

# EXHIBIT 2

## PART 3

<p style="text-align: right;">162</p> <p>1 A Yes.</p> <p>2 Q You don't remember if it was morning?</p> <p>3 A It wasn't in the evening that I know of.</p> <p>4 Q You don't recall if it was morning or</p> <p>5 afternoon?</p> <p>6 A No.</p> <p>7 Q Had Dr. Kartje arranged a meeting with you</p> <p>8 for earlier in the week that you were unable to</p> <p>9 attend because you were ill?</p> <p>10 A I don't remember.</p> <p>11 Q In the second paragraph in the memo she</p> <p>12 says, "In the discussion you indicated that we had</p> <p>13 not arranged the meeting, but that I had called it.</p> <p>14 That is correct. The meeting was arranged for the</p> <p>15 first day that you were on campus this week, since</p> <p>16 you were absent on Monday due to illness. It was</p> <p>17 scheduled during your office hour, which you did not</p> <p>18 contest when the meeting was requested the previous</p> <p>19 day." Is that a -- is that -- strike that.</p> <p>20 Is that an accurate statement?</p> <p>21 A I don't remember.</p> <p>22 Q Okay. In the next paragraph she says, "The</p> <p>23 meeting was called to determine why a class scheduled</p> <p>24 from 12:30 p.m. until 3:15 p.m." -- that's 3:15 --</p>	<p style="text-align: right;">164</p> <p>1 students require stability and that changing their</p> <p>2 expectations confuses them."</p> <p>3 Did she tell you that?</p> <p>4 A Well, this occurred with the meeting of --</p> <p>5 when I had menstruated in my clothing, and I was very</p> <p>6 embarrassed, and I went home. That's when I tell her</p> <p>7 why I canceled class early --</p> <p>8 Q Okay.</p> <p>9 A -- because I didn't want to have a</p> <p>10 conversation with her in regard to bleeding in my</p> <p>11 clothing.</p> <p>12 Q Now, the meeting that you had with</p> <p>13 Dr. Kartje was on September 20th, 2005, correct?</p> <p>14 That's Exhibit 12.</p> <p>15 A Oh, sorry.</p> <p>16 Q That's right here (indicating).</p> <p>17 A Oh, okay.</p> <p>18 Q Now, the memo when you explained that you</p> <p>19 had your period --</p> <p>20 A Yes.</p> <p>21 Q -- that was dated September 26th, 2005, six</p> <p>22 days later, correct? That's Exhibit 10.</p> <p>23 A September 26th, yeah. But that was</p> <p>24 supposed to have happened at a class that was held on</p>
<p style="text-align: right;">163</p> <p>1 "had been held for 40 minutes the previous Thursday.</p> <p>2 I indicated that this information was presented to me</p> <p>3 by a displeased parent."</p> <p>4 Now, this class that hadn't met the full</p> <p>5 time, this is related to the memo, Exhibit 10, that</p> <p>6 we had talked about where you had said, "Crunching</p> <p>7 numbers with you seems petty to me but unavoidable.</p> <p>8 On the first day of my Tuesday/Thursday 108 class, I</p> <p>9 told you in person I covered the syllabus and held</p> <p>10 class for 1 hour, not 45 minutes."</p> <p>11 A Yes.</p> <p>12 Q So we're talking about the same class?</p> <p>13 A Yes.</p> <p>14 Q And do you have any knowledge one way or</p> <p>15 another whether a displeased parent did, indeed, come</p> <p>16 to Dr. Kartje to say, "Why was the class only</p> <p>17 40 minutes?"</p> <p>18 A No.</p> <p>19 Q Then she says, "You indicated that when a</p> <p>20 computer lab you believed you had reserved was not</p> <p>21 available to demonstrate editing marks provided by</p> <p>22 Word, you did not want to change the lesson plan and</p> <p>23 dismissed the students. You indicated that this</p> <p>24 decision was based upon a belief that English 108</p>	<p style="text-align: right;">165</p> <p>1 September 15th.</p> <p>2 Q That's fine. All I'm getting at is there's</p> <p>3 nothing in here that says that you did not hold that</p> <p>4 class because of your period, is there?</p> <p>5 A In the memo?</p> <p>6 Q In the September 20th memo, there's nothing</p> <p>7 in here that indicates that you didn't hold a class</p> <p>8 because of your period.</p> <p>9 A In the September 23rd memo, right?</p> <p>10 Q In the memo dated September 23 --</p> <p>11 A Got it. Okay.</p> <p>12 Q -- about the meeting on the 20th. Did you</p> <p>13 tell Dr. Kartje that you canceled class because you</p> <p>14 had your period?</p> <p>15 A No.</p> <p>16 Q Okay. It's not in the memo. Did you tell</p> <p>17 her -- even though it's not in the memo, did you tell</p> <p>18 her on the 20th of September that you canceled the</p> <p>19 class because of your period?</p> <p>20 A No, this is the first time I told her that,</p> <p>21 on September 26th.</p> <p>22 Q So she did not know when you had that</p> <p>23 meeting with her on the 20th that you canceled the</p> <p>24 class because your period was really bad that day.</p>

<p style="text-align: right;">166</p> <p>1 A No. No, she did not know.</p> <p>2 Q Okay. Then in the next -- did you tell her</p> <p>3 on the 23rd -- in your meeting on the 20th that you</p> <p>4 canceled that class because you didn't want to change</p> <p>5 the lesson plan, and the computer lab was not</p> <p>6 available?</p> <p>7 A Yes, I probably did.</p> <p>8 Q Okay. So she -- if she believed what you</p> <p>9 said, that's why she -- she thought you canceled that</p> <p>10 particular class was because the computer lab wasn't</p> <p>11 available, and that was part of your lesson plan. Is</p> <p>12 that true?</p> <p>13 A Yes.</p> <p>14 Q Okay. Then in the next paragraph in the</p> <p>15 memo, Dr. Kartje says, "While I understand your</p> <p>16 concern for the students, I believe you made an</p> <p>17 inappropriate decision in this situation. The major</p> <p>18 expectation that these students hold is that they</p> <p>19 will attend a class for three hours each Tuesday and</p> <p>20 Thursday and be instructed in the art/science of</p> <p>21 composition and reading. As you have said in the</p> <p>22 past, these are our students most in need of</p> <p>23 improvement in order to succeed in college, and time</p> <p>24 on task is important if a skill is to be developed."</p>	<p style="text-align: right;">168</p> <p>1 Thus, in a class which should have met for nine hours</p> <p>2 between September 8 and September 20, the 108 class</p> <p>3 met with you only 2.6 hours. Again, this is less</p> <p>4 than one-third of the scheduled time. I understand</p> <p>5 that sometimes classes fall short of the scheduled</p> <p>6 periods and sometimes they run over. However, this</p> <p>7 loss of time is excessive."</p> <p>8 Now, do you remember her discussing that</p> <p>9 with you?</p> <p>10 A This is not -- this is inaccurate based on</p> <p>11 what we've been talking about here. Right here she</p> <p>12 talks about approximately 45 minutes for the first</p> <p>13 class, the second class was approximately one hour</p> <p>14 and 15 minutes, and then she says a third class</p> <p>15 lasted 40 minutes. I don't even know what she's</p> <p>16 referring to with the third class.</p> <p>17 Q Okay. Wasn't the third class -- let's go</p> <p>18 back to your memo of Exhibit 10. The first class,</p> <p>19 you say in here, you covered the syllabus and held</p> <p>20 the class for one hour.</p> <p>21 A Mm-hmm.</p> <p>22 Q Not 45 minutes.</p> <p>23 A Right.</p> <p>24 Q Didn't say anything about meeting with</p>
<p style="text-align: right;">167</p> <p>1 Did she tell you this in that meeting in</p> <p>2 September of 2005?</p> <p>3 A I don't remember if she told me that in the</p> <p>4 meeting. I know that she's written it here. I don't</p> <p>5 remember if she told me that in the meeting in 2005.</p> <p>6 Are you talking about the Tom Heinrich meeting?</p> <p>7 Q Yes, we're talking about the meeting with</p> <p>8 Mr. Heinrich.</p> <p>9 A I don't recall --</p> <p>10 Q Okay.</p> <p>11 A -- if this is what we talked about.</p> <p>12 Q Okay.</p> <p>13 A But quite possibly it is something she</p> <p>14 said.</p> <p>15 Q Okay. You just don't remember one way or</p> <p>16 the other?</p> <p>17 A I just don't remember, yeah.</p> <p>18 Q Okay. In the next paragraph she says, "We</p> <p>19 also discussed the comment made by the parent that</p> <p>20 the class had not been held for the full time since</p> <p>21 it began on September 8. You indicated that the</p> <p>22 first meeting lasted approximately 45 minutes, the</p> <p>23 second meeting lasted one hour and 15 minutes, and</p> <p>24 the third meeting lasted approximately 40 minutes.</p>	<p style="text-align: right;">169</p> <p>1 students afterwards.</p> <p>2 A Right.</p> <p>3 Q Then you say, "On the second class, we had</p> <p>4 introductions and I held the class for 1 hour and</p> <p>5 1/2" --</p> <p>6 A Right.</p> <p>7 Q -- "not 40 minutes" --</p> <p>8 A Yes.</p> <p>9 Q -- "which I also told you in person," you</p> <p>10 add in here.</p> <p>11 A Right.</p> <p>12 Q And then on the third class, you left after</p> <p>13 40 minutes, according to your memo, because you had</p> <p>14 your period.</p> <p>15 A No, that's not accurate all. It says -- I</p> <p>16 talk about the first class. I talk about on the</p> <p>17 second day of class. And then I talk about as of</p> <p>18 September 15th, which would not be the third day of</p> <p>19 class. That is not the third day of class. That's</p> <p>20 what's confusing me. You're talking about the</p> <p>21 third -- September 15th would not have been day three</p> <p>22 of class.</p> <p>23 Q Okay. Would it have been within the first</p> <p>24 two to three weeks of class?</p>



<p style="text-align: right;">170</p> <p>1 A It would have been within the first three 2 weeks of class. 3 Q Okay. So -- 4 A Maybe even four weeks of class. I don't 5 have it in front of me. 6 Q Okay. All right. 7 A From the 20th to the 15th could be up to 8 24 days, so at least the first three weeks of class. 9 Q So when she's saying in here that the first 10 class lasted only 45 minutes, you in a later memo 11 say, "I held class for" -- strike that. 12 You in your September 26 memo say, "I held 13 the class for an hour." 14 A Yes, and then I met with students. But, 15 yes, that's what I write. 16 Q But the memo doesn't say -- 17 A Yes. 18 Q -- that you met with students. 19 A No, it says one hour. 20 Q Okay. 21 A Right. 22 Q So she's right that the first class did not 23 meet the full time. 24 A Right.</p>	<p style="text-align: right;">172</p> <p>1 Q And you did not tell her when you met with 2 her -- "her" being Dr. Kartje -- and Mr. Heinrich on 3 September 20th that the third class that you cut 4 short was cut short because you had your period. 5 A I would have never have said that in front 6 of Dr. Heinrich, that I cut the class short because I 7 bled all over my pants. 8 Q Okay. 9 A You're right. No, I did not ever discuss 10 that with him in the room. 11 Q Okay. Did you ever pull Dr. Kartje aside 12 and say, "Listen. This is really personal. I have a 13 reason" -- 14 A No. No, I did not. 15 Q Let me finish my question. 16 A Sorry. 17 Q "I have a reason for canceling or calling 18 that last class in September short, and I need to 19 discuss it with you personally"? 20 A No. 21 Q And had you ever told her before this -- 22 your September 26th memo the reason that you left 23 early after only 40 minutes of class on the third 24 class in September?</p>
<p style="text-align: right;">171</p> <p>1 Q Okay. And she's right that -- well, and 2 you say it met -- the class was in session for an 3 hour, and she was told by the parent, according to 4 this memo, that the first class met for 45 minutes, 5 right? 6 A That's according to this memo. I'm reading 7 it with you. 8 Q Okay. Then she says in here the second 9 class lasted an hour and 15 minutes, and you say in 10 your memo the second class lasted for an hour and a 11 half. 12 A Yes, the actual full class lasted for an 13 hour and a half. 14 Q Okay. Then the third absence, which was 15 later in September, the class met for 40 minutes. 16 A Yes. 17 Q And that was the one that you left early 18 because of your period. 19 A Yes. 20 Q But there's nothing to indicate in this 21 Exhibit 12 that you told Dr. Kartje that the third 22 September class, whenever that was in September, was 23 dismissed early because you had your period. 24 A There is nothing in this document here.</p>	<p style="text-align: right;">173</p> <p>1 A I'm not sure about that. 2 Why I answer it that way, because there's a 3 response. I don't have it with me, and you don't 4 have it with you. I remember getting a response at 5 some point with Dr. Kartje where she writes the term 6 "menses" twice. And it's very uncomfortable because 7 she's referring to me getting my period -- 8 Q Well, but you raised -- 9 A -- in my clothing. 10 Q -- the issue of getting your period. 11 A Yeah, no. Absolutely, for sure. But my 12 point is I don't know when exactly the first time I 13 brought it up with was. I think it was in that memo 14 that I wrote, but I don't know that for a fact. 15 Q Okay. Can we say that you didn't tell her, 16 meaning Dr. Kartje, on September 20th? 17 A Yes. 18 Q Okay. So the total class time that 19 Dr. Kartje was advised that you had not met in those 20 first couple of weeks in September for your 108 21 class, each class should have been two hours and 22 45 minutes? 23 A Yes. 24 Q And you met one hour for the first one in</p>

<p style="text-align: right;">174</p> <p>1 class, an hour and a half for the second one, and</p> <p>2 40 minutes on the third one, correct?</p> <p>3 A It isn't the third one.</p> <p>4 Q Not necessarily third consecutively.</p> <p>5 A Only because it's a span of a week and a</p> <p>6 span of three --</p> <p>7 Q Okay. In the span of --</p> <p>8 A -- or four weeks, so --</p> <p>9 Q -- a couple of weeks in September, one</p> <p>10 class was an hour, one class was an hour and a half,</p> <p>11 and one a class was 40 minutes.</p> <p>12 A That I met with the entire class, yes.</p> <p>13 Q Correct. Okay.</p> <p>14 A Yes, that's accurate.</p> <p>15 Q You would agree that that's less than the</p> <p>16 standard amount of time allotted for those classes?</p> <p>17 A Yes.</p> <p>18 Q And would you agree that a dean or an</p> <p>19 administrator should check to see why the classes</p> <p>20 aren't being held the full time?</p> <p>21 A Yes.</p> <p>22 Q Then she says in the next paragraph, "While</p> <p>23 my main concern is for the students, I also want to</p> <p>24 reiterate several procedural expectations I have for</p>	<p style="text-align: right;">176</p> <p>1 then the other one a little bit later?</p> <p>2 A On September 15th?</p> <p>3 Q Yeah.</p> <p>4 A Okay.</p> <p>5 Q It's a lot of --</p> <p>6 A Right.</p> <p>7 Q I mean, it's a lot of lost class time.</p> <p>8 A Yeah.</p> <p>9 Q Okay. You had explanations of sorts --</p> <p>10 A Yes.</p> <p>11 Q -- but that's class time that you were not</p> <p>12 there for.</p> <p>13 A Right.</p> <p>14 Q Okay. Then she says, "In addition to</p> <p>15 canceling the class early, on Thursday, September 15,</p> <p>16 when I attempted to reach you during posted office</p> <p>17 hours, you were not available in your office."</p> <p>18 Were you in your office on Thursday,</p> <p>19 September 15th, during your posted hours?</p> <p>20 A Is that the day I left because I was</p> <p>21 bleeding?</p> <p>22 Q Apparently.</p> <p>23 A Okay. If that is the day that I left, then</p> <p>24 no, I was not.</p>
<p style="text-align: right;">175</p> <p>1 faculty in the Division. First, when a class is</p> <p>2 moved from its regular location and/or canceled, the</p> <p>3 Division office is to be notified."</p> <p>4 Do you have any reason to believe that that</p> <p>5 was not a policy that was applied to all of the</p> <p>6 people, all of the faculty in your department: When</p> <p>7 a class is moved from a regular location or canceled,</p> <p>8 the division office is to be notified?</p> <p>9 A I'm assuming, yeah, that that's a policy.</p> <p>10 Q Okay. So she was -- in your view then,</p> <p>11 that was not an improper thing for Dr. Kartje to say</p> <p>12 to you?</p> <p>13 A In terms of missing X amount of hours? No.</p> <p>14 However, is it singling me out? Yes, because it is</p> <p>15 not untypical for a faculty member not to hold the</p> <p>16 first day of class for the full period.</p> <p>17 Q But this was three classes in a couple of</p> <p>18 weeks.</p> <p>19 A It wasn't a couple of weeks. It was three</p> <p>20 to four weeks, actually.</p> <p>21 Q Okay.</p> <p>22 A But in terms of the first class period,</p> <p>23 that is not untypical.</p> <p>24 Q Okay. But what about the second class and</p>	<p style="text-align: right;">177</p> <p>1 Q And Dr. Kartje, again, at the time of this</p> <p>2 meeting and at the time she tried to contact you on</p> <p>3 the 15th, she had no way to know the reason that you</p> <p>4 had canceled class or that you were not in your</p> <p>5 office. I mean, you hadn't told her.</p> <p>6 A No.</p> <p>7 Q Okay. Then she says in the memo, "Each</p> <p>8 faculty member is to have a current syllabus on file</p> <p>9 in the Division office. We did not have on file</p> <p>10 syllabi for either Summer 2005 or Fall 2005."</p> <p>11 Do you have any reason to believe that it</p> <p>12 was not college policy for the faculty to have their</p> <p>13 current syllabus on file?</p> <p>14 A No, I do believe it's college policy, but I</p> <p>15 don't believe that my syllabus was not on file.</p> <p>16 Q Okay. Did you tell Dr. Kartje that your</p> <p>17 syllabus was on file?</p> <p>18 A Not in writing or that I know of, but I</p> <p>19 more than once brought more than one copy of syllabi</p> <p>20 because she more than once asked me for another copy</p> <p>21 even after I had submitted it.</p> <p>22 Q Okay. In September of 2005, at the time of</p> <p>23 this meeting, September 20th, do you know whether or</p> <p>24 not the college had a copy of your current syllabus</p>



<p style="text-align: right;">178</p> <p>1 on file?</p> <p>2 A I believe they always had a copy of my</p> <p>3 syllabus. I believe that I turned it in all the</p> <p>4 time.</p> <p>5 Q And did you tell Dr. Kartje when you met</p> <p>6 with her that you had, in fact, turned it in?</p> <p>7 A Yes. I told the -- and I told the English</p> <p>8 office that I believed that I had turned it in.</p> <p>9 Q Okay. Now, you don't mention in your</p> <p>10 September 26 memo that you were inaccurately accused</p> <p>11 of not having an accurate syllabus on file.</p> <p>12 A No.</p> <p>13 Q Then she says in the last full paragraph,</p> <p>14 "While not related to this incident, I want to record</p> <p>15 a conversation earlier this semester when we</p> <p>16 discussed your attendance for the summer session. As</p> <p>17 you know, students in the 108 class were disgruntled</p> <p>18 by frequent absences related to your travel and</p> <p>19 health issues. In fact, our records indicate that</p> <p>20 your classes missed more than six instructional days</p> <p>21 this summer, resulting in a loss of approximately</p> <p>22 20 hours of instruction. As we discussed, since</p> <p>23 temperatures appear to be a consideration during the</p> <p>24 summer months, if you elect to teach during the</p>	<p style="text-align: right;">180</p> <p>1 weeks. It's just 32 days.</p> <p>2 Q So each summer school class would be -- is</p> <p>3 this right? A summer school class would meet for</p> <p>4 more hours in a day than the same class taken during</p> <p>5 the school year?</p> <p>6 A No, no. You would meet for still two hours</p> <p>7 and 45 minutes, but you would meet for two times --</p> <p>8 instead of two times a week, you'd meet four times a</p> <p>9 week.</p> <p>10 Q Oh, okay. Okay.</p> <p>11 A So it's doubled in terms of the amount of</p> <p>12 time you're there per week.</p> <p>13 Q Okay. So if you're not there, a student --</p> <p>14 more classes are being missed in one day of a</p> <p>15 teacher's absence because the classes are scheduled</p> <p>16 more frequently?</p> <p>17 A No. I'm not there for three days, the</p> <p>18 students have missed three days, three instructional</p> <p>19 days. And they would be the equivalent of two-hour-</p> <p>20 and-45-minute days. One two-hour-and-45-minute day</p> <p>21 would not be the equivalent of like five hours. It</p> <p>22 would be the equivalent of two hours and 45 minutes.</p> <p>23 Q Okay. Were temperatures a consideration</p> <p>24 for you in the summer months in the year 2005?</p>
<p style="text-align: right;">179</p> <p>1 summer it is in the students' best interest to have</p> <p>2 you teach in the evenings or online rather than</p> <p>3 during the middle of the day. We can discuss this</p> <p>4 situation again as we prepare the schedule for the</p> <p>5 Summer of 2006."</p> <p>6 Now, you had referred a couple of times</p> <p>7 earlier to Dr. Kartje taking away your ability to</p> <p>8 teach certain classes.</p> <p>9 A Yes.</p> <p>10 Q And you mentioned that this arose in</p> <p>11 September of 2005. Is this what you are referring to</p> <p>12 when you were referring to Dr. Kartje taking away</p> <p>13 your ability to teach?</p> <p>14 A Yes, this was when she threatens to. She</p> <p>15 doesn't yet take it away.</p> <p>16 Q Okay.</p> <p>17 A But she threatens to take it away.</p> <p>18 Q Okay. Now, had you -- were you absent at</p> <p>19 all in the summer of 2005?</p> <p>20 A Yes, I was absent three times.</p> <p>21 Q Okay. And the summer school schedule, is</p> <p>22 that on a more abbreviated schedule than a regular</p> <p>23 semester?</p> <p>24 A Yes, it's four days a week times eight</p>	<p style="text-align: right;">181</p> <p>1 A Not in that -- I needed to be careful</p> <p>2 because Chicago can get up to 100 and far beyond</p> <p>3 that, but no.</p> <p>4 Q So you had no ill effects from teaching in</p> <p>5 a warm classroom in the summer of 2005?</p> <p>6 A I believe -- I don't know if it was the</p> <p>7 summer of 2005. I remember at one point in CLC the</p> <p>8 entire time that I was teaching there being put in a</p> <p>9 tiny classroom with a lot of students and having them</p> <p>10 move me to a classroom that was a little larger and</p> <p>11 that was cooler. That happened to me one time in</p> <p>12 seven years that I've been at CLC. I don't remember</p> <p>13 when that took place.</p> <p>14 Q All right. I just want to make sure we're</p> <p>15 on the same wavelength. As I understand you, your</p> <p>16 testimony, the temperatures in the summer of 2005 had</p> <p>17 no impact on your attendance that summer. Is that --</p> <p>18 A Yes.</p> <p>19 Q Now, she says in here -- Dr. Kartje says</p> <p>20 that you could teach in the evenings or online,</p> <p>21 correct?</p> <p>22 A Yes.</p> <p>23 Q So she's not saying you can't teach; she's</p> <p>24 just saying you need to teach in the evening or</p>

<p style="text-align: right;">182</p> <p>1 online, correct?</p> <p>2 A Yes.</p> <p>3 Q She also says, "We can discuss this</p> <p>4 situation again as we prepare the schedule for the</p> <p>5 Summer of 2006," correct?</p> <p>6 A Yes.</p> <p>7 Q So no decisions had been made as of</p> <p>8 September 2005 when this memo was prepared about what</p> <p>9 you could or couldn't teach in the summer of 2006.</p> <p>10 Is that correct?</p> <p>11 A No decisions have been made? Not outside</p> <p>12 of that the threat is thrown out there that I'm not</p> <p>13 going to be able to teach the summer of 2006 in terms</p> <p>14 of the developmental classes -- which happens; I'm</p> <p>15 not able to. So no action is taken because it hasn't</p> <p>16 come yet.</p> <p>17 Q Okay. But she's saying, "We can discuss</p> <p>18 this again."</p> <p>19 A We don't discuss it again.</p> <p>20 Q Okay. But she's saying that they can.</p> <p>21 A She said, "We can discuss this situation</p> <p>22 again."</p> <p>23 Q And you still had the option, according to</p> <p>24 this memo, of teaching online in the summer of 2006.</p>	<p style="text-align: right;">184</p> <p>1 after -- you drop a letter grade. And the language</p> <p>2 is actually if you miss this many hours of class,</p> <p>3 you're no longer eligible to pass the course. That's</p> <p>4 the language in my syllabus.</p> <p>5 Q Okay. So you have your own policy</p> <p>6 regarding the effective attendance. Is that correct?</p> <p>7 A Yes.</p> <p>8 Q You're allowed to set that as a faculty</p> <p>9 member.</p> <p>10 A Yes.</p> <p>11 Q And your personal policy that you have set</p> <p>12 in your classes is if you miss three classes, you</p> <p>13 drop a letter grade. Is that correct?</p> <p>14 A Yes.</p> <p>15 Q And Dr. Kartje. Did she tell you to change</p> <p>16 your policy?</p> <p>17 A No, she told me that it was inappropriate</p> <p>18 that I had one because I'm somebody who suffers from</p> <p>19 multiple sclerosis and I'm absent often.</p> <p>20 Q Well, did you miss three classes, I think</p> <p>21 you said, in the summer of 2005?</p> <p>22 A Yes.</p> <p>23 Q So you were gone three times, and you</p> <p>24 didn't lose any pay for those three absences, did</p>
<p style="text-align: right;">183</p> <p>1 Is that correct?</p> <p>2 A I did. I did teach online, yes.</p> <p>3 Q Okay. Other teachers taught online?</p> <p>4 A Yes.</p> <p>5 Q Okay. For a variety of reasons, I assume,</p> <p>6 convenience or whatever?</p> <p>7 A Yes.</p> <p>8 Q Was there anything else that was discussed</p> <p>9 in this meeting other than what was set forth in this</p> <p>10 memo?</p> <p>11 A Yes, she talks -- in the meeting, the Tom</p> <p>12 Heinrich meeting that takes place in September, she</p> <p>13 talks about me administering an attendance policy for</p> <p>14 a student named Stephanie Tortois, T-O-R-T-O-I-S, and</p> <p>15 about how basically who do I think I am having one</p> <p>16 when I am absent as often as I am because I have</p> <p>17 multiple sclerosis. Her grade was a B instead of an</p> <p>18 A, but it was a B instead of an A because she missed</p> <p>19 the first three days of class.</p> <p>20 Q Okay. So what was your policy with respect</p> <p>21 to attendance?</p> <p>22 A It's in my syllabus. It means -- it's if</p> <p>23 you miss three periods -- the policy over the summer</p> <p>24 is that if you miss three periods, you drop --</p>	<p style="text-align: right;">185</p> <p>1 you?</p> <p>2 A I don't think so.</p> <p>3 Q And you weren't demoted?</p> <p>4 A Right.</p> <p>5 Q You weren't suspended?</p> <p>6 A Mm-hmm.</p> <p>7 Q Okay. Do you think that Dr. Kartje was</p> <p>8 trying to point out to you that you might be a little</p> <p>9 bit more lenient with your attendance policy?</p> <p>10 A Do I think she was trying to point that out</p> <p>11 to me? No. No, I don't think that because -- or, if</p> <p>12 she was, it was discriminatory. Other teachers have</p> <p>13 the right to have an attendance policy, and mine</p> <p>14 isn't even as strict as other teachers at the</p> <p>15 college.</p> <p>16 Q Do you know of other teachers who drop a</p> <p>17 letter grade after a student has missed three</p> <p>18 periods?</p> <p>19 A I do not know of other teachers by name. I</p> <p>20 know of other teachers who have an attendance policy.</p> <p>21 Q I'm not talking about an attendance policy.</p> <p>22 Your policy is to drop it a letter grade if they miss</p> <p>23 three classes, right?</p> <p>24 A Right.</p>



<p style="text-align: right;">186</p> <p>1 Q That's your decision.</p> <p>2 A Yes.</p> <p>3 Q Okay. Do you know whether other teachers</p> <p>4 who have attendance policies implement a policy</p> <p>5 whereby if a student misses three classes, their</p> <p>6 grade is dropped one letter?</p> <p>7 A I think Sean Murphy's is even harsher than</p> <p>8 that. He's a faculty member --</p> <p>9 Q And what is --</p> <p>10 A -- in the English department.</p> <p>11 Q -- his policy?</p> <p>12 A I'm not sure.</p> <p>13 Q Well, then how can you say it's harsher</p> <p>14 than yours if you don't know what his is?</p> <p>15 A Because I've heard people laugh about it.</p> <p>16 Q Okay. Well, do you have any knowledge of</p> <p>17 any faculty --</p> <p>18 A No.</p> <p>19 Q Let me finish the question, please.</p> <p>20 A Sorry.</p> <p>21 Q (Continuing) -- of any faculty member who</p> <p>22 has an attendance policy that requires that a</p> <p>23 student's letter grade be dropped by one if they miss</p> <p>24 three classes?</p>	<p style="text-align: right;">188</p> <p>1 A Yes.</p> <p>2 Q Okay. That's what you mean by threatened?</p> <p>3 A Yes.</p> <p>4 Q Okay. About how long did this meeting</p> <p>5 last? Do you recall?</p> <p>6 A The one with Tom Heinrich?</p> <p>7 Q Yes.</p> <p>8 A I don't know.</p> <p>9 Q After the meeting in September of 2005,</p> <p>10 when was the next discriminatory, harassing,</p> <p>11 retaliatory act that you're complaining about?</p> <p>12 A Okay. Well, there was the meeting, and</p> <p>13 then there was the September memo that she writes</p> <p>14 that you just gave me in this exhibit. So that is</p> <p>15 after the meeting.</p> <p>16 Q Okay.</p> <p>17 A The meeting is on the 20th; this is on</p> <p>18 September 23rd.</p> <p>19 Q Okay. So the --</p> <p>20 A Just to put it in there.</p> <p>21 Q Okay. But the memo was Dr. Kartje's</p> <p>22 summary of what went on in the meeting.</p> <p>23 A Well, more than that. She threatens to</p> <p>24 remove my classes for the summer of '06 in this memo.</p>
<p style="text-align: right;">187</p> <p>1 A No.</p> <p>2 Q And Dr. Kartje did not tell you that you</p> <p>3 had to change your attendance policy, did she?</p> <p>4 A No.</p> <p>5 Q Is there anything else other than your</p> <p>6 attendance policy that you say was discussed at this</p> <p>7 September 20th meeting that we didn't already discuss</p> <p>8 that's in the memo or with this attendance policy?</p> <p>9 A No.</p> <p>10 Q Okay. So that was the sum total of the</p> <p>11 meeting?</p> <p>12 A Yes.</p> <p>13 Q Okay. Now, after this meeting or as a</p> <p>14 result of this meeting in the year 2005, was your pay</p> <p>15 docked?</p> <p>16 A No.</p> <p>17 Q Were you demoted?</p> <p>18 A No.</p> <p>19 Q Were you disciplined? Did a formal</p> <p>20 write-up go in your file?</p> <p>21 A Outside of threatened, no.</p> <p>22 Q And when you say threatened, are you</p> <p>23 referring to revisiting the issue of what you were</p> <p>24 going to be able to teach in the summer of 2006?</p>	<p style="text-align: right;">189</p> <p>1 Q Okay. Well, in fairness, I think what she</p> <p>2 says is that you should -- "In light of your</p> <p>3 attendance, you should teach online, but we'll</p> <p>4 discuss it as we get ready for the schedule for the</p> <p>5 summer of 2006."</p> <p>6 A Well, it says that, but she says I should</p> <p>7 opt to teach somewhere else --</p> <p>8 Q Okay.</p> <p>9 A -- which becomes the reality. I'm not</p> <p>10 allowed to teach --</p> <p>11 Q Wait. When does she say you should opt to</p> <p>12 teach somewhere else? What does that mean? She</p> <p>13 says, "If you elect to teach" -- she says, "Since</p> <p>14 temperature" -- "As we discussed, since temperatures</p> <p>15 appear to be a consideration during summer months, if</p> <p>16 you elect to teach during the summer" -- by the way,</p> <p>17 are you required to teach in the summer, or is</p> <p>18 that --</p> <p>19 A No, it's my choice.</p> <p>20 Q So if you choose -- it's your choice -- "to</p> <p>21 teach during the summer it is in the students' best</p> <p>22 interest to have you teach in the evenings or online</p> <p>23 rather than during the middle of the day. We can</p> <p>24 discuss this situation again as we prepare the</p>



<p style="text-align: right;">190</p> <p>1 schedule for Summer of 2006."  2 A Right.  3 Q Right.  4 A Okay. What becomes problematic about that,  5 though, is my developmental students cannot be taught  6 online, meaning I'm not allowed to teach  7 developmental students. They are not taught online  8 ever.  9 Q But you have two other English classes that  10 you teach, correct?  11 A Yes.  12 Q And you have a creative writing class that  13 you teach?  14 A I do not teach that online, no. But, yeah,  15 I have two other classes. They are not developmental  16 English, though, something I would not -- I would  17 have taken from me then for the summer, something I  18 taught every summer since I started at the College of  19 Lake County.  20 Q And did you -- you did not revisit this  21 issue with Dr. Kartje or with anyone before the  22 summer of 2006, did you, regarding whether you're  23 going to teach online or in the classroom?  24 A No. This is cc'd to Dr. DeRionne Pollard,</p>	<p style="text-align: right;">192</p> <p>1 Q So then you made no effort to contact  2 Dr. Kartje or Tom Heinrich or anybody about being  3 able to teach in the classroom in the summer of 2006,  4 correct?  5 A I don't think so, off the top of my head.  6 Q Well --  7 A I say -- well, because I don't know if I  8 have sent an e-mail regarding this or it being  9 unfair. I know it was something that I often talked  10 about, though, with the union and so on and so forth.  11 This is one of the most unfair things that I had seen  12 her do. There were many. But her taking away my  13 ability because of heat and the fact that I have  14 multiple sclerosis was quite problematic to me.  15 Q Now, as I understand your testimony  16 earlier, heat was not a consideration. Is that  17 correct?  18 A Yes, right.  19 Q Okay. Let me show you -- I'm going to  20 introduce this later. I'm just going to show it to  21 you now to possibly refresh your recollection.  22 A Okay.  23 Q I'm not marking this as an exhibit.  24 A Okay. All right.</p>
<p style="text-align: right;">191</p> <p>1 who is the vice president, Tom Heinrich, and I get  2 nothing, no response about this whatsoever, and we  3 don't revisit this situation, no.  4 Q As you were preparing for the summer of  5 2006 --  6 A Right.  7 Q -- did you meet with Dr. Kartje and say,  8 "These are the classes I'd like to teach"?  9 A No, because she's already made it clear to  10 me that I shouldn't teach them.  11 Q And where did she make that clear to you?  12 A Well, because she said, "If you elect to  13 teach during the summer it is in the students' best  14 interest." It is better for them that I not teach  15 them on campus and that I teach them online.  16 Q Okay.  17 A That is her wording in this document.  18 Q Okay. But she also says, "We can discuss  19 this situation again as we prepare the Summer" --  20 "the schedule for Summer of 2006."  21 A We never discuss this again.  22 Q Okay.  23 A I didn't believe that that was accurate or  24 true.</p>	<p style="text-align: right;">193</p> <p>1 Q Take a look at -- this is a letter dated  2 February 12th, 2007. It's from Dr. -- hope I don't  3 mispronounce her last name -- Munteanu?  4 A Munteanu.  5 Q Munteanu. Okay.  6 A Mm-hmm.  7 Q Dr. Munteanu was your treating physician at  8 that time. Is that correct?  9 A Yes.  10 Q Okay. This is the letter she gave you to  11 return to work after your leave of absence?  12 A Yes.  13 Q And the last sentence she says here is "The  14 only special requirement she" -- meaning you -- "will  15 have is access to air conditioning."  16 Why did you need access to air  17 conditioning?  18 A Because it can get really warm in a  19 classroom with 23 people, including the instructor.  20 Q Was heat a consideration in your ability to  21 teach in the summertime?  22 A And my ability to return after a year's  23 medical leave, yes, it was a consideration. During  24 the summer, I don't remember it being an issue. CLC</p>

<p style="text-align: right;">194</p> <p>1 has air conditioning. They always have.</p> <p>2 Q I thought you said you were in a small</p> <p>3 un-air-conditioned classroom.</p> <p>4 A That was one condition in seven years.</p> <p>5 Q But that was in the summer when you were</p> <p>6 being advised that -- or strike that.</p> <p>7 That was at a time when it appeared that</p> <p>8 your absences were health-related.</p> <p>9 A That time that I asked them to switch</p> <p>10 classrooms? That's a question. I mean, you're</p> <p>11 asking me, but I don't know if that was the time</p> <p>12 period that I asked them to switch classrooms.</p> <p>13 Q All right. Are you saying in light of what</p> <p>14 your doctor said in the release to return to work,</p> <p>15 are you maintaining your testimony that heat was not</p> <p>16 a consideration, temperatures were not a</p> <p>17 consideration, in the summer months of the summer of</p> <p>18 2005 in connection with your ability to teach in the</p> <p>19 classroom?</p> <p>20 A Because I had access to air conditioning,</p> <p>21 no, that had nothing to do with absences or me not</p> <p>22 being there. One had nothing to do with the other.</p> <p>23 I had access to air conditioning in the classrooms.</p> <p>24 Q So every classroom that you taught in the</p>	<p style="text-align: right;">196</p> <p>1 summer of 2005?</p> <p>2 A I believe that it was not a factor.</p> <p>3 Q Okay.</p> <p>4 MS. THORPE: Would you mark that, please,</p> <p>5 as Exhibit -- what are we on, 13?</p> <p>6 (Easton Exhibit 13 marked.)</p> <p>7 BY MS. THORPE:</p> <p>8 Q I'm showing you and your counsel,</p> <p>9 Ms. Easton, what's been marked as Exhibit 13. It's a</p> <p>10 Faculty Employment Contract, 2004-2005. Is that your</p> <p>11 signature where it says "Employee"?</p> <p>12 A Yes.</p> <p>13 Q So your -- according to this, your salary</p> <p>14 for the year starting the 16th of August and ending</p> <p>15 the 14th of May -- strike that -- starting the 16th</p> <p>16 of August 2004, ending the 14th of May 2005, was</p> <p>17 \$47,843. Is that correct?</p> <p>18 A Yes.</p> <p>19 MS. THORPE: Okay. Let's mark this as</p> <p>20 Exhibit 14.</p> <p>21 (Easton Exhibit 14 marked.)</p> <p>22 BY MS. THORPE:</p> <p>23 Q I'm showing you and your counsel what's</p> <p>24 been marked as Exhibit 14, Faculty Employment</p>
<p style="text-align: right;">195</p> <p>1 summer of 2005 was air-conditioned?</p> <p>2 A I believe that that is the case.</p> <p>3 Q Okay. And what about your commute? Were</p> <p>4 you still living in Chicago? Were you living in</p> <p>5 Chicago at the time, 2005, the summer?</p> <p>6 A One moment.</p> <p>7 Yes, I think I was living in Chicago at the</p> <p>8 time.</p> <p>9 Q And the college is located where?</p> <p>10 A In Grayslake, Illinois.</p> <p>11 Q And how long of a ride is that?</p> <p>12 A It can be anywhere between one hour and an</p> <p>13 hour and a half.</p> <p>14 Q And what kind of car did you drive in the</p> <p>15 summer of 2005?</p> <p>16 A At the time? A Volkswagen.</p> <p>17 Q Volkswagen. Was it a convertible?</p> <p>18 A Yes.</p> <p>19 Q And did you typically have the top down</p> <p>20 when you traveled to work or --</p> <p>21 A Sometimes, unless it was too hot. I put</p> <p>22 the top up, and I had an air conditioner.</p> <p>23 Q So heat was totally not a factor, in your</p> <p>24 view, in terms of the absences that you had in the</p>	<p style="text-align: right;">197</p> <p>1 Contract, Fall Column Movement, 2004-2005. Is that</p> <p>2 your signature where it says "Employee"?</p> <p>3 A Yes.</p> <p>4 Q Okay. And this is showing that your salary</p> <p>5 has been increased to \$50,426 for that school year.</p> <p>6 Is that correct?</p> <p>7 A Yes.</p> <p>8 Q After this meeting in September -- on</p> <p>9 September 20th, 2004, and after -- that was</p> <p>10 Exhibit -- I think it was Exhibit 12 -- and your</p> <p>11 e-mail of September 26th, which I think was</p> <p>12 Exhibit 10, is there anything else that was</p> <p>13 discriminatory, retaliatory, harassing that happened</p> <p>14 in 2005 that we haven't already talked about?</p> <p>15 A No, not that I can think of.</p> <p>16 Q Okay. So the discriminatory conduct that</p> <p>17 you are complaining about in 2005 was an e-mail that</p> <p>18 Dr. Kartje sent in January regarding the discussion</p> <p>19 for your tenure that was shortly before you were</p> <p>20 awarded tenure and a March e-mail -- oh, it wasn't</p> <p>21 March. Wait.</p> <p>22 A It was March.</p> <p>23 Q (Continuing) -- a March e-mail that you</p> <p>24 sent regarding alleged harassment, a conversation you</p>



<p style="text-align: right;">198</p> <p>1 had with your office mate, Rita Eastburg,  2 regarding -- regarding your not either being in a  3 classroom or your office when you were supposed to  4 be, you claim that Dr. Kartje bimonthly made comments  5 to you about your not being in your office or your  6 classroom when you were supposed to be, and then the  7 September 20th, 2005, meeting that you had with  8 Dr. Kartje and Tom Heinrich regarding classroom  9 attendance, teaching schedule for the summer of 2006,  10 and the other items that are described in that memo.  11 Is that right?  12 A Yes.  13 MS. THORPE: Let's take a little break.  14 THE WITNESS: Okay. Thank you.  15 (Recess taken from 2:51 p.m.  16 to 3:02 p.m.)  17 MS. THORPE: Back on the record.  18 BY MS. THORPE:  19 Q Ms. Easton, the 108 class that you said you  20 were unable to teach online, were you told that that  21 could be taught in the evening in the summertime?  22 A I -- I believe that she said either evening  23 or online.  24 Q Okay. So you did have the option of</p>	<p style="text-align: right;">200</p> <p>1 classes, it says, I believe, five in my syllabus.  2 Q You miss five, and you fail.  3 A Yes.  4 Q Okay.  5 A During the regular semester. That means  6 you miss about two and a half weeks of class.  7 Q Okay. I want to go back because we never  8 really discussed. You had mentioned one of the  9 discriminatory events that happened in the year 2005  10 was in connection with a memo or an e-mail from March  11 of 2005 having to do with whether or not you were in  12 your classroom. Do you recall that earlier?  13 A Whether or not I was in the library?  14 Q Correct.  15 A Is that what you're referring to?  16 Q Right. Okay. Well, I just dug out on the  17 break the e-mail. So could you please -- let's mark  18 this -- I pulled out one copy for your counsel. If  19 you could please pull out the e-mail. It's two  20 pages. It says "RE: Classes in the Library."  21 MS. THORPE: If you can mark this,  22 Ms. Reporter, please, as Exhibit -- whatever we're  23 on.  24 MR. GILDO: Can we get a date on this,</p>
<p style="text-align: right;">199</p> <p>1 teaching the 108 class that you wanted to teach in  2 the evening in the summer. Is that correct?  3 A I was given the option. I live really far,  4 and I would be driving at 11:30 at night even under  5 those circumstances, and that doesn't seem or feel  6 safe to me.  7 Q But you were given that option. I mean,  8 you live where you chose to live. Is that right?  9 A Yeah.  10 Q Okay. And your policy with respect to  11 attendance and how that affects your grades, you had  12 said earlier, I believe, that if you miss three  13 classes, your grade drops one letter.  14 A Yes.  15 Q Did you have a written policy?  16 A Yeah, that's in my syllabus.  17 Q Did your syllabus say that you would fail  18 if you missed three classes?  19 A For the summer, I don't believe so, that  20 that syllabus said that, no.  21 Q Did you ever have a written policy that  22 said if you miss three classes, you fail the class?  23 A During my regular semester, three classes  24 counts for a different amount. During my regular</p>	<p style="text-align: right;">201</p> <p>1 please?  2 MS. THORPE: The date? March 16th, 2005.  3 It's in the right-hand side. And it's two pages, and  4 it's regarding classes in the library.  5 (Easton Exhibit 15 marked.)  6 THE WITNESS: I'm sorry. I don't know  7 that -- you have one. This -- I have to find that in  8 there. Okay.  9 BY MS. THORPE:  10 Q All right. I've marked what -- a two-page  11 memo as Exhibit 15, which is a document you handed to  12 me a little earlier this afternoon with a bunch of  13 e-mails. It shows that it was sent Wednesday,  14 March 16th, 2005. On the first page, there's an  15 e-mail from Jean Kartje to you "RE: Classes in the  16 Library." Then there's an e-mail from you to Jean  17 Kartje on the first page. There is an e-mail from  18 Jean Kartje to you. I want to start with the one  19 that's on the second page.  20 A Okay.  21 Q All right? So we'll do this  22 chronologically. So the e-mail on the second page of  23 Exhibit 15 is from Jo, J-O, Beckwith,  24 B-E-C-K-W-I-T-H, dated March 15, 2005, to Marlaina</p>

<p style="text-align: right;">202</p> <p>1 Easton, cc: Connie Bakker, B-A-K-K-E-R, and Jean  2 Kartje, "Subject: Classes in the Library."  3 First let me ask, Ms. Easton, who was Jo  4 Beckwith in March of 2005?  5 A I did not know her. I believe that she  6 worked for the library.  7 Q It says at the bottom here "Jo Beckwith,  8 Reference Librarian." As far as you know, would that  9 be an accurate title for her?  10 A Yes.  11 Q And who was Connie Bakker?  12 A I have no idea.  13 Q Jean Kartje you know.  14 A Yes.  15 Q Now, this e-mail, as I take it, or these  16 series of e-mails was something that you said  17 demonstrated discriminatory conduct toward you in  18 regard to Dr. Kartje's checking up on you, not being  19 in classes and so forth. Is that correct?  20 A No.  21 Q Okay. What is this?  22 A I put this in as an example of her checking  23 up on me.  24 Q Okay.</p>	<p style="text-align: right;">204</p> <p>1 will conference with one or more students during the  2 course of the visit."  3 And then in the third one she says, "As I  4 mentioned last week, your classes could benefit from  5 an instruction session with a librarian. The  6 assignment in particular involves finding items used  7 in the library card catalog and locating them on the  8 shelf by call number. The students that I have  9 encountered do not yet know how to do this. A  10 demonstration and explanation of the process would  11 benefit them greatly, both in this and future  12 classes. Though you said last week that you have  13 sessions scheduled, I do not see them on the calendar  14 when we spoke. You may want to double-check on that.  15 Just to clarify: Your presence is also needed at any  16 instruction session you schedule." And then she  17 thanked you for your cooperation.  18 Had you met with Jo Beckwith to discuss  19 library policy?  20 A After this, absolutely.  21 Q So when you had sent your students in  22 earlier, you were not aware of what the library  23 policy was on these particular matters. Is that --  24 A No, I was not aware that all of those</p>
<p style="text-align: right;">203</p> <p>1 A That's what I -- I didn't do it as a  2 demonstration of it being discriminatory.  3 Q Okay. This is Dr. Kartje checking up on  4 you. So the first e-mail in the sequence is from Jo  5 Beckwith, the librarian, to you. Is that correct?  6 A Yes.  7 Q And she says in here, "We have been helping  8 your class in the library again today." Had your  9 class been in the library before March 15th of 2005?  10 A I have -- I am not sure. I have no idea.  11 Q You don't recall?  12 A No.  13 Q Okay. She says in here -- she's got three  14 numbered paragraphs. In the first paragraph, she  15 asks you to call the reference desk and gives you an  16 extension number to reserve space and time for the  17 classes so that, you know, there's no conflicts with  18 other classes.  19 Then in the second one she says, "The  20 instructor needs to accompany the class when they  21 come to the library. When the instructor is present,  22 questions about the assignment can be answered and  23 additional help is available for your students.  24 Often, instructors who bring classes to the library</p>	<p style="text-align: right;">205</p> <p>1 students would go to the library.  2 Q Then the e-mail immediately following Jo  3 Beckwith's is an e-mail from Dr. Kartje to you which  4 says, "Marlaina, please let me know what this is  5 about," and then you respond later that day. Is  6 that -- actually, the next day. Her -- Jean's e-mail  7 to you is March 15th, and you responded on  8 March 16th. Is that correct?  9 A Right.  10 Q Since Dr. Kartje was copied on the e-mail  11 that Jo Beckwith sent to you about library policy and  12 having the instructor present, do you think that it  13 was inappropriate for Dr. Kartje to just ask you what  14 this was about?  15 A Well, this is my situation. I get this  16 from Jo Beckwith, and then I meet with her and my  17 class and my students later, and we work on that as a  18 faculty and a librarian. We work on that with each  19 other. Dr. Kartje getting involved does not impact  20 me working with the librarian myself.  21 Q Okay. But was it inappropriate after she  22 had been made aware of the fact that your students  23 are coming to the library without your being present  24 to ask what -- you know, "Please let me know what</p>



<p style="text-align: right;">206</p> <p>1 this is about?"</p> <p>2 A No, I don't find that inappropriate.</p> <p>3 Q Okay. Fine. Is there anything in this</p> <p>4 e-mail that you think is discriminatory or singles</p> <p>5 you out or is unfair or what have you?</p> <p>6 A Well, only because there's a part that's</p> <p>7 not accurate. She said, "I suggest that the next</p> <p>8 time you plan the library talks earlier in the</p> <p>9 semester so that when it comes to conferencing with</p> <p>10 students you can send students who know how to use</p> <p>11 the library to that facility."</p> <p>12 I didn't plan library talks. That's not</p> <p>13 why my students were in the library, because I</p> <p>14 planned a library talk. I had planned conferences</p> <p>15 with my students and told them they can go to the</p> <p>16 library if they needed to. I didn't plan a library</p> <p>17 talk for them and then send them there.</p> <p>18 Q Okay. Is there anything else in this</p> <p>19 e-mail that you think unfair or discriminatory?</p> <p>20 A No.</p> <p>21 Q Okay. So we have covered now everything</p> <p>22 that you thought was discriminatory or unfair or</p> <p>23 harassing or retaliatory in 2004 and in 2005. Is</p> <p>24 that correct?</p>	<p style="text-align: right;">208</p> <p>1 Q Okay. And what did you tell him?</p> <p>2 A I told him that I was still having</p> <p>3 difficulties with Dr. Kartje and that I was going to</p> <p>4 where I thought I could go, but I didn't have any</p> <p>5 other path to go to but to see him and talk to him.</p> <p>6 Q And what did he tell you?</p> <p>7 A He told me that he was sorry I was having a</p> <p>8 difficult time, that he was sorry that it was</p> <p>9 difficult for me. That's what he told me.</p> <p>10 Q Did he tell you that you could file a</p> <p>11 grievance?</p> <p>12 A No, he told me I should get an attorney.</p> <p>13 Q Okay.</p> <p>14 A And he used the term "attorney."</p> <p>15 Q And when you said you were having -- did</p> <p>16 you tell him what the difficulties were that you were</p> <p>17 having with Dr. Kartje?</p> <p>18 A Yes, and this wasn't the first time I told</p> <p>19 him that.</p> <p>20 Q Okay. I'm not talking about other times.</p> <p>21 I want to know in this particular conversation in</p> <p>22 October of 2005, what did you tell Rick Soller about</p> <p>23 the difficulties you were having with Dr. Kartje?</p> <p>24 A I told him that Dr. Kartje had removed my</p>
<p style="text-align: right;">207</p> <p>1 A Yes.</p> <p>2 Q Okay. Now we're in 2006. What, if</p> <p>3 anything, happened -- let's go up until the time of</p> <p>4 your leave -- okay? -- which was in August of 2006?</p> <p>5 A Oh, I'm sorry. Did I interrupt you?</p> <p>6 Q No, that's all right. You have something</p> <p>7 to add?</p> <p>8 A Yeah, that I met with the union. I</p> <p>9 actually met with the union in October --</p> <p>10 Q Of what year?</p> <p>11 A -- of 2005 to discuss Dr. Kartje -- me</p> <p>12 feeling as though I was being harassed by Dr. Kartje.</p> <p>13 Q Okay. Who did you meet with?</p> <p>14 A Rick Soller.</p> <p>15 Q Anyone else?</p> <p>16 A No, I met with Rick Soller.</p> <p>17 Q And what was his position with the union at</p> <p>18 that time?</p> <p>19 A At that point I believe he was the</p> <p>20 president of the union.</p> <p>21 Q And where did you meet with him?</p> <p>22 A In his office.</p> <p>23 Q Anyone else present?</p> <p>24 A No.</p>	<p style="text-align: right;">209</p> <p>1 ability to teach 108 classes for the summer.</p> <p>2 Q And that's as a result of what was stated</p> <p>3 in the September 2005 memo. Is that right?</p> <p>4 A Yes.</p> <p>5 Q Okay. And that's how you're characterizing</p> <p>6 it, removed your ability to teach, when she said</p> <p>7 you're going to have to teach -- she recommended that</p> <p>8 you teach online or in the evenings. Is that</p> <p>9 correct?</p> <p>10 A Well, that is one thing, but, yes, that is</p> <p>11 correct.</p> <p>12 Then I also talked to him about the meeting</p> <p>13 with Tom Heinrich where she pointed to my attendance</p> <p>14 policy and that basically I shouldn't have one</p> <p>15 because I get sick and I have MS. I also talked</p> <p>16 about that as well.</p> <p>17 I also talked about her calling meetings</p> <p>18 with me without me knowing what's going on and me</p> <p>19 having -- her having to pull in Tom Heinrich and</p> <p>20 being very uncomfortable with the situation. I</p> <p>21 talked to him about everything that had preceded that</p> <p>22 October 2005 meeting.</p> <p>23 Q What did Dr. Kartje say about your multiple</p> <p>24 sclerosis in the September 2005 meeting?</p>

<p style="text-align: right;">214</p> <p>1 which I did and e-mailed him.</p> <p>2 Q And they didn't provide an attorney for</p> <p>3 you?</p> <p>4 A No.</p> <p>5 Q And they never filed a grievance on your</p> <p>6 behalf?</p> <p>7 A No.</p> <p>8 Q Did he suggest to you that you had a case</p> <p>9 one way or the other?</p> <p>10 A No. At the meeting, he told me it sounded</p> <p>11 like I did. And then afterwards, I guess I didn't</p> <p>12 because he didn't help me anymore.</p> <p>13 Q Okay. We've now exhausted everything in</p> <p>14 2005 in terms of talking about retaliation,</p> <p>15 harassment, discrimination?</p> <p>16 A Yes.</p> <p>17 Q Okay. 2006.</p> <p>18 MS. THORPE: You know what? Maybe let's do</p> <p>19 it this way. Let's mark this -- what's our next</p> <p>20 exhibit?</p> <p>21 (Easton Exhibit 16 marked.)</p> <p>22 BY MS. THORPE:</p> <p>23 Q Ms. Easton, I'm showing you and your</p> <p>24 attorney what's been marked as Exhibit 16. It</p>	<p style="text-align: right;">216</p> <p>1 when you signed this on August 1 -- you signed it on</p> <p>2 August 1, 2006?</p> <p>3 A Yes.</p> <p>4 Q And was it completely filled out? I mean,</p> <p>5 you didn't sign this with there being blanks on</p> <p>6 there, did you?</p> <p>7 A No.</p> <p>8 Q And you read it before you signed it?</p> <p>9 A I did. But -- sorry -- this would not</p> <p>10 have -- when I signed this here (indicating) in</p> <p>11 person, this would not have been filled out yet</p> <p>12 (indicating).</p> <p>13 Q All right. So just so the record is clear,</p> <p>14 the witness is indicating when she signed the charge</p> <p>15 that where it says -- the box for the dates of</p> <p>16 discrimination, earliest and latest, you're saying</p> <p>17 that neither one of those dates was filled in? Is</p> <p>18 that what your testimony is?</p> <p>19 A Yes, I think that they were not filled in</p> <p>20 until afterwards.</p> <p>21 Q Okay. So your testimony is that you did</p> <p>22 not see the dates of September 1, 2005, as the</p> <p>23 earliest date, or July 6, 2006, as the latest date</p> <p>24 when you signed this charge. Is that correct?</p>
<p style="text-align: right;">215</p> <p>1 purports to be a Charge of Discrimination filed</p> <p>2 against the college. Is that your signature on the</p> <p>3 bottom of that document?</p> <p>4 A Yes, it is.</p> <p>5 Q And it's dated August 1, 2006. Did you</p> <p>6 sign it on or about August 1, 2006?</p> <p>7 A Yes.</p> <p>8 Q Okay. Now, I note in this document you --</p> <p>9 it says "Date(s) Discrimination Took Place.</p> <p>10 Earliest, 9/1/2005." Is that a date that you gave to</p> <p>11 the EEOC, that the earliest date was September 1,</p> <p>12 2005?</p> <p>13 A I'm not -- I'm -- I'm not sure.</p> <p>14 Q And the latest date, July 6, 2006, is that</p> <p>15 a date you gave to the EEOC?</p> <p>16 A That -- I -- I'm not sure. I know that</p> <p>17 was -- it couldn't have been after that, after 8/1 of</p> <p>18 '06 here. This is right before I signed this, but on</p> <p>19 the 7th of the year of 2007, something else takes</p> <p>20 place, but that hasn't happened yet. So that would</p> <p>21 have said 7/07 or something '07 if I had gone later.</p> <p>22 I'm just making the point that the discrimination</p> <p>23 extended beyond that point.</p> <p>24 Q Okay. Well, what I'm trying to find out is</p>	<p style="text-align: right;">217</p> <p>1 A That is correct.</p> <p>2 Q Okay. Is there anything else that's in</p> <p>3 this document that was not on the document when you</p> <p>4 signed it other than the "Received" stamp from the</p> <p>5 EEOC?</p> <p>6 A I'm sorry if I sound confusing. It is not</p> <p>7 my intention. This was the day I went to the EEOC,</p> <p>8 8/1/06. That was the day I went for the first time</p> <p>9 to the EEOC.</p> <p>10 Q Okay.</p> <p>11 A They would have gotten this information</p> <p>12 from me going on the first day to EEOC -- the EEOC.</p> <p>13 My point is my signature of this first day would have</p> <p>14 been here before most of these things, as this is a</p> <p>15 demonstration of the first day that I went there.</p> <p>16 They had to have gotten this information from me</p> <p>17 going there, though, is my point. This wouldn't have</p> <p>18 been typed on here yet.</p> <p>19 Q But so that's what I'm asking you. Was the</p> <p>20 document filled in when you signed it?</p> <p>21 A I don't know how much of this was filled in</p> <p>22 when I signed it.</p> <p>23 Q After you signed it and after -- did you</p> <p>24 ever get a file-stamped copy, something that was</p>



<p style="text-align: right;">218</p> <p>1 filed by the EEOC, for your records?</p> <p>2 A With this stamp?</p> <p>3 Q Yeah, with the EEOC stamp on it.</p> <p>4 A Yes.</p> <p>5 Q Okay. So at some point -- and this</p> <p>6 indicates that it was received August 4, 2006?</p> <p>7 A Yes.</p> <p>8 Q Okay. Did you read it after you received</p> <p>9 it with all of the information filled in?</p> <p>10 A Yes.</p> <p>11 Q And did you call the EEOC after you</p> <p>12 received it to say, "There's a mistake here," or "I</p> <p>13 want to add something"?</p> <p>14 A No.</p> <p>15 Q Okay. So as far as you were concerned,</p> <p>16 when you received this back from the EEOC and you</p> <p>17 read it, the information in it was correct?</p> <p>18 A Yes. However, after 2006, other</p> <p>19 discriminatory acts take place. But because they</p> <p>20 hadn't happened yet, they wouldn't have access to</p> <p>21 that.</p> <p>22 Q All right. But is it fair to say that you</p> <p>23 had told them on August 1, 2006, everything that you</p> <p>24 thought was discriminatory up until July 31st, 2006?</p>	<p style="text-align: right;">220</p> <p>1 correct?</p> <p>2 A No.</p> <p>3 Q So what they were investigating was based</p> <p>4 on what was in this charge, correct?</p> <p>5 A Yes.</p> <p>6 Q Okay. Now, it says in here in the</p> <p>7 narrative -- well, first of all, you told them --</p> <p>8 strike that.</p> <p>9 In the narrative it says, "I was hired by</p> <p>10 Respondent in or around June 2001." Is that a</p> <p>11 correct date?</p> <p>12 A No, it should be 2002.</p> <p>13 Q Okay. Then you say, "My most recent</p> <p>14 position is English Professor." Was that correct?</p> <p>15 A Yes.</p> <p>16 Q You were tenured when you filed this charge</p> <p>17 with the EEOC, correct?</p> <p>18 A Yes, I would have been tenured by then.</p> <p>19 Q Then you say, "During my employment I have</p> <p>20 been discriminated against because of my race, Black,</p> <p>21 my national origin, Puerto Rican, and my disability."</p> <p>22 You don't say what your disability is in</p> <p>23 here, do you?</p> <p>24 A No, I don't see the words "multiple</p>
<p style="text-align: right;">219</p> <p>1 A Yes.</p> <p>2 Q Okay. So something that might have</p> <p>3 happened after August 1st would not be in this</p> <p>4 charge, but everything that you believed was</p> <p>5 discriminatory before August 1, 2006, you told to the</p> <p>6 EEOC and they put in the charge. Is that true?</p> <p>7 A Well, I don't -- I can answer yes or no,</p> <p>8 but it wouldn't be accurate the way I answered it.</p> <p>9 This is what my discrepancy is right here. I said,</p> <p>10 "I have been discriminated against since Dr. Kartje</p> <p>11 started," which was in 2004, and it discusses that in</p> <p>12 here. This date of 9/1/2005 is not when Dr. Kartje</p> <p>13 started in that position. And I did tell them about</p> <p>14 the August 2004 problems that I had with her, and</p> <p>15 that was before 2005.</p> <p>16 Q You received a completed, filled-out copy</p> <p>17 of the Charge of Discrimination. Is that right?</p> <p>18 A Yes.</p> <p>19 Q Okay. And you never told the EEOC after</p> <p>20 you received the completed document that there were</p> <p>21 any mistakes in the charge?</p> <p>22 A No.</p> <p>23 Q And you never told them that you wanted to</p> <p>24 make an amendment because it was incomplete. Is that</p>	<p style="text-align: right;">221</p> <p>1 sclerosis."</p> <p>2 Q Then you say, "September 23, 2005, I</p> <p>3 complained to the Human Resources Director about this</p> <p>4 discrimination."</p> <p>5 Is that the meeting that you had with</p> <p>6 Mr. Heinrich and Dr. Kartje that we've previously</p> <p>7 talked about?</p> <p>8 A Yes, that was one meeting that took place.</p> <p>9 Yes.</p> <p>10 Q And then you say, "And subsequently I was</p> <p>11 denied the opportunity to set and administer</p> <p>12 classroom policy to my students, while non-Black</p> <p>13 teachers are not held to the same standard. I was</p> <p>14 singled out and ridiculed in the presence of</p> <p>15 colleagues and co-workers, disciplined due to</p> <p>16 absences relating to my disability and denied the</p> <p>17 opportunity to teach summer classes on campus during</p> <p>18 regular business hours."</p> <p>19 That's what you alleged in this charge. Is</p> <p>20 that correct?</p> <p>21 A Yes.</p> <p>22 Q Now, did you have more than one meeting</p> <p>23 with Tom Heinrich regarding discrimination? A few</p> <p>24 minutes --</p>

<p style="text-align: right;">222</p> <p>1 A Yes, September -- oh, sorry. The August 2 meeting in 2004, he was there. 3 Q Right. Was there another one with 4 Mr. Heinrich? 5 A Yes. 6 Q Okay. When was that? 7 A In August of 2004. I believe it was 8 August 23rd, but I don't have the specific date. He 9 was at the Carole Bulakowski/Rick Soller meeting 10 where Mary Bretzlauf was also there and Dr. Kartje 11 was there. He was at that meeting. 12 Q August of '04? 13 A August -- no. My first meeting with Dr. -- 14 I'm sorry. November. I apologize for that. 15 November of 2004. He was at that meeting. 16 Q Okay. Were there other meetings that 17 Mr. Heinrich was at where you were discussing being 18 singled out or whatever other than September 20 -- 19 well, it was the 20th -- September of '05 and 20 November of '04? 21 A No, just those two. 22 Q Okay. Then you say after this meeting in 23 September of '05, you were denied the opportunity to 24 set and administer classroom policy to your students,</p>	<p style="text-align: right;">224</p> <p>1 Q So you're not referring to anything else in 2 here when you say "denied the opportunity to set and 3 administer classroom policy." It's related to 4 Dr. Kartje's criticism of your personal attendance 5 policy. Is that right? 6 A Yes. 7 Q Okay. Then you say you were "singled out 8 and ridiculed in the presence of colleagues and 9 co-workers." What is that a reference to? 10 A Well, that day when she talked about my 11 multiple sclerosis and I shouldn't have an attendance 12 policy. That was in front of Tom Heinrich, which was 13 another individual. 14 Q Okay. 15 A When she posted the memo on the door, it 16 was embarrassing and it was uncomfortable. 17 Q Okay. 18 A And those were faculty members, other 19 faculty members. 20 Q Did that -- that posted memo didn't say 21 anything about multiple sclerosis, did it? 22 A No. 23 Q And that was the one that was folded up on 24 your door --</p>
<p style="text-align: right;">223</p> <p>1 while non-black teachers were not held to that 2 standard. How were you denied the opportunity to set 3 and administer classroom policy to your students? 4 A Because I was chastised for having an 5 attendance policy. 6 Q That's what you're referring to there? 7 A Yes. 8 Q Okay. And you were not -- but she didn't 9 tell you -- Dr. Kartje didn't tell you you can't do 10 it; she just recommended that you not do it? 11 A She recommended that I not do it. 12 Q Okay. 13 A And put it out there that in a nutshell, if 14 I did do it, I would probably have to answer to it 15 over and over again. 16 Q Did you change your classroom policy? 17 A No, I did not. And, yes, students can miss 18 three days. I've never ever in my history failed a 19 student for absences, ever. 20 Q All right. Now, you just mentioned you 21 didn't change your policy, and Dr. Kartje was going 22 to come after you. Did Dr. Kartje come after you for 23 not changing your policy after September 23 of 2005? 24 A No.</p>	<p style="text-align: right;">225</p> <p>1 A Yes. 2 Q -- but sent to two faculty members? 3 A Right. 4 Q Okay. Anything else that you were 5 referring to by saying you were "singled out and 6 ridiculed in the presence of colleagues and 7 co-workers" other than Dr. Kartje posting the memo on 8 your door in the fall of 2004 and her mentioning 9 something about your attendance policy and your 10 multiple sclerosis in the September 2005 meeting with 11 Mr. Heinrich? 12 A Yes. I'm referring to her inviting faculty 13 or inviting my tenure committee or telling one of -- 14 asking one of them to join us at our meeting about 15 tenure. That's uncomfortable, and I never heard of 16 anything like that before. 17 Q And that was in January of '05 right before 18 you were given tenure, right? 19 A Yes. 20 Q Anything else that you were referring to 21 here about being "singled out and ridiculed in the 22 presence of colleagues"? 23 A No. 24 Q Then you say "disciplined due to absences</p>



<p style="text-align: right;">226</p> <p>1 relating to my disability." What was that a 2 reference to?</p> <p>3 A Well, her taking away my summer -- ability 4 to teach summer developmental courses. That was 5 directly linked to my disability.</p> <p>6 Q Okay. And that's what the statement in the 7 September '05 communication or meeting when she was 8 talking about your restrictions -- suggested 9 restrictions for the summer of 2006, correct?</p> <p>10 A And the memo sent to the vice president and 11 the head of human resources directly after.</p> <p>12 Q Do you think that human resources should 13 have a copy of memos that go back and forth between 14 the deans and the faculty?</p> <p>15 A Absolutely.</p> <p>16 Q Okay. And what about the president or vice 17 president?</p> <p>18 A Should they have a copy? Absolutely.</p> <p>19 Q Yeah. Okay. So then what was 20 inappropriate about Dr. Kartje sending those memos?</p> <p>21 A To me it wasn't inappropriate that she sent 22 the memos; it was inappropriate that nobody stepped 23 in to help me. That was another example of nobody 24 helping me.</p>	<p style="text-align: right;">228</p> <p>1 of human resources. She inflates my absences to six, 2 and that's -- it's just not accurate at all.</p> <p>3 Q Do you know where Dr. Kartje got the 4 information about the number of your absences?</p> <p>5 A No.</p> <p>6 Q Do you know if she got it from human 7 resources?</p> <p>8 A I would assume that that's where she said 9 she got it from. There are three documents with my 10 signature showing absences, three.</p> <p>11 Q Okay. But in terms of publicizing it --</p> <p>12 A Mm-hmm.</p> <p>13 Q -- human resources -- strike that.</p> <p>14 Do you know whether human resources 15 provided Dr. Kartje with the information in the first 16 instance about how many times you were absent?</p> <p>17 A No, I do not believe that human resources 18 provided Dr. Kartje with that I was absent six times. 19 No, I don't believe that.</p> <p>20 Q I'm not talking about the accuracy; I'm 21 just talking about the information itself. Do you 22 know whose function it is at the school to keep track 23 of faculty attendance?</p> <p>24 A I can't answer that question. I don't -- I</p>
<p style="text-align: right;">227</p> <p>1 Q Okay. Anything else that you're referring 2 to other than the issue about how you were going to 3 teach in the summer of 2006 in regard to your 4 reference in your Charge of Discrimination about 5 being "disciplined due to absences relating to my 6 disability"?</p> <p>7 A I'm sorry. I have to go backwards. 8 Another problem about that is her inflating my 9 absences and making me look very irresponsible as a 10 teacher that I'm not in class. She did that in front 11 of a number of different parties, that I've been 12 absent two times the amount that I was absent. These 13 people did not know me as a teacher; they knew of me 14 from Dr. Kartje. And they were inaccurate 15 statements.</p> <p>16 Q Who was that published to? Who was that 17 information published to?</p> <p>18 A In the memo -- it was put out there in the 19 memo to --</p> <p>20 Q In what memo?</p> <p>21 A -- the vice president, the one sent on 22 September 23rd --</p> <p>23 Q Okay. So you're talking about the memo?</p> <p>24 A -- to the vice president, yes, to the head</p>	<p style="text-align: right;">229</p> <p>1 don't know.</p> <p>2 Q Okay. You don't know. So you don't know 3 then whether or not the information that Dr. Kartje 4 had in regard to how many classes you missed or 5 didn't miss in the summer of 2005 -- where that 6 information came from?</p> <p>7 A No.</p> <p>8 Q You don't know if she made it up or if she 9 got it from someplace, correct?</p> <p>10 A I don't know.</p> <p>11 Q Is there anything else that you are 12 referring to when you are complaining about being 13 disciplined due to absences related to your 14 disability?</p> <p>15 A I'm referring to her taking away my ability 16 to teach summer classes. I mean --</p> <p>17 Q Okay. We've already talked about that.</p> <p>18 A Oh, okay.</p> <p>19 Q I want to know if there's anything else. 20 Anything else you're referring to with that 21 particular bullet point?</p> <p>22 A No.</p> <p>23 Q Okay. And then it says, "denied the 24 opportunity to teach summer classes on campus during</p>