

1
2 THE HONORABLE KARENA KIRKENDOLL
3 Motion for Summary Judgment
4 Hearing date and time: Friday, October 22 at 9 a.m.
5
6

7 IN THE SUPERIOR COURT OF WASHINGTON IN AND
8 FOR PIERCE COUNTY

9 GILLIAN MARSHALL,

10 Plaintiff,

11 vs.

12 THE STATE OF WASHINGTON,
13 UNIVERSITY OF WASHINGTON, a State
14 Agency, DIANE YOUNG, individually, and
15 JILL PURDY, individually, and MARK
16 PAGANO, individually,

17 Defendants.

Case No.: 19-2-11120-3

DECLARATION OF LEAH HOLLIS

18 I, Leah Hollis, make the following statement based on personal knowledge. If
19 called upon to testify I could and would do so.

20 1. I drafted the Expert Witness Report for this case and hereby incorporate by
21 reference the content and opinions contained therein. A true and correct copy is attached as
22 **Exhibit 1.**

23 I declare under penalty of perjury under the laws of the State of Washington that
24 the above statements are true to the best of my knowledge.
25

DECLARATION OF LEAH HOLLIS - 1

SHERIDAN LAW FIRM, P.S.
Hoge Building, Suite 1200
705 Second Avenue
Seattle, WA 98104
Tel: 206-381-5949 Fax: 206-447-9206

DATED this 4th day of October, 2021 in East Fallowfield, Pennsylvania.

Leah P. Hollis

Leah Hollis

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF SERVICE

I, Tony Dondero, certify that on October 11, 2021, I served the document to which this Certificate is attached to the party listed below in the manner shown.

Mary Crego Peterson, WSBA #31593
Jake Ewart, WSBA #38655
Hillis Clark Martin & Peterson
999 Third Avenue, Suite 4600
Seattle, WA 98104-3188
Tel: 206-623-1745
Fax: 206-623-7789
Attorneys for Defendant State of
Washington

- By United States Mail
- By Legal Messenger
- By Facsimile
- By Overnight Fed Ex Delivery
- By Electronic Mail To:

mary.peterson@hcmp.com
jake.ewart@hcmp.com

Dated this 11th day of October, 2021.

s/Tony Dondero
Tony Dondero, Legal Assistant

EXHIBIT 1

PATRICIA BERKLY LLC

Leah P. Hollis, EdD *Leah P. Hollis*
Equity1@patriciaberkly.com
2207 Concord Pike #238
Wilmington DE 19803 610-990-6588
Platinum Consortium LLC dba Patricia Berkly LLC

CONFIDENTIAL

PLEASE NOTE: The information in this report has been disclosed to you based on materials and documents which are deemed privileged and confidential. No further disclosure of this report should be made without the written permission of the person to whom it pertains.

Expert Witness Report

Plaintiff: Gillian Marshall, PhD

Case: 19-2-11120-3

Defendants: The State of Washington/
University of Washington, DIANE YOUNG,
JILL PURDY, and MARK PAGANO

Attorney: Jack Sheridan, ESQ

Report Date: September 15, 2021

Expert Witness Qualification

I have been retained as an expert witness in the aforementioned case. All opinions are stated on a more-likely-than-not-basis to a reasonable academic certainty. The request comes from Mr. Jack Sheridan, Esq., Dr. Gillian Marshall's attorney.

Expert Witness Compensation

I am being compensated with a flat fee of \$10,000, plus testimony time and cost associated with travel.

Professional Background

I have been researching institutional abuse, racism, sexism, and other structural obstacles in higher education for over 20 years. I earned my doctorate in Administration, Training, and Policy from Boston University as a Martin Luther King Jr. Social Justice Fellow. Since that time, I have written seven books and over 50 academic articles; further, I have been awarded a million dollars in grants to address workplace bullying, gender, race, organizational intimidation, and structural problems that can cause harassment, bullying, discrimination, and retaliation.

Higher education professionals have called upon my expertise to develop training, policy, workshops, and speeches for faculty and staff to learn about and avoid harassment and workplace bullying. My work has received international attention with lectures that I have given at Oxford University, The University of Milan, New York University-Frage, University of Bordeaux, and the University of Wollongong in Dubai, Dubai, United Arab Emirates.

Sources for this report: 2019 tort claim; 2020 First Supplemental Tort Claim; 2021 Second Supplemental Tort Claim; University of Washington Faculty Code; Townsend deposition; Young deposition; Second Supplemental Tort Claim; University of Washington Promotion and Tenure Guidelines; University of Washington-Tacoma Social Work and Criminal Justice Program (adopted May 2016), Dr. Gillian Marshall CV; Dr. Diane Young CV; University of Washington-Tacoma's Diversity and Inclusion Statement; five course evaluations (scores from 85 students); Dr. Marshall's syllabus for 503/Human Behavior; TP5 Dean Recommendation to EVACC and Chancellor (from Dr. Marcie Lazzari); Faculty Publications (webpage <https://www.tacoma.uw.edu/uwt/swc/faculty-publications>); and a 45-minute interview with Dr. Marshall at the conclusion of the document review for clarifying questions.

Workplace Bullying in Higher Education

Workplace bullying in American higher education is based on the exploitation of a power differential to intimidate, harass, and demoralize the target with escalating

intensity. A bully who devises hindrances for the target does such purposely and affects the target's work. In workplace bullying research, we refer to the victim as "the target."

A typical example of workplace bullying could be someone such as a dean who uses his/her power to abuse and disorient the target. However, in contrast, we seldom hear of an assistant professor bullying a provost. Bullying in higher education manifests through several tactics. Such tactics include but are not limited to interfering with academic resources, renegeing on promises which affect work, microaggressions, the silent treatment, unreasonable assignments, minute-by-minute monitoring, inconsistent application of policy, fabricating policy, breaking policy, and breaking the law to continue abuse. Such abuse is not a one-off occurrence but escalates over a period of time. The goal of a bully is to control a situation and the target, especially if that bully feels insecure or inadequate.

In my recent book, *Human Resources Perspectives on Workplace Bullying in Higher Education: Understanding Vulnerable Employees' Experiences*, (Routledge 2021) empirical research confirms that women, people of color, junior faculty, and the LGBTQ community are most likely to endure bullying because in higher education these populations tend to hold the positions with the least amount of power. Additionally, Black women are more likely to be 'mobbed,' that is, face multiple bullies. Further, the research confirms that workplace bullying does not occur in a vacuum. The organizational structure, which is comprised of policies, word-of-mouth procedures, and more powerful executives, enables bullying by participating in the intimidation or not intervening to stop the abuse.

Professional Opinion

Dr. Gillian Marshall is a Black woman scholar with numerous academic accolades, over 20 peer-reviewed articles, and over \$1,000,000 in external funding. Tabulating a career start date with the first assistant professor position (Young started in 1997, Marshall started in 2013), Dr. Marshall's academic achievements in over 8-year span exceeds that of Dr. Diane Young's 24-year career. In short, Dr. Marshall's achievements have eclipsed that of Dr. Young but in a third of the time. Dr. Young has only taught one class in the previous eight years, despite her insistence that Dr. Marshall contribute more teaching to the department. Further, Dr. Young has not been

teaching clinical/practice courses. However, Dr. Marshall, with her clinical background, is qualified to teach across the social work discipline.

Dr. Young, white woman, is a very powerful colleague at the University of Washington- Tacoma (UW-T) as she has always reported directly to the executive vice-chancellor. In addition to her formal organizational power, Dr. Young has personal and reverent power because she is the department director and has been on campus since 2010. In short, Dr. Young is positioned to be a bully and to elicit support from the institution for her behaviors.

Despite Dr. Marshall being an ascending academic star, the record shows that Dr. Young has engaged in a campaign of workplace bullying since Dr. Marshall's point of hire. When Dr. Marshall joined UW-T in 2015, she came with a very impressive NIH (National Institutes of Health) grant. Before classes opened in 2015, she was also awarded a "K01" grant designed for emerging scholars to hone their research trajectory and propel them to more lucrative multi-year grants such as an R16 or R01 grant. Dr. Marshall was on track to earn such prestigious awards.

In administering her grants, Dr. Marshall faced obstructions and consternation from UW-T before she reached campus in 2015. However, though she was very transparent about her teaching expertise and the grant transferring from Case Western Reserve University, Dr. Marshall was hired into an environment in which Dr. Young sought to deconstruct Dr. Marshall's research trajectory. Dr. Young had the power and the ability at UW-T to use a bait-and-switch management style. For example, Dr. Marshall was clear that she was not comfortable with teaching the course entitled "Cultural Diversity and Social Justice," yet Dr. Young assigned her this class (like the unwelcomed assignment of Dr. Marian Harris (also a Black woman) to the same course. During the interview, Dr. Young remarked to Dr. Marshall that UW-T had a post-grant award manager on staff. Once the grant money was transferred from Case Western Reserve University to UW-T, Dr. Marshall learned the opposite; UW-T did not employ a post-grant officer. The bait-and-switch is troublesome as the grant maker, NIH, does not allow the principal investigator to manage her own grant. If Dr. Young, as director of the program, is not engaging in a purposeful bait-and-switch, she at minimum shirks her responsibility to know these issues when recruiting faculty. Given Dr. Young's position, campus longevity, and experience, she should have known about the resources and policies on the campus so as not to mislead any incoming junior faculty

member. Consequently, Dr. Young did not understand that the “K01” award only brought 8% of the grant in indirect funds to the department. Once Dr. Marshall clarified this point, Dr. Young was livid and realized that the department windfall was less than what she had initially calculated.

However, Dr. Marshall pursued a viable solution that was mentioned to her before her campus visit, that is, to have the grant managed by the University of Washington- Seattle (UW-S). UW-T continued to bully Dr. Marshall, though Dr. Marshall had to make alternative arrangements for her grant despite Dr. Young’s administrative shortcomings. Instead of applauding Dr. Marshall for solving this problem even before she started classes, Dr. Young admonished Dr. Marshall’s ingenuity, calling her ‘deceptive,’ and used her power to further destabilize Dr. Marshall. In truth, Dr. Young had deceived Dr. Marshall by promising a post-award grant manager that did not exist at UW-T. Rather than supporting a junior scholar with a robust and lucrative research agenda, Dr. Young used her power to escalate the bullying. In this effort, Dr. Young changed the policy about grants without grandfathering in current grants in operation. Dr. Marshall’s grant was the only grant affected in her department.

The consternation that Dr. Marshall experienced took its toll. Dr. Marshall had been on track to earn a prestigious R21 grant and R01 grant from NIH. These grants are multi-year, and multi-million-dollar awards; Dr. Marshall’s mentors were aware of the academic trajectory, and the NIH program officer was aware and supportive. As stated previously, the expectation for “K01” award is to continue and earn an “R01” grant. However, the harassment and demoralizing treatment at the hands of UW-T slowed Dr. Marshall’s progress. On information and belief, Dr. Emler advised Dr. Marshall not to seek additional funding. Therefore, Dr. Marshall’s grant projects were all concluded by 2020, before the 2021 vote denying her tenure.

Equity and Inclusion Campus Study- June 2016

The university’s Office of Equity and Inclusion conducted an in-depth campus evaluation in 2016. The reviewers were two external consultants, Ms. Kimi Ginn, and UW-T faculty member, Dr. Jerry Flores. In June 2016, this research team agreed upon a qualitative data collection method to ensure that the 24 faculty participants’ responses were anonymous. While addressing race and gender, the report also illustrated the

power differentials between women and people of color faculty and how the organizational structure had not addressed these problems. Reporting and identifying such issues is not enough; when an organization discovers such systematic and egregious issues, the organization should minimize the abuse and develop a healthy workplace for all members, regardless of employees' power, rank, race, or gender.

Excerpts from the Equity and Inclusion report:

1. Faculty of color on campus discussed experiencing multiple issues with White faculty

- a. White faculty assumed faculty of color were students, janitors, or support staff
- b. White faculty assumed a faculty of color had 4 or 5 children only because of her race
- c. Faculty of color have been called sexist names like 'bitch'
- d. White faculty steal work from faculty of color

2. Faculty of color feel marginalized

- a. Faculty of color reported feeling unwelcome and isolated
- b. Junior faculty commented that they were not supported in learning the campus or expectations
- c. Faculty of color were excluded from committees that could change the culture

3. Faculty of color had issues with director or dean

- a. Resulted in no support for the professional trajectory
- b. Racist and sexist language was in evaluations
- c. Faculty of color did not receive promised course buyout or summer courses revoked without reason

The campus leadership knew or should have known about the power differentials and problems that faculty of color suffered. As with most situations involving minoritized groups, those in the minority do not have the power to make a structural change and improve their work conditions. Instead, the organization itself needs to address its

environment to minimize the abuse of power differentials and create a healthy workplace. It appears that UW-T failed to do such.

The University of Washington-Tacoma Equity and Inclusive Mission states explicitly:

This means paying attention to policies and practices involving management, leadership, communication, resources, scholarship, and community. It includes focusing attention on the demographic composition of UW Tacoma and our surrounding community of the South Puget Sound to be certain that we know who are our students, faculty, staff, and community partners in order to better serve and work with all.” (UW-T Equity and Inclusion statement, 2021).

This publicly available statement is clear about UW-T examining policy and is signed by Dr. Mark Pagano, the same executive who signed Dr. Marshall’s termination letter. Presumably, this same chancellor should know about the contents of the 2016 Equity and Inclusion report and use his considerable power to address cultural deficiencies on the UW-T campus. However, the publicly professed UW-T commitment to equity and inclusion is incongruent with how Dr. Marshall and other scholars of color are treated. Given the bait-and-switch administrative behaviors wielded by Dr. Young, apparently, executive administration did not “pay attention to policy and practices” which created a hostile environment for faculty of color like Dr. Marshall.

In this environment, a Black women scholar, who earned over \$1 million in five years and had no coaching about one graduate class (less than 3% of all her productivity), finds herself facing termination. This occurs in what UW-T’s report reacknowledges as a racially charged university environment which renders minoritized faculty powerless to address the problem. Research shows it is common practice for bullies to ignore the confirmed problems of racism and instead use it to their advantage to control the target. Failure to address the findings from the 2016 report but instead tout the commitment to diversity and inclusion is emblematic of how bullies use their power to ignore, minimize, and selectively address concerns of less powerful employees.

One might ask why a search committee recommended Dr. Marshall if the culture was racist and unwelcoming. However, cultural studies repeatedly prove that whites often allow Blacks to join their community if it benefits them [the whites] (Sholihati, & Purnama, 2021). Dr. Young could enhance her campus power by recruiting a junior scholar flushed with cash. Therefore, the tokenism that Dr. Young displayed at the point of hire aligns with Dr. Young's desire to maintain power, bring in money, and appear inclusive. Our American society has witnessed this type of racism repeatedly when a token Black colleague is hired and then featured on the front page of the university website to infer racial diversity. Tokenism has been a common strategy to mask racism (Greene, 1990); the dominant culture uses tokenism to give the appearance of acceptance for minoritized groups when in fact the internal structures are just as racist and restrictive (Hunt, 2004). Given the previously noted research that money is associated with power, those who are not predisposed to equity and access can be lulled into tokenism when the token (Black, woman, etc.) brings money or other socially coveted resources to campus. Dr. Marshall's experiences align with past research and confirm that money and tokenism remain a salient problem at UW-T.

Researchers have confirmed that money paves the way for a more powerful culture to accept a minoritized person. Money is traded for social acceptance to gain access to majority institutions and cultures (Zhou et al., 2009). Also, money signifies worth to higher education organizations, not just in how they pay faculty members but also through a faculty member's ability to strength the university budget through grant awards. The push for faculty to successfully seek large grants is a simultaneous push for faculty and bring the university administrative indirect costs, at times 55% to 60% of the grant. In short, a faculty member earning a \$100,000 grant can mean her institution also receives an additional \$55,000 in indirect costs.

In Dr. Marshall's case, the committee hired Dr. Marshall despite her race to access the grant money. However, money did not buy equality for Dr. Marshall who is operating from a minoritized position and remains in a diminished position facing workplace bullying (Hollis, 2016; Tippet & Wolke, 2014). These experiences are consistent with empirical research that confirms that Black women are more likely to face workplace bullying, intimidation, and retaliation at a statistically significant level in higher education (Hollis, 2017).

Performance Evaluation Leading to Non-appointment

Though the university has meritorious and non-meritorious rankings to inform merit raises, Dr. Young fabricates the third category, 'extra meritorious,' that she uses to grant merit raises. On 11/30/2018, Marian Harris and Jill Purdy presented the policy with only two categories for merit. The UW-T administration directed Dr. Young and other possible units to eliminate the 'extra meritorious' category immediately. Dr. Young's behavior is consistent with bullying behaviors that fabricate rules and ignore policy to achieve their goals. Further, Dr. Young used the misappropriation of funds to dole out favors to a colleague who ignored or enabled the mobbing of Dr. Marshall. In other words, because Dr. Young uses her power to reward colleagues with the 'extra meritorious' distinction, colleagues will strive to stay in Dr. Young's good graces to keep their money or hopefully become eligible for this money. These bullying tactics of ignoring university policy and creating a mobbing situation for Dr. Marshall are classic moves that bullies make to maintain power at the expense of a less powerful junior faculty member. Consistent with structural problems in workplace bullying scenarios, Dr. Marshall reported Dr. Young's breach of policy to the university; the university auditor refused to investigate the problem, thus further enabling Dr. Young's strategies.

In the 2016-2017 academic year, Dr. Marshall earned a meritorious distinction for her annual review. However, despite her INCREASED productivity in the following years, Dr. Marshall received non-meritorious distinctions and was denied any feedback or rationale for the low rating. The silent treatment for Dr. Marshall and unfairly weighting one course as a career-killing factor exemplify the escalating nature of bullying at UW-T. See Dr. Marshall's performance below.

Meritorious Minimum Criteria	2016-2017	2017-2018
Teaching 1) Teach assigned course 2) Prepare a syllabus	<ul style="list-style-type: none"> ▪ Each year the SWCJ program receives a copy of my syllabus and there were no concerns mentioned. ▪ I taught one course in 2016 and received a 4.7 on student evaluations. ▪ I taught one course in 2017 and received a 3.2 on my student evaluations. 	<ul style="list-style-type: none"> ▪ Each year the SWCJ program receives a copy of my syllabus and there were no concerns mentioned. ▪ I taught one course in 2018 and received a 1.4 on my student evaluations.
Scholarship 1) Publish 1 article a year OR 2) Culmination of research activities	<ul style="list-style-type: none"> ▪ <u>Three</u> papers were accepted for publication. ▪ Five papers under review. ▪ Three guest lectures. ▪ Five abstracts accepted for conferences to present my work. 	<ul style="list-style-type: none"> ▪ <u>Four</u> papers accepted for publication ▪ Two papers under review ▪ I was also selected (one out of seven junior faculty) to attend a funded NIMH two-year grant writing program. ▪ Awarded the Loan Repayment Program - \$70,000 in loan repayment from NIH.
Service 1) Serve on a minimum of 2 committees OR 2) Culmination of service activities	<ul style="list-style-type: none"> ▪ I committed to five service opportunities; <ul style="list-style-type: none"> ○ Three guest lectures ○ reviewed BASW and MSW admissions applications, ○ public lectures selection committee, 	<ul style="list-style-type: none"> ▪ I committed to 5 service opportunities; <ul style="list-style-type: none"> ○ Two guest lectures, ○ reviewed BASW and MSW applications, BASW committee, ○ public lectures selection committee,
	<ul style="list-style-type: none"> ○ BASW committee 	<ul style="list-style-type: none"> ○ served on faculty affairs committee, ○ social work faculty search committee.

Structurally flawed third-year review:

Dr. Diehm, a lecturer, was put in place to evaluate Dr. Marshall for her three-year review. Since he is not tenured, he was not qualified to serve for the review. A standard practice in higher education is to have a faculty member at the rank sought or higher evaluate an application. In other words, if someone is seeking the rank of full professor, only full professors can participate in the evaluation. Dr. Young confirmed this in her deposition when she remarked about the importance of rank during the evaluation process (Young, p. 11).

In contrast, Dr. Diehm did not have the required rank to evaluate Dr. Marshall but was assigned by Dr. Young to conduct the third-year review. UW-T should have provided a qualified replacement. Second, Dr. Diehm is a contract employee; he would be more susceptible to retribution from Dr. Young should he operate against her wishes. Third, Dr. Diehm joined the department in bullying Dr. Marshall, thus enhancing job security for Dr. Diehm.

The problem with Dr. Diehm's review is also structural. When Dr. Marshall raised concerns with her mentor, Dr. Emlet, she was waved off with a 'this-is-how-it's-been-done' excuse. Again, the more powerful organization failed to address this critical breach of policy and ignored Dr. Marshall's legitimate concerns.

Teaching Evaluations

The consideration of Dr. Marshall's teaching evaluations also denotes the selective manner in which policy is applied to maintain the bully's campaign. The UW-T promotion and tenure policy (page 2) states:

The Program's promotion and tenure criteria are meant to supplement the general criteria contained in the University of Washington Handbook and the UWT Faculty Handbook. Consistent with the UW Faculty Code Section 24-34:

Appointment to the rank of associate professor requires a record of substantial success in both teaching and research, except that in unusual cases an outstanding record in one of these activities may be considered sufficient.

Typical of tactics bullies use, Dr. Young and the department were particularly selective in their review of Dr. Marshall's achievement to deny her tenure. The percentage of Dr. Marshall's workload was tabulated before she started class as 75% research and 25% teaching and service. Also, Dr. Marshall taught five classes, two at 100-level and three at 500-level. The chancellor admitted that the Dr. Marshall had solid scores with 100-level courses. Of that 25%, Dr. Marshall taught five courses. Hence, with service at 12.5% (half of the 25%), teaching is 12.5% with each of the five classes representing less than 3% of her total workload. The adverse decision to terminate Dr. Marshall ignores over a million dollars in grants and research which is 75% of her workload. The remaining 25% for teaching AND service only had one problematic class. This class represents less than 3% of Dr. Marshall's productivity over the five-year term.

Further, Dr. Marshall was left to discern teaching improvements without any support from her department colleagues. For example, Dr. Young did not advise Dr. Marshall on how to improve this one course. She did instead ask Dr. Marshall subjective questions about 'fit' and 'belonging in the department.' From another perspective, the total of Dr. Marshall's teaching is 114 students. The one class drawing

so much attention was based on the evaluations of only 11 students, which is less than 3% of her total five-year productivity. Reasonably, this one class in five years, should pale in comparison to her other teaching evaluations, service commitments, and her successful research agenda.

Instead of celebrating over 97% of successful research, service, and teaching in other courses, the department is influenced by a powerful bully, Dr. Young. This bully plausibly garners support by awarding inappropriate raises and uses her power to focus on a nominal element in Dr. Marshall's tenure dossier of an otherwise superior five-year record. Dr. Mike Townsend, Secretary of the Faculty, confirmed that an appointment to associate professor "requires a record of substantial success in teaching and/or research." (Townsend Deposition, p. 23). Additionally, Dr. Townsend comments, "there are a number of units that encourage faculty members to focus on research over teaching. [Also,] there's some units where the emphasis on those categories is on research." (Townsend Deposition p. 25). Dr. Townsend also explained the prestige associated with grant awards; "the University of Washington is quite proud of its standing among not just public but all universities in terms of the grants it receives" (Townsend Deposition, p. 25). Therefore, even if less than 3% of Dr. Marshall's work is questionable, the 1 million dollars raised in grants for research meets the requirement established by the Secretary of the Faculty.

Courses taught:

BSW 2019	Autumn Quarter	TSOCW 101: Introduction to Social Work. 33 of 37 students completed the evaluation
MSW 2019	Winter Quarter	TSOCW 503: Human Behaviour and the Social Environment 12 out of 18 students completed the evaluation
*2018	Winter Quarter	TSOCW 503: Human Behaviour and the Social Environment 11 out of 17 students completed the evaluation
MSW 2017	Winter Quarter	TSOCW 503: Human Behaviour and the Social Environment 12 out of 17 students completed the evaluation
BSW 2016	Winter Quarter	TSOCW 101: Introduction to Social Work 12 out of 19 students completed the evaluation

*course in question

If Dr. Marshall's teaching was a significant concern, Dr. Young had the power, if not the responsibility, to coach Dr. Marshall or even reassign Dr. Marshall for the sake of the students.

However, one should note that Dr. Young had taught only one class in eight years and does not have the same experience teaching across the curriculum in a contemporary educational space as does Dr. Marshall. Nonetheless, Dr. Young was promoted to full professor for less teaching experience than a junior faculty member. Dr. Young is also not familiar with models for success in the current teaching environment. Nonetheless, Dr. Young's powerful position allows her to denigrate a junior scholar with more teaching experience and stronger qualifications to teach across the curriculum at UW-T.

During her time at UW-T, no one coached Dr. Marshall about this questionable winter 2018 course. Dr. Marshall reached out to another person who teaches this course (Michelle Garner). Instead of getting help for her own class, Dr. Marshall conversely coached Dr. Garner about a session on aging (Dr. Marshall's area). On information and belief, Dr. Garner bad-mouthed Dr. Marshall to students. The rationale for some students changing class sections is that Dr. Marshall introduced an innovative pedagogy; group work is often considered an innovation in the field compared to straight lecturing. Note, group work is particularly important in social work training as social workers are trained to work with groups of other people, even a focus group setting. However, some students opted for the traditional straight lecture instead of Dr. Marshall's innovation. Dr. Garner exploited this difference to berate Dr. Marshall's teaching, just as Dr. Garner used the same discriminatory strategy against another faculty of color, Dr. Veronica Hinjosa.

To compound the matter, Dr. Purdy assigned a 'mentor' to Dr. Marshall. Dr. Marshall, in her proactive style, asked a series of questions about the goals of a mentor. The assigned mentor, Dr. Carolyn West, attended a meeting with Dr. Purdy and Dr. Marshall but was not told the true purpose of the meeting or that mentoring was expected for a full academic quarter instead of just one meeting. In response, Dr. Marshall sought colleagues at other institutions who have taught this course with great success. Dr. Marshall also requested the Teaching and Learning Center Director to sit in on her classes, review her materials, and provide the most feedback.

After Dr. Marshall orchestrated her own intervention, Dr. Marshall's teaching score improved 22% in this course without department support. The lack of coaching from the department, especially for a junior faculty member, is as if they are setting her up to fail. Instead of rewarding Dr. Marshall's resourcefulness to solve the problem by seeking her own coaching and feedback from her national network of academic mentors, the department stood back and plucked out this one element from one academic quarter to be the reason for terminating Dr. Marshall.

Power, Evaluations, and Black Scholars

In the current higher education culture, many professors grapple with student-to-teacher bullying. Students, who are often seen as clients, have the power through evaluations to celebrate or vilify professors. For these reasons, adjunct faculty are known to be softer graders. Nontenured faculty especially need high scores so that the department will keep rewarding them with teaching contracts. In this academic environment, the students have the power. Researchers show that students often resist Black professors who teach concepts that can challenge a college student. Further, Black women have a double yoke as the university population thinks about WHO can be a professor. Researchers confirm that the professorship still privileges whites and males. Bavishi et al. (2010) comment that Black women have a "double stigma" or 'double jeopardy' because students automatically question competence based on race and gender (Perry, et al., 2015).

Studies by Smith and Hawkins (2011) also confirmed that while assessing white faculty, Black faculty and 'other faculty, undergraduate students have consistently rated Black faculty the lowest. Another Black woman researcher on this issue confirmed, "I am struck by the fact that students' reactions to young, Black, and women professors tend to be more critical, polarized and fraught with bullying" (Lazos, 2012; Reid, 2010). She coined the term "microaggressive student-teacher bullying" to elucidate the phenomenon where students were attempting to diminish a Black woman's scholarship and manipulate my behavior so that it would be consistent with their expectation which is the stereotype of the young" (Cothran, 2016).

These researchers also confirm that white students resist race and discrimination, especially when a Black woman is teaching the course. Dr. Marshall's course, TSOCWF 503A: Human Behavior and the Social Work (HBSE), would be subject to this racially

laced problem. Her very comprehensive 30-page syllabus includes topics such as “discrimination and multilevel racism-related stressors,” “native women reconnecting to body, health and place,” “small groups, families, and racial/ethnic communities,” and “Latino children's experiences of institutional and interpersonal discrimination and microaggressions.” She includes a major assignment which addresses “theoretical frameworks in social work practice when working with diverse populations (based on age, gender, race, sexual orientation, social class, religion, immigrant, or other vulnerable or oppressed groups)” and a group project that invokes race and class issues.

Consistent with empirical findings, Dr. Marshall’s class could trigger resistance from her class of predominantly white students given their potential discomfort regarding social justice issues, especially being taught by a Black woman professor. Dr. Marshall’s experience is emblematic of the factors discussed in the Equity and Inclusion Campus Study- June 2016.

Conclusively, the student evaluation process is flawed at best given the power that students wield as ‘clients’ and the increased risk for faculty of color to receive poor evaluations. The problematic student evaluation process has the attention of several universities, such as the Colorado State University at Fort Collins, the University of Colorado at Boulder, the University of Kansas, the University of Massachusetts at Amherst, the University of Southern California, and Ryerson University, in Toronto. These institutions and others are looking for alternatives to this flawed student evaluation process rather than rest the career of a professor on a group of late teenagers (Doerer, 2019).

Given the racial climate confirmed in the 2016-2017 Inclusion and Equity Report, and the discriminatory trends in student evaluations, if Dr. Young and the School of Social Work were so concerned about Dr. Marshall’s performance in MSW 503, Dr. Young could have used her power to coach Dr. Marshall on best practices. The upper-level courses, which are the only reason given for Dr. Marshall’s appointment denial, were taught in 2017, 2018, and 2019. The department had two to four years to support a new faculty member. Instead, the school assigned Dr. Marshall a mentor who provided no support and questioned Dr. Marshall’s ‘fit’ in the department. Further, when Dr. Marshall specifically asked about improvement, she received minimal feedback. If these courses were so critical, the school should have remediated Dr. Marshall. Such

coaching not only would assist Dr. Marshall, if she was such a sub-standard classroom teacher, but the extra support for her would also provide a stronger educational experience for the students. However, with no intervention in three years of teaching this course, a reasonable person would assume that the evaluation scores for the MSW 503 course, even if lower than the scores of her 101 courses, were sufficient since the department repeatedly assigned the course to Dr. Marshall for three straight years. Nonetheless, Dr. Marshall, without department support, still sought improvement for the one course of 11 students that garnered a low score.

Summary

As a researcher and evaluator, I used a process to allow the documents to speak for themselves. The UW-T hiring process, documented broken promises, and lacking institutional policy compliance were memorialized and then confirmed the workplace bullying, harassment, and racism Dr. Marshall faced. My evaluation was governed by the very definition of workplace bullying which include three elements: 1) must identify a power differential, 2) indicate the abuse of that power differential, and 3) uncover escalating abuse of power.

I also purposely sought documents not provided by the attorney and client. For example, I searched for the diversity and inclusion webpage, the faculty publication webpage, Dr. Marshall's google school h-index, and Dr. Young's CV online. The process I followed is typical to determine if workplace bullying occurred. I framed this report by establishing the operational definition from the workplace bullying literature.

I also kept in mind who has power in this situation and who has diminished power. This process of documents informing the report helped me confirm that the environment yielded a hostile environment. The client's problem-solving was vilified, support was absent, and her request for an audit was ignored. I spoke with Dr. Marshall for 45 minutes after I had used the documents to develop an opinion.

The University of Washington- Tacoma has established a culture where workplace bullying is unchecked, and the most vulnerable populations are junior faculty, women, and people of color. Empirical research confirms that workplace bullying disproportionately affects these populations. My finding is consistent with the

2016 Equity and Inclusion Report; the university apparently has not moved to resolve the problems reported by 24 faculty members. Instead, UW-T allowed Dr. Marshall to face bullying through the duration of her junior faculty appointment.

As noted in the research, those with diminished power are more likely to endure workplace bullying. The power differential is evident in the sparse numbers of faculty of color in leadership ranks. Faculty of color are seldom advanced to ranks where they can affect change to create a more inclusive environment. Workplace bullying does not occur in a vacuum. If a bully is present, the administration can halt such behaviors and prevent abuse. In this case with UW-T, abuse was present, yet when it was reported, UW-T ignored the problem. Doing nothing IS an answer; it is an answer to the bully that intimidation and harassment are permitted. Workplace bullying in academia happens because two things exist simultaneously: A bully willing to hurt others and an administration willing to enable or tacitly condone abusive behavior. Bullies cannot operate if their leadership intervenes to stop the behavior.

By contrast, a healthy academic environment is led by a department head who openly appreciates and congratulates accomplishments for all employees. Clear communication is used to celebrate colleagues and coach colleagues when needed. Inclusive leaders use mistakes as learning opportunities, not as opportunities to hurt junior faculty. Transparency is vital, so emerging scholars know how to improve. Finally, the culture is one in which everyone is supported and appreciated. Unfortunately, UW-T has not cultivated such a work environment for Dr. Marshall.

Conclusion

The University of Washington-Tacoma harbors structural and individual weaknesses in developing and sustaining a culturally inclusive campus. The Equity and Inclusion Report from 2016 was almost prophetic in highlighting the difficulties that Dr. Marshall endured on her quest for tenure. Despite the findings from this report, there is little evidence to suggest that the UW-T took the findings seriously or moved to ease the power differentials that create racial hostility on its campus. Instead, they proceed with business as usual in excluding and diminishing scholars of color. Proof positive is that none of Dr. Marshall's 10 publications appear on the department's *Faculty Publications* (webpage <https://www.tacoma.uw.edu/uwt/swcj/faculty-publications>). This is another confirmation that they historically have disavowed her accomplishments.

Structurally, the problems arise in policies that do not require a re-appointment committee to give feedback to candidates. The secrecy invites biased subjectivity because the committee's individuals are not held accountable in any way for their comments which ultimately affect a candidate's career. Nonetheless, the candidate is held accountable for feedback she never received when she applied for tenure. Then, the committee focused on a negligible percentage of her five-year production, using that to deny Dr. Marshall tenure.

The hiring process was unfair from its inception. Dr. Marshall repeatedly communicated her need to transfer in a grant with post-award support. After agreeing, Dr. Young, who abused her power, reversed course and made Dr. Marshall's transition precarious; noncompliance in an NIH grant for Dr. Marshall, or any principal investigator, could render Dr. Marshall ineligible for future grants from NIH. Her quick action to run the grant through UW-S also protected the university because grant mismanagement can hurt organizational reputation with NIH. Instead, Dr. Marshall was maligned for her commitment to financial ethics and research excellence.

In 2021, Acting Dean Marcie Lazzari commented on Dr. Marshall's dossier stating, "I definitely think there is a place in the academy for Dr. Marshall, a setting where conducting research is the primary goal. This is not the case at the University of Washington Tacoma School of Social Work and Criminal Justice." The shame of this statement is that Dr. Marshall was chosen by UW-T amid a productive job search in 2015. Dr. Young pressed Dr. Marshall for an answer to accept the UW-T position,

knowing about Dr. Marshall's research agenda and knowing other schools courted Dr. Marshall. In response to Dr. Young's pressure, Dr. Marshall withdrew her candidacy from two research institutions, the University of California, Los Angeles (UCLA), and Arizona State University. Any reasonable faculty candidate would have interpreted Dr. Young's insistence as a commitment to honor Dr. Marshall's concerns about grant management and the research agenda. Instead, Dr. Young and UW-T have made a mess of Dr. Marshall's career through the constant bait-and-switch behavior. A fair remedy would be to assign Dr. Marshall to the University of Washington-Seattle campus with tenure (which shares social work accreditation with the University of Washington-Tacoma campus). Corrective action of this sort would return Dr. Marshall to the supportive research environment she was promised when UW-T hired her.

Further, one should note that Dr. Marshall's grants for over \$1 million dollars have each run their course. UW-T benefitted from this money; however, without another large grant pending, Dr. Marshall at this time, does not have the cash that initially attracted the bully. After they got all the money from Dr. Marshall, they are now trying to eliminate her appointment. In short, they want to 'take the money and run.'

UW-T may be saying all the right things on its website and in the Puget Sound community, yet the adage holds true: *actions speak louder than words*. UW-T's actions have created and sustained a hostile workplace that is fueled by an unchecked abuse of power. There is no evidence that the institution holds bullies accountable for how respective departments treat their most vulnerable junior scholars. With such lacking accountability, an academic star such as Dr. Gillian Marshall was left with no choice but to seek resolution through the court system.

References

- Bavishi, A., Hell, M. R., & Madera, J. M. (2010). The effect of professor ethnicity and gender on student evaluations: Judged before met. *Journal of Diversity in Higher Education*, 3(4), 245-256.
- Cottrian, D. L. (2016). Why Do You Talk, You Know, like "That"? Using scm and evt to Explore the Microaggressive Student-Teacher Bullying of Expectancy-Violating Black Women. *Journal of Black Sexuality and Relationships*, 2(3), 11-23.
- Doerer, K. (2019). Colleges are getting smarter about student evaluations Here's how. <https://www.chronicle.com/article/colleges-are-getting-smarter-about-student-evaluations-heres-how/>
- Greene, L. S. (1990). Tokens, role models, and pedagogical politics: Lamentations of an African American female law professor. *Berkeley Women's LJ*, 6, 81.

Hollis, L. P. (2016). Socially dominated: the racialized and gendered positionality of those precluded from bullying. In *The coercive community college: Bullying and its costly impact on the mission to serve underrepresented populations*. Emerald Group Publishing Limited

Hollis, L. P. (2017). The need for anti-bullying policies on campus: An argument for improving gender and race relations in higher education. *Journal of Black Sexuality and Relationships*, 3(3), 29-46.

Hollis, L. (2019). Money Talks... Misogynists Walk: A complex conversation on sexual harassment, race, and equal pay. In *Handbook of Sexuality Leadership* (pp. 207-220). Routledge.

Hunt, M. E. (2004). Tokenism (see also Racism; Sexism). In *A Guide for Women in Religion* (pp. 125-126). Palgrave Macmillan, New York.

Office of the Washington State Auditor. (n.d.) Whistleblower Program. https://sao.wa.gov/wp-content/uploads/2019/05/FAQ_Whistleblower_Updated_20171005.pdf

Perry, A. R., Wallace, S. L., Moore, S. E., & Perry-Burney, G. D. (2015). Understanding student evaluations: a black faculty perspective.

Sholihati, J., & Purnama, A. (2021). RACISM IN WHERE'S THE MONEY (2017) MOVIE. *CALL*, 3(1)

Smith, B. P., & Hawkins, B. (2011). Examining Student Evaluations of Black College Faculty: Does Race Matter? *The Journal of Negro Education*, 80(2), 149–162.

Tippett, N., & Wolke, D. (2014). Socioeconomic status and bullying: A metanalysis. *American Journal of Public Health*, 104(6), e48–e59.

University of Washington- Tacoma. (2021). Equity and Inclusion Statement. <https://www.tacoma.uw.edu/node/42085>

Zhou, X., Vohs, K. D., & Baumeister, R. F. (2009). The Symbolic Power of Money: Reminders of Money Alter Social Distress and Physical Pain. *Psychological Science*, 20(6), 700–706. <https://doi.org/10.1111/j.1467-9280.2009.02353.x>

##

END REPORT