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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF PIERCE

GILLIAN MARSHALL,)
)
Plaintiff,)
)
v.)No. 19-2-11120-3
)
THE STATE OF WASHINGTON,)
UNIVERSITY OF WASHINGTON, a)
State Agency, DIANE YOUNG,)
individually, JILL PURDY,)
individually, and MARK)
PAGANO, individually,)
)
Defendants.)Volume 1
)

DEPOSITION OF BETH LOUIE

Taken at the instance of the Plaintiff

September 15, 2021
10:19 a.m.
Via Videoconference, Zoom

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1 BE IT REMEMBERED that the deposition
2 of BETH LOUIE was taken in behalf of the Plaintiff
3 pursuant to the Washington Rules of Civil Procedure
4 before Brenda L. VanderWilde, Certified Shorthand
5 Reporter for Washington, on Wednesday, the 15th day
6 of September, 2021, via Videoconference, Zoom,
7 commencing at the hour of 10:19 a.m.

8
9
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 Also Present: GILLIAN MARSHALL

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I N D E X:

GILLIAN MARSHALL v. THE STATE OF WASHINGTON, et al.
Case No. 19-2-11120-3
September 15, 2021

T E S T I M O N Y

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PRODUCTION REQUESTS:

(None)

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2	5	Louie email string to Marshall re
3		UCIRO investigation
4	6	Pagano email to Louie re UCIRO
5		investigation
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20		memo to Pagano
21	18	Email from Leon to Pagano re closing
22		notice for UCIRO
23	19	Basic demographics employment
24		information for Marshall
25	20	Diversity Fellows Statement
		21

1 EXHIBITS (continued)

2 21 Faculty of color report, 2017

3 22 Peer review, Aguirre, 2017

4 23 Peer review, Kalikoff, 2018

5 24 Peer review, Kalikoff

6 25 Peer review, Raynor

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1 A. Yes. Yes.

2 Q. And did your firm -- what was the name of
3 your firm?

4 A. Winston & Strawn.

5 Q. And did they do defense work?

6 A. Yes.

7 Q. Okay. Have you ever represented a
8 plaintiff?

9 A. No.

10 Q. Okay. All right. And so then you came
11 out -- did you come to Seattle after your four years
12 there?

13 A. Yes.

14 Q. All right. And what was your first job
15 here?

16 A. I worked actually remotely for the firm in
17 Chicago.

18 Q. Oh. Okay. And when did you leave the
19 firm in Chicago?

20 A. 2016.

21 Q. All right. And what have you been doing
22 since?

23 A. I've been working at the University of
24 Washington.

25 Q. And what job are you hired to do?

1 A. At the University of Washington?

2 Q. Yes.

3 A. Investigation and resolution specialist.

4 Q. All right. And what's the name of the
5 organization you were with -- who you are with, I
6 should say?

7 A. The University Complaint and Resolution
8 Office.

9 Q. Is that, uh, name abbreviated?

10 A. Yes.

11 Q. And how is it abbreviated?

12 A. UCIRO.

13 Q. So is that U-C-I-R-O?

14 A. Yes. Yes.

15 Q. Okay. All right. And have you been doing
16 this job basically since you got there in 2016?

17 MS. PETERSON: Jack? Is anyone else
18 hearing an echo?

19 MR. SHERIDAN: You guys are hearing an
20 echo?

21 It could be from me. Hang on.

22 (Discussion held off the record.)

23 Q. (BY MR. SHERIDAN:) Let's begin again.

24 So I think you were telling me you started
25 at UCIRO in 2016. Is that right?

1 A. Yes. Yes.

2 Q. And what month did you start?

3 A. July.

4 Q. And what was your supervisory chain of
5 command?

6 A. At that time I reported to Jill Lee and she
7 reported at that time to Elizabeth Cherry.

8 Q. All right. And what was the title of each
9 of those persons?

10 A. I don't recall.

11 Q. Okay. Do you know who Ms. Cherry reported
12 to?

13 A. I don't recall.

14 Q. Okay. All right. And currently to whom do
15 you report?

16 A. UCIRO's interim manager, Alina McLauchlan.

17 Q. All right. And before her, who did you
18 report to?

19 A. Ian Messerle.

20 Q. And what job title did he have?

21 A. Manager.

22 Q. Okay. And, um, to whom did he report?

23 A. Jill Lee.

24 Q. To who?

25 A. Jill Lee.

1 Q. Oh, this is not good. Your sound is, um,
2 distorting for me.

3 Anybody else getting a distortion?

4 MS. PETERSON: Yes. Yes.

5 (Discussion held off the record.)

6 Q. (BY MR. SHERIDAN:) Okay. So you got there
7 in July 2016. And did you receive any training on how
8 to do investigations?

9 A. Yes.

10 Q. And who provided the training?

11 A. The UCIRO investigators who were employed
12 at the time.

13 MR. SHERIDAN: Okay. You just did the
14 same thing.

15 (Discussion held off the record.)

16 Q. (BY MR. SHERIDAN:) Okay then, back on the
17 record. I guess I should ask you, nobody is listening
18 in on your conversation? You're not being prompted
19 audibly or visually. Right?

20 A. No.

21 Q. Okay. Good. So let's see if I can pull
22 this off.

23 (Pause in proceedings.)

24 Q. All right. I'm going to a shared screen
25 and you should see, um, the words, "The entire social

1 work program." Is that what everybody sees?

2 A. Yes.

3 MR. SHERIDAN: Okay. And how about
4 you, Mary?

5 MS. PETERSON: Yes.

6 Q. (BY MR. SHERIDAN:) Got it. All right.
7 Okay. All right. So I'm just gonna run through some
8 of these things with you so that we can identify them
9 for the record. And the first one is your summer
10 report and it's 16 pages long, the Bates number is --
11 let's see -- the Bates number is 9839.

12 And do you recognize this document?

13 A. Yes. Yes.

14 Q. And is this the written version of the oral
15 briefing, I guess, you gave Chancellor Pagano on
16 September 6, 2019?

17 A. These are (inaudible).

18 (Discussion held off the record.)

19 Q. (BY MR. SHERIDAN:) All right. So up on
20 the screen we're looking right now at page 1 of
21 Exhibit 1, which is one of 200-and -- what is that, 84
22 pages? And we're looking at Bates stamped 9839.

23 So you've already said -- did you say that
24 you recognize this document as being the notes of the
25 briefing that you gave Chancellor Pagano?

1 A. Yes.

2 Q. And you talked to Diane Young about your
3 findings on September 25, 2019?

4 A. Yes.

5 Q. And you talked to Tom Diehm on
6 September 25th, 2019?

7 A. Yes.

8 Q. Is it also true that the name of the
9 investigation or the way you identified the
10 investigation internally is EV2018052449?

11 A. Yes.

12 Q. All right. There is -- let me jump ahead
13 to, uh, some of the next documents.

14 So I'm on page 17 of 284 and it's
15 Exhibit 2, Bates stamped number -- oh, is there a
16 Bates stamp number? I don't see a Bates stamped
17 number, so I'll assume I have a copy that doesn't have
18 one. So can you see that?

19 A. Yes.

20 Q. Are you using your -- you're using your
21 laptop now. Right? So you can see it?

22 A. Yes.

23 Q. Okay. Good.

24 MS. PETERSON: Jack, since there's no
25 Bates stamp, would you mind just identifying it by

1 the date or something and how many pages it is? Just
2 we have --

3 MR. SHERIDAN: That's just what I was
4 about to do.

5 MS. PETERSON: Okay.

6 Q. (BY MR. SHERIDAN:) And do you recognize
7 this document?

8 A. Yes.

9 Q. And what is it?

10 A. This first page -- or the first email is an
11 email from Mark Pagano to Dr. Marshall, cc'ing me.

12 Q. All right. Okay. Let me just see what
13 Number 3 is. It looks like it's, oh, so it's all of
14 those pages. So it's, um, it's page 20 for the record
15 purposes of our stuff.

16 All right. I'm gonna jump ahead to what
17 we've called Exhibit 9 for deposition purposes. And
18 it's a handwritten note, um, and the Bates stamp
19 number is 10093. Do you recognize this?

20 A. Yes.

21 Q. And what is it?

22 A. My notes from an interview with Taryn
23 Lindhorst.

24 Q. All right. How do you spell the last name?

25 A. L-i -- I believe it's L-i-n-d-h-o-r-s-t.

1 Q. Okay. And did you meet with her on or
2 about April 1st, 2014 [sic]?

3 A. I believe so, yes.

4 Q. Okay. And can you tell us -- I was having
5 some trouble reading your handwriting, so just so I
6 get the hang of your handwriting, would you mind
7 reading the first four bullets into the record?

8 A. Bullet 1, haven't spoken with Gillian about
9 complaint but have spoken with her, was on review
10 committee.

11 Bullet 2, GM was doctoral student in
12 progress, so met her 10 to 12 years ago.

13 Bullet 3, no input into her being hired at
14 Tacoma.

15 Bullet 4, TL thought unusual situation.
16 She was reviewed. Decision was to not have her
17 continue. Somebody above department, uh -- that's,
18 um, d-e-p-t, which I used as a shorthand for
19 department -- overruled. Then had re-review TL, so
20 that would be the witness, on re-review committee.

21 Q. All right. Can you tell us from looking at
22 your notes or from your memory how she voted?

23 A. I would have to look at the notes. I don't
24 remember.

25 Q. Okay. Why don't you take a look and see if

1 you wrote down how she voted?

2 And you might as well do that on your own
3 computer, it will be faster.

4 (Pause in proceedings.)

5 A. Okay. Taryn -- Ms. Lindhorst told me that
6 she was a yes vote.

7 Q. Okay. Yes for what?

8 A. Reappointment.

9 Q. Okay. All right. And did she participate
10 in 2017 and 2018 or just one?

11 A. Um, I don't recall without looking at my
12 notes, but I think -- can I take a look at my notes?

13 Q. Of course. Of course.

14 (Pause in proceedings.)

15 A. Um, she said that she was not involved in
16 the first review. So that would have been in 2017.

17 Q. Got it. Okay. Good. Now, let's move to,
18 um, the page that's Bates stamped, uh, well, let's
19 see.

20 All right. And we're at Bates stamp 10103.
21 And these are your notes again?

22 A. Yes.

23 Q. And you met with Marian Harris on or about
24 April 5th, 2019?

25 A. I had a phone call with her. I don't

1 believe we met in person.

2 Q. All right. And, um, could you give us the,
3 uh, first three bullets? Just read them into the
4 record.

5 A. First bullet, "Based recommend on Gillian
6 materials. Based on teaching, research, scholarship,
7 service. Recommendation was reappointment."

8 Q. Okay. Next bullet?

9 A. "Tom Diehm didn't discuss with committee
10 about his recommendation. This is typically not
11 done."

12 Third bullet, "Gillian: Had concerns in
13 terms of teaching, but gave her solid," I think that
14 word is "thing" to do. And then "Service:
15 Recommended make self more visible."

16 Q. All right. At the time of this interview,
17 did you have any understanding as to whether or not
18 Dr. Marshall was required to do service?

19 A. I don't recall if I had an understanding at
20 the time of this interview.

21 Q. All right. Is it fair to say if you had an
22 understanding, it would be in Exhibit 1, which are
23 your notes of your debriefing, I guess?

24 A. I don't know that Exhibit 1 would show my
25 understanding at the time of this interview.

1 Q. Okay. All right. It would show your
2 understanding at the time that you actually wrote up
3 Exhibit 1. Right?

4 A. Right.

5 Q. Okay. All right. So if we look at the
6 timing of Exhibit 1 -- I'm gonna bounce back to that.
7 So as of, uh -- let's see. Does this have a date on
8 it? Let's see. Well, we know that it's in advance of
9 September 6, 2019, when you briefed the chancellor.
10 So let's assume it was done sometime in early
11 September.

12 Did you have an understanding as to whether
13 or not there was an, uh, any decisions as to whether
14 or not, uh, Dr. Marshall had to do service?

15 A. I don't recall if a decision had been made.

16 Q. Okay. Did you talk to Jill at all about,
17 um, whether or not she had to do service, Jill Purdy?

18 A. Whether or not Gillian, Dr. Marshall, had
19 to do service?

20 Q. Yes.

21 A. I believe so.

22 Q. What's your understanding of what was said
23 in that regard?

24 A. I don't recall. I'd have to look at my
25 notes.

1 Q. All right. Let's turn to page 93 out of
2 284 and let's see what it says.

3 (Pause in proceedings.)

4 Q. All right. And why don't you take as much
5 time as you need on your big computer to see -- to
6 flesh that out.

7 (Pause in proceedings.)

8 A. I'm seeing from my notes that when I
9 interviewed Jill Purdy, we discussed that
10 Dr. Marshall, that there was some question of -- with
11 the course or with the buyout -- how much service and
12 teaching Dr. Marshall would have to do. I don't know
13 that a decision -- or I don't know that Jill
14 communicated a decision to me about how much service
15 that actually meant, though.

16 Q. Okay. Did you think it would be
17 important -- let's say for example, she was required
18 to do service, but in fact under the K01 grant terms,
19 it would have been inappropriate?

20 A. What would have happened? Sorry, I'm not
21 understanding.

22 Q. Right. So you understood that under the
23 K01 grant she had to spent 75 percent of her time
24 working on the grant. Right?

25 A. Yes.

1 Q. You understood that there was a
2 disagreement between Diane Young and her as to how
3 much teaching she would have to do. Is that right?

4 A. Yes.

5 Q. Okay. You also understood that there was
6 either a disagreement or at least a lack of clarity as
7 to how much service work she should do. Correct?

8 A. Yes.

9 Q. And it's true, is it not, that you
10 interviewed the members of the committees during the
11 two, um, reappointment, uh, processes. Is that right?

12 A. Yes.

13 Q. And it's true, is it not, that some of them
14 seemed to think that she wasn't doing enough teaching?

15 A. That's what they communicated to me.

16 Q. Okay. And, um, did that ever occur to you
17 that that might be evidence of discrimination?

18 A. No.

19 Q. Well, if she were white and brought a half
20 a million dollars or a million dollars to the social
21 work organization, do you think she would have been
22 treated exactly the same?

23 A. I don't know.

24 Q. Are you aware of whether or not racism has
25 been identified as a problem at the University of

1 Washington Tacoma?

2 A. I don't know.

3 Q. When you were hired in 2016, did anyone
4 tell you that, uh, that there are studies being done
5 that have found that race is a real issue at the --
6 that race discrimination and harassment is a real
7 issue at the UW Tacoma?

8 MS. PETERSON: Object to the form of
9 the question. Unsubstantiated.

10 Ms. Louie, you can answer if you are able
11 to.

12 THE WITNESS: The question was did
13 anyone tell me?

14 Q. (BY MR. SHERIDAN:) Yes.

15 A. No.

16 Q. All right. Did you review any documents
17 that -- that had to do with developing a race inequity
18 agenda for the University of Washington Tacoma campus
19 and community?

20 A. I don't recall.

21 Q. All right. Let's take a look at Exhibit 20
22 if we can. And I'll put it up on the screen. You're
23 gonna probably want to look at it yourself. Uh, but
24 let's go, um, it's Bates stamped -- oh, this one is
25 not Bates stamped. Maybe I'm not -- maybe I didn't

1 shrink the page small enough.

2 I know there's a Bates stamped one out
3 there, I don't know why we don't have one for this
4 presentation, but it has page numbers. So I'll say
5 the page number.

6 The executive summary begins on page 1 of
7 10.

8 Okay. All right. So this -- so have you
9 ever seen this document before?

10 A. Not before today.

11 Q. All right. So when you were hired nobody
12 said anything to you about there being in existence a
13 diversity fellows statement to the UWT faculty
14 assembly dated January 12, 2016?

15 A. No.

16 Q. All right. So let's look at the executive
17 summary.

18 Let me ask you this, is your sole purpose
19 to investigate issues of discrimination?

20 A. We also investigate other UW -- potential
21 violations of other UW policies.

22 Q. Okay. So this executive summary -- first
23 of all I'm on the cover page. It's prepared by
24 Anthony Falit, and it looks like, Baiamonte,
25 B-a-l-a-m-o-n-t-e,[sic]. Do you recognize that name?

1 A. No.

2 Q. Emily Ignacio. Do you recognize that name?

3 A. No.

4 Q. How about Christopher Knaus, K-n-a-u-s?

5 A. No.

6 Q. How about Huatong Sun? Do you recognize
7 that name?

8 A. No.

9 Q. All right. The executive summary -- I'm on
10 page 1 now of the document -- it says that, um,
11 "People of color employed by the University of
12 Washington Tacoma face, Number 1, barriers
13 well-documented in higher education literature and in
14 reports previously convened by the University of
15 Washington."

16 Did you know that when you -- in 2016 or
17 2017 or 2019 when you worked there?

18 A. No.

19 Q. All right. Number 2, it says, "The
20 passive-aggressiveness," so let me read it so it has
21 context. "People of color employed by the UW Tacoma
22 face, Number 2, the passive-aggressiveness of local
23 culture at UW Tacoma and in the Pacific Northwest."

24 Did you know that there was such a finding
25 in 2016 in that regard?

1 A. No.

2 Q. All right. Did you know that people of
3 color employed by the University of Washington Tacoma
4 face Number 3, "seemingly permanent inertia manifested
5 by colleagues and leadership who ignore thoughtful
6 research reports (like this one) of campus diversity
7 issues and who take little action to address their
8 personal professional concerns"?

9 Were you aware of that?

10 MS. PETERSON: Object to the form of
11 the question. Assumes facts not in evidence. Simply
12 the fact that someone wrote it in a statement doesn't
13 make it true.

14 MR. SHERIDAN: Counsel, no speaking
15 objections, please.

16 Q. (BY MR. SHERIDAN:) All right. Go ahead
17 and answer or do you need me to ask it again?

18 A. I wasn't aware that this report made this
19 finding.

20 Q. All right. Were you aware that people of
21 color employed by the University of Washington Tacoma
22 face "a context of faculty and university policies
23 that do not fundamentally address the causes nor
24 practice of racial exclusion and oppression"?

25 Were you aware that that was a finding in

1 2016 regarding UW Tacoma?

2 A. No.

3 Q. All right. And look at the next paragraph,
4 it says that "This report clarifies this larger
5 racialized context, and in regard to faculty-related
6 diversity and equity issues at the University of
7 Washington Tacoma, the Diversity Fellows offer three
8 recommendations to guide further implementation."

9 And the first recommendation they make is a
10 "continual, ongoing, critical analyses of policies and
11 procedures in practice related to faculty diversity."

12 Were you aware that there was a report that
13 was recommending this continual, ongoing, critical
14 analyses of policies and procedures in practice
15 related to faculty diversity?

16 A. No.

17 Q. Were you aware that there was a report in
18 2016 that recommended "implementation of best
19 practices that reflect these analyses with specific
20 regard to hiring, tenure, mentoring service and
21 curricular decisions"? Were you aware of that?

22 A. No.

23 Q. Were you aware that the 2016 report
24 clarified that "Concrete accountability measures that
25 address the many circumstances where faculty and

1 administrator practice might conflict with the intent
2 of these policies" was also a recommendation?

3 A. No.

4 Q. Okay. So as you're only seeing this today,
5 I'm going to show you, uh, the next paragraph for --
6 it's Number 3. "Expand" -- so this is one of the --
7 this is "Based on the research conducted on the
8 experiences of faculty of color as well as convened
9 reports at UW Seattle and Tacoma, we offer the
10 following implementation actions."

11 And is -- there's two that I'm gonna skip
12 over and then the third is "Expand faculty retention
13 efforts, with a particular focus on recognizing and
14 mitigating the many micro-aggressions faculty of color
15 face." And there's an "a" and "b."

16 "Provide support for faculty who engage in
17 work related to access and success for traditionally
18 underrepresented students and communities."

19 And "Institute a faculty diversity
20 orientation."

21 Do you know whether any of those things had
22 been implemented at the University of Washington
23 Tacoma during the time you've worked there?

24 A. Well, I don't work at University of
25 Washington Tacoma, but I don't know whether any of

1 these have been implemented there.

2 Q. Okay. Yeah. And that was my poor
3 question. I meant where you work.

4 All right. And, um, so, this is, I'm now
5 on page 4, 246, and page 3. It's the -- it's the
6 report.

7 So, um, this is the opening paragraph of
8 the report, it says "At a time when UW Tacoma is
9 working hard to increase the student retention rate,"
10 and let me stop there.

11 Did you have an understanding that
12 basically since you've been there, there's been an
13 effort to increase the student retention rate?

14 A. I didn't. I didn't -- no. I don't know
15 about that.

16 Q. All right. It goes on to say "We see an
17 even more urgent need to retain engaging, diverse
18 faculty and hire faculty who are open to cultivating
19 cultural humility and who are well-prepared in and
20 wish to practice culturally relevant and responsive
21 approaches. The need to recruit and retain diverse
22 faculty is central to the UW system-wide commitment to
23 equity and diversity."

24 And did you have any sense of whether or
25 not since you've been working at the University of

1 Washington, there's an effort to, um, to retain and an
2 urgent need to retain diverse faculty at the
3 University of Washington?

4 A. Am I aware of that?

5 Q. Yes.

6 A. No.

7 Q. All right. So I'm gonna go down the page
8 now and read you another finding that they have here.

9 So this says -- after the indented
10 paragraph it says, "Despite our public commitment to
11 diversity and inclusivity," and this is referring to
12 University of Washington Tacoma, it says, "statements
13 and policies failed to recognize and address the
14 hostile racial climate that is consistently described
15 through numerous UW reports and clarified extensively
16 through higher education research. Ignoring these
17 experiences by not addressing racial inequities or
18 oppression by merely touting a commitment to diversity
19 and inclusivity only contributes to the hostile
20 climate."

21 Did you have any awareness of this position
22 taken by these faculty?

23 A. I wasn't aware of this report, so no.

24 Q. Okay. All right. It goes on to say that,
25 um, "These conversations not only silence those who

1 experienced racial oppression at all levels:
2 Individual, institutional, and system-wide, but also
3 compromises the larger on-campus (cross-country)
4 struggles for increased faculty representation of the
5 very students on which University of Washington Tacoma
6 prides itself and further mutes the concerns of uneven
7 implementation of the policies designed to address the
8 racial inequalities."

9 Did any source provide that information to
10 you since you've worked there?

11 A. I have not seen this report since --

12 Q. Okay. I'm sorry. I didn't mean to
13 interrupt you. But is it fair to say that you were or
14 were not aware that there was a hostile racial climate
15 at the University of Washington Tacoma?

16 A. I was not aware.

17 Q. All right. And it's fair to say that when
18 you did the investigation pertaining to Dr. Marshall,
19 you were unaware of any racial -- hostile racial
20 climate at the University of Washington Tacoma?

21 A. I will say I was not aware that this report
22 existed, so I was not aware that the authors came to
23 that conclusion.

24 Q. Okay. But understand -- my goal is not to
25 ask you what the author considered. I want to know

1 whether the people that you interviewed, for example,
2 talked about racial hostility at the University of
3 Washington or whether management or Mark Pagano talked
4 to you about that?

5 MS. PETERSON: Object to the question
6 as compound.

7 MR. SHERIDAN: It is compound.

8 Q. (BY MR. SHERIDAN:) Did Mark Pagano ever
9 talk to you before, during, or after your
10 investigation to talk to you -- did he ever talk to
11 you about racial hostility at the University of
12 Washington?

13 A. I don't recall.

14 Q. Is it fair to say if he did, you would have
15 documented it in this report, in your report that's
16 Exhibit 1?

17 A. If it were part of the investigation.

18 Q. Okay.

19 A. Probably.

20 Q. Is it fair to say that Jill Purdy never
21 talked to you during the interview, or at any other
22 time during this time frame, she never talked to you
23 about the racial hostility at the University of
24 Washington Tacoma. Did she?

25 A. I don't believe so.

1 Q. And Diane Young also never spoke to you
2 about the racial hostility at the University of
3 Washington Tacoma. Correct?

4 A. I don't believe so.

5 Q. All right. There's -- I'm just gonna
6 bounce around a little bit here. But let me, um.

7 Do you have any recollection of any of
8 the -- strike that.

9 First of all, do you have any awareness as
10 to at the social work school, so it's social work and
11 criminal justice school, do you have any idea -- in
12 2019, when you were doing this investigation -- do you
13 have any idea as to what the faculty makeup was there
14 in terms of race?

15 A. No.

16 Q. Okay. Well, did you have any sense as to
17 whether or not -- did you know that Ms. Harris was a
18 black woman?

19 A. I don't recall.

20 Q. Okay. As you sit here today, do you have
21 any recollection of Dr. Harris being black?

22 A. I never met her in person, so no.

23 Q. Okay. And is it true that -- do you know
24 whether, besides Dr. Harris, do you know whether there
25 were any other black faculty at the University of

1 Washington Tacoma School of Social Work and Criminal
2 Justice?

3 A. I don't know.

4 Q. Okay. So is it fair to say that if you
5 don't understand the race of the people who are
6 allegedly taking adverse actions against Dr. Marshall,
7 it might be hard to figure out whether or not race is
8 a factor?

9 A. No.

10 Q. So you were content to not know the racial
11 makeup of the people deciding her fate. Is that
12 right?

13 A. I made my decision with the information
14 that I had in the investigation.

15 Q. Okay. And did anybody teach you what scope
16 you should utilize in determining whether there's race
17 discrimination during an investigation?

18 A. I don't understand. Can you clarify what
19 you mean by "scope."

20 Q. Sure. Well, would you agree with me that
21 typically people won't admit to engaging in race
22 discrimination. Right?

23 MS. PETERSON: Objection. Calls for
24 speculation.

25 Q. (BY MR. SHERIDAN:) And let me clarify that

1 a little. Based on your personal experience working
2 at a private defense firm and also working for several
3 years as an investigator at the University of
4 Washington, um, is it your experience that people
5 don't generally confess to engaging in race
6 discrimination?

7 A. Um, I mean, I'd have to think about all of
8 the cases that I worked on. I'm not remembering any
9 specific case where someone admitted to engaging in
10 race discrimination.

11 Q. Well, Diane Young did not admit that she
12 engaged in discrimination. Right?

13 A. She did not say that she engaged in race
14 discrimination.

15 Q. And she also did not admit to engaging in
16 retaliation. Correct?

17 A. She did not say that she engaged in
18 retaliation.

19 Q. And she did not admit to engaging in --
20 into creating a hostile work environment for
21 Dr. Marshall. Right?

22 A. She did not say that she engaged in a
23 hostile work environment -- or created a hostile work
24 environment.

25 Q. All right. And Jill Purdy never admitted

1 to any of those things either. Right?

2 A. Jill Purdy never said that she
3 discriminated against or created a hostile work
4 environment for or retaliated against Dr. Marshall.

5 Q. Okay. All right. Fair enough. So let's
6 go back to -- so we're at Exhibit 20. And I'm gonna
7 look at the bottom of page 3, so -- beginning with
8 "what." So "What we find is that, historically,
9 altering and refining policy language simply does not
10 address the underlying campus and societal racism that
11 shapes the experience of people of color and social
12 justice-oriented faculty members."

13 Um, has that been your experience, that
14 just because you change your policy doesn't mean
15 you're gonna eliminate racism at an institution?

16 A. I don't know.

17 Q. Okay. Fair enough. The paragraph goes on
18 to page 4. And it begins on page 3 with the word
19 "deeper." It says, "Deeper, this refining does not
20 acknowledge the personal and structural barriers
21 caused by individual and institutional practices
22 within the university, the department" --

23 MS. PETERSON: Scroll up, Jack.

24 MR. SHERIDAN: Say again.

25 MS. PETERSON: Can you scroll up,

1 please. I can't see what you're reading.

2 MR. SHERIDAN: Oh, sorry. Oh, let's
3 do that again.

4 Q. (BY MR. SHERIDAN:) "Deeper, this refining
5 does not acknowledge the personal and structural
6 barriers caused by individual and institutional
7 practices within the university, the department or
8 program, and within each respective discipline."

9 Do you personally have an opinion one way
10 or the other as to that?

11 A. No.

12 Q. Okay. Right. All right. I'm looking at
13 page 4 now and I'm down to the paragraph that begins
14 "We agree." And I'm gonna start reading here.

15 "Despite UW Tacoma's commitment to
16 diversity and inclusion, because of the pervasive
17 nature of racism and a pervasive insistence that our
18 commitment to our diversity and inclusion, in and of
19 itself, is -- addresses racism merely changing
20 policies is, at best, insufficient to address the
21 larger context of racism within higher education. At
22 worst it supports racism and racial oppression."

23 Did you, in examining the policies and
24 procedures that pertained to Dr. Marshall's race
25 discrimination complaint with UCIRO, did you, at any

1 time, have an awareness of whether or not the policies
2 themselves may support racism?

3 A. No.

4 Q. Okay. Okay.

5 (Pause in proceedings.)

6 Q. So now I'm gonna move you to page 6 if we
7 can. And this paragraph begins with the word
8 "decades." And it says, "Decades of research
9 documents the long-term negativity underrepresented
10 faculty face in predominantly white universities."

11 Do you have an awareness yourself,
12 professionally, whether or not there are decades of
13 research documents that document the long-term
14 negativity underrepresented faculty face in
15 predominantly white universities?

16 A. I don't.

17 Q. Okay. There's a paragraph at the bottom of
18 page 6, it begins "overall." It says, "Overall, it
19 remains both challenging and burdensome for
20 underrepresented faculty of color to continually
21 advocate for equity from white academic programs and
22 across the campus when their voices and efforts
23 whether solicited and requested by upper level
24 administration or initiated by themselves often go
25 unnoticed."

1 Did you have any sense that since you've
2 joined University of Washington as an investigator in
3 2016, that there is a problem at the University of
4 Washington Tacoma where faculty of color have harder
5 time getting recognized than whites?

6 A. I was not aware that anyone made that
7 finding.

8 Q. All right. And is it also fair that Mark
9 Pagano never talked to you about these issues at all?

10 A. We talked about -- I mean, within the
11 investigation we would have talked about race
12 discrimination, harassment, and retaliation issues.

13 Q. Okay. But he never gave you, like, a
14 heads-up that, you know, there's a history of white
15 faculty discriminating against persons of color?

16 MS. PETERSON: Object to the form of
17 the question. Assumes facts not in evidence.

18 Q. (BY MR. SHERIDAN:) You can answer.

19 A. He did not tell me that.

20 Q. Okay. Let's jump back up to beginning of
21 page 56. All right. So this I guess is where we left
22 off.

23 We've -- you said basically that this is
24 your handwriting and --

25 MR. SHERIDAN: Um, Mary, there's a

1 bunch of handwritten notes that we have within this
2 file.

3 Do you want to just stipulate that if we
4 see this handwriting, this is hers and the creation
5 date is the date on the upper right-hand corner?

6 MS. PETERSON: I mean, I guess I don't
7 know without looking at it what's her handwriting and
8 what's not.

9 MR. SHERIDAN: Okay.

10 MS. PETERSON: We've provided you the
11 things in the file.

12 MR. SHERIDAN: Fair enough. I'm just
13 gonna run through it.

14 So what I'll do is for everybody's benefit
15 these things are Bates stamped, but just to speed it
16 up, let me see if I can make it smaller and do two
17 things at once. Maybe I can. So let's try this.

18 MS. PETERSON: Jack, could you give
19 an -- does this have an exhibit number?

20 MR. SHERIDAN: Actually, they're all
21 within one exhibit, they're subparts. So I'm gonna
22 jump around within Exhibit 9, I guess it is. And
23 Exhibit 9 is the beginning of it, all right. So
24 we've already established that issue and for Harris.
25 And we did Lindhorst.

1 And so now would you go to page 59, which
2 is Bates stamped 10106. And tell me if you recognize
3 this document and if it's your handwriting.

4 A. Page 59, Bates stamped 10106?

5 Q. Yes.

6 A. Do you want to pull it up on the screen
7 share too or?

8 Q. Oh, sure. Yeah.

9 A. This is my handwriting.

10 Q. All right. And what's the name of the
11 person you interviewed?

12 A. Randy Myers.

13 Q. All right. And did you interview him on
14 April 12th, 2019?

15 A. I believe so, yes.

16 Q. All right. And let me go back up here to
17 Exhibit 1 for a second. And . . .

18 Um, is it okay if we refer to this page --
19 let me just see if there's a signature block here. I
20 think it just cuts off.

21 Do you have a copy of this document that is
22 either signed or dated?

23 A. No.

24 Q. Okay. Is it your practice not to sign or
25 date these notes?

1 A. That's right.

2 Q. Okay. But is it okay if we -- would it be
3 right to assume that it would have been -- you would
4 have prepared these sometime soon before the
5 September 6, 2019, meeting with Chancellor Pagano?

6 A. It would have been before the September 6th
7 meeting. I don't remember how far in advance that
8 was.

9 Q. Did anybody need to approve your work?

10 A. In drafting these notes or?

11 Q. Yes. In looking at these notes, did you
12 receive any feedback or input from anyone before going
13 to meet with Chancellor Pagano?

14 A. I don't believe so.

15 Q. All right. And has it been your practice
16 not to need supervision in that regard?

17 A. I don't need supervision. Occasionally I
18 will ask people to help proofread for me.

19 Q. In 2019 was your boss a lawyer?

20 A. My boss was Ian Messerle. I don't remember
21 if he had his license, if he continued his license.

22 Q. Okay. But he was a lawyer, whether or not
23 he was admitted?

24 A. Well, I mean, he went to law school and had
25 practiced in the past.

1 Q. Okay. All right. That answers my
2 question. All right. Good.

3 So this particular product that you created
4 in the September 29th time frame -- I'm sorry -- this
5 product, which is Exhibit 1, that you created sometime
6 before September 6th, 2019, outlines the initial
7 contact in Item 1. And it says, "The initial contact"
8 of, "with Dr. Marshall was on August 15th, 2018." Is
9 that right?

10 A. Yes.

11 Q. And you met with her also on the 23rd of
12 August?

13 A. I can't remember if we met that day or that
14 was a telephone call, but we spoke.

15 Q. Okay. And then it says -- it also lists
16 October 3, 2018. Do you see that there?

17 A. I do.

18 Q. Okay. So if you created this before
19 September 6, 2019, to give a briefing to Chancellor
20 Pagano, how is it that you have made date entries of
21 October 3rd, which comes after the meeting with
22 Pagano?

23 A. Those were October 2018. My meeting with
24 Chancellor Pagano was September 2019.

25 Q. Okay. That's right. Good. Okay.

1 So with regard to the, uh, the process, is
2 it true that it's your general practice not to go back
3 more than a year?

4 A. When an individual contacts my office, yes.

5 Q. Okay. Is there a term of art for what this
6 is called? Is this called something like an
7 "institutional investigation" or something like that?

8 A. When an individual contacts my office and
9 we open an investigation that's called an "internal
10 investigation."

11 Q. Oh, internal. Okay. Fair enough. Okay.

12 And is it -- when you do these
13 investigations, do you actually weigh testimonies, you
14 know, one person's more or less credible than another?

15 A. We assess credibility. Yes.

16 Q. All right. Do you also make a decision
17 based on the preponderance of the evidence?

18 A. Yes. That's the standard that we use.

19 Q. All right. So when you have two different
20 people saying -- disagreeing about the facts, is it
21 typical for you to make a finding as to who to
22 believe?

23 A. Based on all the information I have, yes.

24 Q. All right. Can you tell us why it took
25 from August 15th, 2018, until September 6th, 2019, for

1 you to complete this investigation?

2 A. Yeah. We had -- I had a very large
3 workload at this time.

4 Q. So you just really didn't work on this.
5 Right?

6 A. I would disagree with that.

7 Q. Well, I don't want to -- I mean, I don't
8 want to argue with you. As I looked at the
9 handwritten notes, it appears that most of those
10 things happened in April and then there was another
11 set for, like, June and July. Is it fair to say you
12 really didn't get to interviewing anybody until April
13 of 2019? Other than Dr. --

14 A. Right. I interviewed Dr. Marshall first.
15 And then I requested documents. So I think I reviewed
16 documents before I started interviewing people.

17 Q. Right. Is it also true that, um, that
18 Dr. Marshall expressed to you concern that she would
19 be retaliated against by, uh, by, uh, Dr. Young if
20 Dr. Young was -- remained in her supervisory position
21 during the course of the investigation?

22 A. I don't recall.

23 Q. Right. Is it fair to say that that's
24 always a concern in situations like this, where a
25 person actually reports somebody who is -- has more

1 power by virtue of position? Uh, there's always a
2 concern about possible retaliation. Right?

3 MS. PETERSON: Objection. Calls for
4 speculation.

5 THE WITNESS: I don't know if that's
6 true in every case.

7 Q. (BY MR. SHERIDAN:) Well, how did you -- I
8 guess one of my questions is how come you didn't move
9 Dr. Marshall out from under the supervision of
10 Dr. Young to protect her?

11 A. I don't have the authority to reassign
12 people.

13 Q. Do you have the authority to recommend
14 that?

15 A. No.

16 Q. You're not even allowed to recommend that?

17 A. No.

18 Q. Did you at least pass along to somebody up
19 your chain of command that she had concerns about
20 being retaliated against?

21 A. I don't recall.

22 Q. Do you have some type of a book that --
23 that might contain information about -- you know, like
24 a handbook on how to do investigations that might tell
25 us that you're not allowed to move people to protect

1 them during an investigation?

2 A. I don't have a handbook.

3 Q. Is it written down anywhere?

4 MS. PETERSON: Objection. Calls for
5 speculation.

6 Q. (BY MR. SHERIDAN:) That's true.

7 Do you have any knowledge of it being
8 written down anywhere that you don't have authority to
9 move a person out from under the supervision of a
10 manager who may be retaliating against that person?

11 A. No.

12 Q. Okay. Fair enough. All right.

13 Let's go back to, um, Exhibit 9 again. And
14 so we've done this one. We've done Harris and, uh, I
15 think we've done Myers. Myers is at 59. Okay.

16 And, again, do you have any recollection if
17 we did Myers?

18 A. I'm sorry. What was the question?

19 Q. Do you have any recollection as to whether
20 we've reviewed this, as a housekeeping matter? I hate
21 to make you go through it again.

22 A. I think I already confirmed that this is my
23 handwriting.

24 Q. All right. Now let's go to 63. And who
25 is -- these are your notes again?

1 A. Yes.

2 Q. And who did you interview on or about
3 April 15th, 2019?

4 A. I don't remember if I interviewed more than
5 one person on that day, but this page is from notes
6 from an interview with Terri Simonsen.

7 Q. Okay. Good. All right.

8 And then was she faculty?

9 A. I don't believe -- I don't know. I don't
10 believe so.

11 Q. Okay. Do you know what race she was?

12 A. I don't know.

13 Q. Okay. Let's go to, um, page 70 of our
14 file. And what is this?

15 A. Page 70 is page 1 of my interview notes,
16 handwritten interview notes with Erin Casey.

17 Q. All right. And can you tell us what
18 position Erin Casey held at the time?

19 A. I don't recall.

20 Q. All right. Do you know if she was faculty?

21 A. I believe so.

22 Q. All right. And just for record purposes,
23 that particular note appears as 10117 is the Bates
24 stamped number.

25 Q. Okay. And let's go now to page 79. And

1 this is what?

2 A. This is page 1 of my handwritten notes from
3 an interview with Charles Emlet.

4 Q. All right. And that was on April 15th,
5 2019?

6 A. Yes.

7 Q. Do you keep track of -- it says you started
8 at 4:15. Is there any way we could tell how long the
9 meeting lasted?

10 A. I think this meeting started at 1 p.m.

11 Q. Okay.

12 A. But I don't know how long it lasted. I
13 don't keep track of that.

14 Q. All right. Got it. 1 p.m. Right. Okay.
15 Let's look at page 88. And who do these
16 notes pertain to?

17 A. This is the first page of handwritten notes
18 from a telephone call with Eric Madfis.

19 Q. All right. Okay.

20 MR. SHERIDAN: Um, I, uh, Mary, I
21 don't think either of us expected this to go beyond
22 lunch, but because of the slow start I need more
23 time.

24 Do you want to take -- I would like to
25 take a quick, um, lunch break now for maybe a half

1 hour so that I can make sure that that reply gets in
2 timely.

3 Is that okay with you?

4 MS. PETERSON: Sure.

5 (Recess taken.)

6 Q. (BY MR. SHERIDAN:) Okay. We're back on
7 the record. And I'm gonna show you page 70 just to
8 see if -- and this is for Erin Casey. And you saw her
9 on April 15th, 2019. Is that right?

10 MS. PETERSON: Jack, we are not seeing
11 this, the exhibit.

12 MR. SHERIDAN: Oh, thanks for letting
13 me know. I'll get it.

14 (Pause in proceedings.)

15 Q. (BY MR. SHERIDAN:) Okay. So for Erin
16 Casey, can you tell us where she worked and what she
17 did?

18 A. I believe she was a faculty member at
19 University of Washington Tacoma.

20 Q. And what race was she?

21 A. I don't know.

22 Q. Okay. All right. Did you meet with her
23 face-to-face?

24 A. Yes.

25 Q. Okay. All right. And, um, it seems like

1 you've got a lot of pages for this one.

2 Um, do you have any recollection as to, um,
3 what the major concerns were?

4 A. I'm sorry. I don't understand the
5 question.

6 Q. Sure. Do you have -- what did you and
7 Dr. Casey talk about mostly?

8 A. Um, I'd have to look at my notes to be
9 sure.

10 Q. Okay. Yeah. Go ahead and take a minute
11 and see if it refreshes your memory.

12 (Pause in proceedings.)

13 A. Okay. I'm sorry. What was the question
14 again?

15 Q. Yeah. So what was the main thing you folks
16 talked about?

17 A. We talked about a number of things
18 including her role, Erin's role, as chair of
19 Dr. Marshall's reappointment committee.

20 Q. Okay. And what's your recollection of how
21 she voted and which year committee?

22 A. I don't recall.

23 Q. Okay. All right. And do you recall
24 whether she had expressed being in favor of, uh,
25 Dr. Marshall --

1 A. I don't recall.

2 Q. -- with her progress forward?

3 A. I don't recall.

4 Q. And you have no recollection of her race?

5 A. No.

6 Q. All right. Okay. Just because it's
7 taken -- I think it's gonna take a long time to try to
8 refresh your recollection, I think for some of them
9 I'm just gonna have you read it into the record and
10 let me know when you're at the bottom of each page.

11 I'd like you to turn to page 79. And let's
12 go through, uh, let's see, let's go through this one
13 with the realization that you're not actually working
14 off my screen, you're actually -- you're actually
15 working off your own screen. But we'll start at the
16 first page, which is Bates stamped 10126. And then
17 just go ahead and read the section on Charles Emlet
18 from your 4/15/19 meeting. And would you just confirm
19 that these are your notes for Charles Emlet and you
20 did interview him on or about 4/15/19?

21 A. Yes.

22 Q. Okay. Now go ahead and read these into the
23 record. Let me know when you get to the bottom of
24 each page and then we'll move to the next page.

25 A. I'm sorry. You want me to read them aloud?

1 Q. Yes, please.

2 A. "Think was on committee for first" -- I
3 can't read that word -- "to be on committee for second
4 one. 2018, Taryn Lindhorst, Charles Emlet, Melissa
5 Lavitt.

6 "2017, Marian Harris, CE, Karina Walters.

7 "2018, at the time was Gillian Marshall's
8 mentor. Typically assign as mentor help through" -- I
9 think that's "tenure" -- "usually role ends when agree
10 it ends or when someone obtains tenure and they don't
11 need mentor anymore. People usually given quarter to
12 get lay of land, then asked who they want to serve as
13 mentor. GM either requested or short listed Charles.
14 CE been mentoring people for twenty years nationally.
15 GM only person CE ended mentoring relationship with.
16 She was incredibly difficult to work with. Typically
17 mentors sense" -- I think that says "typically mentee
18 sets agenda. They decide what they need to work on.
19 Mentor might review manuscripts, talk about
20 strategies. Last mentoring meeting" -- m-t-g is
21 meeting -- "GM just stared at CE. CE asked how many
22 papers worked on. GM said 'I don't know.' CE felt
23 like he was chasing something, which is not his job.
24 Went to" -- I believe that's DY for Diane Young --
25 "said at the end of academic year said he was" -- and

1 that's the end of the page.

2 Q. Okay. Does this refresh your recollection
3 at all as to your meeting with Dr. Emlet?

4 A. I remember meeting with him and talking
5 about his mentoring relationship with Dr. Marshall.

6 Q. All right. And do you have anything to add
7 to your notes saying that he told you that she was
8 hard to work with?

9 A. I don't recall anything else.

10 Q. Okay. Did you talk to him about his own
11 ability to obtain grants?

12 A. I don't recall.

13 Q. Did you have any sense of whether getting a
14 K01 grant from DIH [sic] was a big deal or not?

15 A. I don't know.

16 Q. Okay. It's fair to say that you didn't
17 approach your investigation from the perspective that
18 somebody having a DIH K01 grant worth over 500, maybe
19 even a million dollars, that that would be a big deal
20 for faculty?

21 A. I didn't -- I guess I don't know whether
22 that's big deal. So I didn't -- I guess I don't know
23 what you mean by approach my investigation. I didn't
24 know that that was -- whether that was --

25 Q. Got it. Could you now begin reading on

1 page 2, which is Bates stamped 10127?

2 A. Um, "Done. GM could find" --

3 Q. If you wouldn't mind, just so we have
4 continuity, could you start at the bottom of the
5 page -- the page before and then -- and then the first
6 line on the second page will have more meaning.

7 A. The last line of the preceding page says,
8 "Went to DY said at end of academic year, said he was
9 done. GM could find new mentor. GM given" -- I
10 think -- "mentor re teaching, someone she could relate
11 to. Don't know whether GM understood
12 responsibilities. Don't know what she understands.
13 Incredibly difficult to feel like you're on the same
14 page across the board. Mentoring always seemed a
15 little awkward. In the beginning, she might have been
16 a little more open.

17 "Mentor not necessarily on reappointment
18 review. Third review, traffic signal: One, green,
19 doing fine, keep" -- I think that says "doing" -- "Two
20 yellow, doing okay, but things to look at. Three,
21 red, why don't you start looking for a job. This one
22 was yellow. GM had K award which required 75 percent
23 of her time, hard not to be productive in research
24 when have 75 percent of time bought out.

25 "First review, teaching intro to social

1 work, very positive. 200-level, starry-eyed kids,
2 young and inexperienced. HBSE had 2.8, CE doesn't
3 remember seeing a 2.8, that is lowest he" -- and then
4 it ends.

5 Q. What is that reference? What's that
6 referring to, if you know?

7 A. I believe those are the course evaluations.

8 Q. Okay. Please continue on to page 3.

9 A. So the last line of that preceding page,
10 "CE doesn't remember seeing a 2.8, that is lowest he
11 has seen. Struck CE how quickly GM dismissed that as
12 not really significant. CE got a 3.6 or 3.8 for one
13 class in fall and was devastated.

14 "GM said 'Students don't like the way I
15 teach. I am too hard,' instead of what can I do.

16 "Service is trickier. There is whether you
17 do something and there is the spirit in which you do
18 it.

19 "2017 committee said increase service at
20 campus level. Felt service was minimal. Search
21 committee felt she" -- I think that's "came" --
22 "unprepared. Diff," d-i-f-f -- I think that's
23 difference -- and then b/n, so "difference between
24 showing up and spirit in which you show up.

25 "2018 service added new service

1 commitments. Committee recommends service in Tacoma.
2 GM mentoring doctoral students not in school of social
3 work.

4 "Strategic" -- I don't know what that word
5 is -- "what makes most sense where you are." That
6 word might be "triage."

7 "DY knew nothing about mentoring.
8 Nancy" -- and I don't know of this last name, "knew
9 nothing about it.

10 "First review, service a bit light.

11 "Second review, service was improved but
12 off target."

13 That's the end of the page.

14 Q. Okay. Let's go on to page 10129. Okay.
15 Go ahead.

16 A. You want me to read it again?

17 Q. Yes, please.

18 A. "If GM had come to CE, he would have said
19 he thought the mentoring wasn't a good idea. Terms
20 and promotion" --

21 Q. Could I stop you there for a second?

22 Could you give us some context? What's
23 your understanding as -- what is Dr. Emlet saying that
24 you're writing down on those first two lines?

25 A. I don't recall.

1 Q. Okay. Would you read it again and see if
2 you can fill in any meaning blanks?

3 A. "If GM had come to CE, he would have said
4 he thought the mentoring wasn't a good idea."

5 Q. Okay. And so GM being?

6 A. Dr. Marshall.

7 Q. And CE being?

8 A. Dr. Emlet

9 Q. So is -- did he tell you that had she asked
10 he would have said that him being a mentor was not a
11 good idea?

12 A. I don't believe that's what he was
13 referring to. I think he was referring to Gillian --
14 sorry -- Dr. Marshall mentoring students in Seattle
15 rather than students in Tacoma.

16 Q. I see. Okay. Keep going.

17 A. "Tenure and promotion is campus, not whole
18 university. Typically ask Seattle for tenure and
19 promotion cases, not third-year reviews for faculty
20 member on committee.

21 "That person had recommendation as
22 committee member.

23 "Seattle faculty do not vote.

24 "Eddie Uehara does review, usually" -- I
25 don't know what that word is -- "faculty know what" --

1 and I don't know that word or the second word --
2 "talking."

3 Q. Okay.

4 A. "2017 recollection is GM did Ph.D. at
5 Seattle then went to Case Western.

6 "Because she came in with a couple of years
7 of time as assistant professor maybe time
8 acknowledged.

9 "Or not untypical that even though call it
10 third-year review begins in second year.

11 "Reappointment review because
12 'third-year,'" in quotes, "is inaccurate because began
13 in second year.

14 "Language inconsistency.

15 "Teaching eval in 2018, 1.3, down from 2.8.
16 CE recommended to GM that she teach that class again,
17 work hard to improve it. Didn't expect eval to go in
18 that direction."

19 Q. Okay. Let's go on to 10130. Go ahead with
20 that.

21 A. "Thought if she taught different class,
22 people could argue apples and oranges.

23 "Committee felt that she did what they
24 asked her to. She had an SGIP done by Beth Kalikoff.

25 "Not sure if racial/gender bias and student

1 preference for lectures account for eval.

2 "When have profession that is 90 percent
3 women, class made up of 90 percent women, to say there
4 is gender bias seems odd to CE.

5 "Think GM wrote rebuttal for student evals.
6 Claimed race and gender bias.

7 "Steps were laudable but clearly failed to
8 produce results.

9 "CE recalls they found an instructor to
10 serve as mentor for teaching, Carolyn West. Carolyn
11 is fabulous instructor.

12 "Committee recommended campus pay for that
13 which they agreed to do. Why didn't work?

14 "CE has guess. GM sees world through
15 adversarial lens then enacts that.

16 "Recently in committee meeting, talking
17 about campus hiring, CE made comment about candidate
18 re experience.

19 "GM said CE was ageist. Example of
20 response that is adversarial. Any dynamic where there
21 is disagreement, respond" -- I don't know what that
22 last word is.

23 Q. Okay. Does that go on to the next page or
24 is the next page a new thought?

25 A. I believe it goes on to the next page.

1 Q. Okay. So let's have you link the two
2 together.

3 A. "Any dynamic where there is disagreement,
4 respond" -- I can't determine that word -- "whether
5 there is dialogue moving forward."

6 Q. Okay. Keep going.

7 A. "If students bring things up, there is that
8 response, there is power differential. They will
9 shut up and vote with evals.

10 "CE never observed her in classroom.

11 Having to project from other encounters.

12 "No students complained to CE. Students
13 went to faculty member who was teaching other section,
14 moved to that section until it was full.

15 "If did, would have said you need to talk
16 to Dr. Marshall, then need to talk to Diane Young if
17 they already talked to GM.

18 "Other faculty member is Michelle Garner.
19 She worked incredibly hard on style, how she teach."
20 And I'm not sure what the ending of that word is.

21 Q. Okay.

22 A. "Gets solid teaching evals.

23 "Michelle offered Gillian to sit down, talk
24 about class. Never accepted.

25 "Thea Drescher taught it. Others teach it

1 but don't know if at graduate or undergrad level.

2 "No other interactions with GM since ending
3 mentoring relationship. Try not to interact with her.
4 CE will think either be superficial conversation or
5 she will see as adversarial. CE did not find her" --
6 and that's the end of the page.

7 Q. Okay. Going back to, uh, it said "teach
8 it," about five lines up, "but don't" something "if."

9 So it's two, four, six lines from the
10 bottom. Could you tell us, when it says "teach it,"
11 what is it?

12 A. I don't know.

13 Q. Okay. Can you tell from the lines before?

14 (Pause in proceedings.)

15 A. I don't know what class that's referring
16 to.

17 Q. Okay. Got it. All right.

18 And it looks like there's a spillover, so
19 if you'll read on line 10131 and then on to 32?

20 A. "CE does not find her enjoyable to talk to.
21 Easier to stay away."

22 Q. And keep going then.

23 A. "From gerontologist view, being told ageist
24 is not much different than being called racist or
25 misogynist. It is inflammatory for a gerontologist to

1 be called ageist.

2 "CE understanding. Vote of second
3 committee of 2 to 1, supported reappointment. Then
4 went to faculty which was not to give her
5 reappointment. Office of the chancellor overturned
6 this.

7 "Known of other instances where GM does end
8 run around director, goes to chancellor or vice
9 chancellor. Can look at as doesn't feel safe with
10 director. Found way to get what she needs.

11 "CE doesn't see it that way. Sees it as
12 breach of decorum. Reinforces idea in his mind that
13 GM is manipulative of process, of people, of
14 everything."

15 Q. Hang on a second. Let me just make sure I
16 have that section there. Uh. So the part that says,
17 "Looks like known" something "where GM does end run."
18 Do you see that?

19 A. Yes.

20 Q. Could you start from there and read forward
21 again?

22 A. "Known of other instances where GM does end
23 run around director. Goes to chancellor or vice
24 chancellor. Can look at as doesn't feel safe with
25 director. Found way to get what she needs.

1 "CE doesn't see it that way. Sees it as
2 breach of decorum. Reinforces idea in his mind that
3 GM is manipulative of process, of people, of
4 everything.

5 "VCAA came to faculty to say overturned
6 vote. They felt" -- I don't know if that's on or one,
7 maybe one -- "that teaching eval one could argue not
8 best class for her.

9 "Infrequent that someone let go at the end
10 of second third year. Rare that not given chance
11 of" -- and I'm not sure if that says second? Oh,
12 "second three-year period.

13 "VCAA felt not sufficient evidence that
14 shouldn't get second appointment."

15 And that's the end of the page.

16 Q. Okay. So that last two lines, would you
17 read them again?

18 A. "VCAA felt not sufficient evidence that
19 shouldn't get second appointment."

20 Q. Okay. And for record purposes VCAA is who?

21 A. The vice chancellor, it's either of or for
22 academic affairs. I think at that time it was Jill
23 Purdy.

24 Q. Got it. Okay. All right.

25 Let's go to the next page. And this is

1 page 86, Bates stamped 10133.

2 A. Continue to read.

3 Q. Yeah. Go ahead.

4 A. "Committee was not unanimous. Faculty
5 majority was not to reappointment. Don't know what
6 director's recommendation was. Every level had
7 different views.

8 "Incredibly rare not to give someone second
9 three years to get stuff together. VCAA thought new
10 mentoring relationship with Carolyn West, thought
11 should give her second chance. Thought was prudent.

12 "Jill came to voting faculty, explained
13 why.

14 "Bothers CE that his answers were not
15 supportive of GM but as accurate as could be. Wish
16 could have presented something more positive," or
17 positively, I can't tell, "but can't.

18 "If follow-up, probably best by phone.
19 Concerns about teaching that" -- and I can't read the
20 small writing. "One, this is a teaching campus. If
21 don't like to teach or not good at it, go to our one
22 where teaching is not a priority.

23 "Two, CE and most faculty have never seen a
24 1.8 before. If have adjunct who gets 1.8, don't
25 invite back."

1 Q. Can I stop you there for a second?

2 What does "R1" mean?

3 A. I don't know.

4 Q. Do you refer to the Seattle campus as R1
5 ever?

6 A. I don't know.

7 Q. Okay. All right.

8 All right. Please continue again,
9 beginning with CC?

10 A. Sorry. Beginning where?

11 Q. Four lines up. CC or LL or whatever that
12 is.

13 A. Sorry. It's CE.

14 Q. CE.

15 A. "Number 2, CE and most faculty have never
16 seen a 1.8 before. If have adjunct who gets 1.8,
17 don't invite back.

18 "Three, overall lack of" -- I don't know
19 that word is or the next one -- "which GM dismissed
20 evals and found outside reason to dismiss." And I
21 don't know the last two words. And that's where the
22 page ends.

23 Q. Okay. All right. And it looks like that's
24 a spillover to page 9 of your notes, which is Bates
25 stamped 10134. Just go ahead and read from the line,

1 the last line on the prior page.

2 A. "Evals and found outside reason to
3 dismiss," I think -- and then I don't know the last
4 two -- "as manifestation of external problem rather
5 than I really blew it.

6 "CE always looks at rating specific to
7 content and those specific to him. CE opinion
8 quickness with dismissal rather than taking to heart
9 is concern to folks. Overall tenor is it's not my
10 fault."

11 MS. PETERSON: Jack, could you scroll
12 to the next page for those of us watching on the
13 screen?

14 MR. SHERIDAN: Sure. Of course.

15 Q. (BY MR. SHERIDAN:) Go ahead.

16 A. "Overall tenor is it's not my fault. If
17 something goes well, very willing to own it. If
18 something doesn't go well, doesn't own it.

19 "Need to take both on with some sense of
20 ownership.

21 "CE gave keynote at national conference.
22 During Q&A someone said saddened and disappointed
23 about presentation. CE had dinner with him, they
24 talked about it. Part of it is way through which you
25 see things. Have to keep ego out of it. CE wanted to

1 see what he had to say that was valid. Have to take
2 good and bad, own it, if have integrity.

3 "Knew of GM before she came to UW T because
4 he was at Case, CE did doctorate there. Same" -- no,
5 I think that's "some difficulties at Case. People in
6 Seattle knew her as doctoral student."

7 That's the end of the notes on that page.

8 Q. All right. And that's the end of your
9 notes for him. Right?

10 A. Yes, I believe so.

11 Q. Okay. All right. Let's go to the next
12 page, which is Bates stamped 10135 and tell us
13 whose -- these are your notes, are they not?

14 A. They are.

15 Q. And they refer -- they refer to notes you
16 took on or about April 17, '19, of your interview with
17 whom?

18 A. April 17, 2019, interview with Eric Madfis.

19 Q. All right. And was he faculty?

20 A. I believe so.

21 Q. Okay. All right. And let's skip ahead to
22 the next one, which is Jill Purdy. And we talked
23 about a little bit about that and that's at 93.

24 And let's have you read these notes into
25 the record for us.

1 A. Jill Purdy 4/18/19, 11 a.m. "Don't
2 remember when first heard about Gillian's
3 reappointment. All reappointment files were coming
4 forward. Dispatch would have heard of GM's in advance
5 that there was an issue based on faculty vote, but
6 don't specifically recall.

7 "Don't know if would have come through
8 academic HR or program director. Think knew in
9 advance that there were concerns.

10 "GM communicated with chancellor, requested
11 to meet with JP but because JP would be receiving
12 files didn't want to just hear from candidate.

13 "Principle in general is to review file,
14 not based on hearsay.

15 "JP also" -- I don't know that word or that
16 one -- "that this is not complaint department, not
17 appropriate for anyone to go around to engage with" --
18 I think that's "concerns directly. When received
19 file, learned that there had been reappointment
20 committee previous year, deferral. Hadn't previously
21 been aware of that."

22 That's the end of that page.

23 Q. Okay. Is there -- it sounded like there
24 was a reference to Mark Pagano. Is that right, on
25 this page?

1 A. Um, there was a reference to the
2 chancellor, who I believe at that time, was Mark
3 Pagano.

4 Q. All right. And can you just help me find
5 that on the page?

6 A. That is about halfway up. The bullet above
7 it says, starts with, "Think knew in advance that
8 there were concerns.

9 "GM communicated with chancellor."

10 Q. Okay.

11 A. I think it's the 16th line up.

12 Q. Okay. And something "to meet with JP," is
13 that near where we're looking? And then it says
14 "file"?

15 A. Yeah. The reference -- are you still
16 talking about the reference to the chancellor?

17 Q. Yes.

18 A. I believe that's right above "requested to
19 meet with JP."

20 Q. Okay.

21 A. "GM communicated with" -- that last word I
22 think is "chancellor."

23 Q. Oh, got it. Okay. Thank you.

24 (Pause in proceedings.)

25 Q. All right. Let's go to the next page,

1 which is 41. And I'll move that. Okay.

2 A. "Spent time reading and observing file.
3 This was first impression. Process is to spend a lot
4 of time reading file. Don't consult with anyone, just
5 read file. Not SME," subject matter expert, "on
6 discipline of faculty, nor on" -- I don't know what
7 that word is -- "dynamics. In any case part of
8 decision.

9 "Was lengthy process. Prior year was
10 included in packet. Candidate statement, her
11 presentation of record. Review committee"
12 documenting -- or "documentation of how she fulfilled
13 those recommendations. Has rec of" -- I don't know
14 what that is, maybe "current year committee director.

15 "Evident that disagreement as to whether
16 candidate had followed advice of first reappointment
17 committee. Consulting with CTL. There was a letter
18 in file from Beth Kalikoff. JP spoke with Beth, said
19 committee recommends meeting/consultation. Did that
20 meeting occur?

21 "Beth said had a meeting, some
22 back-and-forth, but didn't document it.

23 "JP can't determine factually what
24 happened. Also don't think following advice of
25 committee is requirement, unlike accomplishing goals

1 or taking initiative. Evidence that GM had taken
2 initiative."

3 And that's the end of that page.

4 Q. And when your -- your notes say "GM had
5 taken initiative," is this -- is it Jill that's
6 speaking, or is it a reference to Beth Kalikoff, if
7 you know?

8 A. I don't recall.

9 Q. Okay. All right. Let's go to page 3,
10 which is 42. And go ahead and read that.

11 A. "Felt would be in GM's best interest to
12 follow advice, but" -- I can't read that word -- "from
13 her would show whether she felt she needed to take
14 advice.

15 "First committee provided her with strong
16 advice, evidence" -- I don't know what that word is --
17 "evidence as to whether did.

18 "GM thinks followed everything. No
19 evidence to corroborate that. Committee, faculty,
20 director don't think she took full advantage of
21 advice.

22 "JP looks at concerns identified by
23 reappointment committee. Were concerns remedied?
24 Evidence of that was fairly mixed. Biggest concern
25 was teaching eval. Subsequent feedback was worse, but

1 peer evals were complimentary, provided other
2 alternatives" -- I don't know what that word is --
3 "why evals were so low. JP dove," I think "into" -- I
4 don't know what that word is, I think it's revi -- and
5 then the next word is re -- I can't tell what that one
6 is.

7 "Own perception was that" -- I don't know
8 what that word is -- "would not meet the needs of
9 working professional students. Could envision how
10 students would not be satisfied.

11 "Experience" --

12 Q. Let me stop you there for a second, I just
13 want to make sure I got this right.

14 So this is Jill telling you that she can
15 understand how students -- what's that last line
16 again?

17 A. "Could envision how students would not be
18 satisfied."

19 Q. Okay. Please continue.

20 A. "Experience." Oh, "Experienced with
21 working with working professional and grad students.
22 Impatient with small work assignments, what they
23 perceive as busywork, doesn't move toward holistic big
24 picture.

25 "JP wondered whether guidance GM received

1 was from people familiar with her teaching context."

2 Q. I'm sorry. Could you just say that one
3 again, the last two lines?

4 A. "JP wondered whether guidance GM received
5 was from people familiar with her teaching context."

6 Q. What does context mean to you?

7 A. Uh, I thought it meant circumstances,
8 student body. There -- I guess sort of circumstances
9 encompassing a number of factors.

10 Q. Okay. All right. Let's go on to Bates
11 stamped 143, that's page 4. Okay. Go ahead.

12 A. "Structure of course was lowest level. JP
13 would have used with juniors at undergrad level.

14 "Redesign of course may have made problem
15 worse in grad class.

16 "Other area was service. JP had some data
17 that suggested her participation was sometimes not
18 present (happens with everyone) and sometimes not" --
19 I think that's "involved. This is atypical of
20 assistant professors at UW T although GM is not only
21 person," or maybe that's "she is not only person. A
22 high commitment to" -- I don't know what that word
23 is -- "service is important, not substituted by
24 external service." So maybe that word is internal.
25 "A high commitment to internal service is important

1 not substituted by external service.

2 "Committee recommended refocus on UW T.

3 "JP saw effort on Gillian's part not as
4 robust as colleagues would have hoped, still atypical
5 of assistant professor here, less than.

6 "Still struggle with GM's responsibilities
7 in light of K-1 visa.

8 "Had additional course release.

9 "Some question whether she is doing service
10 above and beyond. Don't think this has been resolved.

11 "In evaluating reappointment and second
12 reappointment, JP saw significant concerns about
13 teaching and service, but did not see evidence
14 presented by committee, faculty, or director that
15 documented concerns that would lead JP to not
16 reappoint her."

17 And that's the end of the page.

18 Q. Okay. Let's go to page 44, Bates stamped.
19 And keep going.

20 A. "Reappointment is opportunity to reassess
21 progress. With grant significantly less teaching. In
22 conjunction with peer evals that did not find that
23 degree of concern. Not appropriate to say no chance
24 of succeeding. Appropriate to say need to" -- I think
25 that's "understand serious concerns. Remedy concerns

1 prior to P and T," which I think is promotion and
2 tenure.

3 "Success" -- or I'm not sure what that word
4 is -- "sufficient possibility of her correcting, then
5 chancellor concurred.

6 "Difficult to go back to faculty, say
7 overturned. Has to be clear, say not" -- I don't know
8 what that word is -- "at that point had one
9 non-meritorious ranking. Did not have documentation
10 of annual meeting that is supposed to occur. DY on
11 sabbatical, not sure it was done in 2017." I don't
12 know if that says "points" -- I'm not sure what that
13 word is -- "to admin responsibilities.

14 "In 22 years have been others who have not
15 been reappointed from third-year review. In JP's
16 review" -- I don't know what that word is --
17 "assistant professors who were not reappointed. Other
18 cases were uniformly strong. Almost unanimous vote in
19 faculty. JP tries to be objective evaluator."

20 And that's the end of the page.

21 Q. Okay. Is it okay if we take a ten-minute
22 break here?

23 (Break taken.)

24 Q. (BY MR. SHERIDAN:) Okay. Please continue.
25 You're on Bates stamped 10144. Go ahead.

1 professors who are not reappointed. Other cases were
2 uniformly strong."

3 Q. Okay. Do you think -- is it her position
4 that that she didn't find any persons who were not
5 reappointed? Is that -- does that sound accurate to
6 you?

7 A. I don't know.

8 Q. Okay. All right. Let's go to page 6,
9 which is 145. And go ahead and begin there.

10 A. "Think cc'd Diane on letter. Wouldn't have
11 shown her letter in advance.

12 "DY said this will be problem for faculty,
13 want you to come talk to faculty about decision. Some
14 concern related to relationships, climate in unit.
15 Challenges in supporting GM. Person who had been
16 mentoring GM declined to continue, DY expressing
17 concern for how to move forward."

18 Q. Is that your sense that that was Emlet?

19 A. The person who had been mentoring
20 Dr. Marshall, I believe, was Dr. Emlet.

21 Q. Okay. All right. Please continue.

22 A. "JP sat down with voting faculty at end of
23 faculty meeting. JP explained to them how she made
24 decision. Importance of extending to faculty the
25 opportunity for success. Also acknowledged difficulty

1 of unit to address expectations around K01 award, what
2 that means for teaching and service.

3 "Disagreement arose as to whether faculty
4 was aware she had grant at time she was hired. GM's
5 perception that they chose her because of award, JP
6 not sure if that is true.

7 "Some faculty in unit felt she had received
8 support that others hadn't received. Possibly people
9 thought expectations wouldn't change with respect to
10 service. Others who have gotten" -- oh, no. "Others
11 who have" -- maybe "grants who had better idea of what
12 that would entail. Mix among faculty experience.

13 "Expectations were not fully clear for GM,
14 for faculty, or DY."

15 Q. Can you read the second to the last
16 sentence? I just couldn't hear it myself.

17 A. "Expectations were not fully clear for GM,
18 for faculty, or DY."

19 Q. Oh, no. I meant the one before that, the
20 line before that.

21 A. Oh. "Mix among faculty experience."

22 Q. Okay. All right. Let's go on to 146.
23 Okay. Go ahead.

24 A. "DY shared with JP that she had a whole
25 bunch of emails with GM on research service teaching

1 expectations but lots of miscommunication. Research
2 quarter relieves faculty of teaching for a quarter.
3 Misunderstanding around K-1 that couldn't release GM
4 to do more research because she was at 75 percent, so
5 eligibility was a question. But not a" -- I don't
6 know what that is -- "they couldn't apply or get it.
7 She got it, then deferred for a year because
8 annualized program. DY asked her to reapply. GM
9 thought she should not have to reapply. DY saying it
10 was procedural admin requirement because no carry
11 forward, but basically guaranteed. GM did not
12 interpret message as you are going to get it, but you
13 have to apply again and you might not get it.

14 "GM's focus became policy, her eligibility.
15 DY's focus was paperwork, please just submit this.

16 "DY stickler for procedures, insists on
17 following procedures and" -- I don't know that word --
18 "GM perceives that to be differential treatment based
19 on race or grant or work expectation.

20 "DY not flexible to recognize different
21 work situation, how that might require rules being
22 broken, bent. DY extremely concerned with equitable
23 treatment among assistant professors. DY also had
24 significant questions about GM's eligibility, but JP
25 confirmed no policy saying no. Although couldn't

1 increase research, there were other duties GM could
2 take on."

3 That's the end of the page.

4 Q. Okay. What was it that Young was extremely
5 concerned about?

6 A. I don't know.

7 Q. About five lines up. Could you read that
8 again?

9 A. "DY extremely concerned with equitable
10 treatment among assistant professors."

11 Q. Okay.

12 (Pause in proceedings.)

13 Q. Okay. All right. Let's go on to 47, which
14 is your note, page 8. And go ahead.

15 A. "DY concerned with further widening the gap
16 between resources GM was receiving around research" --
17 I don't know what that word is -- "with other," uh,
18 "A-s-s professor and assistant.

19 "DY struggled with how far to go in
20 advising faculty member with whom she does not have
21 good communication.

22 "DY felt it is her moral imperative to
23 advise GM to strengthen teaching. JP would advise
24 caution with faculty who already feels" -- I don't
25 know what that word is -- "DY would characterize GM's

1 teaching as problematic based on three teaching evals.

2 "GM differentiates between data and her own
3 teaching competence. Fundamental differences in
4 understanding language of GM's performance.

5 "No evidence of what's communicated" -- or
6 what "communication," I think -- "looked like before
7 involved in reappointment review.

8 "After review, JP wanted to mediate to
9 resolve misunderstanding, called meeting between two
10 of them and an advocate. GM wanted to include Deirdre
11 Raynor.

12 "JP felt that fundament expectations were
13 not clear. Easy to make assumptions when don't have
14 mutual understanding.

15 "This was about three years too late.
16 Don't think there was realization on DY's part of K01
17 requirements on time."

18 And that's the end of the page.

19 Q. The last three words were "requirements on
20 time"?

21 A. I believe so.

22 Q. Can you give us some context as to what you
23 mean by that last bullet?

24 A. I don't know.

25 Q. You don't recall?

1 A. I mean, I don't know what Jill meant when
2 she said that.

3 Q. Okay. So now we're on -- let's go to Bates
4 stamped 148, which is your page 9. All right. Go
5 ahead.

6 A. "JP consulted with office of research. 75
7 percent of time is research, 25 percent mix of
8 teaching and service. Because mix of 25 percent
9 wasn't settled, DY made assumption that 25 percent was
10 teaching, GM did not.

11 "When looked at things" -- I don't know
12 what that word is -- "provided to assistant
13 professors, initial course relief typically all
14 get" -- or "typically to get research going, but not
15 spelled out by policy, so no reason to treat GM
16 differently.

17 "75 percent of teaching load is 7.5, but
18 not .5 of a course. Debated about normal teaching
19 relief" -- I think -- "and pre-tenure research relief.

20 "By this time question about teaching
21 capabilities. Unit wanted her to focus on teaching
22 and demonstrate teaching capabilities at UW T. If
23 don't have teaching capabilities would be bar to P and
24 T. Unit" --

25 Q. Is P and T promotion and tenure?

1 A. I believe so.

2 Q. Okay.

3 A. "Unit think GM should do more teaching. GM
4 said not within bounds because also doing service.
5 Thought should have 7.5 and two course release, which
6 takes her down to 5.5. DY did not agree.

7 "JP recalls DY said agreed to" -- I don't
8 know what that next word, the next two words are --
9 one course, then two courses, then one course to
10 average out and would have seven courses under belt.
11 Which was -- which," oh, "then and would have seven
12 courses under belt when went up for P and T, promotion
13 and tenure.

14 "GM thought should have five courses. JP
15 only witnessed exchanges between them in her office."

16 That's the end of the page.

17 Q. Okay. All right. Let's go on to 49. And
18 I guess that's your page Number 10. And go ahead.

19 A. "JP would say 75 percent research, unit has
20 choice with respect to 25 percent. Unit" -- I don't
21 know -- "rec is that should be primary teaching, so
22 seven courses. In contrast to faculty member with no
23 grants who has 28 courses. Maybe .5 course would be
24 service. Because moves towards agreement where GM
25 told teaching load is five courses. That does not

1 fully use 25 percent.

2 "While JP wouldn't deny her course relief
3 others got, would expect her to use remainder of 25
4 percent to be filled by service. Thinks she is
5 already doing this."

6 Q. Okay. Hang on a second there. So can you
7 put it in your own words how Jill Purdy broke down
8 the, uh, the 25 percent that had to be split between
9 teaching and service?

10 A. Well, I think she had said that the
11 teaching and service, the 25 percent, the unit has a
12 choice with respect to what that 25 percent looked
13 like.

14 Q. Okay. And so, um, did -- did you come away
15 with the sense of how many classes, uh, had to be
16 taught, um, by Dr. Marshall?

17 A. I don't recall.

18 Q. Okay. All right. Okay. Please continue.

19 A. I don't know what that word is -- "to
20 allocate more than 75 percent of time to research K01
21 specifically says 25 percent should be devoted to
22 development. JP, five is absolute minimum, seven is
23 maximum.

24 "GM perceives she is above a hundred
25 percent with service. Hard to evaluate" --

1 Q. Let me stop you there. Sounds like you
2 just said that, uh, that, uh, that she said that five
3 classes would be the minimum and seven would be the
4 maximum? Jill Purdy said that?

5 A. Yes.

6 Q. Okay. Thanks. Please continue.

7 A. "Hard to evaluate objectively. Not
8 atypical for assistant professor. Don't see" -- I
9 don't know what that word is -- "is expected to be" --
10 I don't know what that word is, and I don't know what
11 that word is -- "unfair amount of work.

12 "Don't know when things went sideways, but
13 once people make attribution common to continue with
14 that attribution. Not effort to mediate, overcome.

15 "People get more dug in."

16 And that's the end of the page.

17 Q. Okay. All right. Let's go on to page 11.
18 And let me move it over here. And that's, um, that's
19 Bates stamped 150. All right. Go ahead.

20 A. "Not seen/heard anything from DY that is
21 overtly racist. She is relatively" -- I don't know
22 what that word is -- "about her perception of treating
23 people according to her definition of equitable,
24 treating everyone same regardless of needs."

25 Q. Okay. Just hold there for a second.

1 (Pause in proceedings.)

2 Q. Okay. When you heard her say that she's
3 not overtly racist, did you have concerns that Jill
4 might have been sending a signal that she was, even
5 though not overtly racist, perhaps covertly racist?

6 A. No.

7 Q. Did you have any sense that this equity for
8 all position taken by Dr. Young could have
9 discriminatory results for persons of color?

10 A. I don't believe so.

11 Q. Okay. Please continue.

12 A. I don't know what that word is -- "more
13 about adapting to meet needs while balancing benefits
14 and costs. DY concern" -- I don't know, I think
15 that's concern, but I'm not sure -- "concern that
16 person who is in special" -- I don't know what that
17 word is -- "special position can't get extra benefits
18 because they are in special position. Her" -- I don't
19 know what that is -- "is around work difference not
20 race difference."

21 Q. Wait, hang on a second. "Is around" --
22 yeah. Is that first letter an "a" do you think for
23 the second word?

24 A. It looks like an "a" to me.

25 Q. Yeah. What could that be? Her something

1 is around work, not race.

2 Let me try blowing it up really big and see
3 if it makes any difference.

4 (Pause in proceedings.)

5 Q. Does that help you at all? Her something
6 is around?

7 A. It could be attribution.

8 Q. Oh, very good. Okay. So attribution.

9 (Pause in proceedings.)

10 Q. And those are words spoken by Jill. Right?

11 A. Yes.

12 Q. Let's continue from that point.

13 A. "She has difficulty seeing why GM would not
14 trust her, confide in her. Differential for DY is
15 about privileges, not harms.

16 "But equitable piece where adapt matters,
17 especially when supporting success of underrepresented
18 minorities. Like different packages but doesn't mean
19 one is more important or better.

20 "In P and T there is EO-45 that more
21 clearly articulates considerations. Fit is a
22 consideration. Some about unit needs, teaching needs.
23 Doesn't dismiss collegiality. Not factor here, but
24 interesting to begin thinking about.

25 "Process designed to provide different

1 input based on different lenses."

2 Q. Okay. Where did it say fit?

3 Oh, "fit is a consideration"?

4 A. Uh-huh.

5 Q. Did that cause you any concern, that she
6 was discussing fit in a claim about discrimination?

7 A. No.

8 Q. Are you familiar with that in case law
9 regarding fit or collegiality?

10 A. No.

11 Q. In your job are you -- is being a lawyer a
12 requirement of your position?

13 A. Having a law degree and experience is a
14 requirement, an active law license is not.

15 Q. Okay. Do you have to go to continuing
16 legal education in your job?

17 A. I have to do CLEs to continue my law
18 license, but my law license is not a requirement for
19 my job.

20 Q. Have you kept your law license?

21 A. Yes.

22 Q. All right. Let's continue after "fit is a
23 consideration," please?

24 MS. PETERSON: I'm sorry, Jack.

25 Can you make it smaller and scroll up?

1 MR. SHERIDAN: Oh, yeah. Give me a
2 second.

3 (Pause in proceedings.)

4 Q. (BY MR. SHERIDAN:) All right. Okay.

5 A. "Some about unit needs, teaching needs.
6 Doesn't dismiss collegiality. Not factor here but
7 interesting to begin thinking about.

8 "Process designed to provide different
9 inputs based on different lenses."

10 Q. Do you remember any aspects of this
11 conversation regarding fit and collegiality?

12 A. I remember Jill talking about Executive
13 Order 45.

14 Q. All right. And what is that?

15 A. It's a university policy.

16 Q. What does it require?

17 A. I don't know.

18 Q. Okay. Executive Order 35?

19 A. 45, I believe.

20 Q. 45. All right. Let's continue on to page
21 151. And I think that's a new person. Right?

22 A. Yes. It looks like it.

23 Q. Okay. All right. That's all right. Let's
24 see, that's 104. All right.

25 And who is the person you interviewed for

1 this note beginning on 10151?

2 MS. PETERSON: Jack, could you scroll
3 down, so we can see that on the screen?

4 MR. SHERIDAN: Oh, yeah. Thank you.

5 Q. (BY MR. SHERIDAN:) Go ahead.

6 A. Melissa Lavitt.

7 Q. What's the first name?

8 A. Melissa.

9 Q. Okay. Lavitt. And you interviewed her on
10 March 13, 2019?

11 A. I believe that's April 18th, 2019.

12 Q. Oh, April 18. Thank you.

13 (Pause in proceedings.)

14 Q. All right. Let's go ahead and read what
15 notes you took regarding her.

16 A. "Interaction with GM occurred in two
17 different roles. Team to serve as EVCAA, then
18 returned to social work as faculty, chair of second
19 reappointment committee.

20 "EVCAA first" -- I don't know what that
21 word is -- "slash knowledge through Diane, who" -- I
22 don't know what that word is -- "to ML. Frustration
23 with teaching load but only teaching one course.

24 "GM limited in grant but Diane discussion
25 raised flags. Described GM in most negative terms.

1 "DY" --

2 Q. I'm sorry. Let me stop you there. Is that
3 Diane Young described Dr. Marshall in a host of
4 negative terms?

5 A. I don't know if that's host or most.

6 Q. Okay. In -- okay. But it was Diane -- she
7 was reporting that Diane Young had um, used negative
8 terms to refer to Dr. Marshall. Correct?

9 (Pause in proceedings.)

10 A. I believe so.

11 Q. Okay. Go ahead.

12 A. "DY also raised problems with" -- I don't
13 know what that word is -- "GM said not getting help
14 with grant. ML identified someone to help with grant.
15 Felt what GM was asking for was reasonable. ML said
16 if grants need to be managed in Seattle for now, okay.
17 But let's try to arrange" -- I think -- "for them to
18 be managed here.

19 "2016 faculty of color who was leaving, he
20 raised concerns with how GM was treated by department.

21 "July 2016, DY said GM didn't come to
22 important meeting but was voluntary summer meeting.
23 Finding opportunity to give" -- I don't know what that
24 word is.

25 That's the end of the page.

1 Q. Okay. The person who had gone to her to
2 raise concerns, um, did you get a name?

3 A. I don't recall.

4 Q. Okay. Would it be your practice if you get
5 a lead like that to follow up on it?

6 A. It would depend.

7 Q. Okay. So fair to say that you did not
8 follow up on this one?

9 A. I don't recall, actually.

10 Q. Okay. Is it fair to say that had you
11 interviewed this person, there would be a note of it
12 somewhere?

13 A. Yes.

14 Q. Okay. And as far as you know, you have
15 produced all of the notes that pertain to this
16 lawsuit?

17 A. Yes.

18 Q. Okay. All right. Let's begin on page 2.

19 A. "DY went on sabbatical. TD took over,
20 seemed to be smoother relationship. GM told me" -- or
21 I think -- "told ML it went better because he left her
22 alone.

23 "First reappointment committee. GM
24 selected someone from Seattle, which TD said was
25 unusual. ML had TD work with Allison" -- and I don't

1 know that last name -- "ML wanted to" -- I don't know
2 what that word is -- either us or up -- "ambiguities
3 of department documents wanted TD to work with AH.
4 Wanted to create separate and distinct layers of
5 review. TD reported that Seattle was okay according
6 to doc.

7 "ML met" --

8 Q. Hold you up there for a second there. TD
9 was Tom. Right?

10 A. Yes.

11 Q. And how do you say his last name?

12 A. I believe it's Diehm, but I don't know that
13 for sure.

14 Q. And you're aware that he was not tenured
15 faculty. Right?

16 A. Uh, I believe that's right.

17 Q. Well, did it cause you any concern that
18 Diane Young, instead of appointing tenured faculty to
19 step in for her as director, she appointed a person
20 who typically wouldn't be on a tenured committee?

21 A. No.

22 Q. And why was that?

23 A. Why didn't it cause me concern?

24 Q. Yes.

25 A. I don't know that I considered it.

1 Q. Okay. Well, let's say like she had
2 appointed, like, a janitor to be the director, would
3 that have concerned you?

4 A. I don't know.

5 Q. Okay. All right. It's fair to say that
6 you didn't look into this as possibly being a
7 discriminatory act?

8 A. That's right.

9 Q. All right. Let's continue, please.

10 A. "ML met with Deirdre Raynor standing in as
11 chief diversity officer. When relayed concerns GM had
12 about treatment in department.

13 "ML thought important for GM to connect
14 with women of color outside of department.

15 "Mentorship with CE did not go well. Not
16 ML's job to get her mentorship, but might plant seed.

17 "ML reappointment chair of second
18 committee. Charlie" -- I think that's Karin -- "met
19 in Seattle.

20 "Seattle faculty and ML felt it was slam
21 dunk. Of course she should be reappointed. Really
22 hard not to be reappointed."

23 Make -- "Maybe deficiencies identified, but
24 usually slam dunk."

25 That's the end of that page.

1 Q. Okay.

2 (Pause in proceedings.)

3 Q. All right. Let's go to Bates stamped
4 10153. And that's your page 3. You may begin,
5 please.

6 A. I'm sorry. What was that last part?

7 Q. Oh, you may begin, please.

8 A. Okay. Thank you.

9 "Charles didn't vote for reappointment.

10 "Brought to faculty, no one talked to ML
11 about it. Maybe GM got two thumbs-up, rest not.

12 Those concerns spilled over into merit review process.

13 "JP approved reappointment with promise she
14 would meet with faculty fall of 2018. Faculty meeting
15 with Jill Purdy.

16 "Member of faculty, white male who made
17 dramatic allegation against GM that he felt physically
18 threatened. Rich had allegation. ML asked GM what
19 deal was with Rich.

20 "There was a faculty meeting where they
21 were sitting with someone between them. She reached
22 out to make eye -- she reached -- out," I think -- "to
23 make eye contact. And now, he now retelling story as
24 act of aggression.

25 "JP acknowledged concerns. Didn't justify

1 why reappointed, but said important for department to
2 develop standards of collegiality so this doesn't
3 happen. But code standards for collegiality never
4 stand up.

5 "No attention to teachable moment for
6 faculty.

7 "Any other campus would be thrilled to have
8 her. In ML reappointment memo in 2018 wanted to
9 consult" -- or I think it's "wanted to connect GM with
10 women of color on campus."

11 And that's the end of the page.

12 Q. Okay. Could you read the little bullet
13 that begins "didn't justify" something "reappointment
14 but said"?

15 A. "Didn't justify why reappointed, but said
16 important for department to develop standards of
17 collegiality so this doesn't happen."

18 Q. Okay. And did you have an understanding as
19 to what was meant when Jill said "develop standards of
20 collegiality"?

21 A. I don't recall.

22 Q. Okay. Did you at any time think that --
23 strike that.

24 And I may have asked you this before, and
25 if I didn't, I apologize. But have you ever heard, in

1 your practice or your experience, the idea that
2 collegiality and being a good fit is a way of
3 excluding persons of color from mostly white
4 organizations?

5 A. No.

6 Q. All right. And you certainly didn't think
7 of that in this context?

8 A. No.

9 Q. You're agreeing with me?

10 A. Right. I did not think of that.

11 Q. All right. Let's go to page 4, 0154. All
12 right. Go ahead and begin, please.

13 A. "But time or compensate give release.

14 "No one asked what committee thought.

15 "GM told ML that Jill told her I don't know
16 how that's supposed to go. Mentor has been
17 identified, but not as deep or exhaustive as should
18 be.

19 "If support reappointment, have access to
20 committee as to how to support her success.

21 "Faculty told come up with policies,
22 develop standards for collegiality. Appears that DY
23 and JP have conflated review, not separate levels of
24 review.

25 "GM concerns about treatment focus on DY

1 because she sets that tone.

2 "DY is good rule follower. ML suggested DY
3 share the problems with the department.

4 "Not ability to handle conflict, messy
5 situations. Instead relies on compliant never
6 questioning.

7 "Majority of faculty were okay with status
8 quo. Faculty of color who was leaving pointed at DY,
9 but acknowledged it was department" -- I think that's
10 "of silent people" -- then I don't know what that word
11 is -- "continues at upper level."

12 Q. Okay. Could you bring me back to the place
13 that mentions, again, collegiality? I just wanted to
14 make sure I see the whole sentence.

15 A. Um, the bullet point starts with "Faculty
16 told come up with policies," about halfway down the
17 page.

18 Q. Okay. Got it.

19 (Pause in proceedings.)

20 Q. All right. Let's go to the next page,
21 page 5. And that's 10155. And you can begin.

22 (Pause in proceedings.)

23 Q. Go ahead.

24 A. "ML has heard from many sources that maybe
25 GM should go elsewhere. Not one evildoer, lot of

1 ignorance, lack of experience, lack of guidance. Keep
2 layers separate. Don't make reviews together.

3 "Teaching evals, ML and GM believe faculty
4 have talked to students negatively about GM. Student
5 comments re research grants. Seemed to ML that they
6 were lowest teaching evals. Students had info not
7 typically available to students. Think Michelle
8 Garner speaking to students. They both taught same
9 section.

10 "MG said students came to complain. Seems
11 to ML that MG threw GM under the bus. Think this is
12 group dynamics. GM is isolated in another building.
13 In chancellor's office little experience with managing
14 faculty matters.

15 "Between GM and DY. Another director would
16 be so touting GM's woman of color around this specific
17 population. DY would lament fact that GM had such
18 limited teaching availability." The last part of that
19 page.

20 Q. Okay. Hang on a second.

21 (Pause in proceedings.)

22 Q. Does that say "Another director would be
23 touting"?

24 A. I think it says "another director would be
25 so touting."

1 Q. So touting. Thank you.

2 (Pause in proceedings.)

3 Q. All right. Let's go on to page 6, which is
4 156. And let me get that for you. Okay. Go ahead
5 when you're ready.

6 A. "GM became thorn in DY's side" -- I don't
7 know what that says.

8 "Less about GM but fact that she was coming
9 in with a different focus than teaching. Think GM was
10 pain in DY's neck. Also GM is not warm and fuzzy,
11 doesn't rely on DY to be her work mom. In such a
12 groupthink department, they" -- I think that's "they
13 all say they didn't mean things, but clear who is" --
14 I don't know what that word is -- "group."

15 Q. Okay. When you wrote "groupthink," what
16 did that mean to you?

17 (Pause in proceedings.)

18 A. I don't remember what it meant at the time.
19 But now I can say it means to me people who think
20 alike.

21 Q. Okay. Is it -- do you understand it to be
22 a psychological phenomenon that it occurs within a
23 group of people in which the desire for harmony in the
24 group brings about irrational results?

25 A. Oh, I'm not aware of that.

1 Q. Okay. Okay. Please continue.

2 A. "Don't think GM can get fair shake. Nobody
3 called Rich on him saying he felt physically
4 threatened. Angry black woman trope.

5 "GM doesn't worry about making people feel
6 good. ML respects that. Doesn't mean she is rude.

7 "Not seeing her distort or twist things.
8 No one blatant but several marginalization and
9 silencing."

10 I think that's Charlie -- "Charles
11 described mentoring relationship as dissatisfying. GM
12 didn't use time, not prepared. Think GM did not treat
13 him in manner he expected from junior faculty."

14 (Pause in proceedings.)

15 Q. Okay. On to 157. Okay.

16 A. "GM said CE had very little to offer, but
17 DY didn't find her new mentor.

18 "CE, DY are tight, as with Rich. DY not
19 bad person but doesn't have skills to handle this.

20 "Best outcome for GM when social work
21 becomes new school, new leader, for someone to
22 recognize her work, recognize it as someone we want to
23 keep around.

24 "Toxic environment gets overlooked when
25 people point at GM and her 'bad behavior,'" in quotes.

1 have for everybody else.

2 More -- any ideas?

3 A. I don't. Her -- I see a "p" and an "r" but
4 I don't. . .

5 Q. Yeah. It looks like it could be
6 p-a-t-b-l-e, but that's not a word. Palatable? No
7 that wouldn't be it. "P" something.

8 A. I really don't know what that is.

9 Q. Okay. Fair enough. Okay. So now we're
10 at, um.

11 (Pause in proceedings.)

12 Q. Okay. So, um, I'm looking at, uh, 157,
13 again, at the bottom. Could you just read beginning,
14 um, at the bottom bullet that starts with a "C," it
15 looks like? Just reread those lines down to the
16 bottom?

17 A. Starting with, like, the fourth line up?
18 Or higher up?

19 Q. I'll point to it. Right there.

20 A. Okay. I don't know what those first two
21 words are.

22 Q. Okay.

23 A. "On campus microaggressions undervalues
24 impact of crap. All well-meaning or I didn't mean
25 that. But leadership ill-prepared to handle equity

1 and inclusion issues.

2 "Chief academic officer sees job as making
3 chancellor" -- and I don't know what word is --
4 "rather than making" -- I don't know if -- I don't
5 know what that is -- "successful and DY needs help.

6 "Want to hear GM but in a way that is
7 more" -- and I don't know what that last word is.

8 Q. Okay. And is the chief academic officer
9 her or someone else?

10 A. I don't know.

11 Q. Okay. And the chancellor at the time was
12 Mark Pagano. Right?

13 A. Yes.

14 Q. Okay. Let's go to your page 8, and that
15 would be Bates stamped 58. Okay. Go ahead.

16 A. "Allison has good" -- I don't know what
17 that word is -- "perspective as well as into personnel
18 actions. Worked with department on personnel action.

19 "Don't think DY was" -- I don't know what
20 that word is -- "or good leader, but also not handled
21 well at upper level either.

22 "Could have been course correction if
23 chancellor EVCAA program director is" -- either is or
24 in -- "one voice effectively silence faculty.

25 "Faculty told that she would talk about

1 decision, but gave advice to develop collegiality
2 standard."

3 And that's the last notes on that page.

4 Q. All right. Did you ask Melissa Lavitt if
5 this language about collegiality concerned her?

6 A. I don't recall.

7 Q. Okay. It's fair to say if you did, it
8 would be in your notes?

9 A. My question probably wouldn't be in my
10 notes.

11 Q. Okay. All right. Then let's see what we
12 got next.

13 So, um, I'm on page 112 of, 284. And it's
14 the typed notes of Katrina Walters and apparently this
15 was taken -- this interview happened on May 6th, 2019.
16 And did you type up these notes?

17 A. Yes.

18 Q. All right. And who is Katrina Walters?

19 A. I believe it's Karina Walters.

20 Q. Oh, Karina Walters.

21 A. She's a faculty member in the School of
22 Social Work in Seattle.

23 Q. And could you explain why her notes are
24 typed and the rest are handwritten, so far?

25 A. I had a phone call with her. Sometimes

1 when I have phone calls with people I type -- I type
2 them as I'm talking with them. When I interview
3 people in person I usually don't have my laptop with
4 me. So I just handwrite notes. But these would be
5 taken contemporaneously.

6 Q. All right. Got it. And is it fair to say
7 you don't know if she's white?

8 A. I don't know.

9 Q. Okay. And you didn't at the time?

10 A. No. I don't believe so.

11 Q. Got it. All right. This next one is on
12 page 116, and it's Bates stamped 163. And let me get
13 it over here. And this is -- this is Michelle Garner.

14 And are these your handwritten notes of
15 your interview with her on May 15, 2019?

16 A. Yes.

17 Q. All right. Why don't you go ahead and
18 let's read these into the record.

19 A. "Been at UW T since fall of 2006. Came
20 from Seattle pro staff position and completed" -- I
21 think that's "MSW and Ph.D.

22 "First met Gillian in Seattle, knew her
23 passingly. She was in Ph.D. program at same time but
24 not in same cohort. In small program all involved in
25 hiring" -- no -- "in small program all involved in" --

1 I thought that was hiring, but now I'm not sure --
2 "but not involved in hiring."

3 Maybe that first one is voting.

4 "For faculty hires there is committee that
5 does prep but everyone asked to attend events.
6 Usually teaching demonstration, research presentation,
7 and lunch or dinner. Don't recall what's attended for
8 GM. Try to make it to research presentation and one
9 meal generally, but don't recall."

10 Q. Okay. Can I stop you there?

11 MR. SHERIDAN: Oh, Mary, you and I
12 never got back to the issue of negotiating a time
13 limit for the dep. So we just figured we can work
14 something out, and we withdrew our objection in the
15 pleadings we filed at noon.

16 MS. PETERSON: Okay. Well, we'll -- I
17 guess we'll have to talk about it after the
18 deposition. I haven't had a chance to talk to Jake
19 or my clients about it.

20 MR. SHERIDAN: Okay. Got it.

21 So it's my understanding we're on for
22 tomorrow. Right?

23 MS. PETERSON: I'd have to check with
24 my office.

25 Since you objected, I don't know if we

1 still have a court reporter or what the situation is.

2 MR. SHERIDAN: Gotcha.

3 Q. (BY MR. SHERIDAN:) Okay. Please continue.

4 A. "Have not had a lot of interactions with
5 her. Tend to be assigned evening classes. Don't end
6 up running into her. Don't know how much she is on
7 campus."

8 That's the end of that page.

9 Q. Okay. Let's go to 164.

10 Q. And, please, go ahead.

11 A. "First year GM assigned to teach 503. MG
12 has taught it. MG suggested they talk about
13 syllabus" -- I think that's "approaches.

14 "GM was pretty closed off. She didn't take
15 MG up on offers. Same experience next year. Don't
16 have a sense of why so closed off. She never said
17 anything. Think recommendation was to work with MG re
18 how taught class. MG tried to do that. Interaction
19 was all in MG's court. What do you have to say?

20 "MG shared tips and advice she could. Left
21 it that GM could contact her if she wanted. She did
22 not.

23 "Students came concerned and struggling in
24 her classes. MG said approach your instructor, be
25 clear you're invested in learning, ask if you can get

1 something explained different. Get past" -- I think
2 that's -- might be "prior assignments. Every time she
3 has taught 503.

4 "General impression, students concerned
5 with grading practices, timing of grading, feeling cut
6 off when ask questions. When ask for clarification,
7 no space to do that. Also upset that there was an
8 expensive book that wasn't used. Not enough lead time
9 for assignments, not enough prep time."

10 That's the end of that page.

11 Q. All right. And, um, did you meet with her
12 personally or over the phone?

13 A. Um, I believe this conversation is over the
14 phone.

15 Q. Okay. So again you wouldn't know if she's
16 white or not?

17 A. I don't know.

18 Q. Okay. And I'm just trying to remember if
19 you interviewed her before Lavitt. Let me take a
20 quick look.

21 (Pause in proceedings.)

22 Q. Okay. So during your interview of Lavitt,
23 she told you, did she not, that she thought that --
24 that Ms. Michelle Garner was talking to students of
25 Dr. Marshall?

1 A. Yes.

2 Q. And did you confront Michelle Garner with
3 this, the issue of whether she was sabotaging students
4 against Dr. Marshall?

5 A. Sorry. Did I confront her with evidence
6 that she was?

7 Q. No. With the allegation that she was.

8 A. I --

9 Q. Sabotaging students against Dr. Marshall.

10 A. I think I asked her if she talked to
11 students about Dr. Marshall.

12 Q. And she said yes. Right?

13 A. Yes.

14 Q. Okay. Did you -- did you seek to learn
15 whether it was inappropriate for her to do so?

16 A. I don't remember thinking it was
17 inappropriate for her to do so.

18 Q. Okay. Is it fair to say that you heard as
19 a complaint from Dr. Marshall, that Michelle Garner
20 was going behind her back with students?

21 A. I heard the complaint that she was talking
22 to students about Dr. Marshall, yes.

23 Q. Okay. All right. And did you resolve that
24 in your findings whether or not she was, in fact,
25 doing that?

1 A. If I recall, she talked with students who
2 had concerns about that class, but not in a way that I
3 felt was inappropriate.

4 Q. Did you interview the students?

5 A. No.

6 Q. Why is that?

7 A. I didn't think I needed to.

8 Q. Okay. All right. All right.

9 Let's go back to, um, Ms. Garner and keep
10 going. And just so we can see where we left off,
11 we're still on page 2. And I think you were down to
12 the, um, you had done the general impression. Right?

13 A. I believe so.

14 Q. Okay. And did you get all the way to the
15 end?

16 A. I thought I did.

17 Q. Let's just have you do the last two lines
18 just in case.

19 A. "Not enough lead time for assignments, not
20 enough prep time."

21 Q. All right. Now let's go to your page 3,
22 which is Bates stamped 165. And go ahead and begin.

23 A. "Population: Students usually have
24 full-time jobs, families, so need specifics far enough
25 in advance."

1 Q. And -- I'm sorry. Is that -- are you
2 basically writing down the words of Michelle Garner?

3 A. Yes.

4 Q. Okay. Please continue.

5 A. "One student told MG she brought concerns
6 to GM. GM told to have a glass of wine, relax, take a
7 quiz. But student in recovery. This was very
8 upsetting to her. Population tends to be both
9 undergrad and grad. Tend to have more traditional
10 students in undergrad, but many students have
11 complicated lives.

12 "Don't give feedback to student" -- or
13 sorry -- "didn't give feedback to student about
14 experiences with GM.

15 "Tried to talk to GM but didn't find it
16 welcoming.

17 "After mass exodus out of her class, MG
18 caught her after faculty meeting, tried to ask how
19 things were going. Said having struggles with own
20 class to normalize it. GM just wished her luck,
21 didn't want to engage.

22 "She brought to MG that GM had concerns
23 about how MG had talked to students about GM's
24 research expertise, what she brought to class. Had
25 email exchange. MG had to correct, had different

1 recollection of conversation. MG never heard back
2 from GM."

3 Q. Okay. Looking at that last grouping there,
4 where it says "she brought," I guess. Could you read
5 that again?

6 A. "She brought to MG that GM had concerns
7 about how MG had talked to students about GM's
8 research expertise, what she brought to class. Had
9 email exchange. MG had to correct, had different
10 recollection of conversation. MG never heard back
11 from GM."

12 Q. All right. Let's go to page 4 of your
13 notes, which is 166, I guess. All right.

14 A. "Student evals had been released. MG
15 thinks there was some context about research. GM
16 thought MG had been" -- I think that's "talking to
17 students. Normal to talk about somebody's experience.
18 MG's talks about GM having experience in geriatrics,
19 would be more current in research. Was trying to sell
20 it genuinely. Somehow GM came back concerned about
21 it.

22 "MG clarified. Offered moral support. GM
23 didn't respond to that. MG still never" -- I don't
24 know -- I think that's "seen," but I'm not sure --
25 "syllabus GM teaches. GM asked to speak with MG,

1 wanted to do it in person.

2 "After meeting presented that she thought
3 it was showing up negatively in teaching eval. Asked
4 MG not to talk about research. Argument that was hard
5 to" -- I don't know what that word is -- "MG not sure
6 got her points. She had to clarify.

7 "Fifth interaction was so striking it
8 really stands out. Nothing else was that stark.
9 Never experienced mass exodus out of classroom like
10 people have done with hers."

11 And that's the last on that page.

12 Q. All right. Let's go to page 5, and that's
13 Bates stamped 167. Okay.

14 A. "Struck MG that more often than not
15 students had already tried to talk to GM. Did MG have
16 any other ideas? Refer them back to instructor or
17 faculty advisor, more recently to Diane or graduate
18 program director Erin Casey. Mass exodus, people
19 dropped her class, signed up for" -- either alternate
20 or "alternative instructor until capacity of alternate
21 instructor's classroom. One year it was MG. Somebody
22 else taught this year, not core faculty, was new
23 instructor.

24 "Process: Have rubric, everyone asked to
25 apply it themselves. Multiple points where this came

1 up. Don't know that was consistent across all points.

2 "What MG values in good" -- I think --
3 "colleague, someone who is minimally competent,
4 invested in students, invested in program within
5 confines of everyone being productive and successful,
6 someone who was willing to do our share, someone who
7 is on a learning curve, okay to be improving, but
8 willing to try to do better is important. Thought
9 about these points with regard to GM."

10 Q. Okay. Let's go to page 6, 168.

11 A. "Fairly recent faculty meeting where
12 discussing potential course" -- I think -- "Rich
13 Furman proposing. GM got more particular, pushed
14 about background specifics. Quite a bit of heat
15 exchange between GM and Rich, not in keeping with
16 norms. Think Rich got defensive, but GM initiated.
17 Not out of the blue, but don't know how deep the" -- I
18 think that's "history is.

19 "GM was over" -- I don't know what that
20 word is -- "stress" -- oh, "over phone" I think.
21 "Rest of them in the room. There have been other
22 instances where assertion made in such a way that
23 people end up getting defensive, assertions made by GM
24 can't think of specifics at this moment."

25 Q. What was that word in the second bullet?

1 The first bullet the -- above can think or can't
2 think?

3 A. Assertion.

4 Q. Insertion?

5 A. Assertion.

6 Q. Oh, assertion. Assertion. Thank you.

7 A. "MG experiences Diane as being very
8 concerned with process and fairness.

9 "MG was part of community contacts research
10 orientation at Seattle, doesn't exist same way at UW
11 T. Demands and expectations are different, different
12 culture.

13 "To do well takes getting to know another,
14 figuring out how to contribute. Took MG a long time
15 to understand culture at UW T, wouldn't have expected
16 it from Seattle. Spread thin, small. A lot of
17 conflicting multiple demands all the time.

18 Q. Okay. All right. Let's go on to 169,
19 page 7.

20 A. "Policies from Seattle aren't followed.
21 New" -- I think -- "new campus half the time things
22 are getting ironed out as they come up. Policy made
23 by" -- I don't know what that word is -- "this is
24 campus-wide.

25 "Every time there is a change of leadership

1 many orders get tweaked. Seems to happen every couple
2 of years. Demands and expectation, teaching loads
3 different, service loads different, research
4 infrastructure is minimal. Had recent CJ hire who
5 came as associate professor, said he had no idea how
6 much service was expected.

7 "There are no bodies to do the work. Have
8 accreditation standards." Can't have -- "Can't not
9 have special events. MG was in research shop in
10 Seattle. Worked for someone who had K award.
11 Different life, all research. Different" -- I don't
12 know if that's beat or beast -- "than what have on
13 campus. Have junior faculty who is chair of program
14 committee. Another junior faculty who is on
15 faculty" -- I think that's "counsel. Those are big
16 jobs."

17 And that's the last on that page.

18 Q. Okay. I think that's the end. Is it?

19 A. I believe so.

20 Q. Okay. So the next one is on page 126 of
21 284, and it's Bates stamped 170. And it's a call from
22 Lisa Isozaki?

23 A. Isozaki.

24 Q. Okay. We have that.

25 (Pause in proceedings.)

1 Q. Okay. Here we are. All right.

2 And are these your notes?

3 A. Yes.

4 Q. And did you type them up on or about the
5 same day as the date you met with her?

6 A. Yes.

7 Q. All right. And that was May 16, 2019?

8 A. Yes.

9 Q. Okay. And let's do Beth Kalikoff next, and
10 she's at 129. Go ahead and let's -- you, um, these
11 are your notes. And it's Bates stamped 10173. These
12 are your notes, your handwritten notes, of Beth
13 Kalikoff. Correct?

14 A. Yes.

15 Q. And that happened on May 6, 2019.

16 A. Yes.

17 Q. All right. Let's begin.

18 A. "First came to UW Tacoma in 1994. UW
19 Seattle in 2010.

20 "Gillian contacted Beth. Beth directs
21 Center for Teaching and Learning at Seattle, where
22 faculty reach out if want to change teaching.

23 "92 percent Seattle, 8 percent Tacoma. CTL
24 offers new faculty program each fall for new faculty
25 on all three campuses.

1 A. "BK read syllabus and assignments" -- that
2 might be BL, but I think I meant BK.

3 "BK has observed class more than once. In
4 2017 GM first reached out to ask BK to do a"
5 midyear -- or sorry -- "mid-quarter evaluation,
6 conduct mid-quarter feedback, graduate social work
7 class, Social Work 364. This is something she
8 typically does. Not sure if actively conducted or
9 gave her tools." Excuse me --

10 Q. Could you go with that sentence again?
11 "Not sure if"?

12 A. "Not sure if" -- I think it says "actually
13 conducted or gave her tools."

14 Q. Okay.

15 A. "A best practice that consultants at CTL
16 conduct, go in week four to six, voluntary,
17 confidential, anonymous mid-quarter assessments.

18 "Conduct" -- oh, sorry. "Collect data from
19 students. Can be done in-person or online anonymous
20 survey.

21 "Correspondence is two years long. DK part
22 of GM's teaching journey. Student feedback from end
23 of term evals were not what she would hope for."

24 I don't know what that word is.

25 "Discouraging" I think. Something "discouraging based

1 on how much time she spends. Talked about how to
2 address them. BK sent her a form for midyear course
3 assessment. What questions to ask. Tends to get at
4 issues when they are happening. Given opportunity to
5 make corrections."

6 That's the end of that page.

7 Q. Okay.

8 THE WITNESS: Is it possible to take
9 take a break?

10 MR. SHERIDAN: Yeah. Let's take a
11 ten-minute break.

12 (Recess taken.)

13 Q. (BY MR. SHERIDAN:) Start at page 3, Bates
14 stamped 10175. And there it is up on the screen.

15 All right. Please continue.

16 A. I don't know that it actually is on the
17 screen, I just wanted to confirm that what I have
18 printed is the same.

19 Q. Okay. Good. If you're on Bates stamped
20 175, you're in. And that's page 3 of the Beth
21 Kalikoff.

22 MS. PETERSON: Were you gonna put it
23 on the screen for the rest of us?

24 MR. SHERIDAN: Oh, you know, here I am
25 thinking I did it. And all I did was -- not do it.

1 Sorry.

2 (Discussion held off the record.)

3 Q. (BY MR. SHERIDAN:) Does that look right,
4 Beth?

5 A. Yeah. I think so.

6 Q. All right. Let's go, then.

7 A. "More recently had BK observed first day of
8 class, either spring quarter this year or winter
9 quarter. Or thinking that student feedback said she
10 seems really disorganized. BK had reason to believe
11 seeing" -- I don't know what that word is -- "evals
12 scholarship. This tends to be what students say, one,
13 if you are disorganized or, two, are teaching them in
14 a way they didn't expect.

15 "Suggest that tell students why do things,
16 be more transparent. GM invited BK to see how she
17 laid that out to students. BK thought she did a good
18 job, explicit, transparent, clear. Quotes, this
19 course will be taught differently than you might
20 expect.

21 "A lot of action learning practices.
22 Reason I am teaching that way is that active
23 learning/evidence-based teaching increases student
24 engagement, student learning, student" engagement --
25 oh, I think maybe the -- "student enjoyment."

1 It's student enjoyment, I think.

2 Q. Okay. Good. Okay. Keep going, please.

3 A. "Active learning closes achievement gap
4 between underrepresented groups, first-generation
5 students, and everyone else. Active learning rating
6 to learn, here's a question: Write for two minutes on
7 "x" to prepare for discussion. Don't have to show
8 what wrote, but getting ideas out, better prepared to
9 discuss. Another example, pair and share, like grab a
10 partner, take four minutes to think of ways to
11 research this question for upcoming paper."

12 Q. Okay. All right. Let's go now to, um,
13 page 4 which is 176. And then go ahead and start as
14 you're ready.

15 A. "Had been using active learning all along.
16 Also multimodal where maybe show part of a movie, draw
17 from student ideas, then turn on documentary for ten
18 minutes. Reading, writing" -- I don't know what that
19 next word is -- "lot of variety.

20 "Feedback suggested that students were not
21 used to that, surprised by it. Also BK's experience,
22 research suggests that when students perceived a
23 faculty member is young, woman of color" -- I don't
24 know what that word is, I think I crossed out some
25 words -- "can be issues of credibility, authority.

1 Implicit bias.

2 "BK said might not be bad idea to sing
3 credentials on first day. It was awesome. GM gave
4 history, saying here's a bit about me since" -- I
5 don't know what that -- "I" something "learn about
6 you."

7 MR. SHERIDAN: Can I put us on hold
8 for a minute?

9 (Short break taken.)

10 Q. (BY MR. SHERIDAN:) Okay. I'm sorry. Go
11 ahead.

12 A. I'm sorry. I'm really -- I'm not feeling
13 well.

14 MR. SHERIDAN: Okay. And, Mary, you
15 want to try to take the rest of this up next week?

16 THE WITNESS: I'm sorry for everyone.

17 MS. PETERSON: No, Beth. Don't be
18 sorry. If you're not feeling well, it could happen
19 to anyone.

20 So I think it would be best if we just
21 adjourn now.

22 And I'll get in touch with you tomorrow
23 about rescheduling. And I'll talk to Jake as well.

24 MR. SHERIDAN: Yeah. And I think next
25 week is pretty free if it works for everybody.

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All right then. We stand adjourned.

And we'll pick it up on a date that's mutually agreeable.

(Deposition concluded at 2:53 p.m.)

(Signature reserved.)

1 STATE OF WASHINGTON)
2 COUNTY OF SPOKANE) ss.
3)

4 I, Brenda L. VanderWilde, do hereby certify
5 that at the time and place heretofore mentioned in the
6 caption of the foregoing matter, I was a Certified
7 Shorthand Reporter for Washington; that at said time
8 and place I reported in stenotype all testimony
9 adduced and proceedings had in the foregoing matter;
10 that thereafter my notes were reduced to typewriting
11 and that the foregoing transcript consisting of 124
12 typewritten pages is a true and correct transcript of
13 all such testimony adduced and proceedings had and of
14 the whole thereof.

15 Witness my hand at Spokane, Washington, on
16 this 27th day of September, 2021.

17

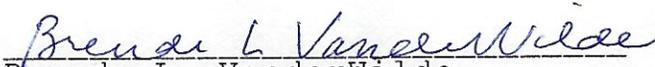
18

19 _____
20 Brenda L. VanderWilde
21 CSR NO. 3424
22 Certified Shorthand Reporter
23
24
25

1 STATE OF WASHINGTON)
2 COUNTY OF SPOKANE) ss.
3)

4 I, Brenda L. VanderWilde, do hereby certify
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6 caption of the foregoing matter, I was a Certified
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14 the whole thereof.

15 Witness my hand at Spokane, Washington, on
16 this 27th day of September, 2021.

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19 Brenda L. VanderWilde
20 CSR NO. 3424
21 Certified Shorthand Reporter
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF PIERCE

GILLIAN MARSHALL,)
)
Plaintiff,)
)
v.)No. 19-2-11120-3
)
THE STATE OF WASHINGTON,)
UNIVERSITY OF WASHINGTON, a)
State Agency, DIANE YOUNG,)
individually, JILL PURDY,)
individually, and MARK)
PAGANO, individually,)
)
Defendants.)Volume 2
_____)

DEPOSITION OF BETH LOUIE

Taken at the instance of the Plaintiff

September 29, 2021
1:35 p.m.
Via Videoconference, Zoom

BRIDGES REPORTING & LEGAL VIDEO
Certified Shorthand Reporters
1312 N. Monroe Street
Spokane, Washington 99201
(509) 456-0586 - (800) 358-2345

1 BE IT REMEMBERED that the deposition
2 of BETH LOUIE was taken in behalf of the Plaintiff
3 pursuant to the Washington Rules of Civil Procedure
4 before Brenda L. VanderWilde, Certified Shorthand
5 Reporter for Washington, on Wednesday, the 29th day
6 of September, 2021, via Videoconference, Zoom,
7 commencing at the hour of 1:35 p.m.

8
9
10 APPEARANCES:

11
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24 206-623-1745
25 Mary.peterson@hcmp.com

 Also Present: GILLIAN MARSHALL

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I N D E X :

GILLIAN MARSHALL v. THE STATE OF WASHINGTON, et al.
Case No. 19-2-11120-3
September 29, 2021

T E S T I M O N Y

BETH LOUIE	PAGE NO:
Examination by Mr. Sheridan	132 - 199
Examination by Ms. Crego Peterson	199 - 200
Examination by Mr. Sheridan	201 - 202

PRODUCTION REQUESTS:

(None)

E X H I B I T S :

NO:	Identification	PAGE NO:
	(No exhibits marked.)	

1 the -- in addition to the handwritten notes that are
2 exhibits?

3 A. When I --

4 Q. Let me ask it more clearly. Did you write
5 on any of the notes?

6 A. When I printed them out, I put stickies to
7 say which exhibits they were, but I didn't write
8 anything on the notes themselves.

9 Q. That's fine. And, uh, between the last
10 time we met and this time, did you make an effort to
11 type up any of the notes?

12 A. No.

13 Q. Okay. All right. All right. So let's
14 jump in and we're at -- I think, Mary, I think it
15 might be easier to say the number of the pages. We
16 have, what is it 284, pages? We're at page 132. And,
17 uh, we're -- and for Bates stamp purposes, we're at
18 UW 010176. And we'll just move forward from there.
19 And so as I'm just thinking, uh, I'm just thinking,
20 uh, it's probably gonna take you, Ms. Louie, a couple
21 seconds to find various, um, things we'll be talking
22 about today. And for your benefit because you're
23 working off the printed, I'll be giving you the Bates
24 stamped number. Okay.

25 A. Okay.

1 Q. All right. Let's go to Bates stamped 176.
2 And I believe that about 2, 4, 6, 8, 9 lines up, up
3 from the bottom, it says "BK said might not be a bad
4 idea."

5 Could you go ahead and translate for us
6 from that point forward?

7 A. "BK said might not be bad idea to sing
8 credentials on first day.

9 "It was awesome. GM gave history saying
10 here's a bit about me, since" -- I think that's "I" --
11 I'm not sure what that mark is -- "learn about you."

12 Q. Okay.

13 A. "Found sweet spot bn," between "bragging
14 and letting them know history."

15 Q. Okay. And, um, Mary can you see that okay?
16 Does it have near the top "BK said"?

17 MS. CREGO PETERSON: Yes.

18 Q. (BY MR. SHERIDAN:) All right. Okay then.
19 Please continue.

20 A. "Didn't see any other factors for gap.

21 "Reviewed materials, seemed aligned with
22 mission of social work dept," which is department,
23 "drew on," um, is that -- that might be "explicitly."
24 I'm not sure what that is -- "mission and national
25 association," I believe.

1 Q. Okay.

2 A. "National association." I'm sure of that.
3 I'm not sure what those two words in the middle are.

4 Q. Onto the next page.

5 A. "What got from observation, study of
6 materials, talking to her, was that students didn't
7 like active learning, preferred lecture. Doesn't come
8 out explicitly, but comes out other ways.

9 "Didn't seem unlikely that implicit bias
10 was part.

11 "She made a lot of effort, evals did not
12 improve as dramatically as BK would expect or hope.

13 "BK did not see lack of preparation, lack
14 of organization. She was exhaustively prepared.

15 "She did ask" -- I think that's "them to
16 work within class and outside. Wondered, BK and GM
17 together, whether students had realistic expectations
18 of work in a graduate program. They may not have had
19 realistic expectations of how much work a graduate
20 program requires.

21 "Class with active learning is much harder
22 than class with lectures. Don't just sit down and let
23 things wash over you."

24 MS. CREGO PETERSON: Jack, could you
25 scroll down?

1 MR. SHERIDAN: Of course.

2 THE WITNESS: Oh, sorry.

3 Q. (BY MR. SHERIDAN:) Go ahead. Go ahead.

4 A. "Maybe unrealistic expectations for how
5 much time it takes to prepare for successful graduate
6 experience.

7 "Once did mid-quarter assessment for Marian
8 Harris, reported back about what supported learning.
9 There were five to six white women who were a clique
10 saying mean things about professor, giving death
11 stares to those saying nice things."

12 Q. Okay. Hang on a second.

13 (Pause in proceedings.)

14 Q. All right. Let's go on to the next page
15 and that's Bates stamped 10178.

16 A. "MH and BK reviewed data. BK gave data,
17 did analysis and said, 'Seems to be implicit or not so
18 implicit bias.' Comments about how MH dresses, like
19 uppity. Director said, 'You shouldn't have said that.
20 I don't think that's true. You're stirring the pots.'

21 "Marcie" -- and I don't know -- that's a
22 last name, but I don't know what last name that is --
23 "was director."

24 Q. Okay. Hang on one second.

25 (Pause in proceedings.)

1 Q. Okay. Please continue.

2 A. "This suggests that humans have implicit
3 biases, need to try to grapple with them.

4 "In BK experience of Tacoma at IAS,
5 everyone" -- I think that's "overused and misused
6 stunt eval data.

7 "Student voices are super important but
8 can't use student evals to assess performance of an
9 instructor. Student" --

10 Q. Could I stop you there a second? Could you
11 tell me the paragraph that that line began in?

12 A. I'm sorry. What was the question?

13 Q. Yeah. Could you read that, the last four
14 lines again, please?

15 A. "Student voices are super important, but
16 can't use student evals to assess performance of an
17 instructor. Student expertise is about their
18 experience."

19 Q. Okay. That's great. All right. Let me
20 just make a note of that.

21 (Pause in proceedings.)

22 Q. Okay. Please continue.

23 A. "Undervalue peer review and
24 self-assessment. Also misused student evals. They
25 fill out bubbles, which yield qualitative and

1 quantitative data. But" -- I'm not sure what that
2 word is.

3 Q. Okay.

4 A. "End of class in five minutes when students
5 thinking about" -- I think that's "finals."

6 Q. Okay.

7 A. "Sometimes don't even leave comments. Get
8 student perceptions of their learning and course at
9 the very moment you ask.

10 "Misuse to have students evaluate
11 performance of their instructors."

12 Q. Okay. And if you hang on one second.

13 (Pause in proceedings.)

14 Q. Okay. Please continue.

15 A. "If dept," which is department, either
16 delegates or delegated, I'm not sure.

17 Q. Okay.

18 A. "Assessment of instructor performance to
19 students, asking them to do something outside of their
20 expertise.

21 "Don't know how many people do active
22 learning in social work. Also degrees of active
23 learning.

24 "But who you are matters and who students
25 think you are matters.

1 "There are best practices for how to
2 solicit student feedback, like when students say can't
3 understand instructor, most likely instructor's
4 from" -- I think that's "Asian country because student
5 ear is not accustomed to hearing" -- I think that's
6 "that."

7 "Also best practices for using student
8 feedback without" -- that might be "privileging
9 implicit bias."

10 Q. Okay.

11 A. "Also ways to support faculty. Can talk to
12 professors of color, people who run equity center.

13 "Can't expect someone to change whole
14 culture of department.

15 "GM works so hard on her teaching. It is
16 discouraging.

17 "No steps that BK suggested that GM didn't
18 take. She wanted to improve, wanted students to
19 learn, be happy with how learning, be engaged.

20 "Nobody made GM see BK. GM is genuinely
21 motivated to constantly improve."

22 Q. Okay. All right. Let's go on to 10180.

23 A. "Don't think talked to any of GM's students
24 directly.

25 "GM has shared evals with BK. The CTL

1 coauthored a guide to evaluating teaching on websites.

2 "Optional but wrote it because Ana Mari
3 Cauce had women of color faculty saying we're so
4 dependent on student evals, but they're unfair.

5 "Advice to both departments and
6 individuals. One way to prevent implicit bias from
7 undermining peer review is don't go in with blank
8 piece of paper. The fewer guidelines, the more avenue
9 open for implicit bias.

10 "For student feedback have mid-quarter
11 assessment and explain at every step why you're doing
12 what you're doing.

13 "Peer review and self-assessment should be
14 how you judge someone's performance.

15 "Also can make own evals focused on goals,
16 of course, not generic and give those first.

17 "There are 26 different" -- that might be
18 "forms. Don't know if required to use same form in
19 social work.

20 "Should ask what are you looking for in
21 teaching. Is that written down somewhere? Does
22 everyone agree?

23 "Students don't know what good teaching
24 looks like. They know what they like."

25 Q. Let me just stop you there for a second.

1 (Pause in proceedings.)

2 Q. Okay. Please continue.

3 A. "GM said chair said BK's letter didn't
4 matter as much because BK not in social work.

5 "But concerns not about content, said
6 disorganized and unprepared.

7 "Don't hold instructor responsible for
8 implicit bias.

9 "Worst practice would" -- I think that's
10 "be to look" -- it's either "as" or "at" -- I think,
11 and then maybe "number."

12 Q. Go ahead.

13 A. "Say you've been working on teaching, they
14 haven't gone up. It's not looking good."

15 I think that first that -- I think that
16 word is "number" then.

17 Q. Okay.

18 A. "While administrators don't want to talk
19 about race, it doesn't mean it's not there.

20 "If don't have skill to weigh student evals
21 appropriately, easier to take them at their word."

22 And then in quotes, "guide to evaluating teaching,
23 CTL," end quotes.

24 Q. Do you know what CTL means?

25 A. I believe it's the center for or of

1 teaching and learning -- Center Teaching and Learning
2 I believe are the CTL, I'm not sure.

3 Q. Okay. Great. Okay. One second, please.

4 (Pause in proceedings.)

5 Q. Okay. Would you look and see if that's the
6 last page?

7 A. That is the last page.

8 Q. All right. And now I'd like you to shift
9 to page, um, 10184. And for those of us looking at
10 the PDF number, it's page 137 -- I'm sorry -- wait.
11 It's page 140.

12 All right. And whose notes -- those again
13 are notes that you wrote on or about June 5th, 2019?

14 A. That's correct.

15 Q. And these notes basically you took
16 contemporaneously with your interview of Diane Young?

17 A. That's correct.

18 Q. All right. If you'll go and please tell us
19 what you wrote down.

20 A. "June 30th. Last day as director.

21 "From June 30th to September. Been at UWT
22 since January 2010. Came as faculty member. Became
23 director in August 2011. Came from Syracuse.

24 "Not sure when this started. Was so
25 excited to have her. Don't have very many faculty of

1 color in SW at Ph.D. level. Not many
2 African-Americans, very competitive to get faculty who
3 can represent student," or "students."

4 "Showed real promise in getting external
5 funding.

6 "Teaching areas not super closely related
7 but brought teaching representation."

8 I'm not sure what that next word is.

9 Q. Okay.

10 A. Maybe "able to get external funds.

11 "Seemed very student centered. Voting
12 faculty very excited about her coming. She was coming
13 from Case Western, has been" -- I think -- "was in
14 Canada and she was looking for a place where husband
15 would" -- I think "locate."

16 Um, "Nothing" I'm not sure what that next
17 word is -- "until negotiation." I'm not sure what
18 that next word is.

19 Q. Could that be "after"?

20 A. Oh, that could be "after."

21 "Made progress" -- I think "after made
22 progress" or "process."

23 Q. Yeah.

24 A. "Asking for things that weren't typical.
25 Offered one to two months of summer salary as

1 incentive."

2 Q. Okay. And on to the next page, please,
3 which would be 10185.

4 A. "We countered asking for a month for ten
5 years, but only" -- I think "came," "came in with
6 three-year contract.

7 "DY couldn't negotiate beyond three years.
8 They settled on" -- I think that's either a three or a
9 two, actually, I'm not sure. Um, "so unusual.

10 "She was really concerned about a place for
11 her husband DY gathered."

12 Q. And can we just say for the record that DY
13 is Diane Young?

14 A. Yes.

15 Q. Okay. Please continue.

16 A. "DY gathered campus resources. She
17 accepted, said it was" -- I think that's "her first
18 choice.

19 "Had one grant at Case run through Tacoma.
20 K01 award came through. Didn't have at time of hire.
21 Expected to get it, but not certain. Ran it through
22 Seattle.

23 "UWT and UWS have agreement where can" -- I
24 think that's probably either "have" or "run grants
25 through UWS. They keep indirect.

1 think that's "shore up language about running through
2 director at Tacoma.

3 "DY emailed faculty on grants asking for
4 input on language.

5 "Haven't had standalone TI in years.

6 "Diane has" -- I think "been here, run" --
7 I think that's "full. Full grant through Seattle.

8 "Didn't have conversation with GM about
9 running past DY first because didn't" ever -- "didn't
10 even occur to DY she would do that." I think that's
11 "CY felt like not on him to tell DY on faculty
12 member."

13 Q. Any idea who CY is?

14 A. I think it was someone having to do with
15 the grant, but now the name is escaping me.

16 Q. Okay. Please continue.

17 A. "Did straighten out for future in terms of
18 bi-campus agreement.

19 "Can run through Seattle, but expectation
20 that run by director. Have reason why running through
21 Seattle.

22 "Started to go badly from start. Not bad
23 maybe, but started to be tense. GM thought she had
24 been led astray about possibility of working through
25 Seattle" -- I think that's "seamlessly or thought DY

1 had changed her mind.

2 "DY was surprised to see it in system." I
3 think that's "DY was surprised to see it in system.

4 "Talked about future at time of bi-campus
5 agreement. Language was updated."

6 Sorry, I'm not sure where that arrow was
7 supposed to be going in.

8 "DY sent to grant receiving faculty."

9 Q. All right. Let's go on to the next page.
10 And that's Bates stamped 10187.

11 A. "This year or last year she got a
12 supplement, no money attached. Went right into
13 Seattle system, she didn't tell DY because she had
14 adjunct appointment at UW" -- I think that's "S, which
15 all faculty do. DY didn't even have to approve.

16 "At that point contacted office of research
17 in Seattle, changed approval" -- I think that's
18 "approval in SAGE.

19 "Working on R-21.

20 "GM submitted form about new grant. Email
21 about how it benefits Tacoma.

22 "She wanted to run through Seattle.

23 "GM responded to question but seemed
24 unhappy with DY asking.

25 "Think GM realized she couldn't just put

1 it" -- I think that's "through Seattle. Had to talk
2 to DY.

3 "DY thinks vice chancellor needs to make
4 policy about grants going through Seattle. DY wanted
5 opinion from vice chancellor.

6 "Know that post award" -- I think that's
7 "support is better in Seattle.

8 "Vice chancellor never" given -- or "gives
9 definitive answer.

10 "Campus has since done new indirect
11 policy" -- I think either "which" or "where grants
12 have to go through", maybe "here. Although if someone
13 is adjunct here, may could go through Seattle."

14 Q. Okay. Keep going, please.

15 A. "GM still working on R-21.

16 "Seattle called, wanted to know if they
17 could both support, both get indirects."

18 Q. Okay. Please go to the next page.

19 A. I think that's "Dean for research said she
20 want to run through Seattle. Then work out details.
21 Had meeting set up. Then GM and DY had annual
22 conference last week. GM said I want to hold off on
23 conversation until interim director is" -- interim
24 director in place, told associate dean for research.

25 "Associate dean asked when GM would

1 submit" -- I think that's "grant. Then VC said talked
2 to associate dean in Seattle. They want to put
3 through grant. Then have conversation about details.
4 Okay? DY said okay. But none of those conversations
5 come" -- or "came to DY.

6 "GM works with Seattle people. DY hears
7 from them.

8 "Maybe GM assumes if she has a grant, it's
9 good for UW. Doesn't have to benefit UWT."

10 I think that's "GM identifies with UW
11 Seattle.

12 "If had been any accommodation on GM's part
13 as to how this could be a benefit to Tacoma, would
14 have gone better.

15 "At one point GM wanted to have a UWT
16 student on grant.

17 "Wanted" -- I think that's "space."

18 Q. Okay.

19 A. I'm not sure what that next --

20 Q. Would that be "wanted her own space"?

21 A. Yeah. I think it's "wanted space."

22 Q. All right. And the last line?

23 A. I'm not sure what -- if those are initials?

24 "Said can't so GM said we'll go with Seattle.

25 "But GM did not have any conversation about

1 alternatives like sharing her own office space. No
2 other similar communication" -- I think that's "issues
3 with other faculty."

4 Q. Okay. Let's go on to the next, that's
5 10189.

6 A. "Faculty members good about telling DY they
7 are working on" -- I think that's "a grant.

8 "Never had big PI like GM."

9 Q. Let me stop you there a second. Are you
10 basically quoting something said by Diane Young here?

11 A. I don't remember if that's a direct quote,
12 but this would be something that Diane would have told
13 me.

14 Q. Okay. All right. Please continue.

15 A. "Don't know who interim director will be.
16 Don't think it will be anyone internal on SW faculty
17 now.

18 "Faculty senior to her, aware of issues
19 because of reviews. No merit committee.

20 "Also her behavior in some" -- I think
21 that's "meetings. People picking up on times when she
22 is disengaged or not pleasant, argumentative.

23 "No out-and-out."

24 (Pause in proceedings.)

25 Q. Is that rude?

1 A. That might be rude.

2 "DY would characterize. No name-calling.
3 Rich Furman has had challenges with GM. Not deep
4 awareness in faculty, but people picking up on
5 tensions. Unpleasant" -- either trees or
6 "unpleasantries."

7 "She doesn't participate in student events,
8 very minimally involved in service work. See her as
9 not our faculty member, not really" -- that might be
10 "interested."

11 "Other faculty can also be challenging.
12 Have" -- that might be "episodes."

13 "Teaching is biggest issue for GM. If
14 teaching were stronger, reappointment and merit would
15 be different."

16 Q. Okay. Let's continue.

17 A. "Rubric for reading merit, F-A-R. Nothing
18 explicit until this year, but asked faculty to specify
19 workload configuration in F-A-R." I think that's
20 "Jeff Cohen, executive director in global affairs,
21 maybe 45 percent here, 55 percent elsewhere, so one
22 course teaching load.

23 "GM technically should teach 1.5 courses a
24 year. Melissa Lavitt, first year after VCAA, didn't
25 teach any courses at SWCJ."

1 Q. Okay. Hang on one second there.

2 (Pause in proceedings.)

3 MS. CREGO PETERSON: Jack, would you
4 mind scrolling up because I can't see.

5 MR. SHERIDAN: Oh, sorry.

6 MS. CREGO PETERSON: Thank you.

7 (Pause in proceedings.)

8 Q. (BY MR. SHERIDAN:) Okay. Please continue.

9 A. "Also people on sabbatical, no teaching and
10 service expected.

11 "When different workloads, unwritten
12 expectation is look at workload and evaluate fairly.
13 Explicit that 75 percent course release. DY hoped
14 faculty reviewers would know service would be reduced
15 one course, but not explicit like four committees.

16 "When no" --

17 MS. CREGO PETERSON: Sorry. Can you
18 scroll up, Jack? She's on the next page.

19 MR. SHERIDAN: Oh, that's what I was I
20 was trying -- I was trying to find my way here.

21 Am I in the right place?

22 MS. CREGO PETERSON: I think so.
23 Yeah. 75 percent. I see that.

24 MR. SHERIDAN: Okay. I got lost there
25 for a minute.

1 Q. (BY MR. SHERIDAN:) Go ahead.

2 A. I think either "when" or "with no merit
3 review committee met, made recommendation. Addressed
4 different workload configuration, but not specific
5 formula. More minimal expectation and most people go
6 above and beyond.

7 "Since DY sent docs" -- that's "meeting
8 between JP, Casey Byrne, GM, Deirdre Raynor to try to
9 clarify workload.

10 "Seemed" -- "seems to be so much
11 misunderstanding between GM, DY, voting faculty."

12 Q. Okay. And go ahead.

13 A. "At meeting middle of" -- I'm not sure what
14 that word is -- then "year."

15 "JP confirmed DY learned that GM is hundred
16 percent FTE, 75 percent for research, 25 percent
17 teaching and service shared.

18 "DY had been thinking 25 percent teaching
19 and 25 percent service. So 25 percent of time split
20 between teaching and service, which is not how DY was
21 thinking about it. But still disagreement about what
22 that means.

23 "GM states that she is not required to do
24 any service.

25 "DY's understanding is that unless she is

1 teaching 25 percent, 1.5 courses, she has some service
2 requirement.

3 "She has been teaching one course" -- I
4 think that's slash year so "per year. Will be down
5 2.5 courses at end of five years, next year. This is
6 not nothing.

7 "Because GM got course release for
8 research, and as new faculty, she is released from
9 service, she has done some service, which DY thinks is
10 minimal except for year she was on search committee.

11 "GM said in report that she is not required
12 to do service.

13 "DY thinks service is still minimal. Think
14 she is misrepresenting requirement. Need email."

15 (Pause in proceedings.)

16 A. I'm not sure what that word is.

17 Q. Okay.

18 A. "As well. Because never fully agreed
19 on" -- oh, I think that's "traffic, the email traffic
20 as well, because never fully agreed on minutes. Check
21 with Casey."

22 Q. Hang on a second.

23 (Pause in proceedings.)

24 Q. Okay. All right. Please continue.

25 A. "Purpose" -- I think -- "of meeting was to

1 be follow-up to reappointment review and workload came
2 up.

3 "DY was quiet at meeting because GM
4 disregards everything she says. GM goes to VCC above
5 DY's head.

6 "GM had course release this quarter. DY
7 suggested she might want to let that go because
8 teaching" -- I'm not sure what that word is --
9 "problematic."

10 Q. Okay. That's good. Got it. Thanks.

11 A. "When DY on sabbatical, GM applied for and
12 received research quarter leave for next year. Had
13 reappointment review at end of that year. Results
14 divided. Committee said yes."

15 That might be faculty, that last word might
16 be faculty.

17 "Suggested to DM that she postpone leave so
18 could show improved teaching. She agreed to do that.
19 She was asked to put in writing that she was giving up
20 leave, she never did. Postponing and giving up may be
21 used interchangeably.

22 "Next year DY back, checked in with
23 academic HR. Asked if GM had to reapply or could just
24 grant it.

25 "Alison Hendricks said she has to reapply,

1 like tenure, if got it and gave it up, have to
2 reapply.

3 "DY emailed GM, said 'I'm willing to grant
4 it, just redo application.'

5 "Have to submit plan, which likely would
6 have changed in a year."

7 Q. Okay. Could we go off the record for a
8 minute?

9 (Recess taken.)

10 Q. (BY MR. SHERIDAN:) We're ready to go back
11 on.

12 A. "Deadline came and went. DY gave
13 extension. Just wanted paperwork. GM didn't submit
14 it. DY assumed she didn't want it anymore. So put GM
15 on schedule.

16 "Think had phone convo with Alison
17 Hendricks.

18 "GM really stuck to her guns about not
19 having to reapply. Jill said this is the process, it
20 affects resources, need to reapply.

21 "DY also stuck to guns.

22 "GM firmly believed it was being withheld
23 from her wrongly.

24 "Finally Jill Purdy said just give it to
25 her. So DY did.

1 "This felt terrible to DY because for a
2 year she held the line" -- I think. "And it would
3 have been so much easier to give it to her. Felt like
4 she was following the process. If either academic HR
5 or VCAA had said initially could" -- I think that's
6 "waive process, DY would have done it.

7 "Jill said 'this will look good for you.'

8 "DY said 'no. It's because you told me
9 to.'

10 "No policy saying if already bought out for
11 research, no research leave."

12 Q. All right. Let's go on to the next page.

13 A. "When DY saw teaching eval, became worried
14 about tenure. Thought someone would ask why DY
15 supported leave when her poor teaching.

16 "DY wrote memo advising GM to teach full --
17 to teach to full 25 percent, VCAA and academic HR were
18 worried about sending memo, so didn't send it.

19 "DY wished she had waived leave. But was
20 willing to support it, but wanted her to follow
21 process.

22 "Next year teaching intro to social work
23 course again, one she did well on. What she wanted,
24 so gave it to her. But if DY acting as director,
25 would advise against this. Would recommend doing

1 different grad course or senior-level undergrad
2 course.

3 "Wouldn't be advisable to go up for tenure
4 with this record.

5 "But GM has C and VC support to get what
6 she wants. Not treating her like would treat any
7 other faculty member, treating her more favorably
8 than" -- I'm not sure -- "to" then "what she wants."

9 "This has been very painful for DY. Former
10 director, full professor given DY hard time about not
11 wanting to" -- that might be "teach what she needs.
12 And she has held ground. Knowing that these people
13 were weighing in" -- I think that's "on" or "will
14 weigh in on" or "were weighing in on" --

15 Q. Okay. And you can go to the next page when
16 appropriate.

17 A. -- "her P and T. But she thought she was
18 doing what was fair across the board, just a couple of
19 people. In all cases worked it out to some mutual
20 agreement. In one case" -- oh, I'm not sure what that
21 word is -- or the next one -- "would appeal.

22 "DY said you do what you need to do. DY
23 will do what I need to do. And" -- I'm not sure what
24 that says -- and "went on."

25 Oh, I think that says "in one case full

1 prof said would appeal. DY said 'You do what you need
2 to do. DY will do what I need to do. And" something
3 "went on."

4 Q. Okay.

5 A. "With GM she has been so reluctant to teach
6 other than what she wants.

7 "She said she gave DY list, but a lot of
8 courses UWT doesn't have or electives and need to
9 cover required curriculum first or already had
10 consistent faculty teaching them.

11 "GM really balked at teaching research
12 course. Even though she" -- I think that's
13 "researches" or "she researcher.

14 "DY knew she was unhappy, so found someone
15 else to teach it and she never ended up teaching
16 research.

17 "When go up for tenure, need to demonstrate
18 breadth.

19 "Usually when someone's struggling want to
20 let them tweak because that's easier than new prep.

21 "DY feels like haven't had backing from
22 chancellor's office to do what she would to give GM
23 breadth.

24 "GM says she doesn't struggle with
25 teaching, 'what do you mean?'

1 "DY said 'If I got those course evals, I
2 would freak out.' Lower course evals than DY ever
3 seen."

4 Q. Okay. Please continue.

5 A. "DY knows GM believes low evals because of
6 racial discrim," which is discrimination, "from
7 students.

8 "DY doesn't know what to think of that.
9 Very diverse student body, our faculty, part-time
10 lecturers" -- I think that's "lecturers and full who
11 get higher evals.

12 "Usually if discrim, part of it can get
13 some hints in comments, like around bias always
14 representing one perspective, wants people to think a
15 certain way, not open to alternative, use reference to
16 culture language" -- I'm not sure what that word is.
17 "Sometimes blatant, like way a person dresses or
18 experience" -- I think that's -- oh, I think that's
19 "expressions used that suggests students" -- I'm not
20 sure what that word is -- "attention to" -- maybe
21 "pays attention to other things beyond content of
22 course.

23 "In past if that happened, evals a little
24 lower. 3.0 to 5.0 is where most faculty are."

25 I think that's "3.2, 3.4 really worked with

1 faculty pretty unacceptably low. Recommend CTL, SGID,
2 SEED training, teaching squares," I think. "Pull out
3 stops.

4 "Most faculty in 3.5 to 4.5 around low 4s.
5 Even great faculty can get a low course, don't freak
6 out" -- or I think that's "out."

7 "But GM had 2.8s in grad course, then 1.3,
8 then this year got 1.9.

9 "DY embarrassed at this quality of teaching
10 in program. If part-time lecturer, would not invite
11 back. Did this once for part-time lecturer and they
12 were not that low."

13 Q. Okay. Let's go to the next page.

14 A. "GM says it is students." I think that's
15 "states" or "implies. Says use evidence-based
16 teaching approach.

17 "DY asks 'Can you explain this?'

18 "GM says 'I think it's pretty obvious.'

19 "DY is still not sure how this plays out in
20 her classroom.

21 "No peer reviews by faculty in her unit,
22 those who know students curricular expectations,
23 curricular content. Other things recommended.

24 "SGID meant to be developmental not
25 diagnostic.

1 "Peer reviews from those" -- I think that's
2 "internal to program.

3 "Internal faculty mentor, had Charlie
4 Emlet, but he said he wasn't going to continue. Told
5 DY because she wouldn't listen to recommendation,
6 wouldn't come to meeting with questions, wasn't open
7 to feedback.

8 "He said he sought advice from senior
9 mentor in Seattle who knew GM and advised him not to
10 give her real reason.

11 "People have difficulty working with her
12 but won't discuss it with her.

13 "Information about GM fits with student
14 complaints: Acting entitled, not being open to
15 questions. Don't think all about discrim."

16 Q. Okay. Hang on a second.

17 (Pause in proceedings.)

18 Q. Okay. Let's continue.

19 A. "Different cohorts of students. Students
20 talk can" -- I think that's "hear things from those
21 more senior in program. But would be rare to be so
22 low if one issue.

23 After first day of class, students want to
24 transfer out of class, say childcare problem, but may
25 be concerned about retaliation. Two years in a row

1 flock of students wanting to leave course. This year
2 childcare. Last year student went to Michelle.

3 "GM felt Michelle bad-mouthing her, but
4 this is not Michelle's style.

5 "Obviously not privy to conversation, but
6 in DY's other experiences Michelle does not bad-mouth
7 people, especially to students.

8 "See real lack of ownership, lack of
9 responsibility from GM. Not for everything. Not
10 saying GM is totally at fault, but don't see how all
11 these people could say there are problems just based
12 on one thing.

13 "Surprised to hear about UCIRO complaints
14 especially" -- I think that's "race. GM not said
15 anything about different treatment about race."

16 Q. Give me one second here.

17 (Pause in proceedings.)

18 Q. All right. Let's go on to the next page.

19 A. "Chancellor never said anything. VC never
20 said anything.

21 "Knew GM upset about teaching grants,
22 research quarter leave. DY had not, in her head, tied
23 anything to race. DY wonders" -- or "wondering why no
24 one told her, why this couldn't" or "why they couldn't
25 have explained this before UCIRO complaint.

1 "Search" --

2 Q. Can I stop you there a second?

3 Could you, when you write "Diane Young
4 wonders why no one told her," um, did you have a sense
5 of who she expected to tell her before there was a
6 complaint?

7 A. Um, I think either the chancellor or the
8 vice chancellor.

9 Q. Okay. And that would have been Mark Pagano
10 or Jill, um -- what's her last name? Purdy?

11 Is that right?

12 A. I think that's right.

13 Q. Okay. All right. Please continue.

14 A. "Search.

15 "Have had searches every year DY was
16 director except year she was on sabbatical.

17 "Made concerted efforts to increase racial
18 diversity on faculty even before GM hired. Consulted
19 with an office at SSW in Seattle who looks at job
20 posting to ensure diverse pool. Require committee
21 members to go to training on implicit bias. Can ask
22 faculty candidates to talk about work with diverse
23 populations. Concerted effort to have racially
24 diverse applicant pool to extent possible and known to
25 bring a diverse final pool to campus.

1 the last name, "Native American, Jerry" -- I'm not
2 sure of that last name -- "around that time made"
3 either "concerted" or "concentrated effort to
4 diversify faculty.

5 "Some concern in some years past among
6 faculty. Dr. Harris said 'I will not support the hire
7 of another white faculty.'

8 "Some faculty thought this was
9 discriminatory. Think it was year DY on sabbatical.
10 Couldn't address it because secondhand.

11 "Before GM hired, had African-American male
12 applicant invited for site visit, but skill level,
13 teaching presentation, and materials was so low,
14 concern that he was not teachable.

15 "DY said do not have the time to mentor
16 someone with such deficits regardless of whatever else
17 he brings. Think this was second year as director,
18 now maybe would rethink it. Maybe have enough senior
19 CJ faculty that could mentor. Also maybe would
20 rethink how said it."

21 Q. Okay. Hang on one second. Okay. Let's go
22 on to the next.

23 A. "Maybe this didn't sit well with
24 Dr. Harris."

25 Q. Okay.

1 A. I don't know what this word is.

2 "Same record, different attitude.

3 "Think if talking about tenure wouldn't
4 make a difference, record is so poor.

5 "Think people would feel bad, agonize over
6 it, would feel more badly about it if more open and
7 more responsibility. But in the end tenure record is
8 tenure record. At campus level chancellor-level
9 record is what they see."

10 Q. Could I stop you for a second? What Bates
11 stamp number are you on?

12 A. 10201.

13 Q. 0-1. Okay. Got it. And how many lines
14 down are you, roughly? I got lost.

15 A. Yeah. I think I just finished the eighth
16 line of writing.

17 Q. Oh, great. Thank you. Please continue.

18 A. "Think would have made a difference in
19 reappointment. Question is do they deserve a second
20 chance? Could this person turn it around? Think this
21 might have made a difference at reappointment. If felt
22 she had better attitude.

23 "Usually people who take ownership work
24 harder at improving what they need to improve. Say
25 even if discrim, there have been successful faculty of

1 color, maybe talk to them around how to be successful.
2 Give" -- I think that's "faculty mentor plan for how
3 to improve teaching.

4 "Funded by chancellor's office, selected
5 person and GM approved. GM said it didn't work out
6 but didn't explain why. Carolyn West, Charlie worked
7 hard at first."

8 Q. Okay. Give me one second here.

9 (Pause in proceedings.)

10 Q. Okay. Let's go on to the next page.
11 That'll be 202.

12 A. "If GM said I need help, just about every
13 senior faculty member would say yes, what can I do to
14 help? Erin Casey offered to meet with you. GM said I
15 can't meet with you. Erin did not know why GM said
16 this.

17 "Faculty are frustrated. Feel like she
18 is -- I think that's "given every benefit,
19 accommodation.

20 "On paper she says she is trying all these
21 things, but when explore them, they are
22 misrepresented. Eg GM said she met with Michelle.
23 Michelle said it was one perfunctory conversation that
24 didn't go anywhere. Faculty members will say she is
25 blatantly lying with service. GM honestly believes

1 it. So DY thinks it is not accurate, a
2 misrepresentation.

3 "Expect she will get good external
4 reviews, because good scholarship and research.
5 Publication list good.

6 "Some senior faculty will say that if way
7 that have 75 percent release, faculty who have full
8 teaching and service load have record just as good.
9 If teaching and service greatly reduced, shouldn't
10 scholarship be greatly increased? That is what some
11 faculty will say."

12 (Pause in proceedings.)

13 Q. Okay. Let's move on to the next page.

14 A. "So many layers to tenure review, even if
15 it's askew one place, should balance out. Don't know
16 if race will impact tenure decision.

17 "Part of GM's tort claim is that she should
18 be granted tenure or equivalent.

19 "She was reappointed because of race. Jill
20 told Diane that or strongly implied it. Said faculty
21 of color on campus have had a really hard time. Need
22 to bend over backward for faculty of color. Scholarly
23 record is good, not enough here to not reappoint.

24 "If record had been problematic across the
25 board, including scholarship, don't think they would

1 reappoint. If she had been white with that record,
2 with two nonreappoint recommendations, she would not
3 have been reappointed.

4 "No one since DY has been director who has
5 not been reappointed. Janelle Hawes" -- I think
6 that's the last name -- "just went through
7 reappointment review, postponed at her request first
8 year.

9 "Faculty recommended to reappoint, DY
10 recommended to reappoint, but hour-long discussion
11 because poor scholarship and teaching up and down, no
12 clear improvement trend. Service is decent. Faculty
13 divided but wanted to give benefit of doubt. Was
14 working hard at teaching values being here.

15 "Participates with colleagues. Met with
16 mentor and DY about teaching."

17 (Pause in proceedings.)

18 Q. All right. Let's go to the next page,
19 please.

20 A. "There, majority faculty vote was to
21 reappoint.

22 "GM and Janelle both got pointed comments
23 about what is not on track with suggestions about how
24 to improve. GM said DY hasn't talked to her about how
25 to improve. DY thinks this is not true.

1 "Assuming she gets a good review in fall,
2 will have two good ones and three bad ones.

3 "Teaching is so important on this campus,
4 don't know how that will play out.

5 "Been hard working so hard to be fair and
6 consistent when know whatever DY says will be
7 challenged.

8 "One thing went well for students" -- oh,
9 "a student" or "for student," I'm not sure --
10 "appealed a grade in GM's class. Went through grade
11 appeal process. Standard for overturning is that
12 grading is arbitrary and capricious. DY looked
13 through syllabus, everything student sent her, asked
14 GM to meet.

15 "GM had documentation, answered all
16 questions. DY did not rule in favor of appeal.

17 "Almost only time GM and DY had what DY
18 would say was a normal interaction. This was in last
19 month or so."

20 Q. Okay. All right. Please go ahead.

21 A. "DY is sad about how this turned out. Had
22 really high hopes about what GM could bring to
23 student's campus.

24 "Student events. Faculty have to sign up
25 for events at beginning of the year, not part of

1 service because expected. Faculty see that and think
2 not invested.

3 "Scholarship benefits SSW.

4 "Get salary" -- I think that's "returned to
5 cover cost of part-time" lecture -- "lecturer to cover
6 her but want return/investment/fit with program.

7 "Someone could" -- I think -- "be good on
8 aspects, but if don't fit future of department, may
9 not make strong case.

10 "Not code for racially not fit but for
11 other aspects.

12 "End of first year, DY asked GM how she
13 felt her fit was. GM took great offense, said 'I'm
14 not unhappy with teaching you asked me to do.' But
15 that felt like wordsmithing. Then GM turned it
16 around, said 'It doesn't feel like you think I fit
17 here.'

18 "And last year DY realized a faculty of
19 color could take that to be a question of how they fit
20 on race. Now DY backed off on that. But there is
21 something in faculty code about fit."

22 (Pause in proceedings.)

23 Q. All right. Let's go to the next page. And
24 that's 10206.

25 A. "Maybe some things DY said from her frame

1 of reference could be taken from a racial perspective.

2 "DY thinking about long-term fit with
3 program. From Executive Order 45. Fit. This is what
4 DY was thinking. If not engaging in participating,
5 unhappy with teaching load, running grant through
6 Seattle, this is all fit.

7 "DY will send annual conference letter but
8 expects that GM will have comments.

9 "Early feedback DY got from UCIRO, DY not
10 been able to do. Continue in dealings as if this
11 weren't going on. DY doesn't feel like she's been
12 allowed to do that.

13 "GM gone to Mark or Jill rather than
14 dealing with DY as director. They have said DY just
15 do what she wants and reverse decisions that she would
16 not have otherwise done.

17 "Loan recertification. DY hung up about
18 question about certification for two years where grant
19 ended after one year.

20 "GM asking for no-cost extension but would
21 not have protected time. Then GM goes to chancellor.
22 Jill called DY. Jill says she will get feedback to
23 Mark. Then Mark certifies for two years. Why didn't
24 Mark talk to DY?"

25 Q. All right. Let's go to the next page.

1 A. "Jill says why wouldn't certify for two
2 years? DY said" --

3 Q. Oh, I'm sorry. Before we go on, I did want
4 to ask you a question about the prior page.

5 Um, it said, uh, she says that UCIRO -- I'm
6 about, I guess a little more than a third up the page.

7 It says "Early feedback DY got from UCIRO
8 has not been able to do." And that is continue in
9 dealing as if this, uh, I guess investigation wasn't
10 going on.

11 Did you give that advice to Diane Young?

12 A. Well, I don't give advice to people. My
13 role is not to advise participants in UCIRO
14 investigations. Um, but one concern that UCIRO has is
15 if people are treated differently because an
16 investigation has been filed or a complaint has been
17 filed.

18 Q. Okay. Have you ever -- oh, I think we
19 covered this ground in the last, uh, deposition, so if
20 we did, just let me know.

21 But -- as I recalled -- is it true that you
22 and UCIRO don't have the power to move somebody out of
23 a position or at least a physical space during the
24 time that you're doing on investigation?

25 A. That's correct.

1 Q. Okay. All right. Please continue. And
2 did we --

3 A. We're on the top of --

4 Q. Yeah. We got through loan recertification.
5 Right. All right. Please continue.

6 A. "Jill says why wouldn't certify for two
7 years? DY says because no money. So why would give
8 course releases? But if Mark wants to give her course
9 releases, he can certify. DY didn't want to certify
10 something they could not do. Would be happy for her
11 to get the loan repayment.

12 "Don't think Mark" -- I think that's
13 "understand" or "understood what he was certifying.
14 No-cost extension means you can't charge any official
15 charge to grants and her salary funds would already be
16 expended.

17 "DY felt not supported, not backed up by
18 chancellor's office. Mark listened to GM, never once
19 checked in with DY about it.

20 "GM and DY perceptions and understanding of
21 what going on are so decidedly different. That is
22 what is puzzling. Then confusion about workload with
23 her big grants, but so certain because not any" --
24 "not of any protected categories.

25 "Could have worked out confusion much

1 sooner. Real misunderstandings about agreements.

2 Even once brought in neutral note taker.

3 "DY sees GM as vice chancellor/chancellor
4 faculty member, not hers because GM doesn't work
5 together" -- I think or "through her. And DY asked to
6 make accommodations she wouldn't for others."

7 Q. Okay. Let's go on to the next page.

8 A. "Been hard for GM, DY, and also program.
9 People so on edge now, lot of tension.

10 "Merit this year. Four meritorious, three
11 nonmeritorious. DY recommendation is nonmeritorious.

12 "Had her teaching eval from this year which
13 faculty did not have.

14 "She told faculty she has no service
15 expectation which is not accurate. Chancellor and
16 vice chancellor make final" -- I think that's
17 "decision."

18 "Will provide GM with comments of faculty
19 who voted nonmeritorious. Given automatically as of
20 this year."

21 Q. Okay. We're done with Diane. Let's move
22 on to Tom and hope -- we get through that okay. Are
23 you feeling okay, by the way, Beth?

24 A. I am. Thank you.

25 Q. Okay. Hang on a second. I seem to be --

1 (Pause in proceedings.)

2 Q. All right. We're at the top of 165 from
3 the PDF number and we're at 10209 at the Bates stamp
4 numbering. So, please, tell us, did you interview Tom
5 Diehm on or about June 5th, 2019? And are these the
6 notes that document, documented your interview?

7 A. I did interview him. And these are my
8 handwritten notes of that interview.

9 Q. Okay. Please read into the record your
10 notes.

11 A. "Finishing 21st" -- I think that's "21st
12 year at UWT. Ordinarily previous year GM would have
13 applied for adjunct status at SSW Seattle. Usually
14 faculty do this first year they are here. She didn't.
15 Also others haven't who started at same time.

16 "TD worked with GM" -- that might be
17 "chancellor" -- I'm not sure what that next word is --
18 "about getting that started.

19 "GM up for reappointment review which
20 happened during second year. Went through that
21 process. More program policies and procedures.

22 "Appointed committee, GM submits material,
23 committee reviews, writes report with recommendation.
24 Three options: Reappoint, delay for a year, do not
25 reappoint. Committee makes rec.

1 "Then meeting in vote of faculty who are
2 above her in rank, associate and full. They review
3 report, discuss vote. TD doesn't have vote, principal
4 lecturer, so don't vote by rank."

5 Q. Okay. On to the next page.

6 A. "Also as acting director, didn't have vote.
7 Took vote as faculty, wrote letter to vice chancellor
8 summarizing process, adding perspective and
9 recommendation. Then goes to VC. Don't know who she
10 consults with.

11 "Ordinarily" -- I think that's "ordinarily
12 there's" -- I think "there's a meeting between the
13 director and applicant.

14 "TD included BC as part of that meeting
15 because it was complicated. Also questions about her
16 merit, assuming based on documents requested.

17 "Faculty submit summary of activity for a
18 year" -- I don't know what that word is -- "within
19 department." Oh, "Anyone within department can read
20 them." I think that's what that says.

21 "Then people above them in rank vote on
22 whether merit or no merit. Used to have
23 extra-meritorious rank during this time period, but
24 turning out no such thing as extra-meritorious. Now
25 vote merit/no merit. If make case that deserve extra

1 merit, there is separate vote at time.

2 "TD's vote is that as director didn't have
3 vote" -- or "role." "TD's role is that as director,
4 didn't have vote. Ordinarily only voted for lecturers
5 or senior lecturers. Role is to take vote of faculty,
6 review, make recommendation to HR or vice chancellor,
7 then do not, no process after that."

8 Q. Okay. All right. Let's continue.

9 A. "No meeting for merit process. Person gets
10 a letter, a form letter. Can't see comments. No
11 comments required. Is checkbox vote.

12 "If rating someone nonmeritorious, have to
13 make comment, but comments aren't shared.

14 "Not on search committee when GM hired.
15 Sat in on" -- I'm not sure what that word is --
16 "relating to interview. Had vote in whether to hire.
17 Knew GM previously when she was doctoral student. Had
18 parts" -- um, "time appointment to field" -- I think
19 that's "office at SSW.

20 "Tacoma doesn't report to SSW, but as
21 matter of coordination of effort, field faculty in
22 Tacoma have typically gone to field meetings in
23 Seattle. Previously requirement for accreditation
24 that two campuses needed to be the same. Now loosened
25 up.

1 "Saw GM once a month or" -- I think that's
2 "so, for a year or so. Interactions were cordial,
3 friendly in that saw her for a couple of hours once or
4 twice a month."

5 Q. Okay. Hang on a second.

6 (Pause in proceedings.)

7 Q. All right. Let's go on to the next page.

8 A. "TD supported hiring GM based on previous
9 experience. Had been given two" -- I'm not sure what
10 that is -- "to fill replacement" -- I think that's
11 "spots. Had another person who would be retiring at
12 end of coming year. Had good pool of candidates, so
13 wanted to see if could hire three people in
14 anticipation of that retirement. Was strong pool,
15 diverse pool.

16 "TD already knew GM so did Charlie Emlet.
17 Able to make case to hire her in addition to first two
18 choices. She was rarely on campus. After hired got
19 K01 award, meant she was rarely on campus, still the
20 case. She has an office at SSW. Had been acting
21 director once before as far as TD knows. That is
22 chunk of the reason why asked again.

23 "Was reluctant to step into role. Asked
24 for a lot in exchange for doing it. They said yes, so
25 felt like couldn't back out. Had increased

1 interactions with GM that year. An initial sit-down
2 with reappointment candidate to go over timeline, try
3 and nominate committee members."

4 Q. Okay. Let's go on to the next.

5 A. "GM was applying for tuition reimbursement,
6 taking classes at Seattle campus. Needed okay to have
7 tuition waived or reimbursed. Used to be eligible,
8 now" -- I think "program gone away that got assistant
9 professors a research quarter off. One quarter either
10 in second or third year. JaeRan" -- I think -- "and
11 GM both eligible to apply. TD notified them of
12 process. Director makes recommendation. VC make" --
13 I think that's "decision because paying for it. Don't
14 think anyone has been turned down.

15 "When GM given delay for decision about
16 reappointment, principal issue was teaching.
17 Recommendation was to teach, otherwise nothing will
18 change when reapply for reappointment. Faculty voted
19 to deny her. TD recommended that she delay. Also
20 think this was Charlie Emlet. Reapplication has to do
21 with vice chancellor. How you get it is not Tom's
22 process. TD was thinking she would be able to take it
23 down the road. No reason to think she wouldn't be
24 able to."

25 Q. Quick question. Up on -- up here it says

1 "TD" something something. And then the next line
2 mentions Charlie Emlet.

3 Could you read those two lines again?

4 A. "TD recommended that she delay. Also think
5 this was Charlie Emlet." Or "Charles Emlet."

6 Q. Does it mean that that was his idea as
7 well?

8 A. I don't know that.

9 Q. Okay. All right. Just one second.

10 (Pause in proceedings.)

11 Q. Okay. On to the next?

12 A. "GM asked that one of her committee members
13 be from Seattle not as far as TD knew part of process
14 for reappointment. Not TD's call. His view was he
15 could request that through associate dean in Seattle,
16 then their call. TD thought it was odd because they
17 really have nothing to do with Tacoma. People locally
18 know work best. SSW doesn't have sense of Tacoma
19 campus, students teaching expectation, different
20 campus in so many ways from Seattle. Having someone
21 from Seattle on committee seemed unnecessary. Maybe
22 did first year because had such small faculty.

23 "Don't think it harmed Gillian that she had
24 someone from Seattle. Do not sit in on committee
25 meetings.

1 "At faculty vote, convene meeting, make
2 sure understand procedure, what options were for final
3 decision. Make sure" -- I think "staying within
4 confines of process."

5 Q. Okay. And please continue.

6 A. "At that meeting" -- and that's redacted --
7 "and Gillian being discussed. General very positive
8 response to her research. Equally negative response
9 to teaching and service. Service expectation at
10 Tacoma are quite high."

11 Q. Let me stop you there a second.

12 MR. SHERIDAN: Counsel, I assume
13 you're not gonna take a position on privacy at this
14 point for the name of that person?

15 (Pause in proceedings.)

16 MS. CREGO PETERSON: Sorry. I'm
17 trying to get -- I thought I was on mute. I was
18 trying to get -- why would you think that? I don't
19 think we've had any rulings from the court that
20 relate to this.

21 MR. SHERIDAN: Well, only that, you
22 know, as now as we get close to trial, um, privacy is
23 really not a basis for redacting the notes of a
24 meeting. But I would --

25 MS. CREGO PETERSON: I think --

1 MR. SHERIDAN: (Inaudible.)

2 MS. CREGO PETERSON: Yeah. I can't --
3 so I can't waive privacy. I mean, I can't waive the
4 protection of the court order without talking to my
5 clients about it. And that's not something I can do,
6 obviously, in the course of this deposition.

7 MR. SHERIDAN: Well, how about if you
8 agree that this line on this page would be subject to
9 the protective order and then you could produce it?

10 MS. CREGO PETERSON: Uh, that's
11 something I would have to talk to them about.

12 MR. SHERIDAN: Okay.

13 MS. CREGO PETERSON: I certainly can
14 follow up with them after this deposition and find
15 out if we can give you that name.

16 MR. SHERIDAN: Okay. Thanks. All
17 right.

18 And that would be my proposal would be
19 that that we agree that this line on this page of
20 these notes would be subject to the protective order.

21 And I'll just ask you to pass that on to
22 your clients.

23 MS. CREGO PETERSON: And meaning then
24 you're not going to then immediately ask us to then
25 release it from the protective order?

1 MR. SHERIDAN: Well, it's hard for me
2 to decide what to do if I don't know what it is.
3 Right?

4 Q. (BY MR. SHERIDAN:) All right. Please
5 continue.

6 A. Okay. "Service expectation at Tacoma are
7 quite high." I think that's "Discussion was how
8 little GM had contributed to department or campus.

9 "Also only had one course that had eval and
10 eval was quite poor.

11 "Committee recommended reappointment but
12 had long list of things to be addressed before
13 tenure."

14 Q. Could I stop you here for a second?

15 I just want to get a context as to -- these
16 notes are referring to Tom Diehm's presence at a
17 faculty meeting. Is that right? If you know?

18 (Pause in proceedings.)

19 A. I don't know.

20 Q. Okay. I went back to the prior page and I
21 still haven't figured it out at that moment, but let's
22 just take a quick peek at the bottom, uh, and see if
23 the -- the bottom three lines, do they pertain to the
24 next section that we've just -- that you've just been
25 reading to us, or are they separate?

1 (Pause in proceedings.)

2 A. I think they might -- I think that might be
3 about that faculty meeting.

4 Q. Okay. And do you know which faculty
5 meeting it was? Was it for reappointment? And if so,
6 which year, because he was there for 2017? Right?

7 A. Yes. He was the interim director for 2017.

8 Q. Okay. So when he says "Very positive
9 response to her research. Equally negative response
10 to her teaching and service," do you recall if this is
11 in reference to the faculty discussion around
12 reappointment in 2018?

13 A. That, I don't remember.

14 Q. Okay. Got it. Please continue.

15 Q. Um, okay. "Committee recommended
16 reappointment but had long list of things to be
17 addressed before tenure.

18 "TD recalls a healthy majority of those
19 related to teaching. Then some to service. Don't
20 think any related to research. Also discussion around
21 the sense that GM's lack of involvement in campus and
22 program service, her apparent disinterest in teaching
23 from comments in student evals, also reflected in how
24 little she was on campus. She missed many department
25 meetings. When she was there, she was on her

1 computer.

2 "This level of disconnect was very unusual
3 for faculty especially someone that early in career
4 appointment. Others" . . .

5 Q. So keep going?

6 A. "Others who have grants have strong
7 service."

8 Q. Oh, okay. As part of your investigation
9 did you learn whether anyone else in the department or
10 at Tacoma, UW Tacoma for that matter, had a grant that
11 required 75 percent of their commitment be to the
12 grant?

13 A. I don't remember today. That may have -- I
14 can't remember.

15 Q. Okay. Thank you. All right. Let's jump
16 on to the next page, please.

17 A. "As far as TD knows, do not buy out of
18 service, just teaching. Everyone knew she was only
19 teaching one course a year. Even though she had buy
20 out, she expected" -- oh, "still," I think, "expected
21 to attend meetings, engage in service.

22 "After faculty" -- I think that's "meeting,
23 compile votes, make recommendation based on committee
24 report, what hearing in meeting, faculty vote.

25 "Consulted with both Diane and with Melissa

1 Lavitt. Had committee rec to reappoint, faculty vote
2 to not reappoint. Split but plurality was to not
3 reappointment. Hefty decision in terms of" -- I think
4 that's "impact."

5 "Inclination is that this is what year
6 delay is for. Said this was inclination to both Diane
7 and Melissa. What do you think? Recommendation was
8 to delay.

9 "Don't think interim role played a part.
10 Felt like it really was an ambiguous set of
11 recommendation. If that ambiguous and there is a
12 chance to give candidates to address recommendations,
13 that seemed fair. If had been unanimous faculty
14 decision or not" . . . I think that next word is
15 "unanimous."

16 I have no idea what that last word is on
17 that line.

18 Q. Okay.

19 A. "Probably would have gone with not
20 reappointing."

21 Q. Okay. Could you just run through that last
22 sentence again? The last two lines, and just skip
23 over what you don't know.

24 A. "If had been unanimous faculty decision or
25 not unanimous, probably would have gone with not

1 reappointing."

2 Q. So if not unanimous or if unanimous?

3 A. That's -- I don't know. I really don't
4 know what that last word on the second to last line
5 is.

6 Q. Okay.

7 A. So I think -- I don't know what that
8 sentence means.

9 Q. Okay. So all we really know is that the
10 end of his sentence was probably would have not
11 reappointed?

12 A. Yeah. I think so. The first part is "if
13 had been unanimous faculty decision," like if that had
14 been unanimous to not reappoint, probably would not
15 have reappointed.

16 Q. Okay. And does he -- being -- was it your
17 understanding that he's referring to he would not have
18 recommended reappointment? Or he would not have
19 recommended a delay? Or is it, when he says
20 "probably," probably is who has the power to say it,
21 if you understand?

22 A. I don't think he made that decision.

23 Q. Okay.

24 A. Um, I think he made a recommendation.

25 Q. Okay. All right.

1 MR. SHERIDAN: And so, uh, Mary, for
2 the next page, we'll just throw that into the mix
3 too? There's another redaction for privacy.

4 MS. CREGO PETERSON: Okay.

5 MR. SHERIDAN: Thanks.

6 Q. (BY MR. SHERIDAN:) Okay. Let's continue.

7 A. "TD send VC a letter including vote,
8 committee reports TD recommendation. What it was
9 based on, ambiguity. That is choice Melissa made.
10 Consultation was around how would faculty respond,
11 given faculty vote was plurality to not reappoint."

12 Q. I'm sorry. Let me just stop you for a
13 second. The bottom of that first paragraph, it says
14 that is a decision somebody made. Who is that that
15 made the decision?

16 A. It says -- sorry. Are you looking at,
17 like --

18 Q. Third line.

19 A. Oh, "That is choice Melissa made."

20 I think he --

21 Q. Melissa who?

22 A. I believe that's Melissa Lavitt.

23 Q. Got it. Okay. I'm sorry. Please
24 continue.

25 A. "Consultation was around how would faculty

1 respond given faculty vote was plurality to not
2 reappoint. Melissa in agreement in second chance."

3 Q. Okay.

4 A. "Thought GM would be very unhappy with fact
5 it was not reappointment. GM said faculty voted not
6 to reappoint me. This is distorted. She didn't see
7 gray area. Meeting was unpleasant, giving news
8 recipient doesn't want to hear. Everyone was civil.

9 "Once got past what happened, GM seemed to
10 listen, seemed to take seriously recommendations.

11 "Suggested that she meet with Charlie, use
12 him as a mentor, advisor, come up with plan for moving
13 forward.

14 "GM didn't raise concerns about Charlie and
15 mentor relationship with him.

16 "TD said he would follow up" -- I think
17 that's "with an email."

18 Q. Okay.

19 A. Um, I'm not sure what that next word is.

20 Q. Okay.

21 A. Oh, I think it's "closing" -- looking at
22 the next page I think it's "closing the loop."

23 Q. All right. Hang on one second.

24 (Pause in proceedings.)

25 Q. Um, have you ever looked into how many

1 times, say, in the last five years a candidate, uh, in
2 the tenured promotion track did not get reappointment?

3 A. I don't remember.

4 Q. Okay. All right. And is it fair to say
5 that you haven't seen any documents recently produced
6 that include a chart showing that only two persons
7 didn't get reappointment and they're both black?

8 A. I haven't seen anything.

9 Q. Okay. All right. Let's continue, I guess,
10 on to the next page.

11 A. Um --

12 Q. Hang on a second. My computer's
13 overwhelmed. It's on to 18. Okay. Please go ahead.

14 A. So I think that first word is "loop."

15 Q. Okay. Good. I wondered if that was
16 somebody's name. Thank you.

17 A. No. I think it's the continuation of the
18 last. . .

19 "GM never raised concern that she was being
20 treated differently, discriminated against. Don't
21 remember any other discussion about reappointment.

22 "Merit" -- I'm not sure what that word
23 is -- "paper. People read reports at leisure, submit
24 ballot by a deadline.

25 "Don't remember having discussion with GM

1 about merit. This was right at end of year so may
2 have happened among other things. Don't see anything
3 about reappointment or merit. Could see documents but
4 do not.

5 "Avoid GM all around, don't find her
6 engaging. She's not the only one TD doesn't have much
7 interaction with.

8 "Rich came to Tom to complain. Used word
9 'harassment.' Tom stopped him, said are you" -- I'm
10 not sure what that says -- "harassment claim. He
11 backed away. Said he thought, said that he thought GM
12 acted towards him in verbally and" . . .

13 Q. Okay. Let's go to the next page.

14 A. -- "and aggressive way. Expressed at one
15 point she thought she might become physically
16 aggressive. He described a couple of incidents, one
17 that TD half overheard but didn't pay attention,
18 verbal altercation. Know that Rich does not like GM.
19 Feel that she treats him" -- I think that's
20 "disrespectfully. Never seen GM be physically
21 aggressive.

22 "Seeing her be not aggressive, but more
23 than assertive. Can be pretty dismissive of people's
24 opinions if they differ from hers. Seen with other
25 faculty, not just Rich, but nothing threatening or

1 more than maybe argumentative.

2 "Rich can take that same tone.

3 "Do not think DY has treated GM unfairly.
4 Think DY and program in general have bent over
5 backwards to" -- I think "accommodate."

6 "When hired, GM thought she'd be teaching
7 six courses. When got here K01 award arrived in
8 meantime, so very different." Then -- oh, "This was
9 as far as TD knew" campus -- "campus's first
10 administration of K01 award. Things had to be
11 juggled, teaching schedule for example."

12 Q. Okay. Please continue.

13 A. "Think DY is so fair to everyone. From
14 student grade appeals on up, she always wants facts.

15 "TD is very sad she is stepping down,
16 thinks she is great director. Not sure why GM feels
17 she has been treated unfairly. Not privy to that.
18 Not dismissing her concerns, but don't see it.

19 "Seattle on reappointment committee. TD
20 called Emiko" -- not sure of her last name --
21 "associate dean. Said GM wanted" -- I think that's
22 Karina. "Emiko said what, we don't put people on
23 reappointment committees. So looked at bi-campus
24 agreement to see if specified for tenure only. It did
25 not specify. So Emiko said would see if Karina would

1 want to do it. But would not pressure her to do it.
2 Karina also would not get extra release or anything.

3 "On merit vote TD recommendation based on
4 faculty vote.

5 "Don't know if anyone found nonmeritorious
6 other than GM.

7 "TD didn't use much judgment outside of
8 faculty vote.

9 "Where it was a tie, TD went with higher
10 recommendation. If not a tie, went with majority or
11 plurality."

12 Q. Okay. And the last two lines.

13 A. "Did not make any recommendation" -- I
14 think "other than faculty vote, except where tie and
15 went up."

16 Q. Okay. And, um, when he was telling you
17 about Rich, that's Rich Furman he was referring to.
18 Right?

19 A. I believe that's his last name.

20 Q. Yeah. If we go to, um, uh, page 181 of
21 the, um, in PDF numbering or 10225, take a quick look
22 at that.

23 (Pause in proceedings.)

24 A. Sorry. What page is the PDF? I didn't
25 print this out.

1 Q. Oh, the PDF is 181.

2 A. 181. Okay.

3 Q. And these are the notes you took regarding
4 Rich Furman. Right?

5 A. Yes.

6 Q. And you typed these up contemporaneous with
7 the interview?

8 A. Yes.

9 Q. Okay. And is it true -- so I think we have
10 about, what? Two? We have Cohen, Furman, Aguirre,
11 and Leo somebody, maybe we have him twice -- but
12 anything typed up in this packet is -- it's you that
13 typed it up. Right?

14 A. That's correct.

15 Q. Okay. All right. So here in the first
16 full paragraph after the first line, you typed up
17 "Rich thought of coming to UCIRO two years ago to
18 complain about Gillian. Thinks she has treated him
19 with bias and was almost violent with him." That's
20 what he told you. Right?

21 A. Yeah. I don't know if that's a direct
22 quote, but that's my notes of what he told me.

23 Q. All right. And that corresponds with the
24 Rich comments that you were getting from Tom. Right?

25 A. I believe Tom was referring to the same

1 person. I don't know if they were talking about the
2 same incidents though.

3 Q. Okay. That's what I was asking.

4 A. Okay.

5 Q. Thank you. And then. . . All right.

6 Um, could you go to -- within our PDF 238,
7 and it should have a heading of "Basic Demographics
8 and Employment"?

9 A. Okay.

10 Q. All right. We had asked for your notes
11 regarding your interview with Ms. -- with
12 Dr. Marshall, and I believe --

13 MR. SHERIDAN: And, Mary, correct me
14 if I'm wrong, I believe this is what we were given in
15 response.

16 Q. (BY MR. SHERIDAN:) Are these basically
17 your notes on your communications with Ms. Marshall,
18 Dr. Marshall?

19 A. These -- was there another part of the
20 question?

21 Q. No. I just wanted to be fair in case -- I
22 didn't know if you could -- go ahead and page through
23 it and see if this looks to be your product and if you
24 can answer that question.

25 A. I typed this. This is my product. These

1 are notes from a meeting I had with Dr. Marshall.

2 Q. Okay. And can you tell us when that
3 meeting happened?

4 A. These are undated, but I believe they were
5 sometime in August of 2018.

6 Q. Okay. And all right. And are these the
7 only notes you took regarding your discussions with
8 Dr. Marshall?

9 A. I don't recall. Any other notes would be
10 in my file.

11 Q. Okay. We haven't identified any of --
12 these were identified for us. And, uh, if you
13 wouldn't mind just checking if there's anything else.

14 I think, um, I think the, uh, the defense
15 team thinks that this is it. If you wouldn't mind
16 doing that.

17 MR. SHERIDAN: And, Mary, if you just
18 let us know if there's anything else that got missed.

19 MS. CREGO PETERSON: Yeah. There's
20 nothing else that we're aware of.

21 Q. Okay. All right.

22 And then I just wanted to go to page 1 of
23 the Bates stamped number. And that is -- it says page
24 1 of 16. It's the oral report summary outline.

25 And just ask you if this is a document you

1 created? And I may have asked it before, and if I
2 did, I apologize.

3 A. This is a document that I created.

4 Q. All right. Okay. And one last time that
5 we've gone through Tom Diehm's statements, did you
6 ever ask him or anyone else as to what, by what
7 authority he was appointed to stand in as director,
8 given the fact that he was not tenure track?

9 A. I don't believe I asked anyone that.

10 Q. Okay. All right.

11 MR. SHERIDAN: I have no further
12 questions.

13 Thank you very much for your time.

14 MS. CREGO PETERSON: And I have a few
15 questions.

16

17 EXAMINATION

18

19 BY MS. CREGO PETERSON:

20 Q. Do you recall -- I know we've done this for
21 many hours over a couple of different days.

22 Do you recall being asked to read in your
23 notes of your interview with Melissa Lavitt?

24 A. Yes.

25 Q. Okay. And do you recall at one point in

1 those notes there was a remark along the lines of
2 Melissa Lavitt saying that others had used negative
3 terms to describe Dr. Marshall. Do you recall that?

4 A. Yes.

5 Q. Were the -- her reference to negative
6 terms, were any of those negative based on race, as
7 far as you recall?

8 A. No.

9 Q. You were also asked questions earlier in
10 your deposition about whether you knew the race of the
11 individual people that you interviewed as part of your
12 investigation. Do you recall that?

13 A. Yes.

14 Q. Uh, why don't you ask people their race
15 when you interview them?

16 A. Race is not a determinative factor for a
17 discrimination complaint. Um, someone could
18 discriminate against someone within their own race or
19 their own protected class, so it's not something that
20 I ask of people when I meet with them.

21 Q. During the course of your investigation,
22 did you learn anything from anyone that caused you to
23 believe that Dr. Marshall had been treated differently
24 in the terms of her employment based on her race?

25 A. Not that she had been treated less

1 favorably based on race.

2 MS. CREGO PETERSON: Thank you. Those
3 are all my questions.

4

5

EXAMINATION

6

7 BY MR. SHERIDAN:

8 Q. All right. Just very briefly, you had,
9 um -- you'd been asked throughout the last two days
10 about what particular words that you wrote down meant,
11 and I think pretty uniformly you said you just didn't
12 remember. But you were asked here about others used
13 negative terms to describe Dr. Marshall and was it
14 based on race? You seem to have a recollection.

15 Is it fair to say you really don't have any
16 recollection of the meaning of that statement by
17 Dr. Lavitt?

18 A. No. Dr. Lavitt didn't tell me that other
19 people -- well, Dr. Lavitt did not tell me that other
20 people referred to Dr. Marshall negatively based on
21 race. I remember that.

22 Q. So you remember out of all of the things
23 that were said, um, you have a memory of talking to
24 Dr. Lavitt and that's your recollection of what she
25 did not say?

1 A. If she -- I don't remember -- well, that's
2 a lot of negatives.

3 Q. Well, let me ask it a different way.

4 A. Okay.

5 Q. Is it fair to say even though you don't
6 remember the conversation, if she had said based on
7 race, you would have written it down?

8 A. That's correct.

9 Q. Okay. All right.

10 MR. SHERIDAN: And, um -- I have no
11 further questions.

12 Thanks very much.

13 MS. CREGO PETERSON: I have no further
14 questions either. You're free to go, Beth.

15 (Deposition concluded at 4:11 p.m.)

16 (Signature reserved.)

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1 STATE OF WASHINGTON)
2 COUNTY OF SPOKANE) ss.
3)

4 I, Brenda L. VanderWilde, do hereby certify
5 that at the time and place heretofore mentioned in the
6 caption of the foregoing matter, I was a Certified
7 Shorthand Reporter for Washington; that at said time
8 and place I reported in stenotype all testimony
9 adduced and proceedings had in the foregoing matter;
10 that thereafter my notes were reduced to typewriting
11 and that the foregoing transcript consisting of 74
12 typewritten pages is a true and correct transcript of
13 all such testimony adduced and proceedings had and of
14 the whole thereof.

15 Witness my hand at Spokane, Washington, on
16 this 30th day of September, 2021.

17

18

19 _____
20 Brenda L. VanderWilde
21 CSR NO. 3424
22 Certified Shorthand Reporter
23
24
25

1 CERTIFICATE OF WITNESS

2

3 STATE OF WASHINGTON)
) ss.
 4 COUNTY OF SPOKANE)

5

6 I, BETH LOUIE, declare under penalty of
 7 perjury under the laws of the State of Washington,
 8 that I am the witness named in the foregoing
 9 deposition and that I have read the questions and
 10 answers thereon as contained in the foregoing
 11 deposition, consisting of pages 132 through 202; that
 12 the answers are true and correct as given by me at the
 13 time of taking the deposition, except as indicated on
 14 the correction sheet.

15

16

17 _____
 BETH LOUIE

18

19 Executed on the _____ day of _____,
 20 2021, at _____, _____.
 21 (City) (State)

22

23

24 GILLIAN MARSHALL v. THE STATE OF WASHINGTON, et al.

25 09/29/2021 - blv

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STATE OF WASHINGTON)
) ss.
COUNTY OF SPOKANE)

I, Brenda L. VanderWilde, do hereby certify that at the time and place heretofore mentioned in the caption of the foregoing matter, I was a Certified Shorthand Reporter for Washington; that at said time and place I reported in stenotype all testimony adduced and proceedings had in the foregoing matter; that thereafter my notes were reduced to typewriting and that the foregoing transcript consisting of 74 typewritten pages is a true and correct transcript of all such testimony adduced and proceedings had and of the whole thereof.

Witness my hand at Spokane, Washington, on this 30th day of September, 2021.

Brenda VanderWilde
Brenda L. VanderWilde
CSR NO. 3424
Certified Shorthand Reporter

Oral Report Summary Outline¹

UW Tacoma Social Work Institutional Investigation

EV2018052449

Investigator: Beth Louie

Date: Chancellor Pagano, 9.6.19; Gillian Marshall, 10.8.19; Diane Young, 9.25.19; Tom Diehm, 9.25.19

- I. Initial Contact/File Opening/UCIRO's role
 - A. Request for institutional investigation sent: September 10, 2018
 - B. Date spoke with complainant: August 15, 2018; August 23, 2018; October 3, 2018
 - C. File opened: September 11, 2018 (opening notices sent October 8, 2018)
 - D. UCIRO investigates alleged violations of Executive Order 31, the University's policy prohibiting discrimination, harassment, and retaliation. I act as a neutral, objective fact-finder. I do not act as your attorney or as the University's attorney. During the investigation, I interviewed people with pertinent information, requested and examined relevant documents, and gathered related factual information.

- II. Scope of Investigation/Policies/Standard
 - A. Gillian Marshall, an Assistant Professor in the Social Work and Criminal Justice Program at UW Tacoma, alleged that she had been discriminated against, harassed, and/or retaliated against because of her race by Diane Young and Tom Diehm. She alleged that this issue manifested itself during her reappointment review processes, her merit reviews, and in other aspects of her employment, including administration of her grant and whether she received a course release,
 - B. Specifically,
 1. Specifically, UCIRO will investigate allegations that Dr. Marshall was discriminated against, harassed, and/or retaliated against in 2017, when the decision of whether to reappoint her to her position was postponed, and in 2018 when the faculty and Director of Social Work and Criminal Justice recommended that she not be reappointed. Additionally, UCIRO will investigate allegations that Dr. Marshall was discriminated against, harassed, and/or retaliated against in 2017 and 2018 when the faculty and Director voted her as non-meritorious, leading to her not receiving a merit raise in those years.
 - C. Applicable Policies
 1. APS 46.3 – University's Complaint Resolution Policy
 2. Executive Order 31 – University's Non-Discrimination Policy
 - D. Standard of Review: preponderance of the evidence; more likely than not.
 - E. Prohibition Against Retaliation
 1. It is against University policy to penalize or retaliate against any individual for participation in the complaint process.
 2. All witnesses were advised that the University prohibits retaliation against all who participate in the UCIRO process.

¹ This document is intended to be a summary of UCIRO's findings and conclusions. It is not inclusive of the UCIRO file which contains a complete record of the investigation.



- F. No appeal: there is no internal appeal to this determination. All opportunities to exercise rights are external to the University.

III. Investigation

- A. Witnesses: I interviewed twenty (20) witnesses, including Dr. Marshall, Dr. Young, and Dr. Diehm. Individuals interviewed included those suggested by the complainant, subject, and witnesses as having relevant knowledge.
- B. Documents: I also reviewed and considered relevant documents, including documents related to the reappointment processes, the merit reviews, the course release, Dr. Marshall's grant administration, and various communications among and between Dr. Marshall, Dr. Young, Dr. Diehm, and others.

IV. Findings and Conclusion

- A. Overview: The evidence does not support a finding that Dr. Young or Dr. Diehm violated Executive Order 31, by a preponderance standard.²
- B. Findings with respect to Dr. Diehm
 - 1. Dr. Tom Diehm was a senior lecturer who was appointed the interim director of the Tacoma Social Work and Criminal Justice Program (SWCJ) while Dr. Diane Young, the director, was on sabbatical during the 2016-2017 academic year.
 - 2. 2017 reappointment review
 - a. In his role as interim director, Dr. Diehm provided a recommendation as to Dr. Marshall's reappointment review that took place in 2017.
 - i. Under the faculty code, the first appointment of an assistant professor is for three years. During the second year of the initial appointment, the dean of the assistant professor's college or school determines whether the appointment should be renewed, not renewed (in which case it would terminate at the end of the third year), or the decision regarding reappointment should be postponed to the following year.
 - ii. The reappointment review process began with the selection of the committee members; then the candidate submits documentation for evaluation; then the review committee submits a recommendation to the director; the eligible faculty vote on the committee recommendation; the director conveys the faculty vote to the Vice Chancellor of Academic Affairs (VCAA), along with his/her own independent recommendation; the VCAA conveys the determination to the candidate; the director meets with the candidate to discuss the decision and give direction for future performance.

² Dr. Marshall made a retaliation allegation, saying that during her first year at UWT she made a claim of race discrimination around how her grant was being administered. She also may have raised this with another professor in the department. Dr. Diehm and Dr. Young denied being aware that Dr. Marshall had raised concerns about discrimination, i.e. engaged in protected activity. For purposes of this analysis, however, I will assume that Dr. Marshall did engage in protected activity.

- b. In January 2017, Dr. Diehm notified Dr. Marshall that it was time to discuss the reappointment review (formerly known as 3rd year review).
- i. There was some conversation about who should be on Dr. Marshall's review committee, but ultimately Dr. Marshall's committee was comprised of the people she requested.
- Dr. Marshall's request for the members of her review committee, which included a faculty member from SSW.
 - This practice was contemplated by the 2016 bi-campus agreement, which provided that the Dean of the School of Social Work, or his/her designee, will be involved in the selection of a faculty member from UW Seattle to serve on re-appointment review committees established for UW Tacoma faculty members.
 - Despite this language, however, this was not the practice between the two campuses and UW Seattle did not typically appoint members to UW Tacoma reappointment review committees.
 - Typically, only tenure and promotion committees for Tacoma faculty had a Seattle representative.
- c. The reappointment committee issued its recommendation to Dr. Diehm in a memorandum dated April 28, 2017.
- i. In the memo, the committee considered Dr. Marshall's research, teaching and service. Overall, the committee recommended renewing Dr. Marshall's appointment.
- The committee noted that Dr. Marshall's research trajectory was congruent with program expectations and consistent with policy regarding promotion and tenure.
 - The committee noted that Dr. Marshall had taught 2 courses, one of which had very high teaching evaluations (undergraduate; 4.8) and one of which had low teaching evaluations (graduate; 2.9).
 1. Students can rank professors on a number of metrics, using a number system of 5 (excellent) to 0 (very poor). They can also provide comments.
 2. The summary report provides an overall summative rating, which is the combined responses to four global items, including the course as a whole, the course content, the instructor's contribution, and the instructor's effectiveness. Individual median ratings for these items are also available on the course evaluation summary report.

3. Department administrators receive reports when a course has received especially high average ratings – above 4.6 – or especially low average ratings – below 3.0.
 4. In Winter 2016, Dr. Marshall taught 101A, an undergraduate class. Her overall summative rating had a combined median of 4.7, and the median rating for the course as a whole was 4.8.
 5. In Winter 2017, Dr. Marshall taught 503A, a graduate class. Her overall summative rating had a combined median of 2.8, and the median rating for the course as a whole was 2.9.
- The committee recommended a number of steps for Dr. Marshall to improve her teaching, including having an annual peer evaluation of teaching by senior faculty from the Social Work and Criminal Justice Program, getting an informal assessment of teaching from students at mid-term each quarter, meeting with her mentor on a regular basis to discuss ways to improve teaching, attending seminars and training to improve teaching at the graduate level; enlisting the help of senior faculty who have taught the course for advice; and developing assignments that are clear and understandable with accompanying clear and concise grading rubrics.
 - The committee noted that Dr. Marshall had engaged in some service, but felt that her service to the program, campus and university should be increased, and opportunities to engage in service at the campus level should be considered.
 1. The committee recommended that Dr. Marshall work with her mentor and the program director to identify additional opportunities for service, as well as engage in community service opportunities that are consistent with her research trajectory.
- d. In the faculty meeting, discussion regarding Dr. Marshall's reappointment was, by most accounts, very positive with regard to her research and very negative with regard to her teaching and service.
- i. The typical teaching load for Tacoma tenure-track faculty is 6 courses a year, which is higher than the requirement for tenure track faculty on the Seattle campus (4 courses a year, with many being assisted by graduate students).
 - ii. This reflects Tacoma's focus on teaching.

- iii. Similarly, witnesses shared that Tacoma's service expectations are higher than on the Seattle campus, and there is an expectation that faculty, especially junior faculty, are engaged with the department and the campus.
 - iv. There was discussion about Dr. Marshall's low teaching evaluation, as well as concerns that Dr. Marshall was not often on campus.
 - e. Ultimately, the faculty vote split, with the largest group of votes to not renew the appointment.
 - i. Of the six voting faculty, one voted to renew, two voted to postpone, and three voted not to renew.
 - f. Given the difference between the reappointment committee recommendation and the faculty vote, Dr. Diehm recommended that the reappointment decision be postponed until 2018.
 - i. He stated that he felt like this situation was exactly the situation for which the option to delay was created.
 - g. The VCAA also recommended that Dr. Marshall's reappointment be postponed by one year, during which Dr. Marshall should address the concerns raised about teaching and service.
 - h. Dr. Marshall alleged that Dr. Diehm's decision was discriminatory on the basis of race or retaliatory.
 - i. The evidence does not support those allegations.
 - ii. Dr. Diehm, along with all other reviewers at every step of the process, expressed concerns with Dr. Marshall's teaching evaluations and level of service. There is no evidence that these concerns are invalid or inappropriate.
 - Although there are discussions about the role of bias in student evaluations, and on how much an institution should rely on student evaluations in evaluating teaching, it is undisputed that student evaluations played a large role in evaluating teaching on the Tacoma campus, and that Dr. Marshall's student evaluations up to this year were very mixed, and showed a decline.
 - iii. Dr. Diehm did not have a vote in the faculty decision, and he characterized his role as interim director as convening the meeting, ensuring that the voting members understood the process and what options were available for the final decision, and making sure they stayed within the confines of the decision.
 - iv. There is no evidence that the underlying faculty decision was discriminatory.
3. 2017 merit review
- a. As part of the merit review process, a faculty member submits an Annual Faculty Activity Report (FAR) detailing their contributions to research, teaching, and service.

- i. Faculty members senior to the individual vote, using a paper ballot, as to whether they think the individual is non-meritorious, meritorious, or extra-meritorious on the three factors.³
 - b. In 2017, the faculty senior to Dr. Marshall voted. The results were split, but the majority voted Dr. Marshall non-meritorious (3 non-meritorious, 2 meritorious).
 - c. Dr. Diehm, the acting director, concurred with the faculty's decision and passed on the recommendation to the VCAA, who made the final determination that Dr. Marshall was non-meritorious.
 - d. Dr. Diehm did not have a vote as a faculty member of lower rank.
 - i. With respect to the recommendation as interim director, Dr. Diehm stated that for all faculty members, he generally accepted the decision of the faculty vote.
 - If there was a tie, Dr. Diehm recommended the higher vote.
 - If there was not a tie, Dr. Diehm followed the majority or plurality of the faculty.
 - ii. There is no evidence that the underlying faculty decision was discriminatory.
- C. Findings with respect to Dr. Young
- 1. 2018 reappointment review
 - a. Because the result of the 2017 process had been to postpone the reappointment decision for a year, Dr. Marshall underwent the reappointment process in 2018.
 - i. At this point, Dr. Young had returned from her sabbatical and was heading this process.
 - b. Dr. Marshall requested that her reappointment review committee be comprised of the same people who had been on the committee in 2017.
 - i. Dr. Young had questions about whether one of the committee members could serve, as that committee member was now on sabbatical.
 - ii. Dr. Young asked Academic Human Resources about the policy; they responded that there was no written policy prohibiting it but that it was "best practice" not to ask a faculty member on sabbatical to serve, as sabbatical was intended to provide time for a faculty member to increase scholarship and professional development. A faculty member on sabbatical cannot vote as a committee member or faculty member, but Academic Human Resources opined that this would not impact the work or the outcome of the committee's recommendation.

³ UT Tacoma had previously used non-meritorious, meritorious, and extra-meritorious as their merit designations. However, these designations are not aligned with the faculty code, which provides for ratings of non-meritorious, meritorious, and additional merit. The merit process is under review.

- iii. That faculty member ultimately decided not to participate, and Dr. Marshall's 2018 committee was comprised of one person from the 2017 committee, one other faculty member from SWCJ, and one faculty member from SSW.⁴
- c. The committee ultimately voted 2-1 to reappoint Dr. Marshall.
 - i. The committee noted that Dr. Marshall's research was unequivocally strong, and focused more on teaching and service, which were also the areas focused on in the 2017 review.
 - ii. The committee noted that Dr. Marshall's K01 award provided 75% release time for research, meaning that she had 25% to split unequally between teaching and service.
 - The committee did not denote, however, how exactly how much time should be devoted to teaching and how much time to service.
 - It is clear that this was a point of confusion for many on the faculty, including Dr. Young (who believed that even if Dr. Marshall's teaching load was 25% on paper, she was still required to do service, due to the fact that Dr. Marshall had received several course releases).
 - iii. The committee report noted that despite Dr. Marshall's attempts to improve her teaching (seeking assistance from the Center for Teaching and Learning, extensively revising her syllabus, postponing her research leave to teach an additional class, and other strategies), her teaching evaluation scores decreased.
 - In Winter 2018, Dr. Marshall taught 503 again. Her overall summative rating had a combined median of 1.3, and the median rating for the course as a whole was 1.3.⁵ This is a significant decrease from Winter 2017, when she taught 503 and the median rating for the course was 2.9.
 - iv. The committee report acknowledged the role of bias possible in student evaluations, as well as students' potential unpreparedness for active learning, but could not conclude whether those two factors would wholly account for negative teaching evaluations.

⁴ The third faculty member on the 2017 committee was not able to serve on the 2018 committee, as they started serving as Dr. Marshall's mentor on an award in the meantime and thus had a conflict of interest.

⁵ These numbers are low. Department administrators receive reports when student evaluation scores are deemed high (above 4.6) or low (below 3). As an example, the University provides student evaluation scores for individuals within the academic community. Per the information from the University website, from summer 2017 to spring 2018, there were 72 social work classes offered in the SWCJ program. During that time, there were 3 courses where the median rating for question asking students about the course as a whole was below a 3. Dr. Marshall received a 1.33; the two other low scores were 2.21 and 2.83. The person who received a 2.21 is no longer a University employee.

- v. Ultimately, the committee suggested that Dr. Marshall work with a teaching mentor, ideally a woman of color who has tenure outside of Social Work.
 - vi. In terms of service, the committee recognized that Dr. Marshall had increased her service comparative to the year before, but recommended that she consider how she use her admittedly limited service time to benefit UW Tacoma.
- d. Per Dr. Young's recommendation letter, the faculty met and discussed Dr. Marshall's reappointment decision for almost an hour.
- i. Out of seven eligible voters, five voted no for reappointment and two voted yes.
 - ii. The voting faculty noted their concerns with Dr. Marshall's teaching, given that her student evaluation score had decreased significantly from the year before.
 - iii. Additionally, some faculty believed that Dr. Marshall had not utilized several significant areas of support offered to improve her teaching, including enlisting the help of senior faculty knowledgeable about the course and using her mentor.
 - There was a sense that unit faculty would be familiar with Tacoma's student population, as well as specifically the graduate school population, who may be less willing to tolerate what they deem "busy" work, or work that is not geared toward the larger picture.
 - iv. The faculty did acknowledge that Dr. Marshall's peer evaluations were high, although the evaluations were not done by faculty in SWCJ as suggested by the reappointment review committee the year before.
 - There was a sense from some faculty that peer evaluations are almost always good, and a neutral or negative evaluation would be extremely concerning.
 - Faculty noted that this can make it difficult to weight peer evaluations in terms of feedback.
 - v. Some of the faculty noted that student evaluations are generally not a great metric, because there are issues around how scores are affected by an instructor's gender, race, ethnicity, and even personality.
 - vi. The sense was, however, that Dr. Marshall's student scores were really low, comparatively, to others who have taught the classes who shared some of those identities.
 - vii. Dr. Marshall also believes that the student scores may be low because faculty member(s) within SWCJ had inappropriate discussions with students about her.

- This is based on a comment in a student evaluation that Dr. Marshall “has quite a bit on [her] plate from what we have seen and heard.”
 - It is not clear what this comment is referencing.
 - The faculty member named by Dr. Marshall denied speaking inappropriately with students about her, and there is no other evidence to support that this occurred.
 - Additionally, most of the other negative student comments (including a continuation of the comment quoted above) referenced disorganization and late changes to the syllabus, which would be experienced by students in class and not influenced by outside factors.
 - These comments noted that for graduate students, many of whom have full time jobs or other obligations, receiving late notice of changes or updates to classes or assignments is difficult.
- viii. The faculty also noted a lack of engaged service, although was less concerned about service than teaching.
- e. Dr. Young provided an independent recommendation, and ultimately recommended that Dr. Marshall not be reappointed.
- i. The recommendation was based on Dr. Young’s perception that Dr. Marshall was not willing to address the concerns raised with her teaching and service.
 - Dr. Marshall did not ask for meaningful assistance from senior faculty in SWCJ, who have experience with the class and Tacoma’s student population. There was a sense that even if Dr. Marshall asked for advice from individuals at other institutions, this would have been less beneficial than seeking assistance at UWT.
 - ii. Dr. Young also acknowledged that there are concerns with bias issues in student evaluations, but did not believe that this could account entirely for Dr. Marshall’s low scores.
 - Dr. Marshall did receive a high student score from the first class she taught, an undergraduate class, which makes it difficult to draw conclusions about the role of bias in her student scores.
- f. The VCAA did not follow these recommendations and ultimately decided to reappoint Dr. Marshall for three years.
- i. The VCAA noted significant concerns about Dr. Marshall’s teaching and service, and it would be appropriate to say that these concerns need to be remedied prior to the promotion and tenure process.
 - ii. But the reappointment process is an opportunity to reassess progress, and the VCAA did not find it was appropriate to say

there was no chance of Dr. Marshall being successful in promotion and tenure.

- g. The evidence does not support a finding that Dr. Young discriminated or retaliated against Dr. Marshall.
 - i. Dr. Young had serious and legitimate concerns about Dr. Marshall's teaching, given that her student evaluation scores were so low.
 - Although there are questions as to whether student evaluations should form the basis on which teaching is evaluated, because of bias and other concerns, this is a larger question for the UW system and it was not discriminatory/harassing for the SWCJ department to use student evaluations.
 - Dr. Marshall's peer evaluations were strong, but it was not discriminatory or harassing for Dr. Young and the other faculty to feel that this did not outweigh the low student evaluations.
 - ii. Dr. Young also had concerns about how Dr. Marshall addressed the concerns with her teaching. Dr. Young believed that Dr. Marshall downplayed the concerns.
 - Some faculty members questioned whether Dr. Marshall had done sufficient work to improve her teaching.
 - There is evidence, however, that Dr. Marshall took, at the very least, several steps to improve her teaching.

2. 2018 merit review

- a. In 2018, the faculty vote was again split, with the majority of faculty voting Dr. Marshall non-meritorious (4 non-meritorious, 3 meritorious).
 - i. Dr. Young agreed with this recommendation, and Dr. Marshall was rated as non-meritorious.
- b. In October 2018, a merit review committee was convened, pursuant to the Faculty Code. This committee was charged with reviewing the process and content of Dr. Marshall's merit reviews for 2017 and 2018, and to identify what actions should be taken to improve Dr. Marshall's merit rankings or to rectify existing misjudgments of merit and make adjustments.
 - i. Importantly, the committee's review was limited to determining the extent to which policies were followed.
 - ii. The committee determined that the merit review process was followed in both the 2017 and 2018 reviews.
 - The committee noted that in both years, there were faculty members who rated Dr. Marshall's teaching as non-meritorious but rated her overall as meritorious.

Pursuant to the policy,⁶ the overall rankings from these faculty members should have been non-meritorious, making the vote tallies more strongly non-meritorious (4-1 in 2017; 6-1 in 2018).

- It is not clear that faculty were aware of the policy requirements. Even if they were, however, and had rated Dr. Marshall pursuant to the policy, the overall result would not have been a ranking of meritorious.
- iii. The committee did, however, recommend that the merit review policies should be reviewed for potential bias points, as well as to make explicit the workload expectations where a faculty member does not have a standard teaching load, among other recommendations.
 - iv. The committee also made recommendations to Dr. Marshall, including that she take advantage of teaching mentoring opportunities and describe them in the Faculty Activity Report and appointment/promotion/tenure documents, that she work toward a consistently upward trajectory in student teaching evaluations, and that to the extent Dr. Marshall viewed student teaching evaluations as unfair or biased, she address this point explicitly in FAR and APT documents.
- c. In 2019, the results were again split, but this time a majority of the faculty voted Dr. Marshall meritorious (4-3).
- i. Dr. Young, however, recommended that Dr. Marshall be rated as non-meritorious.
 - ii. Dr. Young's explanation for this was that faculty must be satisfactory in teaching, service, and scholarship to earn a rating of meritorious. Dr. Young did not believe that Dr. Marshall was satisfactory in teaching, as the one course she taught in 2019 had a combined median student course evaluation score of 1.9, which was a decline from the year before (which Dr. Young already believed to be low).
 - iii. Additionally, Dr. Young believed that Dr. Marshall's service level was below where it should be and believed that Dr. Marshall had misrepresented the fact that she was not required to do any service.
 - iv. However, in a later meeting with Dr. Young, Dr. Purdy, Dr. Marshall, Dr. Raynor and Ms. Byrne, Dr. Purdy stated that Dr. Marshall is not expected to do any service if her teaching load is 25%. Dr. Marshall said she would want to do service, even if not required.

⁶ SWCJ policy asks faculty to rate colleagues on a scale of 0-6 in each of the faculty responsibility domains (teaching, research, service). A rating of 0 or 1 in any single area results in an overall assessment of non-meritorious for the faculty member being evaluated.

- d. The evidence does not support a finding that Dr. Young discriminated or retaliated against Dr. Marshall in any of the merit review decisions.
 - i. Dr. Young had ongoing concerns about Dr. Marshall's teaching.
 - ii. Although there is confusion around the level of service Dr. Marshall was required to do, being rated as non-meritorious in one area would require that she be rated as non-meritorious overall.
 - e. The 2019 merit decision was ultimately overturned by the VCAA and Academic HR.
3. Grant Administration
- a. Dr. Marshall alleged that Dr. Young told her that UW Tacoma had the experience to manage Dr. Marshall's NIH grant, which was being transferred from her prior institution. However, when Dr. Marshall spoke with the grant administration office at Tacoma, they told her that they did not have a post-award person to manage the grant, and that Dr. Marshall would have to manage it herself.
 - i. Dr. Marshall alleged that this was a violation of NIH policies as UW Tacoma received indirect cost recovery that was supposed to cover grant management.
 - ii. Dr. Marshall stated that, after this experience, when she was awarded her second NIH grant she had it processed through the School of Social Work in Seattle (SSW), because the Seattle campus had post-award staff and experience to manage the grant.
 - iii. Dr. Marshall also noted that she had been told, by Dr. Young and others, that new grants could be initiated through SSW.
 - iv. When Dr. Young learned that Dr. Marshall processed her grant through SSW, however, Dr. Young called Dr. Marshall "not forthcoming with information" and "deceptive."
 - b. Dr. Young stated that the Social Work and Criminal Justice program at Tacoma (SWCJ) and SSW have an agreement, which provides that when Tacoma faculty grants are run through SSW, the Seattle campus keeps the indirect cost recovery.
 - i. It is undisputed that the Seattle campus has greater pre-award and, especially, post-award support than the Tacoma campus provides.
 - ii. Dr. Young agreed that Dr. Marshall had been told she could run grants through Seattle.
 - Dr. Young was surprised, however, that Dr. Marshall had not come to her first to talk about it.
 - Dr. Young stated that had Dr. Marshall done this, Dr. Young most likely would have been fine with Dr. Marshall running her grant through Seattle. Dr. Young wanted to have a conversation with Dr. Marshall about how, if the

indirects run to Seattle, Tacoma could benefit – for example, could she involve a Tacoma student on the grant, guest-present on the Tacoma campus regarding the grant, etc.

- c. The bi-campus agreement that was signed in 2015 does not explicitly reference grant administration.
 - i. The agreement that was signed in 2016 provides that the Director of the Tacoma program and the relevant Tacoma offices are responsible for supporting the research of Tacoma faculty. The 2016 agreement also provides that Tacoma faculty are responsible for coordinating with the director and the relevant offices. Grants for Tacoma faculty will be managed by Tacoma unless otherwise arranged and approved by the Director.
- d. Ultimately, the grant is being managed by Seattle, which is what Dr. Marshall wanted.
 - i. The evidence does not support a finding that Dr. Young discriminated against or harassed Dr. Marshall on the basis of her race, or retaliated against her with respect to the grant.
 - ii. Rather, it appears that there was a miscommunication, whereby Dr. Young thought that Dr. Marshall would consult with her before submitting the grant, and Dr. Marshall was not aware that Dr. Young believed this was a prerequisite to submitting the grant.
 - iii. Another witness, E.C., noted that she was on Dr. Marshall's search committee and said typically, she tells candidates that one option for grants is to collaborate with the Seattle campus, but that it is not a guarantee and they typically talk to the director. She also noted that this is typically done when the PI or co-PI is in Seattle, and not necessarily when the PI is in Tacoma.

4. Research quarter

- a. UWT developed a research support program that allowed pre-tenure faculty to apply for a quarter with no teaching obligations in order to work on a research project.
- b. In 2017, Dr. Marshall applied for and received a quarter leave for research, which she would have taken in the winter quarter of 2018.
- c. During the 2017 reappointment review process, it was suggested to Dr. Marshall that she find other opportunities to show improvement in teaching, including by teaching an additional class.
- d. Dr. Marshall did so, and thought she postponed her research leave until 2019, meaning that she would not have to re-apply in order to take the leave during 2019.
- e. Dr. Young believed that UW policy or process was that Dr. Marshall would have to reapply, even though she was likely to be approved.

- i. Although there was not a policy regarding reapplication, Dr. Young consulted with Academic HR and was told that Dr. Marshall would have to apply.
 - ii. Dr. Young also questioned whether Dr. Marshall would be entitled to the course release, because she had significant course releases built into the grant.
- f. Dr. Marshall did not reapply.
- g. Ultimately, Dr. Marshall was granted a research leave without having to reapply. Although her leave was taken later (in spring 2019), she was able to take the leave.
- h. The evidence does not support a finding that Dr. Young violated EO 31.
- i. Although Dr. Marshall was delayed in being allowed to take the leave, the evidence does not support a finding that Dr. Young did so with discriminatory or retaliatory intent.
 - ii. Rather, Dr. Young believed that Dr. Marshall would have to apply again, because the application required the applicant to detail the research they would be working on, and this would likely be different if taken in a different year.
 - Dr. Young asked Academic HR about the policy, and was told that Dr. Marshall would have to reapply.
 - The UW process is for faculty to reapply.
 - Dr. Young stated she would have done this for any faculty, and that she treated Dr. Marshall the same as other faculty members.

5. Teaching assignments

- a. Dr. Marshall alleged that Dr. Young assigned her courses outside of Dr. Marshall's course list.
 - i. Before assigning classes in 2016, Dr. Young solicited a list of courses that Dr. Marshall would be willing to teach.
 - ii. Instead of assigning her a class from this list, however, Dr. Young assigned Dr. Marshall research methods, a class that was outside the scope of her practice and not one that she generally teaches.
 - iii. A lecturer, who is lower in rank to Dr. Marshall, got to choose what she wanted to teach.
- b. Dr. Young stated that Dr. Marshall's list of courses included ones that UW Tacoma does not offer, or electives that have to be covered after the required curriculum is covered.
 - i. Additionally, some of the courses on Dr. Marshall's list included courses that had been consistently taught by other faculty.
 - ii. She assigned Dr. Marshall a research methods class, which was not on Dr. Marshall's list.
 - iii. Dr. Young stated that she felt like this decision was acceptable because the course needed to be covered and because in tenure

decisions, professors need to show they have a breadth of classes, and this would help Dr. Marshall show that.

- c. Ultimately, Dr. Young said she was able to find a course for Dr. Marshall from Dr. Marshall's list, and Dr. Marshall did not have to teach the research methods class.
- d. It is not the case that Dr. Young assigned senior faculty their first choices across the board. A witness noted that Dr. Young also tried to protect junior faculty from new course preparations, which are more difficult.
 - i. Dr. Young also looked at scheduling.
 - ii. They also noted that most, if not all, faculty are sometimes asked to teach courses that are not on their preferred list.
 - This can include times where no student has signed up for a class, for example.
 - iii. It can be a challenging process for everyone.

D. Other issues

1. There was confusion as to the extent to which Dr. Marshall's grant, which provided her with protected research time, affected her teaching and service time.
 - a. Dr. Marshall's grant bought out 75% of her time, leaving 25% for teaching and service.
 - i. Dr. Young understood that this meant that Dr. Marshall would perform 25% of a regular teaching load of 6 classes per year, plus 25% service.
 - ii. Dr. Marshall's view was that if she were performing 25% teaching, she was not required to participate in service. However, she had also indicated that she was willing to participate in service activities, above and beyond the 25%, because service is something in which faculty should engage.
 - iii. It was only in discussions earlier this year that this issue was explicitly discussed.
 - Even then, no consensus as to the breakdown of the 25% between teaching and service was reached.
 - 75% of a normal course load would be 7.5 courses over 5 years, or 5.5 courses with course releases. With the course releases, it is unclear what percentage of time Dr. Marshall could devote to service.
2. Additionally, it was not made clear to the faculty what Dr. Marshall's grant meant for how to review research, teaching, and service for her reappointment and merit reviews.
 - a. Faculty may not have been weighing Dr. Marshall's teaching and service appropriately, given they had no guidelines for how much teaching and service she should be doing.
 - i. There was a sense, for example, among more senior faculty that Dr. Marshall's service was below where it should be for someone

of her level. However, it is not clear that Dr. Marshall's service should have been measured against other Assistant Professors without a KO1 grant.

- ii. Although Dr. Marshall, Dr. Young, and the VCAA agreed that faculty should be informed about how Dr. Marshall's grant affected her teaching and service workloads, it was not clear how this was going to be done in practice.
- 3. Dr. Young noted that at the end of Dr. Marshall's first year at UWT, she asked Dr. Marshall about her "fit" in the department. Dr. Young later realized that Dr. Marshall may have taken this as a question about race, while she meant it as a question about fit as defined by Executive Order 45, which sets out considerations for promotion and tenure and says consideration must also be given to the ways in which the candidate will fit into the present and foreseeable future of the academic unit. Dr. Young realized that this could have been communicated better to Dr. Marshall.
- 4. There were several areas where there was a miscommunication or gap in communication between Dr. Marshall and others, including surrounding the grant administration and course release.

V. Summary and Next Steps

- A. Overall Conclusion: The evidence does not support a finding that Dr. Young or Dr. Diehm violated Executive Order 31. There were, however, notable lapses in communication and a failure to plan how Dr. Marshall's alternative teaching/research/scholarship structure would be handled.
- B. Confidentiality: Because the University of Washington is a public institution, written information contained in UCIRO files may be subject to disclosure under the state Public Records Act. Some information, such as medical information, student records or information that is otherwise exempt from the Public Records Act, will not be subject to disclosure under the act. The determination as to what is disclosed will be made by the University's Public Records Office in the event a request is made under the Act. Other information obtained by UCIRO may be disclosed if otherwise required by law, for example, pursuant to a subpoena or court order.
- C. Delivery of Closing Notices: Closing notices will be delivered to the complainant, the subject, and the department.