TO: Dianne Harris, Dean of College of Arts and Sciences

FROM: Monica Reynoso and Andy Schwich, Investigation and Resolution Specialists
University Complaint Investigation and Resolution Office[1]

DATE: September 22, 2023

RE: Institutional Intake Report
Case No. EV2023061355

INSTITUTIONAL INTAKE REPORT

I. INTRODUCTION AND SUMMARY

On May 17, 2023, College of Arts and Sciences Dean Dianne Harris asked the University Complaint Investigation and Resolution Office (UCIRO) to review "possible issues concerning the hiring processes employed in the Department of Psychology."[2] Dean Harris specified in conversations that the issues to be reviewed pertained to the Department of Psychology's recent hiring decision for a tenure track Assistant Professor position in Developmental Psychology. Specifically, Dean Harris asked UCIRO to determine what role, if any, the personal racial identities of the candidates played in the selection process. UCIRO reviewed roughly one thousand relevant emails, dozens of other documents, two audio recordings, and conducted one fact-finding interview to assess whether the Department's hiring process and decision were consistent with Executive Order 31 (EO 31), the University's non-discrimination policy. The review showed that both the hiring decision and the hiring process were inconsistent with EO 31, as race was used as a factor. Specifically, faculty inappropriately considered candidates' races when determining the order of offers and altered the process to provide disparate opportunities for candidates based on their race. While the individuals involved in the hiring process also engaged in discussion about permissible qualifications, such as candidates' research quality and their work in Diversity, Equity, and Inclusion (DEI), their explicit consideration of racial identities and their different actions based on the racial identities of the candidates reflect race was a substantial factor.

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[1] Effectively September 18, 2023, UCIRO is now called the Civil Rights Investigation Office.

[2] Institutional Intake Request letter attached to Email from ███ to ████████ and ███; May 17, 2023, 3:37 pm.

II.   APPLICABLE POLICY

EO 31 prohibits discrimination and contains the following relevant provisions:

> Discrimination is conduct that treats a person less favorably because of the person's race, color, creed, religion, national origin, citizenship, sex, pregnancy, age, marital status, sexual orientation, gender identity of expression, disability or veteran status.
>
> …
>
> The University will recruit, hire, train, and promote individuals without regard to race, color, creed, religion, national origin, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, disability, or veteran status and based upon their qualifications and ability to do the job.

III.   SCOPE OF REVIEW

Dean Harris requested that UCIRO review "possible issues concerning the hiring processes employed in the Department of Psychology." The specific concern Dean Harris raised was that the Department may have improperly considered the racial identities of candidates in its recent Developmental Psychology faculty hire.

IV.   INDIVIDUALS INVOLVED

Please see Attachment A – Reference Guide for a list of the individuals and committees involved in the hiring process and decision.

V.   TIMELINE

Please see Attachment B – Timeline of Events for a brief overview of the major events in the Developmental Psychology faculty recruitment.

VI.   EVIDENCE GATHERED

Documentary Evidence

UCIRO reviewed email snapshots[3] (files containing the entire contents of an email account) for the following individuals for the time frame of February 1, 2023 to May 26, 2023:

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[3] Obtaining these records and recordings through snapshot is a practice used by UCIRO.

1. ███████████
2. ███████████
3. ███████████
4. ███████████
5. ███████████
6. ███████████
7. ███████████
8. ███████████
9. ███████████
10. ███████████

From these email snapshots, we were able to identify roughly one thousand relevant emails with information about the hiring process and decision for this hire, or the hiring processes in the Department more generally.

We also reviewed dozens of relevant documents and two audio recordings.

Interviews

Because this review was conducted at the intake stage, the scope of this review was primarily limited to document review. UCIRO's sole interview was with ████████████████████ ████████████████████ to determine what guidance ██ provides to departments and hiring committees generally, and what guidance ██ provided to the Department of Psychology, its Developmental Hiring Committee, and its Diversity Advisory Committee for this search, specifically.

VII. EVALUATION OF RELEVANT EVIDENCE

   a. *The Department of Psychology recruited for an Assistant Professor position with the DAC providing input to the Hiring Committee.*

In 2022, the Developmental Area of the Department of Psychology began recruiting for an Assistant Professor position, entitled the Diversity in Development faculty position. The Hiring Committee consisted of ████████████ (████████████); ████████ (area member); ████████ (non-area member); and ████████ and ████████ (graduate student representatives).[4] The Hiring Committee also included a non-voting representative from the Diversity Advisory Committee (DAC), ████████.

The DAC is a committee within the Department of Psychology with a stated purpose to:
   … provide resources, support, and oversight to ensure that the hiring processes are fair and equitable, and that search committees have access to evidence-based strategies to achieve a broad and diverse pool of candidates. The Diversity Advisory Committee will meet with search committees during 1. the production of the job ad and while planning for the recruitment phase, 2. prior to the review of candidates,

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[4] The graduate student representatives did not appear to play a significant role in the process being reviewed.

and 3. prior to the selection of finalists. Search recommendations to faculty will be accompanied by a report from the Diversity Advisory Committee that discussed the committee's actions to support Psychology's diversity goals.[5]

Since its creation in 2020, the DAC has been involved in seven faculty searches including this Developmental Psychology search. During this recruitment, the DAC was comprised of ███ ███, ████████, and ███████.

      b.   *The Hiring Committee tracked candidates' races at each phase of selection process; the Hiring Committee actively thought about the candidates' races during each phase of its selection process; tracking race is part of DAC's self-auditing guidance; the DAC encourages hiring committees to audit race and adjust the set criteria during the search, if needed.*

The Diversity in Development faculty position received 84 applicants which, after three rounds of review, the Hiring Committee narrowed to five finalists. The Assistant to the Chair provided the Hiring Committee aggregate demographic data for the full applicant pool. In addition to this anonymized data, the Committee tracked the racial identities of each advancing candidate at all successive selective phases.[6] The Hiring Committee included this information in its Hiring Report at the request of its DAC representative, ████████.[7]

████████ request for racial identity at each selection phase is not without precedent. In 2021, the DAC created a case study entitled, *Promising Practices for Increasing Equity in Faculty Searches* (hereafter referred to as "Case Study").[8] The DAC uses this Case Study as an internal department hiring policy, though it is not an official department policy, nor has it been put up for a full faculty vote. ████████ described the protocols in the Case Study as "departmental policy – although not officially codified."[9] Further, ████████ explained, "… it was a 2019-20 roll out, and at that time, we rolled it out as an SPC strategic initiative not a policy with a vote. This was intentional as we felt we needed it strategically and didn't want to put diversity values up for debate. I like the idea of treating it as part of our department practices and sharing that it evolves through lessons learned (like all other practices)."[10]

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[5] "Developing a Diverse Faculty in the UW Department of Psychology" document; SPC; 2020; attached to Email from ████ to ████; May 18, 2023, 3:17 pm; ████ Snapshot.

[6] It is unclear from the documentation how an advancing candidate's racial identity was assigned, including whether it was based on some combination of a candidate's self-disclosure; presumptions based on visual cues or surnames; and/or other sources or factors.

[7] Email from ████ to ████ and ████; Mar. 2, 2023, 1:58 pm; ████ Snapshot; Email from ████ to ████; Mar. 6, 2023, 8:07 am; ████ Snapshot.

[8] The creation of the DAC and the Case Study are as follows. In 2020, a Strategic Planning Committee (SPC) subcommittee made up of ████, ████, ████ and ████ proposed creating the DAC. SPC then created the DAC and its first members were ████, ████, ████, and one of ████ 's PhD students. The DAC and ████, in conjunction with two students working in ████ 's lab, created the Case Study, which requires official DAC endorsement of faculty hiring recommendations. During the Diversity in Development search, ████, ████, and ████ made up the DAC and ████, ████, and ████ were also on the SPC.

[9] Email from ████ to ████, ████, ████; Feb. 16, 2023, 4:09 pm; ████ Snapshot.

[10] Email from ████ to ████, ████, ████, ████; Mar. 27, 2023, 9:42 pm; ████ Snapshot.

Consistent with ███████ request, the Self-Auditing section of the Case Study instructs hiring committees to track racial demographic information at each phase, stating:

> Determine who has disclosed URM[11] identity in your candidate pool. In order to audit policies or practices that may have inequitable impact, it is helpful to have data on when and why URM candidates are being dropped from your pool. Construct a spreadsheet of candidate names and use diversity statements and other application materials to track the demographic information that candidates voluntarily provide.[12]

The Self-Auditing section goes on to inform hiring committees to use the gathered demographic information to adjust current search criteria as needed, stating:

> ● At each stage of the search process, **run a series of checks to see how the current criteria are operating.** At minimum, evaluate what is happening by race and gender separately and for women of color. Use these audits to **adjust criteria and practices as needed.**
>
> ● **Assign someone to check specifically for URM candidates who were dropped at each stage.** Why did the committee pass on them? Could/should they be brought back into the next stage? In some searches, dropped URM candidates were automatically given a second look before moving on.[13]

     c.   *The Dean's Office counseled against tracking the candidates' races throughout the search.*

Notwithstanding the instructions for self-audit set forth in the Case Study, the Dean's Office advised against a practice of tracking and reporting racial identity in hiring reports. While the Diversity in Development position recruitment was in progress, another search committee was working through the process to hire an assistant teaching professor. ███████ and ███████ co-chaired that search and their DAC representative, ███████, asked ███████ and ███████ for "information of demographics of the pool, shortlist, and interviewed candidates."[14] ███████ responded:

> This went to the dean (we didn't know it would) and we were then told in no uncertain terms that we were NOT to include any demographics about the candidates - that those were not supposed to be considered or included. This is, of course, contrary to all the messages we've gotten from SPC. Since you're asking for demographics now, can you clarify when those should and should not be included and how to go about not violating policies?[15]

That search committee and the DAC sought clarification from ███████ ███████, who ultimately informed the group, "I just finished talk[ing] to ███,[16] and I asked about the demographic info again. Now ███ is saying that there are no requirements, and that in

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[11] Underrepresented Minority, which the Case Study defines as Black/African American, Latinx/Hispanic, or American Indian/Indigenous. Promising Practices 1st Ed., 10.

[12] "Promising Practices for Increasing Equity in Faculty Searches" 1st Ed., DAC, Nov. 17, 2021, 17.

[13] "Promising Practices" 1st Ed., 18 (emphasis original).

[14] Email from ███ to ███ and ███; Mar. 4, 2023, 2:21 pm; ███ Snapshot.

[15] Email from ███ to ███; ███; Mar. 4, 2023, 4:12 pm; ███ Snapshot.

[16] ███, ███████, UW College of Arts and Sciences.

view, best practices would be to not include it in the report."[17] Despite ███████'s March 7 guidance, the hiring reports for both the assistant teaching professor and the Diversity in Development position ultimately included the racial demographics of advancing candidates at each hiring phase.[18] [19]

> d.   *The Hiring Committee narrowed the pool to five final candidates; candidates were given different interview processes based on race.*

By January 2023, the Hiring Committee invited five final candidates to participate in a two-day virtual visit, after which the Department of Psychology faculty were asked to provide feedback on the candidates. Each candidate's itinerary originally scheduled them to meet with the same groups, including a 30-minute joint meeting with the Faculty of Color and Women Faculty groups. The candidate itinerary describes the purpose of this meeting as "an opportunity for you to meet with faculty of color and women faculty in our department to discuss the department and university climate and anything else you may be interested in discussing."[20]

After itineraries were sent, ███████, a member of the Faculty of Color group, emailed █████████ asking:

> As a person who has been on both sides of the table for these meetings, I have really appreciated them. Buuut, when the candidate is White, it is just awkward. The last meeting was uncomfortable, and I would go as far as burdensome for me. Can we change the policy to not do these going forward with White faculty?[21]

Discussion ensued between ███████, ███████, ███████, ███████, and another Strategic Planning Committee member, ███████, considering ███████' request. Within that discussion, ███████ told the group:

> My inclination is that these meetings should be held just for FOC candidates. I'm also mindful that our Provost is now getting anxious about anything that's directed to only some identity groups (i.e., they are getting worried about fallout from the pending Supreme Court affirmative action rulings). My read is that they'll get fearful of litigation and overcorrect into colorblindness. Maybe our committee can preemptively think our way around this type of future directive.[22]

Other faculty in the discussion concurred and the joint Faculty of Color/Women Faculty meeting was cancelled for two candidates deemed to be white, ███████████ and ██████████.

It is unclear how the group identified ██████████ and ██████████ as white, though some documentation suggests it may have been an assumption. For example, ██████████, "For the

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[17] Emails from ███████ to ███████, ███, ███, ███, ███, and ███; Mar. 7, 2023, 12:15 pm and 12:17 pm; ███████ Snapshot.
[18] "Recommendation for the Assistant Teaching Professor position" document; Feb. 24, 2023; 2. "Diversity in Development Search Recommendation" document; Mar. 15, 2023; 1.
[19] It should also be noted that the DAC and ██████████ did significant revisions to the Case Study in May 2023, and the self-auditing practices have not been altered to align with best practices guidance from the Dean's Office. *See* "Promising Practices" 2nd Ed., 18.
[20] ██████████ Itinerary, 3.
[21] Email from ███ to ███████ [and possibly others]; Feb. 7, 2023, 11:32 am; ███████ Snapshot.
[22] Email from ███████ to ███, ███, ███, and ███; Feb. 7, 2023, 5:14 pm; ███████ Snapshot.

next two (I think White?) candidates" and ████████ wrote, "if we made a mistake and cancelled a FOC meeting for someone who later we learned might have benefitted/IDs as POC, on balance it's probably better than the holding it if the candidate IDs as white."[23] Within their discussions there is acknowledgement that ████████████ and ████████ have a shared female identity with the Women Faculty group, but ultimately ████████ wrote, "the diversity advisory committee has decided that we should cancel the faculty of color and women faculty meeting for ████████████████ and for ████████."[24]

> e. *The Hiring Committee initially ranked* ████████████, *a candidate identified as white, as first in its order of offers.*

On February 28, after all five finalists completed their virtual visits, the Hiring Committee met to rank candidates and decide on its hiring recommendations. ████████ was also present as the non-voting DAC Representative and ████████, a student representative on the Diversity Steering Committee, attended to provide feedback. The Hiring Committee decided that three of the five final candidates were above threshold, meaning each was a viable candidate for offer. Initially, however, the Hiring Committee was not in unanimous agreement about the order of offers. Eventually, among the three above-threshold candidates, the Hiring Committee unanimously decided on the following order of offers:

- First Offer: ████████████ (White)
- Second Offer: ████████ (Asian)
- Third Offer: ████████████ (Black)

This rank order appears consistent with the faculty surveys providing evaluation of the candidates, which were aligned to the hiring rubric.[25] The day before this meeting, ████████████ observed, "Surveys came back strongest for ████ [████████████████] and ████████], [████████] just a bit behind them."[26]

The following day after the vote, ████████ emailed ████████ to say that ██ thought the hiring process disadvantaged the underrepresented minority (URM) candidate (████████████) and ██. ████████ agreed.[27] At around the same time, ████████ asked ████████████ on behalf of the Hiring Committee if ██ could inform ████████████ that ██ was being recommended for the first offer for the position.[28] ████████████ approved this request and, on March 1, ████████ emailed ████████████:

> Dear ████, the developmental hiring committee met yesterday afternoon to make a final decision. I am excited to let you know, unofficially, that we are recommending you for the developmental position. We will be presenting this recommendation to the faculty in a meeting next Thursday March 9th. Once it is approved by the faculty, the recommendation will go to the Dean for final approval

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[23] Email from ████ to ████████, ██, ██, and ████; Feb. 7, 2023, 5:14 pm; ████ Snapshot; Email from ████ to ██, ██, ████, ████, and ████; Feb. 7, 2023, 5:45 pm; ████████ Snapshot.
[24] Email from ████████ to ████; Feb. 8, 2023, 7:40 am; ████████ Snapshot.
[25] ████████, ████████, ████, and ████████ Survey Results.
[26] Email from ████████ to ████ and ████; Feb. 27, 2023, 11:32 am; ████ Snapshot.
[27] Email from ████████ to ████; Mar. 1, 2023, 8:47 am; ████ Snapshot.
[28] Email from ████████ to ████████; Feb. 28, 2023, 5:38 pm; ████ Snapshot. Email from ████████ to ████; Feb. 28, 2023, 8:22 pm; ████ Snapshot.

(usually takes a couple of business days). At that point, we can get a written offer sent to you.[29]

     f.   *The SPC met and discussed the Diversity in Development search, after which* ██ *██ requested that the Hiring Committee go through additional process due to the race of the recommended candidate.*

On March 1, the Strategic Planning Committee (SPC) had a scheduled meeting, which ████ attended as an SPC member. As a result of this meeting, the Hiring Committee was asked to prepare a paragraph justifying why they selected a white candidate for first offer. Notes that ██ ████ emailed █ include a summary of what occurred at this SPC meeting:

    1. After multiple rounds of following department guidelines for evaluating applicants, a final vote (verbal) took place and it was unanimous in terms of what the ranking would be. A DAC member was present at that last meeting.

    2. Then when 1 member of the search committee attended the subsequent SPC meeting, they told them that they didn't agree with the decision as they were upset that a white candidate was placed #1 while a black candidate was #3. The DAC member in attendance indicated shock at the final vote.

    3. I asked that member to return to the committee to discuss how the ranking was determined in hopes that that would lead to an open discussion of their concern. Instead an email went to the rest of the committee saying they needed to write a paragraph explaining why a white candidate was #1 and a URM #3.[30]

The only Hiring Committee member in attendance at this meeting was ████████. It is not clear why ████████ shared Hiring Committee deliberations with the SPC, as the Case Study does not provide the SPC any role in the search process.[31] The DAC member which ████████ describes as "shocked" is either ████████ or ████████, as they are the DAC members listed as in attendance on the SPC Meeting Notes from that date.[32]

Following the SPC Meeting, ████████ wrote an email to the Hiring Committee stating:

    SPC reviewed our slate today and had questions about why our White candidate ended up ranked higher than our URM candidate. (My guess is that these questions will come up in faculty meeting as well.) Would you be able to write a paragraph that I could send to SPC about the slate order?[33]

████████ then informed ████████ and ████████ that ██ made this request, stating: "I emailed ██ [████████] and ██ [████████] after the SPC meeting and let them know that SPC wants a paragraph on why our White candidate outranked our URM candidate in offer order."[34] In response, ████████ replied, "I assume the paragraph is the one that will be included in the report, which will go to the deans' office."[35]

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[29] Email from ████ to ████████; March 1, 2023, 8:45 am; ████ Snapshot.
[30] Email from ████ to ████; Mar. 13, 2023, 4:08 pm; ████ Snapshot.
[31] "Promising Practices" 1st Ed.
[32] "23.03.01 SPC Notes" document attached to Email from Psychology Dept Chairs Office to ████; Mar. 2, 2023, 3:25 pm; ████ Snapshot.
[33] Email from ████ to ████ and █; Mar. 1, 2023, 4:48 pm; ████ Snapshot.
[34] Email from ████ to ████ and ████; Mar. 2, 2023, 2:55 pm; ████ Snapshot.
[35] Email from ████ to ████ and ████; Mar. 2, 2023, 3:27 pm; ████ Snapshot.

In addition to the explicit use of race-based wording to describe the candidates and the request, several other pieces of evidence support that this SPC justification request was motivated by the race of the Hiring Committee's first candidate and that additional steps were added to the process based on race. First, this SPC action appears inconsistent with past departmental practice. Four other recent hiring reports within the Department of Psychology were available for review and do not include a justification section for their orders of offers and no first candidate was white.[36] In fact, one of those hiring reports reviewed was the assistant teaching professor co-chaired by █ and █, which was voted on by faculty on the same day as the Diversity in Development position.[37] Further, the Case Study that the DAC uses as an internal hiring policy lists out the information that should be contained in a hiring report, which does not include a justification section.[38] Finally, the justification section originally included in the first Diversity in Development Hiring Report (recommending a white candidate) was omitted when the Hiring Report had a reversed order of offers (recommending the black candidate first).[39]

> g. ___ *made justification of the order of offers a requirement for a DAC endorsement;* ___ *completed a justification paragraph.*

On March 4, when █ was still being recommended as the first offer candidate, █ requested a DAC endorsement paragraph from █ for the Hiring Report. This step is important to the search because, according to the Case Study, the Hiring Committee must obtain an endorsement from the DAC.[40] In response, █ requested: (1) the demographic information at each phase, (2) "the justification for our hiring decision," and (3) a draft of the report.[41] █ completed the justification paragraph initially requested by █ for the SPC and provided it and the draft Hiring Report to the DAC. █ provided this requested information to █ on March 6.[42]

> h. *On March 6, the DAC met to review the Hiring Committee report with the added justification section and discussed candidates' races.*

On March 6, the DAC members (█, █ and █) discussed the Diversity in Development draft Hiring Report recommending █ for the first offer of the position. In their deliberations, █ twice referred to the races of candidates or faculty. █ wrote to the other members of the DAC:

> I was unsettled about the offer-order outcome for the following reasons: First, with three above threshold candidates (Black, Asian, White), it just seemed optically-speaking to look bad that offer #1 goes to the White candidate whom is the most

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[36] "Recommendation for the Assistant Teaching Professor position" document; Feb. 24, 2023. "Development and Psychopathology Search Recommendation" document; Feb. 16, 2022. "Recommendation for two positions in Psychology of Inequity (Social/Personality)" document; Jan. 11, 2021. "Recommendation for Two Positions in Adult Clinical Psychology" document; Feb. 12, 2020.
[37] "Faculty Meeting agenda" included in Email from Psychology Dept Chairs Office to all faculty; Mar. 15, 2023, 9:07 pm; █ Snapshot.
[38] "Promising Practices" 1st Ed., 38.
[39] █ Hiring Report; Mar. 6, 2023; █ Hiring Report; Mar. 15, 2023.
[40] "Promising Practices" 1st Ed., 38.
[41] Email from █ to █; Mar. 6, 2023, 8:07 am; █ Snapshot.
[42] Email from █ to █; Mar. 6, 2023, 5:22 pm; █ Snapshot.

junior and whose research content is less directly and explicitly connected to matters of race/ethnicity, compared to █████ and ████. This made me think/suspect that some degree of undetected/unacknowledged bias had slipped in to result in this outcome…. Fourth, apart from ████,[43] the area visibly seems like it could use more diversity in faculty constitution.[44]

Ultimately, the DAC declined to endorse this Hiring Report. ██████████ reasoning, based on an email that █ drafted to ████████ and shared with the other DAC members, was as follows:
> I became aware of an apparent discrepancy that necessitates clarification for the DAC to move forward in appraising its endorsement of the report. My perceived discrepancy is thus: On the one hand, the draft report states that "The committee unanimously and enthusiastically recommends that an offer for a tenure-track Assistant Professor position be made to ███████████████;" however on the other hand, your verbal commentary, which I witnessed in the search committee meeting and in the SPC meeting, were ostensibly incongruent with the "unanimously and enthusiastically recommends" characterization of the search committee's post-discussion sentiment described in the report draft.[45]

Instead of endorsement, the DAC recommended that the Hiring Committee and DAC meet with ████████ and, after, for the Hiring Committee and ██████████ to meet again to reassess the ranking decision.[46] ██████████ agreed with the DAC recommendation and scheduled a meeting with █ ████, the Hiring Committee, and DAC.[47]

> i. *The Hiring Committee and DAC met with ████████ but no individuals changed their stances; the Hiring Committee and ██████████ met again on March 14, with votes still split.*

████ met with the DAC and Hiring Committee on March 13. However, this meeting produced no change in how committee members ranked candidates. The Hiring Committee and ██████████ met the following day, March 14, to reassess its ranking decision. After approximately two hours, the vote did not change.[48] ██████████ updated ██████████ about the meeting and said, "The issue is as follows: ████ and myself want to consider both DEI and Research in making our order of offers vs ████ [██████████] is only considering DEI."[49] The March 14 meeting ended with no consensus vote about order of offers.

Documentation demonstrates that ██████████'s working definition of DEI focuses on a candidate's personal racial identity rather than on a candidate's DEI work. On at least two occasions, ██████████ asserted that the Department had an official policy to hire URM candidates.

[43] █████████████, ██, UW Department of Psychology.
[44] Email from ████ to ████ and ████; Mar. 6, 2023, 1:11 pm; ████ Snapshot.
[45] Email from ████ to ████ and ████; Mar. 6, 2023, 3:39 pm; ████ Snapshot.
[46] Email from ████ to ████, ████, ████, ████, and ████; Mar. 6, 2023; ████ Snapshot.
[47] Email from ████ to ████, ████, ████, ████, and ████; Mar. 6, 2023, 9:10 pm; ████ Snapshot.
[48] Email from ████ to ████; Mar. 14, 2023, 12:29 pm; ████ Snapshot.
[49] Email from ████ to ████; Mar. 14, 2023, 12:45 pm; ████ Snapshot.

First, ███████ emailed the Hiring Committee, "I actually asked █████ [████████] recently about the department stance on BIPOC vs URM, and ███ said the dept does not have an official recommendation on BIPOC like they do on URM..."[50] The following day, █████████ sent a second email to the Hiring Committee, as well as ██████████, writing "The policy that our department is prioritizing DEI, operationalized as focusing on increasing hiring of URM candidates, is mentioned in the promising search practices handbook."[51] When ██████████ refers to "URM" and "BIPOC" status, ██ is referring specifically to racial identities of individuals. The Case Study, which ██████████ cites, defines URM as "Black/African American, Latinx/Hispanic, or American Indian/Indigenous" and BIPOC as "those who identify with at least one non-white racial group."[52]

Similar messaging to ██████████'s approach to "prioritizing DEI" also appeared in documentation related to the assistant teaching professor search simultaneously being conducted and co-chaired by ██████████ and ██████████. In that search, ██████████ emailed ██████████ and ██████████:

> All of this confusion certainly explains the mixed messages we've received. (i.e.,Being told, by the dean, to disregard applicant's own identities and focus only on the WORK they've done toward DEIA efforts, vs being told, by SPC, that a candidate's URM status should carry substantial weight in evaluations.)[53] [54]

> j.   ██████████ and ██ acquiesced to supporting ██████████ for the first offer, but do not appear to have changed their minds about which candidate is most qualified.

Later in the evening of March 14, ██████████ and ██████████ decided to concede to ██████████'s choice of order of offers. At no point does the documentation show that they concurred with ██ ██████████'s or ██████████ rationales. Rather their email correspondence indicates they conceded for several reasons including:

- So as not to create a "bloodbath" at a faculty meeting;[55]
- So the Developmental Area is not accused of "not prioritizing DEI;"[56]
- Because they were worried junior faculty will hear a lot of "nasty stuff" said at the faculty meeting and wonder if they were hired simply because of their races;[57]
- Because they thought it would result in a failed search;[58] and

[50] Email from ████ to █████, ███████, ████, and ███; Mar. 14, 2023, 6:32 pm; ██████ Snapshot.
[51] "Promising search practices handbook" refers to the Case Study, which is not an official Department of Psychology policy. Email from ████ to █████, █████, █████ and ███; Mar. 15, 2023, 8:10 am; ████████ Snapshot.
[52] "Promising Practices" 1st Ed., 10.
[53] Email from █████ to ███ and █████; Mar. 4, 2023, 6:38 pm; █████ Snapshot.
[54] Not only is there communication within the Department that DEI efforts should focus on hiring URM candidates, but ██████'s communication outside the University shows that ██ believes that DEI statements should be used to the advantage of certain targeted racial groups: "...you get a lot of people focusing statements on URM mentoring as their main activity and that tends to advantage White women rather than the intended target groups." Email from █████ to ██; Feb. 13, 2023, 7:04 pm; ██ Snapshot.
[55] Email from ██ to █████; Mar. 14, 2023, 4:13 pm; ██████ Snapshot.
[56] Email from ████ to █████; Mar. 14, 2023, 4:13 pm; ██████ Snapshot.
[57] Email from █████ to █████; Mar. 14, 2023, 3:34 pm; ██████ Snapshot.
[58] Email from █████ to ████; Mar. 14, 2023, 3:34 pm; ██████ Snapshot.

- Because it was creating personal stress on them, to the point that ▮▮▮▮▮ stated, "I wish I could quit this job"[59] and ▮▮▮▮ wrote, "I cannot condone this search process and do not want to be asked to speak about it in person."[60]

▮▮▮▮▮ then informed the DAC and ▮▮▮▮▮, "▮▮ and I will support ▮▮'s recommendation that ▮▮ be first in the order of offers. The one remaining detail is who will be 2nd and 3rd. I am guessing that ▮▮ would be 2nd because ▮ is BIPOC?"[61] After ▮▮ ▮▮▮ and ▮▮▮ conceded, the Hiring Committee reversed its recommended order of offers as follows:

- First Offer: ▮▮▮▮▮▮ (Black) (goes from third to first)
- Second Offer: ▮▮▮▮ (Asian) (remains second)
- Third Offer: ▮▮▮▮▮▮ (White) (goes from first to third)

While this UCIRO Report indicated at the start that faculty discussed whether ▮▮▮▮▮ or ▮. ▮▮▮▮▮ had a stronger DEI record of work, there is little in the record that debated the strength of ▮▮▮ 's DEI record as compared to ▮▮▮▮▮▮ 's. That information, taken in conjunction with all the other evidence, leads us to believe that ▮▮▮ was ultimately ranked higher than ▮▮▮▮▮ because of ▮ BIPOC status.

k. *The Hiring Committee revised its draft Hiring Report.*

After the decision to reverse the offer order, ▮▮▮▮▮▮ revised the Hiring Report to reflect that ▮▮▮▮▮ would receive the first offer and ▮▮▮▮▮▮ would receive the third offer.[62] Several revisions and edits to the Hiring Report are of note. First, as discussed earlier, the revised Hiring Report omits the justification section that was previously required when ▮▮▮▮▮▮ was the first offer.[63]

Second, the Hiring Report contains inaccurate information about the interview process. The Hiring Report describes that each of the five finalists interviewed with the same groups, including the Faculty of Color and Women Faculty. However, as noted above, this meeting was cancelled for ▮▮▮▮▮▮ and ▮▮▮▮ based on their perceived races, which ▮▮▮▮ acknowledged in a comment on an earlier draft, stating that it "Only applies to three candidates."[64]

Third, certain edits were made that seem to hide hiring actions that faculty knew were impermissible. The Case Study specifically instructs hiring committees to:

> **Assign someone to check specifically for URM candidates who were dropped at each stage.** Why did the committee pass on them? Could/should they be brought back into the next stage? In some searches, dropped URM candidates were automatically given a second look before moving on.[65]

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[59] Email from ▮▮▮ to ▮▮ ; Mar. 15, 2023, 12:58 pm; ▮▮▮ Snapshot.
[60] Email from ▮▮▮ to ▮▮▮▮ ; Mar. 15, 2023, 12:48 pm; ▮▮▮ Snapshot.
[61] Email from ▮▮▮ to ▮▮▮ , ▮▮▮ , ▮▮▮ and ▮▮ ; Mar. 14, 2023, 5:53 pm; ▮▮▮ Snapshot.
[62] Email from ▮▮▮ to ▮▮ and ▮▮▮ ; Mar. 15, 2023, 4:27 pm; ▮▮▮ Snapshot.
[63] ▮▮▮ Hiring Report; Mar. 15, 2023.
[64] Attachment within Email from ▮▮▮ to ▮▮▮ and ▮▮▮ ; Mar. 2, 2023, 1:58 pm; ▮▮▮ Snapshot.
[65] "Promising Practices" 1st Ed., 18 (emphasis original).

Accordingly, in ███████████ 's draft Hiring Report, ██ described actions taken by the Hiring Committee, writing, "At this stage, and all subsequent stages, committee members were encouraged to bring up the names of any URM candidates that were not selected so that they could be reconsidered."[66] During the editing process, ████████████ deleted █████████████ 's sentence commenting, "I advise deleting the statement below as it shows that URM applications were singled out and evaluated differently than nonURM applications (which is not allowed as ██ [██████████] noted)."[67] ████████████ 's comments do not state that ████████████ 's sentence was inaccurate, just that it should be deleted because it is not allowed.[68] ████████████████ made a similar comment on an earlier draft: "Is it ok for these reports to say we did something special for the URM application---that we went back and re-evaluated each one? I'm thinking we don't need that and should delete that line."[69] These comments indicate not only that ██████████████ was aware that candidates were provided disparate opportunity based on race, but that ██ believed that fact should be hidden.

l. *The DAC endorsed the Hiring Report, which omits the justification that was required when a white candidate was ranked first;* ████████████ *is unconcerned that the Hiring Committee was not in unanimous and enthusiastic agreement, as was the issue with the denial of endorsement for the hiring of a white candidate.*

Upon receiving the revised Hiring Report with the reversed order of offers, the DAC submitted an endorsement paragraph roughly two hours later.[70] At the time, ███████████ was aware that ██. ████████ and ██████████ were not in "enthusiastic agreement." In fact, █████ noted after the reversal decision that ██ was "willing to help debrief with ████ about ██ frustration."[71] Nevertheless, the DAC endorsement was not held up as it was when ████████████ perceived that █████████████ was not in enthusiastic agreement with the recommendation of first offer for ████████████████. The final ██████████ Hiring Report simply omits the word "enthusiastic".[72] These actions further emphasize that the DAC changed their actions under similar circumstances based on the race of the recommended candidate.

m. *Finally, the recommendation was presented to the full Department of Psychology faculty on March 16, which approved a first offer for* ████████████.

We were provided an audio recording of the faculty meeting leading up to the full faculty vote on March 16 to recommend offers for the Diversity in Development position. In the meeting, ██████ ██████████ informed faculty that the Hiring Committee had three outstanding candidates and so they used DEI to distinguish and select a first offer. No definition of what "DEI" meant was heard in

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[66] ████████ Draft Hiring Report; Mar. 15, 2023; 1.
[67] Email from ████████ to ████████ ; Mar. 15, 2023, 7:48pm; ████████ Snapshot.
[68] Further, despite ████████████ acknowledging that this practice is not allowed, the guidance remains in the Case Study after the May revisions even though ████████ helped draft revisions. *See* "Promising Practices" 2nd Ed., 18.
[69] Email from ████████ to ██████ ; Mar. 5, 2023, 2:27 pm; ████████ Snapshot.
[70] Email from ████████ to ████████ and ████████ ; Mar. 15, 2023, 6:32 pm; ████████ Snapshot.
[71] Email from ████████ to ██████ ; Mar. 15, 2023, 10:57 am; ████████ Snapshot.
[72] It is unclear from the documentation if deleting the word "enthusiastic" from the ████████████ Hiring Report was offered as a viable option to cure any concerns the DAC had about endorsement. ████████ Hiring Report; Mar. 15, 2023.

the audio. But, other documentation indicates that ████████ 's working definition of DEI is "operationalized as focusing on increasing hiring of URM candidates."[73] In this audio, ████████, another faculty member, questioned how the decision complies with I-200.[74] Discussion occurred and the faculty were told that the decision was made in line with a "strategic goal and objective" and that nothing illegal occurred.[75] Following this meeting, the faculty voted and approved the order of offers with ████████ to receive the first offer.

Subsequently on April 17, 2023, ████████ accepted a formal offer of employment and will start in Autumn 2023.

VIII. CONCLUSION

Based on the information evaluated, we conclude race was used as a substantial factor in the selection of the final candidate and the hiring process inconsistent with EO 31.

cc:

████████████████████████████████

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[73] Email from ████ to ████, ████, ████, and ██; Mar. 15, 2023, 8:10 am; ████ Snapshot.
[74] See https://www.washington.edu/diversity/staffdiv/hiring-toolkit/policies/ for more information about this Washington State law.
[75] Mar. 15, 2023 Faculty Meeting Recording.

Developmental Psychology Faculty Hire
REFERENCE GUIDE

(Department of Psychology Faculty denoted in **bold**)

███████████████

███████████████████████

COMMITTEES

Developmental Hiring Committee

1. ████████ : ██████████████████████ Hiring Committee Area Member
2. ███████ ██ ███████████████████
3. ██████ ██ █████████████████████
4. █████ ██ ███████████████████████ DAC Representative to Hiring Committee, DAC Member; SPC Member
5. ████ ██ ████████████████
6. ██████ ██ ███████████████████ Hiring Committee Non-Area Member; Former DAC Member; SPC Member

Diversity Advisory Committee (DAC)
(as of February-May 2023)

1. ███████ : ████████████████████ DAC Member; DAC Representative to Hiring Committee; SPC Member
2. ███████████████████████ DAC Member; Former Department Chair
3. ██████ ██ █████████████ DAC Member; Current Department Chair; SPC Member

Strategic Planning Committee (SPC)
(as of February-May 2023)

1. ██████ ██ █████ SPC Member
2. ████████████████████ SPC Member; DAC Representative to Hiring Committee; DAC Member
3. █████ ██ █████████ SPC Member
4. █████ ██ ████████ SPC Member; DAC Member; ████████
5. ████ ██ █████ SPC Member; Hiring Committee Non-Area Member; Former DAC Member
6. █████ ██ █████████ SPC Member
7. ████ ██ ████████ SPC Member
8. ████ ██ █████████ SPC Member; ████████████

FINAL CANDIDATES

██████ (first offer - hired)
█████ (second offer)
█████████ (third offer)

ADDITIONAL PEOPLE & ROLES

1. ██████ : ████████████████████████████
2. ████ ██ ████████████████
3. ███████ ██████████████

ACRONYMS

URM: Underrepresented Minority
       (Psychology Case Study defines as Black/African American, Latinx/Hispanic, or American Indian/Indigenous)
BIPOC: Black, Indigenous, People of Color
       (Psychology Case Study defines as those who identify with at least one non-white racial group
DEI: Diversity, Equity, and Inclusion
OAP: Office of Academic Personnel

HISTORY OF DEVELOPMENT OF CASE STUDY

In Spring 2020, a Strategic Planning Committee subcommittee (███████████████████████
███████) proposed creation of the Diversity Advisory Committee (DAC) in a document entitled "Developing a Diverse Faculty in the UW Department of Psychology."

The DAC was created, and its 2020-2021 members were ███████████████████████████, and PhD student
███████████ (a member of ███████████ lab).

In November 2021, the "Promising Practices for Increasing Equity in Faculty Searches" case study report was drafted by two PhD students who worked in ███████████ lab. It was edited by the 2020-2021 DAC (███████████████
███████████████████) and then-Department Chair ███████████. During the 2023 faculty recruitments, the case study was also referred to as a "handbook," though aspects of it were referred to as "policy" by ███████ and ███████████. However ███████ acknowledged that it is "not officially codified" and ███████████ described it as "an SPC strategic initiative not a policy with a vote."

The case study describes itself as "a set of documented experiences and recommendations for advancing diversity, equity, and inclusion (DEI) in faculty searches… built on the foundation of the University of Washington Office for Faculty Advancement's Handbook of Best Practices for Faculty Searches."

The current DAC (███████████████████████████████) and former DAC member ███████████ significantly revised the case study from March to May 2023 after the 2023 faculty recruitments were complete.

Developmental Psychology Faculty Hire
TIMELINE OF EVENTS

(Based on review of documents from February 1, 2023 to May 26, 2023)

Fall 2022 — Applications review begins by Hiring Committee

February 15, 2023 — Virtual visit with last final candidate completed

February 21, 2023 — Candidate surveys submitted including interview feedback from faculty and graduate students

February 28, 2023 — Hiring Committee meets and ranks candidates for offer

██████████ ██████████ approves ██████████ ██████████ ██████████ emailing candidate ██████████ to inform ██ of ██ ranking

March 1, 2023 — ██████████ ██████████ emails candidate ██████████ to inform her that the Hiring Committee is recommending ██ for offer

Hiring Committee non-area member ██████████ emails ██████████ ██████████ and Hiring Committee Member ██████ that the Strategic Planning Committee (SPC) has questions about ranking order

March 9, 2023 — Department-wide faculty meeting to vote on offers pushed back from March 9, 2023 to March 16, 2023

March 13, 2023 — Hiring Committee, Diversity Advisory Committee (DAC) and ██████████ meet with ██████████ ██████████ for advice

March 14, 2023 — Hiring Committee meets and reverses the ordering rank of candidates

March 16, 2023 — Department-wide faculty meeting in which faculty approves the revised rank of candidates

March 17, 2023 — ██████████ ██████████ informs candidate ██████████ that ██ was not selected for first offer

March 27, 2023 — DAC begins revising case study document

April 17, 2023 — Candidate ██████████ accepts employment offer, to begin Fall 2023

UCIRO Meeting, August 30, 2023