

Part 21

Questions directed to President Martha Saunders at her deposition on April 12 and 13, 2010--Q is question; A is President Saunders' answer.

Q. You know he (Mr. Gore, USM legal counsel) was involved in (administrative decisions with regard to) Dr. Depree?

A. Yes.

Q. I'd like for you to look at paragraph 13 of your affidavit [Saunders' sworn written statement]?

A. (Saunders looks at document.)

Q. Okay?

A. (Witness nods head affirmatively.)

Q. What does that say?

A. To my knowledge, Dr. Depree did not submit a grievance regarding my decision to refer the complaints to the ombudsman or my decision to direct Depree to devote his time to research.

Q. And by that, do you mean he should have filed a grievance or he was required to file a grievance under the faculty handbook?

A. I don't know that.

Q. What do you intend to convey by that paragraph?

A. Assuming that there was no grievance filed. I'm not sure I intended to convey anything else other than to disclose what I know --

Q. And why would you have --

A. -- what I knew.

Q. -- commented on his failure to submit a grievance?

A. I'm not sure.

Q. Did you write this affidavit [that she had signed as her own statement]?

A. Did I --

Q. Did you draft it, write it?

A. I wrote it in consultation with general counsel [Lee Gore].

Q. Now, what does it mean to you that Dr. Depree did not file a grievance?

A. It means what it says, he did not submit a grievance.

Q. Would it surprise you if the faculty handbook said that a grievance is not to be filed in situations such as this, termination proceedings?

A. It would not surprise me that, if you say so.

Q. Let's look at paragraph 12.2.1 of the 2007 faculty handbook?

A. (Saunders looks at document.)

Q. If I may say so, I believe it's on page 116.

A. I've got it.

Q. And I think it picks up with the first sentence in italics?

A. These procedures do not apply to cases involving termination of tenured faculty or termination of nontenured faculty prior to the expiration of the term of their contracted employment. These procedures do not apply to recommendations on promotion or the award of tenure.

Q. We can stop there. What are these proceedings referred to in that sentence?

A. Faculty grievance policies.

Q. So where you have referred something for an investigation for possible termination, a grievance was not applicable, was it?

A. Apparently not.

“Apparently not?” Professor DePree’s attorney is reading the USM Faculty Handbook President Saunders is not familiar with after four years on the job and applying her lack of understanding of USM Faculty Handbook to proceeding to fire a tenured faculty. Does President Saunders have any idea what she’s doing? Or, since Lee Gore doesn’t know what he’s doing, neither does President Saunders? Take your pick. And if she and Gore decide to get rid of you for budgetary or simply because she

does not like what you say, do not look to guidance from USM Faculty Handbook.
The "rules" are in the minds of Saunders and Gore and you do not have a copy.