

d. Jessica Weaver

Potential Witnesses:

e. Shubha Ghosh

f. Nia Butler

g. Joshua C. Tate

Witnesses a–c and e–f can be reached through counsel for Professor Butler. Witnesses d and g are non-management employees of SMU Law, thus it is unknown whether Defendants’ counsel is an appropriate contact at this time.

2. Deposition Designations

Professor does not expect to call any witnesses by deposition at this time, but she serves the right to amend this designation if events change closer to trial.

3. Document Exhibits

Professor Butler submits her document exhibit list for trial and also incorporates by reference all exhibits identified by Defendants (ECF No. 155).

Exhibits expected to be used at trial are so marked below. However, Professor Butler reserves the right to use any and all exhibits listed below at trial, if necessary. Further, there may be additional exhibits that Professor Butler might use solely for impeachment purposes, which are not identified below because Fed. R. Civ. P. 26(b)(3)(A) does not require disclosure of such exhibits. Lastly, Professor Butler reserves the right to remove or add exhibits to this list.

Professor Butler’s exhibits are marked numerically in sequential order. This list includes a brief description of the proposed exhibit and frequently references a

corresponding Bates number that is keyed to discovery exchanged by the parties during the course of this litigation.

NO.	EXPECT TO USE	DESCRIPTION	DOC ID
1.	X	AAUP Statement: Statement on Government of Colleges and Universities	ECF No. 161 at Pla. App. 2–9
2.	X	Email: Butler Curriculum Vitae (8/12/15)	SMU_Butler_00032004
3.	X	Email: Butler Curriculum Vitae with attached CV (9/2/15)	SMU_Butler_00006180–98
4.	X	Email: Tenure box deadline set by Collins (10/24/15)	SMU_Butler_00005891–92
5.	X	Email: Tenure box contents with attached checklist (9/6/15)	SMU_Butler_00006138 SMU_Butler_00006145–46
6.	X	Email: Items in tenure box (9/5/15)	SMU_Butler_00006167
7.	X	Email: Supp. Items considered for teaching at tenure with attached Norton Memo evaluating Butler’s teaching qualifications (9/7/15)	ECF No. 161 at Pla. App. 37–44
8.		Email: Cortez teaching eval (9/16/15)	SMU_Butler_00031680
9.		Email: Satz teaching eval (8/14/15)	SMU_Butler_00031971
10.	X	Email: Bynum Student Eval (10/13/15)	SMU_Butler_0005901
11.	X	Letter: Solutio Student Eval (10/9/15)	SMU_Butler_0005904
12.		Email: Butler gets teaching award (4/19/14)	SMU_Butler_00005937–38
13.	X	Email:	SMU_Butler_00005940–41

		Norton's positive recollection of contract renewal eval of Butler's teaching (4/20/14)	
14.	X	Email: Timeliness of Butler's grades (9/30/15)	SMU_Butler_00006014
15.	X	Email: Butler concern about student eval. Bias (9/22/15)	SMU_Butler_00031659
16.		Email: Concern peer teaching evals are biased (9/4/15)	SMU_Butler_00006175-76
17.	X	Email: Butler is a "good teacher"; First Committee formed late and disbanded (9/8/13)	SMU_Butler_00005999-6000, SMU_Butler_00006009
18.	X	Email: Collins invites disparagement of Butler within tenure proceedings (9/19/15)	SMU_Butler_00006068
19.	X	Email: Butler raises systemic bias concerns (9/22/15)	SMU_Butler_00031665
20.		Email: Butler follow up on bias concerns (9/22/15)	SMU_Butler_00031670
21.	X	Email: Butler shares anxiety about tenure in light of her status as a minority woman (4/20/14)	SMU_Butler_00005913-14
22.	X	Email: Notice of resignation of Second Committee (9/22/15)	SMU_Butler_00005913-16
23.	X	Email: Butler asks Collins to intervene re past inequities in tenure process (9/15/15)	SMU_Butler_00006089-90
24.		Email: Butler praises Norton for work on her Second Tenure Committee (9/16/15)	SMU_Butler_00006081
25.	X	Email: Butler requests tenure report from Collins (1/26/16)	SMU_Butler_00008091

26.	X	Email: Norton promises Butler Second Committee will review her concerns memo (9/13/15)	SMU_Butler_00006091
27.	X	Email: Norton tells Collins Butler has accused Second Committee of negligence (9/13/15)	SMU_Butler_00006120
28.	X	Email: Norton tells Collins he anticipates a “lawsuit” over Butler’s tenure bid (9/15/15)	SMU_Butler_00006086
29.		Email: Transition from Second to Third Committee (9/27/15)	SMU_Butler_00006018
30.	X	Email: Butler and Collins discuss OIAE and Tenure Committee roles in investigating discrimination (10/1/15)	SMU_Butler_00005910
31.		Email: Third Committee claims it will rely on Second Committee’s work in evaluating Butler (10/2/15)	SMU_Butler_00005911
32.	X	Email: Collins sets January 2016 faculty vote (10/28/15)	SMU_Butler_00005852–53
33.	X	Email: Collins explains to Butler timing of faculty vote (8/13/15)	SMU_Butler_00031975
34.	X	Email: Collins reports Butler to campus police in connection with Butler’s request for her tenure report (2/2/16)	SMU_Butler_00007191
35.	X	Email: Butler requests tenure report for purposes of appeal (1/26/16)	SMU_Butler_00007254–55
36.	X	Email: Butler responds to Second Committee’s questions about student complaints (7/30/15)	SMU_Butler_00006619–24
37.	X	Email:	SMU_Butler_00007178

		Collins and Vice-Provost's assistant discuss tenure box status (2/19/16)	
38.		Email: Collins makes inquiry about tenure clock extension rules (10/16/15)	SMU_Butler_00005900
39.	X	Email: Collins backchannels with Stanley about tenure clock extension rules (10/21/15)	SMU_Butler_00005897-98
40.	X	Email: Butler asks Stanley for tenure clock extension (11/3/15)	SMU_Butler_00031375
41.	X	Letter: Stanley demands that Butler proffer "more particularized request" about tenure clock extension (11/4/15)	SMU_Butler_00005846
42.	X	Letter: Stanley denies tenure clock extension (11/10/15)	SMU_Butler_000012479-80
43.	X	Memorandum: Butler memo to Adams memorializing FMLA claims and struggles (12/18/15)	ECF No. 161 at Pla. App. 118-58
44.	X	Email: Consideration of FMLA and ADA in tenure appeal (1/29/16)	SMU_Butler_00004715-20
45.		Email: Anderson and Collins discuss merits of Butler's ADA requests and OIAE complaints with Second Committee (12/24/15)	SMU_Butler_00003415-19
46.		Email: Butler's FMLA leave concerns and Collins' request for medical documentation and gossip about "tenure was in jeopardy" (6/22/15)	SMU_Butler_00003420-21
47.		Email: Collins, Butler, and Adams on grades and FMLA (6/17/15)	SMU_Butler_00006654-61
48.		Email:	SMU_Butler_00006752,

		Collins and Thornburg discuss possible leak of FMLA leave (6/22/15)	SMU_Butler_00006761
49.	X	Email: Collins demands FMLA verification and casts doubt on veracity of Butler's FMLA request (6/16/15)	SMU_Butler_00006778-80
50.	X	Email: Collins' demand for medical documentation from Butler to prove FMLA, labeling as "ongoing problem with this faculty member" (6/12/15)	SMU_Butler_00006784-85
51.	X	Email: Thornburg and Collins opining that HR or Legal Counsel should be consulted re Butler FMLA requests (6/12/15)	SMU_Butler_00006786
52.	X	Email: Thornburg and Collins discussing merits of forwarded request from Butler re FMLA leave (6/12/15)	SMU_Butler_00006792-93
53.	X	Email: Thornburg and Collins discussing Butler medical accommodation (1/8/15)	SMU_Butler_00007057-58
54.	X	Email: Collins accuses Butler of violating ADA policy (4/27/16)	SMU_Butler_00007124-25
55.	X	Email: Collins directing Butler to work while sick and on leave (4/29/16)	SMU_Butler_00007126-27
56.	X	Email: Collins demands Butler respond daily to emails while sick and on leave (4/6/16)	SMU_Butler_00007143-44
57.	X	Form: Butler's Documentation of Disability (1/1/16)	SMU_Butler_00007154-55
58.	X	Form: Butler's Employee Reasonable Accommodation Request (1/1/16)	SMU_Butler_00007156-57

59.	X	Email: Collins claiming no notice of reasonable accommodations request (4/5/16)	SMU_Butler_00007159-60
60.	X	Email: Collins asks Butler to work during FMLA leave (3/4/16)	SMU_Butler_00007169-70
61.	X	Email: Collins asks Butler to work during FMLA leave (2/29/16)	SMU_Butler_00007171
62.	X	Email: Collins asks Butler to work during FMLA leave (2/25/16)	SMU_Butler_00007175
63.	X	Email: Butler reports bias incident with student in Torts (4/2/15)	SMU_Butler_00007085
64.	X	Email: Butler reports bias incident with student in Torts, dismissed by Thornburg and Collins (2/18/15)	SMU_Butler_00007051
65.		Email: Butler reports bias incident with student (2/13/15)	SMU_Butler_00007085-87
66.		Email: Butler shares concern with Collins that SMU conducted a "one sided investigation" (2/13/16)	SMU_Butler_00007179-80
67.	X	Email: Collins receives forward of Butler's original application flagged as "Minority Candidate" (2/13/2018)	SMU_Butler_00007115-16
68.	X	Email: Collins passing on Butler email to campus police (3/7/16)	SMU_Butler_00007167-68
69.	X	Declaration: Shubha Gohsh	ECF No. 161 at Pla. App. 221-88
70.		Declaration: Cheryl Butler	ECF No. 161 at Pla. App. 289-301
71.	X	Mitigation Evidence	BUTLER-EY-000001 to BUTLER-EY-004547
72.		All exhibits listed by Defendants not objected to by Plaintiff.	
73.		All documents needed for rebuttal purposes.	

4. Audio Exhibits

Professor Butler anticipates that audio exhibits will be used primarily to refresh the recollection of testifying witnesses at trial. However, Professor Butler reserves the right to use any and all audio exhibits listed below at trial, if necessary. Further, there may be additional audio exhibits that Professor Butler might use solely for impeachment purposes, which are not identified below because Fed. R. Civ. P. 26(b)(3)(A) does not require disclosure of such exhibits. Lastly, Professor Butler reserves the right to remove or add exhibits to this list.

Professor Butler's audio exhibits are marked numerically in sequential order. To ensure this disclosure gives proper notice of the sum and substance of each excerpt counsel has manually transcribed the audio samplings that constitute each sequentially numbered excerpt. All audio exhibits are taken from the tape recordings produced in native format to Defendants during discovery, as they requested. As a point of clarification, for the purposes of this pre-trial disclosure, Professor Butler has waived work product of a master document that gathered and cleaned up transcriptions obtained in furtherance of this litigation that itself was not properly discoverable pursuant to Fed. R. Civ. Pro. 26(b)(3)(a). This waiver is made as a courtesy to Defendants. At the appropriate time, Defendants will be provided with copies of the trial ready excerpts in digital format.

NO.	EXPECT TO USE	EXCERPT SUBSTANCE
1.	X	<p>Professor Butler: <i>My conversations [with tenure chair Roy Anderson] makes me worry like, is there some higher power that's blocking [my application for tenure and promotion].</i></p> <p>Professor Weaver: <i>I think [it's] what he said at the beginning when you all met the first time [to prepare your application for promotion and tenure] or whenever that was, he said, "Your interest and the university's interests are not the same."</i></p> <p>Professor Butler: <i>Mm-hmmm (affirmative)</i></p> <p>Professor Weaver: <i>That's what he was getting at. And that's what I would have to say, that's where they're going. Because I think that they feel that no matter what happens, unless they give you tenure, they think they're gonna get sued, which is true.</i></p>
2.		<p>Professor Tate: <i>It's probably that [Roy Anderson] thinks that the Dean will like it if he . . . helps you not get tenured or helps the Provost.</i></p> <p>Professor Butler: <i>Yes. Yes.</i></p> <p>Professor Tate: <i>And then ultimately, he wants to please the Dean. Actually, I suspect he wants you to not be tenured because the victory, Jennifer's victory is incomplete if you get tenured. So, he wants to be the one who helps Jennifer deny you tenure.</i></p>
3.	X	<p>Professor Weaver: <i>At the end of the day, they cannot deny that your [tenure] process was vastly different from everyone else's. And there's no real explanation for it. And the explanation they actually gave to us was: 'Oh, she's complaining about race discrimination.' So, then it's like: 'Yeah. Duh!!' So, yeah, you do have a good case.</i></p>
4.	X	<p>Professor Butler: <i>But the vibe I got from Roy [Tenure Chair & Professor Roy Anderson] was that it was above Jennifer [Dean Jennifer Collins]. It was somebody higher than Jennifer who decided . . . that you have to be punished for complaining about discrimination . . .</i></p>

		<p>Professor Weaver: <i>Yeah, I think it is above Jennifer . . . I say it's at the Provost's office is the one where it's at . . . they have blood on their hands.</i></p> <p>Professor Butler: <i>It's beyond, like you said . . . It's beyond Jennifer. It's someone in the Provost's Office who is conspiring against me. Um, so if someone in the Provost's Office is telling [Dean] Jennifer [Collins], 'Do not tenure her,' then. . .'</i></p> <p>Professor Weaver: <i>I think that people influencing her are on the faculty . . .</i></p> <p>Professor Butler: <i>Well, Julie [Forrester] is on [the faculty]. Some of these Provosts are on the faculty.</i></p> <p>Professor Weaver: <i>Right.</i></p> <p>Professor Butler: <i>Right.</i></p> <p>Professor Weaver: <i>That's exactly right. That's exactly right.</i></p>
5.	X	<p>Professor Weaver: <i>I'm saying that all she [Dean Collins] has done is given you a claim to file a lawsuit.</i></p>
6.	X	<p>Professor Weaver: <i>"the fact that there were two minority women on the Dean Search Committee caused a ruckus in and of itself.–</i></p> <p>Professor Butler: <i>Yeah, I think that I was retaliated against. Because remember when –</i></p> <p>Professor Weaver: <i>Retaliation. Looked that way, right? . . . I mean it's so classic, right? You put a minority woman in a situation where, you know, she has to make decisions . . . Like I'm saying, they don't have clean hands . . .</i></p> <p>Professor Butler: <i>One thing, you know, when they wrote that I lied, I was so devastated. 'Cause it hurt me so bad. Oh God, you know when someone attacks your credibility, that's worse than saying that you're a bad teacher. You know what I mean?</i></p>
7.		<p>Professor Weaver: <i>[Even though we have a new dean, Jennifer Collins] The same people are still there doing the same underhanded, racist stuff . . . and unless somebody pushes back, it will stay the same.</i></p>

8.		<p>Professor Butler: <i>They destroyed my integrity so badly in the meeting. It's not like there is anything worse they can do.</i></p> <p>Professor Weaver: <i>I mean no, you're right.</i></p>
9.	X	<p>Professor Weaver: <i>I need to read the letter . . . and you need to read the letter, too. I haven't read it but I think they go a little further . . . I think that's part of it . . . honestly the sickness issue [Professor Butler had applied for FMLA leave] but I think it's . . . in the goings back and forth between you and your committee and you and whoever. I think they are going to claim that, "well, she wasn't truthful when she said this and it had nothing to do with FMLA or the sickness. I just think they're trying to call . . . I think they're trying to call into question whether or not you are a truth-teller, period . . . I got that sense from what . . . [Professor] Meghan [Ryan] showed me a little bit of the last paragraph today, because I was like, "I haven't read the letter," and she was like, "Well, I've skimmed over them." And she was like, "Yeah, this part at the end is the worst." And it just talks about untruthfulness. It doesn't say credibility, necessarily. It doesn't . . . it's not worded like that. Um, and I think something to the effect of . . . um things that were stated to the Dean and to the Provost, something like that. Like that she made different and untruthful statements . . . to people on the [tenure] committee, um or other people on the faculty.</i></p> <p>Professor Butler: <i>That's FMLA and ADA. I've only spoken to the Provost to request an accommodation for ADA and FMLA.</i></p>
10.		<p>Professor Butler: <i>[00:25:00]: What are they saying that I'm lying about?</i></p> <p>Professor Weaver: <i>Just think about, think about some of the things that were issues with you with your students in the past.</i></p> <p>Professor Butler: <i>Okay . . . that I said that I needed to go to a conference to speak at Yale Law School. The students accused me of lying about being a speaker at Yale Law School [and complained to then-Interim Dean Julie Forrester about it. What are the issues that were, the issues with students What issues with students? We're talking about honesty, honesty issues, right?</i></p> <p>Professor Weaver: <i>Yeah, yeah, yeah. Yeah, yeah.</i></p>

		<p>Professor Butler: <i>Okay, let me try . . . Oh, I said that a student was harassing me, yelling and screaming at me in the classroom [about his low grade].</i></p> <p>Professor Weaver: <i>No, not that . . . But you were right, you were right the first time. You were right the first time.</i></p> <p>Professor Butler: <i>Ok, I don't remember what the first time was . . .</i></p>
11.	X	<p>Professor Weaver: <i>[00:56:30] I don't know what President Turner is going to do [about your tenure and promotion application] because . . . he's going to have all kinds of things in front of him . . . he is going to have all kinds of good things in front of him about you. So, if he has the good, and whatever bad he has, whatever things that Julie or Jennifer and whoever will say, there should be some stuff to offset that to make him think, 'Uh, do I really want this to go public because if I don't overturn it, there's going to be a lawsuit. Jennifer has sealed the fate that it's going to be a valid lawsuit. That's all Jennifer has done is given you a lot of claims.</i></p>
12.		<p>Professor Armour: <i>And, what was this shouting match that you had with Anthony Colangelo that they were talking about?</i></p> <p>Professor Butler: <i>What confrontation? Oh, my God, so at the meeting they were just making up stuff??</i></p> <p>Professor Butler: <i>I wonder if Anthony was making up stuff while he was drunk at work again.</i></p>
13.	X	<p>Professor Weaver: <i>I don't want to have to defame your character . . . But, I am going to say this to you in love. You don't want to be known as a liar. You need to repent and ask God for forgiveness for the things you have done. Why couldn't you just have apologized? People aren't going to ever forgive you until you repent. You've been lying to the faculty for years!</i></p> <p>Professor Butler: <i>Oh my God, you are going crazy. What are you talking about??</i></p> <p>Professor Weaver: <i>I'm talking about the things that they wrote about you in your [tenure] letter.</i></p>

		<p>Professor Butler: <i>Like what?</i></p> <p>Professor Weaver: <i>I don't want to repeat them because I don't want to defame your character.</i></p> <p>Professor Butler: <i>You can't defame my character by saying something privately to me. Defamation occurs when you make the statements to a third party.</i></p>
14.	X	<p>Professor Weaver: <i>The argument was made that, even if she did something unethical, even if she lied about something, the appropriate punishment is not to deny her tenure but to have an Honor Code hearing.</i></p> <p>Professor Butler: <i>Right, that's the argument that [Professor] Maureen Armour is making. That's what she sent me an email about. She was saying that they violated my rights because if there was a claim that I lied about something, they should have had an honor code proceeding to hash that out. The purpose of the tenure meeting is not like to come in there in the first instance and say, [for example] Ah, this person stole the computer" or whatever.</i></p> <p>Professor Weaver: <i>Right</i></p> <p>Professor Butler: <i>And I have never had due process. That's a denial of due process.</i></p> <p>Professor Weaver: <i>Right. It's a due process problem. It's very problematic . . . they are not going to be able to lie about what was said in the meeting because everyone heard this.</i></p>
15.	X	<p>Professor Weaver: <i>I know what I told you about the meeting . . . And I didn't tell you everything, I told you some things. But, I didn't tell you everything.</i></p> <p>Professor Butler: <i>Okay.</i></p> <p>Professor Weaver: <i>I mean at the end of the day, if it all comes out, then it does. I mean at the end of the day, that's the least of my worries for them to have to ask me questions. Because what is going to come out from me is worse than me saying to</i></p>

		<p><i>Cheryl, you know here are a few details from the meeting. Do you know what I mean?</i></p> <p>Professor Butler: <i>MM-hmmm. (affirmative).</i></p>
16.	X	<p>Professor Weaver: <i>What I said to you was, you get yourself out there first. Because you better believe that they're gonna try to claim that you're the liar . . . You need to be aware there's that . . . you know, that that's the narrative.</i></p> <p>Professor Weaver: <i>Okay Here's what I want you think about . . .</i></p> <p>Professor Butler: <i>Okay.</i></p> <p>Professor Weaver: <i>Here is what I want you to think about in preparation for Friday's meeting.</i></p> <p>Professor Butler: <i>Yes.</i></p> <p>Professor Weaver: <i>So, remember what I said about the whole red herring thing.</i></p> <p>Professor Butler: <i>Now what did you say?</i></p> <p>Professor Weaver: <i>The issues of character – whether you're telling the truth or not as a red herring . . . They're trying to use that to say, well she shouldn't be a faculty member here. And if the people on the faculty who have been known to be liars...</i></p> <p>Professor Butler: <i>Yes.</i></p> <p>Professor Weaver: <i>But, yet they still have faculty, they still do have tenure and still have a teaching job, then that's for SMU to figure out why.</i></p> <p>Professor Butler: <i>Well, I'm going to go with that argument. I'm going to say if liars shouldn't be on the faculty, I'm fixing to out a whole bunch of liars. Okay. And my evidence of [their] lying isn't a bunch of emails with adjectives that could be misconstrued.</i></p> <p>Professor Weaver: <i>I hear you. I hear you. All I am saying is think about . . . how you are going to handle that in general and in</i></p>

		<p><i>public. Because if it does go public, you're going to have to deal with that . . .</i></p> <p>Professor Butler: <i>Lying cannot be the criteria for giving tenure because there are tenured folk up in here who are liars. (laughs) . . . So, let's assume I'm a liar. . . Well, it's a lying kind of place so I fit right in. So, that's how I am going to handle it. (laughs).</i></p> <p>Professor Weaver: <i>(laughs).</i></p>
<p>17. X</p>		<p>Professor Butler: <i>[TC 1456] They usually give the candidate a copy of their [tenure committee] letter to see if there is anything that the candidate would like to ask that they add?</i></p> <p>Professor Weaver: <i>Oh yeah, or discuss if the issue is in the committee. The committee gives the [report]. Well, for me it was that so and they sent the letter to me . . .</i></p> <p>Professor Butler: <i>Yeah, well, do you think that was the procedure or that was an usual courtesy of letting you see your [letter].</i></p> <p>Professor Weaver: <i>No, that's standard.</i></p> <p>Professor Butler: <i>They didn't do that' they didn't let me see anything.</i></p> <p>Professor Weaver: <i>So that's the problem they are going to have. And we already know this and [Dean] Jennifer [Collins] already knows this . . .and that from the outside [in the legal academy] everyone thinks that you are awesome . . .</i></p> <p>Professor Weaver: <i>If they have the vote [on your tenure application] before you even get a chance to see the letter? Hm, that's not gonna go over so well.</i></p> <p>Professor Butler: <i>Really?</i></p> <p>Professor Weaver: <i>Not in court. Not when there's a practice [of giving the letter to other candidates]. So, you know discrimination law. So, when they veer away . . . when they don't follow the practice and pattern of what they've been doing then that means they're treating you differently than they treated other people.</i></p>

<p>18. X</p>	<p>Professor Weaver: <i>this is what I'm saying. If they actually do an investigation . . . NOW [Dean] Jennifer [Collins] does know, because I did tell her after she asked me, or she said, "Well, I hope that you can say that there has been no racial or gender discrimination." I told her, "No, I'm not going to say that. So, you should not look to me to say that." She knows that I'm not going to be a yes woman on the whole "there is no racial discrimination" in the issue with Cheryl.</i></p>
<p>19. X</p>	<p>Professor Butler: <i>I know that you had a concern that they might retaliate against you but it would help with the internal investigation if I had the tenure report. Because then I would not have to say Professor Jeff Kahn said this and Professor Josh Tate said that.</i></p> <p>Professor Weaver: <i>Mm. Hmm.</i></p> <p>Professor Butler: <i>Right. Dean Collins knows people have a right to see their tenure report. You know?</i></p> <p>Professor Butler: <i>Yeah. Can you give me the report? I won't implicate you.</i></p> <p>Professor Weaver: <i>Yeah, you can say that, Cheryl. But, at the end of the day, if they ask you under oath, how did you get this? You are going to have to tell him</i></p> <p>Professor Butler: <i>But, if they ask and I don't have [the report], and they ask me under oath [how do I know what was said in the report and at the meeting], I'm going to have to tell them that you told me what happened.</i></p> <p>Professor Weaver: <i>That's fine. I mean, they are going to have to ask me. I'm a witness. I was at the meeting. Um, and you talked to more than one person about the meeting. So, you could have heard it from whoever.</i></p> <p>Professor Butler: <i>Right.</i></p> <p>Professor Weaver: <i>I know what I told you about the [tenure committee] meeting.</i></p> <p>Professor Butler: <i>Uh. Huh. (affirmatively).</i></p>

		<p>Professor Weaver: <i>And I can call what I said to Cheryl about the meeting,</i></p> <p>Professor Butler: <i>yeah. Okay,</i></p> <p>Professor Weaver: <i>And, I didn't tell you everything. I told you something, but I didn't tell you everything.</i></p> <p>Professor Butler: <i>Okay</i></p> <p>Professor Weaver: <i>They will have to ask me questions. But, when they do, what's going to come out from me [as a witness under oath in an actual lawsuit] is even worse than me saying to Cheryl, 'You know, here's a few of the things that were said in the meeting.' You know what I mean?</i></p> <p>Professor Butler: <i>Yes.</i></p> <p>Professor Weaver: <i>But, I would rather for me to directly stay out of it other than supporting you as a witness [in a lawsuit].</i></p>
20.	X	<p>Professor Weaver: <i>I could have given you [a copy of your tenure report] if you had asked for it before the letter came out from Legal Affairs. And they were like, this is what you are instructed to do. We [Legal Affairs] are aware that there might be a lawsuit. But, it's a spoliation letter like don't destroy anything, do anything, whatever.</i></p> <p>Professor Butler: <i>But, I know that you are the expert on ethics [Professor Weaver teaches Professional Responsibility]. But, there is nothing unethical about you giving me the [tenure] letter. Like, they cannot legally tell you not to give me a copy of the letter.</i></p> <p>Professor Weaver: <i>No, I don't think it would be unethical. I'm concerned about them retaliating. It doesn't matter whether they can discriminate. I can sue them for that. But they can retaliate against me, not giving me [a promotion to Full Professor], not giving me [a promotion to] Chair. You know, they can make my life miserable by not giving me whatever I am asking for. You know Julie [Forrester] is still in the provost's office. And [former dean] Paul [Rogers] is still there. [and is Julie's romantic partner]. They're still the powerful folks up in SMU right now. So, they can make my life miserable if need be.</i></p>

<p>21. X</p>	<p>Professor Butler: <i>[Dean] Jennifer [Collins] knows that people have a right to see their tenure report.?</i></p> <p>Professor Weaver: <i>Yeah . . . It was a standard procedure for you to have seen the letter. And, the fact that you didn't, is another form of discrimination. What they said was, that they verbally told you what was going to be in the letter but they didn't let you see it, read it, and that's what they always do [allow the candidate to read it]. You know, that's what I was told.</i></p> <p>Professor Butler: <i>Beforehand. You're saying [they let you see you it]</i></p> <p>Professor Weaver: <i>Yes. Beforehand. It may not be more than two days beforehand, but whatever the case may be, the practice was, you got the letter. You read the letter. If the letter is not, you know, written in a way that you like or whatever, you can go to the committee and request that they make changes. Or, you know, talk to them, discuss it with them or say what you feel like is unfair or whatever the case may be, You know? That is part of the process. And, I didn't get my letter very far in advance of the time it was distributed to the faculty. But, I'm sure [Associate dean of Faculty] Beth Thornburg knew I wasn't going to make any changes because it was a very thorough letter.</i></p> <p>Professor Weaver: <i>[When I reviewed my tenure committee report when I applied for tenure]. It was not what [Interim Dean] Julie Forrester wrote for me . . . when I went up for contract renewal[referencing a "no confidence" letter that Professor Forrester wrote a year earlier to sabotage Professor Weaver's first bid for promotion].</i></p> <p>Professor Butler: <i>Mm-hmm (affirmative)</i></p> <p>Professor Weaver: <i>So, you need to read yours.</i></p> <p>Professor Butler: <i>Okay. Did you make any changes?</i></p> <p>Professor Weaver: <i>I didn't have any changes to make. It was a glowing letter. I had made such a stink about Professor Julie Forrester's letter that...</i></p> <p>Professor Butler: <i>Oh, for contract renewal?</i></p>
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		<p>Professor Weaver: <i>Yeah, I mean Beth wasn't on [my tenure committee] then. It was Professor Julie Forrester. And so, Because Julie wrote like two sentences about my scholarship in my [tenure committee's] contract renewal letter.</i></p> <p>Professor Butler: <i>Mmm Hmm. [affirmative]</i></p>
22.	X	<p>Professor Weaver: <i>You know the same thing they did with Vanderbilt Professor Beverly Moran [a Black female candidate for Dean.] You know they bring up little petty ante-shit. Oh, she didn't write letters to the staff. Then tried to attack her integrity. That's the same thing they're doing to you. Same thing.</i></p> <p>Professor Butler: <i>And doing that to me because I supported her, right?</i></p> <p>Professor Weaver: <i>Shit . . . that's probably part of it.</i></p>
23.	X	<p>Professor Weaver: <i>Julie wrote like two sentences about my scholarship in my Contract Renewal Letter. She just said what my scholarship talks about, you know, in a general matter of fact manner and didn't write anything about the significance of it or anything, nothing. I was really pissed because I knew . . . I had seen everybody else's contract renewal letters and I was like, well everybody else's person talked about their scholarship in a meaningful way. Talked about how it was important, significant . . . and [Julie] gave me two sentences. Like this bullshit. Like that's not, that doesn't look like [she's] done justice. It doesn't tell the faculty anything, you know, who hasn't read my stuff. So, I was really upset.</i></p> <p>Professor Butler: <i>Yes, I remember because in that [faculty] meeting for votes on your contract renewal], I commented on that, asking why there was nothing in the letter. I remember the whole letter was like two sentences period. It wasn't even a letter. It wasn't even a paragraph. It was like a "no support" thing. And, I was like: "I don't understand. We didn't talk about her scholarship. [Julie did not] talk about it much in the meeting.</i></p> <p>Professor Weaver: <i>Yeah, well. I think that was by design . . . based on, you know, who we're dealing with. I think that was their attempt at that time, to try to at least derail me or put some hurdles in front of me so that I wasn't going to make</i></p>

		<p><i>tenure.</i></p> <p>Professor Butler: <i>Right.</i></p> <p>Professor Weaver: <i>But it didn't work. um, and you know, you spoke up . . . I mean it was real blatant for them to try to do that at that point. Then, everyone else spoke up and I think people were like okay. I was real blatant for them to try to do that at this point. Um, like I said, I was ready. I'm about to hire somebody [i.e., an employment discrimination lawyer]. After that meeting, I went and had a meeting with [an SMU dean across campus] and she was like, "No, This is problematic. You're right to feel this way [that Interim Dean Forrester] is discriminating against you] and you should be thinking about if it continues, getting a lawyer." And, I was like, Okay. We'll see what happens.</i></p>
24.		<p>Professor Weaver: <i>They seem to be ratched down the number of articles that you have to write as opposed to rationing them down. It's very ironic . . . 'cause they only ratched up the standards when I was coming up for tenure. You know what I mean?</i></p> <p>Professor Butler: <i>Yep. And I was like . . .</i></p> <p>Professor Weaver: <i>That's bullshit.</i></p> <p>Professor Butler: <i>Right.</i></p> <p>Professor Weaver: <i>That's what they tried to pull on me and it didn't work</i></p> <p>Professor Butler: <i>MM-hmm (affirmative).</i></p> <p>Professor Weaver: <i>And it ended up affecting you . . . as you went up [for tenure] . . . You know what I mean? So, I don't think it was coincidental. But, at the end of the day, it was a total opposite conversation [for white male candidates] to the conversation that was going on during my contract renewal.</i></p>
25.	X	<p>Professor Weaver: <i>What they have on [your] teaching is sketchy at best. I mean, yes, they can say you didn't have stellar, outstanding, knock it out of the park, where all of your students say you rock - evaluations. But not everybody that got tenure</i></p>

		<p><i>had that. People were given tenure who had similar, and possibly even worse [laughs] teaching evaluations. So, the moving target of what is acceptable and is not acceptable depends on [what candidate] is sitting in front of you. I'm saying who's sitting in front of the faculty, and whether they like you or not, what color you are, what gender you are, all that has something to do with it.</i></p>
<p>26. X</p>		<p>Professor Butler: <i>Like what? Like not putting the [scholarship review] letters out?</i></p> <p>Professor Tate: <i>I don't think they gave you . . . I don't think they followed the university procedures that they're supposed to follow when after your [Third Year] Contract Renewal. They're supposed to give you all this information and they didn't give you a letter saying this what you are supposed to do . . . Then, there's things that are supposed to be done all across the university that aren't being done at the law school. They just haven't been paying attention to what their rules actually are.</i></p> <p>Professor Butler: <i>Okay, Like what? They're supposed to give a letter?</i></p> <p>Professor Tate: <i>All I know is there's supposed to be a process after you get contract renewals to where they tell you in a formal context, "This is what you need to do . . . to improve your teaching. And, that's a university-wide thing.</i></p> <p>Professor Butler: <i>Oh.</i></p> <p>Professor Butler: <i>The law school just isn't doing that because for a long time we had a Dean who just didn't follow the rules.</i></p> <p>Professor Butler: <i>Ooh.</i></p> <p>Professor Tate: <i>And then had the political capital and the friends to not have to follow the rules. There are just a lot of things that happened at the law school that were not according to university policy. [Laughs]. so, uh, I just think it could actually change into a lawsuit . . . I don't think you're ever gonna go inside a Courthouse, cause they'll offer you some big settlement in the end . . . But, don't think it's gonna go there . . . ultimately cause they are going to give you tenure.</i></p>

		<p>Professor Butler: <i>Okay.</i></p> <p>Professor Tate: <i>I think that my attitude is going to be, “What the hell is going on? ... I was given this accommodation, so why wasn’t it given to her?”</i></p>
<p>27. X</p>		<p>Professor Tate: <i>For your File . . . it looked to me like there was no problem . . . with your Employment Discrimination evaluations or your seminars . . . And the problems were only in the Torts [evaluations].</i></p> <p>Professor Butler: <i>Right.</i></p> <p>Professor Tate: <i>And so it reminded me of . . . When You know what happened to me was I – I was teaching Property, Trusts and Estates, and my seminar. But, I actually had problems with ALL of my evaluations -in all of my classes.</i></p> <p>Professor Butler: <i>Wow.</i></p> <p>Professor Tate: <i>I had a semester, the first time I Taught Trusts and Estates, I had very bad evaluations. Then, I read what people said in your Torts. I had the same thing. I had, “Fire Professor Tate.” “He’s the worst professor.” You know – the same thing the negative ones said in yours, I got all that same stuff. Um, they had specific reasons that were different. But, the bottom line was some people who thought that I should be fired . . . And what happened was that I was offered a different teaching schedule.</i></p> <p>Professor Butler: <i>Okay.</i></p> <p>Professor Tate: <i>The way I see it, is why should we judge you based on these Torts evaluations? Why don’t we just say, okay well, Cheryl is having trouble with that class, but so what? If you look at her other evaluations, she’s clearly an outstanding teacher. This issue of the Torts class can be resolved by just not having her teach that course anymore. And, just like that. And, then what do we have? What’s the reason for not giving you tenure?</i></p>
<p>28. X</p>		<p>Professor Tate: <i>It’s not just a question of whether [the treatment of the teaching evaluations] is fair either, I should say. I mean, I haven’t seen . . . I don’t even know if they’re planning to send .</i></p>

		<p><i>. . . your actual reviewer’s comments [of your law review articles and scholarship]? Because, I mean, are we going to see the reviewers, what they said about your scholarship?</i></p> <p>Professor Butler: <i>Oh, those were outstanding.</i></p> <p>Professor Tate: <i>And I would assume that was the case but I haven’t seen them yet, and that’s concerning, if they aren’t going to send them to us until the day before or something.</i></p>
29.		<p>Professor Butler: <i>Oh, he had his contract renewal already?</i></p> <p>Professor Weaver: <i>Yeah, Yeah. He had his contract renewal. He only had two articles.</i></p> <p>Professor Butler: <i>Oh, he only had two? So, they are telling him he has to have four for tenure?</i></p> <p>Professor Weaver: <i>Well, at least . . . Well, they seem to be ratcheting down the number of articles that you have to write as opposed to ratcheting them up. But, it’s very ironic. (laughter). Not even ironic, we all know . . .</i></p> <p>Professor Butler: <i>Mm-hmm. (affirmative).</i></p>
30.		<p>Professor Weaver: <i>“You are going to deny Cheryl tenure with eight articles and then let this buster slide through with three or four? Okay, and he had presented [his scholarship] in like two places. He had been to two places to present his work [while Cheryl had been to over ten].</i></p> <p>Professor Butler: <i>Wow.</i></p> <p>Professor Weaver: <i>Two. Two. So, he has been told he has to write at least ah, he has to finish that third one. He definitely has to have at least four or that’s you know.</i></p>
31.	X	<p>Professor Weaver: <i>. . . why that is. “Cause it only ratched up when I was coming up for tenure, you know what I mean?</i></p> <p>Professor Butler: <i>Right.</i></p> <p>Professor Weaver: <i>That’s bullshit.</i></p>

	<p>Professor Butler: <i>Right</i></p> <p>Professor Weaver: <i>That's what they tried to pull with me and it didn't work.</i></p> <p>Professor Butler: <i>MM. Hmm. (affirmative)</i></p> <p>Professor Weaver: <i>And, tehn it ended up affecting you.</i></p> <p>Professor Butler: <i>MM. Hmm (affirmative)</i></p> <p>Professor Weaver: <i>As you went up [for tenure].</i></p> <p>Professor Butler: <i>Mm. Hmm. (affirmative)</i></p> <p>Professor Weaver: <i>You know what I mean?</i></p> <p>Professor Butler: <i>Mm. Hmm.</i></p> <p>Professor Weaver: <i>But, at the end of the day, [the conversations surrounding the white male candidate] was a total opposite conversation to the one that was going on during my contract renewal [vote].</i></p> <p>Professor Butler: <i>Mm. Hmm.</i></p> <p>Professor Weaver: <i>That's all I can say like (laughter) whereas in my contract renewal, they were saying, oh, no, you have to have [six] articles and this that and the other. [In contrast, with the white male candidate, some faculty members were like] "we're asking him to do too much, he's going to have to write two more articles in three years [and that's too much]. I'm like oh poor baby. Are you kidding me? I'm just thinking to myself. Okay, all y'all knew, and fucking he knew too, because he knew what all of us did before [in terms of number of articles we have to write] we got tenure.</i></p> <p>Professor Butler: <i>Mm. Hmm.</i></p> <p>Professor Weaver: <i>I was like and some of us worked hard. I started to say some of us practically killed ourselves.</i></p> <p>Professor Butler: <i>Yeah.</i></p>
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		<p>Professor Weaver: <i>Trying to get the number of articles, presentations and all that kind of stuff.</i></p> <p>Professor Butler: <i>Right.</i></p> <p>Professor Weaver: <i>And doing what we needed to do to get tenure.</i></p> <p>Professor Butler: <i>Right. I was told that I had to have six [published articles for tenure].</i></p> <p>Professor Weaver: <i>Yeah.</i></p> <p>Professor Butler: <i>I was told I had to have six.</i></p> <p>Professor Weaver: <i>So., anyways, I was like, ok y'all want to let the white man slide. But I see you. But, I want to be in the room [when they vote on these white male candidates]. If there is anything that goes down, I want to be able to say, yeah, and after Cheryl. . . let's just go over what happened.</i></p> <p>Professor Weaver: <i>Then, [NAME REDACTED] [a second, different white male candidate] comes up this year.</i></p> <p>Professor Butler: <i>I think that's why Dean Collins doesn't want me on campus . . . she doesn't want me there to see that she would grant tenure to [NAME REDACTED] who has low teaching evaluations.</i></p> <p>Professor Weaver: <i>Right.</i></p> <p>Professor Butler: <i>And I had low teaching evaluations [in one of my classes] but she is going to grant tenure or renew a contract of a white male professor with low teaching evaluations and had of the articles that I have. You know?</i></p> <p>Professor Weaver: <i>Right.</i></p> <p>Professor Butler: <i>You can't tell me That I have to write six articles and then there are only so many hours in the day. So, if I have to write six articles [while the white professors get to write less], then I might have lower teaching evaluations, you know.</i></p> <p>Professor Weaver: <i>Right. Right. Right</i></p>
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Professor Weaver: [00:18:00] You know the same thing they did with Vanderbilt Professor Beverly Moran [a Black female candidate for Dean.] You know they bring up little petty ante-shit. Oh, she didn't write letters to the staff. Then tried to attack her integrity. That's the same thing they're doing to you. Same thing.

Professor Butler: And doing that to me because I supported her, right?

Professor Weaver: Shit . . . that's probably part of it.

Professor Weaver: [at Contract Renewal], [then [Interim Dean/ Julie [Forrester] wrote like two sentences about my scholarship in my Contract Renewal Letter. She just said what my scholarship talks about, you know, in a general matter of fact manner and didn't write anything about the significance of it or anything, nothing. I was really pissed because I knew . . . I had seen everybody else's contract renewal letters and I was like, well everybody else's person talked about their scholarship in a meaningful way. Talked about how it was important, significant . . . and [Julie] gave me two sentences. Like this bullshit. Like that's not, that doesn't look like [she's] done justice. It doesn't tell the faculty anything, you know, who hasn't read my stuff. So, I was really upset.

Professor Butler: Yes, I remember because in that meeting, I commented on that, asking why there was nothing in the letter. I remember the whole letter was like two sentences period. It wasn't even a letter. It wasn't even a paragraph. it was like a "no support" thing. And, I was like: "I don't understand. We didn't talk about her scholarship. [Julie DID NOT] talk about it much in the meeting.

Professor Weaver: Yeah, well. I think that was by design . . . based on, you know, who we're dealing with. I think that was their attempt at that time, to try to at least derail me or put some hurdles in front of me so that I wasn't going to make tenure. Professor Butler: Right.

Professor Weaver: But it didn't work. um, and you know, you spoke up . . . I mean it was real blatant for them to try to do that at that point.

<p>32. X</p>		<p>Professor Weaver: <i>So, I told [Jeff Kahn, Chair of the Hiring Committee] everything that happens with Cheryl you know relates to me, everything that happens [3:00] with a Black candidate like Lolita happens to me and all these things just ties in with our Black students. And what people need to understand is that we are not separating these things. It's not a separate issue, it's a collective issue and you know how the school deals with things is pretty consistent . . . I'm kinda like I can leave. I don't have to be here . . . but when it comes to keeping up your ABA numbers, you know, when you lose one black person typically you're trying to replace that person with someone of color.</i></p> <p>Professor Weaver: <i>So . . . it's particularly unnerving the same thing that happened with Beverly Moran . . . You were at the meeting?</i></p> <p>Professor Butler: <i>Yes</i></p> <p>Professor Weaver: <i>Oh, I feel like she was trying to pull the wool over [quoting Paul] you know they started to question her integrity and I was like you do the same thing with black women every single time. Every single time . . . Like they will try whatever they can try to knock you down. And that's what they're doing with Lolita. So, I'm kinda like, okay, do it again. do it one more time time again, in the middle of this whole thing you got going on with Cheryl. I dare you, double dare you to do it cuz I'll support Cheryl. I'm going to turn everything over to Cheryl's lawyer. I'm going to say it all. I'm going to tell it all. I'm going to be on the stand [10:30] so part of me is like stand silent [10:35] and let them do what they do . . . [11:30] or let them put themselves in a situation where all its going to do is up the ante for your case. So, you know that's what we are talking about this morning.</i></p>
<p>33.</p>		<p>Professor Tate: <i>For your File . . . it looked to me like there was no problem . . . with your Employment Discrimination evaluations or your seminars . . . And the problems were only in the Torts [evaluations].</i></p> <p>Professor Butler: <i>Right.</i></p>

		<p>Professor Tate: <i>And so it reminded me of . . . When You know what happened to me was I – I was teaching Property, Trusts and Estates, and my seminar. But, I actually had problems with ALL of my evaluations -in all of my classes].</i></p> <p>Professor Butler: <i>Wow.</i></p> <p>Professor Butler: <i>I had a semester, the first time I Taught Trusts and Estates, I had very bad evaluations. Then, I read what people said in your Torts. I had the same thing. I had, “Fire Professor Tate.” “He’s the worst professor.” You know – the same thing the negative ones said in yours, I got all that same stuff. Um, they had specific reasons that were different. But, the bottom line was some people who thought that I should be fired . . . And what happened was that I was offered a different teaching schedule.</i></p> <p>Professor Butler: <i>Okay.</i></p> <p>Professor Tate: <i>The way I see it, is why should we judge you based on these Torts evaluations? Why don’t we just say, okay well, Cheryl is having trouble with that class, but so what? If you look at her other evaluations, she’s clearly an outstanding teacher. This issue of the Torts class can be resolved by just not having her teach that course anymore. And, just like that. And, then what do we have? What’s the reason for not giving you tenure?</i></p>
34.	X	<p>Professor Tate: <i>And what happened was that I was offered a different teaching schedule where I would only teach Trusts and Estates every semester, and my seminar, and I didn’t teach Property again.</i></p> <p>Professor Butler: <i>That’s so interesting, because I asked my tenure committee. I said, “Well, if I am an awesome sauce teacher for Employment Discrimination, and I’m an awesome sauce teacher for Civil Rights, maybe I’m just not a good Torts professor or maybe I’m just not good at teaching First Year [students]. Maybe I should be like Jenia [Turner], Nathan [Cortez], and Jessica [Dixon-Weaver], these people who only teach Upper Level students, because the Upper Level students love me.” And Roy [Anderson] said, “No, we’re judging you on Torts.”</i></p>

Professor Tate: *But anyways, I was given this accommodation, and the great thing about it was . . . It wasn't just that I wasn't teaching the difficult class, I was given the opportunity [through a reduced teaching load] to really master that one subject Trusts and Estates, because I taught it semester after semester . . . and by the time I went up for tenure, I had excellent evaluations because I knew it so well. And John Lowe was the Associate Dean who made the arrangement for me [and who served as Associate Dean when the same deal could have been made for Professor Butler] because they valued my scholarship, and they wanted me to succeed in the tenure process. So, if they are not offering the same deal to you, which apparently, they didn't. Then, that's not fair.*

Professor Butler: *It's discrimination.*

Professor Butler: *Well . . . Yes, it may well be.*

Professor Tate: *But if – as you expected – those evaluations are quite strong, then . . . if we have somebody on the faculty who is contributing, and who is helping our scholarly reputation which we are working so hard to improve, and that the only concern is that she is having difficulty in one class . . . couldn't we just have her teach a different class? Have her teach two sections of Employment Discrimination. Is anyone else teaching that class?*

Professor Butler: *[No.] And, remember [Professor] Aaron Lacy, whom I replaced, he taught Critical Race Theory. I teach Critical Race Theory. He taught Employment Discrimination [two sections per semester]. I teach Employment Discrimination. [And, I teach Torts]. He didn't teach any Torts.*

Professor Tate: *Right.*

Professor Butler: *So, I'm doing way beyond what somebody else did. They didn't have to have me teach Torts. They could have me teach something else. But, every time I asked for that, [my tenure chair] said No.*

Professor Tate: *It's not [Professor] Roy [Anderson] who should be making this offer to you. It should have been made to you after your [Third Year] Contract Review. After people raised questions about your teaching at that meeting, somebody should have done for you what [Associate Dean of Faculty] John Lowe*

		<i>did and said “Here are these concerns, we are going to offer you this other plan.”</i>
35.	X	<p>Professor Tate: <i>It’s not just a question of whether [the treatment of the teaching evaluations] is fair either, I should say. I mean, I haven’t seen . . . I don’t even know if they’re planning to send . . . your actual reviewer’s comments [of your law review articles and scholarship]? Because, I mean, are we going to see the reviewers, what they said about your scholarship?</i></p> <p>Professor Butler: <i>Oh, those were outstanding.</i></p> <p>Professor Tate: <i>And I would assume that was the case but I haven’t seen them yet, and that’s concerning, if they aren’t going to send them to us until the day before or something.</i></p>
36.	X	<p>Professor Weaver: <i>[In the Tenure Letter] Scholarship usually takes up most [of the space] and what most people do, is quote statements from the letters they received from [outside reviewers].</i></p> <p>Professor Butler: <i>So, they didn’t do that [in my letter even though the outside reviews were outstanding?]</i></p> <p>Professor Weaver: <i>No. It was very cursory. It was like the difference between if your Dean likes you or doesn’t like you.</i></p> <p>Professor Butler: <i>Do you think the stuff they said about teaching had merit?</i></p> <p>Professor Weaver: <i>[Dean Collins] knows the reason she doesn’t want to give you the letter is that the letter is damning for them.</i></p>
37.	X	<p>Professor Tate: <i>And see that’s what goes to a lawsuit, there’s so many procedural problems with the way they handled your tenure case. That you are not going to have a hard time pointing out procedural issues.</i></p> <p>Professor Butler: <i>Like what? Like not putting the [scholarship review] letters out?</i></p> <p>Professor Butler: <i>I don’t think they gave you . . . I don’t think they followed the university procedures that they’re supposed to follow when after your [Third Year] Contract Renewal. They’re</i></p>

		<p><i>supposed to give you all this information and they didn't give you a letter saying this what you are supposed to do . . . Then, there's things that are supposed to be done all across the university that aren't being done at the law school. They just haven't been paying attention to what their rules actually are.</i></p> <p>Professor Butler: <i>Okay, Like what? They're supposed to give a letter?</i></p> <p>Professor Tate: <i>All I know is there's supposed to be a process after you get contract renewals to where they tell you in a formal context, "This is what you need to do . . . to improve your teaching." And, that's a university-wide thing.</i></p> <p>Professor Butler: <i>Oh.</i></p> <p>Professor Butler: <i>The law school just isn't doing that because for a long time we had a Dean who just didn't follow the rules.</i></p> <p>Professor Butler: <i>Ooh.</i></p> <p>Professor Tate: <i>And then had the political capital and the friends to not have to follow the rules. There are just a lot of things that happened at the law school that were not according to university policy. [Laughs]. so, uh, I just think it could actually change into a lawsuit . . . I don't think you're ever gonna go inside a Courthouse, cause they'll offer you some big settlement in the end . . . But, don't think it's gonna go there . . . ultimately cause they are going to give you tenure.</i></p> <p>Professor Butler: <i>Okay.</i></p> <p>Professor Tate: <i>I think that my attitude is going to be, "What the hell is going on? ... I was given this accommodation, so why wasn't it given to her?"</i></p>
38.	X	<p>Professor Weaver: <i>I know what will happen if I piss them off. I know I pissed off. Julie [by protesting discriminatory hiring practices] which is why I never got the position as Director of the Child Advocacy Institute. So, I think that [those complaints] pissed her off. . . . And then, of course you and I both spoke up about her [Julie] trying to slide in as a Dean candidate. So, she ended up telling this to Jennifer, and Jennifer denied me the promotion.</i></p>

		Professor Butler: <i>So, she got you back. That's crazy.</i>
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Professor Butler reserves the right to amend these lists to add demonstrative exhibits. She also reserves the right to substitute in the same exhibit under a different bates number or other document or audio excerpt identification as need arises.

Dated: March 4, 2022

Respectfully submitted,

/s/ Ezra Young

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2022, I electronically filed a copy of the foregoing with the Clerk of Court by using the CM/ECF system, which will automatically serve all counsel of record.

/s/ Ezra Young

Ezra Ishmael Young

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