

TRANSCRIPT OF
FACULTY GRIEVANCE HEARING PANEL
REGARDING JAY HEGDE, PhD
HELD MARCH 4, 2016
COMMENCING AT 8:00 A.M.

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1 P R O C E E D I N G S

2 DR. HOFFMAN: Good morning, everybody. I am Todd
3 Hoffman. I am the grievance hearing officer for this
4 faculty grievance hearing subcommittee. And this is
5 Shannon Broxton from the college of nursing. This is
6 Lori Bolgli. Did I pronounce that --

7 DR. BOLGLA: Bolgla.

8 DR. HOFFMAN: Bolgla, from Allied Health. Dr.
9 Linda Crawford from the college of science and math.
10 Mister -- Dr. Richard Deaner from the college of
11 education, and the chair of this grievance subcommittee
12 panel is Dr. Ahmed El-Marakby for the college of
13 dentistry.

14 We have been appointed in accordance with Georgia
15 Regents University faculty grievance policy to hear the
16 grievance filed by Dr. Jay Hegde, which the
17 grievability subcommittee has determined to be
18 grievable in accordance with the faculty grievance
19 policy. It is a function of this committee to hear and
20 review all pertinent facts of this case, giving both
21 parties the opportunity to present their respective
22 side of the issues involved.

23 It is not contemplated that any decision will be
24 made today. Rather, the committee will review the
25 record of this hearing and submit its written

1 recommendations to the provost.

2 Each party will be allowed to present documents
3 and the testimony of witnesses, if so desired. I will
4 authorize the production of any evidence into the
5 record which may be of probative value to the committee
6 in determining the issues involved. The committee's
7 findings will be based entirely on the hearing record.

8 Dr. Hegde, the burden of proof is on you to
9 sustain your allegations by appropriate evidence, and
10 Mr. Melcher, Doctors Seth, Brand, Powell, and Rush are
11 -- I'm sorry, Mr. Rush and Ms. Norton are not -- chose
12 not to participate, so they will not be responding.

13 The committee is now in session for the hearing of
14 this case. All persons who expect to testify will
15 please stand and be sworn in at this time.

16 [All testifying witnesses are sworn]

17 DR. HOFFMAN: All witnesses, except the parties,
18 should leave the room at this time until called to
19 testify.

20 [Witnesses exit the room]

21 DR. HOFFMAN: Dr. Hegde, I understand that you are
22 being assisted at this hearing today by Dr. Alex Hall?

23 DR. HEGDE: Correct.

24 DR. HOFFMAN: The grievance which you have
25 registered is as follows. One, I am a member of the AU

1 faculty in good standing. I have done nothing wrong
2 whatsoever, nor has anyone accused me of any wrongdoing
3 in this entire case. AU has admitted as much on more
4 than one occasion.

5 Two, I am primarily a researcher. My job at AU
6 and my career in general depend primarily on my
7 research productivity and the amount of external grant
8 funding that I bring in. For all practical purposes,
9 my job at AU, and my career in general, live and die by
10 research. I was a successful, well-funded, award-
11 winning researcher. My research work and career were
12 progressing smoothly until the events briefly outlined
13 herein.

14 Three. This case started with the death of a
15 monkey named AC70, Ovetchkin, in my research program
16 funded by the National Science Foundation, NSF, at AU
17 on January 7, 2014. The animal's death was due to an
18 apparent overdose of a narcotic painkiller administered
19 by a AU veterinarian after an otherwise successful
20 surgery.

21 Four. In the weeks following the animal's death,
22 I found out about a series of disturbing aberrations in
23 the handling of the aftermath of the monkey's death by
24 AU authorities, including, but not limited to,
25 doctoring of regulatory documents, presumably to hide

1 the true cause of death so that it did not have to be
2 reported to federal regulators.

3 Five. When I complained about the falsifications
4 and other possible serious illegal activities, AU
5 authorities unleashed a series of retaliatory actions
6 against me over the ensuing months, including, but not
7 limited to, shutting down my fully compliant animal
8 research program, using a variety of ruses to deny the
9 renewal of my animal research protocol, and
10 successfully directing NSF to terminate my grant.

11 Six. The violations of the federal and state laws
12 by AU officials that I firmly believe I have witnessed
13 include, but are not limited to, deliberate
14 falsification of records, forgery of regulatory
15 documents, fraud, making false and/or misleading
16 statements to government officials and/or conspiring to
17 do so. Tampering with -- tampering with, destruction
18 of, manufacturing of evidence and other forms of
19 corruption. Knowing about serious violations of the
20 law and failing to take action, dereliction of duty and
21 abuse of office, intimidation of and retaliation
22 against AU employees.

23 Six. During the past two years or so, I have
24 tried every channel within AU that I was aware of to
25 obtain a lawful redress of grievance. This resulted in

1 various internal investigations by one or more of the
2 respondents. But instead of turning a fair and
3 objective investigation of the wrongdoings, the
4 respondents conducted, or helped conduct, inadequate,
5 improper, and/or unduly non-transparent investigations
6 into one or more aspects of my case, and made false,
7 misleading assertions to the effect that no violations
8 of any relevant policies, regulations, or laws had
9 taken place. The said investigations, individually and
10 collectively, amounted to a cover-up of the various
11 serious violations of the policies of the Board of
12 Regents and/or state and federal regulations and law.
13 In the course of their actions, at least two of the
14 respondents also made false and/or misleading
15 statements to state and federal government entities.

16 Seven. I, therefore, contend that the actions of
17 the respondents, individually and collectively, have
18 violated, A, my right to academic or administrative due
19 process; and B, my continued professional achievement.
20 As described in the January 17, 2016 notice of hearing
21 and the list of individual charges issued by the chair
22 of grievance committee, Dr. Almira Vashcarvilatov(sp?).

23 Nine. Let it be noted that eight was skipped.
24 Nine. Given the serious nature of the violations I
25 have witnessed and the lack of authority, capacity

1 and/or willingness of AU to investigate these
2 violations, I request that the panel explicitly
3 recommend to AU, A, that AU refer the case to both
4 federal and state prosecutors for an independent
5 investigation; and B, that AU ask the GRU faculty
6 senate for an external and national or international
7 professional, such as American Association of
8 University Professors, OR AAUP, to appoint a panel of
9 technical experts to carry out a concurrent,
10 independent investigation of the technical aspects of
11 this case, and recommend specific measures to restore
12 the integrity of the research enterprise at AU, and to
13 help me get my research program and career back on
14 track and make up for lost time; and C, any other
15 measures that the panel may deem fit.

16 We will now begin with the examination of the
17 case. Dr. Hegde, you may present a brief opening
18 statement. Therefore, please proceed to present
19 evidence in support of your case. Any evidence which
20 will assist the committee in reaching a decision should
21 be admitted into the record at this time. Please show
22 your documents before submitting them. If you have
23 witnesses, you may call them at the appropriate time.

24 DR. HEGDE: I have a couple of questions, a couple
25 of things that I want to get on record. The respondent

1 submitted a -- responses. Were they under oath?

2 DR. HOFFMAN: No, they were not.

3 DR. HEGDE: Did you ask them to provide them under
4 oath?

5 DR. HOFFMAN: I requested that, or I asked them if
6 they would be willing to do so, and they did not
7 respond whether they would or not. But my presumption
8 is they did not do it under oath.

9 DR. HEGDE: And so the respondents' responses are
10 -- none of them are under oath?

11 DR. HOFFMAN: Exactly.

12 DR. HEGDE: Okay.

13 DR. HOFFMAN: And I've made the panelists aware of
14 that.

15 DR. HEGDE: Okay. So, I'll -- I will briefly -- I
16 have 15 minutes; right?

17 DR. HOFFMAN: Twenty minutes for the opening
18 statement.

19 DR. HEGDE: Okay. Let me introduce you to the
20 summary that has been read. Let me make a couple of
21 comments. One is, I understand the university
22 administrators and officials are allowed to make
23 mistakes. This grievance is not about their making
24 mistakes. I also understand they have the right to
25 come up with making administrative decisions that I

1 don't like. So, this is not -- this grievance is not
2 that they did things that I don't like. I do recognize
3 that they have the right to do so, because if they
4 don't have that right, [inaudible]. This is not about
5 that.

6 But what the administrators do not have the right
7 to do, or any other official or employee of the
8 university doesn't have the right to do, is to violate
9 the laws and the recommendations and the policies of
10 the -- the Board of Regents and of the university. And
11 it is about that, that this grievance is about.

12 That there were a series of violations of the law
13 and the policies took place. I'm not saying they're
14 necessarily by the respondents, although that might've
15 been the case of a couple. In fact, some of the
16 violations that I'm alleging, that I'm showing evidence
17 for, is the document forging and the doctoring of the
18 regulatory documents that are regulated documents,
19 occurred before, as far as I know, any of the
20 investigations kicked off.

21 So, I'm not saying any of the respondents did that
22 by themselves. In fact, that issue is not before the
23 panel. What is before the panel is that once I
24 complained about these -- these various violations, a
25 bunch of retaliatory actions and presumably other

1 additional violations took place over the course of the
2 -- course of the past two years, because -- starting
3 with the pivotal event happened on January 7, 2014.

4 The investigators did not -- excuse me, the
5 respondents did not do -- did not give me any due --
6 afford me due process. That they did not investigate
7 the -- my allegations thoroughly. In fact -- in fact,
8 with our meeting with the chancellor [inaudible], their
9 actions had the effect of covering up the various
10 violations by whoever it was. [inaudible] In fact,
11 some of the violations, such as the forging of the
12 documents and the falsification of the documents, they
13 are two separate things. I do not know who did them.
14 I've been very clear about that up front, and that is
15 one of the main reasons why I think an external
16 investigation by prosecutors is called for.

17 I have given a detailed statement of my grievance
18 and provided various documents, including many sworn
19 affidavits, and I've also submitted now affidavits by
20 other [inaudible] and by other interested parties.
21 Those are in Exhibit 1 through 5, various pieces of
22 evidence. I won't rehash all of them, because there
23 will be time for a question and answer, and I invite
24 you to ask me questions, as many as you want, because
25 this is a technical case and I want to make sure that I

1 do a good job of getting the technical aspects of it
2 across.

3 I'll show now a few slides to illustrate to you
4 some of the earliest foundational violations that took
5 place, and because of our complaining about this that
6 essentially got me in trouble. When I say complaining,
7 I want to emphasize that I did not complain about the
8 monkey staff. The -- the monkey has to be trained for
9 a couple of years under the personnel and the various
10 [inaudible] et cetera. So, it was [inaudible] for me,
11 but I did not complain about it.

12 What I complained about, what I reported, was the
13 fact that the documents, which the university to this
14 day has not shared with me. I obtained them through
15 Freedom of Information Act and Georgia Open Record Act
16 request. To this day, they haven't shared with me.
17 They -- but when they showed the documents to me, I
18 found them to be -- to be falsified. And then I -- I
19 was worried that because it's a federal record,
20 documents under federal regulations, I was worried that
21 if I don't -- that I would get sucked into this,
22 although I had nothing to do with this.

23 So, I said you need to take care of this, you need
24 to set this right. That's when the whole series of
25 events started, starting from one of my monkeys being

1 taken out, the other remaining monkey -- the second
2 monkey in my protocol being taken off of protocol for
3 completely flimsy reasons and [inaudible] by Dr. David
4 Blake, my colleague who does similar monkey work,
5 speaks to many that he [inaudible] involve, including
6 the fact that the reason that university has gave me
7 for taking my monkey is completely flimsy. In other
8 words, it was transparently a retaliation. They made
9 up a reason and the rest of the university is
10 [inaudible]. To this day, they have not answered any
11 follow-up questions.

12 So, this progressed until the university IACUC,
13 which is the Institution of Animal Care and Use
14 Committee, which is internal regulatory body, federal
15 animal regulatory body, refused to renew my grant --
16 excuse me, renew my animal research program, which was
17 previously approved on, which it was my current ongoing
18 grant was based. And there was no single violation,
19 but they simply refused to renew it.

20 Vice President Sara White, who I call as -- have
21 called as one of the witnesses, for a while acted as an
22 intermediary between me and IACUC to basically hammer
23 out a version that is acceptable. I did that,
24 submitted it, and they still [inaudible] that I thought
25 the approval process itself was being used as a

1 retaliatory tool.

2 I asked them to please give me a up -- up or down
3 vote on the proposal, which I'm entitled to. Other
4 researchers routinely get this. I asked the
5 institution official, Dr. Michael [inaudible], another
6 one of the witnesses called, and I never even got a up
7 or down vote. Eventually, the university asked, and I
8 have this in writing, to terminate my grant. I pleaded
9 with [inaudible]. They said the grant is to the
10 university, not to you, and therefore, if the
11 university asks, we have no choice but to terminate it.
12 It's not about you. So, the grant was terminate.

13 So, that's essentially where things stand. In the
14 meantime, with the involvement of the university
15 ombudsman and the -- the university [inaudible] one of
16 the other witnesses who has been called, I've been
17 trying to get some due process. It was in doing so
18 that these various investigations got started. So, in
19 other words, it was incidental to this ongoing, long,
20 drawn out process.

21 Each one of the, as I describe in greater -- much
22 greater detail in my original grievance, they
23 essentially all concluded without ever saying so that
24 they didn't find any violations. Although they never
25 asserted that no violations took place, they basically

1 said in dodgy, lawyerly language, like no -- excuse me,
2 I'm not quoting. The actual quote is in the -- in my
3 original grievance. No evidence was offered. But in
4 many cases -- actually, in no case did any of the
5 investigators talk to me at all. I actually sought in
6 one case, when -- the investigation, one of the
7 respondents, Mr. James Rush, I sat down and talk with
8 him, and I did have one follow-up [inaudible] that I'm
9 aware. They asked things, but nothing to do really
10 with my whole case.. In other words, they didn't even
11 ask me, and then they actually -- to this day, I have
12 interviewed all of the eyewitnesses to these events.

13 So, that's pretty much where everything starts --
14 where things stand. I will actually now, some of the
15 key pieces of evidence that have to do with criminal
16 misconduct, because again, I don't want to rehash every
17 last thing. That's from sworn affidavits [inaudible].

18 Okay. So, this is a surgical log. This is the
19 log of the surgery, at the end of which, after which,
20 the animal died on January 7, 2014. And this is the
21 log that is supposed to enter all the events, including
22 the various vital signs of the animal, et cetera. And
23 this was -- at this -- you have a copy of this in your
24 -- with the original submission. This was one of the
25 documents falsified. Again, this document has never

1 been provided to me by the university on its own. I
2 obtained it through Freedom of Information Act, Open
3 Record Act request.

4 I want to point out a couple things. One is, when
5 I say falsification, I mean that the surgical log did
6 not represent the facts, it made it look like something
7 else. That's what I mean. On top of that, recently I
8 actually submitted the [inaudible]. I hired an
9 external independent handwriting expert, a retired FBI
10 forensic handwriting expert, and he -- [inaudible] he
11 says in his affidavit that the initials CV [inaudible]
12 are forged. In other words, somebody filled it in and
13 basically put in his initials.

14 Now, I emphasize Mr. Louis Snider [inaudible].
15 He's a veterinary tech who have to be there and I know
16 that he -- he was responsible for taking the vital
17 signs, et cetera. But then he was relieved while
18 [inaudible] So, it was not all him, but it was
19 [inaudible] him.

20 Another thing is that the animal, by my
21 observations, as well as observations of a co-surgeon
22 -- I was the one who was doing the surgery. The
23 co-surgeon, Dr. Charles Graybill, happened to be
24 present on that day. Also, says in his affidavit, that
25 you have, too, the animal appeared -- appeared to have

1 an overdose of analgesic, or painkiller drug. The
2 painkiller drug in question is -- as you can see,
3 again, it is in your packet, is called Buponex, or
4 Bupronal. That is the painkiller.

5 So, the four [inaudible] is actually the -- it
6 shows on the fourth -- the correspondent Buponex is of
7 particular interest, because the animal died, we
8 thought, of an overdose of painkillers. But then this
9 makes it look like it -- the Buponex was given was
10 normal, and in fact, interestingly, it was given before
11 the animal even woke up from anesthesia, well before
12 anesthesia was terminated, which is -- which is bad
13 practice. That's not the way I saw it happen.

14 During the surgery -- we ended the surgery, the
15 surgery went fine, and the animal's waking up. And
16 then -- remember, this is sterile surgery and I was the
17 surgeon, and Dr. Gray, our chemist [inaudible]. We
18 broke sterility, meaning we touched -- you know, we
19 ended the surgery. It was the job of the technical
20 veterinarian, Dr. Daniel Morlaho, who -- to administer
21 the painkiller after the animal woke up. In fact, I
22 know that the animal regained reflexes, which is
23 indicative of consciousness. That is when you're
24 taught to -- and the animal clearly had reflexes, was
25 sitting up, was [inaudible]. So, then we did

1 [inaudible] like our clinical [inaudible]. So, we took
2 a bathroom break. By the time we come back, the animal
3 had had a [inaudible].

4 Doctor -- the affidavit by Dr. David Blake, who is
5 number three, says Dr. Blake had a talk with Cedric
6 Bouy, the veterinary technician, and he also confirmed
7 that the Buponex was given before the animal -- animal
8 died. But initially the university said the animal
9 died of -- because he was [inaudible]. They constantly
10 change the story. In fact, by the -- exhibited by Dr.
11 David Stepp, you'll see that [inaudible] he died during
12 or after recovery. So, that is in [inaudible]

13 So, getting back to this, that is one of the
14 documents that was falsified and also forged. Those
15 are initials. Those are not his initials. He did not
16 initial -- you can see yourself that they are
17 different. But then it is also confirmed by a
18 handwriting expert.

19 Second, the necropsy order, which happened the
20 next day. Necropsy is autopsy for animals [inaudible].
21 The necropsy report was also -- this was -- again, this
22 is everything given to me by the university to this
23 day. Necropsy report was also falsified, [inaudible].
24 It failed to show that I was actually one of the people
25 who [inaudible] one of the [inaudible], including the

1 dissection of the dead animal to see what happened.
2 The reason is because they didn't want me -- they
3 didn't want [inaudible].

4 I also find out, again through Freedom of
5 Information Act and Open Record request, that there are
6 two versions of it. This is the one that was submitted
7 to federal government. Notice the cause of death
8 conveniently -- this is an earlier version. This was
9 actually [inaudible] as early as the date of the
10 necropsy generated, which is July '14. This was
11 submitted to the federal government in November of
12 2014, several months later.

13 Notice that they change the cause of death is he
14 is under anesthesia, where [inaudible] during recovery
15 time, under, during recovery time. In other words,
16 they -- the document was changed to basically fit the
17 story, to make the overdose go away and fit the story
18 that somehow the animal died -- never woke up from
19 surgery, which never happened. The animal did wake up
20 and did show consciousness.

21 There are a whole lot of other differences
22 pertaining to [inaudible] falsified -- provides false
23 [inaudible]. But then falsified in a meaningful way.
24 Again, falsified [inaudible]. Diagnosis was added and
25 one of the things that was added in one of the

1 documents is [inaudible], serious infection. In fact,
2 the university knew that the animal was treated
3 [inaudible] fashion. There was no -- the last
4 [inaudible] But the university affirmatively reported
5 to the panel there was a [inaudible].

6 Again, I think this is because they wanted to
7 basically come up with all kinds of possible reasons
8 that [inaudible], anything other than drug overdose.
9 Let me add, again, mistakes happened that were maybe
10 mentioned in this -- in his affidavit. Mistakes
11 happen. An overdose occasionally happens. But that is
12 not a crime. I never [inaudible] about that, and
13 nobody would have done anything. But the university
14 clearly had an interest in making it look like it was
15 not an overdose.

16 I presume -- this is my guess -- that was because
17 the university already was having problems with Amari
18 tacivists. They didn't want another incident where the
19 animal died of overdose. This is -- if the animal died
20 of a drug overdose, it becomes -- it's a reportable
21 incident and would have to be reported to the federal
22 regulators, and the federal regulators, by rule, would
23 have to post it on a public website. The animal rights
24 activists would find out and make a big fuss about it.
25 That's my guess.

1 Okay. Next, this is going to involve some gory
2 pictures. Is that okay?

3 DR. HOFFMAN: You're allowed 20 minutes, and we're
4 getting around the 20 minute mark. So, is there --

5 DR. HEGDE: Yeah, just two more slides.

6 DR. HOFFMAN: Okay. [inaudible]

7 DR. HEGDE: Yeah. Yes. So, this is actually the
8 necropsy of the animal. This was just before we
9 started the entire animal's body, including the
10 animal's head for [inaudible], that was excellent. The
11 entire heart [inaudible]. I was the one as the brain
12 expert in charge of examining the brain. My prior
13 interest was making sure that the surgery in which we
14 had [inaudible] approved [inaudible], we had prior to
15 this holding this for, again, approved recordings. I
16 wanted to make sure we had placed it correctly and I
17 took one chip of the brain here. This is not done
18 during the surgery, this is done during the necropsy.

19 I take it because this -- this is something they
20 call [inaudible], basically a lab, brain lab or -- this
21 is basically a 3-D model of the inside of the brain. I
22 only [inaudible] animal's brain [inaudible]. I decided
23 because the animal did not [inaudible], the usual
24 procedures for preserving the brain, because the animal
25 did die suddenly and we were [inaudible] as we were

1 fully expecting it to recover. In other words, the
2 brain was [inaudible]. As you can see, little brain
3 tissue [inaudible] just by my -- the process of my
4 taking off the brain -- the skull fragment.

5 So, I decided it's simply not worth it to spend
6 another couple of hours which it would take. So, we --
7 the key is, we discovered the brain -- the head with
8 the brain in it, without ever taking out the brain. As
9 I pointed out, the necropsy report said various --
10 mentioned various things about brain sections and
11 hemorrhages on the right part of the brain, et cetera.
12 They could not [inaudible] because we discarded the
13 brain in the head with the skull, without ever taking
14 out the brain.

15 So, this is just to show you that they would not
16 have the brain, unless we discarded the brain without
17 ever taking the brain out. So, because they kept
18 saying they saw these various science of hemorrhage, et
19 cetera, we asked them if we -- I said your necropsy
20 report says brain sections, is not aware of the brain
21 sections. Finally, from [inaudible] brain sections.
22 And actually [inaudible]. This was provided more than
23 once. This is the brain that, as I said, was the
24 animals brain. We never had an MRI of the same animal.
25 But that animal, the brain folds don't change. The

1 individual brain folds are those tissue -- they're a
2 species -- they're a [inaudible] species. You can
3 clearly see, it doesn't take an expert to see that
4 these folds, even when they're lined up as close as
5 possible, are not the same. They're obviously
6 different brains. In other words, the -- the brain
7 section that they say the necropsy's based on, doesn't
8 even belong to the same monkey.

9 My guess -- again, I don't know where this brain
10 came from, but there's a -- they produced it in
11 February -- on February -- excuse me. Yeah, they
12 produced the pictures in June of 2015, more than 14
13 months after the animal had died, after I started
14 asking questions as to where the brain was. Okay.

15 The separate incident, the -- I also asked that
16 because the necropsy report made mentions of various
17 histologies, I said where is histology, and they said,
18 oh -- this, again, is February 2015, more than a year
19 after the animal died. Oh, we somehow found the
20 tissue. We sent it out for histology, and the
21 histology again was inconclusive.

22 I called the lab, identified myself [inaudible],
23 and that is [inaudible] and I would like to see the
24 slides. So, here are the slides. I'm told -- I sent
25 every last thing, including subpoenas, et cetera,

1 because I'm told this is physical evidence of a crime.
2 So, this -- this one here [inaudible]. So, this is the
3 [inaudible]. So here's the actual slides.

4 But the thing is, there's a telltale brain
5 [inaudible] related to memory, and they don't even
6 belong to the species. The monkey [inaudible] species,
7 looks like these are the telltale signs [inaudible].
8 The thing is, it's as though they weren't -- they had
9 to come up with -- they had to produce evidence,
10 because they had said the necropsy report [inaudible],
11 and I would hope they found some tissue and it clearly
12 was not [inaudible] not even of that species.

13 But finally, I -- I only have one more slide. Dr.
14 Hoffman told me -- he told you that the proof of -- the
15 standard of proof in this case is preponderance of
16 evidence. I just want to show you basically definite
17 dictionary definitions. This is just I look up on the
18 web. Basic dictionary definitions of preponderance of
19 evidence.

20 [inaudible] the mark of evidence, it has to do
21 with which account, mine or that of the respondents, is
22 more likely. If one is even marginally more likely, if
23 it is as close to 51 to 49 percent, the side that
24 presents 51 percent of the weight of evidence should
25 win. So, in other words, I don't think it's even that

1 close in this case, but I just wanted to show you that
2 this is the evidence that I -- this is the standard by
3 which I ask you to judge my evidence.

4 So, I rest. If you have any questions, and I sure
5 hope you do, I'm all yours.

6 DR. HOFFMAN: Well, according to the script I have
7 to follow, we first call the witnesses, and then we'll
8 have questioning of the witnesses, and then questioning
9 of you after.

10 DR. HEGDE: Okay. Should they also ask questions
11 of the witnesses? I hope they do.

12 DR. HOFFMAN: If they wish to do so, yes.

13 DR. HEGDE: Okay.

14 DR. HOFFMAN: So, we'll first begin with the
15 calling of the witness.

16 DR. HEGDE: Okay. So, we know that we -- I called
17 six witnesses and only two showed up.

18 DR. HOFFMAN: Yes, sir. I'm aware of that.

19 DR. HEGDE: Is it possible for you to enter into
20 the record the responses of other four witnesses so
21 that, number one, there's a record that [inaudible].
22 Number two, there's a record of the reason they gave
23 for saying no?

24 DR. HOFFMAN: Yes. Of the four witnesses who are
25 not here, three of them were unable to make it because

1 of other obligations, and one respectfully declined.

2 DR. HEGDE: All right. So, I call Ms. Angela
3 Harbison.

4 [Ms. Harbison enters the room]

5 DR. HEGDE: Ms. Harbison, thank you very much for
6 being here. I appreciate it. You are being called as
7 a witness. You're not accused of any wrongdoing.
8 [inaudible] doing anything wrong, that is not even
9 before this panel, per se. This panel, what it's
10 looking at, is whether I got due process.

11 MS. HARBISON: Okay.

12 DR. HEGDE: The reason why I called you is because
13 you were involved, you assisted. One of the
14 respondents, the university [inaudible] and one of the
15 key investigations. I just -- basically, I haven't had
16 a chance to talk with you. I want to basically get
17 your testimony on the record. That's pretty much it.

18 ANGELA HARBISON

19 Having been first duly sworn, was examined and
20 testified as follows:

21 EXAMINATION

22 BY DR. HEGDE:

23 Q. What is your title?

24 A. I'm the compliance analyst.

25 Q. And you report directly to Mr. Rush?

1 A. I do.

2 Q. In what capacity did you participate in Mr. Rush's
3 investigation?

4 A. I interviewed faculty members that were involved
5 with the case.

6 Q. Only faculty members?

7 A. I also interviewed the outside -- I don't know if
8 he was a veterinarian, but Dr. Gray, who was not a member of
9 faculty.

10 Q. Yeah.. And from when to when, roughly, did you
11 participate in the investigation? My impression was that
12 you came on-board some time around the fall, October of 2014
13 --

14 A. Uh-huh.

15 Q. -- and then I did continue to receive emails from
16 you well through June of 2015, so I'm assuming you were
17 involved in it all through this period?

18 A. I don't think I was involved in the initial
19 meeting that you had with Mr. Rush --

20 Q. Correct. You were not.

21 A. -- but from there on, I was involved.

22 Q. Okay. And was there anybody other than you doing
23 the investigation, this particular investigation, on Mr.
24 Rush's behalf?

25 A. From my office?

1 Q. Yeah.

2 A. No.

3 Q. Okay. So, in other words, you were Mr. Rush's
4 point person, essentially? I didn't mean the official
5 title.

6 A. I'm one of three analysts that work with him.

7 Q. But are you -- were you the only one who worked on
8 this particular case?

9 A. I am.

10 Q. Okay. Did -- during your investigation, did you
11 talk with Dr. Smith, the chair of IACUC.

12 A. I attended a meeting between Dr. Stepp and Mr.
13 Rush. It was the three of us.

14 Q. Okay. And because your notes that we obtained
15 through -- your handwritten notes and your report do
16 indicate that you talked with Dr. Stepp.

17 A. Uh-huh.

18 Q. And you talked with Michael Brands, who is another
19 member of IACUC?

20 A. Correct.

21 Q. One of the contentions that the respondents are
22 making is that nobody else on campus is allowed to question
23 anything IACUC does. If that is the case, if -- if they're
24 right, that means they're citing various law, federal law,
25 to argue that nobody really has an authority to question

1 anything that they do. If they're right, then you violated
2 the law by questioning them. Do you think you violated the
3 law by questioning them?

4 A. No.

5 Q. Why not?

6 A. I didn't question the IACUC. I talked with
7 members of the -- members of the committee that were
8 involved with this case. I'm not aware -- and I'm not aware
9 of any law that says we can't talk to any members of IACUC.

10 Q. Is it your understanding that, if individual
11 members, if there's a reason to have -- one has concerns of
12 our individual member's actions, they can be questioned by
13 people like you, or other authorized entities?

14 A. I don't know that there isn't a member of faculty
15 that we can't talk to if we have a compliance case.

16 Q. Okay. On a separate issue, is it your assessment
17 of your investigation that you did a fairly thorough job of
18 it?

19 A. Yes.

20 Q. Do you wish you did anything to [inaudible] or
21 better?

22 A. I think there's always opportunities to, you know,
23 do things better. Are there things that we did not do? As
24 far as my office's involvement, I don't think so. I think
25 that we talked with everyone that we -- that we could have,

1 that were involved with this case. I think we had very
2 candid conversations. I don't see anything that I would've
3 done different.

4 Q. With that last statement, it's clearly not true
5 because you -- to this day, you've not talked with one of
6 the eyewitnesses, Matthew Mastry, who was eyewitness, both
7 to the surgery and to the necropsy.

8 A. That's your opinion, and I don't know who you're
9 -- who you're referring to.

10 Q. He is -- was one of the eyewitnesses. He happened
11 to be my research assistant at the university in 2000 --
12 summer of 2015. But you haven't even talked to him.

13 A. No.

14 Q. Do you recall our meeting on November 20 of 2014,
15 in your office with the university advocate, Dr. William
16 Reese?

17 A. I do.

18 Q. And one of the expectations, Dr. Reese and I
19 separately -- he doesn't represent me, he is an independent
20 observer. One of the expectations we had going in was that
21 two of records pertaining to the animal's death and necropsy
22 that we were -- I was jumping up and down that were
23 falsified, but the university was refusing to give any
24 documents. My expectation was that you would give us that
25 document on that day. But then when we walked in, you said,

1 we wanted to give you -- Ms. Rush and I wanted to give you,
2 but legal called us this morning and told us not to. Do you
3 recall that conversation?

4 A. I do.

5 Q. Can you recount how that went? Was it the
6 director from legal directing you not to give me the copies
7 of the documents we were asking for? The ones that we -- I
8 was contending was falsified?

9 A. I recall that you had made the request. We called
10 the meeting so that we could address that request. My
11 response was that I personally did not have any issue with
12 you having access to the record. However, in order for you
13 to make copies and take copies away from my office that day,
14 we wanted to have consensus across both ourselves and the
15 legal department and others, that that was indeed our policy
16 and that we would do that. If we do it for you, then we
17 have to -- we need to do that for everyone. We wanted to
18 make sure that that was going to be our policy. We did not
19 have clarification on that day that that was indeed going to
20 be our policy and our practice. So, we decided not to
21 release the copies of the record that day, but you could
22 absolutely have access to the record in my office, to look
23 at, make notes on, or do whatever you wanted to, except make
24 copies, until we had a clear understanding and consensus
25 amongst the parties that we were going to do that. We did

1 not that day.

2 Q. But other researchers had copies of their animal's
3 records. Did you do anything to insure that I was not being
4 -- not being treated in a discriminatory fashion?

5 A. I'm not aware, I was not aware that day, that any
6 other researcher had been allowed to make copies of records.
7 It was my understanding that it is our practice that you
8 have access to it, but not make copies. And I'm not -- not
9 aware --

10 Q. I understand you were just doing what you're told
11 to do. In your case report, you talked about talking to Mr.
12 Cedric Bowie and asking about the handwriting in -- in -- on
13 the surgical log.

14 A. Uh-huh.

15 Q. And there was an interesting phrasing on your part
16 that said, Mr. Bowie indicated that many of the -- some of
17 the -- many of the entries are indeed in his handwriting on
18 the surgical --

19 A. Uh-huh.

20 Q. That was never disputed. But the thing is, did
21 you ask him if the things that the surgical log indicates
22 are his handwriting? In other words, it's not sufficient to
23 say some of the handwriting is his. The question is, if
24 every handwriting -- piece of handwriting, every item of
25 handwriting that purports to be his, is indeed his? Did you

1 verify that?

2 A. I'm not sure I understand the question.

3 Q. Okay. I have now obtained an affidavit from a
4 independent handwriting expert, a former FBI special agent,
5 that Mr. Bowie's initials were indeed forged on the surgical
6 log. Does that bother you if that were true?

7 A. If that were true. However, I sat down with Mr.
8 Bowie and the surgical report --

9 Q. We'll get to the surgical log. We'll go over it
10 item by item. But if it is true, does it bother you that it
11 was forged?

12 A. Absolutely it would bother me if it were forged.

13 Q. And if it was true, would it bother you that you
14 didn't find out that it was forged?

15 A. Of course.

16 Q. All right. So, this is the actual -- the surgical
17 log. I can actually give you copies of it for you to look
18 at if you want. This is basically -- it's poor quality.
19 It's basically the same surgical log.

20 DR. HEGDE: I just want Ms. Harbison to have --

21 DR. HOFFMAN: Okay. Let it be noted that this is
22 a physical copy of the surgical log being given to Ms.
23 Harbison.

24 Q. [Dr. Hegde] The affidavit says that all the --
25 all entries of CB, which are initials of Mr. Cedric Bowie,

1 are -- were not entered by him. Namely, it was those are
2 forged. My question to you is, we're talking about this,
3 this, this, and this. Did you specifically ask if those
4 initials are his?

5 A. Yes.

6 Q. And he said that they are his?

7 A. Yes.

8 Q. Okay.

9 A. I'm not sure that this piece of paper is the --
10 can I look at my own notes?

11 Q. Yes. Sure.

12 DR. HEGDE: Are you timing this?

13 DR. HOFFMAN: I'll give that [inaudible]

14 A. I'm just not sure that this is the same -- I want
15 to make sure this is the same --

16 Q. [Dr. Hegde] Yeah, that will be --

17 A. -- will be in the record.

18 Q. -- another finding. I mean, I'm never surprised
19 -- I used to be, but I'm never surprised by all of these
20 different versions of the same document turning up.

21 A. I'm sorry, I always have a hard time --

22 DR. HOFFMAN: Do you need a few minutes?

23 THE WITNESS: I think I'm okay.

24 A. Okay. I might need a minute. I'm not sure that
25 this is the same --

1 Q. [Dr. Hegde] Right. All I can tell you is I know
2 [inaudible] that this is the --

3 A. Okay. Yes. I'm good, yes.

4 DR. HOFFMAN: Yes?

5 THE WITNESS: Yes.

6 DR. HOFFMAN: This is the same document?

7 THE WITNESS: Yes.

8 Q. [Dr. Hegde] So, the question is, did you
9 specifically ask him if those initials are his?

10 A. Yes.

11 Q. And he said they were?

12 A. Yes.

13 Q. And how come your handwritten notes, or either of
14 your handwritten notes, nor your case report, specifically
15 indicates those are his? Instead, what you say is that -- I
16 can move that up for you if you want -- that many of the --
17 the handwriting, items of handwriting, are his? I'm
18 paraphrasing of your exact statement.

19 A. Uh-huh.

20 Q. Do you want me to look that up for you?

21 A. I mean, if -- if you have any doubt as to -- I
22 mean, I can tell you what I said and what I --

23 Q. No, no, no. I'm not -- I'm basically asking --
24 so, here's a discrepancy, but your records don't say which
25 ones you had verified as his handwriting. In other words --

1 A. Because we went through every single document that
2 was a part of the surgical aspect of Ovetchkin's care.
3 Every place that was indicated a CB, we went through and I
4 asked him, are these your initials. I asked him to review
5 the record in front of me. If there's anything in here that
6 does not look authentic, that does not look like it is your
7 initials where it is indicated that it is your initials,
8 please point anything out to me that does not look like your
9 initials, or something that you wrote, or things that look
10 inaccurate about what happened on that day. Mister --

11 Q. By the way, did your -- either your handwritten
12 notes, nor --

13 A. Because I don't write --

14 Q. -- [inaudible]

15 A. I don't write verbatim what I say. I paraphrase,
16 I make notes, but there's not a tape recorder or anything.
17 That is why I transcribe, you know, my notes on the -- on
18 the day that I do the handwritten notes, and why sometimes I
19 keep both. But no, I did not write down every single
20 sentence that I -- that I stated. I know that my process
21 was, I sat down with him with the record, we went through
22 the record and talked about Ovetchkin just in general, about
23 his overall, you know, relationship with Ovetchkin, about
24 how the records are documented, who does what documentation,
25 during a surgical procedure who does the documentation, what

1 did he indicate he documented. He indicated that he is not
2 the only person that makes documentation in the record
3 during the procedure. Other folks make notes and document
4 things, as well.

5 Q. Yeah.

6 A. So, we talked about that, and I asked him several
7 times, are there any places in this record where it is
8 indicated with your initials that you wrote that are in
9 question or don't look like your writing or is not accurate
10 to you. He indicated that everything looked fine.

11 Q. But let the record show that your handwritten
12 notes -- neither your handwritten notes nor your case report
13 mentions specifically whether those -- that you verified
14 those to be his handwriting.

15 Now, it is also -- how do you explain this -- this
16 discrepancy? I see several possibilities. So these are
17 actual his initials from the record, and anybody can see it
18 looks different, in that essentially the independent
19 handwriting expert testified to. But one of the
20 possibilities is that Mr. Bowie, as I mentioned to you in
21 Dr. Reese's presence, was himself afraid of retaliation. He
22 did not want to get into any kind of trouble. Is it
23 possible that he felt pressured to say yes?

24 A. I don't believe so. We had a very candid
25 conversation. He was very comfortable, didn't at all

1 express any -- that was my second conversation with Mr.
2 Bowie. He did not indicate at all that he felt in the least
3 bit pressured. He understood that, you know, there was no
4 wrongdoing, you know, being alleged or anything. We simply
5 wanted to find out as much as we could about the procedure
6 that had occurred on that day. We wanted to find -- you
7 know, in reading the records, we wanted to get as -- for our
8 own understanding, try to understand exactly what happened.

9 Q. But what I'm saying is that if -- your records
10 only mention the facts that are convenient to you, your --
11 your case. I was jumping up and down, they're falsified,
12 they're falsified. I did not have our copy. She had a
13 different version. But then when you -- Mr. Bowie said that
14 is his handwriting, how come you didn't double check with
15 me? In other words --

16 A. What --

17 Q. -- a due process into this. Really, if you wanted
18 to get to the truth as a part of due process, wouldn't you
19 want to resolve this key difference, where people have
20 questions about whether something was falsified or not? How
21 come you [inaudible to me?

22 A. If you recall, Dr. Hegde, you and I had a meeting
23 where I called you to come to my office to sit down with the
24 record. I asked you to point out for me the things that you
25 felt were inaccurate, the things that you felt were forged

1 or not correct. You and I sat down --

2 Q. And I did not have our copy --

3 DR. HOFFMAN: Let me just interrupt. We have to
4 wrap this up. If you can finish this in the next
5 minutes so she respond to questions.

6 Q. [Dr. Hegde] With that in mind, so -- but you -- I
7 understand you interviewed other members of the IACUC and it
8 was essentially about my character, whether Jay Hegde lies
9 or he is truthful or not. How come that is not in -- in
10 your records?

11 A. I did not have any conversations with anybody to
12 discuss your character. The meetings that I have, and the
13 interviews that I conducted, were simply about this case.

14 Q. Okay. So, you know you're under oath. You're
15 saying you did not talk to any members of IACUC regarding my
16 character?

17 A. I did not.

18 DR. HEGDE: All right. That's it.

19 DR. HOFFMAN: Why don't we take a five minute
20 break before we start the questioning?

21 DR. HEGDE: Okay.

22 [Off the record]

23 DR. HOFFMAN: Okay. We will begin with some -- if
24 the panelists have any questions for the witness, go
25 ahead and ask.

1 //

2 EXAMINATION

3 BY PANEL:

4 Q. I guess the only thing I'm wondering about is,
5 one, are you confident that that is the log that you looked
6 at?

7 A. Absolutely.

8 Q. Okay. And was there anything -- you looked at the
9 CB. What about any other writing, where maybe the -- the
10 entry itself, was that handwriting compared? Was it just
11 the CB that was looked at? Just wondering about that.
12 Because when it says that many of the entries were his, so
13 many any of the ones that said CB, or just many of the
14 entries on the log itself?

15 A. When you look at the log, up top, where it talks
16 about the drugs -- and let me just -- we spoke with --

17 DR. HEGDE: I'm sorry. [inaudible] the document.

18 DR. HOFFMAN: Yes.

19 FEMALE PANEL MEMBER: Is there a way that -- like,
20 don't put it on screen shot, but the regular and then
21 just blow it up?

22 DR. HEGDE: I can.

23 FEMALE PANEL MEMBER: Is that how people --

24 DR. HEGDE: Which one -- which one do you want?
25 All of the panel, or one of them? This is the known

1 handwriting, these initials, and this is the
2 questioned.

3 DR. HOFFMAN: Right. She's saying -- asking if
4 you can blow it up? If you cannot --

5 DR. HEGDE: I can. But I'm asking which one?

6 FEMALE PANEL MEMBER: Which one, yeah. Would it
7 help to have the medication order?

8 FEMALE PANEL MEMBER: Maybe. So, is there any
9 question about anything other than the CB, the
10 handwriting there? Are there any irregularities in
11 there in the entry?

12 DR. HEGDE: Are you asking me?

13 FEMALE PANEL MEMBER: Yes.

14 DR. HEGDE: There are many handwriting -- other
15 discrepancies. But remember, I have paid for this
16 handwriting expert out of my pocket. Basically, I
17 would wait until the -- I got paid on the first of the
18 month and then do this. So, I only had done what I
19 could afford. There were many other -- this is like a
20 Christmas morning. [inaudible]

21 DR. HOFFMAN: Doctor, could you finish with your
22 questions?

23 A. When I spoke with Dr. Hegde and we talked about
24 his allegation that there were discrepancies in the chart,
25 things that were forged, he specifically indicated to me

1 that there were things that were indicated as Cedric Bowie's
2 signature, that were not, in fact, his. And I spoke with
3 Mr. Bowie specifically, because that is what Dr. Hegde had
4 requested, and what he had indicated were his concerns. So,
5 if you look at the report, you see all of the areas that he
6 marked CB. I asked him were -- did he, in fact, write that,
7 and he affirmed that he had. There are other entries here
8 on the bottom half where it's not initialed. He indicated
9 to me that during the course of the procedure he's not the
10 only one that might make an indication there. So, I didn't
11 -- you know, I asked him, you know, did he have any concerns
12 about that. But, of course, those aren't initialed, so I
13 didn't -- you know, I didn't know that there was any 100
14 percent certainty that we could verify that, you know, he
15 did each and every one of those entries. But we didn't --
16 we did not just look at this piece of paper. I had him to
17 go through the entire chart and look at -- you know, the
18 other entries that he made. Just to be sure, just to be
19 thorough, and just to make sure that there weren't any
20 concern that the record had been falsified. Our office took
21 possession of this record fairly soon after Dr. Hegde, you
22 know, had concerns. It was locked in our office, no one
23 else had access to it. So, the things that were in the
24 record we felt confident were the things that were
25 documented on the -- at least at the point where we got

1 involved with the investigation. Keeping in mind that this
2 happened in January and our office did not get involved
3 until August. So, with that, you know, in mind, we had
4 possession of this record for the period of time that we
5 conducted our investigation. So, we asked him to verify all
6 the places that were indicated by his initials that he
7 wrote, and he affirmed those.

8 Q. [Male Panel Member] I think the question right
9 now is that we can assume, of course, that since you already
10 asked him, and you feel confident that's all his initials,
11 you can assume, with all respect to Dr. Hegde, that's his
12 initials?

13 A. Uh-huh.

14 Q. We cannot say anything about that. But my main
15 question right now, which is kind of more clearly
16 [inaudible], that Dr. Hegde in his statement --

17 A. Uh-huh.

18 Q. -- clearly specified important ones, which is that
19 the analgesic drug was given before the end of surgery.
20 That's why itself could [inaudible] or could be the main
21 reasons of the death.

22 A. Uh-huh.

23 Q. I'm doing, of course, basic science research. Of
24 course, I didn't get to the monkey, and I know to the best
25 of my knowledge Dr. Hegde did this case correctly, that we

1 can give some analgesic with anesthesia; right? So, this is
2 our main technical point. Did you ask Mr. Cedric --

3 A. Uh-huh.

4 Q. -- and did he specify that that analgesic drug was
5 given before the surgery terminated, or during the surgery,
6 not after the surgery? If I'm not mistaken, that's a major
7 issue here.

8 DR. HEGDE: The issue is the cause of death, and I
9 believe in my co-researcher and Mr. Bowie's [inaudible,
10 including [inaudible] that the animal woke up from
11 surgery and then died. That is consistent with our --
12 my [inaudible] of that [inaudible] that the monkey died
13 of an overdose after he had regained consciousness.

14 MALE PANEL MEMBER: So like I was saying, the
15 monkey was given the analgesic drugs during and after?

16 DR. HEGDE: No. In fact, I -- I was -- until the
17 animal woke up, I was there. I was the surgeon. I
18 think he was not given the analgesic until after, I
19 believe. In other words, this is basically rewritten
20 to come up with a completely different account of what
21 exactly happened.

22 MALE PANEL MEMBER: But I thought maybe you
23 mentioned clearly that the animal was given the
24 analgesic drug and that's where we --

25 DR. HEGDE: That's what the entry says. In other

1 words, we are basically saying even by their
2 [inaudible] that was something that should not have
3 been done. I mean, in general you can get away with a
4 little bit of --

5 MALE PANEL MEMBER: That's what I'm saying.

6 DR. HEGDE: Right. But that is not the practice
7 in the monkeys. You wait the animal -- wait for the
8 animal to regain reflexia, reflexes, indicative of
9 consciousness, and then give analgesics because --
10 analgesics, because they're harmful narcotics, they can
11 basically knock the monkey back out if the animal is
12 not fully up. I'm saying even the way this has been
13 doctored, they didn't do a good, professional job of
14 doctoring it. I'm very firm about this. I've said
15 this in my sworn affidavit. This is falsified on top
16 of forgery, in the sense it did not provide an
17 [inaudible] counter for heparin. You can read Dr.
18 Reyes' affidavit, as well.

19 DR. HOFFMAN: Okay. So, the purpose at this point
20 is to cross-examine, or have you examine the witness.

21 FEMALE PANEL MEMBER: I did not ask that question.
22 I did not ask when the analgesic was given.

23 DR. HOFFMAN: Okay. We have many [inaudible] Is
24 there any other questions for this witness?

25 Q. [Male Panel Member] The use of the word many, was

1 it because of what you just explained about you did
2 [inaudible] about some of the notations?

3 A. Correct.

4 Q. Okay.

5 A. Correct. And that -- you know, I didn't -- when I
6 write the notes, I never think about the fact that other
7 people have to interpret what I'm writing. Yes, that's
8 exactly what I meant. Many meant that down in that second
9 portion down there, he did say that he -- he did note many
10 of those vital signs down there. He could not be 100
11 percent sure which -- who did the ones that he didn't do.
12 But many of those were, in fact, where he had written down
13 vital signs.

14 Q. [Female Panel Member] And he specifically stated
15 that those initials, everywhere that he initialed on that
16 record, were his initials?

17 A. Yes. We went through it more than one time. We
18 went through -- he sat in my office, we sat at my desk, we
19 went through that record many, many, many times, especially
20 when it came to this document. I just kind of wanted to get
21 a feel for how animal charts are documented. I had never
22 seen an animal chart before. I'm used to looking at people
23 charts. So, we went through it many, many times, asked
24 many, many questions, and asked him were there -- did he
25 have any concern at all about any place in the record where

1 it was indicated with his signature or his initials, that he
2 did, in fact, write it, did it look like, you know,
3 something was wrong with it. These were all original
4 documents in the charts. They weren't copies like this one.
5 He affirmed that they were his, and that he didn't have any
6 concerns about anything.

7 Q. [Male Panel Member] Did he -- was this -- I'm
8 assuming he would've done the document, and then you guys
9 had the document. He came in to verify his signature?

10 A. Uh-huh.

11 Q. Did he have a copy of that document before, or is
12 he seeing this for the -- like the first time?

13 A. This was the first time that he saw it since he
14 had documented it, and I gave him the chart. He sat down
15 and went through it for a while. So, I asked him just
16 review it, see if there was anything in there that he had
17 concerns about. He sat there and went through the record
18 himself. I wanted him to point out to me, are there any --
19 is there anything in there that you feel, you know, insecure
20 about, things that you weren't sure about. Because again,
21 I'm talking to him because Dr. Hegde asked me to. He had --
22 he had given me the impression that he had some concerns
23 about areas that Mr., you know, Bowie -- it was indicated
24 that Mr. Bowie signed off on it, when it wasn't, in fact,
25 his signature. So, I wanted him to have time to go through

1 and find any of those himself. I didn't want to lead him to
2 anything. I wanted him to go through and just look at it,
3 and have time to look at it, and see if he had any concerns
4 about anything. And he didn't express any to me.

5 Q. [Female Panel Member] Did you [inaudible] Dr.
6 Hegde's concern about the differences in the way those
7 initials on the left are written and the ones on the right
8 and --

9 A. No.

10 Q. -- did you specifically -- so, were you aware that
11 there -- that Dr. Hegde was concerned about some
12 differences, and did you -- and if so, did you specifically
13 say, these are different, can you tell me why they're
14 different?

15 A. No, at this -- we did not -- when I talked with
16 Dr. Hegde to discuss what his concerns were about what was
17 falsified in the record, we mostly focused on the necropsy
18 report, and things in the necropsy report that were
19 inaccurate from his standpoint. Then we -- he did bring
20 this up. But he didn't -- we didn't look at this sheet, and
21 then he didn't point out to me, I think, these two were
22 separate.

23 DR. HEGDE: I didn't have them.

24 THE WITNESS: But you had access to them there in
25 the room. You had the chart in front of you. We were

1 going through the chart.

2 DR. HEGDE: Literally the second time in my life I
3 had seen --

4 DR. HOFFMAN: Dr. Hegde, we can ask you those
5 questions at your time. But for right now, let's
6 confine it --

7 A. You know, we did compare those CBs to those CBs,
8 and quite honestly, I didn't think about it because my
9 signature doesn't look the same every single day. You know,
10 that's why I asked him to look at it. I didn't say this one
11 and this one, you know, do any of these not look like yours,
12 or why are they different. I mean, I just -- I didn't -- I
13 didn't ask him that. He didn't have any concerns when he
14 went through and looked at it. We did go through the
15 record, because I did want to get a better understanding as
16 to how things are documented in a animal record. Like I
17 said, they're a little bit different than we look at people
18 records. They're not timed, they're not as, you know,
19 detailed, and I just wanted to ask some questions to find
20 out, you know, is this typically how an animal record is
21 documented. So, we kinda went through all that. So, he --
22 I mean, he looked at all of that. He looked at all those
23 notes and he didn't express to me that he had any concerns,
24 and I didn't immediately like, you know, say, you know, why
25 are these CBs different from those because if he can look at

1 it, he is clearly writing in print on one side, and then he
2 was kind of like in cursive or something in the other. I
3 just didn't think to ask him that. He didn't express any
4 concern.

5 Q. [Female Panel Member] Based on the signed report
6 -- these are different reports; is that right?

7 A. Those are different reports, yeah.

8 Q. -- different reports?

9 A. Those are from November when he was just -- when
10 they were just doing, I guess, general health assessments
11 and kind of documenting. That other one on the -- this one
12 was during the surgery.

13 Q. [Dr. Hoffman] The one on the left is in the
14 surgery and the one on the right is in November?

15 A. Right. They're just kind -- it looks like
16 observations, like weekly observations, of his general
17 health. They're at two different times.

18 DR. HOFFMAN: Any other questions? Okay. You're
19 excused.

20 THE WITNESS: Thank you.

21 DR. HOFFMAN: Would you like to call the second
22 witness?

23 DR. HEGDE: William Reese.

24 [Off the record]

25 DR. HOFFMAN: Okay. Let's resume. Dr. Bill Reese

1 is here as your witness, if you want to proceed.

2 WILLIAM REESE,

3 Having been first duly sworn, was examined and
4 testified as follows:

5 EXAMINATION

6 BY DR. HEGDE:

7 Q. Dr. Reese, thank you for being here. Could you
8 tell the panel in what capacity you're involved in the case?

9 A. I was contacted, I believe, initially by Joan Rush
10 some 20 months or so ago, about a potential whistle-blower
11 case in which I might be involved as an objective third
12 party. Forgive me for catching my breath, walking up the
13 steps. That went on back and forth for a while. I also
14 originally sat in on some meetings where Matt Bossio, an
15 ombudsman at the time, was involved in it. Then fairly
16 early on it became clear, I think, to Matt and I both that
17 this was more of a policy issue than a personality issue.
18 Therefore, I continued on with the case.

19 Q. I want to specifically ask about three different
20 meetings I have -- you and I -- you participated in as an
21 independent observer. One is my August 22, 2014 meeting, in
22 which I for the first time described my case to Mr. Jim Rush
23 in his office, with you and [inaudible] observing. Could
24 you briefly describe it, how much time we had?

25 A. Fifteen minutes.

1 Q. Fifteen minutes. Briefly describe that, with
2 specific emphasis on whether -- over the course of this,
3 whether I was accorded due process or not [inaudible]
4 transparent treatment?

5 A. Okay.

6 Q. Thank you.

7 A. The initial meeting that you're referring to is
8 one where your counsel was present at the suggestion of the
9 state AUP conference, to not proceed with any of this
10 without legal representation. So, I had informed you of
11 that information, you'd gotten private counsel. We then
12 notified Jim Rush's office -- I guess you notified Jim
13 Rush's office, that you had retained counsel. So, when we
14 had that initial meeting, the general counsel of the
15 university was present, as they put it, to keep the floor
16 level, or something like that. It was a very cordial
17 meeting. It was a rather lengthy meeting. General counsel
18 took notes. I -- Matt Bossio was present at that meeting.
19 I left the meeting thinking that this was fairly
20 straightforward, and that it would be something that would
21 be resolved in the short term, because it seemed pretty
22 clear cut to me what had happened, and continued to be
23 shocked -- still shocked -- that this has gone on as long as
24 it has. I thought from that opening meeting where everybody
25 was professional and concerned, that it would be pretty

1 quickly disposed of.

2 Q. Do you remember me making a request for the
3 documents pertaining to the animals at the meeting?

4 A. I do.

5 Q. Do you also remember me telling him that there
6 might be some of the peripheral details that I might get
7 wrong, and there -- there are things I don't know about the
8 case because -- especially because I didn't have any
9 documents, access to the documents, none of the documents.

10 A. I remember you saying that, not only that day, but
11 many times that you didn't claim to have all the answers,
12 but that you were giving what your experience, seeing what
13 you'd observed and knew to be factual. I mean, you have a
14 way about yourself to say please forgive me if I have
15 misspoken on any of this. I don't claim to know everything.

16 Q. The reason why I wanted the panel to hear is
17 because I'm basically -- this is not -- well, if somebody
18 has an agenda to get people into trouble or make accusations
19 would say anything like that. My interests [inaudible] the
20 facts, and after the facts come out. I'm fast forwarding to
21 the meeting with Ms. Angela Harbison and being in her office
22 with you, in your presence. Do you remember we went there
23 with the expectation of getting copies, hard copies, of
24 their documents?

25 A. I even had even greater expectations than that. I

1 actually thought we were going to get a preliminary finding
2 that day. I thought Jim Rush was going to be in the
3 meeting, which he wasn't. I remember the meeting started
4 out where we showed up on time, and then were left to cool
5 our heels in someone's office for quite some time before we
6 were even called in, and then Jim Rush wasn't present.
7 Which is not to say anything bad about the way the meeting
8 was conducted, but it certainly wasn't what I expected. On
9 several occasions, the discussion focused on the fact that
10 you wanted a copy of the surgical log, and you wanted a copy
11 of the necropsy report. As I recall it, we were told, I had
12 planned to, and had already made copies for you, but I was
13 told by legal that I could not allow you to leave the --
14 leave with them. You may look at them in our presence,
15 which we did at some length, but you couldn't take a copy of
16 them with you. We were specifically told that legal had
17 made that directive that morning. This was pretty early in
18 the morning meeting, so the fact that they had done that
19 even earlier in the morning meant that pretty early in the
20 morning.

21 Q. Now, fast forwarding to a meeting several months
22 later, in February -- on February 13 or thereabout, 2015, in
23 Dr. Diamond's office.

24 A. That's the most -- this is the only meeting that
25 has occurred in the 20 months, and I don't know how many

1 meetings that I haven't been party to, because at -- as I
2 recall it, at my suggestion I thought we resolved the case.
3 There had been general discussion of the meeting that had
4 been called primarily for what I termed to be Jim Rush to
5 say we reached a conclusion to our investigation. So, I was
6 expecting to get that report that day. We didn't get that.
7 We got a verbal report saying that the investigations had
8 been concluded, et cetera, et cetera. In the course of the
9 conversation, it became clear to me that the university has
10 had no wrongdoing on your part. So, at some point I
11 interrupted, because normally I'm the third party to all
12 this, and I said, is it possible that the university could
13 put in writing that Jay has -- the investigations have been
14 concluded and that Jay -- they found no wrongdoing on the
15 part of Jay. And Vice President Diamond said yes. I turned
16 to Rush and I said, are you comfortable with such a
17 statement in writing? Yes. And I turned to Jay and I said,
18 if such a statement came in writing, that they found no
19 wrongdoing on your part, would you be comfortable in
20 executing a release of liability, et cetera, and we go about
21 our lives. And Jay said yes, and so we left that meeting,
22 which I told Jay, well, it's been a long time coming. I
23 don't expect the university to accept any blame on this,
24 because that would create legal liability. So, maybe the
25 best that we can do is that they said that you did nothing

1 wrong -- I don't know whether this has been entered in
2 testimony or not, but Matt and I discovered early on that
3 GRU didn't have a whistle-blower policy. So, we had
4 notified -- I think I notified Gretchen directly with the
5 fact that we didn't have a whistle-blower policy. I wanted
6 to --

7 Q. [inaudible] the provost?

8 A. What?

9 Q. After raising [inaudible]

10 A. That's right. That's who I report to directly. I
11 meet with her once a month. So, there would've been on
12 drafted. In fact, the meeting that we had -- the previous
13 meeting that we had was at [inaudible]. She had given us a
14 copy of the whistle-blower policy and explicitly said it
15 would be ex post facto in your case. So, I told Jay that
16 morning, I said -- or that afternoon. I said, they're going
17 to put in writing that you did nothing wrong, and we got a
18 whistle-blower policy not to protect anyone that ever finds
19 himself in this situation going forward. That really is
20 best we can expect. I assumed I would see a written
21 statement to that effect at some future point, but I thought
22 the case was over. Such a document never came. When I
23 asked -- a couple months later when I asked where was such a
24 document, I was told that legal said no.

25 Q. Do you have anything else to share with the --

1 with the panel about your take on how I've been treated?

2 A. Well, I was held into account within the last
3 week, in which I was accused of being biased myself, and I
4 corrected the person making that accusation. I said, I
5 don't think you understand. I said, I was called into this
6 case in my official capacity as advocate. And I said the
7 primary client I have as an advocate is the university. If
8 there are two parties that are in disagreement, my job is,
9 as best I can, to try to reach some sort of agreement
10 between those two parties that will make both of them shake
11 hands and walk away from the table, that they both say I
12 didn't get everything I wanted, but they got as much as they
13 could get. Then ultimately I try to protect and represent
14 the interests of the university. In that capacity in this
15 case, it became increasingly obvious to me -- and I'm sorry
16 if this makes me sound biased -- that the evidence was
17 highly weighted in favor of Jay's position. I am on the
18 record several times telling the university, you do not want
19 this case to go to trial because we will lose. I remain
20 convinced from the evidence that I've seen and the
21 discussions that I've heard, that there was a wrongful death
22 of the animal that had nothing to do with Jay's performance
23 of the surgery. It happened in recovery. I don't think it
24 was intentional; I think it was accidental. I think there
25 was a cover-up by the -- Matt, that was in charge of the

1 recovery. It's just gathered moss as it's rolled down the
2 hill. As recently as earlier this week, I made an emergency
3 appointment with Gretchen and said I want to say one more
4 time, I just want to make sure everybody understands, we
5 need to end this issue informally, if we possibly can. So,
6 if that makes me biased, that I looked at the evidence and
7 decided that Jay was telling the truth, I'm sorry. I'm
8 biased then, I guess.

9 DR. HEGDE: Do I have any more time?

10 DR. HOFFMAN: You have two minutes left.

11 DR. HEGDE: The panel can ask some questions.

12 DR. HOFFMAN: You're finished?

13 DR. HEGDE: Yes. Wait. Couple things.

14 Q. [Dr. Hegde] Can you -- do you have any
15 conversations with Professor Bossio as to what has taken the
16 case [inaudible] as the university ombudsman person?

17 A. Well, he was only in on it relatively early. We
18 didn't realize it was relatively early at the time. He --
19 he basically had a conversation with me to the effect -- and
20 Jay's is not the only case where we would attend the
21 original meetings with the principals, not knowing whether
22 it was a personality problem, or whether it was a policy
23 problem. We just simply didn't know. So, the fact that
24 both of us went to that original meeting in Jim Rush's
25 office was not all that unusual. What we would do, is

1 eventually, once we got a feel for our case, then we would
2 meet together individually and decide which one of us it was
3 more appropriate to continue on. The conversation I had
4 with Matt was that in this case it seemed to be more an
5 issue of policy and process, which meant that it was an
6 advocate issue and not a personality clash. Yes, he
7 indicated early on that he sensed the same thing I did
8 [inaudible]. So, he felt very strongly that we needed to be
9 there for an employee that had not been dealt with --
10 professionally, maybe is the wrong word, but properly.

11 DR. HOFFMAN: I just want to make it clear for the
12 record that when you're saying Matt Bossio earlier, you
13 meant Matt Basissio?

14 THE WITNESS: Yes.

15 DR. HOFFMAN: Do the panelists have any questions?

16 FEMALE PANEL MEMBER: I have a question.

17 EXAMINATION

18 BY THE PANEL:

19 Q. You mentioned that as early, or as late as this
20 week, earlier this week, you'd been approached about details
21 with the case.

22 A. Can you be more -- I've had more than one meeting
23 on this case this week.

24 Q. Let me put it this way. Do you feel that anyone,
25 outside of anyone present here today, was trying to persuade

1 you one way or the other to change your opinion or
2 statements that you would give today?

3 A. Yes. Professionally, tactfully, but yes. In
4 fact, if you want me to amplify that just a little bit, in
5 effect I was told what the university's position was, in
6 such a way that it appeared to me that what they were trying
7 to do was convince me that I was wrong and the university
8 was right.

9 DR. HOFFMAN: Do you have a question?

10 Q. [Female Panel Member] When was the last meeting
11 that you really felt like, okay, we've made a decision,
12 Jay's going to get a statement saying --

13 A. You're talking about the last meeting that Jay
14 asked me about?

15 Q. Yes. Yes. You were thinking it was a done deal,
16 that the document would come forward that Jay had done no --
17 nothing wrong, but you also felt like even if the university
18 had, they probably never admit wrongdoing.

19 A. I did not request that the university admit any
20 wrongdoing.

21 Q. Right. Right. But you were thinking, okay, this
22 is going away at this point?

23 A. Yes.

24 Q. But the document never came forward?

25 A. That's right.

1 Q. So, I guess I'm -- and this may just be naive on
2 my part. Had that document come forward -- why would it not
3 come forward? I mean, that seems like such a win-win for
4 everybody. So, I guess I'm just confused. In your opinion,
5 why would it not go forward? Why would it not come forward?

6 A. That's not the only time I resolved this case. I
7 resolved it again much later, much after that day where that
8 agreement was reached verbally, and then never took place.
9 Much later, I had a conversation with Jay -- I assume I can
10 share this -- in which I said, Jay, have you ever thought...
11 about negotiating, or having your attorney negotiate, a cash
12 settlement over this case; have the university simply write
13 you a check, shake hands, and you go on your merry way.
14 Sign a release of liability and go on? And Jay said, well,
15 of course, I've thought about it, et cetera. I said, would
16 you be willing to do such a thing if I could broker such an
17 agreement, and he said that he would at least consider it.
18 And I said, I'm not talking about money here. I'm talking
19 about a gentleman's agreement. So we're not talking about
20 damages or anything like that. Just a token payment
21 indicating that, you know, your monkey died, your research
22 was jeopardized, your career was hurt, and the university at
23 least was sorry about that. He said I would consider it.
24 So, I brought that to the university's attention, that Jay
25 was at least willing to do that, and that I thought that as

1 much as had happened in this case, that might be the best
2 that we could do. I'll share a confidence of Jay's that
3 perhaps he wouldn't want me to share, but I knew Jay --

4 DR. HEGDE: You can share anything I told you.

5 A. I knew -- I knew Jay was in the market to try to
6 move somewhere else because he wasn't feeling like he was
7 getting treated fairly here. So, I knew that was part of
8 the deal, and I made that clear to -- when I approached the
9 university and said why don't we have Jay's attorney and
10 Jay, and our legal counsel, sit down and see if we can't
11 reach a gentleman's agreement of a payment. I said
12 explicitly excluding any damages or any exorbitant amounts
13 of money, and then we'll part ways and Jay will go on with
14 his career somewhere else. And Gretchen, who is who I
15 approached the solution to -- with, said that sounds like a
16 good solution at this point. She contacted me not much
17 later, a couple of weeks later, and said legal won't go for
18 it. So, twice I thought I had reached a solution that
19 didn't happen.

20 Q. [Male Panel Member] Again, I want to make sure
21 that from your experience and point of view reviewing the
22 case, you believe that this is [inaudible] university
23 [inaudible]?

24 A. I think the evidence is overwhelming. I've tried
25 -- the emergency meeting that I had this week was prompted

1 by the fact that I spent two hours with general counsel last
2 Friday about this case. He basically told me what the
3 university's legal position was, which was the first time
4 anyone had told me in any detail what the university's
5 position was. It drove me into a panic. Therefore, I
6 requested an emergency meeting with Gretchen this week,
7 because I said my ultimate responsibility is to the
8 university, in this case and in every case. And I said, if
9 you go forward with the case that was laid out to me, not
10 only will we lose in a court of law, we're extending our
11 liability even further. I tried to make that abundantly
12 clear to Gretchen earlier in the week.

13 Q. My second question, when you talked to Dr.
14 Kaufmann and she said the legal office will not go for it,
15 did she define why -- what's the justification? Did they
16 believe there was solid evidence?

17 A. No. But she -- I had read in her report at the
18 meeting, that she was disappointed as well, because we both
19 thought that that was an easy solution.

20 Q. So, my question, do you think that Dr. Kaufmann
21 [inaudible] support this settlement?

22 A. I can't answer that. That would be conjecture on
23 my part. I think she just saw it as we can solve the case.

24 Q. [Female Panel Member] This is just something
25 really compelling that he had -- kind of going back in the

1 past. I just want a clarification. You said that at the
2 end it sounded like Dr. Hegde had not -- he had done what he
3 was supposed to do, there was no question at all. Then the
4 university had acknowledged that, but in the end they would
5 not give you a statement saying that?

6 A. That's right. Earlier -- you have to understand
7 that in the context, earlier in the case there was an
8 allegation made that the monkey died because there had been
9 mistakes made either during the surgical procedure or the
10 fact that the monkey was -- was put under anesthetic once,
11 then revived, and then put under anesthetic again. The
12 early defense of the university was it was totally Jay's
13 fault.

14 Q. Right.

15 A. But we moved beyond that. But nonetheless, once
16 you've told an employee something like that, that's still
17 something you want to get cleared up. So, the reason I had
18 asked for that in writing was so that Jay could walk away,
19 knowing that it wasn't going to haunt him if he tried to get
20 in the job market, or he wanted to try to get another grant
21 down the road, that the university was going to come back
22 and say oh, no, he killed this monkey.

23 Q. Yes. So, basically -- and I'm not a lawyer, nor
24 do I appear to be one. Basically, there was that general
25 answer, that verbal thing, that said he's in the clear. I'm

1 not questioning any of that. But at the end they would not
2 specifically say in writing that they said that they
3 would've done, and in the end they said we're not going to
4 put that in writing now? Am I missing --

5 A. Well, they never communicated that response to me.
6 That was the response that was relayed to me quite some time
7 later. The relationship that I've had over many cases now,
8 as advocate over the last four years, is that I usually try
9 to make an assessment, what I think is a fair solution, if I
10 can forge a solution among the principals. Then because I
11 report to Gretchen, she obviously has the authority to
12 resolve just about anything that she chooses to get involved
13 in. So, in cases that are somewhat retractable, I will then
14 report to the provost what the situation is, what the
15 entrenched sides are, either what I propose or what I think
16 can be proposed. Then I walk away from it. I don't get
17 involved in it any more. I don't think it's my business to
18 call the provost into account, did you do what I asked.
19 It's not my business. But in this particular case, since I
20 thought that agreement had been reached verbally -- no think
21 to it. It was reached verbally in the room. When I did the
22 hearing thing for -- I think I waited maybe -- I meet with
23 Gretchen once a month. I think I may have waited until the
24 second meeting with her subsequent to that, where I said we
25 walked away from this meeting thinking there was a memo or a

1 letter forthcoming, what happened.

2 Q. Okay.

3 A. She said legal said no. There was no further
4 discussion. I didn't ask why.

5 Q. Right.

6 A. Understand, that puts me in a bad situation, where
7 I'm holding the provost accountable. So I'm careful to do
8 that.

9 Q. Oh, no, no. Actually, I just wanted to -- that's
10 what I thought had happened. I just wanted to make sure. I
11 would not want your job.

12 A. I don't think anybody wants it.

13 DR. HOFFMAN: Any other questions?

14 Q. [Male Panel Member] I'm sorry. Please forgive my
15 ignorance, but aren't a professor of psychology?

16 A. Sociology.

17 Q. Oh, sociology. Isn't there significant training
18 in that field, like an objective observer?

19 A. Well, it actually -- if you look at the -- the job
20 description, both the ombudsperson and [inaudible] are
21 supposed to go through all training. Matt did go through
22 formal training, and it was offered to me, but it kind of
23 conflicted with my summer teaching schedule. So, I didn't
24 get formal training, except that I'm a lot older than Matt
25 and I've been around the block a few times more.

1 Q. I just was thinking it was part of your training,
2 education, and --

3 A. That's after I --

4 Q. -- general background?

5 A. Yeah, it was a social science. Plus, I've been a
6 department chair. So, I've done a lot of --

7 Q. I did a sociology case. I have a psychology
8 minor.

9 A. I didn't take it personally.

10 DR. HOFFMAN: Any other questions? Okay, Dr.
11 Reese, you're excused.

12 DR. HEGDE: Thank you.

13 THE WITNESS: For the day?

14 DR. HOFFMAN: For the day.

15 DR. HEGDE: Thank you.

16 DR. HOFFMAN: Okay. Normally at this time would
17 be the respondent's turn to provide their statements
18 and witnesses. But as I've noted, the respondents have
19 opted not to participate in the hearing. You've all
20 received written statements as to why they've opted for
21 that decision. I also want to make it clear that Dr.
22 Hegde has had a chance to look at those statements.

23 DR. HEGDE: Since yesterday, yes.

24 DR. HOFFMAN: Since yesterday. So, before we
25 proceed with questions of Dr. Hegde, I want to ask you

1 if you believe you've had enough time to go over those
2 documents or -- because I promised that if you thought
3 you didn't have sufficient time, you would be able to
4 look them over, maybe address them.

5 DR. HEGDE: So, I was going to answer it this way.
6 That is, if the committee -- the panel feels that you
7 have -- if you're -- you know, I've heard [inaudible],
8 then no, because I don't want to pull out this. But on
9 the other hand, if you are in any way inclined to rule
10 against me, I would like to respond in this case. But
11 then even now, can I say a couple things about it?

12 DR. HOFFMAN: About the written statements?

13 DR. HEGDE: Yeah, of the response.

14 DR. HOFFMAN: Yes. Go ahead.

15 DR. HEGDE: One is, as a couple mentioned, they
16 were asked to be -- they were asked to be -- asked to
17 be here in person. They chose not to. They were told
18 that if they are here, I get to ask them questions and
19 they would have to speak under oath and they -- you get
20 to ask some questions. It's obvious to me why they
21 wouldn't want to talk under oath and lend themselves to
22 questions and follow-ups, et cetera, and that's been
23 the pattern. But either way, it's unfortunate that
24 they won't speak for the record. They still want to
25 have it both ways. They want to influence your

1 opinion, but they don't want to be held responsible for
2 what they say.

3 My question -- the question that I can't answer
4 for myself is if they're speaking the truth, if they're
5 telling the truth, why are they -- why won't they say
6 it under oath? Why won't they offer themselves for
7 questions and follow-ups, et cetera?

8 Second, why wouldn't they provide reasons or
9 excuses for not being here? They -- as far as I know
10 -- again, I didn't get a whole lot of chance to read it
11 -- they never offered any rationale for why they refuse
12 to even provide their statements under oath. You know,
13 they could've provided sworn affidavits. To the best
14 of my scanning or reading of these, they never offered
15 rationale as to why even the written statements were
16 not under oath. In other words, essentially they want
17 to influence your opinion, but they don't want to be
18 held accountable to their own statements or be
19 responsible for any of the -- answering of the
20 questions. In other words, they basically want to have
21 it both ways.

22 Mr. Melcher mentioned four different points, as I
23 recall, and each one of them I'll go through briefly.
24 The first one, he basically said external agencies have
25 looked at it and all have affirmed that there is no

1 basis for [inaudible]. That it's untrue on many, many
2 levels. So, again, I'm not surprised he wouldn't say
3 that under oath.

4 First of all, as I mentioned, the university has,
5 for lack of a better word -- I'm not a lawyer -- has
6 lied to government agencies, regulators. In other
7 words, the -- the government agencies, out of -- out of
8 necessity, have taken the university at their word.
9 So, of course, if a government agency has to take
10 university at its word, and the university doesn't tell
11 the truth, of course they're going to say okay, you're
12 cleared. So, all that means is that they bought the
13 university's truths, but that doesn't make it any more
14 truthful than it is.

15 Number two, many of the items that are mentioned,
16 such as the falsifications, the brain slices, and based
17 off the slides, et cetera, has not been presented to
18 government agencies or has been looked at it -- looked
19 at. That's because, again, I had to try hard to
20 squeeze any information out of the university, and I'm
21 getting it slowly. I have had to spend thousands of
22 dollars of my own money paying for the charges of all
23 the records requested. In other words, I've spent
24 several thousand dollars in lawyer's fees and open
25 records fees paid to the university, just to get these

1 documents. So, it's been slow, but I -- none of the
2 major pieces of evidence that I mentioned, the
3 government agencies haven't looked at.

4 The second was his contention that the university,
5 by law, nobody's asked to allow questions -- ask
6 questions of our IACUC contact, and that is mentioned,
7 I think, also in Vice President Artman's response, and
8 also Dr. Stepp's response. That is patently not true.
9 Again, it's interesting they don't -- they don't say
10 that under oath.

11 The reason why that is not true is because
12 personal conduct of an official is not protected by the
13 privileges that he or she holds as an office holder.
14 In other words, if -- to give you a hypothetical
15 example, if I took a member -- say I took bribes to
16 approve somebody's protocol, wouldn't that be
17 acceptable? Wouldn't that be -- would it be that
18 nobody's actually allowed -- allowed to ask questions
19 about it? That is definitely -- certainly not the
20 case. Misconduct by individual IACUC members is
21 subject to review. In fact, committee members can ask
22 questions about it. So, it is a grossly wrong and
23 misleading statement.

24 In fact, they say that -- the faculty [inaudible]
25 he makes up -- puts words in my mouth and then makes up

1 this straw man and then shoots it down. He basically
2 said to the extent -- I'm paraphrasing. To the extent
3 Dr. Hegde is trying to overturn the IACUC rulings, your
4 panel doesn't have the authority to do that. I'm not
5 asking you to overturn anything that IACUC does. I'm
6 just saying here's evidence that there's been
7 wrongdoing, and it's serious, and there are authorities
8 who -- who have the legal authority to ask questions
9 about it. I'm not saying you should ask the questions.
10 You simply recommend to the university that it be
11 looked at by somebody who has authority to do it, and
12 who doesn't have conflict of interest, because it's
13 very clear that the university officials have big
14 conflict of interest investigating themselves for
15 anything even close to wrongdoing.

16 The third thing, he says it -- actually, second
17 thing. False allegations in complaint regarding
18 [inaudible]. He mentions two. One is that I called
19 his inquiry as an allega -- excuse me, investigation.
20 The other is that he -- item two B is that I --
21 university has not provided me documents. I submitted
22 a bunch of -- I will submit a bunch of Freedom of
23 Information Act requests for a different set of
24 documents. They would provide one document and they
25 say, oh, it's covered by everything, it covers

1 everything. So, it's as if they simply ignore my
2 requests. In fact, I complained to the Georgia
3 attorney general, and they talked to them, to Mr.
4 Melcher and others, and they also told me they talked
5 to Mr. Melcher and others. Then things got a little
6 easier.

7 The same request when I submit, they would
8 essentially say it's covered by others, covered by
9 previous requests, has been already released. But then
10 the same thing when my attorney submits, he'll get a
11 little bit more. So, that's what it was referring to.
12 Basically, the assertion that my requests are not fully
13 complied with are wrong, and he takes umbrage at the
14 fact that I said that.

15 In fact, the second thing is about the
16 investigation. He seems to take issue with the fact
17 that he called -- I called his inquiry an
18 investigation. [inaudible] but she doesn't go over
19 this, asking you essentially -- so, this is the
20 [inaudible] from Vice President Norman, December --
21 excuse me, April 24, 2014, after I had written her.

22 Number two, your concerns about your monkey being
23 over [inaudible], et cetera, for a thorough medical
24 exam, Mr. Melcher and I are reviewing this. That's
25 what I referred to when I -- when she said. I simply

1 rephrased it as the investigation, and Mr. Melcher
2 makes it out to be big falsification, and therefore I
3 should be censured.

4 I think that there's something bigger going on
5 here. He essentially doesn't want anybody asking
6 questions or holding him to account, and he basically
7 is trying to bully me into silence. He's basically
8 putting me and others by putting me on notice that if
9 you question me, hell hath no fury.

10 So, my primary point is, [inaudible] they have
11 destroyed my career, but although I'm -- I'll try to
12 defend this [inaudible], where the kids would be much
13 less [inaudible]. There'll be much more of a career.
14 Do you want this kind of atmosphere, of bullying and
15 intimidation, where people are even afraid to say
16 anything because they know they're going to be accused
17 of making false allegations and subject to censure for
18 complaining.

19 The last thing, he talks about the fourth point,
20 is that essentially that you as a panel, this is not
21 grievable under your panel's authority. The others
22 upcoming, the grievances upcoming, he also has already
23 looked at it twice. So, he is basically beating a dead
24 horse. So, others are -- essentially are making
25 various persons [inaudible] the same argument.

1 One thing about it is that Vice President Norman,
2 in her letter, included letters by Mr. Powell and Dr.
3 Stepp. Essentially, she's speaking for them, which is
4 not allowed under the rules. There's a practical
5 consequence of that, mainly that I've got to call six
6 witnesses because Dr. Kaufman had told me that three of
7 the respondents will participate. But then all of them
8 ended up participating, but then I didn't get to call
9 any of the witnesses, additional witnesses, to rebut
10 those.

11 In other words, they are playing the game every
12 which way. They have had my -- access to my
13 [inaudible] before Thanksgiving. It wasn't until
14 yesterday at noon that I even got a response. So, in
15 other words, they are taking advantage of every --
16 every technicality and then gaming the system,
17 basically, to defeat somebody like me. I'm just a
18 [inaudible] I'm not a faculty member. I don't have
19 anything going for me except the truth.

20 But the -- it is very clear that he wants to send
21 a message that if you question the administrators,
22 especially legal, there will be hell to pay.

23 DR. HOFFMAN: Okay. So, I wanted to say something
24 about what you had begun this with, which is if the
25 panel were inclined to rule against you, then you would

1 want to write a written statement. That's obviously
2 something that we can't do. First of all, because you
3 wouldn't --

4 DR. HEGDE: No, no, no, no. No, no, no. I'm
5 saying then I've got an opportunity, that they can ask
6 me some questions. It's -- I mean, I'm saying put
7 yourself in my shoes. Basically, it wasn't until
8 yesterday -- I had four months to respond. It wasn't
9 until yesterday that I responded, and I'm supposed to
10 rebut it.

11 DR. HOFFMAN: That's why I'm asking you if you're
12 going to want time to have a written response to their
13 --

14 DR. HEGDE: No, I'm formally requesting the panel
15 to essentially rule their entire rebuttal, their
16 responses, inadmissible, because it was not submitted
17 under oath and they don't provide the reason for not
18 appearing. They did not appear in person. They don't
19 provide a reason for that. They did not submit their
20 written statements under oath. So, they are playing,
21 trying to have it both ways, and I [inaudible] ask the
22 panel to rule that they can't have it both ways.

23 Otherwise, how is it fair to me? I went through
24 everything, I'm subjected to everything. I'm happy to
25 [inaudible] I help them play this game.

1 DR. HOFFMAN: Obviously, Dr. Hegde's feelings
2 about the issue of the written statement are clear.
3 So, now I'll open the questions for the panelists, and
4 then you can continue with this line of inquiry, or do
5 you want to ask something else?

6 DR. HEGDE: Can I ask you a question? Whoever
7 knows this? How long did the respondents know that we
8 had a hearing today?

9 DR. HOFFMAN: I believe it was in late January or
10 early February that we had set a date for the --

11 DR. HEGDE: It was January 7, 2016 --

12 DR. HOFFMAN: For the --

13 DR. HEGDE: January 17th, January 1-7.

14 DR. HOFFMAN: Well, we had to initially schedule
15 for January 29th, simply to be able to get the ball
16 rolling between Jim getting officially the grievance
17 and Melcher and the other respondents were unable to
18 try to find a response [inaudible].

19 DR. HEGDE: Then you got more time.

20 DR. HOFFMAN: So, we set it for the 29th merely as
21 a kind of formal matter so that we get the ball
22 rolling. I thought it was somehow a little later than
23 that, that we decided on the 4th. It was temporarily
24 changed to the 11th until that turned out to be a
25 logistical problem, moved it back to the 4th. So,

1 roughly a month and a half or so.

2 MALE PANEL MEMBER: Then we received these when?

3 DR. HOFFMAN: This was received --

4 MALE PANEL MEMBER: When were they received by --

5 MALE PANEL MEMBER: When did the respondents see
6 the --

7 MALE PANEL MEMBER: Well, no, no. What I was
8 asking --

9 FEMALE PANEL MEMBER: [Inaudible]

10 MALE PANEL MEMBER: -- I know we got them
11 recently. I just --

12 DR. HOFFMAN: The written statements?

13 MALE PANEL MEMBER: Yes.

14 DR. HOFFMAN: Everybody got them yesterday.

15 MALE PANEL MEMBER: So, you guys got them, too,
16 yesterday?

17 DR. HOFFMAN: I received them, and then I
18 distributed as quickly as I could. I was in the middle
19 of classes. I didn't do it between classes. Now --

20 DR. HEGDE: Let me just add. [inaudible] came on
21 board, my grievance, and with all supporting documents,
22 evidence [inaudible] October 29, 2015. So, that's been
23 in place for a long time.

24 DR. HOFFMAN: Okay. Now, I have written a lengthy
25 email explaining the reasons why I chose to allow the

1 written statements, but I indicated that these were not
2 written under oath so that you, as panelists, can
3 decide what you will with that fact. I said that there
4 were plausible reasons for why they partici -- the
5 respondents were not participating. That does not mean
6 -- designed in any way to indicate my belief that what
7 they're saying is true or not. It's simply I think
8 it's compelling and plausible enough for you to be able
9 to at least hear their position. Then to compensate
10 for the fact, as you have pointed out, that it seems
11 unfair to you since you were not going to be able to
12 cross-examine them, I have given you time to be able to
13 write a written response, and we can put into abeyance
14 the decision until you've written a response.

15 DR. HEGDE: No, I --

16 DR. HOFFMAN: Let me finish. So, it sounds to me
17 what you're saying is, that you are deciding that you
18 don't need the answer time to write a written response,
19 and the hearing is enough?

20 DR. HEGDE: Yes, I'm basically saying -- I'm
21 asking the panel to not allow it, or please explain to
22 me why, because they were held to a lesser standard
23 than I was. And make the -- make it part of the record
24 that they were held to a lesser standard. Remember,
25 these are officials with a whole sluice of assistants

1 and -- and I just -- good old me, I came up with it,
2 and I think they were playing games. They are very
3 good at coming up with plausible explanations for
4 everything under the sun, but plausible doesn't make it
5 true.

6 DR. HOFFMAN: Which is, in fact, what I just said.
7 So, it's up to you to decide whether Dr. Hegde
8 essentially is correct, or whether you believe it
9 should be simply dismissed, shouldn't be accounted for,
10 or if you think that these things should be weighed in.

11 DR. HEGDE: Again my --

12 DR. HOFFMAN: Just wanted to give you that
13 opportunity.

14 DR. HEGDE: Yeah, the standard of proof is
15 preponderance of evidence. Once I --

16 DR. HOFFMAN: Dr. Hegde, I made that clear.

17 DR. HEGDE: I know. But I just want to make --

18 DR. HOFFMAN: You're trying to take over this
19 hearing, so please let me conduct the hearing. All
20 right. So, we are now at a point where we can -- you
21 can go ahead and ask these questions. If you want to
22 now respond to some of those things, you can. Does
23 anyone have questions?

24 //

25 //

1 JAY HEGDE,

2 Having been first duly sworn, was examined and
3 testified as follows:

4 EXAMINATION

5 BY THE PANEL:

6 Q. Actually, I'm going to start. My first question,
7 actually, about the [inaudible] your service, which is, of
8 course, being a busy science -- we totally understand that
9 [inaudible] I think that's -- that's a visual issue. We
10 believe that things happen. Mistakes have happen, and you
11 clearly specify that. So I know you are not questioning
12 that the monkey died. You are questioning that the
13 basically handling, the process was not approp -- or not
14 appropriate.

15 So, of course, at that stage you had the
16 opportunity, right, over -- that [inaudible] is supposed to
17 do as a faculty member. With the tight grant funding
18 situation that we all have, I don't believe that they would
19 not do their best to keep the money in, and to help you to
20 renew your grant.

21 So, the first thing will come to me, when I write
22 a letter to [inaudible] submit it to the letter [inaudible]
23 service, usually it will come back, you need to revise this,
24 revise this, revise this, do this, change this. Luckily --
25 I don't want to mention names, but there's a couple people

1 that are really extremely helpful who offer their support.
2 I cannot give their [inaudible]. [inaudible] renewed every
3 year. I feel very supportive.

4 So, you did mention that basically they
5 [inaudible] protocol. Of course, if you have a grant, you
6 don't have [inaudible] is a grant. How do you justify that?

7 A. How do I justify that?

8 Q. Yeah. What's the reason? I have never seen
9 somebody [inaudible] we disapprove. You need to do one,
10 two, three, to get it.

11 A. [inaudible] I've explained this in detail in my
12 letter. The -- so I -- basically, the time line was, the
13 animal died. I didn't complain about it, but they wouldn't
14 give me the documents. Then -- and once they assured me
15 that I was going to be given a hard copy, I found out they
16 were falsified, and I basically told them they were
17 falsified. That clearly made [inaudible] the chief
18 veterinarian, very upset. And she took my other main monkey
19 named Proxy off of protocol, saying he didn't measure
20 [inaudible].

21 Basically, the animal had been -- the animal is --
22 they go by weight. They basically measure weight, monitor
23 weight, to make sure the animal is a healthy animal. Ross
24 Eddie [inaudible] but he's at 9.4 kilos of body weight. He
25 one day out of the blue said, this animal has to weigh 12.3

1 kilos, because there's another animal in this -- in this
2 same room that weighs 12 pound, 3 kilos. And I said, first
3 of all, this is an adult animal. You're not going to be
4 able to make this animal gain weight. So you have to --
5 this is kind of like saying, Jay, you are -- you live next
6 to a football player who's 300 pounds, and therefore, you
7 should weigh 250 pounds, or 300 pounds. Different animals,
8 different people, have their healthy, different stable
9 [inaudible].

10 So -- but he would not budge from that. And then
11 -- that's a ridiculous statement. This is also backed up by
12 the affidavit of [inaudible] a significant number in our
13 case. I basically said, adult monkeys fit the national
14 posted average of -- actually, by that -- actually, under
15 [inaudible]. So, my monkey was actually over that and
16 holding steady for at least four years by that time.

17 So, in other words, it was very clear he took my
18 monkey out of protocol out of spite, simply because he
19 could. But the university, both the institutional official
20 after Mark Hambrick at the time, and my co-chair, Dr. Stepp
21 at the time, who both have since departed, as has Dr.
22 [inaudible]. They have stood by it.

23 So when I -- my protocol was coming up for
24 three-year renewal, regular three-year [inaudible] that
25 July, that August. That was the deadline that I submitted

1 early, and Dr. Stepp simply tabled it, because what they
2 were doing is, was because remember, they had created a back
3 story that the animal died -- the animal that did die, died
4 because -- not because of a triple overdose, but because he
5 was old and [inaudible]. He wasn't either. So, therefore,
6 they were working on a -- a different standard by which --
7 basically, a food regulation template.

8 The weird part is, they came up with the new food
9 regulation template and tabled that protocol while they were
10 doing it, which under the law they're not allowed to table
11 the protocol. They have to vote it up or down. But they
12 tabled my protocol [inaudible]. They would not allow me to
13 deviate from it. But I kept saying my -- I haven't had a
14 chance to offer -- I have legal right under the law to offer
15 a scientific justification for continuing my research under
16 the protocol that was approved by the self same [inaudible].
17 They simply wouldn't do that.

18 So, we -- but while, again [inaudible]. He was
19 allowed to modify his. So, I was treated in a clearly
20 discriminatory fashion. They had [inaudible] they said no
21 modifications allowed to me. Whereas Dr. Blake was allowed
22 to modify his. In fact, he was allowed opportunity to
23 contribute to the development of the new template, food
24 regulation template, and I was shut out. Again, I'm not
25 saying Dr. Blake did anything wrong at all. [inaudible]

1 about that.

2 So, this was -- this was a situation in September
3 2015. So we are right at standoff, saying I said -- I
4 couldn't continue to mess up my existing data in this
5 ongoing study. You just suddenly change the game protocol
6 in the middle of this, and it's not scientifically
7 justified. And IACUC wouldn't hear me. I showed up twice
8 in person to make my case before IACUC. I was not allowed
9 to speak. Not only was I not -- while I was not allowed to
10 speak, I was allowed to speak when invited to speak and this
11 [inaudible] before IACUC.

12 So, at around that time in November, there was an
13 internal [inaudible] and an internal accreditation agency
14 called ELAC, and I met with them and explained my concerns.
15 Then the day after the -- they left, Vice President Sara
16 White basically called me up and said we had known each
17 other professionally before through my human studies. And
18 she said I want to be the go-between, the intermediary.

19 So, working with her, I came up with the version
20 that I could live with. So we -- we submitted -- first of
21 all, there was no reason for changing it to begin with,
22 because my original protocol was completely -- completely
23 well within the national standards, complying with the
24 national standard. But nonetheless, I basically said I'll
25 go the extra mile, I'll change it, and so she did that.

1 That was just before Christmas of 2014. Yeah, 2000 -- yeah,
2 2014. But then all of a sudden they said, 'this is not
3 acceptable, no modifications whatsoever from the food
4 template. So, you have to go back to the -- basically, no
5 modifications allowed. Again, that itself was
6 discriminatory, because they're allowing others to modify.

7 So, I said the process of protocol review itself
8 has become a tool of retribution, and therefore I wanted --
9 basically, I -- this was the meeting that Dr. Reese was
10 mentioning in February, where he said he thought he had an
11 agreement. I basically said what I want is a finding of --
12 of rule of law where you -- you basically do things by the
13 book and you simply don't not change -- you're not allowed
14 to change the rules and do as you want to get back at me.

15 That's what I thought we had agreed, but that
16 didn't go through. They kept saying the same thing, and
17 then I asked Dr. Diamond in writing, please give me a --
18 either a chance to [inaudible] justify my protocol, which
19 I'm allowed to do, or please give me up or down vote on the
20 protocol that I have submitted. I never heard back.

21 Q. [Female Panel Member] In listening to your
22 statement and reading over some of the things that were
23 submitted, it looks like if I understand, the primate that
24 you originally operated -- I can't pronounce --

25 A. Ovetchkin.

1 Q. Ovetchkin. He was under 10 kilograms, as well;
2 right?

3 A. Yes.

4 Q. Okay. And --

5 A. He was actually not. On the day of the surgery he
6 was under that because he was castrated, as is required.

7 Q. Right.

8 A. But his normal weight was closer to 10 kilos.

9 Q. Okay.

10 A. That day he was maintaining [inaudible]

11 Q. Right. Necropsy wasn't too far off from that?

12 A. Yeah.

13 Q. Okay. So, I'm not aware of how many primate
14 studies are ongoing or concurrent at any time, because I'm
15 not -- I don't participate in that kind of research. In the
16 time that they halted your research with Crosby, did they
17 halt anyone else's research on primates that were below
18 weight, or did they allow --

19 A. Good question. So, that was on -- they halted
20 mine February 19, 2014. They basically -- this is, again,
21 in the thing I submitted. They basically said we're looking
22 at other's monkeys. But I said why are you -- have you
23 taken mine off protocol, only looking at others. They never
24 responded to that. So, I, in connection with my clinical
25 chair, pressed on to make sure that the rule applies to

1 everybody, that I'm not discriminated against.

2 I was initially afraid that by doing that I would
3 spread the misery and other monkeys [inaudible]
4 investigators would be taken off protocol, and they would be
5 mad at me because I, you know, basically pressed for equity
6 and they also got stuck with it. But my clinical chair said
7 you can't worry about that. You merely have to ask for what
8 is fair.

9 And so I started pressing for it, and I think it
10 was in part because of it that Dr. Blake's monkey -- his
11 monkeys were taken off in -- I think it was summer, June of
12 2014. Okay. Again, you can read his affidavit. This is --
13 he appeared before IACUC and actually was able to show that
14 the veterinarian got -- had gotten his numbers wrong, didn't
15 know what he was talking about, and [inaudible] in a few
16 days all his monkeys -- his monkeys are off of protocol.

17 So, I think -- I think it was retaliatory. But
18 then it happened late. But then something else happened.
19 The university, on its own accord, at its own expense, hired
20 an external veterinarian from Urkey's National Primate
21 Research Center in Atlanta. She came in, took a look at Dr.
22 Blake's monkeys, and she took one look at them and said
23 these are all healthy, put them back on protocol. They went
24 back on protocol. Mine, obviously to this day, have not.
25 Did that answer your question?

1 Q. Yes. Yes.
2 [inaudible conversation]
3 Q. Did they look [inaudible]
4 A. No.
5 Q. They had to have just looked at Doctor [inaudible]
6 A. Correct.
7 Q. [Male Panel Member] They [inaudible] them.
8 A. Yeah. Yes. And again, they wouldn't even answer
9 why that is. And -- yeah. Again, the -- the university is
10 playing this game of denying me information, and then
11 basically saying we've provided all the information, we did
12 everything, we did everything good, on good faith, you are
13 not cooperating. Then they say nobody can look at how we
14 operate, because it's all -- it's all secret and nobody's
15 allowed to ask questions.
16 Q. [Female Panel Member] I thought -- Dr. Ahmed, I
17 am having a hard time understanding why the university would
18 benefit from trying to block you from getting your grant.
19 But at the same time --
20 A. Can I --
21 Q. You can address that further.
22 A. Yeah. I don't think they were out to block my
23 grant, per se. I think what had happened was, they -- the
24 veterinarian had made a decision that it was clearly
25 indefensible that they're on record defending it. The

1 veterinarian and IACUC are not getting along. Dr. Blake, my
2 colleague, once told me Dr. Stepp told him that he was
3 basically -- Dr. Stepp was basically holding our protocol so
4 as to get back at Dr. Monteroso, whom he [inaudible] like I
5 wanted him to go away. Basically, I became a tool. But
6 then I think once I started insisting that -- it was after
7 that February meeting -- that there has to be some rule of
8 law, because if I then start, you know, getting my protocols
9 approved, then who's to say another vet simply wouldn't take
10 my [inaudible] and all the additional money and manpower,
11 grant money, to get the protocol going. Who's the say I
12 want some guarantees and somebody would've come in and asked
13 to be -- take my monkey out of protocol again just for
14 spite.

15 So, that meant they would have their -- meant that
16 the actions of the vet were wrong in some part. However, it
17 wasn't me. Legal, I think, was afraid that the moment --
18 remember, they have never said they did anything at all
19 wrong in this case. The moment they said, oh, the vet was
20 wrong using that protocol, then they basically -- legal
21 must've thought that they basically are on the hook for
22 that.

23 So, they basically didn't want to do anything like
24 that. But on the other hand, my [inaudible] come on, I
25 said, where do I get the money to make up for lost time and

1 get going. I mean, this is so ridiculous, getting in our
2 12th month of kilo monkey, was that I, in fact, would have
3 to get a whole set of new monkeys, do everything, because 12
4 kilo monkeys are very rare, and in fact, hard to get. So --

5 Q. [Dr. Hoffman] You're saying there's no way they
6 would bring that monkey up to 12 kilos, even if --

7 A. Oh, that's the other part. So, they -- so, just
8 to prove yourself right, once he said, you know,
9 [inaudible], this monkey has to weigh 12 kilos, they fed
10 this monkey. They took him -- they had this monkey, his
11 monkey [inaudible] was 20 biscuits, determined by previous
12 veterinary member, [inaudible]. All of them had approved
13 that this monkey should get 20 biscuits. They tried to --
14 just to vindicate themselves, they tried to fatten him up by
15 feeding him 60 biscuits a day, plus all kinds of fat, peanut
16 butter, all kinds of fatty thing. The poor monkey didn't
17 get any exercise and he didn't even have all the food. You
18 know monkeys, how [inaudible] they are. If you are leaving
19 food [inaudible], because they like eating. You know, if
20 it's there, they'll eat it. But this monkey was simply not
21 eating that food.

22 And then they change the story. So, the -- at the
23 same time of the weighing, I say no, you can't do this, you
24 have to physiological blood markers before [inaudible],
25 which is a requirement. You can't simply feed -- overfeed

1 this monkey to vindicate yourself. It's cruel to do to a
2 monkey, especially when he's not being taken off the --
3 doesn't get any enrichment. They wouldn't do any of that,
4 so [inaudible] feeding them. His weight went up to about 10
5 kilos, 10.2 et cetera, and never budged from that.

6 Then they changed the story. Oh, it's okay now
7 for him to go back on protocol, and they introduced
8 additional criteria, a so-called body condition score,
9 basically. It is a observer's number, going from two to
10 five, as to how -- one to five, as to how plump the monkey
11 is. Laboratory animals, if it is like two, it was
12 acceptable.

13 By the way, even by the new criteria, and by any
14 other criteria including new food restriction, new food
15 template, et cetera, my monkey would've been fine. In other
16 words, there was no reason to take him off to begin with.
17 Even by their new template, he would've -- should've gone
18 back on protocol. They would not have [inaudible].

19 So, to summarize my answer, the reason why the
20 grant cancellation was basically the pathological conclusion
21 of their [inaudible]. In other words, they either had to
22 basically get this [inaudible] at the same time they were
23 getting pressure from elab, external [inaudible] agency and
24 USDA, the federal regulators. This was even in the local
25 papers as to why there are monkeys on our protocol. This

1 was even in the local paper. They got briefed -- they got
2 written up by USDA about that.

3 So, that meant they basically had to clear the
4 deck. So I think what happened was, something akin to --
5 you've heard what happened at VA. That is, there's a
6 backlog. Backlog, it looks very bad, so you simply wipe it
7 clean, make it all go away. I think that something akin to
8 that happened here.

9 So, this cancellation was essentially a
10 [inaudible] of that. I don't think they want to lose money,
11 but then in the scheme of things it's not that much money.
12 If one investigator goes up in smoke, the university will
13 survive. So, as long as being fear [inaudible] to an
14 individual faculty member, and then giving him the due
15 process is not the priority, then all losses are tolerable.

16 So, you know, you're paying basically -- weighing
17 one dollar figure against another.

18 Q. [Male Panel Member] My second question also, I
19 keep asking figurative questions, which is [inaudible]
20 really important part. You were there when they basically
21 did the necropsy?

22 A. Right.

23 Q. You show us some pictures when they do the
24 surgery, and you say they did not get the brain out, so we
25 decided to [inaudible]. Were you there when the

1 [inaudible]?

2 A. No, I was not there.

3 Q. Were you sure -- how do you know that they didn't
4 take the brain?

5 A. Again --

6 Q. That's really very important, because you show
7 some CT section and that's [inaudible]

8 A. That's an excellent question. Number one, look at
9 the brain they said they took out. I showed you
10 [inaudible]; okay? That's number one. Number two, this
11 brain was not fixed. In other words, it did not go through
12 the federation(?) process. To take this brain intact like
13 that would not be possible because it would fall apart.

14 Also, if you're -- if you're expert enough, you
15 can actually say -- see that that's actually fresh brain and
16 not a brain of a monkey that's been dead for more than 24
17 hours. Again, I think I can -- I know I'm under oath. I'm
18 saying in my professional opinion, having more than two and
19 a half decades of experience, that is including many, many,
20 many necropsies, that is not the brain of the monkey that
21 had been dead for more than 24 hours.

22 More importantly, it doesn't even match the MRI of
23 -- the known MRI of the animal. So, they never said how
24 they came across it. They came across it in a very curious
25 way, as I was mentioning. More than a year later in

1 February 2015, when I started asking questions as to you say
2 brain sections, where are the brain sections. That's -- and
3 Dr. [inaudible] the chief veterinarian, had been let go by
4 that time. His last day was going to be the last day of
5 February. I submitted my request for these brain -- for the
6 brain section I think on February 19th.

7 Lo and behold, a week later somehow they were
8 magically found, these things that were there. The brain
9 that they did find, does match. So, remember, they never
10 said who extracted or whether they -- how they extracted and
11 whether it was [inaudible] et cetera. So, in other words,
12 this is one of the many reasons why I'm saying there has to
13 be an external inquiry so that people can be deposed under
14 oath and university can't simply shift the explanations
15 every time somebody has questions and they don't say
16 anything under oath.

17 Q. [Female Panel Member] In regards to the necropsy,
18 I know that it was your primate from your protocol. Why
19 would it have only been your say? Was it your duty to
20 perform the brain autopsy or necropsy or --

21 A. Well --

22 Q. Why would they call someone else in after the fact
23 to take a look at it?

24 A. I was there throughout. I was there from the
25 beginning to the end. Part of it is that as an animal

1 researcher, it's my monkey, I'm responsible for it, so it
2 was my duty to be present throughout. Also, as a research
3 scientist, I have interest in finding out what happened.

4 The other [inaudible] Dr. [inaudible] and Ms.
5 Alsado(sp) didn't know how to deal with the brain. As an
6 expert, I was the one, and only one, who dealt with the
7 brain.

8 Q. So, they're asserting then, based on their
9 histology report, their necropsy report, that they came in
10 after the fact, after you, because clearly the pictures that
11 you showed us are intact, with the surgical markers?

12 A. Yes.

13 Q. So, they're saying they came in after --

14 A. They never said anything. They haven't said --

15 Q. They haven't alluded as to how they got the --

16 A. That's what I'm saying, because they have taken
17 advantage of their ability not to have to answer questions.
18 Unless somebody forces them to answer these questions, they
19 simply won't answer the questions, which is one of the many,
20 many reasons why I'm saying you have -- this has to be
21 looked into by somebody who makes them -- who can make
22 everybody answer questions.

23 Q. So you are implying that, in fact, that if it
24 indeed happened, somebody would've had to come in after the
25 group already came in and did the necropsy? Just out of

1 curiosity, were all the folks that performed the necropsy in
2 the same laboratory --

3 A. Correct; in the --

4 Q. -- taking sections or --

5 A. They're in the same room.

6 Q. Right. Just tending to their own --

7 A. Correct. Basically, it's like a -- a stainless
8 steel table with a sink on the other side to basically wash
9 out any blood and gunk and that. I don't want to be gory,
10 but you decapitate the head so that you can [inaudible] and
11 you can work on it. That's what I did. They work on the
12 rest of the body parts, the trunk and the rest of it.

13 Q. Then after it was complete, it was disposed of?

14 A. Correct.

15 Q. As far as you knew?

16 A. Correct.

17 Q. But according to this, if this is true, then after
18 that point someone was appointed to come in and actually do
19 a further dissection, open the skull, remove the brain, take
20 slices and --

21 A. Yeah. Remember, the two versions are different.
22 So, referring to one of the versions, something like that
23 would've had to happen. And evidently, again, there are a
24 lot of other things that don't figure. That is how all of
25 this other -- why a year later it suddenly appeared and then

1 they say, oh -- this is in Ms. Harbison's report as well.
2 Oh, look, here's the hemorrhage on this side. In other
3 words, they essentially are basically expecting to be taken
4 for granted. If anybody asks them follow-up questions, they
5 simply won't answer.

6 Q. [Dr. Hoffman] First of all, you're saying that
7 after you did the necropsy, you discarded it in the red
8 bags?

9 A. Correct.

10 Q. Hazard bags?

11 A. Yes.

12 Q. Presumably, did you see anything put into --

13 A. Yes, I saw Cedric Bowie taking it to the -- the
14 cooler room, which is where it -- others, who are
15 responsible for insulating it, take it.

16 Q. Locked in the room, but you didn't see anybody put
17 it in there?

18 A. No, and we all left.

19 Q. Presumably, if [inaudible] someone went back into
20 that room, brought -- took the head out of the bag and did
21 it again without telling you about it?

22 A. Without telling me about it, and in fact, my
23 conversations with Dr. [inaudible] when I questioned him
24 about it, he once said, oh, I was there, in fact after
25 [inaudible] he -- he implied to Dr. Blade, Dr. Monterosa,

1 the veterinarian, implied he was there. But then he was not
2 there. He offered it to Ms. Harbison's record, he says he
3 was not there. So, there are all these --

4 Q. [Female Panel Member] The necropsy?

5 A. Yeah. So, in other words, by their versions of
6 events, a whole lot of coincidences and other weird things
7 would have had to happen. They have not had to say any of
8 those things happened. They all said -- they simply said,
9 oh, here it is, and somehow it magically --

10 Q. [Dr. Hoffman] Would it be possible, in your
11 estimation, that it was just complete incompetence? Like
12 they're writing out the report was just total incompetence
13 --

14 A. I don't --

15 Q. -- pursuing the proper information?

16 A. How do you -- this is like saying is it possible
17 somebody forged a check out of incompetence.

18 Q. Right. No, I'm not [inaudible]. I'm talking
19 like, for instance, indicate all the people that were in the
20 room; right?

21 A. Yeah.

22 Q. This didn't show up for a year?

23 A. Yes.

24 Q. Hypothetically, that is --

25 A. Yes, that's what I'm saying. If it's one thing

1 [inaudible] it's possible. Like I said, that's why I'm
2 saying [inaudible]. So, if every step of the way things
3 don't add up, and if you ask question, they simply time out.
4 In fact, here's the other thing. Dr. Blake's affidavit, he
5 talked a little separate about it, and separate -- initially
6 said, oh, yeah, narcotic was given to this monkey shortly
7 before he's died. But then when you try to talk to him
8 again, he clammed up. In other words, somebody had gotten
9 to him.

10 Q. [Female Panel Member] Do you have a -- do you log
11 animals into the cold room and out --

12 A. Yeah.

13 Q. -- check them in and out? There's no record of
14 that with --

15 A. Is there? Not that [inaudible]. Not that I know
16 of.

17 [inaudible]

18 Q. [Male Panel Member] So there's no paperwork that
19 would be involved? If you were to go back into the room and
20 retrieve the bag and come back out?

21 A. Yeah. See, that's what I'm saying. All these
22 questions are excellent questions. If somebody had given me
23 good faith answers, I would have no reason to go on. Why
24 would I waste my time going after this? All I wanted to
25 make sure was that the record had to be truthful, because I

1 didn't want to get involved in -- in this where a federally
2 regulated record of my monkey was falsified, and I knew
3 about it and -- and didn't report it.

4 In fact, I -- when I found out it was falsified, I
5 -- I talked to my colleagues and superiors and all of them
6 said don't say anything about it, let the -- let the
7 sleeping dogs lie, because it would be suicidal to pursue
8 this. That's what I wanted to do. That's what I tried to
9 do. But then accidentally I talked to a family member and
10 he basically said, no, no, no -- he had heard of cases where
11 people had knew about falsification, they didn't report it,
12 and they went to jail. Although they weren't the ones
13 falsifying, they went to jail for simply not reporting it.

14 So, I had this long conversation with various
15 family members. My choice was, do I simply keep quiet about
16 the falsifications that I knew of, not report it, to save my
17 career, or report it, hope that the university does the
18 right thing, and in the process make sure I wouldn't have to
19 go to jail because I did my due diligence. So, it was with
20 great reluctance that I actually reported it.

21 When I say reported it, I mean internally.

22 Q. [Dr. Hoffman] So, I have got two, I guess,
23 questions or ask you to comment on these I think for the
24 sake of the panelists, for clarification. One is, if you
25 could explain exactly what it is that you hope this body

1 could recommend? You said you wanted [inaudible] a third
2 party.

3 A. Yeah.

4 Q. So, if you could explain that? The second thing
5 is, because I think we're kind of focused so much on that --
6 the events of the death of the monkey, I want to kind of
7 take a broader scope so everybody knows what each person,
8 each respondent you've named, kind of role is. So, maybe
9 summarize briefly, individually, each respondent and why you
10 believe they should be kind of held to task.

11 A. Let me just say this. That is, I believe a whole
12 lot of violations --

13 DR. HOFFMAN: Can you hold off on that? Just
14 leave it -- we need to do another break for the rest
15 room.

16 [Off the record]

17 DR. HOFFMAN: Just to clarify, the two questions
18 are to -- for you to elaborate what specifically you
19 would like this body to do, what would it entail to
20 have a third party investigation led by faculty. And
21 second of all, how each individual respondent you
22 believe participated and should be held to account.

23 If you could, maybe do it chronologically with the
24 members of the respondents, and then maybe pause after
25 each one, so that if there's questions concerning that

1 particular respondent, we can address that.

2 DR. HEGDE: Yes. Let me say first of all, I'm not
3 asking you to find any of the respondents violated any
4 -- any laws or anything like that. It is for the
5 internal investigations to find. All I'm asking you to
6 find is that I didn't get a fair shake. I didn't get
7 the due process. In the course of this, I'm getting
8 the due process. My rights for professional
9 achievement were violated.

10 So, I'm basically -- first of all, you're
11 exercising the right I give you, I have certain
12 requests. One is, I want this to be referred to
13 prosecutors for possible investigation, possible
14 criminal investigation. They will decide whether one
15 is [inaudible] after making a preliminary. I
16 understand that's how it goes. The reason is, it's
17 pretty obvious and simple, and that is, that it is
18 clear to me as an eyewitness that there are -- have
19 been multiple criminal violations of federal laws,
20 including [inaudible] laws and state laws, including
21 our [inaudible] laws. Remember, the state also
22 controls narcotics. Many, many other violations,
23 discrimination [inaudible] and whole lot of other
24 things, falsification of records, et cetera. The
25 university is not coming in. It hasn't said a word to

1 account for this.

2 So, I want there to be some atmosphere of
3 accountability, because as I'm saying, this will happen
4 again and it'll be -- it'll be with less [inaudible]
5 and then the precedent would have been established that
6 you speak at your peril if you want to point -- point
7 out any wrongdoing.

8 What I'm asking for is not all that unusual. I
9 mean, you've heard of cases, like the university will
10 have varsity football teams and -- varsity teams, and
11 one of the players saw somebody, you know, do some
12 criminal thing. The athletic department investigated
13 itself and basically made the thing go away. But then
14 the victim has to fight hard to be heard. The
15 university also has an interest in making things go
16 away, and you have seen here that the university
17 clearly has an interest in the case being not any
18 wrongdoing.

19 So, all the things ought to happen, all the things
20 in cases like this, faculty and other conscientious
21 people basically say this has to be looked at, somebody
22 who doesn't have a conflict of interest, and interest
23 in clearing -- investigating one's self, giving one's
24 self a clean bill -- clean bill of health.
25 [inaudible]

1 So, this is why I want an external [inaudible]
2 state and federal prosecutors, take a look at the case.
3 So, that's not -- what I'm asking you to do is simply
4 to say that there's enough here that has not received a
5 fair and due process within the university, but it's
6 serious enough that it really needs somebody --
7 somebody with authority to do this, deposing people
8 under oath, running forensic tests, et cetera, have the
9 authority to look into it, and that way we achieve some
10 kind of accountability...

11 So, all I'm asking you to do is simply recommend
12 to the president, the provost, that this case be
13 referred to external investigators. Universities do
14 this all the time, and you have probably heard of a
15 case where Georgia State [inaudible] that there was
16 question about whether the star quarterback sexually
17 assaulted somebody. The university initially made it
18 go away, but then there was enough pressure that it was
19 referred to the prosecutors. [inaudible]. Going
20 forward, a faculty member saying he has assaulted in a
21 similar way, a similar thing would apply. [inaudible]
22 overall the technicalities.

23 One monkey died and we -- the reasons were covered
24 up, meaning the reasons, real reasons, why he died were
25 never corrected and other animals were subject to the

1 same kind of error. I know that this particular -- a
2 least a couple of other investigators, [inaudible]
3 animal investigators, have told me that this
4 veterinarian has made [inaudible] errors [inaudible].
5 In other words, we have an interest in animal
6 veterinary interest, where the right cause of death is
7 documented and corrected. Otherwise, the poor animals
8 will pay for it, too, not just me.

9 So, those are the reasons for asking you to
10 recommend to the president that this case be referred
11 to prosecutors, state and federal.

12 Then a third thing that I would ask is that -- I
13 do desperately -- my career has been destroyed. I do
14 desperately want to get back on track. I did nothing
15 wrong, and I want to get back on track. But then all
16 these technicalities, such as the various things about
17 the IACUC did and the -- the various shenanigans there.
18 These are all technical matters. An expert body needs
19 to look into it.

20 In my cover letter submitting this, [inaudible] I
21 cited a similar comparable technical case from the
22 University of Minnesota, where the faculty center
23 basically took the lead and had their case technically
24 investigated. Because the prosecutors are not
25 qualified to the technical aspects of it. Remember,

1 whatever prosecutors do is a time consuming process. I
2 don't want my career to be in -- in the [inaudible]
3 until the criminal cases, or whatever cases, get
4 resolved.

5 I want an external set of experts to look into
6 this [inaudible] and say these are the things that
7 needed to be done right and fixed, so that the animals
8 are treated better and cared for better, and the IACUC
9 process is defensible and transparent, and equitable to
10 everybody, all researchers.

11 So, those are the three different kinds of
12 investigations or inquiries that I would like you to
13 recommend to the president. On top of that, you're
14 free to recommend anything else that you deem fit. In
15 other words, whatever other actions that you deem fit.

16 Did that answer that part of the question?

17 DR. HOFFMAN: Yes.

18 MALE PANEL MEMBER: Can I ask --

19 DR. HOFFMAN: Go ahead. [inaudible]

20 MALE PANEL MEMBER: Of course, my question's going
21 back to what Bill said. Will you consider plan B?

22 DR. HEGDE: Would I consider what?

23 MALE PANEL MEMBER: Solution B, which is -- again,
24 I'm talking right now about personal opinion. Instead
25 of going that far outside the university, is try to

1 solve these issues inside the university. In-house,
2 let's put it that way. I believe in this case --
3 again, I'm talking about personal opinion -- is let's
4 suppose that we believe this is something going on
5 here, and we ask in a better way that the IACUC policy
6 and procedure have to be reviewed by external review,
7 making sure that we are meet all the requirement of
8 different organization. We believe that what happened,
9 let's say to Dr. Hegde, and we need to reach
10 settlement.

11 DR. HEGDE: Okay.

12 MALE PANEL MEMBER: Certain way. Of course, I
13 will leave that to the provost and maybe the president,
14 as an accommodation. But I still believe that -- like
15 what Bill said, really, I don't know why they did do
16 that, that that can be settled in-house. But now, at
17 that point, when you get to that far, will you consider
18 that?

19 DR. HEGDE: That's a great question. I've always
20 said, contrary to what Mr. Melcher said, the affidavit
21 -- [inaudible] planning to sue the university, et
22 cetera. I've -- I don't know where he gets that from.
23 I've always been open to something like this. But I
24 learned -- for two years when I've heard from many,
25 many different people the -- essentially the same --

1 same scenario, that would it be okay for you to -- for
2 you to settle this in-house. I've been open to it.
3 But then I learn from experience that -- that this is a
4 temporizing mechanism. In other words, they're using
5 this to run out various statute of limitations, et
6 cetera.

7 Then, basically, somehow, if you start [inaudible]
8 maybe one day you'll die, professionally speaking, and
9 the problem will go away. So, in other words, they --
10 it costs them nothing to wait me out. ... So, I'm very
11 jumpy about this at this time, because I have learned
12 from bitter experience the past two years that that
13 will be a temporizing [inaudible].

14 Second, is that it will let those people off the
15 hook. Where's the accountability? Let's say it was
16 woman who was raped and -- and the university -- just
17 like the football, for example. Oh, we don't want
18 publicity, we want to sort it out in-house. Where is
19 the accountability for the person or persons who
20 committed the crime? Should there be an
21 accountability? In other words, if there isn't one,
22 isn't it likely to happen again, because look what I
23 had to go through just to basically be allowed to
24 survive?

25 In other words, my view is they have destroyed me.

1 They can pat themselves on the back for that. But, I
2 have an interest in making sure that this doesn't
3 happen to other faculty members.

4 MALE PANEL MEMBER: [Inaudible] understand that
5 we had some issues with the [inaudible] service and
6 basically my understanding, Dr. [inaudible] is gone,
7 the other guy's gone. Revisit everything. I'm not
8 saying they are better, but to me it is little bit
9 better than what it used to be. So, we're really
10 considering all this.

11 DR. HEGDE: I'm saying it's clearly not better
12 enough for me. Basically -- that's the other thing.
13 They are treating different people differently. I'm
14 the one who made the mistake of saying you can't
15 falsify federal records, and I'm taking it on the chin.
16 So, I don't have an expectation that it will get
17 better, because I'm the one -- I took it to this level
18 of filing a grievance, et cetera, so there'll be a lot
19 of people who are looking to do me in.

20 MALE PANEL MEMBER: But going back to my question,
21 we still -- is settlement option on the table?

22 DR. HEGDE: It is on the table as long as, number
23 one --

24 MALE PANEL MEMBER: I'm sorry, let me --

25 DR. HEGDE: -- there's accountability and full

1 accountability for the crimes committed. Somebody
2 needs to look into this. So, in other words, I'm not
3 going -- no longer going to agree to basically
4 [inaudible] or temporizing [inaudible] run the clock
5 out on all the statute of limitations.

6 Again, remember, I hope you heard Dr. Reese say,
7 I've been very open to this. I mean, if I was
8 agreeable to basically nothing if they could assure me
9 that a sense of -- I could be assured of a sense of
10 rule of law and they wouldn't be [inaudible] of that.
11 So, we did not because somehow I'm being intractable or
12 difficult, because I've learned from bitter experience
13 that -- that -- not to trust some of these people as
14 far as I can throw them.

15 DR. HOFFMAN: Dr. Hegde, just to be clear, when
16 you say they, you actually mean legal, who has
17 recommended to the other, so --

18 DR. HEGDE: Oh, let me say, I don't know who
19 recommended what to what. All I know is I'm on the
20 receiving end of --

21 DR. HOFFMAN: According to --

22 DR. HEGDE: -- testimony. But I'm just saying, I
23 have no way of knowing that. I'm not -- I did not say
24 that. I --

25 DR. HOFFMAN: Okay.

1 DR. HEGDE: -- don't know who said that. But all
2 I know is I'm on the receiving end. In other words,
3 all of these things -- [inaudible] it's going to all
4 take shape and get sorted out, and I'm going, oh, it
5 gets -- it either goes away and I don't even get an
6 explanation as to what any other people are doing, the
7 courtesy of actually explaining to me what happened.

8 I basically have to find out through Dr. Reese,
9 who has been kind enough to do that. But then he's
10 retiring this May. Then I -- I mean, you know, he
11 doesn't -- he's not my advocate, but he for some reason
12 has tried to resolve this case, working with the
13 administration, working with me, et cetera. He's going
14 to retire and I have to start over again. In the
15 meantime, all my other -- last ditch options. Again,
16 they are very last ditch. I've always made it clear,
17 you know, about taking my own legal action. The time
18 will run out.

19 So, do you feel confident [inaudible] that hadn't
20 occurred [inaudible] that I won't be separate again.

21 DR. HOFFMAN: Go ahead and answer that question.

22 DR. HEGDE: No, no, I mean --

23 DR. HOFFMAN: Richard, would you like to ask a
24 question?

25 DR. DEANER: Well, I was curious about your

1 opinion. You told us a lot -- a lot of information,
2 very complex information, in talking about the
3 responses of data, and some of the responses we have
4 gotten. I think in some ways that not having the
5 respondents in here to respond to the items would
6 symbolize or embody what you're saying about the
7 treatment you've been receiving.

8 DR. HEGDE: I'm sorry, I'm not sure -- some of the
9 -- [inaudible]

10 DR. DEANER: [Inaudible] what you've been or not
11 been getting, in terms of --

12 DR. HEGDE: Yeah. Yeah, yeah, yeah.

13 DR. HOFFMAN: Another point I do like the
14 panelists to hear [inaudible] is I'd asked you why you
15 didn't just go to the DA.

16 DR. HEGDE: Just what?

17 DR. HOFFMAN: Why didn't you just go to the DA for
18 incidental materials and you -- I think the panelists
19 should hear that.

20 DR. HEGDE: Yeah. Again, because of this, because
21 I wanted to go the extra mile and get it resolve
22 in-house, and work it out. And I might not like some
23 of the administrators, but I love my colleagues, and I
24 love my university. I want to continue. So, I had no
25 interest in making a brouhaha about it. I really did

1 want to get it resolved. It was only after it was
2 clear that people were willing to look the other way of
3 all these things, and that's -- I mean, that to say
4 [inaudible] would raise one's eyebrows. People were
5 not even willing to acknowledge, much less look into it
6 and actually fix it.

7 DR. HOFFMAN: Any other questions on this front?
8 Okay. So, maybe we'll move to that second question,
9 which is to kind of detail each specific respondent.

10 DR. HEGDE: Yeah. The -- the respondents are
11 listed in their capacity of their various
12 investigations that ended up taking time. But
13 essentially ended up denying me due process and as
14 [inaudible] my right to professional achievement.

15 I am -- if the investigations -- there are two
16 investigations that I've been told IACUC did. I have
17 never gotten any records, nobody told me -- in fact,
18 they didn't even talk to me. IACUC conducted two
19 investigations, at least two of them according to their
20 own records, about this matter. They never talked to
21 me. They never talked to my research assistant. So,
22 is that due process? I don't think so.

23 So, the -- the [inaudible] of the chair of the
24 IACUC, Dr. Stepp, who was the chair until recently, is
25 listed in his capacity as chair of IACUC, and IACUC

1 conducted its investigations. And Dr. Michael Brand,
2 who was a member of the chair -- excuse me, member of
3 IACUC, and was part of its select committee, which was
4 called an executive committee, which has since been
5 abolished, because I charged that that was illegal. In
6 other words, the decisions had to be made by the entire
7 IACUC. They were not allowed to make it the little
8 clique that they're in, to make the decisions, but they
9 did it anyway. But then they got cited by the federal
10 regulators for that. They have now abandoned it.

11 But when it was in existence, Dr. Brand was a
12 member of this, and he took part in -- in some of these
13 investigations. Let me make clear -- once again, I
14 repeat, I'm not saying that they, themselves, did
15 anything wrong. Like I said, they conducted these
16 investigations that were clearly violations of my due
17 process. What kind of due process is it when they
18 investigate a matter that directly involves me, where
19 you don't even talk to me.

20 FEMALE PANEL MEMBER: So, you're saying that you
21 really did not participate in those investigations --

22 DR. HEGDE: Correct.

23 FEMALE PANEL MEMBER: -- because one of the
24 respondents said that you participated personally in
25 each and every one of these investigations.

1 DR. HEGDE: Yeah. So, which ones -- yeah. Again,
2 this is the beauty of not having to speak under oath.
3 You get to say anything you want. I talked to Dr.
4 Stepp about this exactly once, which was on January
5 24th, about three weeks after -- less than three weeks
6 after the animal had died. I ran into the coordinator
7 of the IACUC, Jenny Whitlock, and I very simply asked,
8 you know, is all the paperwork in place. This was
9 supposed to be reported to the veterinarian -- by the
10 veterinarian to IACUC monkey staff. I said, is all the
11 paperwork okay, because, you know, I was keen about,
12 you know, having the paperwork in order.

13 She said, what animal's died? So, apparently --
14 so, then she said, oh, Victor [inaudible] chief
15 veterinarian and Dr. Stepp have not been getting along
16 very well, so that might've been it. So, she clearly
17 told Dr. Stepp, who came looking for me, and he wanted
18 to talk with me. Then we basically phone tagged for a
19 while, and the following Monday I had talked with him
20 in his office about this. In fact, he volunteered when
21 I told him how this happened, he said, oh, that looks
22 like a clear case of OD'ing overdose [inaudible].

23 I think that's when somebody else convinced him
24 that it's expedient to do so. But that's the only time
25 I talked with him. So, if you call that inquiry, when

1 I went to his office, told him about it one time, then
2 yes, I was -- that one time I did talk with him. But
3 that was the only time. There was no follow-up and I
4

5 MALE PANEL MEMBER: But the six investigation that
6 he claimed were done, you were not even involved with
7 any of them?

8 DR. HEGDE: After that conversation, no, I never
9 talked with them.

10 MALE PANEL MEMBER: So we don't know if that's one
11 of the investigations or not?

12 DR. HEGDE: Well, again -- but, again, with Mr.
13 [inaudible] the other -- the third investigation, I
14 guess, Mr. [inaudible]'s investigation, started when I
15 went to talk with him. The only other time when I
16 talked with him about the case, was in a November 20th
17 meeting, when both Ms. Harbison and Reese testified
18 that we went in expecting to get a copy of the record
19 that were promised. Then, instead, they basically
20 [inaudible] -- basically, they said we will show you,
21 but tell us what you mean by falsification.

22 I had a reason to believe that this was actually a
23 fishing expedition, because I had -- by that time, one
24 of the federal regulators, OLA, Office of Laboratory
25 Animals, [inaudible], had sent written interrogatories

1 about this animal's death. Then they basically wanted
2 to find out, I think, that this is my connector, how
3 much I had. They knew that I didn't have the
4 documents, so they basically said this is -- that was
5 the second time I saw the necropsy report. The third
6 time I saw the surgical history. Third time I saw the
7 necropsy report, second time I saw the surgical.

8 In other words -- in other words I have previously
9 seen them for about five, ten minutes each time. Once
10 on February 24, 2014, and another on March the 14, 2014
11 for, again, a few minutes each. Then on October 20,
12 2014, several months later, she shows me this and say
13 what are the -- what are the falsifications? I made it
14 clear to her that I'm not saying these are all the
15 falsifications, because I -- I haven't had a chance to
16 take long enough look at it to come up with the full
17 list of it. I told her I can give you a partial list,
18 showing you a few of the things.

19 So, that was the only other time when I talked
20 about the case itself. They had many reasons to
21 follow-up with me, because they're -- you know, you
22 heard one, the instance where I was contradicted. If
23 they were doing their due process investigation and you
24 have something you want to double check with the
25 complainant -- there were any number of times and she

1 said she didn't talk to any of the IACUC members about
2 my character. One of the IACUC members specifically
3 did say that's all she talked about, she didn't want to
4 talk about anything else. But then that IACUC member
5 is afraid to come forward because there's a -- that is
6 an illegal mechanism. But they made him sign a
7 non-disclosure agreement where he won't talk to anybody
8 about it.

9 In terms of that itself is illegal, the university
10 is no longer making people -- IACUC members sign
11 non-disclosure agreements. But he has signed it.
12 Therefore, he's afraid to, you know, come forward and
13 testify. But it was clear, talking with him, that
14 basically they wanted to find out -- dig up dirt about
15 me, but were not interested in anything else.

16 So, that was the second -- excuse me, the third
17 investigation and the one conducted by Mr. Rush. So,
18 there were two active investigations. The third
19 investigation conducted by Mr. Rush, which was, I guess
20 [inaudible]. The first three are the most
21 consequential ones. The other two were the ones that I
22 was referred to, that Mr. Melcher took such umbrage at
23 for me having referred to them as investigations.

24 They basic -- what happened was, in February of
25 2015, they said they moved the monkey to our veterinary

1 campus near the airport, Gracewood campus. They said
2 they initially do it for basically to take an x-ray of
3 the necropsy's head, that was my remaining monkey. But
4 then in terms of it was a ruse, they actually wanted to
5 permanently transfer the monkey and they didn't want me
6 to put up any -- any fight about moving the monkey.

7 But the problem with moving the monkey there is
8 because I have other research on this campus, so I
9 couldn't do my grant funded research if they move the
10 monkey where it is, you know, 20 minutes by car one
11 way, at least, if you speed. Then you are responsible
12 for the welfare of these animals. If something
13 happens, it's, you know, your rear-end that's on the
14 line. But then how am I supposed to do that work on
15 that campus and this work on this campus? I would've
16 never agreed to that, any of that. I told them it
17 wouldn't work. I told them I was a successful
18 researcher, they're destroying my entire career,
19 because they'd be jeopardizing my work on both campuses
20 if you split my lab into two different campus.

21 MALE PANEL MEMBER: Did they move only yours?

22 DR. HEGDE: What?

23 MALE PANEL MEMBER: Did they move only your
24 animal, or anybody else?

25 DR. HEGDE: They moved another -- a person's

1 animal, but that person was no longer actively working
2 on the monkey. In fact, he's leaving the university
3 all together.

4 FEMALE PANEL MEMBER: So, let's --

5 DR. HEGDE: But then --

6 FEMALE PANEL MEMBER: -- research on one campus or
7 the other?

8 DR. HEGDE: Correct. Then the -- but the other
9 person whose monkey they moved, he only does monkey
10 research. So, he can [inaudible] and do it, although
11 it is -- it's hard, because his office is here, et
12 cetera. It's convenient. The general approach is
13 really talk with the investigator, work things out,
14 rather than, you know, pull something surreptitious
15 like that.

16 So, when they did that, I basically said I'm going
17 to write an open letter to President Azziz, who was
18 president at the time, and copy everybody, the governor
19 and attorney general, everybody, and I basically -- I
20 had told them that this is clear retaliation. I will
21 no longer have -- and I cc'ed to Vice President Norman
22 and the general counsel. In fact, initially I didn't
23 know Mr. Melcher was the general counsel, so I ended up
24 erroneously cc'ing to the general counsel of the
25 medical center, and she promptly directed me and Mr.

1 Melcher came on board.

2 They said we'll look into it, give us time. That
3 was right around Masters. I think they wanted to avoid
4 any publicity right around that time. So, they -- this
5 is -- they said we'll look into it. That's why I
6 rephrased it as investigation. So, I don't know what
7 they did or did not do. They wouldn't tell me. They
8 never told me, except they kept, again, buying time.
9 It wasn't until July they said essentially -- they sent
10 me this email saying -- July 10, 2015, that after
11 several reminders, this is from [inaudible] they
12 basically said we've done our due diligence, and that's
13 the end of our case.

14 So, they basically said hold off your open letter,
15 we'll look into it. Then a few months later, they
16 [inaudible]. You have to work with what you've been
17 given. So, that was -- that's what I mean by
18 investigations. Because -- because a real [inaudible]
19 basically -- basically, I was under the impression that
20 this -- Dr. Reese was cc'ed on this. That they were
21 looking into this. Call it whatever you will,
22 investigation or whatever, they were looking into this.
23 That's what I mean by investigation. They never shared
24 the results of the investigation.

25 In fact, any of these investigations when they --

1 I asked them to share the result, they wouldn't even
2 respond to my letters -- respond to my emails. So,
3 eventually I had to file open records request to get
4 the results of the investigations. Then, you know,
5 they would charge me through the nose and, then, you
6 know, it would take time. Then they would claim
7 various exceptions. You're not allowed to see this, we
8 have to redact this, black out that and so forth.

9 So, this is where my incomplete picture comes
10 from. So, when I say investigations by Mr. Melcher and
11 Ms. [inaudible], I took them at their word. When they
12 said they'd look into it, they were looking into it,
13 which I took to mean they were doing some
14 investigation. Again, as I said, Mr. Melcher seems to
15 be very upset. This is one of the things he wants me
16 to be censured for. That's what I mean.

17 So, these all -- the various investigations had
18 the effect of buying time, and then basically at my
19 expense, and producing nothing. I was not -- certainly
20 [inaudible] Mr. Melcher never talked to me about any of
21 this. They basically after three months, they told me
22 there was nothing, I think you should move on. They
23 never talked with me about it.

24 So, if -- that's why I said, these are the people
25 who said they would look into it, and it was not a fair

1 process. It produced nothing and it was demonstrably
2 unfair to me, in the sense they didn't involve me, they
3 didn't give me the results, and didn't explain the
4 results.

5 So, I basically -- in asking for an external
6 investigation, I am basically citing these as internal
7 investigations that I've done, going out of my way to
8 participate in [inaudible] and subject myself, too.
9 So, in other words, these are not things I [inaudible].
10 These are the things that end up costing me time and
11 precious emotional energy. Then Dr. Reese has been
12 involved in it throughout.

13 So, I cited five of them as respondents because of
14 their roles in this investigation that really ended up
15 being simply cover-ups, in the sense they admitted
16 nothing, corrected nothing, fixed nothing, and
17 basically status quo remains.

18 Did I answer that question as to why I --

19 FEMALE PANEL MEMBER: I don't know if this is an
20 appropriate question. I'm not [inaudible]. When they
21 put it on hold, does that mean it can never be
22 restarted, or how does it work?

23 DR. HEGDE: You mean put -- when they took the
24 monkey off protocol, you mean?

25 FEMALE PANEL MEMBER: Uh-huh.

1 DR. HEGDE: They basically -- it can be restored,
2 but they are basically -- initially, when they took my
3 monkey off, the condition for restoring it was the
4 monkey -- nine kilo monkey now has to weigh 12 kilos.

5 FEMALE PANEL MEMBER: Right.

6 DR. HEGDE: And you're not going to be able to do
7 anything until that. Then somewhere in between, I
8 started asking can I get another new monkey, and does
9 this new monkey have to weigh 12 kilos, because as I
10 mentioned, getting 12 kilo monkeys is like getting, you
11 know, 300 pound lineman, tight end. It's not easy.
12 They said yes. But then that meant I had to get
13 everything, you know, all the [inaudible] monkey share
14 and all the hardware for doing the study.

15 In other words, they're essentially holding me,
16 and me alone, to a different standard. So, I basically
17 said this doesn't make any sense, because a healthy
18 monkey doesn't -- there's no weight target. In fact,
19 Dr. Blake in his affidavit says weight targeting is
20 wrong and a non-partisan practice.

21 But then the -- the goal post kept moving as to
22 what I had -- needed to do to get back on track. So,
23 this is what I'm saying, that after a while it became
24 crystal clear that every step of the way, the procedure
25 itself was being -- was [inaudible] operation, where I

1 would comply with it and then they move the goal post
2 again. Then -- it was clear now that it was being used
3 to basically stick it to me. That's when we had that
4 meeting with the -- all the important parties to try to
5 work something out. Did that answer your question?

6 FEMALE PANEL MEMBER: Yes.

7 DR. HEGDE: Okay.

8 FEMALE PANEL MEMBER: I'm just curious. Where is
9 Crosby?

10 DR. HEGDE: I have no idea.

11 FEMALE PANEL MEMBER: So you have no access to
12 him?

13 DR. HEGDE: No. Again, other investigators have
14 access to, you know, records, et cetera. The reason
15 why they -- what they have given to me, this monkey
16 we're taking is a monkey out of protocol. Therefore,
17 you're not the principal investigator, and therefore
18 you have no access. In other words, I have no way of
19 determining whether he is dead or alive. In fact, they
20 didn't -- when he was here, you know, he was moved to
21 the other campus in March of 2015. When [inaudible]
22 they changed the locks on me, I wasn't able -- allowed
23 to go in, even while they're playing the game of, you
24 know, getting the monkey back on protocol.

25 Again, all respondent explanations have every step

1 of the way and every one of these you can say, oh,
2 yeah, there's an honest explanation. But to account
3 for all this, a whole host of plausible things and
4 unanswered questions would have to be answered. All
5 I'm saying is that unless somebody makes people answer
6 these questions, [inaudible] has some accountability,
7 this is not going to get resolved, because remember,
8 the institution clearly has an interest in basically
9 sweeping this under the rug.

10 I'm not saying everybody, and you heard Dr. Reese
11 say Dr. Kaufman was receptive, et cetera. So, I don't
12 want to paint with a strong brush. But some powers
13 that be who clearly have great pull are calling the
14 shots. I'll leave it to your imagination as to who
15 that person and entity is.

16 DR. HOFFMAN: Any other questions from the
17 panelists? All right. Dr. Hegde, you're allowed a 10
18 minute closing statement, unless you feel that the
19 question and answer period has been sufficient.

20 DR. HEGDE: You're sure you have no other
21 questions?

22 FEMALE PANEL MEMBER: Are you able to do research?
23 Are you still doing research at all or --

24 DR. HEGDE: My monkey research has been completely
25 shutdown. I have been able to do human research,

1 because I -- I happen to be -- before this, I happened
2 to be a successful brain researcher, so I also did
3 human research, which not everybody does. So, you
4 know, because it takes different kinds of techniques
5 and different set of expertise. I'm funded through
6 that, so I'm surviving through that.

7 But the deceptions take a big hit. Yeah. But --
8 and I got into monkey research, and I spent two decades
9 training for it. I made a personal investment, and
10 personal love, for it, because the kind of things you
11 can understand about how the brain works by working on
12 monkeys, it simply cannot be done in a human. That is
13 the reason why we do animal research to begin with. In
14 our case, we do it in monkeys because monkey brains are
15 so close to human brains.

16 So, both because I'm an [inaudible] and because I
17 understand the scientific and clinical value of doing
18 this research, as morally -- as far as animal research
19 is, I see the value of doing it. That's why I want to
20 continue. I've been successful at this. In other
21 words, I was fairly versatile in my research portfolio,
22 successful in every one of them, and I've tried to get
23 external funds.

24 DR. HOFFMAN: Okay. Would you like to take the
25 opportunity to do the closing statements?

1 DR. HEGDE: I will only say that -- again, I come
2 back to the preponderance of evidence. Can you think
3 [inaudible] whether my account is more trustworthy or
4 worthy of credit than the respondents' account. Again,
5 I'm not asking you to find them at fault or anything.
6 I'm only basically saying the respondents didn't do a
7 good job of investigating it.

8 So, I ask you to look at it. Has this matter been
9 investigated properly or not? All these outstanding
10 questions have been very, very troubling, and why
11 [inaudible] activity, have they been accounted for. If
12 your answer is they've been accounted for, so be it.
13 But I would also like you to consider that this will
14 set a precedent, where as a university [inaudible] so
15 every field [inaudible] validated, everything that the
16 respondents have done, the investigations they did or
17 did not do, and the way they've treated me, and the way
18 they presented themselves, or haven't presented
19 themselves, before the panel, et cetera.

20 Do you [inaudible] everything I've said to you,
21 oh, there's nothing to look here, then you can -- the
22 consequence of that is that there will be other faculty
23 members this will happen to, other animal researchers
24 this will happen to, other researchers, other faculty
25 who are not researchers, who are in another capacity,

1 where a case will be [inaudible]. That's compelling.
2 They will be -- they will -- this will -- I will have
3 been basically the example, the kind of example they
4 would want to avoid. In other words, if somebody
5 assaulted somebody, somebody gets raped, they would
6 know that if they know what's good for them, they
7 should keep their mouth shut.

8 In fact, I got told this many times. Not in so
9 many words, but I got this message that I was -- I
10 didn't want to go to jail, so I made the mistake of
11 blowing the whistle, and look where it got me.

12 FEMALE PANEL MEMBER: It is pausing to me that --
13 and I know we're a new university, but there's some
14 whistle blowing policies. So, even when it was MCG,
15 there was not one?

16 DR. HEGDE: Correct. The way it was -- it came
17 about, the current whistle-blower policy is the one
18 that Ms. Harbison showed me, was signed by -- on an
19 emergency basis on October 30, 2014, by Kaufman, Dr.
20 Kaufman, and not President Azziz, because he was out of
21 town. Why was it done on such a hurried basis and
22 didn't go through the usual faculty-centered vetting
23 process? Because in terms of [inaudible] the federal
24 regulator [inaudible] specifically asked [inaudible] in
25 their letter of October 29, asking the university, how

1 come you don't have the whistle-blower policy. Before
2 they responded to that, they wanted to have something
3 in place, so they basically rammed this through and
4 passed it. As best as I know, that is still in effect
5 today. It is an emergency policy that was instituted.

6 DR. HOFFMAN: Anything else?

7 MALE PANEL MEMBER: I have a question for you.
8 This may not be necessary, but what's the protocol if
9 for some reason a question comes to me for him or
10 respondents, something like that, what happens?

11 DR. HOFFMAN: I suppose you could send the
12 question to me, then I'll forward it to Dr. Hegde.

13 MALE PANEL MEMBER: I just was curious.

14 DR. HEGDE: Yes, and if I may say so, please ask
15 me anything you want, any question you want. I mean,
16 if you ask me things like what is the meaning of life
17 [inaudible], I may not answer that.

18 DR. HOFFMAN: Okay. No more questions? The
19 record is now closed and no further evidence will be
20 received. No other type of contact should be made with
21 the committee members or the provost by either party
22 during deliberation. I guess that answers that
23 question. The committee is adjourned so that they may
24 review the evidence in closed session. The committee
25 will submit its findings and recommendations to the

1 provost within five business days. You may withdraw
2 from the hearing room.

3 [HEARING CONCLUDED]

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1 CERTIFICATE OF TRANSCRIPTIONIST

2 I hereby certify that the foregoing transcript,
3 consisting of pages numbered 1 through 132, is a transcript
4 of the recording provided.

5 I further certify that I am not kin or counsel to
6 the parties in the case, am not in the regular employ of
7 counsel or said parties, nor am I otherwise interested in
8 the result of said case.

9 This the 21st day of August, 2016.

10
11 _____
12 BONNIE W. JOHNSTON

13 CERTIFIED COURT REPORTER

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