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 Office¹

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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." 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.

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 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

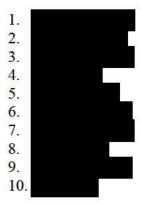
Please see Attachment B – Timeline of Events for a brief overview of the major events in the Developmental Psychology faculty recruitment.

VI. EVIDENCE GATHERED

Documentary Evidence

UCIRO reviewed email snapshots³ (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:

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



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.

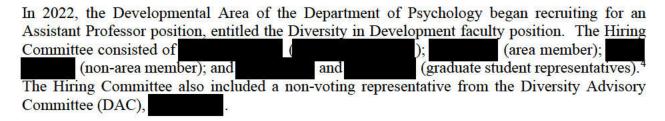
We also reviewed dozens of relevant documents and two audio recordings.

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.



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,

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

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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 a national part of the part of t

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. The Hiring Committee included this information in its Hiring Report at the request of its DAC representative,

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"). 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." 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)."

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

¹⁰ Email from to , ; Mar. 27, 2023, 9:42 pm;

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 the solution of the Indian and the Sanapshot; Mar. 2, 2023, 1:58 pm; Snapshot; Email from to Snapshot; 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 proposed creating the DAC. SPC then created the DAC and its first members were proposed creating the DAC. SPC then created the DAC and its first members were proposed creating the DAC. It is a proposed

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 URM¹¹ 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
- The Dean's Office counseled against tracking the candidates' races throughout the C. 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 for "information of demographics of the pool, shortlist, and interviewed candidates." 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

14 Email from to and ; Mar. 4, 2023, 2:21 pm; 15 Email from to

, UW College of Arts and Sciences.

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.

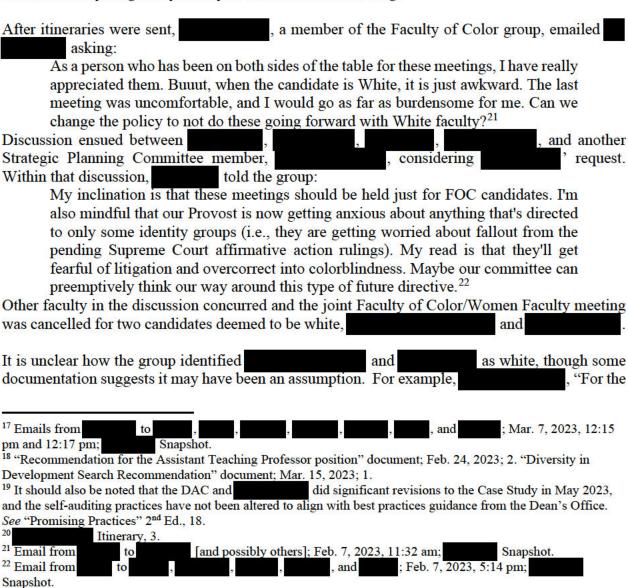
¹³ "Promising Practices" 1st Ed., 18 (emphasis original).

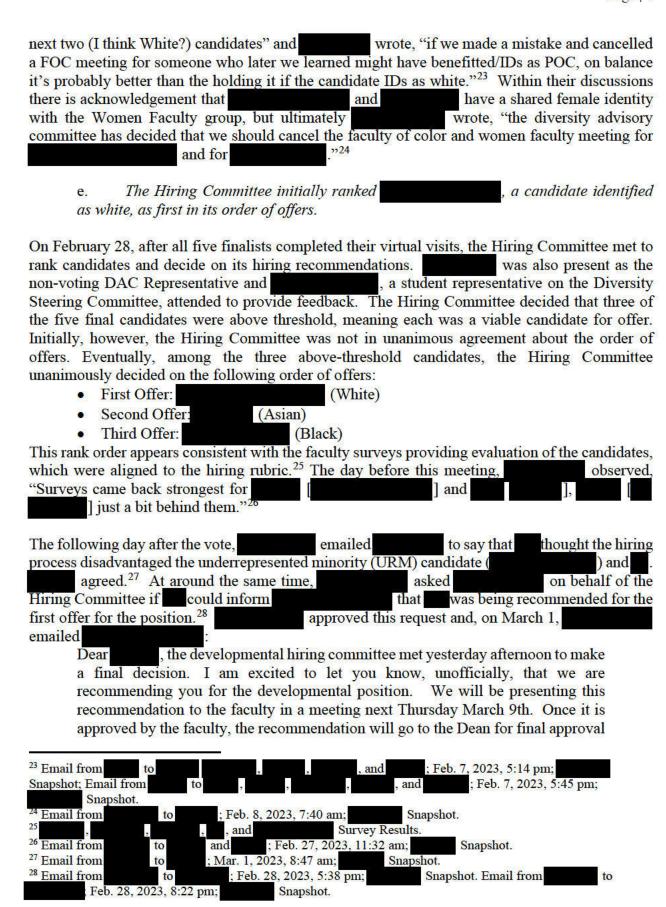
Snapshot. ; Mar. 4, 2023, 4:12 pm; Snapshot.

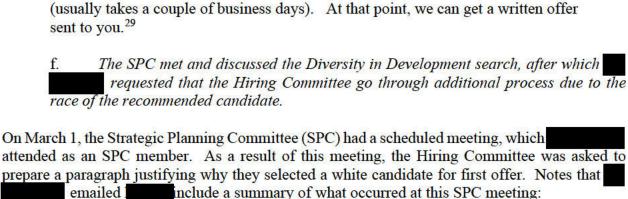
view, best practices would be to not include it in the report."¹⁷ Despite size of a March 7 guidance, the hiring reports for both the assistant teaching professor and the Diversity in Development position ultimately included the racial demographics of advancing candidates at each hiring phase. ¹⁸ ¹⁹

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







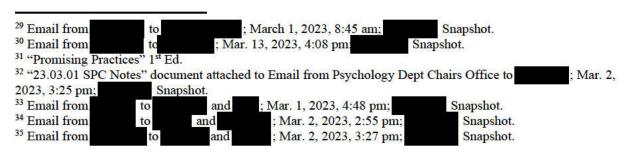
- 1. After multiple rounds of following department guidelines for evaluating applicants, a final vote (verbal) took place and it was unanimous in terms of what the ranking would be. A DAC member was present at that last meeting.
- 2. Then when 1 member of the search committee attended the subsequent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

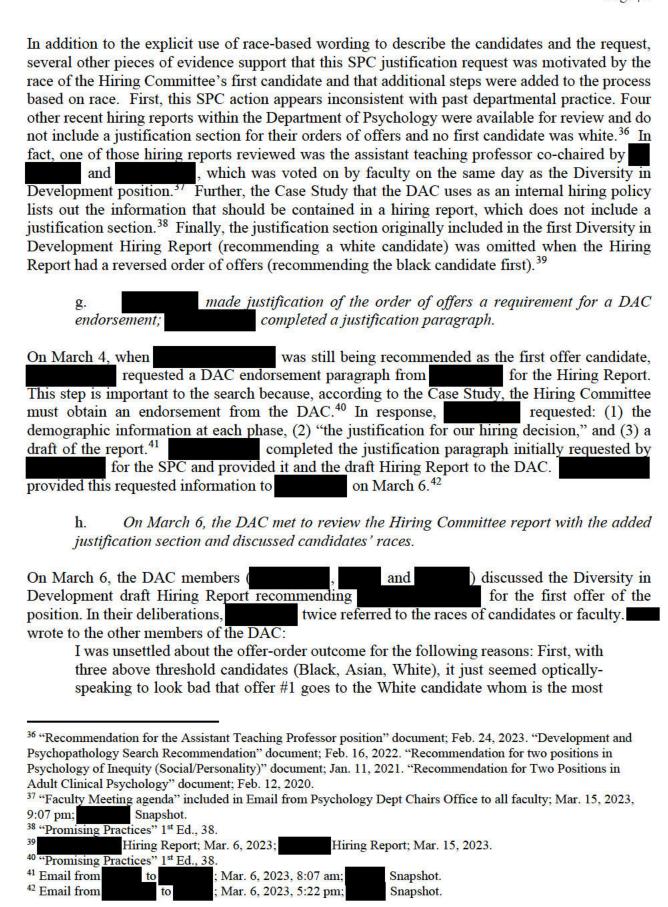
SPC reviewed our slate today and had questions about why our White candidate ended up ranked higher than our URM candidate. (My guess is that these questions will come up in faculty meeting as well.) Would you be able to write a paragraph that I could send to SPC about the slate order?³³

then informed and that made this request, stating: "I emailed and a paragraph on why our White candidate outranked our URM candidate in offer order." In response, a replied, "I assume the paragraph is the one that will be included in the report, which will go to the deans' office."

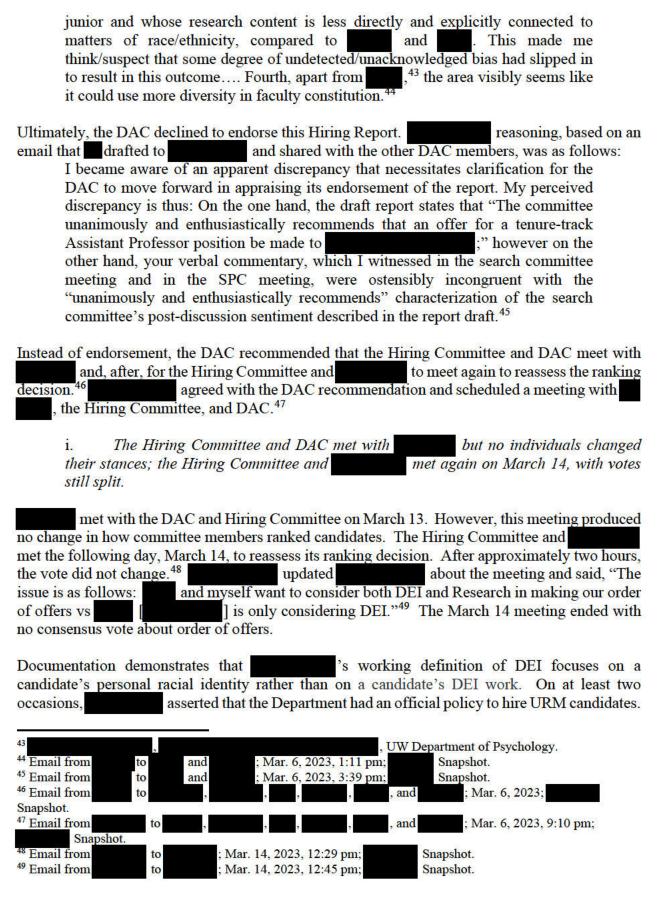


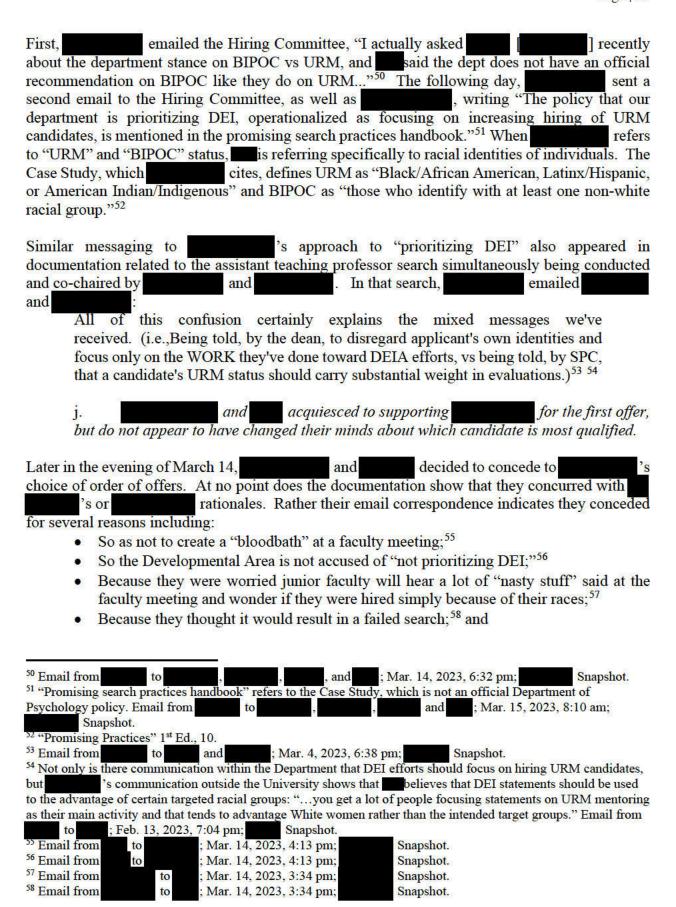
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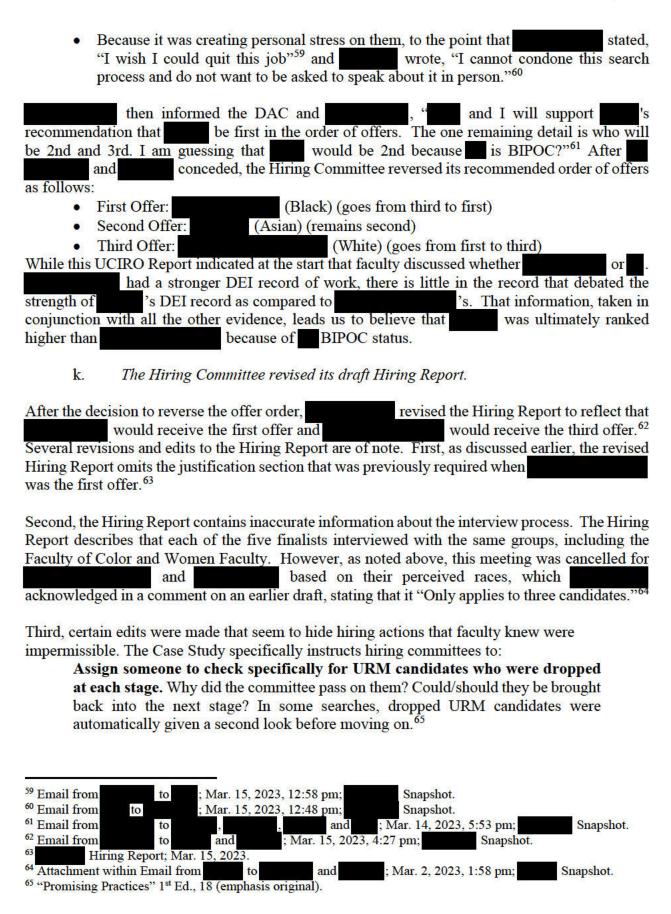
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Accordingly, in 's draft Hiring Report, described actions taken by the Hiring Committee, writing, "At this stage, and all subsequent stages, committee members were encouraged to bring up the names of any URM candidates that were not selected so that they could be reconsidered."66 During the editing process, deleted 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.

1. 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. 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." Nevertheless, the DAC endorsement was not held up as it was when perceived that hiring Report simply omits the word "enthusiastic." 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

⁶⁷ Email from to ; Mar. 15, 2023, 7:48pm; Snapshot.

Draft Hiring Report; Mar. 15, 2023; 1.

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.

The string 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 some 's working definition of DEI is "operationalized as focusing on increasing hiring of URM candidates." In this audio, another faculty member, questioned how the decision complies with I-200. A 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. Following this meeting, the faculty voted and approved the order of offers with

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.



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



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 subcomm) proposed creation of the Diversity Advisory Confeculty in the UW Department of Psychology."		pping a Diverse
The DAC was created, and its 2020-2021 members were (a member of lab).		, and PhD student
	vas edited by the 2020-2021 DAC (ent Chair During the 2023 fact gh aspects of it were referred to as "policy" by	culty recruitments,
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 (revised the case study from March to May 2023 after the 2) and former DAC member 2023 faculty recruitments were complete.	significantly

Developmental Psychology Faculty Hire TIMELINE OF EVENTS

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

