

EXHIBIT 10

Post-Response Interview with Complainant

Case: FAS FAC ANTHRO 05-18-20

Date: August 28, 2020

Time: 2:05 p.m. – 4:30 p.m.

Location: Via Zoom Videoconference

Complainant (“Cp”): Lilia Kilburn, GSAS Student

Personal Advisor (“PA”): Jacqueline Yun, Executive Director, GSAS Student Center

Respondent (“Rp”): John Comaroff, FAS Professor of African and African American Studies and of Anthropology

ODR: Ilissa Povich (“IP”), ODR Senior Investigator, & Jessica Shaffer (“JS”), ODR Fellow

ODR: [Welcomes Cp. Reviews: expectation of confidentiality from the FAS Procedures: “disclosing information about the case has the potential for compromising the integrity of the investigation and might in certain circumstance be construed as retaliatory. [. . .] Parties remain free to share their own experiences, other than information that they have learned solely through the investigatory process, though to avoid the possibility of compromising the investigation, it is generally advisable to limit the number of people in whom they confide”; prohibition against retaliation; right to a PA, who may be an attorney; breaks available as needed; purpose of post-Response interview.] Any questions?

Cp: I don’t think so. I would just say I spoke to this journalist. You may have seen some details of my experiences are now public, which is something I chose to do a long time ago. It’s unfortunate it’s coinciding with this case. I never got the sense it would preclude me from taking part in the investigation.

ODR: We did see the article, and it doesn’t preclude you from participating in the investigation. In the Procedures, you can share your own experiences, which it appears is what you shared. The way that something like that can impact the investigation is when we reach out to witnesses. We do this regardless; we ask, “What do you know about the investigation? Have you seen the complaint or had conversation with the person who identified you about the investigation?” That is different from prior conversations about the underlying allegations, which we presume you’ve had. An article may impact the investigation in that to the extent people have read the article, it may impact how we weigh what they tell us. It doesn’t mean we’d ignore or not accept their information. It can impact, depending on what they say, how we weigh information they provide.

Cp: [Reiterates what IP explained regarding how an article could impact the investigation.] If there was a belief someone was trying to get people not to serve as witnesses, could that also be perceived as impacting the investigation?

ODR: Yes. The issue is, that can’t be based on speculation. We have to have information that that is happening. That is often the challenge. As you know, participation is voluntary. Unless a witness somehow communicates, “I’m not participating because X told me not to,” it’s generally speculative.

fact that he has a student deeply involved in the topic I was trying to study. Jean did mention that person to me a few times, and she doesn't even serve on her committee. It's just not clear to me that the ways he mentors and advises his students are not strongly shaped by his patterns of harassment as well. I unfortunately think he's worked to separate people from each other in a way that is counterproductive to the resolution of this case.

ODR: At this point, we'd like to talk about witnesses. [Explains ODR requests the parties submit witness names, and what information they are expected to provide, and any evidence in the week following a respondent's post-Response interview.] Can we talk about the list we have so far, knowing if there are other people you can still submit them? [Explains how ODR considers which potential witnesses will be interviewed.]

PA: Procedural question about witnesses: If you confide in a confidential resource, a therapist, can you list them as a potential witness and they'll have the option to participate?

ODR: [Explains ODR will speak to confidential resources, but that such witnesses often will not participate without a waiver from the party.]

PA: It's okay to do that?

ODR: Absolutely. If you give them that waiver, they will generally talk to us.

PA: Thank you.

ODR: [Continues explaining criteria for interviewing possible witnesses and witnesses who observed or heard about the incident closer in time is preferred. Explains ODR needs contact information for some witnesses. Reviews the following list of potential witnesses that, based on information Cp provided so far, ODR intends to interview: [REDACTED]

[REDACTED] Would [REDACTED] have information that is not duplicative from what [REDACTED] could provide?

Cp: They should, I think—at that time I was telling the whole story. They both should know a lot.

ODR: Would one have better information than the other?

Cp: It depends on their particular memory and stuff which I can't check obviously, so it seems kind of like a I don't know.

ODR: I had thought you told [REDACTED] about the kissing and corrective rape conversation and you told [REDACTED] only about the corrective rape conversation. Is that right?

Cp: I told him [Rp] was making advances toward me because he pressed me to clarify, and I told him more details. In the texts I sent you I wanted to make sure that I had described that conversation accurately, the corrective rape conversation. I re-described it over text and he wrote back saying yeah that's how you described it to me already.

Cp: Yeah.

ODR: I understood you spoke in March 2019. Did you speak specifically about the incidents?

Cp: I did. Like [REDACTED] she felt like a neutral person, so I spoke to her quite a lot. And it felt helpful and was the only time we've spoken. I know it stuck with her because she contacted me after the Crimson piece came out. It's nice when there's one long conversation because it feels easier. The person knows the date and obviously when it happened.

ODR: You spoke to [REDACTED] in summer 2018?

Cp: Mhmm. [Indicating affirmative response.]

ODR: And to [REDACTED] in March 2019?

Cp: Mhmm. [Indicating affirmative response.]

ODR: I'm more inclined to talk to [REDACTED] because it was closer to when the incident happened, which we weigh more heavily. For example, [REDACTED], you describe talking to in your first year, so that would make me more inclined to talk to him because the information would have been more contemporaneous to the incidents.

Cp: Yep, that sounds good.

ODR: You also referred to a licensed mental health professional and a UHS counselor. I understood you went outside the University because you were concerned about Title IX reporting requirements. Those people are confidential.

Cp: I didn't realize that--only through this process. I was worried about losing control of the information at the time.

ODR: Are there people outside the University or in the University who you feel like you provided information to that was not provided to other people?

Cp: I can't say it wasn't provided to other people, but I'm sure I spoke in great detail on impact a lot about worries in my career and what I said and what it would mean to say something about this. [REDACTED] who I worked with all through fall 2018 and also spring 2019, and I think she should have a bunch of notes or memories for you.

ODR: [REDACTED]?

Cp: Yep.

ODR: She's a mental health professional?

Cp: Yep. She's independent of the University.

ODR: Can I confirm the spelling for [REDACTED]?

Cp: Yes.

ODR: We'll need contact information for her as well. The following people we will likely not going to reach out to, because we understood they do not have different information than other people you talked to earlier and in more detail: Amulya Mandava, [REDACTED], Margaret Czerwinski, [REDACTED], and [REDACTED].

Cp: So, I think if you want to establish a pattern of me reaching out for advice, Amulya and Margaret can remember those efforts. [REDACTED] I may have talked to a bunch of times because he was local, but I think that likely what he knows is redundant with what other people know. The problem with these people is I spoke to them so many times, I'd be worried if they could remember exactly when we first discussed particular things whereas some of the people I'm less close with, we had one lunch or one dinner.

ODR: I think this is where we are ending up with witnesses: [REDACTED], [REDACTED], and the other two people.

Cp: [REDACTED] and [REDACTED]?

ODR: No, [REDACTED] definitely. I'm referencing the two people you were in the room with [Rp].

Cp: [REDACTED] and [REDACTED].

ODR: I'd put those people on the list. I'm concerned this is a very large list and that we will be hearing information that is redundant. When did you speak to [REDACTED]?

Cp: I went to visit her in Albuquerque in January 2019. She moved away to start graduate school at the University of New Mexico.

ODR: She's on the list because you said you think you shared this information and she knows it in detail.

Cp: We really talked about it in detail.

ODR: I'm wondering if we need to speak to [REDACTED] and [REDACTED] both.

Cp: Some of these people I just don't know that well, so I don't know how their memory works. They certainly would have similar information, but I don't want things to fall through the cracks. [REDACTED] would maybe know more because I was wary of faculty in my Department because of this.

ODR: I know you provided texts with [REDACTED]. Did you have text or email exchanges with [REDACTED] about this?

Cp: More general thanking her afterward emails, more how the information had been affecting me and helping to connect me with [REDACTED].

ODR: The [REDACTED] messages we may rely on, so we would want to speak with him.

Cp: I'm sure that would be fine. I'm guessing.

ODR: Is it important to talk to [REDACTED] as well, appreciating you don't know what they remember? Do you remember telling them different information?

Cp: No, I remember telling them both a lot.

ODR: I think I'd be inclined to take [REDACTED] off the list.

Cp: Yeah, I think that's fine as long as we can reserve the option to talk to her. I think [REDACTED] is a bit forgetful sometimes, having taken some classes with him.

ODR: And [REDACTED] is on the list because you thought she'd remember because it was one lengthy conversation with her?

Cp: Yeah and she, when that Crimson piece came out, she wrote to me saying, "I remember our conversation." It clearly stuck with her as significant. She remembered it. And I'd hope this was memorable to everybody, but I think sometimes I was trying to convey the impression I had the situation under control, so yeah.

ODR: We will take another pass at the list before we finalize it, and we will discuss it with you. I appreciate that in these situations there are reasons people don't want to participate in our process. That obviously effects the availability of witnesses. I think we will have a follow-up conversation and wait until after we've had [Rp's] post-Response interview to finalize this list of witnesses. Again, if you have any documents you think would be helpful, such as texts or social media, it would be helpful to get those one week after when [Rp]'s post-Response takes place. Is that something you think you'll have?

Cp: I'm not sure. I'm really upset that I don't have access to my messages from my first semester due to that thing at the Apple store. It's tough because I'd like to reach out to people and ask them to search things in their own messages but that's messing with witnesses.

ODR: We ask every single witness if they have documents that are relevant, which we share with you.

Cp: Got it.

ODR: Is there anything else you'd like to share?

Cp: I don't think so.

ODR: [Reminds Cp of expectation of confidentiality and retaliation prohibition. ODR will provide regular updates, including when witness interviews take place (not specifying who is interviewed when).]

Cp: Got it.

ODR: And any time you have a question, please reach out.

Cp: Great.

ODR: [Thanks Cp for her time. Ends interview.]