

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

DR. RACHEL TUDOR, )  
 )  
 Plaintiff, )  
 )  
 v. ) Case No. 5:15-CV-00324-C  
 )  
 SOUTHEASTERN OKLAHOMA )  
 STATE UNIVERSITY, )  
 )  
 and )  
 )  
 THE REGIONAL UNIVERSITY )  
 SYSTEM OF OKLAHOMA, )  
 )  
 )  
 Defendants. )

**PLAINTIFF DR. RACHEL TUDOR'S  
MOTION AND INCORPORATED BRIEF IN SUPPORT OF  
RECONSIDERATION OF REINSTATEMENT OR,  
ALTERNATIVELY, FOR FRONT PAY**

**TABLE OF CONTENTS**

TABLE OF AUTHORITIES.....iii

I. RECONSIDER REINSTATEMENT IN LIGHT OF NEW EVIDENCE.....1

II. ALTERNATIVELY, AWARD FRONT PAY.....4

    A. If reinstatement is infeasible, front pay is appropriate.....5

    B. Calculation of Front Pay.....5

    C. Propriety of Front Pay Request.....16

CONCLUSION.....20

TABLE OF AUTHORITIES

**Cases**

*Abuan v. Level 3 Comm., Inc.*,  
353 F.3d 1158 (10th Cir. 2003).....5, 7

*Brinkman v. Dep’t of Corrections*,  
21 F.3d 370 (10th Cir. 1994).....4

*Deboll v. Webb*,  
194 F.3d 1116 (10th Cir. 1999).....6, 9

*Cox v. Shelby State Cmty. Coll.*,  
194 Fed.Appx. 267 (6th Cir. 2006).....9

*Eastman v. Union Pacific R. Co.*,  
493 F.3d 1151 (10th Cir. 2007).....19

*EEOC v. Prudential*,  
763 F.2d 1166 (10th Cir. 1985).....5, 6, 19

*Hoskie v. United States*,  
666 F.2d 1353 (10th Cir. 1981).....14

*Hull by Hull v. United States*,  
871 F.2d 1499 (10th Cir. 1992).....15

*McKennon v. Nashville Banner Pub. Co.*,  
513 U.S. 352 (1995).....18

*Metz v. Merrill Lynch*,  
39 F.3d 1482 (10th Cir. 1994).....6

*New Hampshire v. Maine*,  
532 U.S. 742 (2001).....19

*Padilla v. Metro-North Commuter R.R.*,  
92 F.3d 117 (2d Cir. 1996).....13

*Passantino v. Johnson & Johnson Consumer Products, Inc.*,  
212 F.3d 493 (9th Cir. 2000).....13

*Pollard v. E.I. du Pont de Nemours & Co.*,  
532 U.S. 843 (2001).....5

*Sellers v. Mineta*,  
358 F.3d 1058 (8th Cir. 2004).....17

*Snell v. Ashbury*,  
792 F.Supp. 718 (W.D.Okla. 1991).....4

*Smith v. Diffie Ford-Lincoln-Mercury, Inc.*,  
298 F.3d 955 (10th Cir. 2002).....3

*Wagoner v. Wagoner*,  
938 F.2d 1120 (10th Cir. 1991).....1

*White Oak Global Advisors, LLC v. Pistol Drilling, LLC*,  
2015 WL 11236850 (W.D.Okla.).....1

**Rules**

Fed. R. Civ. P. 59(e).....1

Fed. R. Civ. P. 60(b).....1

Dr. Tudor respectfully requests that the Court reconsider reinstatement as a remedy given new evidence. If reinstatement is still deemed infeasible, Tudor alternatively requests that she be awarded front pay to compensate her for the total loss of her professional career.

**I. Reconsider Reinstatement In Light of New Evidence<sup>1</sup>**

There is newly available evidence that shows Tudor's healthy reunion with Southeastern is possible.

On February 20, 2018 Tudor was invited by Southeastern's chapter of the American Association of University Professors ("AAUP") as a special guest to give a presentation entitled "The Faculty Appellate Committee's Role in Assuring Equity in Academic Freedom and Shared Governance" at AAUP's statewide conference held at Southeastern in March 2018 (Exhibit 3 (a)–(b)). (A true copy of Tudor's proposal is attached as Exhibit 1.)

The AAUP Oklahoma conference is one of Southeastern's flagship events (Exhibit 4 ¶ 4(b)). The conference is a statewide covering of AAUP hosted by Southeastern, and brings together the Southeastern community and special guests to explore themes in faculty governance and welfare. This

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<sup>1</sup> Because a final judgment has not yet been entered in this case, the Court has general discretionary authority to review and revise its earlier Order denying reinstatement (ECF No. 275). *See, e.g., White Oak Global Advisors, LLC v. Pistol Drilling, LLC*, 2015 WL 11236850 at \*1 (W.D.Okla.) (Cauthron, J.) (*citing Wagoner v. Wagoner*, 938 F.2d 1120, 1122 n.1 (10th Cir. 1991)). Under these circumstances, the Court "is not bound by the strict standards for altering or amending a judgment encompassed in Federal Rules of Civil Procedure 59(e) and 60(b)." *Id.*

year, Dr. Tudor shares the honor of presenting at this prestigious event along-side her other respected Southeastern colleagues, including President Burrage, former President Snowden, and Dr. Meg Cotter-Lynch. (A true copy of the AAUP conference schedule showing Tudor as an invited featured speaker is attached as Exhibit 2.)

The Opinion denying reinstatement (ECF No. 275), hinges on the finding of fact that the Southeastern faculty will be hostile towards Tudor's return (*id.* at 4), that healthy relationships between Southeastern and Tudor are impossible due to this litigation (*id.* at 3), that the Southeastern faculty believe Tudor is a bad teacher (*id.* at 3), and that Tudor's mere presence on campus is impossible because Tudor would be made to feel "unworthy" by the Southeastern faculty (*id.* at 4). The new evidence upends the Opinion's calculus.

Southeastern's invitation to Tudor puts to rest any doubt as to the faculty's feelings towards Tudor and their true assessment of her credentials and worth. The faculty has warmly welcomed Tudor back to campus to present (and *teach* them), evidencing Tudor's contributions are desired by Southeastern (Exhibit 4 ¶ 4(f)). Obviously, if the faculty had serious concerns about Tudor's merit, teaching, temperament, or collegiality or simply did not want her back, they would not have extended the invitation. The invitation is also proof that the faculty do not fear addressing Tudor's

past tenure experience head-on. Indeed, Tudor's presentation touches on the very same faculty appeals process she utilized while contesting the discriminatory and retaliatory tenure decisions in the 2009-10 and 2010-11 cycles (see generally Exhibit 1).

The invitation is also probative of the fact that both Southeastern and Tudor presently have the capacity and desire to mend relations. Based on her desire to contribute to Southeastern and her trust in the faculty, Tudor voluntarily submitted her presentation proposal. Southeastern returned Tudor's gesture with an olive branch, extending Tudor an invitation to present (Exhibit 4 ¶ 4(d)). This is the stuff of reconciliation and healing, not unbridled hostilities.

Lastly, the invitation is confirmation that there are no present hostilities at Southeastern that bar reinstatement. The invitation shows that both sides have the capacity to work together on a major conference. This is the exact sort of healthy work-relationship that will ensure that Tudor's reinstatement is a success. Coupled with the jury's finding that there was no hostile work environment<sup>2</sup> (ECF No. 262 at 1), the invitation makes clear

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<sup>2</sup> The jury's determination that there was no hostile environment in the past is binding on this Court when it assesses the propriety of reinstatement. Though reinstatement (and front pay) are equitable remedies wholly within the Court's discretion, the jury's implicit factual findings and Tudor's Seventh Amendment rights preclude the Court making a finding of fact that conflicts with those implicitly made by the jury. *See Smith v. Diffie Ford-Lincoln-Mercury, Inc.*, 298 F.3d 955, 965 (10th Cir. 2002) ("We have previously held that when legal and equitable

that Tudor is welcome on campus (Exhibit 4 ¶ 4(e)) and there are thus no legitimate impediments to reinstatement at this time.

Because the Court did not previously have the benefit of this new evidence, reconsideration of reinstatement is appropriate. *Cf. Snell v. Ashbury*, 792 F.Supp. 718 (W.D.Okla. 1991) (Cauthron, J.) (new argument not available at time of original summary judgment order supports reconsideration). *See also* ECF No. 278 (denying reconsideration of reinstatement on the premise that no new arguments or evidence were presented).

## II. Alternatively, Award Tudor Front Pay

Though Dr. Tudor strongly desires reinstatement, if the Court denies reconsideration, Tudor respectfully asks that she be awarded front pay in the amount of \$2,032,789.51 to compensate her for the total loss of her future career earnings.<sup>3</sup>

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issues to be decided in the same case depend on common determinations of fact, such questions of fact are submitted to the jury, and the court in resolving the equitable issues is then bound by the jury's findings on them."); *Brinkman v. Dep't of Corrections*, 21 F.3d 370, 372–73 (10th Cir. 1994) ("We have held that when fact issues central to a claim are decided by a jury upon evidence that would justify its conclusion, the Seventh Amendment right to a jury trial prohibits the district court from reaching a contrary conclusion.") Thus, the Court cannot premise denial of reinstatement on a finding that past hostilities continue to preclude Tudor's return to Southeastern since the jury found there was not a hostile environment in the first place.

<sup>3</sup> Dr. Tudor respectfully preserves for the record that she continues to desire reinstatement as an Associate Professor with tenure at Southeastern Oklahoma State University rather than front pay. The instant motion should not be construed

**A. If reinstatement is infeasible, front pay is appropriate.**

Dr. Tudor respectfully requests front pay so that she may be made economically whole. “Front pay is simply money awarded for lost compensation during the period between judgment and reinstatement or in lieu of reinstatement.” *Abuan v. Level 3 Comm., Inc.*, 353 F.3d 1158, 1176 (10th Cir. 2003) (cleaned up). Front pay will ultimately return Dr. Tudor “as nearly as possible to the economic situation [s]he would have enjoyed but for the defendant[s]’ illegal conduct.” *EEOC v. Prudential*, 763 F.2d 1166, 1171–72 (10th Cir. 1985).

Front pay is proper in this case if Dr. Tudor’s preferred remedy of reinstatement has been denied due to Defendants’ hostilities. In such a situation, “front pay as a substitute for reinstatement is ‘a necessary part of the ‘make whole’ relief mandated by Congress’. . . .” *Abuan*, 353 F.3d at 1176 (quoting *Pollard v. E.I. du Pont de Nemours & Co.*, 532 U.S. 843, 846 (2001)).

**B. Calculation of Front Pay**

Under Tenth Circuit precedent, front pay should be calculated by assessing “work life expectancy, salary and benefits at the time of termination, any potential increase in salary through regular promotions and cost of living adjustment, the reasonable availability of other work

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as Tudor conceding she is not entitled to reinstatement nor construed as evidencing that Tudor no longer desires reinstatement.

opportunities, the period within which the plaintiff may become re-employed with reasonable efforts, and methods to discount any award to net present value.” *Deboll v. Webb*, 194 F.3d 1116, 1144 (10th Cir. 1999).

Any uncertainties in calculation should be construed in Tudor’s favor. *Abuan*, 353 F.3d at 1180 (quoting *Prudential*, 763 F.2d at 1173 (“[T]he mere fact that damages may be difficult of computation should not exonerate a wrongdoer from liability. The most elementary conceptions of justice and public policy require that the wrongdoer shall bear the risk of the uncertainty which his own wrong has created.”)); *Metz v. Merrill Lynch*, 39 F.3d 1482, 1494 (10th Cir. 1994) (“uncertainty in determining what an employee would have earned but for discrimination should be resolved against the employer”) (cleaned up); *id.* (employee’s own testimony regarding front pay damages is adequate evidence to support claim).

Using the formula prescribed by *Webb*, Tudor should be awarded front pay in the amount of \$2,032,789.51. In support of this request, Tudor proffers the following:

(1) ***Work life expectancy.*** If the Court were to hold an evidentiary hearing to determine front pay, Dr. Tudor will testify that if she had been reinstated, she planned to work until at least the age of seventy-five (see Exhibit 3 ¶ 5(c)). Dr. Tudor is currently fifty-four years old, and will turn seventy-five in July 2039, which should fall towards the end of

Southeastern's 2039 Summer term (*id.* ¶ 5(d)). Thus, the appropriate period of front pay is approximately twenty-one years, measured from the date of the jury verdict (November 20, 2017) through July 2039.

**(2 and 3) *Salary and benefits at termination and expected promotions and adjustments.*** Because Tudor was terminated by Southeastern in connection with their illicit denial of her promotion and tenure, Tudor's front pay base salary and benefits should be calculated as if Tudor had not been denied tenure and promotion *rather* than based upon what Tudor was paid at the time of her termination in May 2011.<sup>4</sup> *See, e.g., Abuan*, 353 F.3d at 1179–80 (front pay should be calculated based on likely promotions and pay bumps that would have occurred but for discrimination and retaliation rather than most recent salary). Southeastern's current "salary card" and benefits spreadsheet, both of which have been authenticated by Dr. Cotter-Lynch, is the starting point for computing front pay. *See* Exhibit 4 ¶ 5(a) (authenticating salary card, attached thereto as Exhibit A); *id.* ¶ 7(a) (authenticating benefits spreadsheet, attached thereto as Exhibit B).

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<sup>4</sup> At the time of her termination in May 2011, Southeastern paid Tudor an annual salary of \$51,279 per year not accounting for summer courses, class overages, traditional and professor benefits, or retirement (Exhibit 3 ¶ 6). Tudor's base salary was computed on "salary card," wherein her degree, seniority (termed "experience"), and rank were key factors. *Id.* If Tudor had not been illicitly denied tenure, her salary would have, at the very least, closely tracked that of Dr. Cotter-Lynch (Exhibit 4 ¶ 9).

The difference in compensation due to Tudor based on accumulating seniority and likely promotions is significant. Had Tudor remained at Southeastern, she would have received an additional \$546 in base salary each academic year in recognition of her accruing seniority. Upon promotion from Assistant Professor to Associate Professor, Tudor would have seen a base salary bump of \$3,036 (the difference between the base rate of the two ranks). Continuing onward, Tudor would have eventually seen another base salary bump of \$4,680 upon promotion from Associate Professor to Full Professor (the difference between the base rate of the two ranks).

Additionally, Tudor would have likely been given opportunities to take on administrative duties at Southeastern, also resulting in a significant salary bump. Administrative duties are compensated at a rate of \$2,190 plus 10% of base salary per year (Exhibit 4 ¶ 6(a)). If an evidentiary hearing were held, Tudor would testify that she would have taken on administrative duties, and held onto them for a period of at least ten years (Exhibit 3 ¶ 8(d)), which is reasonable and on par with others at Southeastern (Exhibit 4 ¶ 10(e)).

Tudor would also have had the opportunity to teach summer courses and class overages, both of which significantly boost salary. Most tenured professors at Southeastern have the opportunity to teach summer courses, which are compensated at a rate of \$3,700 per course (Exhibit 4 ¶ 6(b)(iii)).

Additionally, most tenured professors also have the opportunity to teach class overages—an extra class beyond the required four during the Fall or Spring terms—which are compensated at a rate of \$2,100 per course (*id.* ¶ 6(b)(ii)). If an evidentiary hearing were held, Tudor would attest that she would have at the very least taken on one class overage and one summer course per year (Exhibit 3 ¶(b)–(c)).

Lastly, the retirement contributions Tudor would be due from Southeastern are significantly affected by the above noted adjustments to her base salary. Under Southeastern’s current benefit scheme, Southeastern contributes 7% of all wages and fringe benefits that exceed \$25,000 per year. See Exhibit 4 at appended Exhibit B. Thus, as Tudor’s projected salary increases, so too do Southeastern’s contributions increase.

**(4) *Unavailability of other opportunities.*** Front pay is usually adjusted downward to allow for expected mitigation of damages where it is likely that the plaintiff will find new employment. However, front pay should not be reduced where there is record evidence that mitigation is improbable. See *Webb*, 194 F.3d at 1144–45 (duration of front pay shall be period needed to make employee whole given their unique difficulties finding comparable work). See also *Cox v. Shelby State Cmty. Coll.*, 194 Fed.Appx. 267, 266–77 (6th Cir. 2006) (awarding professor front pay for remaining work life expectancy because it was unlikely to find comparable employment). Here,

there is considerable evidence that alternative, comparable employment opportunities are unavailable to Tudor, and thus compensating Tudor for the rest of her work life expectancy is appropriate.

Trial testimony and other evidence shows that, despite diligent efforts, Tudor has no chance of obtaining a tenured professorship at any other institution. Dr. Parker's and Dr. Cotter-Lynch's testimony shine a light on the double-bind Tudor finds herself in. Most schools will deem Tudor's tenure denial from Southeastern as disqualifying her for tenure-track jobs (Exhibit 17 at 332–33). Even if a school does not deem the tenure denial disqualifying, given Tudor's long work history at Southeastern, she will be deemed *too advanced* for tenure-track jobs (Exhibit 17 at 277). Logically, because Tudor cannot get any tenure-track job, she has no means of securing a job equivalent to the one the jury held she was illicitly denied.

Testimony from current and former Southeastern employees aligns with Parker's testimony. For example, Dr. Scoufos testified that tenure denial and ejection from one university almost always marks the end of one's career as a university professor and ruins a professor's professional reputation (Exhibit 18 at 596). Dr. Spencer also testified that denial of tenure puts one's entire career in jeopardy (Exhibit 19 at 437; *id.* at 434).

Tudor's mitigation efforts also evidence that it is unrealistic for her to obtain an equivalent tenured position at another university. Since her

termination from Southeastern in May 2011, Tudor has applied to more than one-hundred universities and colleges, seeking tenure-track positions where available (see, e.g., Exhibit 3 ¶ 4(b); Exhibit 5). In roughly eight years of searching for a job, Tudor was only able to obtain one year-to-year contract position with Collin College, a two-year community college that does not offer tenure (Exhibit 3 ¶ 4(b)). Tudor continued to apply for tenure track jobs while she was at Collin College and after Collin non-renewed her contract (*id.*). Tudor also continued to apply for new jobs and follow up on other outstanding applications after the trial (*id.* ¶ 3(a)). Unfortunately, Tudor's diligent efforts have not panned out.

This litigation itself also makes Tudor's prospects of future employment all the more improbable. Though the Southeastern faculty continues to support Tudor's return, Defendants (or rather, their counsel) have bombarded the public sphere with unfounded attacks on Tudor's credentials, work ethic, and character which make it impossible for her to get a fair review by new employers.

Relatedly, despite the jury verdict, Defendants have doubled-down on their defense (rejected by the jury) that Tudor never merited tenure at Southeastern (see generally ECF No. 270), making it impossible for Tudor to overcome that "black mark" on her record. If Defendants admitted their misdeeds, perhaps Tudor could use that admission to convince a new

employer to take a chance on her. But, to date, Defendants steadfastly insist that they neither admit fault nor allow Tudor to return to the job she earned at Southeastern. In effect, Defendants' litigation position unjustly deprives Tudor of any prospect of a future in her profession.

Defendants' (and their counsel's Office's) outsized control on the pertinent job market also evidences that Tudor has no real prospect of future employment. Tudor was born in Oklahoma and received her doctorate from the University of Oklahoma (Exhibit 3 ¶ 4(d)(ii)). Persons with Tudor's background, roots, and school-network predominantly live and work in Oklahoma (*id.*). Even though Tudor has cast a wide net, her best chance of a new job is at a university in Oklahoma (*id.* ¶ 4(d)(iii)). But finding such a job is impossible under these circumstances.

Absent injunctive relief, Defendants' counsel have made clear that they hold Tudor's complaints at Southeastern and this very litigation against her.<sup>5</sup> They have even gone so far as to proclaim that Tudor is unfit to teach anywhere,<sup>6</sup> spuriously maligned Tudor's character,<sup>7</sup> and advised that they

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<sup>5</sup> See, e.g., ECF No. 270 at 14–15 (arguing that Tudor's invocation of her Title VII rights damaged the Southeastern community because of “side-choosing engaged in by university employees even before Dr. Tudor's separation”); *id.* at 15 (accusing Tudor of being unable to “address work conflicts without resorting to crying discrimination, (as evidence by her accusations and filings at [] Southeastern)”).

<sup>6</sup> See, e.g., ECF No. 270 at 21 (“she should not be teaching in higher education”); ECF No. 274 at 8 (arguing Tudor is not “fit to teach in a classroom”).

<sup>7</sup> See, e.g., ECF No. 270 at 17 (“her deliberate deceptiveness and lack of honesty”).

perceive Tudor to be too old to merit an equivalent job to the one she held at Southeastern.<sup>8</sup> Given those statements and others, it is exceedingly unlikely that if Tudor applies for jobs within the reach of the State of Oklahoma that she will be given a fair chance to prove herself. Moreover, it remains exceedingly unlikely that schools not directly controlled by the State of Oklahoma will ignore the admonishment from the Attorney General's Office—one of the most powerful and prominent divisions of the State—that Tudor is unworthy of hire.

Given the foregoing, awarding Tudor twenty-one years of front pay is appropriate. Long periods for an award of front pay are not unusual where, as is the case here, opportunities for a plaintiff to find an equivalent job are limited. *See, e.g., Passantino v. Johnson & Johnson Consumer Products, Inc.*, 212 F.3d 493, 511–12 (9th Cir. 2000) (approving twenty-two (22) years of front pay to compensate employee for remainder of work life expectancy); *Padilla v. Metro-North Commuter R.R.*, 92 F.3d 117, 125 (2d Cir. 1996) (approving twenty-years of front pay to compensate employee for remainder of work life expectancy where reinstatement deemed impossible because of hostilities and unlikely that comparable position available with another employer).

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<sup>8</sup> *See, e.g.*, ECF No. 274 at 1 (construing Tudor's age coupled with negative career trajectory Defendants themselves caused as justification to deny Tudor employment).

(5) *Discount award to net present value.* Tudor has reduced the requested front pay to present value by adopting a modified net discount rate.

A net discount rate is a means to adjust a lump sum award, accounting for the difference that investing that award in the market makes as well as the effects of inflation will have on the net amount. To calculate the net discount rate, one takes the prevailing interest rate and subtracts from it the rate of inflation; the resulting figure is the net discount rate. The future lump sum is then multiplied by the net discount rate, thereby reducing the award by a value that approximates the effects of both inflation and investment. *Hoskie v. United States*, 666 F.2d 1353, 1355 n.2 (10th Cir. 1981) (explaining calculation method of net discount rate).

At present, the rate of inflation in the United States is 2.1%. Exhibit 6 (excerpt from Bureau of Labor Statistics report). At present, the prevailing interest rate on Treasury backed marketable debt is 2.004%. Exhibit 7 (U.S. Treasury report showing marketable debt at average of 2.004% as of December 2017). The difference between the rate of inflation and the interest rate is thus -0.096%.<sup>9</sup> If applied, this negative net discount rate will increase rather than reduce the lump sum award due to Tudor.

To ward off any potential of a windfall, Tudor requests that the Court adopt a modified net interest rate of +1.5% rather than -0.096%. A net

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<sup>9</sup> A negative net discount rate arises where, as is the case currently, interest rates exceed the rate of inflation, but not the rate of growth in wages.

discount rate of +1.5% falls within the range approved by the 10th Circuit in other cases, erring on the side of a lower rate of reduction based upon the evidence Tudor has submitted showing that she is actually entitled to a net interest rate of -0.096%. *See, e.g., Hull by Hull v. United States*, 971 F.2d 1499, 1511–12 (10th Cir. 1992) (observing that courts typically employ a 1–3% net discount rate).

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To assist the Court in its evaluation of Tudor’s front pay request, Tudor has prepared Exhibit 8, which computes the anticipated salary and benefits due to Tudor.

Exhibit 8 sets forth four scenarios allowing for different variables affecting Tudor’s projected income at Southeastern through the remainder of her work life expectancy. Tudor respectfully requests that she be awarded front pay as calculated under Scenario 1, amounting to a front pay award of \$2,032,789.51. Scenario 1 is appropriate because it assumes that Tudor works until the age of seventy-five, receives one additional promotion, teaches one summer and one overload course each year, and takes on administrative duties for a period of ten years. These conservative estimates of Tudor’s earning potential at Southeastern best approximate a fair salary trajectory for Tudor based upon her declaration testimony, that of Dr. Cotter-Lynch, and trends at Southeastern for persons similarly situated to Tudor.

Scenario 1 also aligns with the testimony of Dr. McMillan, who swore under oath that a tenured professorship at Southeastern is valued in excess of \$2 million. *See* Exhibit 9.

**C. Propriety of Front Pay Request**

*Amount is appropriate.* The requested amount captures the monetary value of Tudor's career at Southeastern if she had been reinstated and thus fairly compensates Tudor. The record evidence shows that Tudor stands no chance of becoming reemployed in an equivalent job in her field, save for reinstatement at Southeastern, and that Southeastern opposes reinstatement, preferring instead to "pay" Tudor to not return. *See, e.g.*, ECF No. 274 at 8 ("Monetary compensation is how our justice system works best to make parties whole."). Given the particular circumstances of this case, full compensation for the totality of Tudor's remaining career is appropriate.

*No evidence that Tudor would have been fired if she had remained at Southeastern.* It is possible that Defendants will argue that Tudor would have been terminated for cause if she had remained at Southeastern, and thus front pay should be limited. If Defendants make such an argument, it should be rejected.

In the course of this litigation, no evidence of Tudor's malfeasance or her inability to perform her duties at Southeastern has been uncovered. If Defendants nonetheless argue that they would have legitimately fired Tudor,

they must both proffer evidence of Tudor's malfeasance *and* show that they fire others similarly situated to Tudor in similar circumstances. Defendants' mere argument that they would have fired Tudor, absent both forms of evidence, is not enough to sustain a limitation on front pay. *See, e.g., Sellers v. Mineta*, 358 F.3d 1058, 1064–65 (8th Cir. 2004) (employer seeking limitation on front pay due to after-acquired evidence has burden of establishing that misconduct would, under employer's actual employment practices, preclude reinstatement).

Any argument that Tudor would be unable to perform her job duties at Southeastern and thus front pay should be limited would also be without merit. The jury has finally resolved any questions about Tudor's merit—she earned tenure in the 2009-10 cycle (ECF No. 262 at 1). That finding is wholly supported by the record. As to teaching, the best evidence available shows that tenured English Department faculty, including Drs. Mischo, Althoff, and Cotter-Lynch, attest to Tudor's strengths as a teacher. *See generally* Exhibit 10 (collecting evidence of Tudor's teaching at Southeastern, as evaluated by her peers). (Indeed, even discriminatory actors Drs. Scoufos<sup>10</sup> and McMillan<sup>11</sup>

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<sup>10</sup> In Exhibit 11, the back-dated letter Scoufos placed in Tudor's 2009-10 tenure packet, Scoufos indicates that Tudor is a "generally effective classroom teacher" and teaching is not the purported reason for denying tenure. In Exhibit 12, Scoufos writes, "There is evidence that Dr. Tudor is an effective classroom teacher" and ranks Tudor's teaching as "commendable."

<sup>11</sup> In Exhibit 13, McMillan writes that "Dr. Tudor has provided sufficient evidence that she meets the expectation for tenure and promotion in the area of

previously admitted that they had no concerns about Tudor's teaching. Dr. Prus *also* testified that Tudor's teaching is "commendable" and merits tenure [Exhibit 15], and, during the only two classroom observations he conducted of Tudor, Prus lauded Tudor's exemplary classroom teaching [Exhibit 10 at PI00036 and PI00038]). As to scholarship, Tudor's eleven published peer review articles with more on the way (see Exhibit 3 ¶ 3(d)(ii)), are greater in both number and frequency than the publication records of other tenured professors in the English Department.

***No after-acquired evidence.*** It is possible that Defendants will argue that after-acquired evidence<sup>12</sup> bars or should limit front pay. But, Defendants should be judicially estopped from making that argument.

During discovery, in the lead up to trial, and at trial Defendants repeatedly told both Tudor and this Court that they do not have after-acquired evidence. *See generally* Exhibit 16 (collecting examples of Defendants' representations). Defendants should be bound to their past representations. If Defendants attempt to change their position, the Court should apply the equitable doctrine of judicial estoppel so as to preserve the

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effective classroom teaching." In Exhibit 14, a transcript of McMillan's 2012 interview with the EEOC, McMillan indicates that Tudor's teaching was adequate for tenure.

<sup>12</sup> After-acquired evidence is any evidence which the employer lacked at the time of the illicit employment action but later seeks to use to contest reinstatement or front pay after liability is proven. *McKennon v. Nashville Banner Pub. Co.*, 513 U.S. 352, 362 (1995).

integrity of this process. *See, e.g., Eastman v. Union Pacific R. Co.*, 493 F.3d 1151 (10th Cir. 2007) (*quoting New Hampshire v. Maine*, 532 U.S. 742, 749–50 (2001) (doctrine’s “purpose is to protect the integrity of the judicial process by prohibiting parties from deliberately changing positions according to the exigencies of the moment”).

***No windfall to Tudor.*** The requested amount would not give Tudor a windfall. If Defendants had followed the law, Tudor would have life tenure at Southeastern right now. Because Defendants broke the law, Tudor was pushed out into the job market in a vulnerable position, with no avenue to tenure elsewhere and otherwise bleak job prospects.

Tudor’s professional vulnerability is a problem of Defendants’ own making—they must now pay Tudor for the full price of her career. *See Abuan*, 353 F.3d at 1179 (employer’s illicit actions which thrust employee into vulnerable position in job market coupled with employer’s own hostilities precluding reinstatement bar opposition to make-whole front pay as a matter of law). Moreover, the requested award is appropriate because it seeks to return Tudor to the economic position she would have been in if Defendants had not violated Title VII. That is exactly the type of remedy Title VII demands. *Prudential*, 763 F.2d at 1173 (purpose of front pay is to assure that “the aggrieved party is returned to nearly as possible the economic situation [s]he would have enjoyed but for the defendant’s illicit conduct”).

## CONCLUSION

For all of the foregoing reasons, Dr. Tudor respectfully requests that the Court order that she be reinstated as a Associate Professor with tenure at Southeastern Oklahoma State University. In the alternative, if reinstatement is deemed infeasible due to Defendants' hostilities, Tudor respectfully asks that she be awarded \$2,032,789.51 in front pay.

Dated: February 27, 2018

/s/ Ezra Young  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 27, 2018, 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 Young (NY Bar No. 5283114)

# Exhibit 1

The Faculty Appellate Committee's Role in Assuring Equity in  
Academic Freedom and Shared Governance

This presentation will appraise the role of Faculty Appellate Committees in preserving academic freedom and upholding the principles of shared governance in institutions of higher education in accordance with AAUP policy statements on the subjects. Faculty Appellate Committees are often the last hope on campus of faculty to ensure that the concerns that are the focus of this year's conference are secure. This presentation will discuss examples of faculty grievances reviewed by the Faculty Appellate Committee at Southeastern Oklahoma State University in reference to academic freedom, shared governance, professional values and standards, promoting the economic security of those who teach and research, and working to ensure higher education's contribution to the common good.

# Exhibit 2



**2018 AAUP Statewide & Regional Event  
Saturday, March 10, 2018  
Southeastern Oklahoma State University**

**EVENT PROGRAM**

- 8:15 Sign-In**  
Foyer of Russell 100  
Continental breakfast will be available
- 9:00 Welcome**  
Russell 100  
**Carolyn Fridley**, President, SE Chapter of the AAUP  
**Sean Burrage**, President, SE
- 9:15 – 9:45 Presentation**  
**Speaker: John Covalleskie**, Professor Emeritus (Northern Michigan), Professor Emeritus (OU)  
**Title: Safe Spaces, Trigger Warnings, and Academic Freedom**
- 9:45 – 10:15 Presentation**  
**Speaker: Jesse Snowden**, Vice President for Academic Affairs Emeritus (SE)  
(Joined the AAUP in 1963!)  
**Title: The Wisdom of Henry Rosovsky**
- 10:15 – 10:25 Break**
- 10:25 – 10:50 Presentation**  
**Speaker: Dan Althoff**, Professor of Spanish (SE)  
**Title: Whose Values? Whose University?**
- 10:50 – 11:10 Presentation**  
**Speaker: Christala Smith**, Director, Center for Instructional Development & Technology (CIDT-SE)  
**Title: Going Phoenix?**
- 11:10 – 11:40 Panel Discussion**  
**Topic: Values, Pedagogy, and Accelerated Online Programs**  
**Panelists: Tim Boatman**, Dean of E-Programming (SE)  
**Brett Elliott**, Director of General Education, Professor of Mathematics (SE)  
**Meg Cotter-Lynch**, Honors Director, Professor of English (SE)  
**Christala Smith**, Director, CIDT (SE)
- 11:40 – 12:40 Lunch**  
2<sup>nd</sup> floor loft – Student Union
- 12:45 – 1:45 Keynote Address: Rachel I. Buff**, Professor of History, University of Wisconsin-Milwaukee  
**Title: Letter from Wisconsin: AAUP in a Moment of Crisis**

- 1:45 – 2:15**      **Presentation**  
**Speaker:** Neil O. Houser, Professor of Education (OU)
- 2:15 – 2:25**      **Break**
- 2:25 – 2:50**      **Presentation**  
**Speakers:** **David Duty and Jacque Hocking**, Lecturers, Department of Mass Communication (UCO)  
**Title:** **Why Don't You Say What You Mean: Using Couples Communication & Negotiation Skills in Shared Governance**
- 2:50 – 3:15**      **Presentation**  
**Speaker:** **John Wood**, Associate Professor of Public Administration (UCO)  
**Title:** **Guns on Campus & Academic Freedom**
- 3:15 – 3:40**      **Presentation**  
**Speaker:** **Rachel Tudor**, Independent Scholar  
**Title:** **The Faculty Appellate Committee's Role in Assuring Equity in Academic Freedom and Shared Governance**
- 3:40 – 4:05**      **Presentation**  
**Speaker:** **Jim Vander Putten**, Associate Professor of Higher Education, University of Arkansas-Little Rock  
**Title:** **From McCarthyism to Trump: Historical Faculty Views of Subversive Activities**

# Exhibit 3

## DECLARATION OF DR. RACHEL JONA TUDOR

### 1. Reinstatement.

- a. I still desire to be reinstated as an Associate Professor with tenure at Southeastern Oklahoma State University (“Southeastern”). Reinstatement remains my preferred remedy.
- b. I sincerely believe that if I were reinstated that I would not encounter a hostile environment at Southeastern.
- c. I sincerely believe that this litigation has not poisoned the environment at Southeastern.
- d. I sincerely believe that Southeastern’s students would not be harmed if I returned.
- e. I sincerely believe that I am presently capable of performing all duties required of me as an Associate Professor with tenure at Southeastern.

### 2. AAUP Conference at Southeastern.

- a. The week of February 12, 2018, I submitted a proposal to give a presentation at an American Association of University Professor’s conference held at Southeastern. My proposal was titled “The Faulty Appellate Committee’s Role in Assuring Equity in Academic Freedom.”

- b. On or about February 20, 2018, I was notified via email that my proposal had been accepted and that I was invited to give my presentation at the conference.
- c. I plan to give my presentation at the Southeastern conference on the afternoon of March 10, 2018.
- d. I also plan to attend the other presentations scheduled at the conference, including those given by President Burrage, President Emeritus Snowden, and Dr. Cotter-Lynch. I have absolutely no fears or concerns about interacting with current Southeastern faculty and administrators at the conference. I have no reason to believe that current Southeastern faculty or administrators in attendance will be hostile towards me.
- e. I am heartened by the Southeastern AAUP chapter's invitation.
- f. I am also grateful for the opportunity to return to Southeastern and share with the broader community what I have learned about faculty appellate committees and the faculty's role in correcting breaches of protocol and rules that arise in the tenure process. I believe my presentation is timely and hope that my colleagues and the other invited guests enjoy it.

g. I sincerely believe that Southeastern AAUP's invitation is important evidence that the current Southeastern faculty and the administration do not harbor hostilities towards me.

**3. Efforts to mitigate damages after trial.** Since trial, I have continued to do my best to mitigate damages.

a. I have continued my job search. I regularly look for job openings on appropriate job boards, including but not limited to InsideHigherEd. I also regularly visit university websites to look directly for job announcements, including keeping abreast of postings at Southeastern Oklahoma State University and other similar schools. I also continue to remind persons in my network that if they learn of an appropriate job opening through their own channels that they pass the opportunity on to me so that I can apply.

b. I have submitted five new applications for employment for academic jobs at colleges and universities. I have also continued to follow up on job applications that I submitted prior to trial—at this time, there are still three applications outstanding from that batch.

c. I have also expended considerable efforts working to improve my application portfolio. For example, I have revised my template

cover letter to expressly alert hiring committees that the jury found that I was denied tenure at Southeastern in violation of Title VII, in hopes that this might help prospective employers understand that my Southeastern tenure denial and subsequent separation should not be held against me.

d. I have also continued to build up my credentials.

i. For example, I submitted a proposal to present at the AAUP conference at Southeastern, which was accepted, and will continue to seek out similar opportunities to give academic presentations this year.

ii. I have also continued to work on scholarship. Scholarly production is a time-consuming undertaking; many publications require several years of research and reflection before a manuscript is ready for submission. Though my resources are quite limited and I currently lack institutional support, I have done my best to work on scholarly projects, several of which are ready or near ready to be submitted this calendar year. In early February 2018, I submitted a 27-page scholarly article to a peer review journal—I have been notified that the article is currently winding its way through the peer review process. In early

February 2018, I also submitted a chapter for a forthcoming anthology under contract with the University of Colorado Press—I have been notified that a decision will likely be made sometime in late March 2018. I am currently in the process of completing a draft of another lengthy scholarly article, which I anticipate submitting for publication in the next few months. I also anticipate submitting a book review for publication in the coming months.

- iii. I am also in the process of exploring new outlets to serve my discipline and scholarly community. For example, in February 2018 I was invited to serve as a peer reviewer for a scholarly journal. As a peer reviewer, I would be asked to review articles submitted for publication and provide feedback to the journal editors based upon my expertise in the field. I will continue to seek out other similar service opportunities this calendar year.

**4. Likelihood that job search will be unsuccessful.**

- a. Though I know that I have strong credentials and a strong work ethic, I sincerely believe that my tenure denial from Southeastern has effectively killed my career. I also believe that

in all likelihood, my job search efforts will not result in an equivalent job.

- b. I have been looking for a job equivalent to the last position I held at Southeastern since 2011—approximately eight years. I have submitted hundreds of applications for jobs, and the only offer I got was from Collin College for a one-year contract that was, at Collin’s option, renewable.<sup>1</sup> While I worked at and after I lost my job at Collin, I continued my job search in hopes of finding a new tenure-track position. Despite my efforts, I have been unable to secure a tenure-track job equivalent to the last job I held at Southeastern.
- c. I also believe that my protected activities (including this litigation) has made it more difficult for me to find a job equivalent to the one I held at Southeastern. I am well aware that if my name is googled that most results will point to contemporary reporting on my struggles at Southeastern during

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<sup>1</sup> Though I enjoy teaching, the Collin job was not an equivalent to Southeastern—the salary and benefits trajectory was far less than Southeastern; there was no option to earn tenure; my job contract was nonrenewable each year at Collin’s option and no presumptive right to renewal; and Collin is a two-year college which meant that I was teaching only introductory level college courses whereas at Southeastern I could teach higher-level college and graduate level courses which is more appropriate given my credentials and training.

the 2010-11 academic year, the EEOC proceedings and Department of Justice investigation, and this litigation. This is a difficult predicament to navigate as a job candidate. In the few interviews that I have had between 2011 and present, I have been asked questions that directly and indirectly touch on these proceedings.

d. I believe I face considerable obstacles to finding any equivalent job in the future given my candidate profile.

i. As a practical matter, I am only a marketable candidate for English teaching jobs at the college level. I hold a doctorate in English literature and my work experience is limited to higher education and my work skills are not readily transferable to other professions.

ii. My background and roots somewhat limit me to finding a job in Oklahoma. I received my PhD from the University of Oklahoma and was born in and desire to live in Oklahoma. Additionally, I am an active citizen of the Chickasaw Nation, which is located in Oklahoma and I desire to live near the Nation. Additionally, my most significant professional job to date—the Assistant Professor position I held at Southeastern, a teaching university—was at an

Oklahoman teaching university. Most persons with my background ultimately find jobs in Oklahoma given that this is where our roots are and where our professional networks strongest.

- iii. While I have cast a wide net, my best chance for a job is still in Oklahoma at a teaching university. Unfortunately, I face a considerable disadvantage on the job market in Oklahoma. There are very few teaching universities in Oklahoma, and the Regional University System of Oklahoma (which I have sued), controls seven of the fifteen public universities that offer four-year degrees in the state and all of Oklahoma's public teaching universities. Though I have in the past and will continue to apply to all appropriate positions, including those at Southeastern and other RUSO schools, its apparent that I am effectively locked out of the pertinent Oklahoma university professor market.

#### **5. Work Life Expectancy.**

- a. I love teaching and being in the classroom. Being a tenured professor at Southeastern was and remains my dream job. I

intended to work as a tenured professor for the rest of my natural life.

- b. I have a healthy lifestyle. I have never smoked. I only rarely drink alcohol. I endeavor to regularly exercise; weather permitting, I take several lengthy bicycle rides each week and regularly take middle distance runs of between 1 and 3 miles. I maintain a healthy weight. Aside from gender dysphoria, I do not have any chronic illnesses and I am not aware of any chronic illnesses that run in my family. I had my most recent comprehensive doctor's check-up in December 2017. The doctor informed me that I had healthy blood pressure, healthy weight, no heart problems, and no other major ailments.
  - c. Given my passion for my profession and healthy lifestyle, I believe that I would have worked at Southeastern until I was at least 75 years old though, if given the opportunity, I would have strived to work well beyond that age.
  - d. I am currently 54 years old. I will turn 75 in July 2039, which should fall during Southeastern's Summer 2039 term.
6. **Southeastern Salary as of 2010-11 Academic Year.** During the last year of my employment at Southeastern, I was paid approximately \$51,279 in salary. I calculated this based on the following formula: Degree level

(\$38,215) + Rank (\$8,196) + Experience (\$4,368) + Merit bonus (\$500)<sup>2</sup>.

However, given that I should have been awarded promotion and tenure during the 2009-10 cycle, I should have been paid an additional \$3,036 (the pay increase due to promotion from Assistant to Associate Professor) in the 2010-11 academic year. Thus, my compensation in the 2010-11 academic year should have been \$54,315.

**7. Calculating Front Pay.** I have carefully reviewed motion Exhibit 8, a set of formulas and four tables mapping out my earnings trajectory if I had been reinstated at Southeastern from the date of the jury verdict through age seventy-five. I believe that Exhibit 8 accurately calculates my earning trajectory at Southeastern.

**8. Salary increases over time.** If I were reinstated at Southeastern, I would have seen additional salary increases over time, including but not limited to:

a. **Promotion to full professor.** I would have applied for, and believe that I would have merited, promotion from Associate to Full Professor in the 2021-22 cycle, and that promotion would have gone into effect in Fall 2022. Under Southeastern's current salary card, this promotion is rank comes with a salary bump of \$4,680.

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<sup>2</sup> I was honored with the Southeastern Faculty Senate's Excellence in Scholarship Award in Spring 2011. In recognition of this honor, Southeastern paid me a merit bonus of \$500.

- b. **Class coverage.** I would have sought out opportunities to take on at least one extra class during the traditional Fall/Spring academic year.
- c. **Summer courses.** I would have sought out opportunities to teach at least one summer course during the summer session.
- d. **Administrative Duties.** I would have sought out opportunities to take on administrative duties. I took on administrative duties, I believe that I would have held onto them for at least ten years, if not longer.

I state under penalty of perjury that the foregoing is true and correct.

Executed on (date) 2/27/18 in (location) Plano, Texas

Rachel Tudor  
Dr. Rachel Jona Tudor

# Exhibit 4

## DECLARATION OF DR. MEG COTTER-LYNCH

1. I am a full professor with tenure at Southeastern Oklahoma State University (“Southeastern”). As a full professor with tenure, I am considered a senior member of the English, Humanities, and Languages’ Department (“English Department”).
2. I am also the Director of Southeastern’s Honor’s Program. As Honors Director, I am considered both a member of Southeastern’s faculty as well as a member of the Southeastern administration.
3. I am also a member and former president of Southeastern’s chapter of the American Association of University Professors (“AAUP”). AAUP is a national nonprofit. AAUP’s mission is to advance academic freedom and shared governance; to define fundamental professional values and standards for higher education; to promote the economic security of faculty, academic professionals, graduate students, post-doctoral fellows, and all those engaged in teaching and research in higher education; to help the higher education community organize to make our goals a reality; and to ensure higher education’s contribution to the common good.
4. **AAUP Conference at Southeastern.**

- a. Southeastern's AAUP chapter is hosting a statewide conference on campus on March 10, 2018. The theme of this conference is "Values and the University: Academic Freedom and Shared Governance."
- b. This AAUP conference is a major and important convening for Southeastern—only one of two major conferences Southeastern regularly hosts on campus, and to which the entire Southeastern faculty is invited. The event draws invited speakers from other universities in Oklahoma as well as outside of the state. The event is funded in part by Southeastern and in part from funds received from AAUP's Assembly of State Conferences.
- c. It is my understanding that Southeastern's AAUP chapter put out a competitive call for proposals, seeking presenters for the conference. In response to that call, Dr. Tudor submitted a proposal which was subsequently accepted.
- d. I believe that Dr. Tudor's invitation to speak at the AAUP conference reflects the Southeastern faculty's support of Tudor as well as our desire for Tudor to rejoin our community.
- e. I believe that Dr. Tudor's invitation to speak at the AAUP conference is clear evidence that Tudor is welcome on the Southeastern campus.

f. I believe that Dr. Tudor's invitation to speak at the AAUP conference shows that the Southeastern faculty value Tudor and believe that Tudor can positively contribute to the Southeastern community.

**5. My current salary and benefits.**

- a. For calendar year 2017, my Southeastern salary was \$75,072.69. My total salary is calculated using Southeastern's "salary card" (a true copy is attached hereto as **Exhibit A**) plus I receive additional compensation for my administrative duties.
- b. For calendar year 2017, I received "traditional fringe benefits" amounting to approximately \$7,916.52.
- c. For calendar year 2017, I received additional "professor fringe benefits" amounting to at least \$6,328.87.

**6. Calculating current salary at Southeastern.**

- a. **Card Salary.** Base salary at Southeastern is calculated through the "salary card" which is periodically revised. Factors pertinent to salary calculation are as follows: Degree level (A), Rank (B), and Experience (C). Additionally, Southeastern gives me additional compensation for performing administrative duties, which are currently calculated as follows: \$2,190 + 10% of the total of my other "salary card" components (Degree, Rank, and Experience).

b. *Above salary card compensation.* The Southeastern “salary card” sets forth basic compensation expectations. However, there are additional factors that may increase the ultimate salary paid to a professor. For example,

i. *Negotiating “above card” rates.* Southeastern’s “salary card” sets forth the baseline salary expectation at Southeastern. However, many Southeastern professors negotiate rates higher than the salary card for their baseline compensation. In my opinion, the “salary card” rate should be viewed as the *minimum* compensation level expected by Southeastern professors.

ii. *Class overloads.* The standard expectation is that Southeastern professors are required to teach four classes in the Fall and Spring semesters. However, professors can elect to teach extra classes, which is known as an “overload.” Southeastern pays professors with doctorate degrees \$2,100 per overload class. Many Southeastern professors take on overload classes to make extra money. It is not unusual for tenured professors at Southeastern to teach more than one overload class each academic year. In my opinion, it is reasonable to expect that a tenured Southeastern professor

who desires to will teach at least one overload class per academic year.

iii. *Summer classes.* Southeastern has a Summer term. Professors that elect to teach summer classes are paid \$3,700 per class. Many Southeastern professors teach summer courses to make extra money. It is not unusual for a professor to teach one or two summer classes each year. For example, English Department professor Dr. Jani Barker regularly teaches three summer courses. In my opinion, it is reasonable to expect that a tenured Southeastern professor who desires to will teach at least one Summer course per academic year.

## 7. Calculating benefits at Southeastern.

a. *Traditional fringe benefits* are benefits that all full-time Southeastern employees receive, including health insurance, dental insurance, vision insurance, retirement contributions, and tuition assistance. Based on my knowledge of these benefits and documentation supplied to me by Southeastern's Human Resources office, including a summary sheet appended hereto as Exhibit B, I calculate the value of those benefits as follows: health insurance (\$6,645.72 per year); dental insurance (\$442.32 per

year); vision insurance (\$78.48 per year); and tuition assistance (\$750 per year). In addition, I receive other fringe benefits for which I do not know how to value, including but not limited to: retirement benefits, worker's compensation insurance, disability insurance, and unemployment insurance.

*b. Professor fringe benefits* are benefits that all Southeastern professors receive (but non-academic employees do not receive), including but not limited to desk copy books from publishers, user license for academic databases JSTOR and EBSCOhost, user license for Zoom conferencing, user license for five personal devices for Microsoft Office 365, conference and research travel support, university merit award bonuses, and institutional affiliation status which allows me to apply for external funding for specialized research and travel grants. I estimate that my professor fringe benefits for calendar year 2017 were as follows: desk copies (\$200), academic databases (\$3,099<sup>1</sup>), Zoom

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<sup>1</sup> I base this estimate upon the following: Southeastern maintains institutional licenses with both JSTOR and EBSCOhost, and all Southeastern professors are granted credentials to use these databases as a benefit of our employment. If I were to purchase a private JSTOR license (less content than Southeastern's license, but the only market option available), it would cost me \$99 per year. Unfortunately, EBSCO does not offer any private licenses. If I were to try to replicate the resources provided by EBSCO on the open market, I believe it would reasonably cost \$3000 per year. To replicate the EBSCO sources that I would typically use in a year, I would likely need to subscribe to at least 10 journals, buy at least 15 articles, and buy at

conferencing (\$179.88 per year), Microsoft Office 365 license (\$99.99 per year), Southeastern conference and research travel support (varies, but average is \$1,500 per year), university merit award bonuses (varies by year, but approximately \$500 in calendar year 2017), and external funding (varies, but average is \$750 per year).

**8. Work Life Expectancy at Southeastern.**

- a. There is no mandatory retirement age at Southeastern.
- b. Because there is no mandatory retirement age, many Southeastern professors choose to work into their seventies and beyond.
- c. Even after Southeastern professors retire from full-time teaching, many return to teach classes, which is an additional source of income on top of the retirement package provided by Southeastern. For example, President Emeritus Jesse Snowden is currently ~80 years old and retired from Southeastern in 2008, but he continued to teach classes at Southeastern until 2016. Additionally, Dr.

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least 20 books. In my discipline, most journals charge a yearly subscription of \$100 or greater, most journals charge between \$20 and \$70 per article (with a mean price of \$50 per article), and the mean of most books is \$50.

George Collier is in his 80s, has officially retired, but still teaches classes at Southeastern as an adjunct. There are other examples.

**9. Tudor's career at Southeastern should have matched my own.** If Dr. Tudor had been given tenure during the 2009-10 or 2010-11 cycle, she would have followed a career trajectory similar to my own. Specifically, Dr. Tudor would have received salary increases, post-tenure promotions, and been invited to take on administrative duties near identical to the ones I have received.

**10. Likelihood that Tudor would have been offered administrative duties at Southeastern.**

a. Tenured professors at Southeastern are often given the opportunity to take on administrative duties. Administrative duties include, but are not limited to: department chair, center director, or program director.

b. My experience at Southeastern has been that most tenured faculty who take on administrative duties elect to keep them for approximately ten years.

c. After I received tenure, I have been offered several opportunities to take on administrative duties. I declined a nomination to run for Chair of the English Department in 2010, and I was appointed Honors Director in 2016.

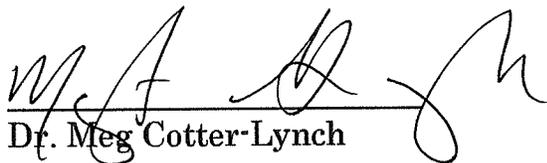
- d. I believe that if Dr. Tudor had stayed at Southeastern that she would have had similar opportunities to take on administrative duties.
  - e. I believe that if the Court had ordered that Dr. Tudor be reinstated at Southeastern that she eventually would have had the opportunity to take on administrative duties. I further believe that if Tudor had been offered the opportunity to take on administrative duties that she would have accepted them and held onto them for at least ten years.
11. **Likelihood that Tudor would have been promoted to Full Professor by 2021-22 academic year.**
- a. Professors at Southeastern are typically awarded tenure with the promotion to Associate Professor. Typically, Associate Professors in good standing are promoted to Full Professor within five to eight years of receiving tenure.
  - b. Based upon my understanding of the process of academic promotion at Southeastern, my personal experience going through the promotion process, I believe that if Tudor had remained at Southeastern that she would have been promoted to Full Professor around the same time I was promoted to that rank, in 2015.

c. If the Court had reinstated Tudor this academic year (2017-18), I think that Tudor would have successfully applied for and received promotion to Full Professor through the normal process no later than the 2021-22 academic year, with the promotion taking effect in Fall 2022.

12. **Valuing my career.** I believe that my tenured position at Southeastern should be valued somewhere between \$3.5 and \$4 million. I come to this estimate based on my understanding that Southeastern spends on my salary and benefits and the fact that tenured professors in my cohort (which Tudor was in) can reasonably expect to work around thirty years at Southeastern after receiving tenure as well as the total value of incidental benefits I receive from entities other than Southeastern due to my tenured status at Southeastern.

I state under penalty of perjury that the foregoing is true and correct.

Executed on (date) 2/27/18 in (location) McKinney, TX

  
Dr. Meg Cotter-Lynch

# Exhibit A

## SALARY CALCULATION FORM 2015-2016 Full-Time Faculty

NAME: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_ SCHOOL: \_\_\_\_\_

**DEGREES/EXPERIENCE**

**SALARY CALCULATION**

1. **DEGREE STATUS**  
 a. Highest Earned Degree? \_\_\_\_\_  
 b. If answer to (a.) is Master's than number of hours above the Master's in the teaching field, relevant field, or on an approved Doctoral program? \_\_\_\_\_

**CALCULATION FOR DEGREE:**

Less than master's .....	\$24,570
Master's .....	27,295
Master's + 15 hrs* .....	30,025
Master's + 30 hrs* .....	32,760
Master's + 55 hrs* .....	35,490
Doctorate .....	38,215

2. **ACADEMIC RANK?** \_\_\_\_\_  
 a. \_\_\_\_\_ Tenured (1)  
 b. \_\_\_\_\_ On Tenure Track (2)  
 c. \_\_\_\_\_ Not On Tenure Track (3)

A. \_\_\_\_\_  
 \* Toward Doctorate (See Note 2)

3. **EXPERIENCE (SEE NOTE 1)**  
 a. Total Yrs. at SOSU in a full-time professional capacity? \_\_\_\_\_  
 b. Yrs. at other colleges or univ.? \_\_\_\_\_ / 2 (maximum 5 yrs.) \_\_\_\_\_  
 c. Yrs. common school experience? \_\_\_\_\_ / 2 (maximum 3 yrs.) \_\_\_\_\_  
 d. Yrs. allowable service? (a + b + c) \_\_\_\_\_

**CALCULATION FOR RANK:**

Instructor .....	\$4,098
Assistant Prof with Masters .....	6,558
Assistant Prof with Doctorate .....	8,196
Associate Prof .....	11,232
Professor .....	15,912

B. \_\_\_\_\_

4. **MISCELLANEOUS**  
 a. Department Chair? \_\_\_\_\_  
 b. CPA? \_\_\_\_\_  
 c. Add-on? \_\_\_\_\_  
 If yes, attach detailed justification (requires President's approval)

**CALCULATION FOR EXPERIENCE:**  
 \$546.00 X (# of allowable years) (See Note 1) C. \_\_\_\_\_

**ADD FOR DEPARTMENT CHAIR:**  
 (\$2,190) D. \_\_\_\_\_

**ADD-ON:** E. \_\_\_\_\_

**TOTAL SALARY (A+B+C+D+E)** \$ \_\_\_\_\_

**NOTE 1: Explanation:** The number of allowable years are computed as follows:

- a. Total number of years at SOSU in a full-time professional capacity.  
 b. One-half of the total number of years of full-time teaching experience at other colleges/universities up to five (5) years.  
 c. One-half of the total number of years of full-time teaching experience at the elementary or secondary level up to three (3) years.

(Number of allowable years) = a + b + c. This sum is not to exceed the number of years allowed at each of the following academic ranks:

Instructor .....	11 years
Assistant Professor .....	14 years*
Associate Professor .....	19 years*
Professor .....	31 years*

\*Includes years at lower ranks.

**NOTE 2:** Hours "toward Doctorate" means graduate hours in the teaching field, relevant fields, or on an approved doctoral program. These hours will be certified by the Department Chair, the Executive Dean of Instruction and the Vice-President for Academic Affairs.

Department Chair \_\_\_\_\_ Executive Dean of Academic Affairs \_\_\_\_\_

VICE PRESIDENT FOR ACADEMIC AFFAIRS \_\_\_\_\_

## **GUIDE FOR APPLICATION OF THE SALARY CARD**

1. Upper-level undergraduate and graduate hours taken at SOSU after the Master's degree will not be counted as work toward the Doctorate unless the Doctoral Granting Institution documents in writing (letter, degree plan) that these hours will count on a specific degree program.
2. After a Master's degree has been completed, post master's graduate hours taken at SOSU in School Administration may be counted as hours toward a doctorate when these hours are directly related to the teaching assignment.
3. An MFA degree will be counted at the level of "Masters + 30" hours toward the Doctorate.
4. A Master's degree with a CPA will be counted at the level of "Master's + 30" hours toward the Doctorate.
5. Two Master's degrees will be counted at the level of "Masters + 15" hours toward the Doctorate when both degrees are relevant to the teaching assignment.
6. Part-time SOSU faculty who have taught 3/4 time or more during a semester will receive credit toward years of college teaching experience should they become full-time faculty.
7. Individuals with prior employment at SOSU in a non-teaching professional capacity will receive consideration toward years of college teaching experience. Typically, such employment has been coded in one of the following HEGIS categories:
  - 01--Executive Officers
  - 02--Directors of Units
  - 03--Administrators within Units
  - 06--Specialist Support (ex: Counselor, Librarian)
8. A paid sabbatical from SOSU counts toward SOSU teaching experience. Leave without pay does not count toward experience.
9. College-level teaching or administrative experience at other institutions will count only when it is documented to be a full-time faculty appointment. Post-doctoral experience at other institutions will count when it is documented to be a full-time appointment.
10. Elementary or secondary teaching experience will count only when it is documented to be a full-time appointment.
11. On the Salary Schedule, Under "3. EXPERIENCE", parts a, b, and c will be computed using increments of one-half (.5).

# **Exhibit B**

## BENEFIT PROGRAMS FOR EMPLOYEES OF SOUTHEASTERN OKLAHOMA STATE UNIVERSITY

This information was developed by University Human Resources (HR) for the convenience of SE employees. It is a brief interpretation of more detailed and complex materials. If further clarification is needed, the actual law, policy, plan document, or contract should be consulted as the authoritative source. Co-pay varies with each plan. All health care providers (health, vision & dental) must be selected from a provider list for optimum benefit. SE continually monitors benefits and reserves the right to update benefit information sheet as necessary.

BASIC BENEFITS	WHO IS ELIGIBLE	WHEN TO ENROLL	SE PAYS (Cost Per Month or Annually)	EMPLOYEE PAYS (Cost Per Month)	COVERAGE PROVISIONS &/or EFFECTIVE DATE (Outline)
<b>Health Care</b> Blue Cross Blue Shield of Oklahoma BlueChoice PPO  <b>Red Plan</b>	Reg. Full Time Employees with 75% FTE	You have 30 days from your entry on duty date to elect coverage for yourself & your eligible dependents. Otherwise, you may enroll or add coverage only during Option Period Enrollment in the fall.	Premium \$623.07 SE Pays <u>\$553.81</u> for employee coverage  <b>Employee Pays \$ 69.26</b>	<b>Employee \$69.26</b>  Child \$249.35 + \$69.26 = \$318.61 Children 498.60 + \$69.26 = \$567.86 Spouse 654.34 + \$69.26 = \$723.60 Spouse & Child(ren) \$1152.84 + \$69.26 = \$1222.10	Comprehensive health care insurance with prescription benefit, PPO; \$1000 annual individual deductible/\$3000 family, calendar year. Cover children through their 26 <sup>th</sup> birth month. 80/20, \$25/\$40 co-pay network provider, 50/50 co-pay + unallowable charges from non-network providers. Coverage becomes effective the first day of the month following your entry on duty date. Health Assessment (HA) deductible credit applies to plan year and must be completed between 1-1-17 and 12-31-17 and credited prior to claims payment. Employees, covered spouses, <u>and dependents over age 18</u> , are eligible.
<b>Health Care</b> Blue Cross Blue Shield of Oklahoma BlueOptions PPO  <b>White Plan</b>  <b><u>Provided by SE to Employee Only</u></b>	Reg. Full Time Employees with 75% FTE	You have 30 days from your entry on duty date to elect coverage for yourself & your eligible dependents. Otherwise, you may enroll or add coverage only during Option Period Enrollment in the fall.	SE Pays \$553.81 for employee coverage.	Child \$221.70 Children 443.29 Spouse 581.69 Spouse & Child(ren) \$1024.87	Annual individual deductible \$1250/\$3750 family deductible, calendar year. After meeting the deductible, the plan will pay 80%/70%/60%/50% of eligible & allowable charges depending on the provider level (see benefit summary). The individual maximum out-of-pocket expense is \$3500/\$4000/\$4500/\$6500. Family maximum out of pocket is higher. After maximum is met, the plan will pay 100% of all eligible and allowable charges if in network. Cover children through their 26 <sup>th</sup> birth month. Health Assessment (HA) deductible credit applies to plan year and must be completed between 1-1-17 and 12-31-17 and credited prior to claims payment. No retroactive claim adjustments will be allowed. Employees, covered spouses, <u>and dependents over age 18</u> , are eligible.
<b>Health Care</b> Blue Cross Blue Shield of Oklahoma BlueChoice PPO  <b>Blue Plan</b>  <b><u>Provided by SE to Employee Only</u></b>	Reg. Full Time Employees with 75% FTE	You have 30 days from your entry on duty date to elect coverage for yourself & your eligible dependents. Otherwise, you may enroll or add coverage only during Option Period Enrollment in the fall.	SE Pays \$476.69 for employee coverage.  <b>SE pays \$77.12 toward dependent health if elected, or \$36.86 for employee only High Option Dental Plan</b>	Child \$190.53 Children 381.16 Spouse 500.41 Spouse & Child(ren) \$881.68	Plan pays member's first \$500 of eligible and allowable charges per covered individual. Annual individual deductible of \$500 and a family deductible of \$1000. Deductible begins after the first \$500 paid charges per covered individual. After meeting the deductible, the plan will pay 50% of all the eligible & allowable charges up to an individual maximum out-of-pocket expense of \$5,500 or a family maximum of \$11,000. After maximum is met, the plan will pay 100% of all eligible and allowable charges if in network, 70% if out of network. Cover children through their 26 <sup>th</sup> birth month. Health Assessment (HA) deductible credit applies to plan year and must be completed between 1-1-17 and 12-31-17 and credited prior to claims payment. No retroactive claim adjustments will be allowed. Employees, covered spouses, <u>and dependents over age 18</u> , are eligible.
<b>Vision Service Plan</b> VSP Choice Plan	Reg. Full Time Employees with 75% FTE	You have 30 days from your entry on duty date to elect coverage for yourself & your eligible dependents. Otherwise, you may enroll or add coverage only during Option Period Enrollment in the fall.	\$6.54 Employee coverage	Child \$6.28 Children 7.46 Spouse 6.56 Spouse & Child(ren) \$15.82	<b>Well Vision Exam</b> \$10 co-pay /every calendar year <b>Prescription Glasses</b> \$25 co-pay <b>Lenses/</b> every calendar year -Single vision, lined bifocal, & lined trifocal lenses -Polycarbonate lenses for dependent children <b>Frame/</b> every calendar year -\$150 allowance for a wide selection of frames -20% off the amount over your allowance Cover children <b>through their 26<sup>th</sup> birth month.</b>  <b>~OR~ Contact Lens Care</b> -No co-pay/ calendar year \$150 allowance for contacts & contact lens exam (fitting & evaluation) <b>Extra Discounts &amp; Savings</b> -Glasses/Sunglasses -Contacts - Laser Vision Correction average 15% savings with contracted facilities <b>Out-of-Network Reimbursement:</b> Exam-up to \$45 Single vision lenses-up to \$30 Lines bifocal lenses-up to \$50 Lined trifocal lenses-up to \$65 Frame-up to \$70 Contacts-up to \$105

BASIC BENEFITS	WHO IS ELIGIBLE	WHEN TO ENROLL	EMPLOYEE PAYS (Cost Per Month or Annually)	EMPLOYEE PAYS (Cost Per Month)	COVERAGE PROVISIONS &/or EFFECTIVE DATE (Outline)																																																																
<b>DELTA DENTAL</b>  <u>HIGH PLAN</u>    <u>LOW PLAN</u>    <u>PREVENTIVE PLAN</u>	Reg. Full Time Employees with 75% FTE	You have 30 days from your entry on duty date to elect coverage for yourself & your eligible dependents to avoid "late entrant" limitations with subsequent open enrollment. Otherwise, you may enroll or add coverage only during Option Period Enrollment in the fall.	<b>SE pays \$36.86 for employee high dental if the Blue Plan Health is elected and no dependent health.</b>	<b>HIGH</b> Employee \$36.86 Employee/Chd \$54.30 Employee/Chldn \$70.20 Employee/Sp \$73.70 Employee/Sp/Child(ren) \$110.70  <b>LOW</b> Employee \$26.00 Employee/Chd \$38.24 Employee/Chldn \$46.70 Employee/Sp \$55.80 Employee/Sp/Child(ren) \$78.20  <b>PREVENTIVE</b> Employee \$18.26 Employee/Chd \$30.24 Employee/Chldn \$39.58 Employee/Sp \$37.52 Employee/Sp/Child(ren) \$60.18	<b>HIGH PLAN</b> <table border="1"> <thead> <tr> <th></th> <th>PPO Network</th> <th>Premier Network</th> <th>Out-of-Network</th> </tr> </thead> <tbody> <tr> <td><b>Class I Diagnostic/Preventive</b></td> <td>100%</td> <td>100%</td> <td>100%</td> </tr> <tr> <td><b>Class II Basic Services</b></td> <td>85% after \$25 ded.</td> <td>70% after \$25 ded.</td> <td>70% after \$25 ded.</td> </tr> <tr> <td><b>Class III Major Services</b></td> <td>60% after \$25 ded.</td> <td>50% after \$25 ded.</td> <td>50% after \$25 ded.</td> </tr> <tr> <td><b>Class IV Orthodontic Services</b></td> <td>50%</td> <td>50%</td> <td>50%</td> </tr> <tr> <td colspan="4"><b>Dependents under 26</b></td> </tr> <tr> <td colspan="4"><b>LOW PLAN</b></td> </tr> <tr> <td><b>Class I Diagnostic/Preventive</b></td> <td>100%</td> <td>100%</td> <td>100%</td> </tr> <tr> <td><b>Class II Basic Services</b></td> <td>75% after \$50 ded.</td> <td>70% after \$50 ded.</td> <td>70% after \$50 ded.</td> </tr> <tr> <td><b>Class III Major Services</b></td> <td>60% after \$50 ded.</td> <td>50% after \$50 ded.</td> <td>50% after \$50 ded.</td> </tr> <tr> <td><b>Class IV No Orthodontic Services</b></td> <td>N/A</td> <td>N/A</td> <td>N/A</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th></th> <th>PPO Network</th> <th>Premier Network</th> <th>Out-of-Network</th> </tr> </thead> <tbody> <tr> <td><b>Class I Diagnostic/Preventive</b></td> <td>100% after \$50 ded</td> <td>100% after \$50 ded</td> <td>100% after \$50 ded</td> </tr> <tr> <td><b>Class II Basic Services</b></td> <td>80% after \$50 ded.</td> <td>80% after \$50 ded.</td> <td>80% after \$50 ded.</td> </tr> <tr> <td><b>Class III Major Services</b></td> <td>N/A</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td><b>Class IV No Orthodontic Services</b></td> <td>N/A</td> <td>N/A</td> <td>N/A</td> </tr> </tbody> </table> <b>Children may be covered through their 26<sup>th</sup> birth month with all plans.</b>		PPO Network	Premier Network	Out-of-Network	<b>Class I Diagnostic/Preventive</b>	100%	100%	100%	<b>Class II Basic Services</b>	85% after \$25 ded.	70% after \$25 ded.	70% after \$25 ded.	<b>Class III Major Services</b>	60% after \$25 ded.	50% after \$25 ded.	50% after \$25 ded.	<b>Class IV Orthodontic Services</b>	50%	50%	50%	<b>Dependents under 26</b>				<b>LOW PLAN</b>				<b>Class I Diagnostic/Preventive</b>	100%	100%	100%	<b>Class II Basic Services</b>	75% after \$50 ded.	70% after \$50 ded.	70% after \$50 ded.	<b>Class III Major Services</b>	60% after \$50 ded.	50% after \$50 ded.	50% after \$50 ded.	<b>Class IV No Orthodontic Services</b>	N/A	N/A	N/A		PPO Network	Premier Network	Out-of-Network	<b>Class I Diagnostic/Preventive</b>	100% after \$50 ded	100% after \$50 ded	100% after \$50 ded	<b>Class II Basic Services</b>	80% after \$50 ded.	80% after \$50 ded.	80% after \$50 ded.	<b>Class III Major Services</b>	N/A	N/A	N/A	<b>Class IV No Orthodontic Services</b>	N/A	N/A	N/A
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<b>Long-Term Disability</b> MetLife Insurance Company Core Plan or the Buy-Up Option	Reg. Full Time Employees with 75% FTE	Eligible after 6 months.	<b>Core Plan:</b> You are insured on the date you become eligible & will start receiving benefits after 6 months of continuous disability. Appointment Salary X .00148 annually.	<b>Buy-Up Option:</b> Buy-Up; provides benefits sooner-after 3 months of continuous disability at a minimal cost to employee through payroll deduction.  (Appointment Salary X .0008/12	<b>Monthly Income Benefit replaces 60% of your monthly wage base up to a maximum of \$8,000 per month before offsets to a max of \$160,000.00. Minimum Standard benefit payment is the greater of \$100 or 10% of the Monthly Income Benefit before offsets.</b> You have two options from which to choose, depending on when and how long you would receive benefits. (Offsets that will affect your benefit will include benefits paid to you such as social security disability, OTRS disability, etc.)																																																																
<b>Life Insurance</b> Metropolitan Life Insurance Company "MetLife"	Reg. Full Time Employees with 75% FTE	Employees are automatically enrolled on the first day of the month following the date they become an Active Member. Dependants must be enrolled within 31 days of eligibility to avoid proof of insurability. Evidence of Insurability form must be submitted if written election is made more than 31 days after becoming eligible for insurance.	(Salary x 2-rounded to the next higher \$1000) X.000145), annually.  Annual salary updated each January 1.	Spouse/Children \$10,000/\$5,000 \$2.40 or with AD&D \$2.65 total monthly premium. Spouse/Children \$20,000/\$10,000 \$4.80 or with AD&D \$5.30 total monthly premium. Spouse/Children \$50,000/\$10,000 \$12 or with AD&D \$13 total monthly premium.	Employee life insurance is 2 X the employees appointed annual salary rounded to the next higher \$1000, until age 65 (65% to age 69, 50% to age 74, 35% at age 75 and over) (maximum coverage of \$250,000); updated yearly based on July pay; plus Accidental Death and Dismemberment; \$10,000 seat belt & \$5,000 air bag extra coverage. <b>Optional dependent coverage for spouse (\$10,000, \$20,000 or \$50,000); unmarried dependent child through the 26 the birth month, (\$5,000 or \$10,000).</b>																																																																
<b>Section 125 Flexible Benefits</b> (Cafeteria Plan) American Fidelity Unreimbursed Medical & Dependent Care	Reg. Full Time Employees with 75% FTE	Within 30 days of employment date for new employees; annual open enrollment.		No cost Tax savings.  <b>USE IT OR LOSE IT ANNUALLY</b>	IRS Section 125 Plan to tax shelter employee-paid health care, dental, cancer, and vision insurance premiums. A change in family status that affects insurance premium needs to be processed through Human Resources within <b>30 days of event.</b> <b>This benefit includes: unreimbursed medical expenses, excludes premiums (up to * \$2,500 per calendar year); and dependent care expenses (up to \$5,000 per calendar year), per IRS regulations).</b> All eligible expenses can reduce taxable income, thereby increasing take-home pay. *Effective 1-1-13 max of \$2500 per calendar year																																																																
<b>Oklahoma Teachers'</b>	Reg. FT emp. with 75% FTE	Faculty, Administrative, & Professionals are mandated. Paraprofessional, Support Staff &	Contributes 7% of all wages and fringe benefits that exceed \$25,000.	Contributes 7% of all wages + fringe benefits, on the first \$25,000 earned each fiscal year: equal to \$1,750.00 annually	<b>Defined benefit plan requiring 5 years of contributions for Oklahoma service in public education to become vested.</b> Vesting allows the option to have lifetime annuity income.																																																																

BASIC BENEFITS	WHO IS ELIGIBLE	WHEN TO ENROLL	SE PAYS (Cost Per Month or Annually)	EMPLOYEE PAYS (Cost Per Month)	COVERAGE PROVISIONS &/or EFFECTIVE DATE (Outline)
<b>Retirement System (OTRS) 401(a)</b>	or more; Adjunct faculty ineligible	Technical have optional enrollment at any time. NOTE: becoming optional member later than at hire or in July (when plan year begins) requires catching up on contributions on wages back to July.	8.55% Administrative Fee	(fiscal year).	Contributions are deposited to the member's account & may be withdrawn 4 months after leaving the system. Ten years of OTRS contributory service required to receive a \$100-\$105/mo. subsidy from OTRS toward group health plan premiums at retirement.
<b>FICA OASDI Medicare</b>	All employees unless claim student exemption	Automatic Enrollment.	6.2% of first \$127,200 FICA gross in calendar year. <b>(Maximum \$7886.40)</b> 1.45% of all income in calendar year.	6.2% of first \$127,200 FICA gross in calendar year. <b>(Maximum \$7886.40)</b> Same as SE pays	<b>Old-Age, Survivors, &amp; Disability Insurance (OASDI)</b> covers employee, dependents, surviving family; lump-sum death benefits. Medicare provides coverage for: Part A - Hospitalization Part B - Supplemental medical insurance.
<b>Workers' Compensation</b>	All employees regardless of FTE including temporary & student employees	Automatic Enrollment.	All income in calendar year X .82%		Covers employee medical expenses & loss of income resulting from work-related illness or injury.
<b>Unemployment Compensation</b>	All employees regardless of FTE including temporary	Automatic Enrollment.	All income in calendar year X .08 %		Provides economic security for a worker during temporary periods of unemployment.
<b>Supplemental Tax Deferred Annuities (TDAs) VOYA 403(b) &amp; 457(b)</b>	All employees with the exception of student workers	Optional Enrollment at any time.		<b>403(b) &amp; 457(b)</b> Min=\$200/year Max=\$18,000 for <b>For additional catch-up amounts contact Human Resources.</b>	403(b) 457(b) tax deferred supplemental retirement plans with <b>VOYA</b> approved for payroll deduction. <b>Minimum and maximum tax-deferred exclusion allowances are federally regulated.</b>

**Additional Benefits:** Free Parking Most Lots+ Generous Leave Policies, i.e., Annual, Sick for employee + immediate family, Family Medical Leave, Military Leave + Paid Holidays (average 20 days paid per year) + Library + Tuition Assistance.  
**Optional Benefits:** Dreaded disease insurance, dependent health and life insurance, Oklahoma College Savings Plan, short-term disability insurance and long-term care insurance.  
**Annual Leave Accrual:** Based on Date of Emp. (DOE) and must be 75% FTE or more.

Years of Service	Annual Leave	Mo. Accrual Rate	Accumulation Limit
0-5 years	15 days (120 hrs) per yr.	1.25 days (10 hrs)	30 days (240 hrs)
6-20 years	18 days (144 hrs) per yr.	1.5 days (12 hrs)	45 days (360 hrs)
Over 20 years	20 days (160 hrs) per yr.	1.67 days (13.33 hrs)**	60 days (480 hrs)

Non-exempt positions are eligible to earn **compensation for overtime**. To learn if you are exempt or non-exempt please call Human Resources (HR) X2162.  
Employees in non-exempt positions who work more than 40 hours during the established work week (Sunday through Saturday) qualify for compensatory time.  
Such employees will be given compensatory time in lieu of payment at the rate of one and one-half hours for each hour actually worked over 40 (holidays, annual, sick, and compensatory time used during the 40 hour week are not treated as hours worked for time and a half).

\*Generally Annual Leave does not apply to Faculty. Call Human Resources. A two week notice must be given for terminal annual leave to be paid, four week notice for managerial positions.  
\*\*June's entry will be 13.37 hours to equal exactly 20 days earned for the fiscal year.

<u>Helpful Telephone Numbers and Websites</u>	<u>VISION</u>
American Fidelity.....800-323-3748	Vision Service Plan (VSP).....1-800-877-7195
American Fidelity website.....http://www.afadvantage.com	Vision Service Plan (VSP) website.....www.vsp.com
AF Advantage (Automated Balance Info Section 125).....800-325-0654	<b>OKLAHOMA TEACHERS' RETIREMENT SYSTEM</b> .....1-877-738-6365 or www.ok.gov/trs
<b>HEALTH AND DENTAL INSURANCE</b>	<b>SE</b> website.....http://www.se.edu/
OKHEEI Group Blue Cross Blue Shield of Oklahoma.....http://www.bcbsok.com/okheei	<b>SE</b> Human Resources website..... http://www.se.edu/dept/human-resources
Health Customer Service..... 800-672-2567	<b>SE</b> Academic Policies/Procedures Manual.....http://www.se.edu/policies
Pharmacy Customer Service.....877-546-2779	<b>SE</b> Staff Policies/Procedures Handbook.....http://www.se.edu/policies
DELTA Dental Customer Service.....800-522-0188	<b>RUSO Board Policies/Procedures</b> .....http://www.ruso.edu/Home.aspx
<b>LIFE &amp; LTD (Long Term Disability)</b>	<b>Supplemental Tax Deferred Annuities (TDAs)</b>
MetLife Insurance Co.....1-800-423-2765	<b>VOYA 457(b) 403(b)</b> .....http://www.ok2retire.com
	<b>Plan With Ease</b> website.....http://www.planwithease.com

Southeastern Oklahoma State University does not discriminate on the basis of race, color, national origin, sex, disability, or age, in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies: Title IX Coordinator, Administration Room 311, 580-745-3090.

# Exhibit 5

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, and	)	
	)	
DR. RACHEL TUDOR	)	CASE NO. 5:15-CV-00324-C
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
SOUTHEASTERN OKLAHOMA	)	
STATE UNIVERSITY, and	)	
	)	
THE REGIONAL UNIVERSITY	)	
SYSTEM OF OKLAHOMA,	)	
	)	
	)	
Defendants.	)	

**PLAINTIFF/INTERVENOR DR. RACHEL TUDOR’S AMENDED RESPONSES TO  
REGIONAL UNIVERSITY SYSTEM OF OKLAHOMA’S  
FIRST SET OF DISCOVERY REQUESTS**

TO: Defendant, Regional University System of Oklahoma  
c/o Kindanne C. Jones, Dixie L. Coffey, Jeb Joseph, and Tim Bunson  
Assistant Attorneys General  
Oklahoma Attorney General’s Office  
Litigation Section  
313 N. E. 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105  
Telephone: (405) 521-3921  
Facsimile: (405) 521-4518  
Email: [Kindanne.Jones@oag.ok.gov](mailto:Kindanne.Jones@oag.ok.gov)  
[Dixie.Coffey@oag.ok.gov](mailto:Dixie.Coffey@oag.ok.gov)  
[Jeb.Joseph@oag.ok.gov](mailto:Jeb.Joseph@oag.ok.gov)  
[Tim.Bunson@oag.ok.gov](mailto:Tim.Bunson@oag.ok.gov)

*Attorneys for Defendant State of Oklahoma  
Ex rel. Regional University System of Oklahoma  
& Southeastern Oklahoma State University*

**INTERROGATORIES**

**Interrogatory No. 9:** *Please identify all persons of whom you are aware that have knowledge of the factual bases of the allegations contained in Plaintiff's Complaint.*

- a. Teresa Anderson
- b. Paula Smith Allen
- c. Dan Althoff
- d. Kenneth Chinn
- e. Lisa Coleman
- f. Margaret Cotter-Lynch
- g. Cathy Conway
- h. Byron Clark
- i. Corie Delashaw
- j. William Fidley
- k. Charla Hall
- l. Jeffrey Gastorf
- m. Pam Goodwin
- n. Lawrence Minks
- o. John Mischo
- p. Douglas McMillan
- q. Virginia Parrish
- r. Karen Prus
- s. Lucretia Scofous
- t. Mark Spencer
- u. Clarie Stubblefield
- v. Rachel Tudor
- w. Charles Weiner
- x. All persons listed in Plaintiff/Intervenor's Rule 26(a) disclosures.
- y. All persons listed in response to Interrogatory 2.
- z. Judge Richard Ogden
- aa. Charles Babb
- bb. Jesse Snowden
- cc. Ross Walkup
- dd. Whitney Popchoke
- ee. Mindy House

**Interrogatory No. 11:** *Please identify and describe the details of all tenure-track professorships for which you have applied since leaving Southeastern Oklahoma State University.*

**RESPONSE:** Plaintiff/Intervenor objects to this Interrogatory on the grounds that it is unduly burdensome and unnecessarily cumulative or duplicative. Defendants are entitled to seek discovery reasonably calculated to ascertain whether Plaintiff/Intervenor has satisfied her obligation to mitigate damages, but she need not produce or exactly describe each and every application she submitted. *See, e.g., EEOC v. Unit Drilling Co.*, 2014 WL 3572219, \*3 (N.D.Okla. 2014) (holding that party's request for "all job applications" during relevant time

period was not proportionate to needs of the case). *See also Metz v. Merrill Lynch*, 1991 WL 355199 (W.D.Okla. 1991) (Cauthron, J.).

Subject to and without waiving these objections, Plaintiff/Intervenor applied for teaching positions at over one-hundred institutions of higher education between Fall 2011 and accepted a position at Collin College in Summer 2012, including, but not limited to:

1. Arizona State University (Tempe, Arizona)
2. Averett University (Danville, Virginia)
3. Bainbridge College (Bainbridge, Georgia)
4. Ball State University (Muncie, Indiana)
5. Baltimore Community College (Baltimore, Maryland)
6. Baylor University (Waco, Texas)
7. Bethel University (McKenzie, Tennessee)
8. Brevard College (Brevard, North Carolina)
9. Bucknell University (Lewisburg, Pennsylvania)
10. Butler County Community College (El Dorado, Kansas)
11. Central New Mexico Community College (Albuquerque, New Mexico)
12. Chabot-Las Positas Community College (Los Positaas, California)
13. Colin College (McKinney, Texas)
14. Dallas County Community College (Dallas, Texas)
15. Dickinson College (Carlisle, Pennsylvania)
16. East Central University (Ada, Oklahoma)
17. Edison State College AKA Florida SouthWestern State College (Fort Meyers, Florida)
18. Enterprise State Community College (Enterprise, Alabama)
19. Florida Gulf Coast University (Fort Meyers, Florida)
20. Florida Institute of Technology (Melbourne, Florida)
21. Florida International University (Miami, Florida)
22. Full Sail University (Winter Park, Florida)
23. George Mason University (Fairfax, Virginia)
24. Georgia Perimeter College (Decatur, Georgia)
25. Georgia Institute of Technology (Atlanta, Georgia)
26. Germanna Community College (Locust Grove, Virginia)
27. Glenville State College (Glenville, West Virginia)
28. Grayson Community College (Denison, Texas)
29. Grinnell College (Grinnel, Iowa)
30. Houston Community College (Houston, Texas)
31. Illinois College (Jacksonville, Illinois)
32. Illinois State College (Normal, Illinois)
33. Indiana University Southeaster (New Albany, Indiana)
34. Jackson Community College (Jackson, Michigan)
35. James Madison University (Harrisburg, Virginia)
36. Kenyon College (Gambier, Ohio)
37. Lake Sumter Community College (Leesburg, Florida)
38. LeTourneau University (Longview, Texas)
39. Lindsey Wilson College (Columbia, Kentucky)

40. Lone Star Community College (Houston, Texas)
41. Monterey Peninsula College (Monterey, California)
42. Montgomery College (Rockville, Maryland)
43. Moraine Valley Community College (Palos Hills, Illinois)
44. Nevada State College (Henderson, Nevada)
45. New England College (Henniker, New Hampshire)
46. New Mexico Highland University (Las Vegas, New Mexico)
47. North Seattle Community College (Seattle, Washington)
48. Northern Virginia Community College (Springville, Virginia)
49. Oberlin College (Oberlin, Ohio)
50. Ohio Christian University (Circleville, Ohio)
51. Oklahoma Baptist University (Shawnee, Oklahoma)
52. Oklahoma State University (Stillwater, Oklahoma)
53. Oxbridge Academy of the Palm Beaches (West Palm Beach, Florida)
54. Palm Beach State College (Lake Worth, Florida)
55. Pellissippi State Community College (Knoxville, Tennessee)
56. Pensacola State College (Pensacola, Florida)
57. Philander Smith College (Little Rock Arizona)
58. Pima Community College (Tuscon, Arizona)
59. Polk State College (Winter Haven, Florida)
60. Portland State University (Portland, Oregon)
61. Prince George's Community College (Largo, Maryland)
62. Rasmussen College (Minneapolis, Minnesota)
63. Rogers State University (Claremore, Oklahoma)
64. San Jacinto College (Pasadena, Texas)
65. Seminole State College (Orlando, Florida)
66. Seminole State College (Seminole, Oklahoma)
67. Shippensburg University (Shippensburg, Pennsylvania)
68. Slippery Rock University of Pennsylvania (Slippery Rock, Pennsylvania)
69. South University (Highpoint, North Carolina)
70. Southeast Missouri State University (Girardeau, Missouri)
71. Southern Methodist University (Dallas, Texas)
72. Southwestern Oklahoma State University (Weatherford, Oklahoma)
73. St. Louis Community College (St. Louis, Missouri)
74. St. Petersburg College (St. Petersburg, Florida)
75. Tarrant County College (Fort Worth, Texas)
76. Texas A&M-Kingsville (Kingsville, Texas)
77. Tiffin University (Tiffin, Ohio)
78. Towson University (Baltimore, Maryland)
79. Tri-County Technical College (Pendleton, South Carolina)
80. Trinity Valley Community College (Athens, Texas)
81. University of Arkansas (Fayetteville, Arkansas)
82. University of California-Los Angeles (Los Angeles, California)
83. University of Houston-Downtown (Houston, Texas)
84. University of Houston-Victoria (Victoria, Texas)
85. University of Iowa (Iowa City, Iowa)

86. University of Louisiana (LaFayette, Louisiana)
87. University of Maryland (College Park, Maryland)
88. University of Nevada (Las Vegas, Nevada)
89. University of North Carolina (Wilmington, North Carolina)
90. University of North Florida (Jacksonville, Florida)
91. University of Northwestern Ohio (Lima, Ohio)
92. University of Oregon (Eugene, Oregon)
93. University of Pennsylvania (Philadelphia, Pennsylvania)
94. University of Rhode Island (Kingston, Rhode Island)
95. University of South Carolina (Aiken, South Carolina)
96. University of South Florida (Sarasota, Florida)
97. University of Tampa (Tampa, Florida)
98. University of Tennessee (Knoxville, Tennessee)
99. University of Utah (Salt Lake City, Utah)
100. Utah Valley University (Orem, Utah)
101. Volunteer State Community College (Gallatin, Tennessee)
102. Wartburg College (Waverly, Iowa)
103. Webster University (Greenville, South Carolina)
104. Xavier University (Cincinnati, Ohio)

In addition to the aforementioned institutions, Plaintiff/Intervenor has submitted applications to the following institutions for both tenure-track teaching positions as well as other positions for which she is qualified for since Fall 2012:

105. Alvin Community College (Alvin, Texas)
106. Armstrong State University (Savannah, Georgia)
107. Bentley University (Waltham, Massachusetts)
108. Chattanooga State Community College (Chattanooga, Tennessee)
109. College of Coastal Georgia (Brunswick, Georgia)
110. Dickinson College (Carlisle, Pennsylvania)
111. Elizabeth City State University (Elizabeth City, North Carolina)
112. Fullerton College (Fullerton, California)
113. Grayson Community College (Denison, Texas)
114. Hillsborough Community College (Plant City, Florida)
115. Huston-Tillotson (Austin, Texas)
116. Lamar University (Beaumont, Texas)
117. Lincoln Memorial University (Harrogate, Tennessee)
118. Louisiana Tech University (Ruston, Louisiana)
119. Lone Star College (Houston, Texas)
120. Mercer University (Macon, Georgia)
121. Miami University (Oxford, Ohio)
122. Middle Tennessee State University (Murfreesboro, Tennessee)
123. Pikes Peak Community College (Colorado Springs, Colorado)
124. Roane State Community College (Harriman, Tennessee)
125. San Jacinto College (Pasadena, Texas)
126. Salisbury University (Salisbury, Maryland)

127. Seattle Central College (Seattle, Washington)
128. Seminole State College (Seminole, Oklahoma)
129. Skagit Valley College (Mt. Vernon, Washington)
130. South Dakota Board of Regents (South Dakota)
131. Southeastern Oklahoma State University (Durant, Oklahoma)
132. Southern Arkansas University (Magnolia, Arkansas)
133. Southern Oregon University (Ashland, Oregon)
134. Tyler Junior College (Tyler, Texas)
135. University of Colorado (Boulder, Colorado)
136. University of Houston (Houston, Texas)
137. University of Indianapolis (Indianapolis, Indiana)
138. University of Wisconsin-Whitewater (Whitewater, Wisconsin)

*/s/ Ezra Young* \_\_\_\_\_

Ezra Young

**CERTIFICATE OF SERVICE**

This is to certify that on the 22 day of August, 2017, a true and correct copy of the above and foregoing discovery responses were electronically transmitted, and mailed via U.S. Postal Service to the following interested parties:

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*/s/ Ezra Young* \_\_\_\_\_  
Ezra Young

**VERIFICATION FOR AMENDED RESPONSES TO  
REGIONAL UNIVERSITY SYSTEM OF OKLAHOMA'S  
FIRST SET OF INTERROGATORIES**

I certify under penalty of perjury under the laws of the United States of American that the foregoing Amended Responses to Interrogatories are true and correct.

Rachel Tudor  
Dr. Rachel Tudor

9/18/2017  
Date

# Exhibit 6

# NEWS RELEASE

## BUREAU OF LABOR STATISTICS

U. S. D E P A R T M E N T O F L A B O R



**Transmission of material in this release is embargoed until  
8:30 a.m. (EST) February 14, 2018**

USDL-18-0238

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### CONSUMER PRICE INDEX – JANUARY 2018

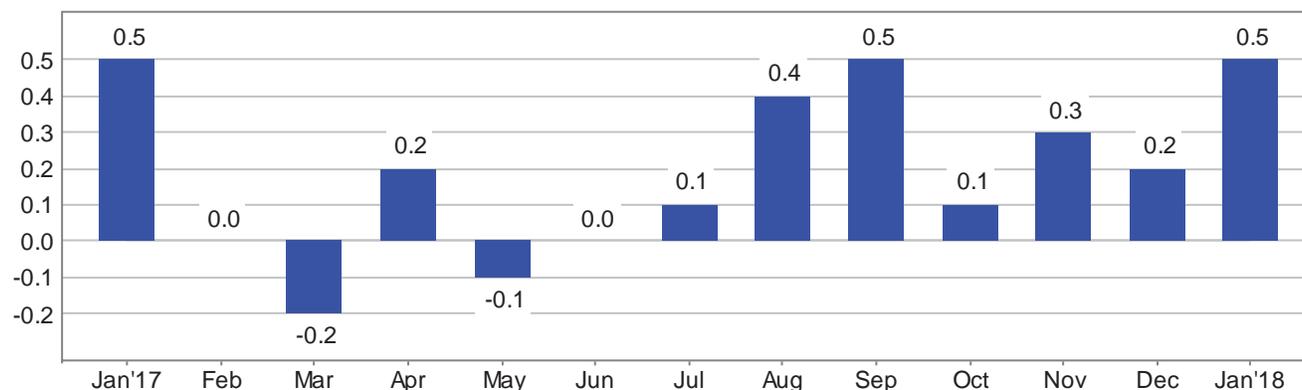
The Consumer Price Index for All Urban Consumers (CPI-U) increased 0.5 percent in January on a seasonally adjusted basis, the U.S. Bureau of Labor Statistics reported today. **Over the last 12 months, the all items index rose 2.1 percent before seasonal adjustment.**

The seasonally adjusted increase in the all items index was broad-based, with increases in the indexes for gasoline, shelter, apparel, medical care, and food all contributing. The energy index rose 3.0 percent in January, with the increase in the gasoline index more than offsetting declines in other energy component indexes. The food index rose 0.2 percent with the indexes for food at home and food away from home both rising.

The index for all items less food and energy increased 0.3 percent in January. Along with shelter, apparel, and medical care, the indexes for motor vehicle insurance, personal care, and used cars and trucks also rose in January. The indexes for airline fares and new vehicles were among those that declined over the month.

The all items index rose 2.1 percent for the 12 months ending January, the same increase as for the 12 months ending December. The index for all items less food and energy rose 1.8 percent over the past year, while the energy index increased 5.5 percent and the food index advanced 1.7 percent.

**Chart 1. One-month percent change in CPI for All Urban Consumers (CPI-U), seasonally adjusted, Jan. 2017 - Jan. 2018**  
Percent change



# Exhibit 7



## January

Title	Average Interest Rates	
	December 31, 2018	December 31, 2017
<b>Interest-bearing Debt:</b>		
<b>Marketable:</b>		
Treasury Bills	1.338	0.543
Treasury Notes	1.873	1.796
Treasury Bonds	4.172	4.352
Treasury Inflation-Protected Securities (TIPS)	0.752	0.741
Treasury Floating Rate Note (FRN)	1.537	0.673
Federal Financing Bank	2.966	3.080
<b>Total Marketable</b>	<b>2.149*</b>	<b>2.004</b>
<b>Non-marketable:</b>		
Domestic Series	7.952	7.951
Foreign Series	7.312	7.312
State and Local Government Series	1.464	1.109
United States Savings Securities	3.144	3.052
United States Savings Inflation Securities	3.941	3.147
Government Account Series	2.760	2.812
Government Account Series Inflation Securities	1.307	1.256
<b>Total Non-marketable</b>	<b>2.766*</b>	<b>2.801</b>
<b>Total Interest-bearing Debt</b>	<b>2.326*</b>	<b>2.244</b>

\* The Average Interest Rates for Total Marketable, Total Nonmarketable, and Total Interest-bearing Debt do not include the Treasury Inflation-Indexed Securities and the Treasury Floating Rate Notes.

[Excel Version](#)

[Translate](#)

# Exhibit 8

**Card Salary Equations:**

- *Associate Professor:* But for compensation = Degree (\$38,215) + Rank (\$11,232) + Experience (\$546 x years allowable [max 19])
- *Full Professor:* But for compensation = Degree (\$38,215) + Rank (\$15,912) + Experience (\$546 x years allowable [max 31])

***Overload class compensation:*** \$2,100 per class

***Summer class compensation:*** \$3,700 per class

***Administrative duty compensation:*** \$2,190 + 10% of Card Salary total

***Traditional Fringe Benefits:*** \$7,916.52 per year

***Professor Fringe Benefits:*** \$6,328.87 per year

***Retirement contribution:*** 7% of all wages and fringe benefits that exceed \$25,000

**Front pay damages for Dr. Rachel Tudor**

*Scenario 1: Full Professor promotion as of 2021-22 term; 10 years Administrative duties between 2029-30 and 2038-39 terms; 1 Summer session and 1 class overload; End work at Age 75; present value reduction 1.5%*

**But for Compensation**

Academic Year	Period	Salary Card Earnings	Retirement	Summer Session and Class Overload	Trad'l Fringe Benefits	Prof. Fringe Benefits	Total But For Compensation	Present Value Reduction (1.5%)	Cumulative Total
2017-18	11/20/17 – 7/31/18	\$39,571.73	\$2,117.24	\$5,800	\$5,487.57	\$4,387.02	\$57,436.35	\$56,574.80	\$56,574.80
2018-19	8/1/18 – 7/31/19	\$57,637	\$3,517.74	\$5,800	\$7,916.52	\$6,328.87	\$81,475.16	\$80,253.03	\$136,827.83
2019-20	8/1/19 – 7/31/20	\$58,183	\$3,555.96	\$5,800	\$7,916.52	\$6,328.87	\$82,059.38	\$80,828.49	\$271,656.32
2020-21	8/1/20 – 7/31/21	\$58,729	\$3,594.18	\$5,800	\$7,916.52	\$6,328.87	\$82,368.57	\$81,133.04	\$298,789.36
2021-22	8/1/21 – 7/31/22	\$59,275	\$3,632.40	\$5,800	\$7,916.52	\$6,328.87	\$82,952.79	\$81,708.50	\$380,497.86
2022-23	8/1/22 – 7/31/23	\$64,501	\$3,998.22	\$5,800	\$7,916.52	\$6,328.87	\$88,544.61	\$87,216.44	\$467,714.30
2023-24	8/1/23 – 7/31/24	\$65,047	\$4,036.44	\$5,800	\$7,916.52	\$6,328.87	\$89,128.83	\$87,791.90	\$555,506.20
2024-25	8/1/24 – 7/31/25	\$65,593	\$4,074.66	\$5,800	\$7,916.52	\$6,328.87	\$89,713.05	\$88,367.35	\$643,873.55
2025-26	8/1/25 – 7/31/26	\$66,139	\$4,112.88	\$5,800	\$7,916.52	\$6,328.87	\$90,297.27	\$88,942.81	\$732,816.36
2026-27	8/1/26 – 7/31/27	\$66,685	\$4,151.10	\$5,800	\$7,916.52	\$6,328.87	\$90,881.49	\$89,518.27	\$822,334.63
2027-28	8/1/27 – 7/31/28	\$67,231	\$4,189.32	\$5,800	\$7,916.52	\$6,328.87	\$91,465.71	\$90,093.72	\$912,428.35
2028-29	8/1/28 – 7/31/29	\$67,777	\$4,227.54	\$5,800	\$7,916.52	\$6,328.87	\$92,049.93	\$90,669.18	\$1,003,097.53
2029-30	8/1/29 – 7/31/30	\$77,345.30	\$4,897.32	\$5,800	\$7,916.52	\$6,328.87	\$102,288.01	\$100,753.69	\$1,103,851.22
2030-31	8/1/30 – 7/31/31	\$77,945.90	\$4,939.36	\$5,800	\$7,916.52	\$6,328.87	\$102,930.65	\$101,386.69	\$1,205,237.91
2031-32	8/1/31 – 7/31/32	\$78,546.50	\$4,981.41	\$5,800	\$7,916.52	\$6,328.87	\$103,573.30	\$102,019.70	\$1,307,257.61
2032-33	8/1/32 – 7/31/33	\$79,147.10	\$5,023.45	\$5,800	\$7,916.52	\$6,328.87	\$104,215.94	\$102,652.70	\$1,409,910.31
2033-34	8/1/33 – 7/31/34	\$79,747.70	\$5,065.49	\$5,800	\$7,916.52	\$6,328.87	\$104,858.58	\$103,285.70	\$1,513,196.01
2034-35	8/1/34 – 7/31/35	\$80,348.30	\$5,107.53	\$5,800	\$7,916.52	\$6,328.87	\$105,501.22	\$103,918.70	\$1,617,114.71
2035-36	8/1/35 – 7/31/36	\$80,348.30	\$5,107.53	\$5,800	\$7,916.52	\$6,328.87	\$105,501.22	\$103,918.70	\$1,721,033.41
2036-37	8/1/36 – 7/31/37	\$80,348.30	\$5,107.53	\$5,800	\$7,916.52	\$6,328.87	\$105,501.22	\$103,918.70	\$1,824,952.11
2037-38	8/1/37 – 7/31/38	\$80,348.30	\$5,107.53	\$5,800	\$7,916.52	\$6,328.87	\$105,501.22	\$103,918.70	\$1,928,870.81
2038-39	8/1/28 – 7/31/39	\$80,348.30	\$5,107.53	\$5,800	\$7,916.52	\$6,328.87	\$105,501.22	\$103,918.70	\$2,032,789.51

**Front pay damages for Dr. Rachel Tudor**

*Scenario 2: Full Professor promotion as of 2021-22 term; 10 years Administrative duties between 2029-30 and 2038-39 terms; No Summer session and no Class Overload; End work at Age 75; present value reduction 1.5%*

**But for Compensation**

<b>Academic Year</b>	<b>Period</b>	<b>Total Salary Card Earnings</b>	<b>Retirement</b>	<b>Summer Session and Class Overload</b>	<b>Trad'l Fringe Benefits</b>	<b>Prof. Fringe Benefits</b>	<b>Total But For Compensation</b>	<b>Present Value Reduction (1.5%)</b>	<b>Cumulative Total</b>
2017-18	11/20/17 – 7/31/18	\$39,571.73	\$2,017.20	\$0	\$5,487.57	\$4,387.02	\$51,463.52	\$50,691.57	\$50,691.57
2018-19	8/1/18 – 7/31/19	\$57,637	\$3,281.77	\$0	\$7,916.52	\$6,328.87	\$75,164.16	\$74,036.70	\$124,728.27
2019-20	8/1/19 – 7/31/20	\$58,183	\$3,319.99	\$0	\$7,916.52	\$6,328.87	\$75,748.38	\$74,612.15	\$125,303.72
2020-21	8/1/20 – 7/31/21	\$58,729	\$3,358.21	\$0	\$7,916.52	\$6,328.87	\$76,332.60	\$75,187.61	\$200,491.33
2021-22	8/1/21 – 7/31/22	\$59,275	\$3,396.43	\$0	\$7,916.52	\$6,328.87	\$76,916.82	\$75,763.07	\$276,254.40
2022-23	8/1/22 – 7/31/23	\$64,501	\$3,762.25	\$0	\$7,916.52	\$6,328.87	\$82,508.64	\$81,271.01	\$357,525.41
2023-24	8/1/23 – 7/31/24	\$65,047	\$3,800.47	\$0	\$7,916.52	\$6,328.87	\$83,092.86	\$81,846.47	\$439,371.88
2024-25	8/1/24 – 7/31/25	\$65,593	\$3,838.69	\$0	\$7,916.52	\$6,328.87	\$83,677.08	\$82,421.92	\$512,793.80
2025-26	8/1/25 – 7/31/26	\$66,139	\$3,876.91	\$0	\$7,916.52	\$6,328.87	\$84,261.30	\$82,997.38	\$604,791.18
2026-27	8/1/26 – 7/31/27	\$66,685	\$3,915.13	\$0	\$7,916.52	\$6,328.87	\$84,845.52	\$83,572.84	\$688,364.02
2027-28	8/1/27 – 7/31/28	\$67,231	\$3,953.35	\$0	\$7,916.52	\$6,328.87	\$85,429.74	\$84,148.29	\$772,512.31
2028-29	8/1/28 – 7/31/29	\$67,777	\$3,991.57	\$0	\$7,916.52	\$6,328.87	\$86,013.96	\$84,723.75	\$857,236.06
2029-30	8/1/29 – 7/31/30	\$77,345.30	\$4,661.35	\$0	\$7,916.52	\$6,328.87	\$96,252.04	\$94,808.26	\$952,044.32
2030-31	8/1/30 – 7/31/31	\$77,945.90	\$4,703.39	\$0	\$7,916.52	\$6,328.87	\$96,894.68	\$95,441.26	\$1,047,485.58
2031-32	8/1/31 – 7/31/32	\$78,546.50	\$4,745.43	\$0	\$7,916.52	\$6,328.87	\$97,537.32	\$96,074.26	\$1,143,559.84
2032-33	8/1/32 – 7/31/33	\$79,147.10	\$4,787.47	\$0	\$7,916.52	\$6,328.87	\$98,179.96	\$96,707.26	\$1,240,267.10
2033-34	8/1/33 – 7/31/34	\$79,747.70	\$4,829.52	\$0	\$7,916.52	\$6,328.87	\$98,822.61	\$97,304.27	\$1,337,571.37
2034-35	8/1/34 – 7/31/35	\$80,348.30	\$4,871.56	\$0	\$7,916.52	\$6,328.87	\$99,465.25	\$97,973.27	\$1,435,544.64
2035-36	8/1/35 – 7/31/36	\$80,348.30	\$4,871.56	\$0	\$7,916.52	\$6,328.87	\$99,465.25	\$97,973.27	\$1,533,517.91
2036-37	8/1/36 – 7/31/37	\$80,348.30	\$4,871.56	\$0	\$7,916.52	\$6,328.87	\$99,465.25	\$97,973.27	\$1,631,491.18
2037-38	8/1/37 – 7/31/38	\$80,348.30	\$4,871.56	\$0	\$7,916.52	\$6,328.87	\$99,465.25	\$97,973.27	\$1,729,464.45
2038-39	8/1/28 – 7/31/39	\$80,348.30	\$4,871.56	\$0	\$7,916.52	\$6,328.87	\$99,465.25	\$97,973.27	\$1,827,437.72

**Front pay damages for Dr. Rachel Tudor**

*Scenario 3: Full Professor promotion as of 2021-22 term; No administrative duties; 1 Summer session and 1 Class Overload; End work at Age 75; present value reduction 1.5%*

**But for Compensation**

Academic Year	Period	Salary Card Earnings	Retirement	Summer and Class Overload	Trad'l Fringe Benefits	Prof. Fringe Benefits	Total But For Compensation	Present Value Reduction (1.5%)	Cumulative Total
2017-18	11/20/17 – 7/31/18	\$39,571.73	\$2,117.24	\$5,800	\$5,487.57	\$4,387.02	\$57,436.35	\$56,574.80	\$56,574.80
2018-19	8/1/18 – 7/31/19	\$57,637	\$3,517.74	\$5,800	\$7,916.52	\$6,328.87	\$81,475.16	\$80,253.03	\$136,827.83
2019-20	8/1/19 – 7/31/20	\$58,183	\$3,555.96	\$5,800	\$7,916.52	\$6,328.87	\$82,059.38	\$80,828.49	\$271,656.32
2020-21	8/1/20 – 7/31/21	\$58,729	\$3,594.18	\$5,800	\$7,916.52	\$6,328.87	\$82,368.57	\$81,133.04	\$298,789.36
2021-22	8/1/21 – 7/31/22	\$59,275	\$3,632.40	\$5,800	\$7,916.52	\$6,328.87	\$82,952.79	\$81,708.50	\$380,497.86
2022-23	8/1/22 – 7/31/23	\$64,501	\$3,998.22	\$5,800	\$7,916.52	\$6,328.87	\$88,544.61	\$87,216.44	\$467,714.30
2023-24	8/1/23 – 7/31/24	\$65,047	\$4,036.44	\$5,800	\$7,916.52	\$6,328.87	\$89,128.83	\$87,791.90	\$555,506.20
2024-25	8/1/24 – 7/31/25	\$65,593	\$4,074.66	\$5,800	\$7,916.52	\$6,328.87	\$89,713.05	\$88,367.35	\$643,873.55
2025-26	8/1/25 – 7/31/26	\$66,139	\$4,112.88	\$5,800	\$7,916.52	\$6,328.87	\$90,297.27	\$88,942.81	\$732,816.36
2026-27	8/1/26 – 7/31/27	\$66,685	\$4,151.10	\$5,800	\$7,916.52	\$6,328.87	\$90,881.49	\$89,518.27	\$822,334.63
2027-28	8/1/27 – 7/31/28	\$67,231	\$4,189.32	\$5,800	\$7,916.52	\$6,328.87	\$91,465.71	\$90,093.72	\$912,428.35
2028-29	8/1/28 – 7/31/29	\$67,777	\$4,227.54	\$5,800	\$7,916.52	\$6,328.87	\$92,049.93	\$90,669.18	\$1,003,097.53
2029-30	8/1/29 – 7/31/30	\$68,323	\$4,435.79	\$5,800	\$7,916.52	\$6,328.87	\$92,804.18	\$91,412.12	\$1,094,509.65
2030-31	8/1/30 – 7/31/31	\$68,869	\$4,474.01	\$5,800	\$7,916.52	\$6,328.87	\$93,338.40	\$91,938.32	\$1,186,447.97
2031-32	8/1/31 – 7/31/32	\$69,415	\$4,512.23	\$5,800	\$7,916.52	\$6,328.87	\$93,972.62	\$92,563.03	\$1,279,011.00
2032-33	8/1/32 – 7/31/33	\$69,961	\$4,550.45	\$5,800	\$7,916.52	\$6,328.87	\$94,556.84	\$93,138.49	\$1,372,149.49
2033-34	8/1/33 – 7/31/34	\$70,507	\$4,588.67	\$5,800	\$7,916.52	\$6,328.87	\$95,141.06	\$93,713.94	\$1,465,863.43
2034-35	8/1/34 – 7/31/35	\$71,053	\$4,626.89	\$5,800	\$7,916.52	\$6,328.87	\$95,725.28	\$94,289.40	\$1,560,152.83
2035-36	8/1/35 – 7/31/36	\$71,053	\$4,626.89	\$5,800	\$7,916.52	\$6,328.87	\$95,725.28	\$94,289.40	\$1,654,442.23
2036-37	8/1/36 – 7/31/37	\$71,053	\$4,626.89	\$5,800	\$7,916.52	\$6,328.87	\$95,725.28	\$94,289.40	\$1,748,731.63
2037-38	8/1/37 – 7/31/38	\$71,053	\$4,626.89	\$5,800	\$7,916.52	\$6,328.87	\$95,725.28	\$94,289.40	\$1,843,021.03
2038-39	8/1/28 – 7/31/39	\$71,053	\$4,626.89	\$5,800	\$7,916.52	\$6,328.87	\$95,725.28	\$94,289.40	\$1,937,310.43

**Front pay damages for Dr. Rachel Tudor**

*Scenario 4: Full Professor promotion as of 2021-22 term; No administrative duties; No Summer session and no class overload; End work at Age 75; present value reduction 1.5%*

**But for Compensation**

<b>Academic Year</b>	<b>Period</b>	<b>Total Salary Card Earnings</b>	<b>Retirement</b>	<b>Summer Session and Class Overload</b>	<b>Trad'l Fringe Benefits</b>	<b>Prof. Fringe Benefits</b>	<b>Total But For Compensation</b>	<b>Present Value Reduction (1.5%)</b>	<b>Cumulative Total</b>
2017-18	11/20/17 – 7/31/18	\$39,571.73	\$2,017.20	\$0	\$5,487.57	\$4,387.02	\$51,463.52	\$50,691.57	\$50,691.57
2018-19	8/1/18 – 7/31/19	\$57,637	\$3,281.77	\$0	\$7,916.52	\$6,328.87	\$75,164.16	\$74,036.70	\$124,728.27
2019-20	8/1/19 – 7/31/20	\$58,183	\$3,319.99	\$0	\$7,916.52	\$6,328.87	\$75,748.38	\$74,612.15	\$125,303.72
2020-21	8/1/20 – 7/31/21	\$58,729	\$3,358.21	\$0	\$7,916.52	\$6,328.87	\$76,332.60	\$75,187.61	\$200,491.33
2021-22	8/1/21 – 7/31/22	\$59,275	\$3,396.43	\$0	\$7,916.52	\$6,328.87	\$76,916.82	\$75,763.07	\$276,254.40
2022-23	8/1/22 – 7/31/23	\$64,501	\$3,762.25	\$0	\$7,916.52	\$6,328.87	\$82,508.64	\$81,271.01	\$357,525.41
2023-24	8/1/23 – 7/31/24	\$65,047	\$3,800.47	\$0	\$7,916.52	\$6,328.87	\$83,092.86	\$81,846.47	\$439,371.88
2024-25	8/1/24 – 7/31/25	\$65,593	\$3,838.69	\$0	\$7,916.52	\$6,328.87	\$83,677.08	\$82,421.92	\$512,793.80
2025-26	8/1/25 – 7/31/26	\$66,139	\$3,876.91	\$0	\$7,916.52	\$6,328.87	\$84,261.30	\$82,997.38	\$604,791.18
2026-27	8/1/26 – 7/31/27	\$66,685	\$3,915.13	\$0	\$7,916.52	\$6,328.87	\$84,845.52	\$83,572.84	\$688,364.02
2027-28	8/1/27 – 7/31/28	\$67,231	\$3,953.35	\$0	\$7,916.52	\$6,328.87	\$85,429.74	\$84,148.29	\$772,512.31
2028-29	8/1/28 – 7/31/29	\$67,777	\$3,991.57	\$0	\$7,916.52	\$6,328.87	\$86,013.96	\$84,723.75	\$857,236.06
2029-30	8/1/29 – 7/31/30	\$68,323	\$4,029.79	\$0	\$7,916.52	\$6,328.87	\$86,598.18	\$85,299.21	\$942,535.27
2030-31	8/1/30 – 7/31/31	\$68,869	\$4,068.01	\$0	\$7,916.52	\$6,328.87	\$87,182.40	\$85,874.67	\$1,028,409.94
2031-32	8/1/31 – 7/31/32	\$69,415	\$4,106.23	\$0	\$7,916.52	\$6,328.87	\$87,766.62	\$86,450.12	\$1,114,860.06
2032-33	8/1/32 – 7/31/33	\$69,961	\$4,144.45	\$0	\$7,916.52	\$6,328.87	\$88,350.84	\$87,025.58	\$1,201,885.64
2033-34	8/1/33 – 7/31/34	\$70,507	\$4,182.67	\$0	\$7,916.52	\$6,328.87	\$88,935.06	\$87,601.03	\$1,289,486.67
2034-35	8/1/34 – 7/31/35	\$71,053	\$4,220.89	\$0	\$7,916.52	\$6,328.87	\$89,519.28	\$88,176.49	\$1,377,663.16
2035-36	8/1/35 – 7/31/36	\$71,053	\$4,220.89	\$0	\$7,916.52	\$6,328.87	\$89,519.28	\$88,176.49	\$1,465,839.65
2036-37	8/1/36 – 7/31/37	\$71,053	\$4,220.89	\$0	\$7,916.52	\$6,328.87	\$89,519.28	\$88,176.49	\$1,554,016.14
2037-38	8/1/37 – 7/31/38	\$71,053	\$4,220.89	\$0	\$7,916.52	\$6,328.87	\$89,519.28	\$88,176.49	\$1,642,192.63
2038-39	8/1/28 – 7/31/39	\$71,053	\$4,220.89	\$0	\$7,916.52	\$6,328.87	\$89,519.28	\$88,176.49	\$1,730,369.12

# Exhibit 9

Jury Trial - Volume 4  
November 16, 2017

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

DR. RACHEL TUDOR,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-15-324-C
	)	
SOUTHEASTERN OKLAHOMA STATE	)	
UNIVERSITY and THE REGIONAL	)	
UNIVERSITY SYSTEM OF	)	
OKLAHOMA,	)	
	)	
Defendants.	)	
	)	

VOLUME 4  
TRANSCRIPT OF JURY TRIAL  
BEFORE THE HONORABLE ROBIN J. CAUTHRON  
THURSDAY, NOVEMBER 16, 2017; 9:15 a.m.  
OKLAHOMA CITY, OKLAHOMA

Proceedings recorded by mechanical stenography,  
transcript produced by computer.

Jury Trial - Volume 4  
November 16, 2017

1 process.

2 The -- it started with the faculty member making  
3 application in the form of a portfolio that included several  
4 artifacts that were -- had to do with the three areas of  
5 teaching, scholarship, and service that the faculty member had  
6 done during their time prior to applying for tenure.

7 That then moved to a departmental committee. Then, from  
8 there, it moved to the department chair. Then, from there, it  
9 went to the dean of the school. And then, after going to the  
10 dean of the school, it went to me for review.

11 Q. And when you did your part of that review, if you could  
12 please just tell the jury a little bit about how you undertook  
13 that particular level of review.

14 A. Okay. When I received a portfolio, I went through it  
15 page by page, looked at it very closely, looking, again, for  
16 the three areas of responsibility that a faculty member has  
17 and determining whether there was some noteworthy -- what the  
18 policy calls noteworthy and exceptional examples of work in  
19 those three areas; again, teaching, scholarship, and also  
20 service.

21 And I in particular looked for a consistent engagement in  
22 those three areas. The policy calls for both a qualitative  
23 and a quantitative analysis.

24 I think the easiest way to understand this is, when you  
25 make a decision to tenure a university faculty member,

Jury Trial - Volume 4  
November 16, 2017

1 depending on the length of their career, you're looking at a  
2 commitment of state and university dollars of 1 -- it can be  
3 up to 1.5 million to 2 million dollars, depending on the  
4 length of their career, for salary and benefits.

5 So when I look at a portfolio, what I really want to do  
6 is try to make sure that, during that time when they were  
7 nontenure, they demonstrate a real consistent commitment to  
8 those three areas that I identified.

9 Q. Thank you, Dr. McMillan.

10 In particular as it's important to this case, were you  
11 involved in the 2009-2010 tenure and promotion application  
12 process for Dr. Rachel Tudor?

13 A. Yes.

14 Q. And what was your involvement in that process?

15 A. It was very much as I described.

16 I received the portfolio from the dean of that school,  
17 Lucretia Scoufos, and began doing my review of that portfolio.

18 MR. JOSEPH: Your Honor, if I may, may I approach  
19 the witness?

20 THE COURT: Yes.

21 MR. JOSEPH: I've handed the witness what has been  
22 marked as Defendants' Exhibit 77.

23 Q (BY MR. JOSEPH) I'll ask you, Dr. McMillan, do you  
24 recognize that document?

25 A. I do.

# Exhibit 10

**Peer Classroom Visitation**

Dr. R.J. Tudor

Hum 2113.3 Spring '06

9:30 class Tuesday April 11, 2006

by Randy Prus

I had the opportunity to visit Dr. Tudor's 9:30 Humanities class on Tuesday April 11, 2006. The class began with a ten-minute quiz on the first four books of the *Aeneid*. Dr. Tudor then proceeded to lead a discussion on the quiz as a way to explore the complexities of the text. From the particulars of specific moments in the text, Dr. Tudor and several students were able to make broader connections to the *Aeneid* as well as to an earlier text in the course Homer's *Odyssey*. Ultimate questions, central to a Humanities course, such as Fate *versus* Free Will, the concept of Justice, and the role and representation of women, were raised and situated within the differences of Greek and Roman culture. Students who chose to participate did so in an energetic and learned manner. **Dr. Tudor is certainly knowledgeable in field and demonstrates the appropriate pedagogy towards the humanities.** If I do have a concern--and it's minor--it has to do with the syllabus and the timing and tempo of the course. There seemed to be a gap of several weeks between the syllabus and the material covered, but I'm sure there were circumstances for this gap. **Overall, based on a single visit, Dr. Tudor managed the class well and the material fit the course description and the purpose of general education.**



February 11, 2007

To Whom It May Concern:

On December 6, 2006, I visited Professor Robert Tudor's Intro to Philosophy class. The class was devoted to Orwell's *1984* and followed a discussion format. By the end of the class period the great majority of students had volunteered comments on the issues raised, a very positive accomplishment, one that testifies to student engagement with the material, and one based on Dr. Tudor's designing a brief, generic writing assignment to be completed prior to class by each student. The two-fold assignment used regularly during the semester asks students to respond to two prompts: 1) "The most engaging idea in this section is ..." and 2) "This idea is important because ...". I think this is a wonderful way to motivate students and to generate their active, personal engagement. It leads well into successful discussion periods. Students were genuinely engaged in discussing *1984* as it related to their lives and to current social and political issues.

A follow-up discussion between Dr. Tudor and myself focused positively on the importance of developing students' critical thinking, the complexities of managing class discussions, on syllabus content involving grading policies and procedures, and on course text selection.

My visit to Dr. Tudor's class was a very positive one. I was especially impressed by his students' willingness to address the philosophical issues raised and also by their respect for one another's viewpoints.

Sincerely,

John Brett Mischo  
Professor and Chair

**Peer Classroom Visitation**

Dr. Rachel Tudor

Phil 2113.1

Tuesday Feb. 10, 2009

by Randy Prus

I had the opportunity to visit Dr. Tudor's "Introduction to Philosophy" class and was quite impressed by the level of instruction and the energy in the classroom. The topic of the class was the last two books of Plato's *Republic*, with the central focus of class being "what is the practice of philosophy?" and "who is a philosopher?" Of the fifteen or so students present that day, at least half of them participated actively in the discussion. It was clear that Dr. Tudor knew the text thoroughly, but I was equally impressed by the students' ability to locate passages and to bring those passages into the discussion. They were equally adept at making connections between the ideas in the text and examples from contemporary culture, mostly film and politics. Because the class was focused on the end of the *Republic*, it seems clear that this level of investigation typifies the class as several of the references were to earlier chapters and earlier discussions from previous classes. In summary, Dr. Tudor does an excellent job of practicing philosophy among a group of fledgling philosophers.

# SOUTHEASTERN

A CENTURY OF BUILDING FUTURES

March 9, 2009

I visited Dr. Rachel Tudor's introduction to philosophy class on February 5, 2009. The class began with students separating into randomly selected groups to discuss democratic values in Pericles' Funeral Oration. The follow-up discussion engaged the entire class and synthesized the various groups' ideas with a student compiling a list on the whiteboard.

Dr. Tudor's teaching style is Socratic. It successfully led students to think dialectically. Student contributions to the discussion effectively linked the Pericles text to Plato's *Republic*, the major text under consideration, generating an analysis of two very different views of governance. Dr. Tudor managed the discussion very well, eliciting students' ideas where necessary and congratulating students when merited. Over all, students seemed to have read the material and to be familiar with it. Students were also able to connect the ancient texts to current political issues.

Group work can be extremely effective pedagogically and can also pose practical obstacles. Personally I think it's very commendable that Dr. Tudor takes advantage of such an active form of learning. Selecting groups randomly, as was done in this class, is a good practice. I would recommend that groups be seated further apart in the classroom so as not to physically blend one into another. Dr. Tudor might also want to prod the more silent groups during the discussion period.

Over all, I was impressed with the class session. Dr. Tudor's juxtaposition of the Pericles' speech and Plato's ideas on government was inspired and created fresh insights into an old topic. Plato's ideas are fascinating to me, and I was gratified to see that the majority of the class was so engaged in their thinking on these topics. These were intelligent and articulate students. Dr. Tudor's persona is pleasant, congenial, and collegial. She effectively brought the class discussion to a sense of closure that nonetheless provided students the impetus to continue thinking on their way out of and beyond the classroom.

Sincerely,



Dr. John Brett Mischo, Chair

DEPARTMENT OF ENGLISH, HUMANITIES & LANGUAGES  
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May 14, 2010

Dr. Rachel Tudor  
Assistant Professor  
Department of English, Humanities, and Languages  
Southeastern Oklahoma State University  
1405 N. Fourth Avenue, PMB 4036  
Durant, Oklahoma 74701-0609

RE: Peer evaluation

Dear Dr. Tudor:

Per your invitation, I visited your Humanities class (HUM 2113.1) at 8:00 on Monday morning, April 19 in Morrison 304. I am happy to provide you with the following observations concerning that class.

After you briefly introduced me to the class, I took a seat at the rear of the class and began my observation. Your students at that early hour were initially quite quiet and reserved; nevertheless they all appeared to be attentive and receptive. Following the plans on your syllabus, you announced that you were going to review for them "how to make a perfect PowerPoint presentation --or at least one that will earn a passing grade." The class and I appreciated the appended humorous comment.

It was clear that you were well prepared for the class as you demonstrated your familiarity with the technology to be used by the students in their own presentations. My original notes indicate a "solid, even inspirational, use of in-class technology" which is an assessment I am pleased to repeat here. In your demonstration, you included examples of model PowerPoint slides that you had prepared and contrasted them with PowerPoint slides that students had produced in earlier semesters. You also provided concrete guidelines for your students to use in their own presentations, i.e. strong recommendations that there be no more than seven lines on each slide; that each line have no more than seven words; and that the font be easily legible and not more nor less than 24 points in size.

As you gave technical instructions, you simultaneously took advantage of the time to engage your class in a review and discussion of the characters from Greek antiquity that appeared in your PowerPoint presentation: I noted slides and questions concerning Achilles, Hector, the Minotaur, Pandora, Odysseus, Erato, and Hypatia. You then demonstrated even further technological prowess by accessing YouTube to play a trailer from forthcoming feature film *Agora*, which is related to Roman-era Alexandria, Egypt.

After giving a ten-minute, open note, open text quiz that you had announced at the beginning of your presentation, your class divided itself easily into three working groups where they discussed and shared their plans among themselves for their imminent PowerPoint presentations. I noticed that you circulated among all three groups, pausing to check in on their progress, answer questions, and share humor. The interaction appeared comfortable, relaxed, and good-humored on all sides. At the end of

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SOUTHEASTERN OKLAHOMA STATE UNIVERSITY

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the group-work time, you regained the attention of the class to remind them of their activities in class on the next two meetings for that week.

In all respects, I observed a class that was a model of good pedagogical practice: the instructor was knowledgeable, respectful, humorous, helpful, thoroughly prepared, and technologically proficient; the students were receptive, attentive, courteous, and engaged; and the class time was spent productively in three distinct but interrelated activities. I was especially impressed by the care taken to look ahead to the upcoming activities for the rest of the week. In short, it was an impressive display of teaching skill. My only recommendation, as I mentioned in our brief follow-up visit, would be to speak a bit louder. As you know, I am somewhat hard of hearing and I strained occasionally to understand your speech due to your soft-spoken personal style. I am aware, however, that this "problem" may have been mine alone, and that the students may have had no difficulty at all in hearing you.

Thank you for offering me the opportunity to observe your class. It was a thoroughly enjoyable experience and I congratulate you on a job extremely well done.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Althoff", with a stylized flourish at the end.

F. Daniel Althoff  
Associate Professor



## DEPARTMENT OF ENGLISH, HUMANITIES, & LANGUAGES

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August 19, 2011

To whom it may concern:

I am writing to recommend Dr. Rachel Tudor for your position opening. Dr. Tudor was my colleague as a professor of English in the English, Humanities, and Languages Department at Southeastern Oklahoma State University from 2004 until 2011.

At Dr. Tudor's first interview, I was very impressed at the description of her teaching methodologies and the depth of her research in several scholarly areas, including Native American literature. She has since acknowledged that expertise both in her teaching and in the impressive number and quality of her publications. In terms of her teaching, Dr. Tudor spent considerable time in the design and implementation of the courses she taught and maintained high standards for her students in academic achievement.

As a colleague, Dr. Tudor endeavored to carry more than her share of the leadership and workload within the department. I recall that, while still relatively a newcomer within the EHL Department, Dr. Tudor led an assessment effort by the department with alacrity and foresight over a several-year period. She participated on committees at both departmental and university levels, and was very active and vocal in her service in Faculty Senate, a faculty-elected position. Needless to say, Dr. Tudor has earned the respect of her colleagues for her conscientious and dedicated professionalism.

I had the advantage of having the office next to Dr. Tudor's, which I believe gave me some insight into the efforts she made toward her professional duties. Though Dr. Tudor has a very quiet demeanor, she was generally hard at work when I came in, often very early in the morning, and still working in the late afternoon.

I find Dr. Tudor to be a likeable, responsible, and professional colleague in all respects pertinent to professional life within the University community. I believe Dr. Tudor's efforts and worthiness has been very apparent in her service to Southeastern, and those same qualities should sustain and promote her service elsewhere as well.

Sincerely,

Paula Smith Allen, Ph.D.

Professor of English, English Education Coordinator

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SOUTHEASTERN OKLAHOMA STATE UNIVERSITY

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DEPARTMENT OF ENGLISH, HUMANITIES, & LANGUAGES

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September 10, 2010

To Whom It May Concern:

Dr. Rachel Tudor has asked me to write a recommendation letter in support of her application for tenure and promotion, which I am very pleased to do. I have known and worked with Rachel for the past six years since she joined our department here at Southeastern, and I have always considered her an exceptionally valuable asset. Indeed, I was on the committee that originally selected her application from among the many we received and voted to hire her.

Although she made a bit of a slow start, Rachel has recently become one of our most active scholars, with six articles either published or accepted for publication in peer-reviewed journals over the last two years. Her primary emphasis has been on the Native American novel, to which she brings a thoroughly informed and nuanced theoretical perspective, situating it firmly within wider international contexts, such as Latin American magic realism and Euro-American postmodernism. Her achievement in this area is truly impressive and outstanding.

As a teacher, my impression of Rachel is equally laudatory. I know she is always exhaustively prepared for her classes, and projects a demeanor of quiet authority and assured professionalism. Above all, she is interested in challenging the students, many of whom come from a very narrow and limited rural background, with alternative and diverse perspectives on a host of contemporary issues. Several have expressed to me how she convinced them to view matters quite differently than they did before taking her class, and always in the direction of greater tolerance and understanding for those unlike ourselves. On this front alone she makes a major contribution to our department.

Finally, Rachel has also established an solid service record. She is in her second year as a member of the Southeastern Faculty Senate, and before that she served for three years as chair of our Assessment, Planning, and Development Committee, compiling and writing the annual assessment report. This is by far the most important departmental committee, as it oversees all aspects of curriculum development and assessment, potentially charting the course for years to come. In addition, Rachel has been one of the key members of the Native American Symposium Committee, which I chair, helping to

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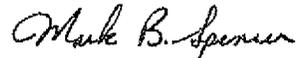
SOUTHEASTERN OKLAHOMA STATE UNIVERSITY

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plan and stage the event every other year. For the 2005 and 2007 symposia, Rachel further served as co-editor with me of the published proceedings, reading and commenting on all the papers submitted, and joining in the selection of those to include.

In short, I can recommend Rachel most highly in all three dimensions of academic performance: scholarship, teaching, and service. I firmly believe she is more than deserving of tenure and promotion at this time.

Sincerely,

A handwritten signature in cursive script that reads "Mark B. Spencer".

Mark B. Spencer  
Associate Professor of English and Humanities



## DEPARTMENT OF ENGLISH, HUMANITIES, & LANGUAGES

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September 13, 2011

To whom it may concern;

I write to give Dr. Rachel Tudor my highest recommendation. I had the privilege of working with Rachel as a colleague in the department of English, Humanities, and Languages at Southeastern Oklahoma State University from my arrival in the fall of 2005 until her departure in the spring of 2011. Rachel is an exemplary teacher, scholar, and colleague, and would make a remarkable contribution to any institution.

Dr. Tudor's teaching is excellent, as exhibited by her teaching evaluations, observations of her teaching by colleagues, and her repeated nomination for the Faculty Senate teaching award. Southeastern is primarily a teaching-oriented institution, with a standard faculty load of 4 courses per semester. As we are a small department, all faculty are called on to teach a wide range of courses at all levels to a very diverse student population. I admire Rachel for her consistent success in tailoring her teaching to all students, combining rigor and accessibility. When she took over teaching our general-education Introduction to Philosophy course in 2006, enrollment skyrocketed, causing the department to add a second section; in the following years, both sections were consistently fully enrolled. Numerous students have told me how inspired they were by Rachel's courses; this semester alone, in my 19-person introduction to the major course, two students announced on the first day that they changed their majors to English because of a class with Rachel. My own teaching has been enriched through ongoing conversations with Rachel about pedagogy over the years; she is unquestionably a deeply talented and committed teacher.

Rachel's scholarship exceeds expectations for both quality and quantity. As a teaching institution, our research expectations are generally quite modest, and most faculty perhaps publish an article every couple of years. In contrast, Rachel has proven herself an incredibly prolific scholar, publishing 10 peer-reviewed articles in the past two years alone. Some of these are in the leading journals of her field; others clearly articulate the relevance of her work to a wider non-specialist audience. This shows that she is a respected scholar within Native American Studies, while simultaneously successfully promoting the importance of Native American literature within a broader context. She co-edited two volumes of the conference proceedings of the Native American Symposium, and has published two chapbooks of poetry since her arrival at Southeastern. All of this has been accomplished while teaching a 4-4 load,

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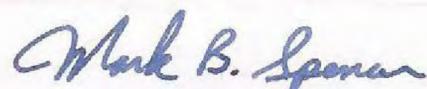
SOUTHEASTERN OKLAHOMA STATE UNIVERSITY

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American Symposium Committee, which I chair, helping to plan and stage the event every other year. The symposium usually features about 50-60 papers and presentations on a wide variety of Native American topics, along with a keynote banquet address by a Native American of distinction in some scholarly or artistic field. For the 2005 and 2007 symposia, Rachel was co-editor with me of the published proceedings, reading and commenting on all the papers submitted.

In short, I can give Rachel my highest recommendation in all three dimensions of academic performance: scholarship, teaching, and service. I hope you will give her every consideration. Please do not hesitate to contact me, if I can be of any further assistance.

Sincerely,



Mark B. Spencer  
Associate Professor of English and Humanities  
[mspencer@se.edu](mailto:m Spencer@se.edu)  
(580) 745-2921



## DEPARTMENT OF ENGLISH, HUMANITIES, & LANGUAGES

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August 15, 2011

To Whom It May Concern:

Dr. Rachel Tudor has asked me to write a recommendation letter for her, which I am very pleased to do. I have known and worked with Rachel for the past six years since she joined our department here at Southeastern, and I have always considered her an exceptionally valuable asset. Indeed, I was on the committee that originally selected her application from among the many we received and voted to hire her.

In recent years Rachel has proved herself the most active scholar in our department, with some ten articles either published or accepted for publication in peer-reviewed journals. Her primary emphasis has been on Native American literature, to which she brings a thoroughly informed and nuanced theoretical perspective, situating it firmly within wider international contexts, such as Latin American magic realism and Euro-American postmodernism. Her achievement in this area is truly impressive and outstanding.

As a teacher, my impression of Rachel is equally laudatory. I know she is always exhaustively prepared for her classes and projects a demeanor of quiet authority and assured professionalism. Above all, she is interested in challenging the students, many of whom come from a very narrow and limited rural background, with alternative and diverse perspectives on a host of contemporary issues. Several have personally expressed to me how she convinced them to view matters quite differently than they did before taking her class, and always in the direction of greater tolerance and understanding for those unlike ourselves. On this front alone she makes a major contribution to our department.

Finally, Rachel has also established an solid service record. She served for two years as a member of the Southeastern Faculty Senate, and for three years before that she was chair of our Assessment, Planning, and Development Committee, compiling and writing the annual assessment report. This is by far the most important departmental committee, as it oversees all aspects of curriculum development and assessment, charting the course for years to come. In addition, Rachel has been one of the key members of the Native

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SOUTHEASTERN OKLAHOMA STATE UNIVERSITY

PI000368

developing new courses, and maintaining the highest quality of teaching. Rachel has clearly established a track-record of producing the highest quality research while teaching a heavy load.

In addition, during her time at Southeastern, Rachel conducted herself as an outstanding colleague, voluntarily taking on a variety of service work. Throughout her time at Southeastern, Rachel helped organize the biannual Native American Symposium, one of our campus's major events, which brings regional, national, and international scholars to Southeastern. Rachel was instrumental in bringing an Oklahoma Scholar Leadership Enrichment Program course to our campus in 2007, the only time in recent memory our campus has hosted one of these prestigious courses. Rachel organized the participation of Dr. Rennard Strickland, Distinguished Professor Emeritus at the University of Oregon Law School, and served as the supervising professor for this course, all in addition to her regular teaching load. Rachel served as the chair of our department's Assessment, Planning, and Development committee from 2007-2010. As chair of this committee, she collected and collated all assessment data for our three English programs, and prepared yearly Program Outcome Assessment Reports as required by our Regents. This, in itself, is an enormous job for a pre-tenure professor to take on. Finally, Rachel served as a member of Faculty Senate for three years; in her last year, as a member of the Senate's Personnel Policies Committee, she was instrumental in re-writing the university's non-discrimination statement in an attempt to make the campus more inclusive for diverse faculty. All of this has been done in addition to standard university and departmental service expectations, including serving on hiring and review committees, volunteering for Honors Day, and working with student groups. In short, Rachel not only amply fulfills service expectations for faculty members, but is exemplary in the range, depth, and dedication she has shown in service to our university.

In summary, Dr. Rachel Tudor is an outstanding teacher, scholar, and colleague. In addition to the expected professional components of her job, she is also an exceptionally thoughtful and gracious human being. She is a pleasure to be around. I encourage you to take the opportunity to get to know her, and to invite her to bring her talents to your school.

Sincerely,



Dr. Margaret Cotter-Lynch  
Associate Professor of English  
Southeastern Oklahoma State University



## DEPARTMENT OF ENGLISH, HUMANITIES, & LANGUAGES

SOUTHEASTERN OKLAHOMA STATE UNIVERSITY  
1405 N. FOURTH AVE., PMB 4127  
DURANT, OK 74701-0609

580-745-2066  
FAX 580-745-7406  
WWW.SE.EDU

August 24, 2011

To Whom It May Concern:

I am writing this reference in support of Dr. Rachel Tudor and her application to an academic position.

Dr. Tudor's teaching practice exemplifies her commitment to the humanities, in particular to the areas of classical literature, philosophy, and Native American literature. I have twice observed—in my former capacity as department chair—her philosophy classes for purposes of faculty development. Her teaching style clearly motivates students: group work, discussion and lecture are blended effectively. In one class in particular I was impressed as to how the students were excitedly immersed in a discussion of Plato and Orwell. Dr. Tudor's classroom method could be described as Socratic, but in a non-confrontational way. Students were eager to participate. Dr. Tudor has a great deal of experience in teaching a varied range of courses at all undergraduate levels. At Southeastern she has regularly taught first-year composition, general sophomore-level Western humanities, and introduction to philosophy sections. She has twice taught an upper-division Native American Lit class. She also teaches an online version of our general Western Humanities class. As department chair during her time here at Southeastern I witnessed Dr. Tudor develop into a wonderfully engaged teacher.

In terms of service, Dr. Tudor's greatest contribution to Southeastern has been her involvement with our Native American Symposium. The logistics of coordinating even a small conference can be incredibly time consuming. She has also been involved with editing the conference proceedings. She has also been involved in bringing a noted scholar in Native American studies, Rennard Strickland, to teach as a visiting scholar here in the Oklahoma Scholar-Leadership Enrichment Program.

Dr. Tudor has recently been extremely successful in securing forthcoming publication for her scholarly manuscripts. In the past two years she has had about ten articles published or accepted. Particularly impressive is the range of her publications, which focus on topics as varied as Latin American realism, classical literature, medieval literature, Swift, and especially Native American writers.

Sincerely,

Dr. John Brett Mischo  
Professor

[jmischo@se.edu](mailto:jmischo@se.edu)

(580) 745-2590

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SOUTHEASTERN OKLAHOMA STATE UNIVERSITY

PI000371



## DEPARTMENT OF ENGLISH, HUMANITIES, & LANGUAGES

SOUTHEASTERN OKLAHOMA STATE UNIVERSITY  
1405 N. FOURTH AVE., PMB 4127  
DURANT, OK 74701-0609

580-745-2066  
FAX 580-745-7406  
WWW.SE.EDU

September 13, 2011

To whom it may concern;

I write to give Dr. Rachel Tudor my highest recommendation. I had the privilege of working with Rachel as a colleague in the department of English, Humanities, and Languages at Southeastern Oklahoma State University from my arrival in the fall of 2005 until her departure in the spring of 2011. Rachel is an exemplary teacher, scholar, and colleague, and would make a remarkable contribution to any institution.

Dr. Tudor's teaching is excellent, as exhibited by her teaching evaluations, observations of her teaching by colleagues, and her repeated nomination for the Faculty Senate teaching award. Southeastern is primarily a teaching-oriented institution, with a standard faculty load of 4 courses per semester. As we are a small department, all faculty are called on to teach a wide range of courses at all levels to a very diverse student population. I admire Rachel for her consistent success in tailoring her teaching to all students, combining rigor and accessibility. When she took over teaching our general-education Introduction to Philosophy course in 2006, enrollment skyrocketed, causing the department to add a second section; in the following years, both sections were consistently fully enrolled. Numerous students have told me how inspired they were by Rachel's courses; this semester alone, in my 19-person introduction to the major course, two students announced on the first day that they changed their majors to English because of a class with Rachel. My own teaching has been enriched through ongoing conversations with Rachel about pedagogy over the years; she is unquestionably a deeply talented and committed teacher.

Rachel's scholarship exceeds expectations for both quality and quantity. As a teaching institution, our research expectations are generally quite modest, and most faculty perhaps publish an article every couple of years. In contrast, Rachel has proven herself an incredibly prolific scholar, publishing 10 peer-reviewed articles in the past two years alone. Some of these are in the leading journals of her field; others clearly articulate the relevance of her work to a wider non-specialist audience. This shows that she is a respected scholar within Native American Studies, while simultaneously successfully promoting the importance of Native American literature within a broader context. She co-edited two volumes of the conference proceedings of the Native American Symposium, and has published two chapbooks of poetry since her arrival at Southeastern. All of this has been accomplished while teaching a 4-4 load,

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SOUTHEASTERN OKLAHOMA STATE UNIVERSITY

PI000374

developing new courses, and maintaining the highest quality of teaching. Rachel has clearly established a track-record of producing the highest quality research while teaching a heavy load.

In addition, during her time at Southeastern, Rachel conducted herself as an outstanding colleague, voluntarily taking on a variety of service work. Throughout her time at Southeastern, Rachel helped organize the biannual Native American Symposium, one of our campus's major events, which brings regional, national, and international scholars to Southeastern. Rachel was instrumental in bringing an Oklahoma Scholar Leadership Enrichment Program course to our campus in 2007, the only time in recent memory our campus has hosted one of these prestigious courses. Rachel organized the participation of Dr. Rennard Strickland, Distinguished Professor Emeritus at the University of Oregon Law School, and served as the supervising professor for this course, all in addition to her regular teaching load. Rachel served as the chair of our department's Assessment, Planning, and Development committee from 2007-2010. As chair of this committee, she collected and collated all assessment data for our three English programs, and prepared yearly Program Outcome Assessment Reports as required by our Regents. This, in itself, is an enormous job for a pre-tenure professor to take on. Finally, Rachel served as a member of Faculty Senate for three years; in her last year, as a member of the Senate's Personnel Policies Committee, she was instrumental in re-writing the university's non-discrimination statement in an attempt to make the campus more inclusive for diverse faculty. All of this has been done in addition to standard university and departmental service expectations, including serving on hiring and review committees, volunteering for Honors Day, and working with student groups. In short, Rachel not only amply fulfills service expectations for faculty members, but is exemplary in the range, depth, and dedication she has shown in service to our university.

In summary, Dr. Rachel Tudor is an outstanding teacher, scholar, and colleague. In addition to the expected professional components of her job, she is also an exceptionally thoughtful and gracious human being. She is a pleasure to be around. I encourage you to take the opportunity to get to know her, and to invite her to bring her talents to your school.

Sincerely,



Dr. Margaret Cotter-Lynch  
Associate Professor of English  
Southeastern Oklahoma State University



## DEPARTMENT OF ENGLISH, HUMANITIES, & LANGUAGES

SOUTHEASTERN OKLAHOMA STATE UNIVERSITY  
1405 N. FOURTH AVE., PMB 4127  
DURANT, OK 74701-0609

September 27, 2010

580-745-2066  
FAX 580-745-7406  
WWW.SE.EDU

Dear Tenure and Promotion Committee,

I am writing this letter to recommend Dr. Rachel Tudor for tenure and for promotion to Associate Professor. Since August 2004, Dr. Tudor has been a valuable asset to Southeastern Oklahoma State University, to the English, Humanities, and Languages Department (EHL), and to the students.

Dr. Tudor's scholarship interests are rich and varied with seven articles accepted for publication in prestigious journals for the year 2010 as well as publications from previous years of research, including the year 2009. In addition, Dr. Tudor has been invited to present her work at a variety of conferences and symposiums.

In regards to service, Dr. Tudor has been instrumental in the preparation of assessment documents and has participated in work on other committees for the EHL Department. She is a vital member of the department through her service, astute thinking, contributions, and collegiality. However, Dr. Tudor's service extends beyond the department as she currently serves on the Faculty Senate, has served and participated in the Oklahoma Scholar Leadership Enrichment Program (OSLEP), and has been a tireless supporter, worker, and committee member for the Native American Symposium.

Dr. Tudor's teaching is quite effective with solid student evaluations and with two nominations (2008 and 2009) for the SOSU Faculty Senate Teaching Award. In addition, and quite significantly, students benefit from Dr. Tudor's interests, scholarship, and expertise via the variety of courses she teaches for the EHL Department.

As a Native American and as a specialist in Native American culture, history, and literature, Dr. Tudor brings the richness of diversity through her heritage and through her scholarship to Southeastern Oklahoma State University; to the English, Humanities, and Languages Department; to the courses she currently teaches of composition, humanities, literature, and philosophy; and, most importantly, to the students.

As a fellow faculty member and co-worker, I appreciate the opportunity to work with such a fine scholar and educator. Thank you for the opportunity to recommend Dr. Rachel Tudor for tenure and for promotion to Associate Professor.

Sincerely,

Virginia A. Parrish, Ph.D.  
Associate Professor  
English, Humanities, & Languages Department  
PMB 4234  
Southeastern Oklahoma State University  
Durant, Oklahoma 74710  
Office phone: 580.745.2594  
E-mail: vparrish@se.edu

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SOUTHEASTERN OKLAHOMA STATE UNIVERSITY

PI000376



SOUTHEASTERN OKLAHOMA STATE UNIVERSITY  
1405 N. FOURTH AVE., PMB 4127  
DURANT, OK 74701-0609

September 27, 2010

580-745-2066  
FAX 580-745-7406  
WWW.SE.EDU

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As a fellow faculty member and co-worker, I appreciate the opportunity to work with such a fine scholar and educator. Thank you for the opportunity to recommend Dr. Rachel Tudor for tenure and for promotion to Associate Professor.

Sincerely,

Virginia A. Parrish, Ph.D.

Associate Professor

English, Humanities, & Languages Department

PMB 4234

Southeastern Oklahoma State University

Durant, Oklahoma 74710

Office phone: 580.745.2594

E-mail: vparrish@se.edu



# SOUTHEASTERN

A CENTURY OF BUILDING FUTURES

September 24, 1009

To Whom It May Concern:

In the time that Dr. Rachel Tudor has been a member of our department, I have had numerous opportunities to visit with her, and we have developed a personal as well as a professional friendship. From the first I have found her to be a great conversationalist with a pleasant personality. She has never failed to greet me with a ready smile and a welcoming attitude. Our conversations have been varied, though mostly centered around mutual reading interests, and her outlook and comments are always thought-provoking.

In my language classes students talk about their other courses as part of a chapter theme, and on several occasions students have remarked that they find Dr. Tudor's courses fascinating. Students have also commented that they consider her to be knowledgeable in her field, presenting subject matter in a manner that is challenging as well as interesting, and that they look forward to her lectures. Several students have specifically expressed an awakened interest in Native American literature.

Dr. Tudor's work within our department has also been exemplary. Whether addressing us as a committee member or as a department, she is so clear and concise in her presentation that we seldom have any questions as to clarification.

I have tremendous respect for Dr. Tudor as a person, an educator, and a scholar. We are fortunate to have her on our faculty.

Sincerely,



Kim B. McGehee

DEPARTMENT OF ENGLISH, HUMANITIES & LANGUAGES  
SOUTHEASTERN OKLAHOMA STATE UNIVERSITY  
1405 N. FOURTH AVE., PMB 4127 • DURANT, OK 74701-0609 • 580-745-2066 • FAX 580-745-7406 • WWW.SE.EDU

EEOC003104

# Exhibit 11



OFFICE OF THE DEAN

SCHOOL OF ARTS AND SCIENCES  
SOUTHEASTERN OKLAHOMA STATE UNIVERSITY  
1405 N. FOURTH AVE., PMB 4107  
DURANT, OK 74701-0609

580-745-2634  
FAX 580-745-7476  
WWW.SE.EDU

To: Douglas McMillan  
Interim Vice President for Academic Affairs

From: Lucretia C. Scoufos   
Dean, School of Arts and Sciences

Date: January 12, 2010

Subject: Recommendation to deny tenure and to give **Rachel J. Tudor, Ph.D.**, a one-year terminal appointment at the rank of Assistant Professor in the Department of English, Humanities and Languages for the 2010-2011 Academic Year

Although **there is evidence that Dr. Tudor is a generally effective classroom teacher**, her record of scholarship, in my view, falls well short of the noteworthy achievement required for promotion to Associate Professor with tenure. Since coming to Southeastern, there appears to be only one peer-reviewed paper submitted for publication, which has been accepted, but not yet published.

Likewise, there is little documentation of service activity in Dr. Tudor's portfolio, other than routine departmental assignments. She was elected to the Faculty Senate in 2009, and has served one semester.

Dr. Tudor's portfolio appears to be incomplete. In addition to lack of documentation of service activity, there are no letters of recommendation from tenured faculty members in her department. The single sentence recommendations for promotion and tenure from the departmental committee and the chair fail to give any justification for the recommendation for promotion and tenure.

Therefore, based on the available documentation, I am unable to recommend Dr. Rachel J. Tudor for promotion to Associate Professor or for tenure. My recommendation is that she be given a one-year, terminal appointment for the 2010-2011 academic year.

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SOUTHEASTERN OKLAHOMA STATE UNIVERSITY

DOJ000150

# Exhibit 12

**SOUTHEASTERN OKLAHOMA STATE UNIVERSITY**  
**School of Arts and Sciences**

**FACULTY PROMOTION AND TENURE EVALUATION SUMMARY**  
**CONFIDENTIAL ANALYSIS WORKSHEET**

**NAME:** Rachael J. Tudor, Ph.D.

**DEPARTMENT:** English, Humanities and Languages

**CURRENT RANK AND LAST PROMOTION DATE:** Assistant Professor (2005)

**HIGHEST DEGREE HELD:** Ph.D.

**YEARS OF SERVICE AT SOSU THROUGH CURRENT YEAR:** 6

**YEARS OF UNIVERSITY EXPERIENCE PRIOR TO SOSU:** 4

**OTHER RELEVANT EXPERIENCE:** N/A

❖ PLEASE STATE IN COMMENTS SECTION FACTUAL EVIDENCE ONLY

**PERFORMANCE EVALUATION**

<u>CATEGORY</u>	<u>CRITICAL</u>	<u>NEEDS IMPROVEMENT</u>	<u>PROFICIENT</u>	<u>COMMENDABLE</u>	<u>OUTSTANDING</u>
-----------------	-----------------	------------------------------	-------------------	--------------------	--------------------

1. <u>EFFECTIVE CLASSROOM TEACHING</u>				X	
--	--	--	--	---	--

**COMMENTS:** There is evidence that Dr. Tudor is an effective classroom teacher. Her student ratings and peer reviews are good, and she was nominated for the Faculty Senate Award for Teaching Excellence in the School of Arts and Sciences in 2008. She has also utilized the Center for Instructional Development and Technology to develop skills in the use of technology for effective teaching.

2. <u>SCHOLARSHIP</u>		X			
-----------------------	--	---	--	--	--

**COMMENTS:** Dr. Tudor's record of scholarship needs improvement. Since coming to Southeastern, there appears to be only one peer-reviewed paper submitted for publication, which has been accepted but not yet published. This is not an acceptable level of scholarship.

**FILE COPY**

<u>CATEGORY</u>	<u>CRITICAL</u>	<u>NEEDS IMPROVEMENT</u>	<u>PROFICIENT</u>	<u>COMMENDABLE</u>	<u>OUTSTANDING</u>
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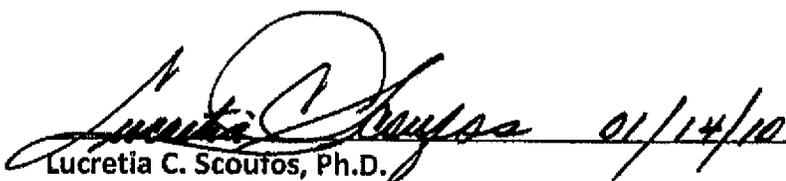
3. <u>SERVICE TO INSTITUTION, PROFESSION AND PUBLIC</u>		X			
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**COMMENTS:** There is little documentation of service activity in Dr. Tudor's portfolio, other than routine departmental assignments. She was elected to the Faculty Senate in 2009, and has served one semester.

4. <u>PERFORMANCE OF NON-TEACHING/ ADMINISTRATIVE DUTIES/ ASSIGNMENTS</u>					N/A
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**GENERAL COMMENT:** Dr. Tudor's portfolio seems to be incomplete. In addition to lack of documentation of service activity, there are no letters of recommendation from tenured faculty members in her department. The single sentence recommendations for promotion and tenure from the departmental committee and the chair do not give any justification for their recommendation for promotion and tenure.

**RECOMMENDATION:** Based on the available documentation, I am unable to recommend Dr. Rachel J. Tudor for promotion to Associate Professor or for tenure. My recommendation is that she be given a one-year, terminal appointment for the 2010-2011 academic year.

  
Lucretia C. Scoufos, Ph.D. 01/14/10

OFFICE OF ACADEMIC AFFAIRS  
MINKS (FALL 2008)

**FILE COPY**

EEOC000858

# Exhibit 13

SOUTHEASTERN OKLAHOMA STATE UNIVERSITY  
 FACULTY PROMOTION AND TENURE EVALUATION SUMMARY  
 CONFIDENTIAL ANALYSIS WORKSHEET

NAME Rachel Tudor

DEPARTMENT English, Humanities & Language

CURRENT RANK AND LAST PROMOTION DATE Assistant Professor (2005)

HIGHEST DEGREE HELD PhD

YEARS OF SERVICE AT SOSU THROUGH CURRENT YEAR 6

YEARS OF UNIVERSITY EXPERIENCE PRIOR TO SOSU 4

OTHER RELEVANT EXPERIENCE \_\_\_\_\_

❖ PLEASE STATE IN COMMENTS SECTION FACTUAL EVIDENCE ONLY

PERFORMANCE EVALUATION

<u>CATEGORY</u>	<u>CRITICAL</u>	<u>NEEDS IMPROVEMENT</u>	<u>PROFICIENT</u>	<u>COMMENDABLE</u>	<u>OUTSTANDING</u>
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<u>1. EFFECTIVE CLASSROOM TEACHING</u>				X	
--	--	--	--	---	--

COMMENTS:

**Dr. Tudor has provided sufficient evidence that she meets the expectation for tenure and promotion in the area of effective classroom teaching.**

<u>2. SCHOLARSHIP</u>		X			
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COMMENTS:

Dr. Tudor's scholarship is very limited and does not meet the expectation for promotion and tenure.

<u>CATEGORY</u>	<u>CRITICAL</u>	<u>NEEDS IMPROVEMENT</u>	<u>PROFICIENT</u>	<u>COMMENDABLE</u>	<u>OUTSTANDING</u>
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3. <u>SERVICE TO INSTITUTION, PROFESSION AND PUBLIC</u>		X			
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**COMMENTS:**

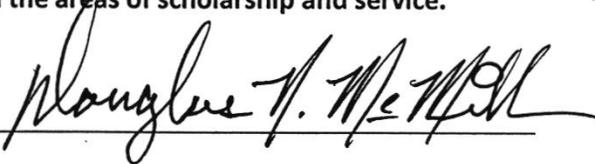
Dr. Tudor's service is limited and does not meet the expectation for promotion and tenure.

4. <u>PERFORMANCE OF NON-TEACHING/ ADMINISTRATIVE DUTIES/ ASSIGNMENTS</u>					
---	--	--	--	--	--

**COMMENTS:**

**RECOMMENDATION:**

I recommend that Dr. Tudor not be granted tenure or promotion due to the lack of evidence in the areas of scholarship and service.



Dr. Douglas N. McMillan  
Interim Executive Vice President for Academic Affairs

# Exhibit 14

**Interview of Doug McMillan**

February 8, 2012

(Also present Charlie Babb, General Counsel, RUSO (CKB) and  
Allan K. Townsend, Senior Trial Attorney, U.S.D.O.J. (AKT))

1  
2  
3  
4  
5 Kathy Nusz, EEOC: I think I've met you before.  
6 DM Really?  
7 EEOC I don't know. Did you work at another college?  
8 DM No. I've always been here.  
9 EEOC Huh. Oh well. Oh well.  
10 EEOC Of course you know why I'm here. I'm Kathy Nusz; I'm from the EEOC investigating a charge  
11 filed by Rachel Tudor against the university. I'm not going to swear you in today but I would ask that  
12 you be truthful and answer like you were in a court of law.  
13 DM OK  
14 EEOC I am going to turn the recorder on and I'll have you state your name and we'll begin the  
15 questions.  
16 DM OK  
17 EEOC Will you please state your name?  
18 DM Douglas McMillan  
19 EEOC Okay and your title?  
20 DM Interim Vice President for Academic Affairs.  
21 EEOC And your date of hire?  
22 DM Was January 8, 1990, no that was my hire at the university. Are you asking for my current  
23 position....?  
24 EEOC You very first hire date. And your job title at hire?  
25 DM Assistant professor, Psychology.  
26 EEOC And your promotions?  
27 DM Let's see, of course I'm a full professor now still retain faculty rank, but 4 or 5 years after hire, I  
28 was promoted to associate professor as a part of that or a little bit later than that, I was also  
29 named as department chair. Then around 1999 I think, it's pretty close, I was joined the central  
30 administration as Assistant Vice President of Academic Affairs, shortly after that I was promoted

- 1 EEOC Okay is there any, this goes back to assessment. Is there any published guide to determine if  
2 scholarship is excellent and noteworthy?
- 3 DM Yes, are you asking is there a hard and fast rule that doesn't involve professional judgment? No.  
4 Now there are statements in the policy that I can point you to where you can get a flavor for  
5 what I've been talking about. But is there a statement that says, this for example, is a number 1  
6 this a number 2, this a number 3, no. The process relies on professional judgment and  
7 experience. I think that's true of every college in our system. I've tried to be very consistent in  
8 the way that I do it. There have been times when I'll get invited to speak to a school, like a, we  
9 have schools I don't know if you're aware of that, but the School of Education, Behavior Sciences  
10 is a school...
- 11 EEOC I did go to college.
- 12 DM I'm sorry. If that was condescending, I really apologize.
- 13 EEOC That's okay.
- 14 DM I wasn't trying to do that I know you're coming from the outside there probably times it didn't  
15 make a lot of sense.
- 16 EEOC Well there is a lot to digest.
- 17 DM But occasionally in the fall, actually in the fall semester ever since I've been interim VP this time,  
18 the president has asked me to go around to each school and talk about issues that are pertinent  
19 to them. And I have gone to several of the schools and talked about this issue with them. Now  
20 whether I did all of them, I couldn't tell you, it was just a discussion we had.
- 21 EEOC Okay do you do that periodically or just that you do it once or.....?
- 22 DM I've done it each fall since I've been interim VP this time. Now I want to be clear, we didn't  
23 discuss tenure and promotion every time. I have some things that I think they might want to  
24 know.
- 25 EEOC Tell me, kind of give me an outline of what you discuss?
- 26 DM It would be very similar to what I talked to you about. Which was, we judge both quantity and  
27 quality, like to see active involvement in scholarship across your period of employment here,  
28 like to see service that goes beyond, sort of routine departmental service, and is of greater  
29 service either to your profession or to the university and sustained over a long period of time.  
30 Those are the kinds of things I routinely talk about.
- 31 EEOC Who accesses the teaching skills?

- 1 DM The departments are heavily involved in that but we also have a university wide assessment  
2 process. But in light of, are you asking me in light of tenure and promotion who would assess  
3 that?
- 4 EEOC Uh huh.
- 5 DM Okay. It's typically what faculty, the best way I can answer that is to tell you what faculty  
6 normally include in their portfolio to demonstrate that. They'll include course evaluations from  
7 students and that can include both are, we have an instrument that we use specially and then  
8 ever so often we also use a national normed course evaluation instrument. Faculty members  
9 will include occasionally a peer evaluation of their teaching. Sometimes they will....I'm trying to  
10 think how else they demonstrate that. Occasionally they'll include letters of support from  
11 students where they talk about their abilities, what they learned from them, how they found  
12 them as a teacher.....
- 13 EEOC Did Ms. Tudor include in any of those?
- 14 DM Uh teaching was not the thing that set off the alarm for me with her, and so I think and I can't  
15 remember specifically what was in her portfolio on the teaching side, but I don't think I found  
16 anything that raised a huge red flag for me there.
- 17 EEOC Okay.
- 18 DM That's a good question because for, that's something that's absolutely...you got to demonstrate  
19 effectively. That can sink a portfolio on it's own.
- 20 EEOC Complaints and...?
- 21 DM Yea, complaints. Complaints from students they didn't learn what they were supposed, they  
22 couldn't find the professor, didn't ever understand what they were teaching, didn't feel like they  
23 learned anything, they rolled in a lot of different variations.
- 24 EEOC Well I had a couple of those.
- 25 DM Well I think learning to get along with some of those kinds of faculty is part of your college  
26 education. But hopefully that's not the whole faculty.
- 27 AKT Uh let me just ask a follow-up question on one thing that Kathy asked because I was unclear on  
28 something.
- 29 DM Okay.
- 30 AKT This issue about the inflaming relations with the faculty.....
- 31 DM Yea.

# Exhibit 15

UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
et al.	)	
	)	
Plaintiff,	)	
	)	
VS.	)	Civil Action No.
	)	5:15-CV-00324-C
	)	
SOUTHEASTERN OKLAHOMA STATE	)	
UNIVERSITY, et al.	)	
	)	
Defendant.	)	

\*\*\*\*\*

ORAL DEPOSITION OF  
DR. RANDY PRUS  
MARCH 9, 2016

\*\*\*\*\*

ORAL DEPOSITION OF DR. RANDY PRUS, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and -numbered cause on the 9th day of March, 2016, from 8:58 a.m. to 4:52 p.m., before Chrissa K. Mansfield-Hollingsworth, CSR in and for the State of Texas, reported by machine shorthand, at the offices of U.S. Attorney's Office, located at 600 East Taylor Street, Suite 2000, Sherman, Texas, pursuant to the Federal Rules of Civil Procedure.

1 for Dr. Rachel Tudor, but my question is: Just the form  
2 in general, not necessarily this one specific for  
3 Dr. Rachel Tudor, are you familiar with this form?

4 A. Yes.

5 Q. Okay. Have you ever seen this specific form  
6 before for Dr. Tudor?

7 A. No, I haven't.

8 Q. So on the back it is signed by Dr. Micho,  
9 correct?

10 A. Correct.

11 Q. And it appears that he has rated Dr. Tudor's  
12 qualifications for promotion and tenure in this form,  
13 correct?

14 A. Correct.

15 Q. So on Category 1, effective classroom teaching,  
16 he rated her as commendable. Would you have rated her  
17 the same way on teaching?

18 MR. JOSEPH: Object to the form.

19 A. I believe so.

20 Q. (By Mr. Townsend) So you agree that based on  
21 your review of her qualifications in 2009 as part of the  
22 promotion and tenure committee, that her classroom  
23 teaching was commendable?

24 A. I believe so.

25 Q. Then in the Category 2, scholarship, Dr. Micho

# Exhibit 16

**From:** Kindanne Jones kindanne.jones@oag.ok.gov 

**Subject:** RE: Follow-up on our 30(b)(6) Conference

**Date:** August 22, 2016 at 7:58 PM

**To:** Meyer, Valerie (CRT) Valerie.Meyer@usdoj.gov, Townsend, Allan (CRT) Allan.Townsend@usdoj.gov, Burrell, Meredith (CRT) Meredith.Burrell@usdoj.gov, Bloom, Shayna (CRT) Shayna.Bloom@usdoj.gov

**Cc:** Dixie Coffey dixie.coffey@oag.ok.gov, Jeb Joseph jeb.joseph@oag.ok.gov, Lori Cornell lori.cornell@oag.ok.gov, Ezra Young eyoung@jtweisslaw.com, Jillian T. Weiss, Esq. jweiss@jtweisslaw.com

KJ

DOJ/Tudor Team,

Thank you for your consideration of Southeastern's IT person. To be candid, I'm not sure if or when he will be willing to travel to DC in light of his wife's surgery. (I know I said earlier it was his daughter's surgery but I received further information today corrected that detail – it is his wife who is having surgery.) I have not discussed the question of travel with him but we will certainly make him available for deposition in Oklahoma City. The matters Southeastern's IT person would testify to would be matters 1, 2, 3, 4 and 18 to the extent you seek ESI information regarding from Southeastern that is not privileged.

I think it might be best to have another conversation regarding these other matters. We are clearly making progress but somethings might be best to hash out in conversation rather than emails.

For example, we don't object to your inquiries into Southeastern and RUSO's litigation hold practices, in general and there may be some inquiries regarding the hold that are specific to this matter that are not necessarily objectionable. But, I do object to questions regarding conversations/communications between attorneys and clients regarding the litigation hold implemented. For example, a question regarding whether IT could or did implement a litigation hold on electronic calendars entries would not be objectionable but questions regarding conversations between counsel & the client regarding the hold would be. An example for non-ESI issue would be handwritten notes. General questions regarding the retention and hold process regarding handwritten notes are fine. But you have already been informed that Stubblefield's notes have been preserved and a privilege asserted. Dr. Stubblefield testified about the presence of her notes. I do not understand what you are seeking, besides standard practices. It would be helpful to discuss this before we file a motion for protective order.

With regard to the issue of spoliation, DOJ has no reason to believe there has been spoliation, at least from defendants. The only party involved who should actually be held responsible for "spoliation" is Tudor, who admittedly failed to retain any electronic information she has. And of course, she has known about the possibility of litigation probably before any other party. If memory serves, Tudor destroyed all evidence on her computer that might be helpful to this case and has made no effort to recover this information. I also seem to recall Tudor's counsel admitting she had completely failed to advise Tudor of her duty to preserve documents.

With regard to e-mail searches, I'm certain this is an issue Jeb can address when he returns. If Jeb can't clear this up then I'm sure we can present an IT person who can testify but this doesn't really seem like something where testimony is required. I'm probably oversimplifying the issue but whether defendants' searched for the ESI version of documents that had been produced in hard copy seems like a simple question for a discovery conference, not a deposition.

As we discussed, we have no objection to matter 18. I have not received a copy of Dr. McMillan's deposition so I cannot address whether you have accurately portrayed his testimony regarding Exhibit 50 but I recall telling you that to the extent it is available we should be able to tell you if and where the email was saved and if it was or is presently identified as read or unread by the

individuals listed in matter 18.

On matter 5, we should be able to enter into a stipulation regarding policies and procedures which were in effect during the time period specified in your email. Please submit the proposed stipulation regarding the policies. With regard to the Scoufos file, it is my understanding that our bates stamped number 1013-1300 is a true and correct copy of the document Dr. Scoufos provided to Dr. Stubblefield on or about August 17, 2011. It looks like these matters are resolved.

With regard to matters 15 & 16, Exhibits 30 & 117 were prepared and submitted to the EEOC by Southeastern in response to EEOC's initial request for information when Tudor filed her charge of discrimination. If I understand, this is not in dispute. I do not understand what further information you require regarding these documents. You have not only deposed but interviewed all witnesses you wanted to regarding these matters. Southeastern's position was laid out in the statement. That witnesses have conflicting recollections 5 years later is simply a fact we will all have to deal with. You have questioned the persons with first-hand knowledge. If they do not recall or their recollections vary, there is no one else to refresh their recollections. As to Exhibits 85 & 115 (Tudor's evaluation), you have inquired of the witnesses who signed these documents. Again, their memory is all that we have. You cannot get a different answer out of Southeastern. It would be nice if Southeastern could simply pick and choose between the different recollections and memories but I'm not aware of any authority compelling it do so. I'm certain you will point out all discrepancies, regardless of their significance or relevance when this matter goes to jury trial. Ultimately, it will be for the jury to decide what happened. However, to be clear, it is these types of lost memories and inconsistent recollections that, at least in part, form the basis for our claim for laches. DOJ/EEOC sat on this case for years, while memories faded and witnesses retired. You had the authority and manipulated the running of the statute of limitations. Now, you claim we must pick and choose between the inconsistent memories. Please show me the law that supports this position. These inquiries are cumulative. You have all the non-privileged information we have. I know of no authority that compels defendants to now be forced to select between these faded and/or inconsistent memories only so you can point out the fact that one memory is inconsistent with another. Please let me know if you have any authority for this position. Otherwise it is our position this inquiry is cumulative and unduly burdensome.

With regard to matters 8 & 13, affirmative defenses and defenses, our position is no different than yours. We should not be required to simply marshal the evidence for you. [Doc. 89, pp. 18-20] Your request is cumulative and simply seeks our work product. **I have advised you, we have no evidence to support the claim of after-acquired evidence at this time and assured you that if such evidence is discovered we will let you know. I also told you we are not seeking this type of evidence at this time. Hence there is no one or information to produce on this matter.** The failure to exhaust is a legal defense that has been discussed and was outlined in our motion to dismiss. With the exception of the failure to promote/denial of tenure claims, Tudor did not properly or timely exhaust administrative remedies. As you were quick to point out during our conversation last week, DOJ appears to have acknowledged this problem while Tudor has not. Therefore, to be clear, the failure to exhaust defense is directed at Tudor's claims and our evidence is the charge of discrimination and related documents. The failure to conciliate in good faith relates primarily to the evidence on comments made by the EEOC – ie that this was not a case for conciliation and their/Tudor's refusal to even meet face to face and attempt conciliation before sending this matter over to DOJ for litigation. It also includes DOJ and Tudor's refusal to engage in good faith discussions during the settlement conference. Of course, these types of conversations occurred between attorneys and during settlement discussions. This information will not be used at trial and has no bearing on the issue of discrimination. It was preserved in the answer and would only become an issue in post-trial motions. I'd suggest we defer further discovery on this matter until it

become an issue in post-trial motions. I do suggest we defer further discovery on this matter until it becomes an active issue in the case in light of the many issues both sides will raise regarding privileges and settlement discussion confidentiality clauses. The issue of damages is still in full discovery but you have the evidence we have regarding Tudor's failure to mitigate. She refused the offer & advice she was given to withdraw her tenure application, work on her portfolio and reapply in two years. In addition, Tudor failed to seek work for several months even though she knew her employment with Southeastern was not going to be renewed. Also, Tudor made no serious effort to seek a tenure track position after leaving her employment with Southeastern. Counsel for DOJ and Tudor have had ample opportunity to explore the facts regarding the offer and advice she was provided with the multiple witnesses who have been interviewed and deposed. Any further discovery on this topic is cumulative. The other two types of information are not within defendants' scope of knowledge. This information that has been acquired from Tudor and through discovery of third parties and it has been provided to you. Finally, because neither Tudor or DOJ have provided full information regarding damages, defendants have not had the opportunity to fully develop this defense and other issues may arise.

So, further discussions are probably warranted though I know the clock is ticking. It appears the major remaining issues relate to privilege communications/attorney work product and the litigation hold; ESI search inquiries – which can hopefully be cleared up with a discussion with Jeb; matters 16 & 17 which are cumulative; and 8 & 13 regarding the “factual basis” inquiries. Please let me know if you think we can clear up these matters. Also, if we need more time to do so, perhaps we could set the rest of the deposition off. Jeb should be back in the office tomorrow, if he's not too ill. I look forward to hearing from you tomorrow.

Thanks for your commitment to working on these issues.

Kindy

---

**From:** Meyer, Valerie (CRT) [mailto:Valerie.Meyer@usdoj.gov]  
**Sent:** Monday, August 22, 2016 10:57 AM  
**To:** Kindanne Jones; Townsend, Allan (CRT); Burrell, Meredith (CRT); Bloom, Shayna (CRT)  
**Cc:** Dixie Coffey; Jeb Joseph; Lori Cornell; Ezra Young; Jillian T. Weiss, Esq.  
**Subject:** RE: Follow-up on our 30(b)(6) Conference

Dear Kindy:

Thank you for the update.

With respect to our response to your Daubert motion regarding Dr. Parker, thank you for confirming that our deadline to respond is September 1. We will file something with the Court stating that the parties agree that September 1 is our deadline to respond so that the Court does not treat your Daubert motion as a motion in limine for purposes of the briefing schedule.

Regarding your request to postpone a portion of Friday's 30(b)(6) deposition of Defendants, could you please identify the matter numbers you are requesting to postpone? We do not oppose a postponement of some of the matters given the conflict for your IT representative (for example, matters 4 and 12 regarding the backup of ESI) but want to be certain we understand and agree as to which matters will proceed on Friday. We appreciate your willingness to extend our deadline to respond to your anticipated Motion for Summary Judgment should information related to the postponed 30(b)(6) topics be relevant to our summary judgment response. We also may request that you make your IT representative available for deposition in Washington DC (at the time we

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

RACHEL TUDOR,

Plaintiff-Intervenor,

v.

SOUTHEASTERN OKLAHOMA  
STATE UNIVERSITY, and

THE REGIONAL UNIVERSITY  
SYSTEM OF OKLAHOMA,

Defendants.

Case No. 15-cv-324-C

**DEFENDANTS' COMBINED RESPONSE IN OPPOSITION TO  
PLAINTIFF/INTERVENOR'S MOTIONS IN LIMINE**

Plaintiff/Intervenor, Dr. Rachel Tudor (“Intervenor”) seeks to exclude the testimony of Defendants’ witnesses Dr. Don Weasenforth and Holly Newell under Fed. R. Evid. 401. Intervenor claims that Dr. Weasenforth’s testimony is not relevant. Defendants, Southeastern Oklahoma State University, (“SEOSU” or “University”), and The Regional University System of Oklahoma (“RUSO”), (collectively “University Defendants” or “the State”), wholly disagree with Intervenor’s logic and argument, and respectfully request this Court deny Plaintiff/Intervenor’s Motion in Limine to Exclude Defendants’ Exhibit Identified as Rachel Tudor’s Personnel file from Collin College with

Incorporated brief. [Doc. 189], Plaintiff/Intervenor's Motion in Limine to Exclude Defendants' Witness Holly Newell [Doc. 190], and Plaintiff/Intervenor's Motion in Limine to Exclude Defendants' Witness Dr. Don Weasenforth. [Doc. 191].

### ARGUMENT

#### **I. DEFENDANTS' WITNESSES AND EXHIBITS ARE NOT AFTER-ACQUIRED EVIDENCE.**

Intervenor's entire proposition for the exclusion of Intervenor's personnel file from Collin College, Dr. Weasenforth's testimony, and Holly Newell's testimony rests in the fundamental misunderstanding of the purpose of these witnesses and this evidence, as well as the fatally flawed argument that such testimony is after-acquired evidence. Intervenor's interpretation of Defendants' purpose for calling Dr. Weasenforth and Holly Newell is simply in error. Furthermore, Intervenor's unilateral determination that Intervenor's personnel file from Collin College is after-acquired evidence is misplaced.

**Defendants have been consistently candid about the fact that they are not in possession of any after-acquired evidence.** Further, Defendants have gone so far as to express that fact in writing, as well as provide assurances that **should any after-acquired evidence come into Defendants' possession, that Defendants will produce that evidence immediately.** *See Email to Plaintiff and Intervenor from Defendants' Counsel dated August 22, 2016, attached as*

Exhibit 1. No such evidence has been obtained to date, nor do Defendants expect such evidence to be produced prior to trial.

## II. DEFENDANTS DISCLOSED INTERVENOR'S COLLIN COLLEGE PERSONNEL FILE IN AUGUST, 2016.

Intervenor asserts in support of her Motion in Limine to Exclude Defendants' Exhibit Identified as Rachel Tudor's Personnel file from Collin College with Incorporated brief ([Doc. 189]), that Defendants withheld documents from Intervenor. But in fact, Defendants produced the personnel file from Collin College to both then-Plaintiff, United States of America, and Intervenor, Dr. Tudor, nearly fourteen (14) months ago as a supplemental response to written discovery. *See Correspondence to USA and Intervenor dated Aug. 29, 2016, transmitting Collin College Personnel File*, attached as Exhibit 2.

Intervenor erroneously characterizes the file as "not produced" in her objection to Defendants exhibits. [Doc. 176]. Having been in possession of the personnel file for nearly fourteen (14) months, Intervenor and her counsel can hardly feign surprise or ambush by either these documents or testimony based on these documents. Therefore, Intervenor's objections based on non-production are invalid.

Intervenor's personnel file contains information relevant to these proceedings in that it contains evaluations of Intervenor's teaching, service and

# Exhibit 17

Jury Trial - Volume 2  
November 14, 2017

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

DR. RACHEL TUDOR,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-15-324-C
	)	
SOUTHEASTERN OKLAHOMA STATE	)	
UNIVERSITY and THE REGIONAL	)	
UNIVERSITY SYSTEM OF	)	
OKLAHOMA,	)	
	)	
Defendants.	)	
	)	

VOLUME 2  
TRANSCRIPT OF JURY TRIAL  
BEFORE THE HONORABLE ROBIN J. CAUTHRON  
TUESDAY, NOVEMBER 14, 2017; 9:15 a.m.  
OKLAHOMA CITY, OKLAHOMA

Proceedings recorded by mechanical stenography,  
transcript produced by computer.

Jury Trial - Volume 2  
November 14, 2017

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Jury Trial - Volume 2  
November 14, 2017

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C O N T E N T S

VOLUME PAGE

PLAINTIFF WITNESSES:

RACHEL TUDOR, Ph.D.

DIRECT EXAMINATION BY MR. YOUNG..... 1 37

CROSS-EXAMINATION BY MS. COFFEY..... 1 130

CONTINUING CROSS-EXAMINATION BY MS. COFFEY.. 2 205

REDIRECT EXAMINATION BY MR. YOUNG..... 2 209

ROBERT PARKER, Ph.D.

DIRECT EXAMINATION BY MR. YOUNG..... 2 212

CROSS-EXAMINATION BY MR. JOSEPH..... 2 275

REDIRECT EXAMINATION BY MR. YOUNG..... 2 291

RECROSS-EXAMINATION BY MR. JOSEPH..... 2 294

MEG COTTER-LYNCH, Ph.D.

DIRECT EXAMINATION BY MR. YOUNG..... 2 297

CROSS-EXAMINATION BY MR. JOSEPH..... 2 353

REDIRECT EXAMINATION BY MR. YOUNG..... 2 371

Jury Trial - Volume 2  
November 14, 2017

1 A. Yes.

2 Q. Okay. Dr. Parker, did you offer Dr. Tudor a job at your  
3 university?

4 A. No.

5 Q. Okay. And just so we're clear, has she applied for a job  
6 at your university?

7 A. I don't know.

8 Q. Okay. If she did, would you hire her?

9 A. If she did when?

10 Q. If she applied for a job in 2009, would you hire her at  
11 your university?

12 A. No.

13 Q. Okay.

14 A. Well, excuse me. It depends on the job.

15 Q. Okay. If she were applying for the position of tenure  
16 track professor in 2009 at your university, would you hire  
17 her?

18 A. No. She would be too advanced.

19 Q. Okay. In 2008 and 2009, Dr. Tudor submitted a tenure and  
20 promotion portfolio, didn't she?

21 A. I don't know.

22 Q. Okay. Would it surprise you to learn that she did?

23 A. No.

24 Q. Would it surprise you to learn that she withdrew that  
25 application?

Jury Trial - Volume 2  
November 14, 2017

1 THE WITNESS: So, I mean, had I not gotten tenure  
2 and had to leave, honestly, I would probably be teaching high  
3 school at this stage, which is a fine thing to do, but it's a  
4 different career.

5 I'm married. I have two kids. So moving is not super  
6 easy. So we may have looked elsewhere. My husband's job  
7 might have turned out to be more mobile if I didn't have a job  
8 too. It's easier to move. I mean, I'm unemployed.

9 But, certainly, my professional life would be entirely  
10 different and a lot of just my life generally would look very  
11 different.

12 Q. (BY MR. YOUNG) Have you served on hiring committees at  
13 Southeastern in the English department?

14 A. Yes.

15 Q. Can you just tell me generally how a hiring committee in  
16 the English department looks at a candidate who has not gotten  
17 tenure in a previous job?

18 A. It looks very suspicious. Hiring for a tenure-track job  
19 in English is super competitive. The hiring committees I have  
20 been on at Southeastern, we've had in the neighborhood of plus  
21 or minus 50 applicants for one job.

22 At other schools -- I know I applied for a job where  
23 there were over 400 applicants. I would say, average,  
24 probably 100. So it's really competitive to get a  
25 tenure-track job.

Jury Trial - Volume 2  
November 14, 2017

1           And when you're looking at applicants, there's kind of  
2           the sense of -- what you're trying to do is judge whether this  
3           person is going to be successful at your university. What we  
4           want to do is hire in someone who's going to do a good job and  
5           who's going to get tenure and stay with us. That's our goal.

6           So we're trying to judge that from the application that  
7           we have in front of us. If you see someone who has been at  
8           another university for seven years -- we know that that's the  
9           probationary period as assistant professor -- and then  
10          nothing, what that tells us is that that's someone who went  
11          through the probationary period, tried to get tenure, and  
12          didn't. I mean, that's a pretty easy thing to read from a  
13          résumé.

14          So that then makes us suspicious; right? If they  
15          couldn't do it once, what makes us think that they could do it  
16          again? So that causes us pause.

17          Certainly, it's competitive enough that, if there's any  
18          strike against you, you're not going to get an interview.

19          Q. Okay. I'm going to talk to you a little bit about what  
20          you know about how Dr. Tudor's experience at Southeastern  
21          those last couple of years, how it affected her.

22                 You're good friends with Dr. Tudor; is that right?

23          A. Yes.

24          Q. And you've been friends with her both when she was at  
25          Southeastern and continuing till today?

# Exhibit 18

Jury Trial - Volume 4  
November 16, 2017

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

DR. RACHEL TUDOR,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-15-324-C
	)	
SOUTHEASTERN OKLAHOMA STATE	)	
UNIVERSITY and THE REGIONAL	)	
UNIVERSITY SYSTEM OF	)	
OKLAHOMA,	)	
	)	
Defendants.	)	
	)	

VOLUME 4  
TRANSCRIPT OF JURY TRIAL  
BEFORE THE HONORABLE ROBIN J. CAUTHRON  
THURSDAY, NOVEMBER 16, 2017; 9:15 a.m.  
OKLAHOMA CITY, OKLAHOMA

Proceedings recorded by mechanical stenography,  
transcript produced by computer.

Jury Trial - Volume 4  
November 16, 2017

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Jury Trial - Volume 4  
November 16, 2017

1 for tenure?

2 A. I'm sorry?

3 Q. When you reviewed Dr. Tudor's portfolio in 2009, you  
4 reviewed it on the merits; correct?

5 A. Absolutely.

6 Q. And what was your decision based upon her merits?

7 A. That she didn't qualify for promotion and tenure.

8 Q. When one is denied tenure at a university, is that the  
9 end of their academic career completely?

10 A. At that university.

11 Q. Do they have the ability to go to another college or  
12 university and have a successful career?

13 A. Yes, they do, and that was part of the reason that she  
14 was given another year. That was the reason that she was  
15 given another year, so she could look for employment.

16 Q. If somebody is denied tenure at one university, does it  
17 ruin their professional reputation?

18 A. I -- I would suppose not. It depends, I guess, why they  
19 were terminated.

20 MS. COFFEY: Pass the witness, Your Honor.

21 THE COURT: We'll take our morning break. Don't  
22 discuss the case or permit others to discuss it with you. Be  
23 back in the jury deliberation room at 20 till.

24 And we'll be in recess.

25 (Jury exits courtroom.)

# Exhibit 19

Jury Trial - Volume 3  
November 15, 2017

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

DR. RACHEL TUDOR,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-15-324-C
	)	
SOUTHEASTERN OKLAHOMA STATE	)	
UNIVERSITY and THE REGIONAL	)	
UNIVERSITY SYSTEM OF	)	
OKLAHOMA,	)	
	)	
Defendants.	)	
	)	

VOLUME 3  
TRANSCRIPT OF JURY TRIAL  
BEFORE THE HONORABLE ROBIN J. CAUTHRON  
WEDNESDAY, NOVEMBER 15, 2017; 9:15 a.m.  
OKLAHOMA CITY, OKLAHOMA

Proceedings recorded by mechanical stenography,  
transcript produced by computer.

Jury Trial - Volume 3  
November 15, 2017

A P P E A R A N C E S

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Jury Trial - Volume 3  
November 15, 2017

1 Was that Dr. McMillan's decision on your application  
2 surprising to you?

3 A. Oh, yes. Actually, the faculty one was surprising too.  
4 So that was very surprise -- a shock, in fact. I mean...

5 Q. Once you found out about Doug McMillan's decision on your  
6 application, did you do anything to try to get more  
7 information?

8 A. I spoke to John Mischo, who was the chair, a little bit.  
9 And, at that time, there was not any requirement to provide a  
10 written explanation, so I only got, oh, a little bit -- I  
11 think it was, like, lack of collegiality or something, and  
12 then later it was something to the effect of minimal  
13 publications were the problem.

14 Then that's when I decided on my own to intervene in the  
15 process.

16 Q. Was it because tenure is important?

17 A. Oh, yeah. I mean, your future at the school hangs on it.  
18 You either get tenure or you're out in a tenure-track  
19 situation.

20 Q. Okay. So why don't we talk a little bit about what you  
21 did to try to intervene.

22 A. Right.

23 Q. Who did you try to talk to after John Mischo?

24 A. Well, I decided to start at the bottom, basically, with  
25 John Mischo, the chair, going over it. And then I went to

Jury Trial - Volume 3  
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1           You know, especially -- I mean, tenure is such a critical  
2 point in an academic career, that a person's -- you know, the  
3 rest of their career is on the line. And so they definitely  
4 should get feedback on it.

5           As I say, at that time there was not even a written  
6 statement. You know, Doug McMillan's letter was just, like,  
7 one line, "I do not" -- in capital letters -- "recommend  
8 tenure, and I do not" -- capital letters -- "recommend  
9 promotion."

10 Q.   So did you talk to interim president Snowden about your  
11 qualifications in the area of scholarship and research?

12 A.   Right.

13 Q.   So can you just tell me generally what you talked about?

14 A.   Well, it was based on what I said to -- Doug McMillan's  
15 response to me was to send a few --

16           MR. BUNSON: Objection, Your Honor. Hearsay.

17           THE WITNESS: Pardon?

18           THE COURT: Do you have an argument this falls  
19 outside the hearsay rule?

20           MR. YOUNG: I do not, Your Honor.

21           THE COURT: All right.

22           Don't testify as to what someone told you, only what you  
23 did or said.

24           THE WITNESS: Even in an interview with that person?

25           THE COURT: Yes.