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1 record.)

2 Record resumed.

3 (Witness entering.)

4 COURT CLERK: Ma'am, do you sincerely and solemnly
5 swear or affirm that the testimony you are about to give
6 this court would be the truth, the whole truth, and nothing
7 but the truth. Do you so swear or affirm?

8 D R C A T H A R I N E S T I M P S O N,
9 having been called as a witness on behalf of the People,
10 testified as follows:

11 THE WITNESS: I do.

12 COURT OFFICER: In a loud and clear voice, for the
13 record, please state your name, spelling your last name, and
14 occupation.

15 THE WITNESS: Okay, my name is Catharine R.
16 Stimpson, S-T-I-M-P as in Mary Poppins S-O-N. I am the
17 university professor and Dean of Emerita of the Graduate
18 School of Arts and Science at New York University.

19 THE COURT: Okay, so I need you to keep your voice
20 up, mic. is live, if you need it. If you don't understand a
21 question, let me know so we can ask it more clearly and if
22 there is an objection, give me a chance to tell you whether
23 or not to answer it, okay?

24 THE WITNESS: Thank you.

25 THE COURT: Your witness, sir.

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1 MR. BANDLER: Thank you, your Honor.

2 DIRECT EXAMINATION

3 BY MR. BANDLER:

4 Q You said you are Dean of Emerita, what does that mean?

5 A That means that I was the dean of the Graduate School
6 of Arts and Science and then when I stepped down from that
7 position on September 1st, 2010 they gave me this honorific
8 title meaning I was no longer the dean but people wanted to
9 remember that I had been at one point.

10 Q And what are your current duties in your position where
11 you are now?

12 A I'm still a university professor at New York University
13 that means I teach, I teach courses in literature, I teach
14 courses in literature in the law, I probably will teach courses
15 about higher education. I advise students, I take on projects
16 at the University and try to be a good University citizen. I
17 write. I speak to groups, if they ask me to do so but I try to
18 be a citizen of New York University.

19 Q And could you tell the jury a little bit about your
20 background and education and what your specialty is?

21 A If I sound a little croaky, I'm getting over a cold so
22 please forgive me.

23 THE COURT: The jurors are use to it because
24 they've had to listen to me.

25 A My education, I was educated at a public high school in

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1 a small town in the state of Washington and then I came as we
2 called it, came east to college and I went to Bryn Mawr College
3 in Pennsylvania and then with the help of a Fulbright
4 Scholarship, I studied at Cambridge University in England and
5 all this time I was studying English literature. I returned to
6 the United States to New York, I had always wanted to live in
7 New York, and I attended Columbia University where I earned my
8 doctorate in English literature. Then I began to teach at
9 Barnard College where I received tenure.

10 In 1980 I went onto Rutgers University where I
11 continued to teach and they made me dean of the graduate school
12 there.

13 In the early nineties, in 1994, I became a commuter, I
14 became a commuter to Chicago where I worked at MacArthur
15 foundation and what I did there was really interesting, I was
16 responsible for a program that gave fellowships to people of
17 exceptional talent and creativity. The popular press and lots
18 of people called it the genius program but it was nice to be
19 able to give money to really exceptional and worthy people.

20 In 1998, I went to New York University as university
21 professor and dean of the Graduate School of Arts and Science
22 and then as I've told you on September 1st I became Dean of
23 Emerita and will do more teaching and more writing.

24 Q If you could tell the jury a little bit about your
25 duties and responsibilities as dean?

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1 A It's a wonderful job. The Graduate School of Arts and
2 Science as the name says admit students so they can earn a
3 master's degree, maybe a Master's of Science or a Master's of
4 Fine Arts or a Master's of Arts and they could also earn a Ph.D.
5 At the Graduate School at Arts and Science we gave master's
6 degrees and doctoral degrees in 54 different programs such as
7 english or biology, or economics.

8 It's about 3500 students and what a dean is responsible
9 for is making sure the school runs fairly, making sure the
10 admission process is right, making sure the students are taught
11 by the best possible professors, making sure they learn things
12 that are true and on the cutting edge of thought. We also try
13 because many of our graduates will go on to become teachers, we
14 run programs in teaching teachers how to teach and what does it
15 mean to work with undergrads and other students to teach.

16 We also are responsible for making sure that all
17 policies and procedures are taken care of and since New York
18 University is a private university, I was also responsible for
19 raising money so I was a fundraiser as well, primarily for
20 fellowships so that our students could have financial aid.

21 Q So approximately how many staff and students and
22 programs were you responsible for as dean?

23 A About 3500 students, a staff of about 37, and as I said
24 54 degree granting programs and there were tracks that you could
25 follow within those programs such as in biology you might want

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1 to specialize in genetics, and so there were 200 tracks within
2 those 54 degree granting programs.

3 Q And where in the university of hierarchy would
4 Dr. Schiffman fit in relation to you?

5 A I don't want to sound too technical but I've got to
6 talk if you forgive me a little bit about the structure of the
7 university.

8 New York University has a number of different schools
9 and the Graduate School of Arts and Science has a counterpart in
10 the undergraduate or College of Arts and Science. Other schools
11 are, as you know, Judge, the law school, the medical school, the
12 business school, the social work school and what have you.

13 Dr. Schiffman and then the two, the Graduate School of
14 Arts and Science and the College of Arts and Science, joined
15 together in what's called a faculty of arts and science and
16 that's responsible for teaching faculty, it's responsible for
17 the budget, and it's responsible for space.

18 Dr. Schiffman when I came to NYU in 1998, Dr. Schiffman
19 was both a scholar and a teacher and he was also the chairperson
20 of one of our best departments, the Department of Hebrew and
21 Judaic studies. I would of worked with chairs of the department
22 but the graduate program also had directors of graduate studies
23 and I would have worked with a director of graduate studies from
24 the Department of Hebrew and Judaic studies. Forgive me if that
25 is a little bit more structural details than you need.

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1 Q Would you say you were a little more higher up in the
2 chain than Dr. Schiffman?

3 A If you're looking at the chain of scholarship or if
4 you're looking at the chain of administrative authority?

5 Q The chain of administrative authority?

6 A The top guy is the president, the next guy or woman,
7 vice president and provost who is the chief academic officer and
8 then the next men and women are the dean and then
9 administratively after that there's the chairs.

10 Q And I think you mentioned this, can you tell the jury
11 why you switched positions leaving the dean ship position?

12 A Well, change is good for the soul and I had been dean
13 for nearly thirteen years and I thought it was time for maybe
14 some fresh ideas and some fresh blood and I had other things I
15 wanted to do within the university so I left in the most amiable
16 possible way.

17 What I say to myself is stop dancing while the music is
18 still playing and the music and the dean ship was still playing
19 for me but there were simply new challenges and the school I
20 thought could profit from fresh ideas and fresh blood but it was
21 very, a very amiable parting and I still do fundraising for the
22 school.

23 Q And the jury has heard the name Richard Foley, what was
24 Richard Foley's position during August of 2008?

25 A Richard Foley was a professor of philosophy and dean of

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1 the faculty of Arts and Science so he was the dean to which I as
2 dean of the Graduate School of Arts and Science, I worked with
3 him and he signed my appointment letters as the president at his
4 will.

5 Q So in the administrative chain, Dean Foley would have
6 been above you?

7 A First among equals.

8 Q I'd like to direct your attention to August 5th of 2008
9 or shortly thereafter, did you receive an e-mail from an e-mail
10 account Larry dot Schiffman at gmail dot com?

11 A Yes, I did.

12 Q And I'd like to display exhibit 10-M which is already
13 in evidence and I'd like to hand you so you don't have to crane
14 your neck that hard. I can give you, I'll hand up the binder.

15 Did you receive that e-mail?

16 A I did.

17 Q And do you remember if you were in the office at the
18 time or out of the office?

19 A I was out of the office that week so I had an auto
20 reply saying that I was out of the office I think from during
21 that particular week, I was checking my e-mails infrequently
22 during that week.

23 The auto rely also said if you have an emergency here
24 is the number to call but I was checking my e-mails when I could
25 and so I would have seen this if not exactly on August the 5th

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1 shortly thereafter.

2 Q And when you received this e-mail, what did you think?

3 A I beg your pardon?

4 Q When you received this e-mail, what did you think?

5 A This is really weird. Something is wrong here. This
6 doesn't make sense.

7 Q How well do you know Dr. Schiffman?

8 A I know Dr. Schiffman as a chair and I know
9 Dr. Schiffman as a colleague and since I came to New York
10 University in 1998 this e-mail was sent in 2008, we'd had a
11 number of professional encounters.

12 Q And on 10-M the e-mail address on the to line is that
13 your e-mail address?

14 A Yes, it is.

15 Q And scrolling down a little, are there any other
16 Lawrence Schiffman's in the university that you know of, a
17 Professor Lawrence Schiffman?

18 A Not that I know of, no.

19 Q And I'd like to display exhibit 10-K and you can turn
20 to 10-K which is in evidence.

21 (Displayed.)

22 Q Do you recognize 10-K?

23 A Oh, that's my auto reply.

24 Q And I'd like to display exhibit 10-P which is in
25 evidence.

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(Displayed.)

1

2

Q If we could just view the bottom first.

3

Do you remember if an e-mail to the provost was forwarded to you?

4

5

A I believe it was but I don't have an exact memory.

6

Q And forwarding up, do you know who David McLaughlin is?

7

8

9

A David McLaughlin is the provost of New York University and in academic term that is right under the president. The provost is the chief academic officer.

10

Q Who is Pierre Hohenberg?

11

12

13

A Pierre Hohenberg is vice provost, he works under the provost second in command there, and he was vice provost for research, so it was a serious academic position.

14

15

16

17

Q Now that exhibit indicates that Mr. Hohenberg wrote "Dear Professor Schiffman, its been referred to me --" skipping ahead -- "I have in turn referred the matter to Dean Richard Foley for further disposition."

18

19

Do you know if the matter was indeed turned over to Dean Richard Foley?

20

A Yes, it was.

21

Q And for what purpose was it referred to Dean Foley?

22

A I would say for information and inquiry.

23

Q And what was your role in the inquiry?

24

A My role?

25

Q In the inquiry?

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1 Q Actually we'll get to that a little later.

2 It says it was referred to the senior vice provost for
3 research, who would that have been?

4 A That's Pierre Hohenberg.

5 Q And if we could display 16-I which is in evidence.

6 (Displayed.)

7 Q Do you remember if this e-mail ever came to you, 16-I?

8 A Well, I'm not on the list.

9 Q And 16-L, if we could display that which is in
10 evidence.

11 (Displayed.)

12 Q That's from Peter dot Kaufman to Robert Roach and 16-X,
13 if we could display that.

14 (Displayed.)

15 Q So this is from Peter Kaufman to Dick dot Foley at NYU.
16 Dick Foley would be who?

17 A Dick Foley is Richard Foley the dean of the faculty of
18 Arts and Science.

19 Q And do you recall if this e-mail ever came to you?

20 A I believe when e-mails began to go to Dean Foley and
21 then Dean Foley consulted with me about these events then I saw
22 several of the e-mails that had been sent to him.

23 Q And these e-mails were the subject of the initial
24 inquiry conducted?

25 A Yes.

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1 Q And if we could displayed 16-KK.

2 (Displayed.)

3 Q And this one from September 7th of 2008, do you
4 remember if that e-mail came to you?

5 A I remember seeing that, yes.

6 Q And 16-LL.

7 (Displayed.)

8 A Yes, I now have it.

9 Q Okay, do you remember if that e-mail ever came to you?

10 A I am not on the list but I did see this e-mail, yes.

11 Q And 16-PP which is also in evidence. If we could
12 display that.

13 (Displayed.)

14 Q Did you ever try to get anyone to try to stop
15 publishing anything about Dr. Schiffman?

16 A You mean did I write?

17 Q This letter 16-PP -- well it refers to something else
18 but I guess my question would be as part of the inquiry, did you
19 ever try to get someone to stop publishing accusations about
20 Dr. Schiffman?

21 A I went to the university librarian and asked --

22 Q Let me stop you there.

23 One of the other e-mails refer to -- alleges that
24 Dr. Schiffman had to stop this Peter D. Kaufman from publishing.

25 All right, 16-00, if we could scroll down to from Now

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1 Public dot com.

2 (Displayed.)

3 Q It's from Now Public to Peter D. Kaufman we've received
4 a legal notice, we will make a decision about any further action
5 and if we could scroll up from Peter dot Kaufman to NYU and it
6 says it appears from the letter below and the legal notices it
7 describes saying Dr. Schiffman or someone else at NYU has seen
8 fit to file some kind of a criminal complaint against him, I'm
9 paraphrasing, to try stop him from publishing.

10 You didn't try to stop this person from publishing
11 On-Line, did you?

12 A Absolutely not, no.

13 Q If we could go to 16-ZZ sub 1, we added that yesterday
14 and don't display it yet, please, it's not in evidence yet but
15 you have it in front of you.

16 Do you recognize that e-mail?

17 A Yes, I'm afraid I do.

18 Q And is that an e-mail from November 3, 2008 from Sam
19 dot Edelstein to you?

20 A It is to a variety of people.

21 Q And are you one of the people on the to?

22 A No, I'm not.

23 Q Are you on 16-ZZ sub 1? It's the yellow tab that looks
24 like it was added at the last minute.

25 A This is the one from Media Watch dated --

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1 MR. BANDLER: Can I approach, your Honor?

2 THE COURT: Sure.

3 Q So 16-ZZ sub 1, are you now at the e-mail dated
4 November 3, 2008?

5 A Yes, I see that now.

6 Q And is that from Sam dot Edelstein to you?

7 A I am on this e-mail, yes.

8 Q And is that an e-mail you actually received?

9 A I remember receiving this, yes.

10 Q And is that a fair and accurate depiction of the e-mail
11 you received?

12 A Yes, it is.

13 MR. BANDLER: Your Honor, I move exhibit 16-ZZ sub
14 1 into evidence.

15 MR. BREITBART: No objection.

16 THE COURT: And if we could display it.

17 (Displayed.)

18 Q So who is this e-mail to besides you?

19 A Well, I don't recognize all the names and one name here
20 is Mitchell Stevens that could be one of the two people who
21 teach at NYU, Carol Sternhill that is someone who has a name but
22 that JLZIMM at org.

23 Q What date is that letter?

24 A Three November, 2008.

25 Q How serious is an accusation of plagiarism for someone

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1 in your field?

2 A It's very serious, it's one of the worse things you
3 could say about people in my field.

4 Q Why is that?

5 A It's an accusation along three lines.

6 First it's an accusation of theft, the plagiarist
7 steals someone else's ideas.

8 Two, it's an accusation of perhaps not legal but
9 certainly of moral fraud because what the plagiarist is saying
10 these are my wonderful ideas, look how smart I am, look what a
11 great scholar I am, look at all the beautiful things I've
12 thought of and they haven't done it.

13 And a third thing what's wrong with it it implies a
14 form of malpractice. In the academic world, like most people in
15 their everyday life you live in truth, you have to be able to
16 rely on people, you have to be able to know that people are
17 telling you the truth and when you read an article you have to
18 think this is reliable. It's like when you go to a doctor and
19 you get a diagnosis, you like to think this is reliable and so
20 what the plagiarist does is he or she sillies the atmosphere of
21 truth.

22 (Continued on next page.)

23

24

25

1 Q. And does New York University have a policy on
2 plagiarism?

3 A. Yes, it does.

4 Q. And where is that contained or displayed?

5 A. Well, there's a document, a long document, that is the
6 handbook by which we live, that outlines faculty procedures and
7 processes which which we must comply.

8 Q. Is it also available online, at least selected
9 policies?

10 A. Yes, it is.

11 Q. And prior to testifying today, have you reviewed what's
12 marked as People's Exhibit 1 A? If I may hand it up (handing).
13 Have you reviewed that?

14 A. Yes, I have.

15 Q. What is exhibit 1 A?

16 A. Exhibit 1 A is the faculty handbook of New York
17 University, and it is selected policies about the protection of
18 rights, and other matters. And it's selected policies about
19 what's called good order in the conduct of university affairs.
20 So those are the rules by which we must live.

21 Q. Does it also include the academic misconduct policies?

22 A. Yes, it does.

23 Q. Does exhibit 1 A fairly and accurately represent NYU's
24 selected policies on this topic?

25 A. I believe it does, yes.

1 MR. BANDLER: I move exhibit 1 A into evidence.

2 MR. BREIBART: No objection.

3 THE COURT: In evidence.

4 Q. If you can hand that back. We will highlight some of
5 it I am just going to display. You know what might help you is
6 if I give you another copy so you don't have to crane your neck
7 (handing).

8 A. Thank you.

9 Q. All right. So on page 1, the NYU code of ethical
10 conduct, is that contained on page 1, or at last starts on page
11 1?

12 A. It begins on page 1, yeah.

13 Q. And if I could direct you to page 19, and is that where
14 it's the bottom of page 19, what policy is that?

15 A. This is how people in the university should deal with
16 -- if there's been an allegation research misconduct which might
17 be the science, social science, or humanities or other fields.

18 Q. Would an accusation of plagiarism fall within this
19 policy?

20 A. Yes, it would.

21 Q. And if we could go to page 21, the bottom of page 20,
22 procedures II starts with initial inquiry and then the page
23 ends. If we could then go to the top of page 21, which is
24 subparagraph A, could you just read the -- so, does that
25 paragraph --- what does that paragraph refer to?

1 A. Paragraph A at the top of page 21?

2 Q. Yes.

3 A. It tells what a dean, what a dean should do if there's
4 been an accusation of plagiarism, what are the procedures that
5 the dean should follow.

6 Q. Does that include doing a preliminary inquiry?

7 A. Well, first the dean decides if you should go to stage
8 2. So stage 1 is the dean looking at the matter. And then the
9 dean can decide whether to have a preliminary inquiry, and how
10 that should be set up is spelled out in some detail. And then
11 the preliminary inquiry decides if there should be a more formal
12 investigation, so there's this three-fold stage, three-fold set
13 of processes that these allegations should go through.

14 Q. And in paragraph B, what's paragraph B about?

15 A. Well, it says what the dean should do after an inquiry,
16 inquiry committee. And then the dean can either dismiss the
17 allegation or initiate a formal investigation. It also says the
18 dean -- should the dean decide not to investigate, sufficiently
19 detail documentation of the inquiry to permit a later assessment
20 must be kept for at least seven years after the termination of
21 the inquiry.

22 Q. Were any records -- before that, could you summarize
23 for the jury what action was taken by you or NYU in connection
24 with this supposed confession by Dr. Schiffman coupled with the
25 accusations?

1 A. Dean Foley was responsible for looking into the matter.
2 He consulted with me. He decided that this shouldn't go any
3 further, that this was not credible. He wrote a memorandum
4 about this for the files.

5 Q. And you mentioned memorandum by then Dean Foley. Did
6 you receive a copy of the memorandum?

7 A. I did.

8 Q. If I can show you what's marked Exhibit 2 for
9 identification. Do you recognize that?

10 A. Yes, I do.

11 Q. What do you recognize it to be?

12 A. I recognize it to be the memorandum to the file the
13 Dean Foley wrote on September 17th, 2008, copy both me and
14 Pierre Goldberg, the vice provost for the search. And what it
15 says --

16 Q. Let me stop you there. Is that a fair and accurate
17 depiction of the memo you received?

18 A. Yes, it is.

19 MR. BANDLER: I move exhibit 2 into evidence.

20 MR. BREIBART: May we see it please, Judge?

21 THE COURT: Sure.

22 MR. BREIBART: Thank you. No objection.

23 THE COURT: I will take it under advisement. I am
24 not putting it in right now.

25 Q. So, without reading from that since it's not yet in

1 evidence, what was the determination of New York University
2 regarding these this false confession and accusations against
3 Dr. Schiffman?

4 A. That to call Dr. Schiffman a plagiarist was not
5 credible, and it was not substantiated.

6 Q. Based on your personal knowledge and observations, what
7 effect did you notice this false confession and accusations had
8 upon your school that you were the dean of?

9 A. The both the false confession and the accusations were
10 widely circulated, and they were sent to a number of people,
11 graduate students, faculty, staff, and I would say that this was
12 surprise, surprise, this doesn't make sense. This is, this is
13 a, like a storm that shouldn't be happening.

14 Q. And what effect did you notice from your observations
15 this had upon Dr. Schiffman?

16 MR. BREIBART: Objection.

17 THE COURT: Sustained.

18 Q. Were you able to observe from your own observations of
19 Dr. Schiffman or communications with Dr. Schiffman whether he
20 had to spend time addressing this issue?

21 MR. BREIBART: Objection.

22 THE COURT: You may answer the question.

23 Q. You can answer the question?

24 A. Thank you. He had to defend himself. He had to
25 prepare defenses. He had to help the deans understand what was

1 going on. And this was a matter of time and energy.

2 MR. BANDLER: No further questions.

3 THE COURT: Your witness.

4 MR. BREIBART: Judge, it's ten --

5 THE COURT: Your witness.

6 MR. BREIBART: Can my client leave the room for a
7 moment to go to the bathroom?

8 THE COURT: I don't know why I take so many breaks
9 when this keeps happening. Your witness.

10 CROSS EXAMINATION

11 BY MR. BREIBART:

12 Q. Good afternoon, Dean Stimpson.

13 A. Good afternoon.

14 Q. My name is David Breibart. I am one of the defendant's
15 attorneys. I get to ask you some questions on cross
16 examination.

17 A. I am ready Mr. Breibart.

18 Q. Okay. That's great. What role did you play in
19 evaluating the allegations that were brought forth against
20 Dr. Schiffman?

21 A. I consulted with Dean Foley in determining if they were
22 credible, substantially.

23 Q. How many documents did you read or review in order to
24 help you make a determination with regard to the credibility of
25 the allegation?

1 A. I read several documents.

2 Q. As you understood it, Dr. Stimpson, what was the
3 allegation against judge -- Dr. Schiffman?

4 A. I as I understood it, there were two issues. One was
5 accusations of plagiarism. The other was the E-mail in which
6 Dr. Schiffman falsely confessed to being a plagiarist.

7 Q. Let's discuss the first issue that you were that you
8 talked about. And that was whether or not Dr. Schiffman was a
9 plagiarist or not. Did you read anything with regard to what
10 the allegation of plagiarism was? For example, who was he
11 supposed to have plagiarized?

12 A. As I understood it, he was supposed to have plagiarized
13 another scholar named Professor Golb.

14 Q. Did you know Professor Golb?

15 A. No, I did not know him, no.

16 Q. How was he supposed to have done this plagiarism, what
17 was the accusation of plagiarism?

18 A. He was, well, as I understood it, he was to have used
19 his ideas, and also to have misrepresented them, but that's what
20 was said.

21 Q. Do you recall now what the idea was that was supposed
22 to have been plagiarized?

23 A. It was about the Dead Sea Scrolls.

24 Q. Is that all that you recall about?

25 A. There were a number of -- that's the -- that is the

1 important thing that I recall about it.

2 Q. Well, were there any specifics that you were exposed to
3 about what the nature of the plagiarism was?

4 A. I saw some of them, but I but they are very technical.

5 Q. Did you go outside of the realm of Dr. Schiffman in
6 evaluating the nature of the allegation?

7 A. My task was were the accusations credible in their
8 source, and were they sufficiently substantiated.

9 Q. Does that mean that you didn't do anything other than
10 ask Dr. Schiffman whether he did it?

11 A. No. We asked questions about where were the
12 accusations coming from.

13 Q. But did you do anything about the subject matter,
14 whether or not Dr. Schiffman had in fact plagiarized Norman
15 Golb?

16 A. No, I did not.

17 Q. Was anything done at NYU with regard to what was
18 supposed to have been plagiarized, what thoughts or ideas had
19 been taken?

20 A. Dean Foley and I were looking at the credibility of
21 the, of the source and of the accusations.

22 Q. You knew Dr. Schiffman for many years?

23 A. I met Dr. Schiffman when I came to the New York
24 University in 1998.

25 Q. Dr. Foley, did he know Schiffman for a long period of

1 time?

2 A. I don't know if he knew Dr. Schiffman before he came to
3 New York University.

4 Q. When did you come to NYU?

5 A. He came to New York University a couple of years after
6 I did.

7 Q. Do you know whether or not he made any inquiries with
8 regard to the nature of the subject matter of the accusation?

9 A. I do not.

10 Q. Did he discuss with you any of the underlying facts of
11 the accusation other than what you described as the credibility
12 question?

13 A. Our primary discussion was about the credibility
14 question.

15 Q. Would it be fair to say that neither you or Mr. Foley
16 called up of Norman Golb?

17 A. No, we did not.

18 Q. Did you go outside the university anywhere?

19 A. No, we did not. I did not.

20 Q. So, would it be fair to say that based upon your
21 knowing Lawrence Schiffman, you made no inquiry other than to
22 ask him to write his explanation?

23 A. No, that would not be fair.

24 Q. What else did you do?

25 A. We looked at where the accusations were coming from.

1 Q. You mean by looking at the E-mail addresses?

2 A. By looking at -- well, they were coming through the
3 E-mail, and who were the people that were sending the E-mails.

4 Q. What did you determine by making that inquiry?

5 A. The determination is in the memorandum that we
6 determined that the charges of plagiarism were not credible, and
7 were not substantiated, and that the self-confession of
8 plagiarism was simply not true, and not sent by Dr. Schiffman.

9 Q. Did you speak to Dr. Schiffman about the charges?

10 A. Yes.

11 Q. Did you ask him whether or not he did these things?

12 A. Dr. Schiffman made it clear that he did not.

13 Q. Was that in a writing or was that in speaking to you?

14 A. Both.

15 Q. And by speaking to you, you were satisfied he did not
16 plagiarize anyone?

17 A. In what he said and what he wrote were convincing to
18 me.

19 Q. Did you look behind the written work, ma'am?

20 A. Which written works?

21 Q. You said he wrote to you?

22 A. Yes.

23 Q. Did you analyze that, did you have someone look into or
24 investigate what he said?

25 A. I found what he said and what he wrote to be credible.

1 Q. And you made that determination that there would be
2 nothing else to do other than to reject the allegation of
3 plagiarism?

4 A. Dean Foley was the dean that wrote the memorandum, and
5 I agreed with him.

6 Q. Now, you were asked questions about Mr. Bandler with
7 regard to the seriousness of the accusations of plagiarism. I
8 think you said it was very serious. Is that right?

9 A. Mm-hmm.

10 Q. Why, why is that so serious?

11 A. Why is an accusation of plagiarism serious?

12 Q. Yes, in your world, in the academic world?

13 A. If I can repeat what I said earlier.

14 Q. Please.

15 THE COURT: I don't see any need to it. She
16 testified to it directly. The same question.

17 MR. BREIBART: Because I want to ask a follow up
18 question?

19 THE COURT: Then ask a follow up question, please.
20 It was only a few minutes ago she answered that question.
21 Please.

22 Q. You said something about the plagiarist sullies the
23 truth. Was that your term?

24 A. Yes. I don't know if that's exactly what I said. But,
25 the plagiarist, the plagiarist sullies the truth of scholarship

1 by saying that he or she thought something that was taken from
2 somebody else.

3 Q. If someone is a plagiarist, are you going to rely or
4 trust what they say to you based on that alone?

5 A. I think that's hypothetical question.

6 Q. Yes, it is.

7 A. And my answer to it is straight forward as possible, is
8 I think you have to determine if someone is a plagiarist or not.

9 Q. How do you make that determination, Dr. Stimpson?

10 A. If someone is a plagiarist or not?

11 Q. Yes.

12 A. There's several ways of doing this. Standard way of
13 doing it is to take the original source, and then to see if
14 someone else is taken those words, and put them out in the world
15 under his or her own name without saying this was my source.
16 There's an academic convention, it's called footnote. What you
17 are supposed to do is every time you quote from somebody or
18 borrow somebody's ideas, you are supposed to say this is where I
19 got it from.

20 Q. Is there something in your handbook or in your
21 guideline of regulations that talks about somebody making an
22 accusation anonymously?

23 A. What I remember is that we are to listen to accusation
24 from members of the community.

25 Q. Sorry? I couldn't hear you.

1 A. We are to listen to accusations, and we are to protect
2 people who do it, unless we think according to the handbook it's
3 being done to harm somebody.

4 Q. Are people encouraged to report things like plagiarism
5 to the university, because of the affect that plagiarism would
6 have on the university's reputation?

7 A. The handbook says that people who wish to report
8 misconduct should be listened to.

9 Q. Does it say that they may do it and are encouraged to
10 do it anonymously?

11 A. I would have to go through the handbook to look for
12 that exact word.

13 Q. May I just have a moment.

14 THE COURT: I think surely you can have a moment,
15 but I think we are not going to finish with this witness
16 before lunch, so we might just as well break for lunch.
17 Jurors, have a good lunch. See you at 20 minutes after two.
18 Don't discuss the case.

19 (Whereupon, the jury exited the courtroom.)

20 THE COURT: Mr. Bandler, can I see that document
21 you offerred into evidence.

22 MR. BANDLER: Yes, your Honor (handing).

23 THE COURT: Oh, okay. I thought it was more
24 substantive than that. So, this is exhibit 2.

25 THE CLERK: Exhibit 2.

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MR. BANDLER: 2 is in.

(Whereupon, a luncheon recess was taken.)

1 A F T E R N O O N S E S S I O N

2 (Jury entering.)

3 COURT CLERK: Case on trial continued. All
4 parties are present. The jury is present and being seated.
5 The witness is reminded of her oath.

6 THE WITNESS: Thank you.

7 THE COURT: Good afternoon, jurors.

8 Mr. Breitbart, your witness.

9 MR. BREITBART: Yes. Thank you, Judge.

10 THE COURT: Oh, before I forget, the People had
11 offered exhibit 2 in evidence and that is received.

12 CROSS-EXAMINATION

13 BY MR. BREITBART:

14 Q Dr. Stimpson, I think the last thing you were talking
15 about was with regard to the question of the anonymity whether
16 or not someone who makes a complaint does it anonymously or in
17 person.

18 Does that make a difference?

19 A The procedures, I checked this again, the procedures --

20 Q I'm sorry, you just said?

21 A I just said I refreshed my memory about this particular
22 passage. The procedures do allow someone bringing an accusation
23 to do it anonymously by e-mail or other means if that is there
24 preference. But that section goes on to say that every effort
25 will be made to ensure confidentiality unless you can't, unless

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1 the investigation needs to have some breakage in
2 confidentiality. And the section also say that these
3 regulations apply only to members of the university community.

4 Q Did you take into consideration in making your
5 evaluation in this particular case the fact that they were
6 submitted anonymously?

7 A Yes, from what I saw I didn't see anonymity, what I saw
8 was a statement that Larry Schiffman had suppose to have sent
9 but I do not believe he did and then I saw something signed by a
10 Peter Kaufman?

11 Q There was a link from the initial e-mail to a blog; is
12 that correct?

13 A I believe so.

14 Q Did you --

15 A Mr. Breitbart, what do you mean by the initial e-mail?

16 Q I think we were shown on the screen the e-mail that you
17 received that included, that was addressed to you?

18 THE COURT: Maybe you could show her so she knows
19 what you're talking about.

20 What is meant by members of the community of the
21 university community?

22 THE WITNESS: That would be faculty, students, and
23 staff.

24 THE COURT: Current students?

25 THE WITNESS: Yes.

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1 THE COURT: And current staff?

2 THE WITNESS: I don't remember it saying that but
3 it says it applies to members of the community.

4 MR. BANDLER: I think we're talking about 10-M as
5 in Mary.

6 MR. BREITBART: Yes. Will you scroll down?

7 (Displayed.)

8 Q Dean, this was received by you I think you said, right,
9 eventually?

10 A Right.

11 Q And it contains a message to you and allegedly it's
12 written by Lawrence Schiffman and you made a determination, did
13 you not, that Schiffman didn't write that?

14 A Yes.

15 Q Is that basically because people don't write to you and
16 confess to plagiarism?

17 A No.

18 Q What reason did you use to determine that that was not
19 credible?

20 A Two reasons, in my thinking, one it didn't sound like
21 Professor Schiffman, that's not the way he signs his name to me,
22 that's not, he uses two e-mail addresses in my acquaintance with
23 him, none of them is that e-mail address. So that the language,
24 the e-mail address, the way he signed the name Larry Schiffman
25 professor with a small P, I don't mean to sound pedantic but

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1 that's just not how he signs his name. So there was a lack of
2 credibility on the surface of that and secondly I believed his
3 denial.

4 Q I'm sorry, I couldn't hear you?

5 A I believe Professor Schiffman's denial.

6 Q I see.

7 I see that there is a link in there, did you follow the
8 link?

9 A I may have but I don't remember exactly doing so, no.

10 Q So you don't know whether or not you looked into what
11 the link, linked you to?

12 A I don't remember.

13 Q So it was not the link, you didn't explore the link, is
14 that fair to say?

15 A I'm saying I don't remember.

16 Q So you're entire decision making was based upon those
17 things that you've just enumerated; is that right?

18 A I believe you've asked me what was my decision making
19 about the credibility of that and that's all I was answering.

20 Q Is it part of your role at the time that you received
21 that, would it be fair to say that you had an obligation to take
22 a complaint whether it came in anonymously or in person?

23 A By in person you mean by someone signing his or her
24 name?

25 Q Or coming in and saying hey I got a problem I'd like to

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1 come in and express it to you?

2 A There are some things that a dean receives which are
3 obviously not quite right, they may be unreadable, for example,
4 they may be something that just seems you're receiving this
5 because there you are. People do odd things and you look at
6 them with compassion but they need not be explored.

7 In this case as we've talked about there was the false
8 confession by Professor Schiffman and then there was the Peter
9 Kaufman or someone signing themselves Peter Kaufman. There was
10 that e-mail as well.

11 Q But you don't remember even reading the Peter Kaufman
12 e-mail?

13 A I read the Peter Kaufman, what I don't remember is
14 whether I went up and read every blog.

15 Q These documents that we've just been referring to,
16 they're part of something called the faculty handbook?

17 A Yes. By the documents you mean?

18 Q That which I've just been asking you about that was up
19 there for a moment and now is gone away.

20 They're a set of rules contained in a faculty handbook;
21 is that correct?

22 A There are many sets of rules about many things, yes.

23 Q Is it the obligation of professors working at NYU to
24 read the faculty handbook?

25 A I believe the faculty handbook ask members of the

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1 community to be aware of what's in it.

2 Q Did you ask, for example, did you ask Dr. Schiffman
3 whether or not he had read the faculty handbook?

4 A I did not ask him explicitly. As a chair he probably
5 did but I did not ask him explicitly.

6 Q If someone adopts someone else's ideas and puts it into
7 his own writings and doesn't give credit to the individual whose
8 ideas he's adopted is that plagiarism?

9 A He publishes the writings, he takes someone else's
10 ideas?

11 Q Right.

12 A He passes them off as his or her own?

13 Q Correct.

14 A And gives no credit to the other person?

15 Q Correct.

16 A I would call that plagiarism, yes.

17 MR. BREITBART: Thank you very much for your help,
18 Doctor.

19 THE COURT: Thank you.

20 THE WITNESS: Thank you, Mr. Breitbart.

21 MR. BANDLER: No further questions.

22 THE COURT: Thank you.

23 (Witness excused.)

24 THE COURT: Mr. Bandler.

25 MR. BANDLER: The People call Dr. Susan

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