hand you what we've marked as  
 5 Exhibit 75. This document is Bates labeled Plaintiff  
 6 598 through 603; is that correct?  
 7 A. Yes.  
 8 Q. And what is this document?  
 9 A. This is a complete, I think, complete list of  
 10 a complete transcript of all of the e-mail interactions  
 11 I had with Paul Bowers, starting in March, going to  
 12 July.  
 13 Q. In the -- so it looks like from the very  
 14 first e-mail, which by "first" I mean first in time --  
 15 A. Yes.  
 16 Q. -- on page 603, it looks like Bowers read the  
 17 Chronicle of Higher Education article about you. Was  
 18 that Silly, Sanctimonious Games the article about you  
 19 or was that your op-ed?  
 20 A. That was the article about it.  
 21 Q. Okay. So he read the piece about you and  
 22 then contacted you, maybe even that very day. But in  
 23 any event, March 28, 2016, right?  
 24 A. Yes.  
 25 Q. He says, I don't have access to that web

1 site, but would you be willing to talk with him,  
 2 right?  
 3 A. Yes.  
 4 Q. So then on page 602, you provide him a PDF of  
 5 the article, right?  
 6 A. Yes.  
 7 Q. And that they're getting ready to post an  
 8 op-ed commentary, right?  
 9 A. Yes.  
 10 Q. So this is March 28, ten days after the  
 11 sanction, right?  
 12 A. Yes.  
 13 Q. And you say as a post script on page 603,  
 14 Well, not actually fired. Relieved of my duties.  
 15 Immediately. Barred from campus and suspended without  
 16 pay for the fall semester. But (honestly) as close as  
 17 I am to retirement...my professional career may  
 18 (indeed) be over.  
 19 Do you see that?  
 20 A. Yes.  
 21 Q. So by May -- March 28 at least, you were  
 22 considering full-on retirement, correct?  
 23 A. Yes.  
 24 Q. Okay. And then on page 601, it looks like  
 25 Paul is having communications with Jim Miller; do you

1 see that?  
 2 A. Yes.  
 3 Q. Who is Jim Miller?  
 4 A. He is the President of the Presbyterian  
 5 Association for Science, Technology and the Christian  
 6 Faith. He is a good friend of mine. He lives in  
 7 Summerville.  
 8 Q. I'm sorry, I misread this. It's not a  
 9 communication with Jim Miller. It's you providing Paul  
 10 Bowers Jim Miller's contact information, right?  
 11 A. Yes.  
 12 Q. Okay, I'm sorry. So it looks like you're  
 13 interested in giving Bowers information about a story  
 14 on higher education bigger than you, right?  
 15 A. Yes.  
 16 Q. Did he ever decide to run that article?  
 17 A. Yes.  
 18 Q. He did?  
 19 A. Yes. We've seen it in here.  
 20 Q. Is this the prior article?  
 21 A. It's got a lizard on the front.  
 22 Q. Okay. Okay. I know the one you're referring  
 23 to. I don't think I can pinpoint, but maybe we should  
 24 find it.  
 25 A. Okay.

1 Q. Well, maybe we can do that offline. I know  
 2 the one you're referring to, with the lizard. That  
 3 will help us identify it.  
 4 A. Found it.  
 5 Q. Okay. 54?  
 6 A. Okay. Sorry. Sorry. Here it is. 51.  
 7 Q. Okay. And what is the date on 51, the date  
 8 of publication?  
 9 A. March 29.  
 10 Q. 2016?  
 11 A. Yes, sir.  
 12 Q. Okay. It looks like you had communication  
 13 with Bowers long after that?  
 14 A. Yes.  
 15 Q. And it looks like you wanted to run a bigger  
 16 article?  
 17 A. Yes. He contacted me again on July the 20th.  
 18 Q. Right?  
 19 A. And a second article was -- and this article  
 20 and Exhibit 74 was run in August, too.  
 21 Q. All right. But this -- this article is  
 22 really more about your own personal battle rather than  
 23 a bigger expose of higher education?  
 24 A. Yes.  
 25 Q. Were you disappointed in that?

1 A. Yes, sir.  
 2 Q. Okay. Tell me, why?  
 3 A. I really rather not focus on me.  
 4 Q. I'm going to hand you what we've marked as  
 5 Exhibit 76.  
 6 (Defendant's Exhibit No. 76 marked for  
 7 identification.)  
 8 BY MR. DIXON:  
 9 Q. I handed you Plaintiff 657 through 661; is  
 10 that correct?  
 11 A. Yes, sir.  
 12 Q. What is this document?  
 13 A. This is a transcript of an article that ran  
 14 in Inside Higher Ed on August the 8th.  
 15 Q. Just like the other articles, if any quote  
 16 was attributed to you, do you have any reason to deny  
 17 it?  
 18 A. I do not.  
 19 Q. Okay. I'm going to hand you what we marked  
 20 as Exhibit 77.  
 21 (Defendant's Exhibit No. 77 marked for  
 22 identification.)  
 23 BY MR. DIXON:  
 24 Q. I handed you Plaintiff 639 through Plaintiff  
 25 640; is that correct?

1 A. Yes, sir.  
 2 Q. And this -- what is this document?  
 3 A. This is a request to interview me from the  
 4 Weekly Standard. I'm trying to think of what that is.  
 5 Maybe it was a blog post. It's a request to interview  
 6 me from somebody I didn't know previously.  
 7 Q. All right. Let's just do this because  
 8 they're out of order again. We've got to get a few --  
 9 Exhibit 78 and 79.  
 10 (Defendant's Exhibit Nos. 78 and 79 marked  
 11 for identification.)  
 12 BY MR. DIXON:  
 13 Q. I've just handed you 78 and 79, Professor  
 14 Dillon. 78, let's identify that. Plaintiff 636  
 15 through 638; is that correct?  
 16 A. Yes.  
 17 Q. And what is that document?  
 18 A. Okay. That is the op-ed or blog published by  
 19 Mr. Ferguson in the Weekly Standard.  
 20 Q. Okay. And then Exhibit 79, that's --  
 21 A. And that is --  
 22 Q. Let me --  
 23 A. -- the correspondence.  
 24 Q. Dr. Dillon, hold on one second. I've handed  
 25 you 79, Plaintiff number 639 through 640; is that

1 correct?  
 2 A. Yes.  
 3 Q. What is that document?  
 4 A. That is the correspondence between myself and  
 5 the author, Mr. Ferguson.  
 6 Q. Okay. So Exhibit No. 79 is the  
 7 correspondence surrounding Exhibit 78; is that right?  
 8 A. Yes.  
 9 Q. Okay. You say on Exhibit 79 to Andy  
 10 Ferguson, in an e-mail dated August 10, Sure, I'd be  
 11 happy to do an interview with you.  
 12 Do you see that?  
 13 A. Yes.  
 14 Q. But are you in a tearing hurry? I won't  
 15 return home to Charleston until late Friday. Then I'll  
 16 have to finish moving my stuff out of my office and lab  
 17 by Monday, August 15 -- banned from campus like a sex  
 18 pervert for a Woodrow Wilson quote.  
 19 Do you see that?  
 20 A. Yes.  
 21 Q. Had Andy accused you of being a sex pervert  
 22 before you said this?  
 23 A. No, sir.  
 24 Q. Okay. Why did you say that to him?  
 25 A. It's the truth.

1 Q. Well, what was the truth?  
 2 A. That I was banned from campus like a sex  
 3 pervert for a Woodrow Wilson quote.  
 4 Q. Okay. And just so the record is clear, it  
 5 appears that Exhibit 77, if you could confirm this for  
 6 me, Exhibit 77 is the same as Exhibit 79 -- 79, yes?  
 7 A. Yes, they are identical.  
 8 Q. Okay. Thank you. Did you speak with Andy  
 9 Ferguson?  
 10 A. No, sir.  
 11 Q. Okay. How about Colleen Flaherty?  
 12 A. No, sir. I missed her as well. Both of  
 13 these people wanted to interview me. I think I was on  
 14 the Appalachian Trail. No, sir.  
 15 Q. Okay.  
 16 (Defendant's Exhibit No. 80 marked for  
 17 identification.)  
 18 BY MR. DIXON:  
 19 Q. I'm going to hand you what's been marked as  
 20 Exhibit 80. Professor Dillon, this is an -- there's no  
 21 Bates label on this document. I'm going to ask you if  
 22 you have ever seen this document before?  
 23 A. I think so, yes.  
 24 Q. Okay.  
 25 A. Yes, I think I saw it on the disc.

1 Q. Okay. So it's an e-mail exchange between  
 2 Larry Krasnoff and Brian McGee, right?  
 3 A. Yes.  
 4 Q. Who is Larry Krasnoff?  
 5 A. He is a professor in political science.  
 6 Q. I see again, like most e-mails, this is  
 7 reverse chronological order. Larry said to Brian, or  
 8 wrote to Brian rather, on August 22, 2016, in the last  
 9 paragraph, speaking about an event that came through  
 10 the local chapter of American United.  
 11 A. Yes.  
 12 Q. And I take from the context he means  
 13 Americans United for the Separation of Church and  
 14 State?  
 15 A. Yes, that's Americans United.  
 16 Q. Okay.  
 17 A. Yeah, that is a typo.  
 18 Q. You're a member of that organization?  
 19 A. Yes, sir.  
 20 Q. Okay. Looks like Larry either -- did you  
 21 have Larry contact Brian or did Larry do this of his  
 22 own accord?  
 23 A. I think he did this of his own accord.  
 24 Q. Okay.  
 25 A. He may have gotten a request from some other

1 members of Americans United, possibly our president or  
 2 something.  
 3 Q. But you didn't ask Larry to send this?  
 4 A. I did not.  
 5 Q. Okay. It looks like Larry is requesting  
 6 clarification of your sanction, as to whether you are  
 7 permitted to be on campus, right?  
 8 A. Yes.  
 9 Q. Brian then says in response, There are no  
 10 constraints on his -- meaning your -- no constraints on  
 11 his ability to attend events on campus that are open to  
 12 the public, correct?  
 13 A. Yes.  
 14 Q. Okay. So it's the College's position, you  
 15 would agree, that you are permitted to attend events on  
 16 campus that are open to the public, right?  
 17 A. Apparently, although I never saw any of this.  
 18 Q. Do you have any reason to dispute this is the  
 19 College's position?  
 20 A. Apparently, it is. Although, Dr. McGee does  
 21 not want me to know that is the College's position.  
 22 Q. Do you have any reason to dispute this is the  
 23 College's position?  
 24 A. No, I did not.  
 25 Q. Did Larry pass this e-mail thread on to

1 you?  
 2 A. No.  
 3 Q. Did Brian, to your knowledge, tell Larry not  
 4 to do that?  
 5 A. No.  
 6 Q. Do you have any knowledge as to why Larry  
 7 would not have done that?  
 8 A. I have no idea. He said I could come. And I  
 9 did attend. But he didn't say that there are no  
 10 constraints on my ability to attend events on campus.  
 11 Q. Well, those are the words that I just read.  
 12 A. Yeah. He did not tell me that. I -- I think  
 13 I saw this on the -- on the CD that the College  
 14 provided during the discovery process in the last few  
 15 months. I never had that directly sent to me.  
 16 Q. Okay. Did you ever ask?  
 17 A. No, sir.  
 18 Q. Okay. Did Brian tell Larry not to tell you  
 19 this?  
 20 A. I don't think so.  
 21 Q. Okay. Have you, in fact, attended -- you  
 22 said you did attend this event?  
 23 A. I did, uh-huh.  
 24 Q. Have you attended any other events on  
 25 campus?

1 A. No.  
 2 Q. Okay.  
 3 (Defendant's Exhibit No. 81 marked for  
 4 identification.)  
 5 BY MR. DIXON:  
 6 Q. I'm going to hand you what we're marking as  
 7 Exhibit 81. I handed you a document that is -- lacks a  
 8 Bates label. It is entitled at the top, How Not To  
 9 Teach Genetics. And then it lists a word that I am not  
 10 familiar with. I imagine you might be able to spell  
 11 it.  
 12 A. I'm not sure what it means. It is a blog.  
 13 It is a very, very popular blog.  
 14 Q. Okay. P-h-a-r-y-n-g-u-l-a.  
 15 A. Pharyngula.  
 16 Q. Pharyngula.  
 17 A. I am not sure what...  
 18 Q. This looks to be, as you say, a blog. This  
 19 particular blog entry is entitled, Evolution,  
 20 Development, and Random Biological Ejaculations From a  
 21 Godless Liberal; is that correct?  
 22 A. I think that's his by-line.  
 23 Q. Oh, okay.  
 24 A. This person, what's his name? Where is his  
 25 name? I can't remember his name. What is it?

1 Q. I'm looking on page 7 of 26.  
 2 A. P.Z. Myers. His name is P.Z. Myers,  
 3 M-y-e-r-s.  
 4 Q. All right. So he's not referring to you in  
 5 that by-line of Evolution, Development, and Random  
 6 Biological Ejaculations from a Godless Liberal?  
 7 A. Do I appear to be a Godless liberal to you?  
 8 Q. I'm asking the questions here, Dr. Dillon.  
 9 A. No.  
 10 Q. Okay. Thank you.  
 11 A. He's not speaking of me.  
 12 Q. Thank you.  
 13 Did you speak with the author of this --  
 14 A. No, sir.  
 15 Q. -- blog? Okay.  
 16 Did you -- have you read this blog entry before  
 17 today?  
 18 A. I did glance through it, glanced. I could  
 19 see what it was about.  
 20 Q. How did you become aware of this?  
 21 A. I had a friend tell me about it.  
 22 Q. Okay. Who was that friend?  
 23 A. I think it was a woman named Dorian McMillan.  
 24 Dorian McMillan.  
 25 Q. Okay. So Dorian told you about it and you

1 went to look it up?  
 2 A. Yes.  
 3 Q. What did Dorian say about it, if anything?  
 4 A. She said it was horrible.  
 5 Q. Okay. Is Dorian a professor at the  
 6 College?  
 7 A. No. She was our biological -- she was a  
 8 technician. And she has since moved to North Carolina.  
 9 Q. Okay.  
 10 A. She's a technician.  
 11 Q. All right. I'm going to hand you what we're  
 12 marking as Exhibit 82.  
 13 (Defendant's Exhibit No. 82 marked for  
 14 identification.)  
 15 Q. I handed you document Bates labeled College  
 16 628, correct?  
 17 A. Yes, sir.  
 18 Q. Do you recognize this document?  
 19 A. I don't think I've seen it before. But it's  
 20 clearly a document -- it's clearly having to do with my  
 21 retirement from the College.  
 22 Q. Okay. And it's your date of TERI termination  
 23 there, sort of in the middle, as August 15, 2016,  
 24 right?  
 25 A. August 15, 2016, yes.

1 Q. And then at the very bottom, left it lists  
 2 your contract or budgeted annual salary at \$68,096,  
 3 correct?  
 4 A. Yes, sir.  
 5 Q. Was that, in fact, your annual salary at the  
 6 time of your retirement?  
 7 A. Yes, sir, that seems right.  
 8 Q. I guess I should be clearer. At the date of  
 9 your TERI termination?  
 10 A. Yes, sir.  
 11 Q. Okay. And that document, above the TERI  
 12 termination date, lists some dates that we talked about  
 13 the last time we were together. Your date of  
 14 retirement is listed there as July 1, 2016, right?  
 15 A. Yes, sir.  
 16 Q. Then, under the TERI program, you would have  
 17 remained employed for five years, until your eventual  
 18 termination on -- automatic termination on June 30,  
 19 2018, right?  
 20 A. Yes, sir.  
 21 Q. Okay. And you just pre-empted that by a  
 22 little under two years, right?  
 23 A. Yes, sir.  
 24 Q. Okay. When did the College enact the  
 25 syllabus policy that is now in effect, to your

1 knowledge?  
 2 A. In the spring of 2016.  
 3 Q. When was that formally adopted; do you know?  
 4 A. I do not remember. March, perhaps. March,  
 5 April.  
 6 Q. Do you know whether or not that policy had  
 7 been in the works before spring --  
 8 A. Yeah.  
 9 Q. Let me finish. The spring before spring  
 10 2016?  
 11 A. It had, although I did not know it at that  
 12 time.  
 13 Q. Okay. Do you know that now?  
 14 A. Yes, sir.  
 15 Q. How did you learn that?  
 16 A. Some documents that the College provided us.  
 17 Q. Okay. I'm going to hand you what we've  
 18 marked as Exhibit 83.  
 19 (Defendant's Exhibit No. 83 marked for  
 20 identification.)  
 21 BY MR. DIXON:  
 22 A. Thank you.  
 23 Q. You're welcome. I hand you Plaintiff 773  
 24 through 774. Is that all I've handed you or is there  
 25 an additional --

1 A. There is a third page on the back.  
 2 Q. Okay. Plaintiff 773 through 774, and then  
 3 Plaintiff 885?  
 4 A. Yes.  
 5 Q. Okay. After you -- well, let's do this  
 6 first. Do you recognize this document?  
 7 A. Yes.  
 8 Q. And I guess I should specify that we're  
 9 talking about two documents, aren't we?  
 10 A. Yes.  
 11 Q. One document is a letter to Ms. Manthey from  
 12 you, right?  
 13 A. Yes.  
 14 Q. And then the other is an e-mail exchange  
 15 between you and Ms. Manthey, or you and -- it's listed  
 16 as Mr. Jan Manthey. I don't know if Mr. --  
 17 A. Oh, you're right. Oh, I -- oops.  
 18 Q. Manthey. Let's refer to this person as  
 19 "Manthey." I don't know if it's a man or a woman, but  
 20 it's Manthey.  
 21 After you resigned from the College, did you apply  
 22 to work any additional jobs or any other jobs?  
 23 A. Yes, sir.  
 24 Q. Can you please tell me what those were?  
 25 A. I did apply for a curatorship at the British

1 Museum of Natural History in September.  
 2 Q. Did you apply to any other jobs?  
 3 A. That's the -- no.  
 4 Q. Okay. Is the letter that is Plaintiff 773  
 5 and 774, does that constitute your application?  
 6 A. There were, of course, attached curriculum  
 7 vitae and -- but other than -- it's -- this letter  
 8 is -- this letter, along with the CV, is my  
 9 application.  
 10 Q. Okay. Okay. And is the British Museum of  
 11 Natural History in England?  
 12 A. Yes, sir.  
 13 Q. Okay. Why did you want to work for an  
 14 English entity? Did you want to move to England?  
 15 A. Not really, although I didn't say that  
 16 anywhere here. It's the number one museum in the  
 17 world.  
 18 Q. But you didn't really want the job?  
 19 A. I wanted them to move here.  
 20 Q. I see. I see. Did you want them to change  
 21 their name to the United States Museum of Natural  
 22 History?  
 23 A. Charleston Museum.  
 24 Q. I see. Okay. If you had been given the job,  
 25 would you have taken it?

1 A. Yes. Of course.  
 2 Q. All right. Did you say in this letter that  
 3 you wanted them to move here?  
 4 A. No.  
 5 Q. All right. I'm going to have to confess to  
 6 being a little bit at a loss. What do you mean you  
 7 wanted them to move here?  
 8 A. You asked me if I wanted to move to England,  
 9 and the answer is no.  
 10 Q. Okay.  
 11 A. But I did want the job bad enough to move to  
 12 England.  
 13 Q. I see.  
 14 A. Certainly.  
 15 Q. I see. But your preference would have been  
 16 that they said, Dillon, we'd like for you to open a  
 17 branch here in Charleston?  
 18 A. Yes, sir.  
 19 Q. I see. Would you -- would you admit that  
 20 this is a unique job application letter?  
 21 A. Yes.  
 22 Q. Okay. You -- you say that you do not meet  
 23 the number one qualification you advertise for your  
 24 position, right?  
 25 A. Yes.

1 Q. You also admit that you have very little  
 2 evidence that you meet the number five qualification?  
 3 A. Yes.  
 4 Q. You say, and I'll quote, In fact, I have  
 5 pissed off every boss I have ever had, all the way  
 6 up -- every chairman, dean, provost and president for  
 7 33 years?  
 8 A. Yes.  
 9 Q. Did you write those words?  
 10 A. Yes.  
 11 Q. I mean, you had to know that -- that you  
 12 would not get the job based on this letter, right?  
 13 A. No. I thought I had a shot.  
 14 Q. Okay. You say here again, as you did in  
 15 previous correspondence with -- I believe it was a  
 16 reporter, that you were banned from campus like a sex  
 17 pervert, right?  
 18 A. Yes.  
 19 Q. If my argument sounds dangerously close to  
 20 Donald Trump's "Hire me because I have no experience,"  
 21 I apologize, right?  
 22 A. Yes.  
 23 Q. You say at the very closing in a footnote  
 24 that you're a vigorous 61 years old. I certainly have  
 25 five good years left in me, and probably ten, right?

1 A. Yes.  
 2 Q. Did you -- did you ever speak with Manthey?  
 3 A. No.  
 4 Q. So it looks like, based on the e-mail thread  
 5 that's behind the letter, that the letter was written  
 6 in September -- on September 27, 2016, and e-mailed to  
 7 her, right?  
 8 A. Yes.  
 9 Q. Or him, whoever the case may be.  
 10 And then I would characterize this response as a  
 11 form --  
 12 A. Yes.  
 13 Q. -- response. Would you -- would you agree  
 14 with that characterization?  
 15 A. Yes.  
 16 Q. So do you know the salary for this job?  
 17 A. No, sir.  
 18 Q. Was it advertised?  
 19 A. No, sir.  
 20 Q. Did you -- and you said you didn't apply for  
 21 any other jobs?  
 22 A. The only one that -- yes, I have. That's  
 23 what I said.  
 24 Q. This is the only one to date?  
 25 A. That is correct, since August, yes.

1 Q. Since August of 2016?  
 2 A. Yes.  
 3 Q. Okay. Why have you only applied for one  
 4 job?  
 5 A. You'd be shocked at how few jobs there are  
 6 for people like me. That's the only position that's  
 7 open.  
 8 Q. That you're aware of in the world?  
 9 A. Yes.  
 10 Q. Okay. Have you -- I know very little about  
 11 the world of academia. Despite your retirement from  
 12 the College, could you apply to another university or  
 13 college as a -- for a professorship?  
 14 A. Not at age 61.  
 15 Q. Practically speaking, you wouldn't get the  
 16 job at your age?  
 17 A. Correct.  
 18 Q. Okay. Are there any museums in Charleston?  
 19 A. Why, yes, there is, the Charleston Museum.  
 20 Q. There's an aquarium, Charleston Aquarium?  
 21 A. Yes.  
 22 Q. Have you ever looked into job opportunities  
 23 at the aquarium?  
 24 A. No. I sent an e-mail volunteering at the  
 25 Charleston Museum, interestingly enough.

1 Q. Okay.  
 2 A. Just volunteering.  
 3 Q. Have you -- DNR has jobs, presumably in your  
 4 field?  
 5 A. Just not for 62-year-old --  
 6 Q. Have you --  
 7 A. -- Ph.D.'s.  
 8 Q. But you haven't applied for any?  
 9 A. That is correct. They're entry-level jobs.  
 10 A senior job is very rare.  
 11 Q. Have you contacted any other aquariums  
 12 regarding working for them?  
 13 A. No, sir.  
 14 Q. Okay. Do you want to work?  
 15 A. Yes.  
 16 Q. You want to continue working?  
 17 A. Yes, sir.  
 18 Q. It seems to me like, based on what we've  
 19 talked about with your various -- what is the word,  
 20 your various committees, groups, that you're -- you  
 21 keep yourself busy --  
 22 A. Yes, sir.  
 23 Q. -- despite not working; is that a fair  
 24 characterization?  
 25 A. True.

1 Q. Okay. I'm going to hand you what we've  
 2 marked as Exhibit 84.  
 3 (Defendant's Exhibit No. 84 marked for  
 4 identification.)  
 5 BY MR. DIXON:  
 6 Q. Do you recognize this document, Dr. Dillon?  
 7 A. Yes, sir.  
 8 Q. What is this document?  
 9 A. This is my -- this is my response to your  
 10 first set of questions you asked me back in -- back  
 11 in -- I guess it was the winter, as I recall.  
 12 Q. So this document is entitled, Plaintiff's  
 13 Responses to Defendant's First Set of Interrogatories,  
 14 right?  
 15 A. Yes.  
 16 Q. Okay. And these are your discovery responses  
 17 to our discovery requests, correct?  
 18 A. Yes.  
 19 Q. Okay. You've seen this before?  
 20 A. Certainly.  
 21 Q. Okay. I want to focus your attention to, or  
 22 on, number three. I'm sorry, on page three. Set forth  
 23 an itemized statement of all damages, specifically  
 24 identifying the type of damages and amount claimed for  
 25 each type.

1 Do you see where I'm reading?  
 2 A. Yes, sir.  
 3 Q. I'm not going to read the whole thing, but I  
 4 want to talk about your response. After the first  
 5 sentence it says there, Plaintiff was the subject of an  
 6 unflattering article in the Chronicle of Higher  
 7 Education, published online 28th of March 2016 and in  
 8 print April 8, 2016, right?  
 9 A. Yes.  
 10 Q. And the article they're referring to is the  
 11 article that was written by Mr. -- SK are his initials.  
 12 I don't remember his last name. Written by the  
 13 reporter after your discussions with him?  
 14 A. Yes.  
 15 Q. Right? And it was after you had submitted  
 16 a --  
 17 A. Steve Kolowich --  
 18 Q. Kolowich?  
 19 A. -- is his name. That's 45.  
 20 Q. Kolowich. That article was written after you  
 21 submitted your op-ed to the Chronicle, correct?  
 22 A. Yes.  
 23 Q. The College -- you don't contend the College  
 24 had any conversation with Kolowich, do you?  
 25 A. No, sir.

1 Q. The College didn't tell Kolowich anything  
 2 unflattering about you, right?  
 3 A. Correct.  
 4 Q. So all the information that Kolowich had came  
 5 from you, right?  
 6 A. That is correct.  
 7 Q. Okay. The next sentence says, The article  
 8 attracted 81 comments, some of which were insulting and  
 9 damaging to his professional reputation.  
 10 We have introduced those comments. We've talked  
 11 about them earlier. You don't contend the College made  
 12 any of those comments, right?  
 13 A. Correct.  
 14 Q. No one at the College, to your knowledge,  
 15 posted any of those 81 comments, right?  
 16 A. Correct.  
 17 Q. So I'm struggling with identifying how you're  
 18 trying to tag the College with any damage to your  
 19 reputation occasioned by an article that you prompted  
 20 by sending an op-ed to the Chronicle, and then that you  
 21 had many discussions with Kolowich about, and then he  
 22 wrote without any input from the College. How is that  
 23 the College's problem?  
 24 A. The College defamed me by silence.  
 25 Q. Okay. But you spoke to Mr. Kolowich?

1 A. That is true. The College yanked me from my  
 2 classroom and then made no statements further, refusing  
 3 to explain its actions. Then a reasonable -- then a  
 4 reasonable outsider would look at the documents  
 5 published by the College and infer that I was some sort  
 6 of harm to my students.  
 7 Q. Did Kolowich know about the College removing  
 8 you from the classroom before you told him?  
 9 A. No, sir.  
 10 Q. Okay. To your knowledge, did Kolowich have  
 11 any knowledge of the FAM --  
 12 A. No, sir.  
 13 Q. -- prior to your telling --  
 14 A. Prior --  
 15 Q. -- him? No?  
 16 A. No, sir.  
 17 Q. Okay. In order for someone to take a  
 18 defamatory meaning from removing you from your teaching  
 19 duties, wouldn't that person have to be intimately  
 20 familiar with the provisions of the FAM?  
 21 A. No.  
 22 Q. Why not?  
 23 A. One would only need to wonder why such an  
 24 extreme step was taken by the College.  
 25 Q. But without knowing the policies of the

1 College, no one would have any idea for the reason that  
 2 you were removed from the classroom. Could have been  
 3 anything, right?  
 4 A. One would assume it would not be trivial.  
 5 One would assume it must be very -- it must be terrible.  
 6 Q. Okay.  
 7 A. I -- I -- you wouldn't know what that  
 8 professor had done, but you would assume it was severe  
 9 and terrible.  
 10 Q. Okay. So whatever it was, might have been  
 11 severe or terrible, but there's no way to divine from  
 12 the simple act of removing a professor from the College  
 13 as to specifically what that professor is alleged to  
 14 have done, right?  
 15 A. Unless you then looked in the FAM.  
 16 Q. Okay. But prior to looking at the FAM --  
 17 A. Right.  
 18 Q. -- there's no way for anyone to --  
 19 A. Right.  
 20 Q. -- divine the specific act that you are  
 21 accused of doing, correct?  
 22 A. You are correct.  
 23 Q. Okay. Thank you.  
 24 We didn't -- your -- your discovery response  
 25 refers to two sets of comments, one being an 81

1 comments set and the other being a 68 additional  
 2 comments set. I don't recall if our exhibit was both  
 3 of the two. It really is immaterial. My question to  
 4 you is, and I think I specifically asked last time  
 5 about the 81 comments set, I'd just like confirm that  
 6 you're not contending that any of the 68 additional  
 7 comments were made by the College either, right?  
 8 A. Correct.  
 9 Q. Okay. Then you identify the P.Z. Myers  
 10 story, right?  
 11 A. Yes.  
 12 Q. 63 additional comments, you say there. You  
 13 don't contend that the College made any of those  
 14 comments, right?  
 15 A. Correct.  
 16 Q. It looks like, based on your discovery  
 17 response, that P.Z. Myers, you surmise anyway, learned  
 18 about the -- your situation from the Chronicle. You  
 19 say here, The Chronicle story was picked up by a  
 20 nationally-prominent blogger from the University of  
 21 Minnesota, right?  
 22 A. Yes.  
 23 Q. You don't have any indication that the  
 24 College contacted P.Z. Myers directly, right?  
 25 A. Correct.

1 Q. Okay. Or made any representations to him  
2 directly?  
3 A. Correct.  
4 Q. Okay. As we sit here today -- and, actually,  
5 before I ask that, in the first sentence of your  
6 response you say, Plaintiff seeks presumed damages to  
7 his reputation for Defendants' per se slanderous  
8 comments about his job performance.  
9 Do you see that?  
10 A. Hold on.  
11 Q. The very first line of the response.  
12 A. Yes.  
13 Q. Okay. I'm not going to ask you about  
14 presumed damages. I want to ask you about actual  
15 damages, i.e. how was your reputation actually harmed  
16 by virtue of the College's action? So other than these  
17 articles, can you identify any other way in which your  
18 reputation was actually harmed?  
19 A. There is that student who was withdrawn from  
20 me, that I know of.  
21 Q. Wasn't that withdrawal by virtue of the  
22 sanction, though, not the discipline? The e-mail  
23 occurred on March 30?  
24 A. Yes.  
25 Q. Which would have been after the sanction was

1 imposed?  
2 A. Yes.  
3 Q. So that was a result of the sanction not the  
4 discipline, right?  
5 A. Interesting point.  
6 Q. I mean, is that correct?  
7 A. I don't know. They do run together, don't  
8 they? When I notified my colleagues at Fort Johnson, I  
9 probably referenced the entire controversy back to  
10 February. In some cases, in some respects, it is all  
11 one fiasco. I'm not sure it's profitable to try to  
12 divide the two.  
13 Q. Let's take five, or three, and I would like  
14 to find it.  
15 A. Okay.  
16 (Discussion held off the record.)  
17 BY MR. DIXON:  
18 Q. We talked about this when we talked about  
19 this document. Do you recall -- and I'm looking now at  
20 Exhibit 55. Do you recall the date that you sent the  
21 e-mail to Peter Kingsley-Smith?  
22 A. I do not. It was -- I do not.  
23 Q. Okay. Other than the articles and having the  
24 student withdrawn, are there any other ways in which  
25 the College's alleged defamation have harmed you?

1 A. Many, but none that I -- for which can I  
2 offer evidence, period. Many.  
3 Q. Many what?  
4 A. Many harms have come to me when I've gone to  
5 professional meetings, when I have corresponded  
6 nationwide. It is clear that my reputation has been  
7 harmed, but nothing that I can point to specifically.  
8 Q. How -- how has your reputation been harmed  
9 when you've gone to professional meetings?  
10 A. People ask me about it. What's this we hear  
11 about, that sort of thing?  
12 Q. Do they seem to have formed an opinion or are  
13 they seeking information from you?  
14 A. They seem to have formed an opinion, in many  
15 cases, on the base of what they've heard. Some of it,  
16 of course, is published and some of it isn't. Science  
17 is a small community, malacology even smaller.  
18 Everybody talks. They -- they have clearly -- all of  
19 my -- all of my professional colleagues have heard  
20 about it, one way or another. Some of them seem to  
21 have -- seem to be thinking worse of me. Couldn't  
22 point you to anything that's ever been said. But it is  
23 true.  
24 Q. Now, when you say that they think less of  
25 you, are you referring specifically to your removal

1 from the classroom or are we referring generally to  
2 these unpleasant events?  
3 A. Yeah, the entire episode. The entire  
4 episode.  
5 Q. Can you pinpoint anyone who has ever said  
6 anything to you specifically about the removal from the  
7 classroom only?  
8 A. No.  
9 Q. Okay. Can you identify any specific harm  
10 that has befallen you by virtue of your removal from  
11 the classroom?  
12 A. The money.  
13 Q. But that was paid, wasn't it?  
14 A. Yes.  
15 Q. So how have you lost money by virtue of  
16 that?  
17 A. I would have -- would have worked for two  
18 more years.  
19 In addition, most of my colleagues are offered  
20 emeritus status upon retirement, possibly all who --  
21 who -- who request it. It's not automatic. But if a  
22 professor requests emeritus status, it has always been  
23 granted, in my experience. I don't know any biology  
24 professor who's ever had it turned down. It amounts to  
25 at least an office, franking privileges, computer,

1 access to support of all sorts, ability to write grant  
 2 proposals. A private person can't write a grant  
 3 proposal effectively. What's needed is an institution.  
 4 All of my colleagues, as far as I know, who've  
 5 requested it have been granted emeritus status, given  
 6 facilities.  
 7 Q. Have you ever requested it?  
 8 A. Didn't get a chance.  
 9 Q. What precludes you from requesting it now, if  
 10 anything?  
 11 A. It's been my impression that my colleagues  
 12 don't like me.  
 13 Q. You could pick up the phone and request  
 14 emeritus status today, right? I mean, I assume they'll  
 15 be closing soon, so let's make it tomorrow. Isn't that  
 16 correct?  
 17 A. Yes.  
 18 Q. And have you done that?  
 19 A. I think -- wait. There is an elaborate --  
 20 there is a process. And I confess -- and it would be  
 21 in the college administration manual. And I confess, I  
 22 don't know the details.  
 23 Q. But it would be safe to say that you have not  
 24 made that application, be it simple or complex?  
 25 A. That is correct.

1 Q. Okay.  
 2 A. I get the impression my colleagues do not  
 3 like me.  
 4 Q. I take that point. But you can't know that  
 5 you would be denied emeritus status unless you request  
 6 it and are denied, right?  
 7 A. In fact, as far as I know, I'm still banned  
 8 from campus.  
 9 Q. Well, we just went over an e-mail where McGee  
 10 told Larry, I believe it was, that you were not banned  
 11 from campus, right?  
 12 A. That was not shared with me.  
 13 Q. But it was shared with Larry, who was asking  
 14 for you?  
 15 A. Which I had to get by lawsuit. It has not --  
 16 as far as I know, I'm still banned from campus. As far  
 17 as I -- nobody has ever said -- I was told that I was  
 18 not wanted. And nobody's ever said -- withdrawn that.  
 19 That -- that order banning me from campus is still in  
 20 force.  
 21 Q. But you have seen the document where Brian  
 22 tells Larry he's a member of the public, he can come to  
 23 public events, correct?  
 24 A. That was not shared with me under -- through  
 25 normal channels.

1 Q. But you have seen that today, right?  
 2 A. Yes. And I get the impression my bosses do  
 3 not like me.  
 4 Q. Well, again, I understand that. But you saw  
 5 the e-mail that I saw, that says you're not banned from  
 6 campus, correct?  
 7 A. Yes.  
 8 Q. Okay. And you haven't applied for emeritus  
 9 status, correct?  
 10 A. That is correct.  
 11 Q. Okay. So let's go back to the money. I  
 12 asked you specifically any harm that befell you by  
 13 virtue of the defamation, which you have said is the  
 14 removal from the classroom. How did you lose money  
 15 from being removed from the classroom with pay?  
 16 A. At that point, I did not.  
 17 Q. Okay. Would it be accurate to say that you  
 18 were then only -- you only lost money when you were  
 19 removed from the classroom without pay?  
 20 A. Forced to retirement, yes.  
 21 Q. And you were removed to the classroom -- from  
 22 the classroom without pay on March 18, 2016, right?  
 23 A. Effective August 15 --  
 24 Q. Right.  
 25 A. -- 2016.

1 Q. Right. Okay. So you didn't start to lose  
 2 money until August 2016, or you would not have,  
 3 correct?  
 4 A. Yes.  
 5 Q. And you retired before you would have begun  
 6 to lose any, correct?  
 7 A. Yes.  
 8 Q. Okay. So just to be clear, focusing  
 9 specifically on the removal from the classroom, nothing  
 10 else, isn't it true that you did not lose any money  
 11 because of that act?  
 12 A. Because of that, that is correct.  
 13 Q. Okay. Please tell me any other harm that has  
 14 befallen you by virtue of the College's defamatory act.  
 15 A. I guess you'd call it emotional harm. I'm a  
 16 pretty tough person, but many people around me are not.  
 17 Take my wife. She was just emotionally crippled and  
 18 angry with me, and remains angry with me a year later.  
 19 Q. Angry with you?  
 20 A. Yes.  
 21 Q. Tell me why she was angry with you.  
 22 A. She blames me for losing my job. She thinks  
 23 I should have just complied with the chairman and been  
 24 done with it. She is worried about our finances. Same  
 25 is true for my son and my daughter. They are angry and

1 confused. It doesn't really bother me, or at least I  
 2 try not to make it bother me personally. But my life  
 3 has become much more difficult since August -- since  
 4 March, since February, since February.  
 5 Q. Because of your wife's and children's anger  
 6 at you?  
 7 A. Yes, and others as well, yes. My -- my  
 8 life -- it -- it -- I've gotten calls from the church,  
 9 of course. And there are expressions of concern. And  
 10 my colleagues in various organizations, Phi Beta Kappa,  
 11 et cetera, et cetera, they're on pins and needles.  
 12 They hardly know how to react to it. It's been a very  
 13 difficult situation.  
 14 Q. I feel like we've -- we've slipped into again  
 15 conflating all of these events with your removal from  
 16 the classroom. And it's my understanding that the  
 17 content of your defamation claim is simply and only  
 18 that you were removed from the classroom February 18,  
 19 2016. My specific question is, what harm has befallen  
 20 you because of that event? I'm not speaking more  
 21 generally about this entire event at this moment. I  
 22 want to focus specifically only on the removal from the  
 23 classroom.  
 24 A. Yes, just in February all of this happened.  
 25 Q. Right.

1 A. My wife became distraught. And I don't think  
 2 she's recovered yet.  
 3 Q. Okay. So she became angry February 18, when  
 4 you were removed --  
 5 A. Yes.  
 6 Q. --from the classroom? Same with your  
 7 children?  
 8 A. Yes. My grown children, not so much. But,  
 9 yes. But, yes, they're concerned and angry.  
 10 Q. Have you sought psychiatric treatment?  
 11 A. No, sir.  
 12 Q. Okay. Has your wife?  
 13 A. I don't know.  
 14 Q. Okay. Are you receiving psychiatric  
 15 treatment independent of this?  
 16 A. No, sir.  
 17 Q. All right. Any other harm that's befallen  
 18 you from the event of removing you from the  
 19 classroom?  
 20 A. The February -- from -- from February the  
 21 18th, that -- that is it. Some general harms have  
 22 happened, but the -- the defamation on February the  
 23 18th has been psychological, emotional to some extent,  
 24 professional.  
 25 Q. Okay. Do you contend that the sanction

1 imposed against you of March 18 constitutes defamation  
 2 as well or is it just the February 18 removal from the  
 3 classroom?  
 4 A. I would say it aggravates the situation.  
 5 Q. Explain that to me, please.  
 6 A. Had I been cleared in March, I think the  
 7 problem would have been solved.  
 8 Q. But the sanction of March 18 was not based on  
 9 notions of immediate threat, correct?  
 10 A. Correct.  
 11 Q. Okay. You state in paragraph 97 of your  
 12 Complaint, which I think it's --  
 13 A. 96.  
 14 Q. Of the Complaint. I'm sorry, the Complaint.  
 15 A. Oh.  
 16 Q. We'll come back to the discovery requests.  
 17 A. Oh, here. 97. 97.  
 18 Q. 97, Plaintiff's 60 colleagues in the Biology  
 19 Department discovered independently that he was not  
 20 meeting his classes.  
 21 That's just not true, right?  
 22 A. I think it's true.  
 23 Q. You sent them an e-mail on February 20, or 22  
 24 rather, stating that, correct?  
 25 A. They were discovering independently that

1 Friday and that Monday. It was spreading quite  
 2 rapidly.  
 3 Q. In your Complaint, paragraph 98, it states  
 4 that rumors started as to the only possible reason you  
 5 could be removed from the classroom is that there's a  
 6 strong likelihood the Plaintiff threatens immediate  
 7 harm.  
 8 What rumors started that?  
 9 A. Just that, exactly that.  
 10 Q. What was the specific content of the  
 11 rumors?  
 12 A. That I was a threat of harm to my students.  
 13 Q. Who -- who told you that these rumors were  
 14 starting?  
 15 A. Nobody.  
 16 Q. How did you learn it?  
 17 A. Inference.  
 18 Q. From what?  
 19 A. Behaviors. Behavior.  
 20 Q. Like what? Explain to me what you mean by  
 21 "behavior."  
 22 A. People sometimes come and ask you about  
 23 lunch, and they don't come to lunch. People say hello  
 24 when you walk down the hall, and the hello doesn't  
 25 come.

1 Q. So this is all happening in the three-day  
2 period after February 18 and before you have sent the  
3 e-mail to your colleagues?  
4 A. Yes, sir.  
5 Q. Okay. Did you ever confront anyone about  
6 these alleged rumors?  
7 A. Merely to explain the situation.  
8 Q. Okay. But never a direct confrontation  
9 face-to-face with anyone about their behavior toward  
10 you?  
11 A. No, not necessary, once I explained the facts  
12 surrounding the situation.  
13 Q. Okay. Let's turn back to your discovery  
14 responses. Paragraph -- or page three.  
15 A. Page three.  
16 Q. Second full paragraph of response number  
17 three. Plaintiff has suffered monetary damages.  
18 Specifically, he was not planning to retire until after  
19 the 2017-18 academic year, so he has lost two years of  
20 salary plus benefits, right?  
21 A. Yes.  
22 Q. Then you list your salary there. How did you  
23 calculate the benefits number of \$21,000?  
24 A. Percentage basis.  
25 Q. Okay.

1 A. From paychecks. From paychecks.  
2 Q. I thought -- I think I heard two answers  
3 there. What do you mean "percentage basis from  
4 paychecks"?  
5 A. I tried to estimate from that portion that  
6 was allocated to various line items on a weekly basis,  
7 sorry, a biweekly basis, to what my benefits would be  
8 on an annual basis.  
9 Q. Okay. Have you produced those paychecks in  
10 this lawsuit?  
11 A. No, sir. I don't think so.  
12 Q. Okay. You say that you lost your office and  
13 lab, right?  
14 A. Yes.  
15 Q. Again, your decision to retire. I mean, the  
16 College didn't fire; you'd agree with that?  
17 A. Yes.  
18 Q. Okay. So your lost wages were caused by your  
19 retirement, right?  
20 A. I was constructively discharged. I had to  
21 retire.  
22 Q. Okay. And in the retirement, you lost your  
23 office and lab, right?  
24 A. Yes.  
25 Q. Okay. If you had applied for emeritus status

1 at the time of your resignation, would you have lost  
2 your office and lab? Let me clarify. If you had  
3 received emeritus status as of the time of your  
4 resignation, would you have lost your office and lab?  
5 A. If it had been granted --  
6 Q. Fair.  
7 A. -- I would not have.  
8 Q. Okay. You would have maintained, you say  
9 here, computer hookups, library privileges. It says  
10 franking. Is that just an error? What is --  
11 A. Stamps.  
12 Q. -- franking?  
13 A. Old-fashioned stamps.  
14 Q. Okay. Sorry. I'm not thinking in  
15 old-fashioned terms. Franking, parking, and so forth,  
16 okay. Is that correct?  
17 A. Yes.  
18 Q. Okay. In this discovery response, which is  
19 on page four, to number four it states, second-to-last  
20 sentence, Defendants' actions of suddenly removing  
21 Plaintiff from the classroom and banning him from  
22 campus, as well as appointing a group of faculty  
23 members not permitted by the Faculty Handbook to pass  
24 judgment on Plaintiff's fitness as a professor are all  
25 defamatory actions.

1 Do you contend that the appointment of a faculty  
2 member group is a defamatory action?  
3 A. Yes, sir.  
4 Q. How is that?  
5 A. That's a -- that's an action that is  
6 specifically listed under a sexual harassment policy.  
7 Q. Okay. Did anyone tell you that they  
8 perceived the appointment of the disinterested  
9 investigative panel to reflect negatively upon you in  
10 any way?  
11 A. No, sir.  
12 Q. Okay. Has anyone to, to this day, told you  
13 that?  
14 A. No.  
15 Q. And in order to come to that conclusion, one  
16 would have to have familiarity with the FAM, right?  
17 A. That is true. Or be called to that section  
18 of the Faculty/Administration Manual by observing that  
19 I was under review by investigative review panel. If  
20 you knew that the process was ongoing, you could look  
21 it up in the Faculty/Administration Manual, see that  
22 it's under sexual harassment.  
23 So the theory or your -- your view is that the  
24 appointment of the committee implies that you were  
25 under investigation for sexual harassment?

1 A. Yes.  
 2 Q. The title of the policy, even under your  
 3 theory, is not sexual harassment. That is not the  
 4 title of the policy. We can go back and look at it.  
 5 A. What is it, exactly?  
 6 Q. It's not exclusively sexual harassment. It  
 7 includes motions of discrimination.  
 8 A. Well...  
 9 Q. I'll find it. It's going to be deep, deep  
 10 down.  
 11 MS. BLOODGOOD: It was pretty early today.  
 12 BY MR. DIXON:  
 13 Q. Exhibit No. 19.  
 14 A. 19, found it. There it is.  
 15 Q. Prohibition of Discrimination and Harassment,  
 16 Including Sexual Harassment and Abuse.  
 17 A. Harassment, Including.  
 18 Q. So even under the title itself, it would be  
 19 no implication of anything sexual about your actions,  
 20 correct?  
 21 A. I'm sure --  
 22 Q. It's a very, very simple question --  
 23 A. The way I read it --  
 24 Q. -- Dr. Dillon.  
 25 A. I disagree. I understand this phrase

1 "including sexual harassment and abuse" to modify both  
 2 "discrimination" and "harassment."  
 3 Q. Is it possible to discriminate against  
 4 somebody on the basis of things other than sex?  
 5 A. Yes.  
 6 Q. So a prohibition of discrimination and  
 7 harassment could be a prohibition of discrimination and  
 8 harassment on the basis of age, for example?  
 9 A. It is ambiguous. It seems to me that the  
 10 discrimination that's spoken of here is of a sexual  
 11 nature or an abuse nature. Sometimes physical abuse  
 12 can be considered discrimination.  
 13 Q. To your knowledge, does this policy cover  
 14 instances of discrimination other than sexual  
 15 discrimination?  
 16 A. I don't know -- not to my knowledge.  
 17 Q. If it does, you would agree that the title is  
 18 not limited to sexual harassment?  
 19 A. That is correct.  
 20 Q. Okay. Can you point to any monetary harm  
 21 caused by the alleged discrimination against you by  
 22 appointing an investigative review committee to  
 23 determine whether or not you violated the FAM?  
 24 A. It was defamatory and, hence, yes, there was  
 25 ultimately a great deal of damage.

1 Q. What was the damage?  
 2 A. The loss of multiple years of salary.  
 3 Q. I'm -- now, I'm -- I'm -- it's a very precise  
 4 question.  
 5 A. Yes.  
 6 Q. The question is, what harm befell you by  
 7 virtue of the College appointing an investigative  
 8 review committee to look into whether or not you had  
 9 violated the FAM? Not asking specifically about or  
 10 particularly about retirement damages, but that lone  
 11 act of appointing an investigative review committee,  
 12 how were you damaged by that account?  
 13 A. It is defamatory.  
 14 Q. I understand that. How are you damaged by  
 15 it?  
 16 A. And, hence, damaging to my reputation.  
 17 Q. Okay. Are there any -- other that  
 18 reputational harm, is there any other type of way that  
 19 you were damaged by that act?  
 20 A. Ultimately, I was forced into retirement.  
 21 Q. Okay. Other than being forced into  
 22 retirement and the reputational harm, was there any  
 23 other damage that befell you by virtue of that act?  
 24 A. No.  
 25 Q. Okay. Thank you.

1 I really don't want to go back into this, but I  
 2 think I have to because I feel like I got one answer  
 3 earlier in the day and then a little bit different  
 4 answer most recently. On February 18, you were given a  
 5 memorandum from McGee. That was a Thursday, we  
 6 decided. I'm not going to ask you any specific  
 7 questions about the memo, but feel free to pull it up  
 8 if you want to.  
 9 A. Yes.  
 10 Q. On February 18, the day of the memo, you  
 11 spoke with no one or no one spoke with you about the  
 12 memo -- strike that.  
 13 On February 18, is it the case that no one  
 14 approached you about being suspended with pay, none of  
 15 your colleagues?  
 16 A. I don't remember.  
 17 Q. How about any of your students?  
 18 A. That is a Friday --  
 19 Q. That was a Friday.  
 20 A. -- did we establish?  
 21 Q. Thursday, I believe.  
 22 A. A Thursday, a Thursday, a Thursday.  
 23 Thursday. No, I don't teach on Thursday, so I would  
 24 not have seen any students, to my recollection.  
 25 Q. How about faculty?

1 A. But faculty almost certainly, yes.  
 2 Q. Did anyone, to your recollection, speak with  
 3 you about this suspension with pay on this Thursday?  
 4 A. Again, I would not have gone downtown to my  
 5 lab, to my teaching lab, but rather would have stayed  
 6 in my research facility, which is the SCR facility on  
 7 Meeting Street. And there are six to eight other  
 8 colleagues there who I'm sure noticed my presence and  
 9 I'm sure inquired.  
 10 Q. This was on the Thursday now?  
 11 A. The Thursday.  
 12 Q. Okay. The day that the memo came out, they  
 13 were inquiring because they thought it was odd that you  
 14 were there?  
 15 A. Yes, or shortly thereafter. I don't remember  
 16 what time of the day, to tell you the truth. Don't  
 17 remember exactly where I was.  
 18 Q. Could it have been Friday that we're talking  
 19 about, not Thursday?  
 20 A. It's certainly possible.  
 21 Q. Okay.  
 22 A. At some point, people would be seeing me.  
 23 Q. Okay. So six to eight colleagues on either  
 24 that Thursday or that Friday noted your appearance up  
 25 north and wondered about it?

1 A. As many as -- I don't honestly remember the  
 2 total number who might have been there on that day.  
 3 Q. Confronted you about it and you explained to  
 4 them what was going on?  
 5 A. Jokingly, perhaps.  
 6 Q. Okay. Did you hear -- do you recall hearing  
 7 anyone express any rumors about your being a threat to  
 8 others on that Thursday or Friday?  
 9 A. No.  
 10 Q. Do you recall anyone expressing to you that  
 11 they had heard any rumors about you being a threat over  
 12 the weekend --  
 13 A. No.  
 14 Q. -- over that weekend?  
 15 Do you recall anyone saying that to you on Monday?  
 16 A. No.  
 17 Q. Okay. By "anyone" I mean anyone on God's  
 18 green earth.  
 19 A. Right.  
 20 Q. Student, faculty, otherwise?  
 21 A. The word spread far and wide by Monday when  
 22 I --  
 23 Q. Okay. But you don't remember anyone  
 24 saying -- I don't -- this is where my disconnect is.  
 25 You don't have any recollection of anyone saying

1 anything to you about this at all Thursday, Friday,  
 2 Saturday or Sunday. Yet, you're telling me the rumor  
 3 spread like wildfire. Help me understand how you know  
 4 it spread, if no one said anything to you about it?  
 5 A. Actions, behaviors.  
 6 Q. Okay. And those were the things you  
 7 mentioned earlier?  
 8 A. Yes.  
 9 Q. Just not engaging with you?  
 10 A. Yes.  
 11 Q. Okay. When did that occur?  
 12 A. Thursday or Friday. Monday, certainly.  
 13 Q. Over the weekend?  
 14 A. No, I don't think -- I don't remember,  
 15 actually.  
 16 Q. All right. But no one said anything to you  
 17 about it; it was only that you noticed that your -- you  
 18 perceived that people treated -- avoided you?  
 19 A. Right.  
 20 Q. Is that fair?  
 21 A. Okay.  
 22 Q. I mean, is that fair?  
 23 A. Sure.  
 24 Q. Okay. And then on that Monday is when you  
 25 sent the e-mail to your students and to the SSM

1 faculty?  
 2 A. I have to explain now, yes. Yes.  
 3 Q. Okay. When you say you have to explain, I  
 4 thought you meant you were getting ready to explain.  
 5 A. Oh.  
 6 Q. You mean --  
 7 A. To them, right. I am not in my classroom  
 8 today. Why?  
 9 Q. On Monday, you felt like you had to explain  
 10 to your SSM coworkers and your students why you weren't  
 11 in class on Monday?  
 12 A. Yes.  
 13 Q. Okay. After that point in time, up to the  
 14 present, did anyone tell you about any specific rumors  
 15 that they perceived you to be a threat?  
 16 A. No.  
 17 Q. Okay. Do you -- what evidence can you point  
 18 to that people, in fact, had this view or those rumors  
 19 were occurring?  
 20 A. Behaviors.  
 21 Q. Okay.  
 22 A. But no evidence. No hard evidence.  
 23 Q. Okay. Now, by Monday, you sent the e-mail.  
 24 And so is it possible that people were treating you  
 25 differently, as you perceived it, because of the events

1 in your e-mail, not Brian's memo? In other words, I  
 2 believe you suggested earlier that the College is  
 3 powerful and people are fearful of the College?  
 4 A. Yes.  
 5 Q. Is it possible that people were keeping their  
 6 distance from you because they perceived you to be  
 7 challenging the powers that be and not specifically  
 8 because of a February 18 memo removing you from  
 9 teaching?  
 10 A. Possible.  
 11 Q. Okay. And, again, just to make the record  
 12 clear, I believe I understand you now to be complaining  
 13 about two defamatory acts; number one, removing you  
 14 from the classroom without pay by virtue of the memo on  
 15 February 18 and, number two, Brian appointing an  
 16 investigative review committee. Those are the two acts  
 17 that you contend are defamatory?  
 18 A. Yes.  
 19 Q. Are there any other acts?  
 20 A. No, sir.  
 21 Q. Okay. Are there any statements that anybody  
 22 made that you contend today are defamatory, that were  
 23 made prior to five years ago? We've already talked  
 24 about removing you from the classroom being potentially  
 25 defamatory. As I understand your testimony, that was

1 five years ago, give or take. Other than those acts,  
 2 are there any other acts or statements that you contend  
 3 today are defamatory?  
 4 A. Not really.  
 5 Q. Well, that is really a yes or no question.  
 6 A. Ask me the question again.  
 7 Q. I'd ask Madam Court Reporter to read the  
 8 question back, please.  
 9 (Requested portion read back.)  
 10 BY MR. DIXON:  
 11 Q. Is that question clear?  
 12 A. Not that I can think of.  
 13 Q. Okay. So as you sit here today, you cannot  
 14 think of any other acts or statements, other than the  
 15 ones we've already talked about, that you contend are  
 16 defamatory, correct?  
 17 A. Not that I can think of.  
 18 Q. Okay. So the answer to my question is, yes,  
 19 that's correct, as you sit here today?  
 20 A. Yeah.  
 21 Q. Are there any other acts or statements, other  
 22 than what we have talked about, that you contend are  
 23 defamatory?  
 24 A. I have a very thick skin. And I tend to  
 25 forget, especially things like this. It is possible I

1 would remember, if I thought hard enough. But I can't  
 2 think of any other now --  
 3 Q. I'm asking you to think very hard --  
 4 A. -- as harassing.  
 5 Q. -- as hard as you can, and tell me any other  
 6 statements, other than the ones, or acts, that we've  
 7 discussed today that constitute defamation.  
 8 A. I cannot think of any other now.  
 9 Q. Okay. Do I remember from your resume that  
 10 you were summa cum laude?  
 11 A. As an undergraduate, it was -- yeah, it was  
 12 in Honors. Yes, summa cum laude in Honors Biology.  
 13 Q. Yes?  
 14 A. Yes.  
 15 Q. Okay. I'm looking at your Complaint now,  
 16 which is Exhibit -- I believe we did 16.  
 17 A. Yes.  
 18 Q. Plaintiff -- reading from paragraph 110.  
 19 A. 110.  
 20 Q. Plaintiff engaged in protected expression  
 21 regarding a matter of public concern when he complained  
 22 that his academic freedom as a tenured professor was  
 23 being infringed upon.  
 24 Do you see that?  
 25 A. Yes.

1 Q. As I understand that allegation, your  
 2 allegation is that the protected expression was the  
 3 complaint that your academic freedom was being  
 4 infringed upon; is that a fair statement?  
 5 A. Yes.  
 6 Q. And this would be statements made in your  
 7 grievance, right, your various grievances, I should  
 8 say?  
 9 A. And publications, articles, newspaper and TV,  
 10 yes.  
 11 Q. Okay. So this is broader than just the  
 12 complaints to the College. Your view is that this  
 13 includes statements made to the various publications  
 14 we've talked about today?  
 15 A. Yes.  
 16 Q. Your op-ed piece --  
 17 A. Yes.  
 18 Q. -- for example?  
 19 Before the February 18 memo, had you communicated  
 20 with anyone outside the College about this issue?  
 21 A. This issue, that -- my academic freedom?  
 22 Q. Right.  
 23 A. Yes.  
 24 Q. Who?  
 25 A. My chairman, every year.

1 Q. No, no, outside of the College?  
 2 A. Outside of the College? Oh, no, not that I  
 3 recall.  
 4 Q. And you're saying that prior to spring of  
 5 2016, you had complained to the chairman that your  
 6 academic freedom was being infringed upon?  
 7 A. Yes. I think that was the reason that I  
 8 appealed the first time I ever was denied promotion,  
 9 which would have been in the 1980s. I was tenured, but  
 10 not promoted. I actually brought a complaint from the  
 11 Faculty Hearing Committee that my academic freedom was  
 12 being infringed upon because of my -- my teaching  
 13 style, my teaching philosophy.  
 14 Q. All right. So you're saying you filed a  
 15 grievance or a complaint, or something of that nature,  
 16 in connection with your first denial --  
 17 A. Yes.  
 18 Q. -- of promotion?  
 19 A. Yes.  
 20 Q. Okay. And it was premised on academic  
 21 freedom?  
 22 A. Yes.  
 23 Q. And the substance of the complaint was that  
 24 you were denied promotion because of your teaching  
 25 style?

1 A. Philosophy.  
 2 Q. Teaching philosophy?  
 3 A. Yes.  
 4 Q. What was the upshot of that complaint? How  
 5 was it resolved?  
 6 A. Denied.  
 7 Q. Okay. Again, prior to February 18, other  
 8 than what you just told me about, have you ever  
 9 complained to anyone about your academic freedom being  
 10 infringed upon?  
 11 A. To superiors and such, yes. Chairman, for  
 12 example.  
 13 Q. This is now independent of the denial of the  
 14 promotion?  
 15 A. Yeah, or annual evaluation.  
 16 Q. Okay.  
 17 A. During annual evaluations. Once a year, I  
 18 guess.  
 19 Q. So you would make that complaint to Jaap or  
 20 Auerbach, or whomever the department chair and dean  
 21 were, that your poor evaluations were a -- were an  
 22 infringement of your academic freedom?  
 23 A. Yes, sir.  
 24 Q. Okay. Did you make those complaints every  
 25 year?

1 A. After tenure, under some circumstances, we  
 2 are allowed to skip a year. We are allowed to let our  
 3 annual evaluations ride. I think it's literally called  
 4 "let them ride." So there's some times when I've not  
 5 had an interview with the chair, but rather simply  
 6 requested that whatever grade he'd assigned me for the  
 7 previous year be carried forward.  
 8 Q. So other than that --  
 9 A. Other than that.  
 10 Q. -- you made the complaints every year?  
 11 A. Yes, at every -- at every interview with the  
 12 chairman.  
 13 Q. Okay. Does your Complaint in this lawsuit  
 14 allege that your academic freedom was infringed upon  
 15 with respect to anything other than the syllabus  
 16 issue?  
 17 A. Maybe.  
 18 Q. Let's clarify that. What else would it be?  
 19 A. We don't know why I was targeted. It's clear  
 20 that there were many noncompliant syllabuses all over  
 21 the College of Charleston, within the Biology  
 22 Department, and I was singled out. One possible  
 23 explanation for why I was singled out is the quote  
 24 itself. It is possible that my academic freedom was  
 25 being infringed on because of political or

1 anti-religious sentiments by my chairman, dean and  
 2 provost. It is possible that we have a -- they have a  
 3 substantive philosophical disagreement with the Woodrow  
 4 Wilson quote. I don't know.  
 5 Q. Okay, that's -- that's a fair answer. I  
 6 would subsume that within the syllabus dispute.  
 7 A. Okay.  
 8 Q. Putting the syllabi to the side, do you  
 9 contend your academic freedom was infringed upon in  
 10 this lawsuit in any other way, other than the syllabus?  
 11 A. Other than the syllabus? No, not in this  
 12 lawsuit.  
 13 Q. Okay. So let's go back to the anti-religious  
 14 sentiment or the notion of an anti-religious sentiment.  
 15 Are there any other ways that you contend that the  
 16 College infringed upon your academic freedom in  
 17 connection with the syllabus dispute, other than the  
 18 anti-religious sentiment we just discussed, and then  
 19 what I originally understood your complaint to be, i.e.  
 20 that you were not -- had no right to require you to add  
 21 trivial banalities to your syllabus?  
 22 A. Yes.  
 23 Q. Are those two the only ways in which the  
 24 College infringed upon your academic freedom in  
 25 connection with the syllabus dispute?

1 A. The Wilson quote is long and complicated.  
 2 And it begins with the assertion that there is a right  
 3 thought of the world. It is possible that my bosses  
 4 reject the assertion of a single right thought, but  
 5 rather assert that there are many -- a diversity of  
 6 equal -- equally valid thoughts. So there are at least  
 7 two -- two philosophical reasons, two possible reasons  
 8 within the Woodrow Wilson quote to single me out. Or  
 9 it could be the pedagogy, I -- my refusal to list  
 10 trivial banalities on the syllabus itself.  
 11 Q. Okay. So I'm hearing, then, three --  
 12 A. Three.  
 13 Q. -- notions. Trivial banalities?  
 14 A. Yes.  
 15 Q. The right thought of the world, meaning that  
 16 there is one right thought --  
 17 A. Yes.  
 18 Q. -- to the world? And then an anti-religious  
 19 sentiment, right?  
 20 A. Yes.  
 21 Q. And as we've gone through these documents,  
 22 the only one that you raised in the administrative  
 23 review process was the trivial banalities, correct?  
 24 A. I was not allowed to make my case for the  
 25 Hearing Committee.

1 Q. My question is a simple one. Did you raise  
 2 anything other than the trivial banalities objection in  
 3 the administrative process?  
 4 A. Just the differences in teaching philosophy  
 5 is all I put on the April 5 Notice of Grievance.  
 6 Q. Right. Which, according to the paradigm you  
 7 set up earlier, is the trivial banalities --  
 8 A. Yes.  
 9 Q. -- notion?  
 10 A. Yes.  
 11 Q. So you would agree, then, that you did not  
 12 raise subsequent to, i.e. to the right thought of the  
 13 world or the anti-religious sentiment?  
 14 A. I was not allowed to.  
 15 Q. But did you?  
 16 A. And I did not.  
 17 Q. Thank you.  
 18 A. Because I was not allowed.  
 19 Q. Thank you.  
 20 Other than those three, is there anything else  
 21 about the syllabus controversy that you contend  
 22 violates your academic freedom?  
 23 A. That would be the complete list.  
 24 Q. Thank you. Did any other faculty members  
 25 tell you that they were fearful of the College and

1 therefore their speech in any of these three ways, or  
 2 any other way for that matter, was chilled?  
 3 A. No.  
 4 Q. Do you believe that faculty members feel that  
 5 way?  
 6 A. Yes.  
 7 Q. Why do you feel that way?  
 8 A. Behaviors.  
 9 Q. Meaning?  
 10 A. How they act.  
 11 Q. How do they act?  
 12 A. Scared.  
 13 Q. How do they act scared?  
 14 A. Head held low, trembling knees.  
 15 Q. In meetings, you mean meetings around  
 16 academic issues?  
 17 A. In the hallway, even. Uh-huh, casual.  
 18 Q. Tell me -- we've talked about this a little  
 19 bit last time. I want to understand how it works and  
 20 how you think it works. When you retire and go into  
 21 the TERI program, I believe you told me that the state  
 22 calculates your retirement at that point, right?  
 23 A. Yes, calculates a pension.  
 24 Q. Your pension, I mean --  
 25 A. Yes. Yes.

1 Q. -- at that point. And when are you paid?  
 2 A. It's held in an escrow account until you  
 3 formally leave the employment of the College.  
 4 Q. So when you formally resigned in August of  
 5 2016, that's when you received the check?  
 6 A. Yes.  
 7 Q. And at last we spoke, you didn't recall  
 8 specifically how much it was?  
 9 A. And I don't, I'm sorry. I could have looked  
 10 it up.  
 11 Q. Okay. So that amount was not decreased any  
 12 by virtue of your early -- final -- your -- that amount  
 13 was not decreased by virtue of your early exit from the  
 14 TERI program, right?  
 15 A. Yes, it was.  
 16 Q. How was it?  
 17 A. You continue to pay into your pension, even  
 18 as you're working under the TERI program. So it would  
 19 have been a larger lump sum payment in 2018 than it  
 20 was.  
 21 Q. Okay. How much per year is, do you know, put  
 22 into the TERI program?  
 23 A. I don't know. I don't know. I could look it  
 24 up on a pay stub, I think.  
 25 Q. Okay. Let's take five and hopefully come

1 back and finish.  
 2 I lied. Let's not take five now. Let's do this  
 3 real quick.  
 4 (Defendant's Exhibit No. 86 marked for  
 5 identification.)  
 6 BY MR. DIXON:  
 7 Q. I'm handing you, Dr. Dillon, what was been  
 8 marked Exhibit 86. This document is Bates labeled 860,  
 9 correct?  
 10 A. Yes.  
 11 Q. Do you recognize this?  
 12 A. Yes.  
 13 Q. Have you seen this e-mail before?  
 14 A. This is the e-mail from the College's  
 15 representative in Columbia, Fred Daniels, to the -- the  
 16 dean, sorry, to the provost at that time, Elise  
 17 Jorgens, and the dean at that time, Norine Noonan.  
 18 This is from 2006.  
 19 Q. Okay. So we were talking about this last  
 20 time, right?  
 21 A. Yes.  
 22 Q. And this e-mail states that Robert Dillon  
 23 attended the meetings and his behavior was both  
 24 inappropriate and disruptive to the hearings; do you  
 25 see that?

1 A. Yes.  
 2 Q. Do you know what that statement is in  
 3 reference to?  
 4 A. I was opposing the creationist sentiment at  
 5 the Education Oversight Committee in a very respectful  
 6 manner.  
 7 Q. The author of this e-mail states that you  
 8 showed a lack of respect and a lack of decorum in  
 9 disrupting a public meeting; do you see that?  
 10 A. Yes.  
 11 Q. Do you dispute that characterization?  
 12 A. I do dispute that.  
 13 Q. Okay.  
 14 A. And if it really mattered, I think these  
 15 things have videotape. And you could look up what I  
 16 did in 2006, if it really mattered.  
 17 Q. Okay.  
 18 A. But I didn't do anything.  
 19 Q. Okay. All right. Now let's take five.  
 20 (A brief recess was taken.)  
 21 BY MR. DIXON:  
 22 Q. Let's go back on. Dr. Dillon, earlier you  
 23 said that -- something along the lines of other  
 24 professors had noncompliant syllabi?  
 25 A. Yes.

1 Q. Where did you see these syllabi?  
 2 A. They're on the Biology Department web site.  
 3 Q. Isn't it the case that syllabi that are on  
 4 the web site are not necessarily the syllabi that are  
 5 used in the course?  
 6 A. The Biology Department in the last, I guess  
 7 year, went -- back up.  
 8 Jaap Hillenius stepped aside from being department  
 9 chairman in the end of June 2016 and the new chairman  
 10 took over, his name is Seth Pritchard, July 1. And he  
 11 collected all of the syllabuses from that semester,  
 12 from the spring of 2016, and posted them online, on the  
 13 Biology Department web site. You can see a complete  
 14 collection of all the syllabuses that were in force the  
 15 semester I was -- the semester I was sanctioned.  
 16 Q. And you're sure that the ones that are posted  
 17 online were the ones that were in force for that --  
 18 A. Yes.  
 19 Q. -- spring 2016 semester?  
 20 A. Yes. And right out of the Defendant files  
 21 put online.  
 22 Q. What is OAKS?  
 23 A. That's the grading system, the fancy grading  
 24 system used by the College, online grading system,  
 25 recordkeeping system.

1 Q. Are syllabi posted to OAKS?  
 2 A. Yes, I think they are.  
 3 Q. Okay. Did you review any of the syllabi that  
 4 are on -- did you use OAKS --  
 5 A. No.  
 6 Q. -- to review any of the syllabi from spring  
 7 2016?  
 8 A. No. I never used OAKS. I didn't like it.  
 9 Q. Okay. So to this day, you haven't used OAKS  
 10 to look at the syllabi that were in force spring 2016?  
 11 A. Correct.  
 12 Q. Okay. As we sit here today, and we can turn  
 13 back to your syllabus if you'd like, do you contend  
 14 that the description of what's going to occur in each  
 15 class suffices as a SLO?  
 16 A. The quote is a student learning -- it is my  
 17 explicit student learning outcome. That should be  
 18 sufficient.  
 19 Q. My question is, do you contend today that the  
 20 statement of what's going to happen in each day of the  
 21 class, which as I'm looking at it, Exhibit 22, College  
 22 460, that these statements constitute sufficient  
 23 SLOs?  
 24 A. These are not student learning outcomes.  
 25 This is a list of experiments to be performed, lab

1 reports to be completed, grades to be collected. These  
2 are not student learning outcomes.

3 Q. Okay. So you would admit that this aspect of  
4 the syllabus does not comply with the College's  
5 syllabus policy that was in effect in spring 2016?

6 A. And the --

7 Q. Yes or no?

8 A. There is no requirement for student learning  
9 outcomes in the policy of the College as of the spring  
10 of 2016.

11 Q. That was not my question.

12 A. Ask me the question again.

13 Q. Was it your contention that College 460  
14 satisfies the FAM policy on syllabi as it existed in  
15 spring of 2016?

16 A. Yes, it certainly does.

17 Q. Okay.

18 A. Does not mention student learning outcomes,  
19 but simply -- in -- in -- in those days, when this was  
20 written, in the spring of 2016, it simply says, Course  
21 expectations will be made clear, presumably by a  
22 syllabus, or something like that.

23 Q. The actual language, you don't have to read  
24 it into the record from Plaintiff 355, At the beginning  
25 of each term, instructional staff members are

1 responsible for stating clearly and in writing the  
2 instructional objectives of each course they teach.

3 As we sit here today, is it your view that the  
4 description of each class on College 460 satisfies that  
5 requirement?

6 A. Yes, sir.

7 Q. Did you ever make that argument in any of the  
8 administrative proceedings leading up to your eventual  
9 resignation?

10 A. Yes, sir.

11 Q. When did you make that?

12 A. Repeatedly to my chairman, my dean, my  
13 provost, to the Hearing Committee, and to the Grievance  
14 Committee, repeated.

15 Q. Can you find one instance where you did that?  
16 I mean, we have talked about a lot of statements that  
17 you made to the dean and to the chair. And my sense  
18 from those was that your contention was that the Wilson  
19 quote was sufficient and they needn't look any further.

20 A. So -- so I don't see -- it's pretty much  
21 every place. So on Exhibit 24, the second page,  
22 College 00448, this is an e-mail to Mike Auerbach. As  
23 I indicated in my correspondence with Jaap, I have  
24 honestly endeavored to state the learning outcomes of  
25 Genetics Lab on my syllabus as is clearly as I can.

1 Q. And you go to say, Perhaps the problem is one  
2 of formatting?

3 And then you reformat the Woodrow Wilson quote --

4 A. Yes.

5 Q. -- and address it as a discreet list of  
6 bullet points?

7 A. Yes.

8 Q. You're not speaking here about the second  
9 page of your syllabus; you're speaking specifically  
10 about the Woodrow Wilson quote?

11 A. That is correct.

12 Q. Okay. My question was, anywhere in the  
13 administrative process did you contend that the second  
14 page of your syllabus --

15 A. Oh.

16 Q. -- satisfied the College's syllabus policy?

17 A. No, not that I recall. No.

18 Q. Okay. Thank you. Do you contend that today,  
19 just so the record's clear?

20 A. It might be construed so. The answer is,  
21 maybe.

22 Q. Okay. I went back and looked at your  
23 Complaint at the break. And I just need to make sure  
24 that I've understood the full scope your defamation  
25 claim. You've told me that your defamation claim is

1 constituted of your removal from the classroom on  
2 February 18 and the appointment of the investigative  
3 review committee. Do you also contend that barring you  
4 from campus was a defamatory act?

5 A. Yes.

6 Q. Explain how that was a defamatory act,  
7 please.

8 A. I think under ordinary human understanding to  
9 forbid a person to enter an area is defamatory. It --  
10 it implies there's something wrong with that person,  
11 strongly implies there's something wrong with that  
12 person.

13 Q. And just so the time line is clear, you were  
14 not barred from campus until March 18. I'm sorry,  
15 that's -- that's not true. When were you barred from  
16 campus?

17 A. It was with the sanction itself, March the  
18 something or other. It is Defendant's 43.

19 Q. Right. Plaintiff 950. I'm reading --

20 A. 950.

21 Q. -- I'm reading from the third bullet.

22 A. Yes.

23 Q. For the duration of your unpaid suspension,  
24 you shall continue to be barred from campus.

25 He says "continue." But you were not barred from

1 campus prior to that day, right? That was not part of  
 2 the discipline imposed upon you in February of 2016?  
 3 A. That is correct.  
 4 Q. Okay. Did anyone tell you that they perceive  
 5 your barring from campus to reflect negatively upon  
 6 you?  
 7 A. No.  
 8 Q. And can you identify any damages specifically  
 9 traceable, specifically to the being barred from  
 10 campus, not anything else but just that?  
 11 A. No.  
 12 Q. Okay. Did anyone imply to you that by virtue  
 13 of you being barred from campus they perceived that you  
 14 were whatever, whatever the case, there was a negative  
 15 inference to be drawn about you?  
 16 A. Nobody said that to me.  
 17 Q. Did anyone imply that to you?  
 18 A. Yes.  
 19 Q. Who did?  
 20 A. I don't recall.  
 21 Q. What was said?  
 22 A. It may have simply been gestures. It may  
 23 have been expressions of the face. I don't remember.  
 24 Q. Might it have been in response to you  
 25 communicating that you were barred from campus like a

1 sex offender?  
 2 A. It's possible.  
 3 Q. Okay.  
 4 A. For a Woodrow Wilson quote.  
 5 Q. Those three things we've just discussed,  
 6 removal from the classroom, appointment of a panel,  
 7 barring from campus, as I understand your defamation  
 8 claim, that is it; is that correct?  
 9 A. There are other parts of the actual sanction  
 10 which appear to be defamatory, which could be taken as  
 11 defamatory, my e-mail being closed for example. If  
 12 colleagues tried to e-mail me and had it bounce, they  
 13 would wonder.  
 14 Q. Did that happen?  
 15 A. No, it didn't, thank heavens. It wasn't  
 16 clear as of March 18, but it certainly appeared that  
 17 way.  
 18 Q. But your e-mail account was never actually  
 19 closed, correct?  
 20 A. I can't send out under dillonr@cofc.edu.  
 21 Q. Right. But you've since retired?  
 22 A. Yes. But that would have been true  
 23 nonetheless. Had I not retired, I would have had to go  
 24 to another e-mail account to send. I could have still  
 25 received, but then I would have to send from something

1 else, I guess.  
 2 Q. Okay. But your e-mail was never discontinued  
 3 by virtue of Dr. McGee's sanction against you,  
 4 correct?  
 5 A. Correct. It was potentially defamatory.  
 6 Q. Okay.  
 7 A. It would have been defamatory, had I not  
 8 retired.  
 9 Q. Could you identify other aspects of the  
 10 sanction that are defamatory?  
 11 A. Nearly to lose an e-mail account, I think  
 12 that's pretty, pretty clear. The business of after my  
 13 suspension then presumably I was suspended, then I'm to  
 14 come back in the spring of 2017, not be eligible to  
 15 serve as instructor of record during that semester. I  
 16 would be given some assignments to noninstructional  
 17 administrative and research duties and/or work as a  
 18 noninstructor of record. Heaven knows what that could  
 19 be. It didn't happen. It's entirely hypothetical.  
 20 Could I have been assigned to mop the floor, or then be  
 21 insubordinate again? Heaven knows. There's certainly  
 22 potential for a lot of other defamation here. It is a  
 23 very harsh penalty.  
 24 Q. Did anyone -- did the College ever leak this  
 25 memo, Brian's March 18 memo, to anyone?

1 A. No.  
 2 Q. Okay. Can you identify any damage that  
 3 resulted to you for any of the other elements of the  
 4 sanction?  
 5 A. Not offhand. Losing students, obviously.  
 6 Barring from campus. We talked about -- about the  
 7 implications from being removed from my -- suddenly  
 8 removed from my classroom. The institution of the  
 9 panel, which appears to be for sex discrimination or  
 10 harassment or what have you. And, finally, had the  
 11 administration at any time explained the reason for the  
 12 sanction, I think much of this would have disappeared.  
 13 But because they were silent, leaving everybody in the  
 14 campus, the entire student body, and my colleagues  
 15 nationwide, because they would not explain, I was  
 16 defamed. The defamation is in the silence.  
 17 Q. Which you remedied by providing this to  
 18 everyone?  
 19 A. Yes.  
 20 Q. Okay. The other elements of the sanction,  
 21 did anyone ever tell you that they perceived that to be  
 22 defamatory or -- sorry, that's a bad question.  
 23 Did anyone tell you that any of the other elements  
 24 of the sanction implied to them that you were of ill  
 25 repute or had a negative character trait or anything

1 similar?

2 A. No, sir.

3 Q. Okay. And was there any monetary damage that

4 befell you by any other aspects of the sanction? We've

5 already talked about the monetary one associated with

6 your resignation. Any other aspects of the sanction --

7 A. No, sir.

8 Q. -- caused monetary harm to you?

9 A. Not as far as I know.

10 Q. Okay. Other than the aspects of the

11 sanction, other than the suspension, and other than the

12 appointment of the review committee, are there any

13 other acts that you contend are defamatory?

14 A. No, sir.

15 Q. Thank you.

16 Your last cause of action is a cause of action for

17 a due process violation. I am looking now at your

18 Complaint.

19 A. All right.

20 Q. We have already touched on this a little bit.

21 It's Exhibit 16.

22 A. Thank you. 16.

23 Q. I think that is it, right there.

24 A. It is. You're right. It is. 16 is looking

25 at me. Yes, okay. What paragraph number?

1 Q. I'm starting at 114. I'm not going to read

2 from 114, but that's the page that I am going to be on.

3 A. Okay. Okay.

4 Q. Am I correct that the sum of your due process

5 claim is evidenced right there in paragraph 117,

6 Plaintiff was denied the opportunity to be heard as to

7 the important issues of academic freedom and due

8 process due to McGee's creation of a hand-picked group

9 of three which group of three's action used up

10 Plaintiff's time to file a grievance with the Faculty

11 Hearing Committee?

12 A. Yes, sir.

13 Q. And then 118, Plaintiff was denied an

14 adequate opportunity to be heard on these important

15 issues before the Faculty Hearing Committee?

16 A. Yes, sir.

17 Q. So your contention is that your due process

18 rights were violated by virtue of McGee's creation of a

19 hand-picked group of three, right?

20 A. Yes, sir.

21 Q. Is there anything else?

22 A. In a larger sense, the AAUP points out that

23 in ordinary colleges and universities, infractions of

24 the severity -- infractions so severe as to warrant

25 removal from class are heard by a jury -- by a jury

1 of -- of faculty. And the presumption is innocence

2 until proven guilty. Now, that is entirely opposite of

3 the entire writing of the Faculty/Administration

4 Manual. Here, I was assumed guilty and was offered an

5 opportunity to persuade otherwise. I am guilty unless

6 I can convince the provost of my innocence, okay? That

7 is a terrible due process violation. But it's one

8 that's given to the Faculty/Administration Manual.

9 Q. Your contention is that this provision of the

10 FAM constitutes a violation of a constitutional right

11 to due process?

12 A. To the extent that constitutional rights

13 extend to employee contracts, yeah, I guess.

14 Q. Okay.

15 A. It certainly violates the norms for colleges

16 and universities.

17 Q. All right. Other than the use of a

18 hand-picked group of three and the shifting of the

19 burden of proof, is there any other way in which you

20 contend your due process rights were violated?

21 A. Any other way that my due process rights were

22 violated? Yes. At no time during the entire episode,

23 from the initial meeting, the initial e-mail from Jaap

24 Hillenius, through my interactions with Hillenius and

25 McGee, and the investigative review panel, and the

1 hearing, through several months, I was never

2 interviewed in person. I was never -- I received no

3 phone calls. The entire accusation and conviction and

4 penalty was weighed out in my absence.

5 Q. Well, that's not quite right, is it? I mean,

6 you were offered the opportunity, several times in

7 fact, to submit a written response?

8 A. Yes, not in person. I was never interviewed.

9 Q. Okay. The College never took any steps to

10 preclude you from submitting any and all affidavits --

11 any and all evidence you wanted, right?

12 A. That is correct.

13 Q. And had you wanted to sit down and swear out

14 an affidavit, nothing precluded you from doing that,

15 correct?

16 A. I would suggest that any decent process would

17 include an opportunity for me to explain myself.

18 Q. My question was, nothing prevented you from

19 swearing out an affidavit and submitting it to the

20 College, correct?

21 A. That is correct.

22 Q. Okay. And you were not denied the

23 opportunity to submit anything?

24 A. That is correct.

25 Q. Okay. Anything else? Any other ways in

1 which your due process rights were violated?  
 2 A. That's all.  
 3 Q. Okay. You've got the Summons and Complaint  
 4 there. The Complaint alleges Third Cause of Action  
 5 (South Carolina Constitutional Due Process Violation).  
 6 It does not allege a violation of the federal  
 7 Constitution. Is it your contention today that your  
 8 claim is only under the South Carolina due process  
 9 clause?  
 10 A. I don't know.  
 11 Q. Okay. Look at the second cause. Turn back  
 12 one page. Retaliation in Violation of South Carolina  
 13 Constitution's First Amendment as to Defendant College  
 14 Only.  
 15 A. Yes.  
 16 Q. Like the due process claim, that claim says  
 17 South Carolina Constitution's First Amendment?  
 18 A. Yes.  
 19 Q. Is it -- as you sit here today, is it your  
 20 understanding that your free speech claim is limited to  
 21 the South Carolina Constitution?  
 22 A. I don't know the legal --  
 23 Q. Okay.  
 24 A. -- technicalities.  
 25 Q. Okay, that's fine. Just a few more.

1 When you were removed from teaching duties five,  
 2 ten years ago, with respect to non-Biology 305 Lab  
 3 classes --  
 4 A. Yes.  
 5 Q. -- who were the chairs and deans at that  
 6 time?  
 7 A. My memory fails me. It was a gradual  
 8 process. And we've had six or seven chairmen in my 30  
 9 years, maybe more. And I cannot -- could not tell you.  
 10 I could look it up, but I can't tell you now.  
 11 Q. And what were you told about the reason for  
 12 your removal?  
 13 A. I wasn't ever told. These things are never  
 14 explained. We discover them later.  
 15 Q. So as we spoke last time, you would pull up,  
 16 click on the appropriate tab and learn, I guess I'm not  
 17 teaching Evolution this year?  
 18 A. Yes. Exactly.  
 19 Q. Okay. Do you have a guess as to why you were  
 20 removed?  
 21 A. I think it's my student evaluations.  
 22 Q. Okay. Since you have sent the job  
 23 application to the British museum, have you sent any  
 24 additional ones?  
 25 A. No, sir.

1 Q. Okay. Are you open to moving from  
 2 Charleston?  
 3 A. Yes.  
 4 Q. Okay.  
 5 A. I am.  
 6 Q. Okay. I have no further questions.  
 7 A. Thank you very much.  
 8 Q. No questions.  
 9 MR. DIXON: Nancy?  
 10 MS. BLOODGOOD: No.  
 11 (The deposition concluded at 6:00 P.M.)  
 12  
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1 C E R T I F I C A T E

2 STATE OF SOUTH CAROLINA:  
3 COUNTY OF DORCHESTER:

4 I, MARY ANN RIDENOUR, Registered Professional  
5 Reporter and Notary Public, State of South Carolina at  
6 Large, certify that I was authorized to and did  
7 stenographically report the foregoing deposition of  
8 Robert T. Dillon; and that the transcript is a true  
9 record of the testimony given by the witness, and was  
10 sworn as such.

11 I further certify that I am not a relative,  
12 employee, attorney or counsel of any of the parties,  
13 nor am I a relative or employee of any of the parties'  
14 attorney or counsel connected with the action, nor am I  
15 financially interested in the action.

16 WITNESS MY HAND AND OFFICIAL SEAL this 29th day of  
17 May, 2017, in the Town of Summerville, County of  
18 Dorchester, State of South Carolina.

19  
20  
21  
22  
23  
24  
25

  
Mary Ann Ridenour

Mary Ann Ridenour, RPR, CLR  
and Notary Public  
My commission expires:  
March 14, 2021

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