

1

2

3

4

5 COMMITTEE ON THE JUDICIARY,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

8

9

10

11

12

13 INTERVIEW OF: GREGORY WASHINGTON

14

15

16

17

18 Wednesday, September 3, 2025

19

20 Washington, D.C.

21

22

23 The interview in the above matter was held in room 2237, Rayburn House Office
24 Building, commencing at 9:55 a.m.

25

1 Appearances:

2

3

4

5 For the COMMITTEE ON THE JUDICIARY:

6

7 [REDACTED], SENIOR COUNSEL

8 [REDACTED], PROFESSIONAL STAFF MEMBER

9 [REDACTED], DIGITAL DIRECTOR

10 [REDACTED], CHIEF COUNSEL FOR OVERSIGHT

11 [REDACTED], MINORITY SPECIAL COUNSEL

12 FOR INVESTIGATIONS AND SENIOR ADVISOR

13 [REDACTED] MINORITY CHIEF COUNSEL AND SENIOR ADVISOR

14 [REDACTED], MINORITY INTERN

15 [REDACTED], MINORITY INTERN

16

17

18 For GREGORY WASHINGTON:

19

20 DOUGLAS GANSLER, ESQ.

21 STEPHEN RUCKMAN, ESQ.

22 CADWALADER, WICKERSHAM & TAFT

23

24

25

1 [REDACTED] Good morning.

2 This is a transcribed interview of Dr. Gregory Washington, president of George
3 Mason University. Chairman Jordan and Chairman Roy have requested this interview as
4 part of the committee's investigation into George Mason University's compliance with
5 applicable civil rights laws and executive orders.

6 Would the witness please state your name for the record?

7 Dr. Washington. Gregory Washington.

8 [REDACTED] And on behalf of the committee, I want to thank you for appearing
9 here today to answer our questions voluntarily. The chairman also appreciates your
10 willingness to appear voluntarily.

11 My name is [REDACTED] and I'm with Chairman Jordan's staff. I will now ask
12 everyone else from the committee who is here in the room to introduce themselves as
13 well.

14 [REDACTED] [REDACTED], Chairman Jordan's staff.

15 [REDACTED] [REDACTED] with Ranking Member Raskin's staff.

16 [REDACTED] [REDACTED], Ranking Member Raskin's staff.

17 [REDACTED] [REDACTED], Ranking Member Raskin's staff.

18 [REDACTED] [REDACTED], Chairman Jordan's staff.

19 [REDACTED] [REDACTED], Chairman Jordan's staff.

20 [REDACTED] Thank you.

21 We encourage witnesses who appear before the committee to consult with
22 counsel if they so choose. It's my understanding that you are appearing today with
23 personal counsel. Is that correct, sir?

24 Dr. Washington. Yes.

25 [REDACTED] Could counsel please state your name for the record?

1 Mr. Gansler. Douglas Gansler with Cadwalader, Wickersham & Taft, and we're
2 here representing Dr. Washington in his personal and professional capacity.

3 Mr. Ruckman. And Stephen Ruckman with Cadwalader, Wickersham & Taft as
4 well.

5 [REDACTED] Thank you.

6 I'd like to now go over the ground rules and guidelines we'll follow during today's
7 interview.

8 Our questioning will proceed in rounds. The majority will ask questions first for
9 one hour, and then the minority will have an opportunity to ask questions for an equal
10 period of time if they choose. We will alternate back and forth until there are no more
11 questions and the interview is over.

12 Typically we take a short break at the end of each hour. If you would like to take
13 a break in addition to that, please just let us know. We are happy to accommodate that.

14 As you can see, there is an official court reporter taking down everything we say to
15 make a written record, so we ask that you give verbal responses to all questions.

16 Do you understand that?

17 Dr. Washington. Yes.

18 [REDACTED] So the reporter can take down a clear record, we will do our best to
19 limit the number of people directing questions at you during any given hour to just those
20 people on the staff whose turn it is.

21 Please try and speak clearly so the reporter can understand and everyone in the
22 room can hear you.

23 It is important that we do not talk over one another or interrupt each other if we
24 can help it, and that goes for everybody present at today's interview.

25 We want you to answer our questions in the most complete and truthful manner

1 possible, so we will take our time.

2 If you have any questions or if you do not understand a question, please let us
3 know.

4 Our questions will cover a wide range of topics, so if you need clarification at any
5 point, just say so.

6 If you honestly do not know the answer to a question or do not remember, it is
7 best not to guess. Please just give us your best recollection. And it is okay to tell us if
8 you learned information from anyone else. Please just indicate how you came to know
9 that information.

10 Although this interview is not under oath, by law you are required to answer
11 questions from Congress truthfully.

12 Do you understand this?

13 Dr. Washington. Yes.

14 [REDACTED] This also applies to questions posed by congressional staff in an
15 interview.

16 Do you understand that?

17 Dr. Washington. Yes.

18 [REDACTED] Witnesses who knowingly provide false testimony could be subject
19 to criminal prosecution for making false statements under 18 USC Section 1001.

20 Do you understand that?

21 Dr. Washington. Yes.

22 [REDACTED] Is there any reason you are unable to provide truthful answers to
23 today's questions?

24 Dr. Washington. No.

25 [REDACTED] Finally, I would like to note the content of what we discuss here

1 today is confidential. We ask you not to speak about what we discuss in this interview
2 to any outside individuals to preserve the integrity of our investigation.

3 Similarly, the marked exhibits we will use today will remain with the reporter so
4 they can go in the final official transcript, and any copies of those exhibits will be returned
5 to us when we conclude.

6 [REDACTED] walked in.

7 [REDACTED], if you want to identify yourself for the record.

8 [REDACTED]: Sure. [REDACTED], minority.

9 [REDACTED] Thank you.

10 That's the end of my opening remarks. Is there anything my colleagues from the
11 minority would like to add?

12 [REDACTED] As a George Mason alum, I'd just like to say welcome and thank
13 you for being here voluntarily.

14 We'd also like to note that this is being recorded. I know the majority said that.
15 I just wanted to make you're aware that this is being recorded.

16 Dr. Washington. Thank you.

17 [REDACTED] Any other opening remarks before we go?

18 Mr. Gansler. No.

19 [REDACTED] The clock now reads 9:59 a.m. We'll begin with the first round of
20 questioning. I'll turn it over to my colleague Tom.

21 [REDACTED] Thank you.

22 EXAMINATION

23 BY [REDACTED]

24 Q Thank you, Dr. Washington.

25 Dr. Washington, starting -- can you just kind of walk us through your professional

1 background?

2 A Starting when?

3 Q Starting after you graduated from university.

4 A Okay. So following my graduation from NC State University, I took a short
5 stint with Ford Motor Company. Worked with Ford for about six months or so. And
6 then I left Ford and took a faculty position at The Ohio State University. I worked at
7 Ohio State from, I want to say, 1995 all the way through 2011.

8 And I left Ohio State University as the -- well, just finished a stint as the interim
9 dean of the College of Engineering. And then I left the College of Engineering to take a
10 dean's job at the University of California, Irvine. I was there from 2011 through -- 2011
11 to 2020.

12 And in 2020 I took on the presidency at George Mason University, and I was
13 president at George Mason University from 2020 until the present.

14 Q As president, can you briefly describe your main responsibilities.

15 A As president?

16 Q As president of GMU.

17 A Well, I am primarily responsible for -- through the powers vested in me by
18 the board -- to lead and manage the academic institution.

19 That supports the fundraising activities of the academic institution, its general
20 operation, in collaboration with the board, its policies and its structures -- are all part of
21 my responsibilities -- and managing and supporting students from the time they get to
22 the institution all the way through graduation.

23 Q And when you say the powers vested in you by the board, are you referring
24 to the Board of Visitors?

25 A Yes. The State law in Virginia puts all affairs of the institution under the

1 auspices of the board, and then the board operates through its chief executive officer,
2 which is the president.

3 Q Okay. Do you serve on any external boards to GMU?

4 A Yes. I serve on a number of external boards. I'm on the board of the
5 economic club. I'm on the board of Internet2, which is a not-for-profit business aimed
6 at providing web-based services to research institutions.

7 I'm on the board of S&P Global, which is a global financial services company. I'm
8 on the board of WGL, which is the former Washington Gas, and they provide services.
9 And there's some other nonprofit boards I'm on as well.

10 [REDACTED] When did you officially accept the GMU president position?

11 Dr. Washington. I can't recall the exact date of when I accepted. I believe it
12 was in the February time frame of 2020.

13 [REDACTED] And your first day on the job was a few months after that?

14 Dr. Washington. First official day on the job was July 1st, 2020.

15 BY [REDACTED]

16 Q At GMU, can you briefly describe the governance levels? What I mean by
17 that is how the organization is run kind of bottom-up, starting with faculty.

18 A I guess an easy way to describe it is faculty manage the curriculum,
19 promotion, tenure, and hiring. The administration manages finances, support for those
20 faculty, support for the students, fundraising, athletics, the general strategic plan and
21 direction of the campus.

22 The board oversees and manages all of it. All hires have to go through the board
23 for approval. The faculty --

24 Q Sorry. What board are you referring to?

25 A The Board of Visitors.

1 Q Okay.

2 A So all hires have to go through the board for approval of the faculty. They
3 have to approve any plans, strategic plans, that come forward.

4 In my capacity, many of my statements and many of the directives that I give to
5 the campus and to the institution are run through the board.

6 Q So you mentioned faculty manage curriculum. Then a dean -- does a dean
7 manage faculty, a dean of schools?

8 A The deans provide leadership to the faculty.

9 So if I'm going to explain an academic institution, they're really bottom-up
10 institutions. It's not like a corporate framework, because the fundamental basis is
11 tenure. And so a faculty member with tenure essentially has a job for life that provides
12 that faculty member with academic freedom.

13 And what that means from an operational perspective is that you don't have, for
14 lack of a better way of saying it, you don't have the ability to fire someone or to dock their
15 pay if they want to -- if you want them to go in a direction in which they don't want to go.

16 And so the faculty -- and so the dean manages the faculty, works with the faculty,
17 but ultimately faculty have a lot of power in the directions and the decisions they make.

18 And deans influence it. Deans can try to engage and support a faculty. Deans
19 provide resources to the faculty. They do determine what direction resources go and
20 what direction resources are invested in.

21 But the idea of a dean telling the faculty "do this" in most academic institutions in
22 the country, George Mason included, would almost guarantee that that faculty would go
23 the other way.

24 Q As you mentioned bottom-up structure to the next level, you have the
25 deans. The individual that manages the deans, would that be the provost of the

1 institution?

2 A That is the provost.

3 Q And then the provost reports to you?

4 A The provost reports to the president, yes.

5 Q Okay. In your role as president, what entities of the university -- and what I
6 mean by that is kind of what offices -- do you most frequently interact with?

7 A I most frequently interact with those offices that directly engage our
8 students. So University Life. I mean, fundamentally, we are a public higher education
9 institution, and so at the base of our operations are 40,000 students.

10 And so I usually have daily discussions with people in that org. Then there's the
11 research and directions of the faculty. I have significant numbers of discussions with
12 those individuals.

13 And then there are discussions that I have relative to the academic units
14 themselves and how they operate. That would probably be third or fourth on the list.

15 In between that is the fiscal infrastructure. The budgets are extraordinarily tight
16 in academic institutions. And so we're managing -- you're constantly managing budgets.

17 Q And when you say academic, that would be are you meeting with the
18 provost, would be the person you interact with for those discussions, or are you at the
19 dean level?

20 A Never at the dean level.

21 Q Okay.

22 A It's the dean's -- it's the provost's responsibility to meet with the deans. I
23 do have occasional meetings with deans, usually if there is a hot button topic or issue
24 where I need to address with them.

25 Or if they have a function. They're fundraising, they have a fundraising function

1 they would like for me to attend to help them raise money for a specific item, I do it
2 there.

3 Or there is an external community engagement function in which they want me to
4 attend, I do it there.

5 But the day-to-day operations relative to the deans and how they operate units
6 flows directly through the provost.

7 Q If you could quantify how often. Do you have a weekly meeting with the
8 provost? Monthly?

9 A I meet with the provost weekly.

10 Q Weekly, okay.

11 How often do you work with the Office of Access, Compliance, and Community?

12 A I meet with that office weekly as well.

13 Q And for the record, until recently, this office was named the Diversity, Equity,
14 and Inclusion Office. Is that -- do I have that right?

15 A It was named the Office of Diversity, Equity, and Inclusion.

16 Q Okay.

17 A Excuse me. Actually, I don't actually remember the actual name for it. So
18 we'll have to get back to you with the exact name.

19 Q Okay.

20 A It's been a little while since that name has been changed.

21 Q When did it change?

22 A That name was changed --

23 Q Approximately. By month and year is fine.

24 A Okay. I can give you approximately the month and year. The office name
25 was changed in February of 2025.

1 Q Okay. Who currently leads the Office of Access, Compliance, and
2 Community?

3 A Dr. Sharnnia Artis.

4 Q And you just mentioned you have a weekly meeting with Dr. Artis?

5 A I meet with her weekly. I don't know what the actual scheduled meetings
6 are, but I talk to her weekly.

7 Q Talking in general right now, not anything specific, if you wanted to
8 implement a new initiative or policy, how do you -- what is the process of going about
9 that?

10 A So if I wanted to implement a new policy, it would -- myself and the team
11 would come up with the initiative or the idea.

12 Q I'm sorry, I don't want to interrupt. When you say team, do you have a
13 staff?

14 A The team would be my chief of staff, myself, most likely the provost. It all
15 depends on which academic -- if it was an academic program, the provost would be
16 involved. If it was a student program, the vice president for university life would be
17 involved. If it were a program that touched both, both would be involved. If it were a
18 research program, the vice president for research would be involved.

19 And so it all depends. But it would be the cognizant member of my staff, myself,
20 my chief of staff, or most likely the individuals if -- that's if I wanted to put together
21 something.

22 Most initiatives on a campus don't flow from the president. They actually
23 flow -- it's literally a thousand flowers blooming. They flow from all over.

24 But if I wanted to do it, it would go there first. If that -- if it was going to be a
25 policy of the institution, there is a formal process for that that actually goes through the

1 faculty.

2 Some of those policies make their way into the faculty handbook. Some of them
3 make their way into -- formally into university policies. And then ultimately that policy
4 change would go to the Board of Visitors for final approval.

5 Q And you were just mentioning for policy. Is there a different process for
6 we'll call initiatives, presidential initiatives?

7 A If the initiative involves policy, it goes through that framework. If the
8 initiative does not involve a change in policy, it may skip some of -- it might skip the
9 faculty piece, but the board would have to weigh in on any presidential initiative that cost
10 dollars, because ultimately the fiduciary responsibility of the board, they have to weigh in
11 and give the ultimate approval to move an initiative forward. If an initiative doesn't cost
12 any money, they may not be as interested, but most initiatives do.

13 Q And is there a compliance mechanism anywhere in the university? Is there
14 any way to ensure the many schools are following the policy appropriately?

15 A In some cases, yes. Depends on the policy, if it's truly a policy, and in some
16 cases they aren't. Oftentimes things get listed as policy that are not policy.

17

BY [REDACTED]

18 Q And to jump back just a bit, when we were talking about your interactions
19 with the provost and the various weekly meetings that you had, you talked about you
20 engage most frequently with offices that engage with the students. And you mentioned
21 University Life, and then you talked about weekly meetings with the Office of Access,
22 Compliance, and Community.

23 Can you give us examples of how University Life engages with the students at
24 GMU.

25 A Wow. Every aspect of student life they usually touch -- or most aspects of

1 student life. You have dormitories, and so the RAs, the individuals who are directly
2 involved with the students, that goes through University Life. If there was a, for lack of a
3 better way of saying it, any major incidents on campus, those also flow through University
4 Life.

5 Everything that's not teaching a student flows through University Life, and so the
6 academic departments are responsible for educating the students. But once those
7 students are -- once they're in dorms or in, for lack of a better way of putting it, utilizing
8 student services, those flow through University Life.

9 Q And how does the Office of Access, Compliance, and Community engage
10 with students at GMU?

11 A Well, they support University Life, so they're connected to University Life on
12 some instances, because there's significant overlap between student groups, the kinds of
13 things that they support, and the work that University Life does.

14 Q And what are the kinds of things that -- can we call it OACC? Is that how
15 it's abbreviated?

16 A Okay.

17 Q What kind of things does that office support that University Life doesn't
18 support?

19 A So it's like a partnership. So there's no line that says this one does this,
20 that one does that. It's a symbiotic relationship. And so I don't know that I can tell
21 you, here's a program, that one supports it, or a program -- because ultimately they're all
22 students.

23 And all of our students are part of some group. That's just the way things are
24 structured at Mason. And when I say part of some group, they have some entity that
25 they belong to. And the management of how those entities are supported, a lot of that

1 goes through the Office of Access, Compliance, and Community.

2

BY [REDACTED]

3

Q Thank you.

4

Kind of shifting focus, I think it's helpful if we're just working off of common definitions. So I just kind of want to work through some terms and provide a definition to your understanding of them, please.

7

What is the definition of anti-racism?

8

A So racism -- anti-racism -- is entities that are against racism, right? And so we would define -- racism can be defined in a lot of ways, but it's the unfair treatment of individuals or groups because of their race.

11

Q So anti-racism would be fighting racism.

12

A Yes.

13

Q What is the definition of inclusive excellence?

14

A Inclusive excellence is a process of developing systems and structures that include everyone. It's about creating a sense of belonging on the campus such that all students can participate.

17

Q Definition of equity?

18

A Equity is about providing groups an opportunity to be successful. It's about helping ensure that the playing field for everyone is equal.

20

Q Briefly, I know it might sound funny, but can you just give the definition of diversity. I know it's a common word, but --

22

A Yeah. So diversity is -- it's a concept. It's a conceptual framework of having all entities involved in a specific subject or endeavor, right? Yeah. It's really about including multiple -- yeah, multiple entities. It's about having all groups at the table.

1 Q And you mentioned you -- I believe you stated you accepted the position in
2 February 2020? Do I have that right?

3 A I started the position in July of 2020.

4 Q You accepted it.

5 A I can't remember the exact day that I accepted it, but I believe it might have
6 been around the February or March time frame.

7 Q Okay. After accepting the position in that February/March timeline, were
8 you -- did you start to get briefed or did you start to get included on GMU, let's say,
9 meetings, or did that not take place until you officially started your role in July?

10 A I had monthly meetings with the previous president, the person who was
11 president at that time, and she provided briefings and updates for me.

12 Q Do you know who [REDACTED] is?

13 A [REDACTED]

14 Q Yes. Thank you.

15 A I do know who [REDACTED] is.

16 Q And what is [REDACTED] position at GMU?

17 A [REDACTED] is involved primarily with faculty development and support of the
18 faculty.

19 Q And are you aware of who [REDACTED] is?

20 A [REDACTED], yes, I'm familiar.

21 Q And what is [REDACTED] position?

22 A [REDACTED] also supports our faculty groups and our staff groups at the institution.

23 Q In your meetings with the prior president before you officially began your
24 role in July 2020, were you ever briefed on a faculty diversity and inclusion initiative that
25 was presented by [REDACTED] and [REDACTED]?

1 A I was not.

2 Q Okay. And when did you announce the President's Task Force on
3 Anti-Racism and Inclusive Excellence, which we will abbreviate as ARIE?

4 A That task force was announced in July of 2020, probably around the 23rd or
5 so, but July of 2020.

6

BY [REDACTED]

7 Q And this task force came about just several weeks after you started in your
8 role as president, and you had been meeting with the previous president on a monthly
9 basis. Was the need for this task force discussed in those meetings with the previous
10 president?

11 A Not the need for the task force, but there were significant -- there was
12 significant racial strife and racial issues happening on the campus.

13 Remember, I started July 2020, and there were major, for lack of a better way of
14 putting it, there were major protests happening on the campus during -- on our campus
15 and nationally during that time because of the death of George Floyd, because of his
16 murder, because of the murder of Ahmaud Arbery, because of the other high profile
17 cases that had been -- that were public in and around that time, led to mass protest in the
18 country, and our campus was not spared from that.

19 So a number of our discussions were on how to -- we had the COVID issue and we
20 had that issue. Those were the two big issues. And so most of the time when I had
21 discussions with the person who was president, it was around COVID and it was around
22 the protests that were happening.

23 Q And what did the previous president tell you about the protests that were
24 occurring, specifically on GMU's campus, in that time period prior to your arrival?

25 A I don't know the exact -- I can't recall the exact details of what we discussed,

1 but we discussed the challenges associated with managing the campus where these
2 protests were happening.

3 Q And were there specific challenges that you remember that she discussed
4 with you?

5 A I don't remember the specific challenges.

6 [Washington Exhibit No. 1
7 was marked for identification.]

8

BY [REDACTED]

9 Q I'm going to introduce the first exhibit, exhibit 1. It is your announcements
10 for the creation of the ARIE initiative. Give you a second to review.

11 [Witness reviewing.]

12 A Okay.

13 Q You made this announcement, just for the record again, in July 23rd, 2020.
14 Does that sound right?

15 A I think that's in alignment with what I told you earlier, yes, July.

16 Q And the announcement noted you were, quote, "creating the President's
17 Task Force on Anti-Racism and Inclusive Excellence, and giving its members some big
18 assignments," end quote.

19 One assignment listed appeared to be determining, quote, "where systems,
20 practices, and traditions of racial bias exist at George Mason University so that we may
21 eradicate them," end quote.

22 Did you observe systems, practices, and traditions of racial bias at GMU prior to
23 your -- this announcement?

24 A So prior to the announcement, I had -- I went on what would be called
25 listening tours, and I engaged with faculty groups, with student groups, with alumni

1 groups, but basically, the major constituencies of the institution. And in those meetings,
2 particularly in meetings with students and faculty, I began to receive feedback of things
3 that people felt were unfair relative to them.

4 Q And the announcement noted the need to, quote, "build intentional systems
5 and standards of anti-racism," end quote.

6 And so we went over that anti-racism is fighting racism. What are some
7 examples of anti-racism systems and standards that you wanted to build?

8 A The examples, the concrete examples made their way into other documents.
9 And so I think the items that are listed here in this document were the things we were
10 actually looking at.

11 The good thing about this document is that it's very specific. So if there's one
12 that you'd like to talk about that's listed here, we can, but the items that we -- the specific
13 items that we were examining are actually outlined in the letter.

14 Q How did you determine those? Can you walk through what is outlined?

15 A Well, it looks like here it is -- it's based on specific areas. Policing, it starts,
16 and then there are university policies that people wanted us to take a look at. There is a
17 general area of racial reconciliation. And then there's curriculum, pedagogy, and then
18 buildings and grounds.

19 So these were -- oh, and there's community engagement and resources. So
20 these were the general areas, and then under those there are specific things that we
21 were taking a look at.

22 BY [REDACTED]

23 Q And when you look on page 4, the page that you're on there, under the
24 "University Policies" heading, it says, "A number of university policies and practices that
25 carry racist vestiges in their practices will be examined and/or curtailed." And you

1 previously mentioned that you engaged in listening tours with alumni, faculty, and
2 students.

3 A Yes.

4 Q Were the policies and practices that needed to be examined and curtailed,
5 were they brought up and brought to your attention during these listening tours?

6 A Yes. I'll give you a classic example. Faculty salary equity. There were
7 people who brought forward that they felt that they were not given proper promotions or
8 were not paid from a salary perspective what counterparts in their academic units were
9 paid.

10 Q Okay. And the bottom bullet there starts out with, "Recognizing and
11 rewarding adversity barriers in promotion and tenure." Did issues with promotion and
12 tenure come up in the discussions during the listening tours that you had with faculty?

13 A Are you -- yes. Are you talking about this last bullet?

14 Q Yes. Under "University Policies."

15 A Yes. Specific to the last bullet, when you're one, you know, when you're
16 the -- and I experienced this also as a professor in an academic unit where you're one of a
17 few or in some cases one of one.

18 When I was hired at Ohio State, I was the only African-American professor in my
19 department, and it was a very large department, and those departments had reasonable
20 numbers of African-American students, but also Latino students and other students of
21 color who would come and engage me, because I was a face that looked like them, to be
22 a role model, to engage and support them, to mentor.

23 And so often student success hinges upon social economic issues, not just
24 academic ones. And so I've always made myself as available as I possibly could to
25 working with and mentoring those students and those students that came forward.

1 Not just those students, but lots of other students. I mean, White students. I
2 had a very close relationship with an Amish student.

3 It almost seems like people who were somewhat different would seek me out.
4 That's quite common in academic institutions across the country.

5 The challenge is that our promotion, tenure, and support mechanisms don't have
6 frameworks in it that credit faculty for that work. And so that's what this bullet is about,
7 lived experience.

8 What we learned as we started to get into understanding this issue was that you
9 had a lot of White faculty -- you had lots of faculty who were engaging with these
10 students. And so our thought -- my thought on this shifted to it's really anybody who is
11 spending additional time, additional service time working with students to find
12 mechanisms by which to give them credit that counts towards their promotion and
13 tenure.

14 Q And you talked about this briefly with what you just stated, but in the bullet,
15 just reading it for the record, it says, "We will develop specific mechanisms in the
16 promotion and tenure process that recognize the invisible and uncredited emotional
17 labor that people of color expend to learn, teach, discover, and work on campus."

18 And I want to hone in on the words "specific mechanisms," and you talked about
19 some mechanisms of how you credit some of the work that's done.

20 Can you give us some more examples of, like, specific mechanisms that needed to
21 be taken into account in the promotion and tenure process?

22 A We were looking for ways to figure out how to give faculty credit for that
23 work -- and again, not just faculty of color, but faculty in general, credit for doing that
24 work.

25 We did not end up changing university policies to do that, because what we found

1 is that it really wasn't necessary if people just credited more faculty with service.

2 Faculty are evaluated in three areas -- research, teaching, and service -- and if we
3 credited them properly with more service, meaning these people needed to highlight the
4 stuff they were doing, and if they were credited with more services, the natural
5 frameworks that we already had in place would accommodate that. So we never made
6 a policy change.

7 Q And with that in mind, that you didn't make any policy changes with regards
8 to this specific bullet, you talked about properly crediting service. How in your mind
9 would that work in practice, to credit service?

10 A Each individual unit credits these things themselves. So I can't tell an
11 individual academic unit in terms of their promotion and tenure guidelines how to do it.
12 They would do it in their own manner and own way.

13 Q And what are some examples of service that's credited in the hiring and
14 tenure process?

15 A So examples that are credited, easy examples are serving on a specific
16 committee of the institution. So let's say you're on the promotion and tenure
17 committee. That's credited as service. You're on the academic affairs committee of
18 your department. That's credited as service. When you're on an official committee,
19 that's credited.

20 Q And you had mentioned during your time at Ohio State students sought you
21 out for mentorship. Is that one type of service that would be credited, or is that not
22 taken into consideration?

23 A In most places that service is not taken into consideration like the other ones
24 are.

25 Q And looking at the fourth bullet point under "University Policies," the

1 heading, if you will, states, "Implicit bias recognition in faculty promotion and tenure."

2 Is this another policy that was brought up as needing change in your listening tours with
3 faculty?

4 A Yes.

5 Q And what can you tell us about how that came up?

6 A Well, implicit bias manifests itself in attitudes, in stereotypes, in associations
7 that people have unconsciously, and so that's without deliberate awareness, and they
8 affect how people perceive, evaluate, and interact with others. It's one of the reasons
9 why most CEOs are over 6'1", most Presidents are over 6'1". There is a bias into a belief
10 that taller people are stronger and better leaders.

11 And so one of the things that we try to do here is to help people understand that
12 implicit biases existed so that they would not be implicit anymore. People would
13 recognize that they have them.

14 Remember, and bias -- implicit bias affects people of all races, of all genders.
15 And so helping people understand that there can be an unconscious, for lack of a better
16 way of saying, an unconscious bias, something that they're not even thinking or aware of,
17 is actually important, and that's what that comes from.

18 Q And the rest of the bullet states, "We will develop specific recommendations
19 for the renewal, promotion, and tenure processes that address implicit bias,
20 discrimination, and other equity issues (e.g., invisible and uncredited labor) to support
21 faculty of color and women in their professional work."

22 When you became aware of the implicit bias issue when it was brought up in the
23 listening tours, was it specific to women and faculty of color in the professional work
24 world at GMU?

25 A It was specific to -- in terms of the feedback I got when I was doing the

1 listening tours, in general, it was.

2 Q And what was the specific issues that were brought to your attention, if you
3 remember?

4 A I can't recall the specific issues, but -- yeah, I can't recall.

5 Q And were there any recommendations -- the bullet says "will develop
6 specific recommendations" -- were there recommendations that were made based upon
7 this bullet?

8 A Recommendations was for more training on implicit bias.

9 Q And was that training implemented throughout the campus?

10 A It was. There was no mandatory training, but there was training available
11 for people who wanted to get help or be knowledgeable in the area.

12 Q And if you remember, what was the content or the goal of the training?

13 A I did not take that specific training, so I'm not aware of what actually existed
14 in it.

15 Q Do you know how many people took the training?

16 A I do not.

17 Q Okay.

18

BY [REDACTED]

19 Q Looking at this second bullet here, we have on page 4 "inclusive excellence
20 planning." What does that involve, generally?

21 A Inclusive excellence planning really involved the expansion of inclusive
22 excellence plans.

23 When I came to campus, I think at least one academic unit already had an
24 inclusive excellence plan, and we looked at expansion of these inclusive excellence plans
25 to all entities.

1 This was -- the goal was that these inclusive excellence plans would provide
2 feedback and information that we could then use in our submission of our yearly
3 diversity, equity, and inclusion plan that was required by the State of Virginia in the -- via
4 the ONE Virginia Plan.

5 Q So this initiative led to was it -- how many schools, colleges developed an
6 inclusive excellence plan following this initiative? Was it every school and college had to
7 develop an inclusive excellence plan?

8 A All colleges and schools eventually made an inclusive excellence plan.

9 Q And in the same bullet, just to read it for the record, it says, in relation to the
10 inclusive excellence plan, quote, "The task force will develop a metric-driven template for
11 units to use," end quote.

12 What is a metric-driven template? Can you define that?

13 A It's a document that helps people determine how to fill out their plans.

14 Q And these inclusive excellence plans, which I'm going to abbreviate as IEPs,
15 once they were drafted was there any review process?

16 A There was no formal review process. There was no formal approval
17 process of the plans. The plans were basically structured at the unit level. There might
18 have been a unit that had gotten feedback or some engagement, but there was no formal
19 process set up for acceptance of the plans.

20 Q So the initiative directed schools and colleges to develop plans and then
21 there was no --

22 A So those plans emanate from the faculty. And as I stated earlier, it's hard
23 to direct or force faculty to do anything. We ask that plans be developed and units
24 develop the plans. If units did not want to develop a plan, they did not have to. There
25 was no, for lack of a better way of putting it, there was no punishment or there was

1 nothing that we could do to a unit that did not do a plan.

2 You have to understand the context of what was happening in the country at that
3 time. We had just watched a person get murdered while he was screaming for his
4 mother, and that had a very, for lack of a better way of putting it, visceral effect on the
5 country. And so people were looking for ways in which they could do better, and we
6 were amongst that.

7 I mean, our faculty, in general our community, was searching for ways to support
8 the campus in that regard, to have broader support of the campus without discriminating
9 and without lowering the bar. And so these inclusive excellence plans came out of that
10 crucible. So people wanted to do them.

11 Q And taking a -- I'm just going to take a step back to maybe a 10,000-foot
12 view. This ARIE initiative, is it fair to call it a presidential initiative?

13 A It is fair to call the ARIE initiative a presidential initiative.

14 Q So going back --

15 A But remember, all initiatives of this magnitude, remember, if you go back
16 and you see, I think it was a \$5 million number attached to this, if I'm not mistaken, I think
17 that's -- in the "Resource Commitments" section, "We will identify associated budget to
18 achieve these immediate actions, beginning with an initial \$5 million commitment over
19 three years," that means that it would have to have board approval. The board would
20 have to be intimately engaged. There's absolutely no way that a president could spend
21 that kind of money without board engagement and without board approval.

22 Q So when did you first notify the Board of Visitors about this initiative?

23 A I can't recall exactly. But they were involved in the initiative. The
24 initiative was also included in the strategic plan that was actually voted upon by the
25 board.

1 BY [REDACTED]

2 Q In the \$5 million commitment, did that include the creation of the executive
3 director position for the Truth, Racial Healing, and Transformation Campus Center?

4 A I can't remember exactly how those funds were actually distributed.

5 Q And was that --

6 A But those positions -- yeah, I can't remember exactly how the funds were
7 distributed.

8 Q Okay. And was that executive director position, was that an existing
9 position on campus or was that a new position created by the task force?

10 A I'm not sure. I don't know.

11 Q And is that still a position on campus? Is there still someone in that role?

12 A I do not think so, but I don't know. I don't know.

13 Q And what was that individual's role?

14 A What individual?

15 Q The executive director. Was there ever an executive director for the Truth,
16 Racial Healing, and Transformation Campus Center identified and hired?

17 A With that particular center, if you read this document, I think you'll see that
18 that center existed before I came to George Mason.

19 And so, if I'm not mistaken, the Truth -- we draw -- "We are proud to draw upon
20 the expertise of: The Truth, Racial Healing, and Transformation Campus Center, one of
21 the first of its kind in the nation."

22 So that's telling you it was already -- I'd only been on the job I think three weeks or
23 four weeks when this was initiated. That center was already at Mason. So how it
24 formed, who was leading it, how it was supported all predated me, so I'm not -- the ARIE
25 framework did not create that entity.

1 Q And when it says, "We will identify an Executive Director," does that denote
2 in your mind that there wasn't an existing person in that role?

3 A I'm almost sure there was somebody in the role.

4 Q Okay.

5 A Because -- I can't remember the woman's name, but I remember meeting
6 her. But that center existed beforehand.

7 Q Okay. And would that center have led the efforts of the task force?

8 A No. The task force was actually led by a person, a faculty member, in
9 the -- a faculty member in the humanities, and our number two person in HR. So those
10 two individuals were the individuals that led the ARIE effort.

11 Q And how many members were there on the task force?

12 A Oh, I don't know for sure, but with committees and subcommittees, easily a
13 hundred.

14 Q And would you receive regular reports of what was occurring with the task
15 force?

16 A I would receive periodic reports.

17 Q Periodic. Okay.

18 And is the task force still in existence, or how long was the tenure of the task
19 force?

20 A The ARIE task force was discontinued in -- the ARIE task force -- the ARIE
21 initiative was discontinued -- I have the date for that. June of 2024 the ARIE initiative
22 was dissolved. The task force work was probably completed before then. I'm just
23 not -- I just don't remember when.

24 Q And before the task force was dissolved, the work of the task force was
25 completed, how did the complete product of the task force manifest itself? Was it a set

1 of recommendations?

2 A It was a set of --

3 Q Was it policy changes?

1 [10:54 a.m.]

2 Dr. Washington. It was a set of recommendations.

3 BY [REDACTED]

4 Q Approximately how many recommendations?

5 A I can't remember exactly.

6 Q More than 10?

7 A Approximately, maybe 10 to 15 recommendations, but I'm -- but I'm not
8 sure.

9 Q And you mentioned you received periodic updates?

10 A I did.

11 Q Who provided those updates to you?

12 A The updates were primarily provided by the two lead individuals of ARIE.

13 Q And forgive me if you already mentioned those two individuals. Who were
14 those two individuals?

15 A My goodness. I cannot remember their names. One of them, I do know,
16 is no longer here. [REDACTED] at UVA. And her name was [REDACTED]. And the other
17 [REDACTED] name, I forget right now.

18 Q What were their positions?

19 A One was a faculty member. [REDACTED] was a professor at one of our academic
20 departments. And the other was in our HR organization.

21 Q And you said that the board would've -- did you bring this idea to the board
22 prior to your announcement on July 23rd, 2020?

23 A Oh, without question.

24 Q And prior to the announcement --

25 A I would have had -- I had discussions with the rector multiple times per week

1 in most cases. It's not necessarily the case now. But with previous rectors, I had more
2 discussions with the rector -- the rector for -- just for clarification is the -- essentially the
3 chair of the Board of Visitors. That person leads the Board of Visitors.

4 And so I would have discussions with the rector multiple times per week. And so
5 we would discuss initiatives, programs that I wanted to put forward.

6 Q Prior to the implementation of the plan, did you consult with university
7 counsel?

8 A Yes, without question. University counsel was a part of the members of
9 the task force. There was a university counsel person as part of the ARIE Task Force.

10 [REDACTED] We have a minute left. It's not really worth going into my next
11 line of questioning to end it, so we're going to go off the record.

12 [Recess.]

13 [REDACTED] We'll go back on the record at 11:09 a.m.

14 EXAMINATION

15 BY [REDACTED]

16 Q Just to reintroduce myself, Dr. Washington, I'm [REDACTED]. I'm with
17 the minority. So I'll be taking this hour to ask you a series of questions.

18 I want to start by actually going back to more of your background area, one,
19 because I know that getting a Ph.D. in engineering is pretty difficult, to say the least. So
20 I'd just like to learn more about what was your research subject for your engineering
21 when you were getting your Ph.D.?

22 A I can't recall. No, no, I'm just joking. No. I am a researcher in the area
23 of dynamic systems, measurement, and control. I have a focus on smart and adaptive
24 systems. And basically what that entails is anything that moves or has to be controlled,
25 we have to develop sensors and software to control it. And so it could be a cruise

1 control on an automobile. It could be a stability control system for an aircraft. I do a
2 lot of work -- I did a lot of work in those areas.

3 Q Makes sense why you would go to Ford, then, for a little short term before
4 going into academia.

5 A That's exactly right.

6 Q You also talked about, you know, taking the assistant professor jobs at Ohio
7 State before eventually progressing and becoming the interim dean of the College of
8 Engineering.

9 Just taking a step back and thinking about your time at Ohio State -- and please
10 take your time to answer this -- but what accomplishment or achievement from your time
11 at Ohio State are you most proud of?

12 A Well, I built a world-class research program. Millions of dollars of research
13 funding. I had a large cohort of graduate students -- large and diverse cohort of
14 graduate students who are all doing extraordinarily well. I got professors. I have
15 people who are at some of the best institutions in the country. I have a student who's a
16 professor at MIT. I have three millionaires out of the bunch. So my students have
17 done extraordinarily well for themselves, and so I'm really most proud of them, my
18 graduate students.

19 Beyond that, I believe I got into higher ed for the right reasons. I got in it to help
20 people, to help support the Nation. You know, a lot of my research is not just with the
21 automotives, but I did a lot of research for the government -- for the Federal
22 Government, focused on systems that protect our military and the like. So I've done a
23 lot of work there as well. And so I'm really proud of the research that I've done, the
24 impact that it's had, that it's supported the country and still is supporting the country.

25 And then I'm really proud of -- you know, that I've been a help to people. You

1 know, it's one thing for people to learn a new topic in engineering, but it's another thing
2 to help them learn how to be a better human. And I'm really proud of the impact I've
3 had in just helping people along. And these are young people. They're 18 years old.
4 Many of them are trying to figure out who they are. And if you can be a help in that
5 process and help them develop on a pathway to becoming good humans, I feel really
6 proud about that.

7 Q One of the things I've heard from, you know, other universities is that
8 education is more than just the academic piece of it, and I think that's what you're
9 touching on here at the end.

10 A That's right.

11 Q What does that mean to you, right, the educational experience of being a
12 university student, whether it be an undergraduate student or a graduate student?
13 What does that education or the term "education" mean to you?

14 A Well, so education is really about helping people become better members of
15 society, helping them move our society forward and position our society to compete in a
16 larger world. Look, the reality is we are in a globally competitive landscape. What
17 happened yesterday tells you that -- very, very clearly that we -- that we're in a global
18 race to the top, not to the bottom, and --

19 Q Can I interrupt you? What happened yesterday, just to make it clear for
20 the record?

21 A For the record, there was a major meeting between India, China, and Russia,
22 and -- in China.

23 And so, look, I've always believed that, when you're an engineer, engineering is
24 global. It's always been a global discipline. It's one of the few disciplines where, when
25 you graduate, you're competing against the world. If you go to conferences, your

1 papers, your work is up against the work of the best in the world, and you either -- you
2 win or you lose based on your ideas and the quality of your ideas. And I think that's
3 something that's forgotten in the country, that we're actually in a real global race, and we
4 have to be focused.

5 Q From Ohio State, I believe -- and you said this earlier -- that you went on and
6 became the dean of the School of Engineering for the University of California, Irvine. Is
7 that correct?

8 A Yes.

9 Q I'm going to ask the same question. From your period now at Irvine, what
10 accomplishment or achievement are you most proud of about that period? I'm sure
11 there was some growth or some areas where you felt like you were able to build upon
12 what you did at Ohio State. What are you proud of from your time there?

13 A We had the second highest growth of students on the whole campus during
14 the time that I was there and had the highest growth in history of the School of
15 Engineering there. We -- I grew the faculty larger than it had ever grown. Highest
16 fundraising years in history of that college and of that school was during my time there,
17 and that money was used to totally expand -- dramatically expand the infrastructure.
18 That campus is -- that school is arguably a top 25 engineering program. It wasn't when I
19 got there. It is now. And we put the foundational bricks in place to do all of that.

20 I hired the strongest cohort of faculty in the State of California during the time I
21 was there. We had excellent programs for our students. We got exceptional students.
22 We graduated exceptional students. My graduate students -- because I also wasn't just
23 a dean; I maintained working as a faculty member. So I was teaching classes. I was
24 doing research. I had graduate students. I had a fully functioning laboratory. And I
25 did that all as an overload. That was not required of me in my position, but I had such

1 enjoyment of working -- out of working with graduate students. And my graduate
2 students from Irvine have done extraordinarily well also, probably better than the
3 students at Ohio State, but -- and so I'm really, really proud of that.

4 And, again, I'm really proud of my ability to help people. Because I was the dean
5 for 9 years, I had the ability to put programs in place to really support students and to
6 help students matriculate and to help student success.

7 Q You talked about the infrastructure being built at Irvine, the faculty growing.
8 I think you even mentioned growing the student population while you were there. Why
9 is growing the student population or providing students an opportunity to study -- how
10 does that fit into that global arms race you discussed? How does that fit into education?
11 Why is that important, is my question.

12 A The societies of the world -- 85 percent of our gross domestic product -- that
13 means 85 percent of everything we produce -- is correlated to science and technology.
14 And so if you're not producing the next generation of scientists and engineers that are
15 proficient and that are competitive, basically, our quality of life diminishes in a
16 generation. That's why it's so important. It is incredibly important that we get this
17 right. I don't think people realize how fast things can change.

18 Q As someone who is an engineering graduate of George Mason, you're almost
19 talking me back into going to research. That's what I will say.

20 A I understand.

21 Q So I now want to turn into the actual George Mason period. I know the
22 majority touched on this, but I want to get a little bit more into the application process.
23 I don't know if that's what it is for a president. But what was the pro- -- the search
24 process like as you were going through, being considered to be the eighth president of
25 George Mason University?

1 A So I was nominated for the position by a current -- by then a current George
2 Mason faculty member, and he nominated me, and he also reached out to me and asked
3 that I put forward a nomination. Actually, I didn't at that time. It wasn't until the
4 third -- it was three different people nominated me, and the third person -- I heard the
5 name come up so many times. I said, I think I better at least take a look at the
6 institution.

7 And this was in the November -- October, November of 2019 timeframe. I put an
8 application in and -- I put an application in and was invited for what's called a airport
9 interview. They bring in the top 10 candidates of the -- from the cohort that applied,
10 and that took place in the January, February timeframe. I did really well on that and was
11 invited back to the campus. It was three or four finalists.

12 And when I came back to the campus -- it was three or four finalists -- you
13 were -- you're interviewed by groups of people. Just constant series of -- and so it's not
14 one interview; it's multiple interviews with multiple constituency groups. And that
15 process ended in February. And somewhere in that time period, I was told that, hey,
16 you are our finalist. Are you really committed to coming here?

17 Q Now, you mentioned constituency groups. What are some of these groups
18 that you met, if you remember?

19 A Again, the committee -- the primary committee that does hiring is
20 dominated by the board. So the overwhelming number of people on the hiring
21 committee are board members. But in addition to that, there are -- there's faculty
22 representation, there's student representation, there's alumni representation, and
23 also -- and there's industry representation. And those are all -- you know, they might be
24 one or two individuals from that -- from those cohorts, but it's primarily the board
25 members that make -- and when it comes time to voting, the board members are the

1 entities that vote to determine who the president is or who they're going to make an
2 offer to.

3 Q So I believe that the majority said it was in the February timeframe --

4 A Yes.

5 Q -- when you, I believe, accepted the position. Is that the right term? You
6 accepted the position to be president of George Mason?

7 A Yes, sir.

8 Q And then it became effective July 1 of 2020?

9 A It became effective July 1.

10 Q Okay.

11 A I think I came back in March and brought my wife to be introduced to the
12 community as the president.

13 Q What drew you to George Mason?

14 A It's interesting. The primary thing that drew me was the people. It
15 was -- it's a place of strivers. I mean, just people who -- you know, you're not paid as
16 much. You have got to work longer hours. And that's because we have fewer people
17 than what we actually need to be successful. And so all of that breeds a culture of -- just
18 a can-do culture in people, and you see it as soon as you start talking to people on the
19 campus. And so you have that.

20 And then there's a love of students from every single walk of life. I am -- the
21 institution was extraordinarily diverse when I came to George Mason. They prided
22 themselves on it. They prided themselves on being a place where everybody can be
23 successful, and that's always been the underpinning since I've known it. And I was just
24 really, really attracted to that.

25 Those two things probably more than any other. I mean, it had challenges. It

1 didn't have the resources it needed. It was in a State of some really prolific and strong
2 institutions, and it was, you know, severely underappreciated and not recognized by the
3 community. But those other positives were so strong for me.

4 Q So talking about kind of what you just said in your answer about what drew
5 you, I want to start by -- let's start with student admissions at George Mason.

6 A Sure.

7 Q In general, since you've been president of George Mason, what's the
8 university's approach for student admissions?

9 A We want to provide an opportunity to everybody who's qualified. So our
10 goal is to provide as many opportunities as we can. And so under my time at Mason,
11 what we've seen is that the admit rate -- meaning the number of students we admit -- has
12 actually gone up, right. We admit over 90 percent of the young people who apply.

13 Q And when you first got to George Mason, approximately, was that
14 admissions rate just --

15 A It was in the 80s.

16 Q In the 80s?

17 A Yeah.

18 Q Okay. Why is it important in your -- and this is -- I know this is in your
19 personal and professional capacity. Why is it important to admit everyone who is
20 qualified?

21 A Well, I highlighted to you earlier that we're in a global race to the top. I
22 know what it is to grow up in a community and not have an opportunity for success.
23 They have really strong institutions in the State of Virginia, but some of the best ones are
24 hard to get into. And my philosophy is, could we give an education synonymous with
25 the very best of our State but in a manner in which we allow everybody in, right? So can

1 we give that world-class education to the masses, and can we do it at scale? That's
2 always been a big goal of mine and a big goal of the institution.

3 Q I guess with the admissions rate, I think I've seen some statistics about the
4 number of students and their GPAs. What is the GPA range or -- I just want to make
5 sure we understand exactly the qualifications of the students being admitted. So can
6 you give us an overview of that?

7 A Yeah. We -- even though we have a high admit rate, we get high-quality
8 students. So 70 percent of our students -- a little over 70 percent have a 3.5 or above.
9 About 25 percent have a 4.0 or above. Those numbers now, the last couple of years
10 have been the strongest academically prepared students we've gotten in our history.

11 So we're not -- so my philosophy has been, can we provide greater opportunity
12 without lowering standards? And you'll see that's a theme throughout. And we've
13 been able to do that. We're not lowering standards, but we are providing more
14 opportunity.

15 Q What factors -- I know we just touched on GPA. What other factors outside
16 of grade point average does George Mason consider when admitting students?

17 A We have a whole host of items that we look at, but it's primarily GPA, the
18 classes that you've taken, and we look at the schools in which you've come from. So it's
19 not just having a strong GPA. You need to have taken classes that have properly
20 prepared you for the rigors of our institution.

21 Q What role do you play when it comes to student admissions at George
22 Mason?

23 A So -- very little. I don't -- I don't set the admission standard. I'm just
24 a -- you know, a cheerleader, so to speak. I'm on the sideline watching. The board
25 actually works -- the board is actually responsible for setting -- working with the university

1 to set the admission standards. That's one of the areas where they actually bypass the
2 president. The board works directly with members of the Academic Committee, and
3 they determine admission standards for the student cohorts that come in -- or they
4 approve those standards.

5 Q To your knowledge, does George Mason pursue race-based admissions for
6 students?

7 A No, we do not consider race in the admission of our students.

8 Q Is this something that changed after -- and I know we haven't touched on
9 this, but the Supreme Court decision -- the Students for Fair Admissions Supreme Court
10 decision? I believe it was in 2023.

11 A 2023.

12 Q Did it change after that decision, or do you have a history of kind of how the
13 school considered race in admissions?

14 A More than 10 years before -- more than 10 years before SFFA, George
15 Mason was not using race in its admissions. So we haven't -- we haven't used it as an
16 admission criteria in quite some time.

17 Q And I know we've heard the word "diverse" used a lot here today, and
18 I -- maybe diversity might be viewed myopically here. So I want to make sure we're
19 getting something out there.

20 When you think about diversity with the student admissions, is the geographic
21 diversity something that's considered?

22 A Well, we have a very, very broad definition of diversity in general at George
23 Mason. It's diversity of circumstance, diversity of identity, diversity of thought. You'll
24 see it echoed throughout all of our documents. You'll see it on our website. George
25 Mason's definition of diversity doesn't follow the general definition.

1 Q Why is that?

2 A Because the campus -- when you are a truly diverse campus, the first thing
3 you recognize is that diversity can't mean race, right. Because individual -- in individual
4 racial and ethnic groups, there are additional diversities, and those diversities matter. I
5 mean, they're not -- right?

6 Again, this is a campus that is considered a top 20 campus for free speech and a
7 top campus relative to campus pride, right. And so how do you -- how do you do that?
8 The only way to do that is you have to figure out a way to incorporate how everybody is
9 feeling, and so in terms of what everybody needs and what their needs are. So you
10 really move to more individual -- more individualistic attention, which naturally takes into
11 account broader aspects of diversity than race.

12 Q And under this definition of diversity that you just explained, is that kind of
13 the -- I know you've used the term "North Star" before -- kind of the North Star, maybe,
14 of the Office of Access, Compliance, and Community? Is that --

15 A Oh, without question. Without question. We -- when we are talking
16 about diversity, we are not talking specifically about race. We are talking about this
17 broad aspect of diversity of circumstance, diversity of thought, diversity of identity, right.
18 This is a broader context of diversity.

19 Q And this is exactly why the Office of Access, Compliance, and Community
20 partners with University Life because of the diversity of the students on campus?

21 A That's exactly right. We actually recognize that students -- individual -- that
22 students have individual needs, and we try to take into account and treat the student as
23 an individual as opposed to treating them as members of a group.

24 Q I want to turn now to faculty hiring. I know that's been a topic that's been
25 brought up by the majority and brought up in the media with George Mason University.

1 You touched on this in the last hour a little bit, but can you describe -- and, again, in
2 general -- the process for hiring faculty at George Mason?

3 A So the process begins at the college and school level where the faculty
4 decide that they would like to have an additional faculty member in an area. That's
5 usually done in concert with the dean because there's a funding need, right. You've got
6 to have the money to cover the position.

7 So once they get clearance and once they know that they actually can hire a
8 position, they will form what's called a committee, a search committee, and that
9 committee will advertise for the position. They can do that directly on campus but also
10 by going external and putting ads in different magazines and publications and letting it be
11 known at certain conferences and the like that you have a position available.

12 You'll get applications for that position, usually a significant number. And then
13 once those come in, the search committee reduces that to a finalist group. They'll come
14 back with some smaller group. They may decide at that -- and then at that point, it
15 starts to bifurcate. Units do it differently. Some units will do Zoom interviews in an
16 airport fashion with 10 people in order to get down to their finalist list. Other units
17 will -- you know, won't even have a finalist list. They'll just -- I mean, they won't even
18 have an interview. They'll just choose who are my top three or four.

19 And then they bring those individuals to campus and they meet the faculty. They
20 actually go through a series -- usually a multiday interview, and then the finalists are
21 chosen -- I mean, the final candidate is chosen throughout that process.

22 Q So it appears that the search committee for the units -- and by units, I'm
23 assuming that's the school, right?

24 A Yes. Actually, it's down to the -- when I say units, it's down to the
25 department at that point.

1 Q Got it. So, like, it'd be like the Department of Systems Engineering would
2 be responsible for hiring faculty for Systems Engineering?

3 A They would set the search committee, yes.

4 Q Okay. What role do you play in faculty hiring? Because I didn't hear
5 much in that last answer, so I just want to clarify what role do you play.

6 A The president does not have a role in that process. I don't -- I don't sit on
7 the committees. We don't determine who the candidates are.

8 Where I do have a role is, at the end, once they have chosen their faculty
9 members, say this is our person that we believe is the best person for this role, all of
10 those names flow to me and I have to give a stamp of approval. So it first goes to the
11 provost. The provost approves. Then it comes to me. And so I don't get to see the
12 approval. I only get to see the finalist, the single person that they've chosen, and I look
13 at that person to make sure that they meet the qualifications of the job, and I give my
14 approval.

15 And not once -- not once have I been -- in my 5 years here -- have I not approved a
16 candidate that the faculty said is their person that they want to choose for this position.

17 Q So just to be clear, you have never in your role as president rejected a hiring
18 recommendation for faculty at George Mason University?

19 A Not one that emanated from any of the committees, no.

20 Q Okay. Have you ever directed a unit or a department to make a specific
21 hire?

22 A I did not.

23 Q Why not?

24 A It's just not a part of our process here. Again, it goes back to the
25 conversation we had earlier. If I were to go to an academic department and say,

1 department X, you need to hire this person, I can guarantee you, regardless of how good
2 the person is, the faculty out of process would probably reject that person just because I
3 tried to force that person onto them. It's an academic freedom issue.

4 Faculty vehemently believe that they should be the ones who determine who
5 their colleagues are, and that should not be the president or even the dean. The dean
6 does not have the ability to determine tenure and tenure-track faculty. They may be
7 able to get an adjunct, you know, or something like that, or they may be able to assign
8 a -- you know, a lower-level faculty member, but their tenure and tenure-track faculty,
9 that comes through the academic faculty.

10 Q You mentioned academic freedom a couple times. What does academic
11 freedom mean?

12 A It's the freedom of individual faculty members to, A, choose what research
13 they want, to basically choose the directions that they want to take their individual units,
14 to determine what's important and what isn't important for them from a perspective of
15 what they teach and how they educate. All of those entities make up academic
16 freedom.

17 Q Why is academic freedom important?

18 A It's -- without it, you don't have many of the successes that the country
19 actually needs for higher ed. I'll give you an example of one that I'm only thinking
20 because he was a personal friend of mine.

21 He was a faculty member at UCLA, and he had just come in from the government
22 and -- this will sound little technical, but let me just get through it. But at that time, all
23 communications in the country was what's called analog. It was how much information
24 can you continuously get on a fiber or a cable, right. You know, you all are a little
25 younger, but back in the days, you could only get like 30 channels out of your cable box or

1 40 channels out of your cable boxes. That was the total amount of information that
2 could get on a cable.

3 He had been working in the government to make all signals digital; means it's just
4 a series of zeros and ones. And so, in his mind, you can take a cable box and go from an
5 analog signal that gave you 30 channels to a digital signal that could possibly give you
6 3,000 or 4,000 channels.

7 He took that to the university because he wanted to make it -- he thought that
8 there could be a company out of this, and they said, this isn't worth anything. We
9 can't -- there's no market for it, because there was no market. It's not worth anything.
10 You really shouldn't be working on it, but you're free to work on whatever you want to.
11 And he continued to work on it, they released the patents back to him, and that became
12 the basis of the company that provides 99 percent of all internet traffic today.

13 So if he doesn't have that freedom to take that idea and expand it -- first of all,
14 he's responsible for cable boxes that give you hundreds of channels, thousands of
15 channels, and then he took that technology and parlayed it into wireless technologies.
16 And the company is called Broadcom. And 99 percent of all internet traffic in the world
17 comes through a Broadcom chip. And it's because -- it's primarily because of academic
18 freedom that you have it, right. If he would have been forced to pursue a different area
19 because that area at the time wasn't worth it, you wouldn't have that.

20 Same with the internet. Faculty at the University of Illinois came up with an idea.
21 They told him it was worthless because there was no internet. It was this thing of
22 academics talking to each other. There's no way it will ever be worth anything. We
23 know that's not true now, right? Again, academic freedom.

24 Q I'm sure you've talked about how -- the financial success of some of your
25 former students. I'm sure your friend and colleague from UCLA is enjoying some

1 financial success after the digital invention that he created.

2 A He's one of the richest people in the country.

3 Q Turning back to the faculty hiring. Title VII of the Civil Rights Act of 1964
4 prohibits employment discrimination based on race, color, religion, national origin. Are
5 you familiar with Title VII of the Civil Rights Act?

6 A Yes. I've become more and more familiar with it.

7 Q I'm going to cut right to the chase. When making decisions or setting policy
8 when it comes to hiring -- which I now understand you have a very limited role in -- have
9 you ever discriminated against an individual based upon their race?

10 A No, I have not.

11 Q Have you ever discriminated against a person based upon the color of their
12 skin?

13 A No, I have not.

14 Q Have you ever discriminated against a person based upon their religion?

15 A No, I have not.

16 Q Have you ever discriminated against a person based upon their national
17 origin?

18 A No, I have not.

19 Q So there was also an executive order -- which was actually just recently
20 rescinded this year by President Trump after he assumed office -- which prohibits Federal
21 contractors from also discriminating in employment decisions on the basis of race, color,
22 religion, sex, national origin.

23 Is George Mason considered a Federal contractor?

24 A Yes.

25 Q Why is George Mason considered a Federal contractor?

1 A Because we have Federal contracts.

2 Q Can you describe some of the Federal contracts that you're able to disclose
3 that George Mason may have?

4 A We have contracts in research where we do -- where we do work for various
5 agencies -- Department of the Air Force, Navy, and the like -- in a whole host of areas.

6 Q So prior to President Trump rescinding this order, this was an order that was
7 in place for all Federal contractors. So I want to ask, have you ever been involved in a
8 decision, again, where you discriminated against a person on the basis of race, color,
9 religion, sex, or national origin?

10 A No. I don't choose the contracts either.

11 Q Okay. But just to be clear, you've never discriminated against anyone on
12 those bases, correct?

13 A I do not.

14 Q This executive order, which is 11246, also required contractors to take
15 affirmative action to ensure equal opportunity. That was another part of this executive
16 order which I will put for the record was rescinded in January of 2025. Were you aware
17 or vaguely aware of this requirement?

18 A Yes.

19 Q Okay. How were you aware of this requirement?

20 A Once that took place, we began to look at our systems to ensure that we
21 were in compliance with that.

22 Q Okay. So Executive Order 11246, which is the one we've been talking
23 about, was in effect until President Trump just rescinded it on January 21st, 2025. Do
24 you recall this order being rescinded earlier this year?

25 A Yeah, I do.

1 Q Okay. And how do you remember that? I think you were just touching on
2 it in your last answer, but how do you remember the order being rescinded?

3 A Once it was rescinded, we had to look at our contracts and the like to make
4 sure that we were not out of compliance relative to that.

5 Q And why is it important for George Mason and for you to do this review to
6 make sure you're not out of compliance?

7 A Because we want to be in compliance with the law.

8 Q Why is it important for you as the president of George Mason -- and this
9 might be obvious, so I apologize -- to be following the law?

10 A I don't want to put in jeopardy any of our research grants, and, in general,
11 I'm a law-abiding citizen. So I want to abide by the law.

12 Q Speaking of, like, abiding by the law -- right -- there's also State law that
13 George Mason has to follow. Is that correct?

14 A Yes, it is.

15 Q Are you familiar with the ONE Virginia Plan?

16 A Yes.

17 Q What's the ONE Virginia Plan?

18 A The ONE Virginia Plan was essentially a plan that was developed to help
19 State agencies become -- this was, again, in the aftermath of George Floyd. It was there
20 to help State agencies ensure that, A, they were not discriminating; B, that they were
21 taking into account diversity, equity, and inclusion in terms of how -- in terms of their
22 practices and their operations.

23 Q And so the ONE Virginia Plan -- just to make this clear -- was passed by the
24 General Assembly of the Commonwealth of Virginia. Is that correct?

25 A Yes.

1 Q And signed into law by then-Governor Ralph Northam, right?

2 A It was.

3 Q So this is a State law in addition to Federal law that you were required to
4 follow as the president of George Mason. Is that correct?

5 A Yes, it was.

6 Q Okay. I'm going to hand out two exhibits. These will be exhibits 2 and 3.
7 Exhibit 2 will be -- it's titled, "Virginia Acts of Assembly -- 2021 Special Session I." It's the
8 2021 version of the ONE Virginia Act. And then exhibit 3 is titled, "Virginia Acts of
9 Assembly -- 2024 Session," and it is a 2024 version of the ONE Virginia Act.

10 So please give us a second while we mark these and hand them out to everyone.

11 [Washington Exhibit Nos. 2 and 3

12 were marked for identification.]

13 [REDACTED] There is the other exhibit for you. And please take your time to
14 review the exhibits, and then I'll have a few questions for you.

15 [Witness reviewing.]

16 Dr. Washington. Okay.

17 BY [REDACTED]

18 Q All right. So let's start with the 2021 Act, which is exhibit 2. The top of
19 the page says it was approved March 18th of 2021. And I want to go down to, within
20 the statute, sub-bullet B.

21 It looks like this law required universities to "integrate the diversity, equity, and
22 inclusion goals into the agency's mission, operations, programs, and infrastructure to
23 enhance equitable opportunities for the populations served by the agency and to foster
24 an increasingly diverse, equitable, and inclusive workplace environment."

25 First, is George Mason -- does it fall under this act? I know the Act uses the term

1 "agency," but would George Mason fall under the governance of this act?

2 A George Mason is considered an agency of the Commonwealth of Virginia.

3 Q In practice, how did the ONE Virginia Plan -- because it was -- it looks like this
4 was 2021. So you were president of George Mason at this time when it was passed. Is
5 that correct?

6 A Yes, I was.

7 Q How did the ONE Virginia Plan change or impact the way that you had to
8 lead at George Mason?

9 A It changed everything. As you see here, there was a requirement that we
10 had to produce and maintain a diversity, equity, and inclusion strategic plan that was in
11 accordance with the governor's director of diversity, equity, and inclusion.

12 And so when we talk about the establishment of inclusive excellence plans -- the
13 IEPs, as was mentioned earlier -- those IEPs were actually utilized to produce information
14 that made its way into the diversity, equity, and inclusion plan that was required by the
15 State.

16 Q Are there any other requirements that come to mind -- if not, please tell me
17 so -- but anything that comes into mind that was established by this law being passed by
18 the Commonwealth?

19 A Ensuring that you have the infrastructure in order to support the effort was
20 also needed, and I think the law actually calls for that as well, and looking at your hiring
21 practices to make sure your hiring practices promoted diversity, equity, and inclusion in
22 hiring, in retention, in promotion, and in leadership opportunities. And so it was very
23 comprehensive and broad in terms of what the requirements of the Act stated.

24 Q And this law being passed, I guess -- it's not like a criminal law. You're
25 going to have to forgive me; I'm used to criminal law and punishments. But what

1 happened if you as the agency head did not follow this law?

2 A Well, there is a possibility that you could lose funding support from the
3 State, and the State -- yeah. We have government contracts, right. But they are small
4 potatoes when compared to the amount of resources we actually get in permanent
5 dollars for State -- from the State in terms of subsidy and other support.

6 Q Can you help us quantify, right, just in terms of the financial support and the
7 budget how the Commonwealth supports George Mason University, which is a State
8 public university?

9 A Yeah. I can give you -- this year, State subsidy for George Mason University
10 is -- and this is permanent dollars -- it's \$366 million this past year.

11 Q And can you help -- and if you know -- if you know, right -- what percentage
12 of that goes for the overall budget, right? You said 360 -- approximately 360 million?

13 A 366 million.

14 Q Right. How does that fit into the greater budget for George Mason?

15 A George Mason has about a \$1.4, \$1.5 billion budget. So it's about -- it's
16 about a fourth.

17 Q Okay. And what are the other --

18 A But let me say that separately. It's about a fourth of the budget, but it's the
19 only portion -- the components of the budget -- a lot of those components are not
20 permanent dollars. They're moneys that come in for a specific purpose and the like.
21 This is permanent money that's primarily used for faculty and staff salaries and support,
22 and there's really very little substitute for it, right. So all money is not created equal in a
23 university's budget.

24 Q Okay. In implementing, right, some of the policies, some of which you just
25 described -- the ONE Virginia Plan -- did you ever discriminate against anyone based upon

1 their race in following this law?

2 A No.

3 Q Did you ever discriminate against anyone based upon their sex in following
4 this law?

5 A No.

6 Q Did you ever discriminate against anyone based upon their national origin in
7 following this law?

8 A No.

9 Q Did you ever discriminate against anyone based on their religion in following
10 this State law?

11 A No.

12 Q So I want to turn to exhibit 3, because it looks like this law was amended
13 slightly and approved on April 8th of 2024. Is that your understanding?

14 A Yes.

15 Q With the new law, though, that was passed in 2024, were you aware that the
16 ONE Virginia Plan still required State agency heads to establish -- and this is a
17 quote -- "establish and maintain a comprehensive diversity, equity, and inclusion strategic
18 plan"?

19 A Yes. And in addition to that, this one also clearly says, "Each agency shall
20 establish an infrastructure to effectively support ongoing progress and achievements by
21 reporting diversity, equity, and inclusion goals in accordance with the Governor's" --

22 Q Dr. Washington, you're taking my next questions from me, but I appreciate
23 that clarification. And that was a joke, by the way. That was a joke.

24 In 2024, who was the Governor of Virginia when this law was passed?

25 A The Governor was Glenn Youngkin.

1 Q Can you walk us through -- and it might be the same as what you described
2 earlier. Can you walk us through what you did to comply with this new law that was
3 passed in April of 2024?

4 A We basically tried to maintain programs and initiatives that we have put in
5 place under the previous 2021 law, and we took a hard look to make sure -- you know,
6 now you're trying to thread a needle between what the State requires and what Federal
7 law requires, and you're trying to make sure that you're not running afoul of either. And
8 so a lot of our efforts are in that vein.

9 Q And I think this needle that you're threading stems from this law being
10 passed in April of 2024, which was just months after the Supreme Court ruled in Students
11 for Fair Admission. Is that correct?

12 A Yes.

13 Q How did the SFFA decision impact the way that you had to run the
14 university?

15 A So because George Mason did not use diverse -- it did not use race in terms
16 of its -- any of its diversity requirements relative to admissions, the actual ruling did not
17 affect us as much. Because of the broader interpretation of what the ruling meant,
18 meaning there was a -- for lack of a better way of putting it, a belief that this would
19 extend beyond admissions into other areas, we began to look comprehensively at
20 everything we were doing to make sure that we were in alignment with the notions of
21 SFFA for other nonadmission-related entities on our campus.

22 Q So I know a lot of universities did these comprehensive reviews after the
23 SFFA decision. Is this kind of what you're describing George Mason did as well?

24 A Yes.

25 Q And were there any initiatives or programs that George Mason discontinued

1 or ended in the wake of the SFFA decision, you know, changing the entire educational
2 landscape?

3 A Yes.

4 Q Can you please describe those?

5 A So I have a list of them here, or some of them, actually. And not all
6 programs were eliminated. Some programs were modified. And what I mean when I
7 say modified is, if a program looked like it was targeting a specific group, some of those
8 programs were widened or broadened to encompass more of the institution,
9 thereby -- you know, so it meant that you didn't have to discontinue the program. You
10 actually could broaden a program. And those programs that could not be broadened in
11 that way for any of a various and sundry of reasons, those programs were discontinued,
12 okay?

13 And so that led to ending the Anti-Racism Inclusive Excellence Initiative. We
14 eliminated three assistant director positions in the Center of Culture, Equity, and
15 Empowerment. We discontinued the Chief Diversity, Equity, and Inclusion Officer
16 Certificate Program. We -- that also led to the dissolving of our Office of Diversity,
17 Equity, and Inclusion (in 2025).

18 We discontinued the use of inclusive excellence plans as a direct result of that.
19 We eliminated positions of DEI coordinator and the ADA accessible text and records
20 management position in our Office of Diversity, Equity, and Inclusion. We ceased
21 promotion of third-party opportunities that used race-conscious criteria. So it's not -- so
22 if it was a third party that was doing something using race-based -- it wasn't enough for us
23 not to. We also discontinued that as well.

24 You talked about the whole affirmative action piece in contracting and the like.
25 We had a director of -- director of supplier diversity that acted in that vein to help. We

1 actually eliminated that position. We terminated our institutional partnership with The
2 PhD Project. So we had a host of efforts that we discontinued, modified, or eliminated
3 as a direct result of the SFFA.

4 Q And I want to touch on this because you mentioned how George Mason, in
5 the wake of SFFA, eliminated its DEI. Was it the program, or what exactly did George
6 Mason eliminate after SFFA?

7 A Well, outside of all the programs --

8 Q No. You mentioned -- I know you mentioned the DEI programs --

9 A Yes.

10 Q -- or program specifically. Is that correct?

11 A Yes. We dissolved our Office of Diversity, Equity, and Inclusion in January
12 of -- excuse me -- in February of 2025 after going through a review.

13 Q There have been some allegations and insinuations that the Office of Access,
14 Compliance, and Community is basically just the Office of DEI renamed.

15 A Yes.

16 Q What's your response to that?

17 A Those accusations are incorrect. Again, I highlighted a whole host of
18 programs and initiatives that was under the office that were not here anymore. And so
19 the programs are either here or they're not. There are people in positions who are not
20 here anymore, right. Either the people are here or they're not. And so it's a very
21 different office with a very different mission.

22 Now, we -- there were some core programs that were, for lack of a better way of
23 putting it, were modified or updated to be more inclusive. And so, yes, that's the other
24 change that you've seen.

25 Q Is it fair to say that the Office of Access, Compliance, and Community is built

1 to support every student that comes to George Mason University?

2 A Without question.

3 Q I want to turn back -- I know I'm running out of time. So I want to pull back
4 out exhibit 1, which is the announcement of -- the Anti-Racism and Inclusive Excellence
5 announcement that the majority was asking questions about.

6 A Yes.

7 Q On page 1 of this document, do you see where it says that "George Mason
8 does not discriminate on the basis of race, color, religion, ethnic national origin (including
9 shared ancestry and/or ethnic characteristics), sex, disability, military status (including
10 veteran status), sexual orientation, gender identity, gender expression, age, marital
11 status, pregnancy status, genetic information, or any other characteristic protected by
12 law"? Do you see where it says that at the beginning of this announcement?

13 A Yes, I do.

1 [12:05 p.m.]

2

BY [REDACTED]

3

Q Why is this the very first thing under the announcement of the Anti-Racism

4

and Inclusive Excellence initiative back in July 23rd of 2020?

5

A We just want to ensure that people understood that we were not

6

undertaking any initiative to, for lack of a better way of putting this, to support or

7

preference one group over another.

8

Q And you were not doing anything that would violate the law. Is that

9

correct?

10

A Yes, sir.

11

Q So in everything that you answered questions about earlier that's in this

12

document, you did so without breaking the law. Is that correct?

13

A Yes, sir.

14

Q And a lot of this, if not all of it, I believe you said, were things that were

15

brought to you during listening sessions. Is that correct?

16

A The items in this document, given the time I had spent on campus, the items

17

that are here are things that bubbled up in my various listening sessions across the

18

campus.

19

[REDACTED]: So, Dr. Washington, just to clarify one more time, the ONE Virginia Plan

20

that my colleague [REDACTED] asked you about, that remains good law in Virginia. Is that

21

right?

22

Dr. Washington. The ONE Virginia Plan is still law in the State of Virginia.

23

[REDACTED]: Okay. And George Mason University is still required to follow the

24

ONE Virginia Plan. Is that right?

25

Dr. Washington. Yes.

1 [REDACTED]. Okay.

2 [REDACTED] I believe that's all we have for this hour. We'll go off the record.

3 [Recess.]

1 [12:48 p.m.]

2 [REDACTED] We're back on the record, please.

3 BY [REDACTED]

4 Q Dr. Washington, what percentage of GMU students come from historically
5 underrepresented populations?

6 A I don't know that number right offhand. While I know it's a diverse place, I
7 don't really track the number that closely.

8 Q Is there one student population that -- one student racial population that
9 compromises (sic) a majority?

10 A There is no group that has more than 40 percent.

11 Q Are GMU's graduation rates comparable across all races and ethnicities?

12 A Pretty much. All of our races and ethnicities graduate between 60 and 72
13 percent, which is -- we're at the national average in one area and above it significantly in
14 every other group, including Pell, non-Pell.

15 Q And do all GMU students have the opportunity to be exposed to some form
16 of multicultural education?

17 A No form of education is mandatory. If they want to seek courses to give
18 them a more multicultural understanding, we have those frameworks in place to do that.

19 Q As president, do you ever brief the Board of Visitors during board meetings?

20 A Yes.

21 Q Do you recall a board meeting where you mentioned three major crises
22 affecting GMU?

23 A Vaguely.

24 Q Do you remember what those crises were that you outlined?

25 A I do not. Maybe it was COVID in -- I think this was during my early days,

1 and so it was probably COVID, financial, and the issues around race and ethnicity, because
2 we were dealing with the aftermath of George Floyd.

3 Q Kind of going back to the ARIE recommendations -- I know you mentioned
4 there were multiple recommendations -- do you remember if one recommendation
5 related to recruiting, hiring, and retaining of staff?

6 A Vaguely. I don't remember the exact recommendation.

7 Q And regarding inclusive excellence plans -- I want to be specific and drill this
8 down -- what entities are responsible for creating these plans?

9 A Remember, the hiring, promotion, and tenure are all led by faculty. And so
10 my understanding is -- and inclusive excellence plans and also the student part of that, in
11 terms of the education and all our faculty-driven entities.

12 And so my assessment would be that these entities emanate from the faculty in
13 the individual academic units.

14 Q And did they -- do these entities receive guidance on how to form inclusive
15 excellence plans?

16 A There, as I mentioned earlier, there was an inclusive excellence plan
17 already -- at least one -- already on the campus when I arrived. And I think that group,
18 that individual, helped others develop the plan based on what they had.

19 [Washington Exhibit No. 4
20 was marked for identification.]

21 [REDACTED] I'm going to introduce exhibit 4. It is kind of an inclusive
22 excellence plan template, you could say.

23 Dr. Washington. Okay.

24 Mr. Gansler. Do you know when this is from? Are you going to ask that?

25 [REDACTED] I was going to ask that, yes.

1 [REDACTED] This was produced to us by GMU, if that was your --

2 Mr. Gansler. No, no. I just wondered the date of --

3 [REDACTED] Oh, okay.

4 Mr. Gansler. I just wondered the date of this document.

5 BY [REDACTED]

6 Q First of all, does this look familiar to you?

7 A Vaguely. Yeah, I think I remember seeing something similar to this before.

8 Q Kind of point your attention to the bottom of the first page of the document.

9 In bold, there's a heading, "Inclusive Excellence Plan." It states, "The basic plan for
10 inclusive excellence must address the following areas of strategic priority."

11 A Okay.

12 Q And then it lists four different items, the first being "Faculty Hiring and
13 Retention."

14 A Sure.

15 Q So this guidance, from your understanding, it effectively mandated that IEPs
16 address faculty hiring and retention?

17 A There is no mandate in an inclusive excellence plan. It's a plan. So by
18 definition there is no mandate. Nobody was required to do this. What it reads to me
19 is, if you're doing a plan, here are the areas you must address in the plan.

20 Q Okay. So a unit didn't have to do a plan, but if they chose to do a plan, the
21 plan would've had to address, among other things, faculty hiring and retention?

22 A If a unit did a plan, this shows the areas that they should address. If they
23 didn't do faculty hiring, it wouldn't mean that they didn't have a plan. It wouldn't mean
24 anything. It would just mean that their plan -- the faculty chose that that wasn't
25 something that was important to them.

1 Q I just -- so I want to drill down on it.

2 A So there is no -- let me say it differently, and maybe I'll try to be as clear as
3 possible.

4 There is -- the way the structure works at a university, particularly at
5 George Mason, no administrator can mandate that any faculty member do anything.
6 Period. Full stop.

7 So wherever you use a word like "mandate," I will tell you, it just can't happen
8 because the structure of -- if you're going to mandate, then there has to be a
9 consequence.

10 Well, we already established, well, there can't be a consequence because at the
11 end of the day, faculty members, in general, are tenured, and that tenure -- that
12 promotion and tenure process takes away the ability to fire a person. You can't dock
13 their pay, right? Faculty have academic freedom rights. And so a mandate would go
14 counter to that.

15 So this document doesn't mandate anything for faculty to do. It just highlights
16 here are the things that you got to have in it. If you're going to do it, here are the things
17 you should have.

18 Q So if a unit developed an IEP that did not address faculty hiring and
19 retention --

20 A Yes.

21 Q -- that technically goes against what this guidance says, but that's okay?

22 A That's okay.

23 Q Okay.

24 And stepping back for a second, do you know who developed this guidance? You
25 mentioned it was from another school, or was this from a central GMU office?

1 outcomes.

2 A Uh-huh.

3 Q Outcome 2 states, "Faculty and staff demographics that mirror student
4 demographics."

5 A Uh-huh.

6 Q So how would a unit achieve this outcome? Would they need the same
7 mirroring of faculty representation to look like student representation?

8 A Again, these are overall goals and they're aspirational in focus. They are,
9 by definition, not mandates. They're also in alignment -- this document is in alignment
10 with the strategic plan that was board approved that had similar language.

11 That document is in alignment with the ONE Virginia Plan that actually also has
12 similar language. This is all a part of this general aspirational framework.

13 Q Okay. And using your words, this is kind of an aspirational statement.

14 A Sure.

15 Q What does it look like then for that aspirational statement to be fulfilled? I
16 guess, what does "faculty and staff demographics that mirror student demographics"
17 mean to you?

18 A So for me it means that you have faculty searching for ways to provide an
19 opportunity to have a broader pool of candidates without discriminating or lowering the
20 bar.

21 BY [REDACTED]

22 Q And how do you get a larger pool without discriminating or lowering the
23 bar?

24 A Oh, you -- there are a whole host of best practices that we help
25 people -- that people are being -- have been asked to take a look at.

1 Going out to conferences, and, for lack of a better way of putting it, you find
2 qualified candidates at conferences in your general area. If you're on a search
3 committee, when you're out in conferences, you see presentations. You can identify
4 broader pools of candidates that way.

5 You can advertise in periodicals and other magazines and the like that hit
6 broader constituencies and populations.

7 You can engage institutions and faculty who are known for producing broad-based
8 candidates, a broader diversity of candidates.

9 So you can -- there are a whole host of ways that are best practices for doing that,
10 and that's how you ensure.

11 Q And when the outcome, the aspirational outcome is faculty and staff
12 demographics that mirror student demographics, are you necessarily looking for a specific
13 makeup of the faculty and staff?

14 A No, it's just -- it's a -- like I said, it's a general, broader, for lack of a better
15 way of putting it, a general, broader, aspirational goal.

16 Q But what demographics were you looking for?

17 A I don't know. I actually didn't write this document, so I can't tell you
18 exactly what demographics they were looking for.

19 Q Did you have any --

20 A I can tell you --

21 Q Go ahead. Sorry.

22 A I can only tell you relative to information that I put forward and I put out.

23 Q Okay. So you never had any conversations about what specific
24 demographics anyone was looking for with this outcome?

25 A No.

1 Q And if you were looking for a specific demographic makeup that mirrors the
2 student demographics, how do you do that without discriminating in the hiring practices?

3 A I just gave you four reasons.

4 Q By going to conventions?

5 A By going to -- by putting your ads and the like out in periodicals that hit
6 broader communities, by engaging faculty that graduate students from those
7 broad-based communities, by advertising in magazines and the like that do the same
8 thing.

9 All of those are ways in which you can connect to a broader population without
10 discriminating.

11 [Washington Exhibit No. 6
12 was marked for identification.]

13

BY [REDACTED]

14 Q I'm introducing kind of -- next couple questions I'm introducing a couple
15 exhibits. This one will be 6. This is the inclusive excellence plan for the College of
16 Engineering and Computing.

17 A Now, is that the one that existed prior to 2020?

18 Q I believe the date is 2022, 2023.

19 A Okay.

20 Q I know that there are no page numbers on this document, but kind of just
21 counting it out, on page 7 the heading is "Priority: Faculty/Staff Hiring, Retention, &
22 Engagement."

23 A Okay. I'm there.

24 Q We have in the green top of the, I guess, slide, it says, "Goal: Increase
25 Racial/Ethnic Diversity among faculty (all levels & rank) by 33 percent."

1 A Okay.

2 Q Do you consider this a quota?

3 A I don't know what was meant by this. I didn't write it. I don't personally
4 consider it a quota, but I don't know what the individuals who wrote it meant by writing
5 that.

6 Q Earlier you said at GMU diversity is -- it means a lot of things.

7 A It does.

8 Q I think you mentioned geographic diversity, diversity of thought.

9 A Uh-huh.

10 Q In this goal, though, we see it just mentions racial and ethnic diversity, right?

11 A Actually -- and interesting that you would mention that -- it actually qualifies
12 it as racial and ethnic diversity. So it doesn't talk about diversity in general. It actually
13 says racial and ethnic diversity.

14 Q Yes.

15 A Yes. So what I'm saying is, whoever put this document together
16 is -- recognizes the broader view at George Mason of diversity meaning many more things
17 besides race, because they actually clearly define it as a specific type of diversity.

18 Q And the specific type they targeted for increasing by 33 percent is in hiring
19 faculty that's racially and ethically diverse?

20 A That's what's listed here, yes.

21 Q Since this plan -- I guess since 2022 when this plan's dated -- has the College
22 of Engineering and Computing faculty diversity increased?

23 A Okay. So depends on how you define diversity. Again, I've seen it got
24 racial and ethnic diversity here.

25 But let's be clear, in the College of Engineering, Asian faculty are not

1 underrepresented. They're not considered an underrepresented minority faculty group.

2 Okay?

3 And so in engineering, the hires that have been done since 2021, since I've been
4 here, primary hires have been Asian because they dominate the hiring pools. And so
5 that's where the growth of the hiring has come.

6 Q Okay. Is there any other percentage of growth of a racial, ethnic minority
7 in the College of Engineering and Computing that you recall besides that?

8 A I don't know. If you have some data, we can -- if you have some data that
9 you would like to point to, we can discuss.

10 Look, I want to be clear, when you look at the actual numbers of hiring, I don't do
11 hiring. So I can give you my assessment of it. I can give you my general feedback.
12 But hiring is not done by the president.

13 And so if you've got something for me to look at, that I can give you an assessment
14 relative to that, I can. But in general, I don't control the actual hires.

15 I do know -- I am an engineer by training. I'm somewhat familiar with
16 engineering as a discipline. And so I do know that the majority of their hires have been
17 Asian, overwhelming.

18

BY [REDACTED]

19 Q So who controls hiring then?

20 A So we have a process. That process begins with the faculty establishing a
21 committee.

22 You know, faculty, if they're told that they have resources from the dean, they will
23 establish a committee. That committee will then put forward an ad. The ads will go
24 out and they will field candidates.

25 If you're talking specifically in engineering, that's one in which I know. In

1 general, engineering, they field the ads. These days engineering is a very popular
2 discipline for a given ad. They'll probably get a few hundred faculty candidates.

3 From that, they'll downselect to a smaller group of about 10 or so. They may or
4 may not conduct virtual interviews with them. And then, if they choose to do that, then
5 they will bring in a smaller group to meet with the faculty and to present their work and
6 to talk with the faculty. And then the faculty will choose their finalist.

7 Once the faculty choose their finalist, that finalist will then go for approval by the
8 dean. Then it'll go for final approval from the provost, then to the president, and then
9 to the board.

10 So my sign-off is synonymous to what the board has relative to choosing a faculty
11 candidate.

12 And I don't see the pool. I only see the final person. So I have no idea who was
13 in that pool, how many people made up that pool. I only have the ability to say yea or
14 nay to the final person.

15 And for that, I look at the CV, the outcomes, the papers that the person has
16 written, where those papers were published, and I say, okay, yea or nay.

17 I have never told an individual faculty group that they cannot hire the person that
18 they put forward to me to hire.

19 Q And so obviously the Department of Education and the Department of
20 Justice have opened investigations into the hiring practices at GMU.

21 A Sure.

22 Q And so if there's some sort of civil rights violations going on, would that be
23 on the committees that the faculty establishes for the hiring?

24 A Again, it would have to occur wherever the choices of candidates took place.
25 I don't do that. So my input comes literally at the very end, as does the board's.

1 Q And you released a statement in July, following a second letter from the
2 Department of Education, saying that this isn't happening at the university, we strongly
3 reject this.

4 A Sure.

5 Q So how did you come to know for a fact that GMU is not violating the Civil
6 Rights Act if you're not involved in the hiring process?

7 A I know that from discussions we've had with the academic units and other
8 individuals at the institution.

9 [REDACTED] Okay. And can you enter this as an exhibit, [REDACTED]?

10 [REDACTED] Yes.

11 [REDACTED] We'll enter your statement --

12 [REDACTED] Seven.

13 [REDACTED] Yes.

14 [Washington Exhibit No. 7
15 was marked for identification.]

16 [REDACTED] Have you had sufficient time to review, sir?

17 Dr. Washington. Not yet.

18 [Witness reviewing.]

19 Okay, I'm ready.

20 [REDACTED] Okay. I'll direct you to page 2 of the statement. Small numbers
21 in this. I'll read for the record. It says:

22 "Though university staff is no longer coordinating university response, I can assure
23 you that George Mason has always operated with a commitment to equality under the
24 law, ever since our inception. It is simply the Mason way, and in my experience, it has
25 not discriminated based on race, color, national origin, or otherwise. Our diversity

1 efforts are designed to expand opportunity and build inclusive excellence -- not to
2 exclude or advantage any group unlawfully.

3 "The investigation reportedly stems from a complaint alleging that the university's
4 diversity, equity, and inclusion (DEI) efforts, amount to unlawful racial preference. The
5 university strongly rejects that characterization."

6 Do you still stand by this statement? I know it was released in July, and it's now
7 September, but do you still stand by the substance of this statement?

8 Dr. Washington. Yes.

1

BY [REDACTED]

2

Q If we kind of walk through the -- go back to the kind of hiring process at

3

GMU -- I believe you stated earlier to my colleague in the minority that the first step is

4

essentially a unit gets clearance to hire, right? They get clearance to seek a candidate.

5

A Yes.

6

Q And then I believe you said the second essential step was a search

7

committee is formed?

8

A Yes.

9

Q Are there any requirements to be on a search committee?

10

A The units set their requirements to be on a search committee.

11

Q To your knowledge, did any units have a requirement that a search

12

committee member had to receive DEI-related training?

13

A I'm not -- I don't know what individual units told their individual faculty --

14

Q Okay.

15

A -- because I'm not -- I'm just not familiar with that part of that process.

16

Q As part of a unit's search, there's a job posting, right?

17

A Yes.

18

Q Does a unit's job posting need to be cleared prior to being publicly posted?

19

A When you say "cleared," I don't know what that means.

20

Q Does any GMU office have to review it prior to it going live?

21

A I'm not sure. I don't think so, but I'm not sure. I don't know.

22

Q Do you know if the then Diversity, Equity, and Inclusion Office had to review

23

the job posting before it was posted?

24

A I do not know.

25

Q The next step I believe you mentioned was, following a job posting, it kind of

1 goes into that screening and evaluation process.

2 A Yes.

3 Q And you mentioned that every unit does it a different way, right?

4 A They could.

5 Q It could.

6 Do you know if candidates were ever evaluated on their effect on GMU's faculty
7 diversity?

8 A I do not. I do not know if that's happened or not. I assume that it has
9 not.

10 Q You mentioned your role in the hiring process. What is the provost's role?

11 A The provost's role is similar to the role of the president. The provost has
12 the same approval process. His approval just comes before mine.

13 Q You mentioned that you never denied a recommendation for hire, you
14 stated, in your tenure as president, right?

15 A Right. This is for going through that promotion and tenure process.

16 Q Do you know if, first, does the provost get a review as well, and can the
17 provost deny before you see it or no?

18 A No. Even if the provost -- if an academic unit says they want to hire said
19 person, and then it goes to the provost, and the provost says no, it will still come to me.
20 But I will also see what the provost said.

21 Q Okay.

22 A It will also come to me to say yea or nay. So it doesn't stop with the
23 provost and then disappear.

24 Q And finally now, just to keep feeling it out, before the provost, obviously
25 there's the leader of the academic unit, say a dean of a school.

1 A Yes.

2 Q Can a dean deny a faculty recommendation?

3 A There may be ways in which they could from a funding perspective. If it
4 does, it rarely, if ever, happens.

5 Q And if they denied it, would that also be something you see when you -- you
6 mentioned if the provost says no --

7 A If.

8 Q -- you get to see that.

9 A Right.

10 Q If the dean says no, would it get up to you and you would see that as well?

11 A I'm not sure.

12 Q Okay.

13 A I'm not sure.

14 [Washington Exhibit No. 8
15 was marked for identification.]

16 BY [REDACTED]

17 Q I'm going to bring in exhibit 8. And what exhibit 8 is, it is an outline of
18 GMU's hiring process steps for faculty. This was in effect for the year 2021.

19 A What is this?

20 Q This is -- it is a GMU "Hiring Process Steps."

21 A It can't be a GMU. It has to be a -- it has to be for a specific position, right?

22 Q It appears it is -- outlines the process to hire faculty at GMU in 2021.

23 A Okay. Okay.

24 [REDACTED] Have you ever seen this document before, sir?

25 Dr. Washington. I have not. So let me go through and read it.

1 [REDACTED] Please take your time.

2 [Witness reviewing.]

3 Dr. Washington. This is not for faculty, even though it says "faculty" at the top,
4 because this is a general classification. It says, "For Wage and Classified positions."

5 By definition, they would not be faculty positions. We don't have wage faculty.
6 We don't have classified faculty either. That's the first paragraph under "Job
7 Description."

8 I think this is a general hiring document. I don't believe that this is a faculty
9 hiring document.

10 BY [REDACTED]

11 Q Just right after that sentence you stated it also says, "For all faculty positions
12 (Administrative, Professional & Instructional), this is referred to as their Position
13 Description."

14 A Oh, let me -- I see. Let me make sure we're clear.

15 Q Okay.

16 A How do I say this? You can be in a non- -- you can be an
17 administrative -- George Mason is one of the few faculty -- it's one of the few institutions
18 that defines certain classifications of staff as administrative and professional faculty. So
19 they have a faculty title, but they are not tenure track faculty.

20 I'll give you a classic example. Our basketball coach, our men's and women's
21 basketball coaches, are both members of the administrative and professional faculty.
22 They are not professors. They may want to be, but they're not professors.

23 And so this document is -- it's looking at the general practice, not the specific
24 practice in any given unit. So this is a document that's for all professional and
25 administrative faculty and staff.

1 But a professional administrative faculty member is not a tenure track faculty.

2 These are totally different. They're basically akin to a staff member.

3 Q Okay.

4 A Okay. They won't have appointments in academic departments. Their
5 approval for administrative and professional, I may not even see the application at all
6 relative to -- because, I mean, we hire hundreds of people a year.

7 So I may not even see an administrative and professional application unless it was
8 someone who worked directly for me. Neither would the provost, neither would the,
9 for lack of a better way of saying it, neither would the board.

10 Q So a --

11 A So these --

12 Q Yeah.

13 A -- those positions are different. But let me finish reading. I just wanted to
14 clarify that.

15 Q Okay.

16 [REDACTED] Take your time.

17 [Witness reviewing.]

18 Dr. Washington. Okay.

19 [REDACTED] I think just for clarification then, what is this process for?

20 Dr. Washington. This is -- so it's a little embarrassing. This is a hodgepodge of
21 old documents.

22 It's interesting. If you read the document, it lists the OACC, it's the name of the
23 office to -- it's called the Office of Compliance, Diversity, and Ethics. That existed before
24 there was an Office of Diversity, Equity, and Inclusion.

25 So this is -- this all predates me. It looks like they mixed some parts of faculty

1 hiring in with some parts of staff and administrative and professional faculty.

2 This is not -- let me say it in a general sense -- this is not the hiring documents that
3 our academic departments would use to hire their faculty.

4 It's clearly a document that's probably used somewhere, but it's a 2021 date on it.
5 I'm not even sure -- again, you guys are going back in the history, and there's so much
6 change that has happened on the campuses, and I'm not even sure that this document is
7 used today.

8 But there was a time when obviously this document was used. It doesn't pertain
9 to how faculty and staff are hired. This office, the Office of -- what's it called? What do
10 you call it here?

11 [REDACTED] Compliance, Diversity, and Ethics. Is that the one you're referring
12 to?

13 Dr. Washington. Yeah. That office was the name of the office before I came to
14 Mason. So I can tell you there that it's probably stuff there that predates me.

15 BY [REDACTED]

16 Q So --

17 A Essentially you have 2021 here as well, yeah.

18 Q Well, 2021 is after you arrived.

19 A Yeah, but it -- it would've been -- I came here in fiscal year 2021. So this
20 document would've literally -- so it might've been a document that was in use when I
21 showed up.

22 Q Uh-huh.

23 A I just don't think that this is what we use to hire people. I think it might've
24 been something that was used in the past.

25 Q Okay.

1 A But it would be a past that predated me, is what my point is.

2 Q Okay.

3 BY [REDACTED]

4 Q In this document, it talks about various approvals that the Office of
5 Compliance, Diversity, and Ethics had for internal faculty search, job ads, and then for the
6 hiring packet.

7 A Yeah. Let's take those one by one. Again, that's an office that's not, for
8 lack of a better way of saying it, that's an office that is a -- like I said, was the name of the
9 office previous.

10 Q And at the -- sorry -- at the back page, it says, "Non-Academic Units must
11 submit Hiring Proposals to the appropriate VP and then to the Office of Compliance,
12 Diversity, and Ethics."

13 A Yeah. So, remember, administrative and professional faculty can be hired
14 in academic units or in non-academic units.

15 Q And so for currently at GMU, for non-academic units, do the hiring proposals
16 still have to go to the -- what is now called the Office of Access, Compliance, and
17 Community?

18 A That I don't know. I can't speak to this document. This clearly has
19 elements that was before my time. So I don't know the answer to that question.

20 Q So as of right now, you don't know whether or not hiring packets for
21 non-academic positions have to go through the Office of Access, Compliance, and
22 Community?

23 A Right. Again, I don't know, but you are talking about non-academic
24 positions?

25 Q Non-academic positions.

1 A Okay. All right.

2 Q Do you know if academic positions, their hiring proposals --

3 A I do not know if those either, but -- I don't know.

4 Q And who would know whether those packets have to go to -- excuse
5 me -- the hiring proposals -- I'll use the correct word -- hiring proposals have to go
6 through that office?

7 A It would probably be our vice president of our Office of Access, Compliance,
8 and Community.

9 Q Okay. And what would be their role in hiring? What's the role of that
10 office in any sort of hiring, if you know, to the extent you know?

11 A I don't. I don't know.

12 Q And in your weekly meetings with the director of the Office of Access,
13 Compliance, and Community do you ever talk about hiring with them?

14 A I do not.

1 [Washington Exhibit No. 9
2 was marked for identification.]

3 BY [REDACTED]

4 Q I'm going to introduce another exhibit. This is exhibit 9. This is a
5 document titled the "Hiring Proposal Toolkit."

6 A Okay.

7 Q Is this familiar to you?

8 A No, it's not. Again, I don't do faculty hiring, so I wouldn't -- there are
9 hundreds of thousands of documents that describe the university. So, yeah, I don't -- I
10 have never seen this one.

11 Q Are you familiar with the term -- sorry -- "request tracking system," in terms
12 of faculty hiring?

13 A No. No, I'm not.

14 I do have a question, though. This one seems to be a process that's similar to
15 this one.

16 Q Yes.

17 A And so maybe this is a more up-to-date, and this is an older one. Is that -- I
18 don't know.

19 Q Yes. To my understanding, this is an updated policy. It reads 2025.

20 A Okay. Let me read this.

21 Q Okay.

22 A Because you gave me the older document first and you asked me questions
23 about that. But this is actually the newer document, right?

24 Q Yes.

25 A So let me read that one.

1 [Witness reviewing.]

1 [1:40 p.m.]

2 Dr. Washington. Okay.

3 BY [REDACTED]

4 Q Direct your attention, it's on the page that has Step 2: Job
5 Posting/Advertising.

6 A Uh-huh.

7 Q I believe it's the third page. Just read something for you. It says, "Faculty
8 positions that are posted externally (positions open to the general public) must remain
9 open for a minimum of two weeks or the equivalent of 10 business days. Internal
10 faculty searches (open to current Mason employees only) may be posted for a minimum
11 of 12 business days. Note: Internal faculty searches must be approved by the Office of
12 Access, Compliance, and Community."

13 [REDACTED] My copy says 5, 5 business days.

14 Mr. Ruckman. You said 12.

15 [REDACTED] Excuse me. For the record, 5 business days.

16 What is the Office of Access, Compliance, and Community approving?

17 Dr. Washington. I didn't produce this document, so you'd have to ask them to
18 get detail. What I can say is it says internal faculty searches, so those would -- those
19 would guard against -- when it's internal, you don't have the checks and balances
20 associated with an external search. If a person is -- it's probably a check and balance to
21 make sure that there's no discrimination that's happening. Because if a search is
22 internal, you can have somebody on the campus -- so let's say I want to hire my friend. I
23 could bring my friend on campus, give them a part-time job as an adjunct. You know,
24 when they come in, they might teach a class every now and then. They're an adjunct
25 faculty. They're on the payroll. They're internal to the university. And then you can

1 go from there and just say, okay, we're going to do an internal search for this faculty
2 position when it comes up and I'm going to put my friend in that position.

3 And so this guards against to having some check and balance to say, okay, we
4 have to see if it's an internal. It keeps people from abusing the system, would be my
5 best guess.

6 [REDACTED] To your knowledge, how does the Office of Access, Compliance, and
7 Community provide those checks and balances?

8 Dr. Washington. That's something you'd have to ask them. I don't know.

9

BY [REDACTED]

10 Q To your knowledge, during your tenure as president, has the Office of
11 Access --

12 A It's new to all of us.

13 Q -- the Office of Access, Compliance, and Community or its predecessors ever
14 had to sign off on a academic unit hire?

15 A Not that I am aware of. Our structures are not done that way.

16 Q Has this office or its predecessors ever had to --

17 A I can't speak to the predecessors. It happened before I was here. I can
18 only speak to this office.

19 Q Were you here before the Office of Access was named? What was the
20 immediate predecessor to Office of Access, Compliance, and Community?

21 A The Office of Diversity, Equity, and Inclusion.

22 Q And --

23 A So I'm familiar with that office.

24 Q Okay. So I'll limit the question. Has the Office of Access, Compliance, and
25 Community or its predecessor, the Office of Diversity, Equity, and Inclusion, ever had to

1 approve a hiring pool of candidates for instructional academic units?

2 A Approve a pool?

3 Q Have they ever had to certify a candidate pool for an academic unit hiring?

4 A Okay. When you say certify a pool, that means I think something different
5 to me than I think it means to you, and so let me explain to you what I heard you say and
6 then tell you if it happens or not.

7 Q Okay.

8 A Okay. You're asking me is there another entity that comes in and looks at a
9 pool of candidates and can tell an organization you can either move forward or not
10 move -- if it's certified, it goes forward. If it's not certified, it does not go forward. And
11 what I can tell you is that, no, that doesn't happen. Any other kind of way in which you
12 mean certification, you'd have to be really descriptive, but yes.

13 Q My time's running out. This is my last question. Less than a minute left.
14 You said my definition of certification might be different than yours.

15 A Uh-huh.

16 Q Is there any -- is there a definition of certification to you where this office
17 would be looking to certify something?

18 A No. The -- the office might help the organization have a more diverse pool
19 of candidates, help them find more diverse pools, provide them with resources and best
20 practices to help them find a more diverse pool, but the organization is not the entity that
21 determines who's in their pool, whether they have to take people in their pool or out of
22 their pool or whether their pool can go forward. That organization does not do that.

23 Q So they're just advising.

24 A Without question.

25 [REDACTED] Okay. We hit the hour. Go off the record, please.

1 [Recess.]

2 [REDACTED] On the record at 1:58 p.m. Eastern time.

3 BY [REDACTED]

4 Q Dr. Washington, I'm going to pick up on -- with exhibits 8 and 9 that the
5 majority was just asking you about. Let's start with exhibit 8 to be specific.

6 Can you --

7 A Which one is that?

8 Q Exhibit 8 is the one that has Hiring Process Steps: Faculty 2021.

9 A Okay. We don't get the stickers.

10 Q We don't either. I just end up writing it, but I feel like I'm much more used
11 to tracking it, so understood. And please take your time to review it if you need a
12 chance.

13 A Okay.

14 Q Okay. So can you just clarify again the types of positions that you believe
15 this document is intended to relate to?

16 A I think this is an attempt to cover all positions. That being said, it really
17 focuses on what we call administrative and professional faculty and then wage and other
18 entities. It does not correlate directly -- and it's an older document, and so it may have
19 correlated to some aspect of faculty hiring previously. I mean, when I say faculty -- I'm
20 sorry, I'm doing the same thing -- instructional faculty, tenure-track faculty, which is
21 what -- you know, where there was a focus in the IEPs and the other documents were all
22 focused on that. This document is an attempt to be more broad. It looks like the
23 systems are older systems. The focus is older. The offices that it refers to are older.

24 Q Just to be clear, when it comes to tenure-track faculty, the units in the
25 search committee sets out those requirements and the process for hiring those

1 tenure-track faculty. Is that correct?

2 A Yes, that is correct.

3 Q So this faculty 2021 hiring process steps, I believe you said, is intended to be
4 more broad, maybe track more of the administrative positions. I think you might have
5 referenced, like, even like the basketball coach. Is that correct?

6 A That's right.

7 Q And the search committees, on the contrary, were more focused on the
8 tenure-track faculty for their individual units and schools. Is that correct?

9 A Yes, that's correct.

10 Q Okay. And, again, just for the record, this document is dated 2021. You
11 began your tenure in July of 2020. Is that correct?

12 A I did.

13 Q When does the fiscal year start in the Commonwealth of Virginia?

14 A In July.

15 Q It starts in July?

16 A So if this is fiscal year '21, so -- yeah.

17 Q So if you started in July of 2020 --

18 A But I started in fiscal year '21.

19 [REDACTED] So in other words, July --

20 Dr. Washington. So if this is referring to fiscal year, it would have been the year I
21 started.

22 [REDACTED]. And so you started exactly at the beginning of fiscal year 2021?

23 Dr. Washington. Yes.

24 [REDACTED]. Got it.

25 BY [REDACTED]

1 Q Yes. So this document's literally dated the day you started, essentially, if
2 you started on July 1 of 2020?

3 A If that was indeed the date that the document was produced. I would
4 presume that it might have been produced earlier, given some of the offices it highlights
5 or offices, you know, that -- you know.

6 Q Right. To your knowledge, is this document, this Hiring Process Steps for
7 Faculty 2021, still in effect?

8 A I'm not sure. I didn't write the document. If I were to guess, I would
9 guess that it was replaced by the tool kit in the newer document. That is more in
10 alignment with what I believe our processes are currently.

11 [REDACTED] And just to be clear for the record, I believe the document that
12 Dr. Washington is referring to as the tool kit is exhibit 9. And so can -- if you have
13 exhibit 9, we'll take a look at that now as well.

14 BY [REDACTED]

15 Q So you were saying just now on your last answer, you believe -- again, you
16 can't say with certainty, but you believe this is the updated version of exhibit 8?

17 A I believe that this is, yes. Like I said, I didn't write it. It's my first time
18 seeing it. But if I were to take a reasoned guess, I would assume that it was -- it replaced
19 the previous document that was highlighted in exhibit 8.

20 Q Turning back, and I'm just going to read it out loud. If you have it, please
21 feel free to pull it out, but exhibit 3 is the 2024 version of the ONE VIRGINIA plan. I'm
22 going to read from subsection B, and then from that subsection, number 3, which says
23 that under the ONE Virginia Plan, "The plan shall include best practices that" -- and I'm
24 going to skip to number iii -- "promote diversity and equity in hiring, promotion,
25 retention, succession planning, and agency leadership opportunities"; and then number

1 iv, "promote employment engagement and inclusivity in the workplace."

2 So I just want to make -- were you tracking that generally as a requirement under
3 the ONE Virginia Plan?

4 A Yes.

5 Q Okay. So now going back to exhibit 9 -- I know I'm bouncing back between
6 exhibits again -- there were questions from the majority about, for example, the
7 all-inclusive diversity advertising, or the fact that the office of -- I'm going to refer to my
8 notes here -- Access, Compliance, and Community may serve in an advisory role in some
9 hiring.

10 Would you view the Office of Access, Community, and Compliance as being part of
11 the requirement under the ONE Virginia Plan?

12 A Yes.

13 Q And why so? Can you help us -- can you explain that for us?

14 A So as I highlighted to you earlier, the -- part of what that office does is help
15 faculty search teams with best practices in hiring and best practices in developing broader
16 pools of candidates. Towards that end, it would follow item iii in this document where it
17 says promote diversity and equity in hiring, promotion, retention, and succession
18 planning, and agency leadership opportunities.

19 It is basically looking at ways of increasing the candidate pool and using that to
20 provide greater opportunity in hiring. It doesn't -- they don't determine who the
21 candidates are. They don't determine what the criteria for the candidates are. They
22 just help them find ways to broaden their pool so you have greater opportunity for
23 everybody.

24 Q Expanding the candidate pool, do you believe it helps you find the best
25 candidate for the position?

1 A Anytime you expand the candidate pool and include more people, you can
2 find the best candidate.

3 Q Why is that?

4 A It gives you a better opportunity to find -- because you have more people in
5 the pool.

6 Q Is that something -- I'm trying to think. I guess for George Mason
7 University specifically, and let's go beyond tenure-track faculty, why is it important for
8 you as the president to expand the candidate pool for all positions that are listed for
9 George Mason?

10 A Well, ultimately, we believe in doing whatever we can to provide
11 opportunity for all. That is the -- kind of the ethos of the campus. It's about providing
12 opportunity.

13 One of the questions that I was confronted with when I started was what should
14 we be doing in this regard. And, you know, our faculty were searching for ways to
15 provide opportunity to a broader pool of candidates without discriminating or lowering
16 the bar, and our goal was to try to help them with ways to do that.

17 Q And so it sounds like you said the faculty were asking about ways to do this.
18 Is that correct?

19 A Oh, yes, without question.

20 Q And did you consider yourself as being responsible as the president to
21 helping answer the faculty's questions about expanding the pool here?

22 A Yes.

23 Q Okay. And I think you said at the end of that "without discriminating."
24 Did you say that at the end?

25 A Without discriminating or lowering the bar.

1 Q Without lowering the bar.

2 So I'm going to take some time to talk through some of your accomplishments at
3 George Mason University. I know recently in the media, we've been -- and in the press
4 and with the investigations the majority brought up, it's been focusing on, I think, on a
5 very narrow or small part of your overall job. Is that a fair characterization?

6 A Yes, that's a fair characterization.

7 Q So let's talk about some of the accomplishments. And I'm going to start
8 with rankings, because unfortunately but maybe fortunately, I know that's the way a lot
9 of leaders of universities are judged. Is that also accurate?

10 A Yes.

11 Q Has George Mason's, you know, rankings academically or in respected
12 reporting, have they improved under your leadership?

13 A Yes, they have improved dramatically, more so than at any time in the
14 history of our campus.

15 Q Can you give us some more details about, you know, the rankings and how
16 George Mason's rankings have improved since you took over on July 1st of 2020?

17 A So The Wall Street Journal public university rankings, we moved from 45 to
18 30, and overall we moved from 186 overall. So 45 to 30 in terms of public institution,
19 but overall we moved from 186 to 76. That is more than 110 spots. U.S. News
20 rankings, we went from 72 to 51. The -- we're a top ten campus for free speech. We
21 are one of the top campuses for campus pride, and so we've done well in many ranking
22 categories.

23 Q You mentioned free speech, and that happens to be a topic that is discussed
24 frequently on our committee. So I believe we're on exhibit 10. Is that correct?

25 Exhibit 10. So this next exhibit will be exhibit 10, and it's actually George Mason's

1 profile for free speech rankings as evaluated by FIRE.

2 A Yes.

3 Q So I'm going to hand those out.

4 A Fire is the Foundation of Individual Rights and Expression. It's the primary
5 entity that rates institutions relative to their free speech index.

6 Q Thank you for that explanation.

7 [Washington Exhibit No. 10
8 was marked for identification.]

9

BY [REDACTED]

10 Q So can you tell me a little bit more about, you know, how you as a leader of
11 George Mason approach free speech issues on campus?

12 A It's extraordinarily difficult, because everyone claims they're for free speech
13 but really they're for their speech. So they want their speech to be free and they want
14 everybody else's speech to not be, and that's the job of the president is to try to manage
15 both sides of that. And we do that by maintaining a level of consistency in terms to our
16 approach of attacking it.

17 Q Can you give me some examples of how, you know, George Mason has
18 remained consistent in upholding and uplifting free speech on campus?

19 A I'll give you one big example of something that actually took place. After
20 Roe v. Wade was overturned, we had campus protests, and the pro-life groups had come
21 on campus and they were protesting, you know, for the rights of what they call the
22 preborn. They had -- they were using the same slogans and signs of the civil rights
23 movement, from Jeremiah Wedgwood's [sic] Am I -- you know, Am I a man, a whole host
24 of tag lines that if you were active in the civil rights movement you would have
25 immediately identified with.

1 African-American students on campus took issue with those slogans being used
2 out of context, and so they came to me and they said, we need you -- even they say
3 you're an African-American president. We need you to go and tell this pro-life group
4 that they cannot use those slogans in that way, to which point I said, you know, while I
5 don't agree with the slogans and what they -- how they're using them, I agree with their
6 right to use them, it's a free speech issue. And the students were not happy with that
7 response from me.

8 And I said, look, you should -- if you don't like it, you should have conversations
9 with the pro-life group. Explain to them why you have problems with this and help
10 them to understand your side. And so they did, and they aggressively, you know, said
11 that we think that these are vile and we think that this is racist and we think that we
12 shouldn't be using it that way, and they really went after the pro-life students.

13 And then the next day, literally the next day, the pro-life students and their legal
14 team came to my office. These African-American students are calling us names and
15 they're coming at us because we're using these slogans. We need you to tell them that
16 they can't do that, that they need to cease and desist. I said, while I don't believe that
17 their tactics that the students use to come at you relative to this issue, I agree with their
18 right to say what they said. Not necessarily believe in what they said but believe that
19 they have the right to say it, so I'm not going to do that.

20 Just like -- and I told them, you know, a few days ago these same students came in
21 and told us to shut your organization down from being able to exercise its rights, and I
22 didn't do it then and I'm not doing it now. We remain consistent. And that was the
23 same example, both cases. Try to remain -- have some level of consistency throughout.

24 Q And were these protests that you just described, were they taking place in a
25 public square on campus?

1 A Oh, without question.

2 Q Under the clock tower or something, I'm assuming?

3 A Right there by the clock tower in front of the student center. And that's
4 one, but they were also taking place in Arlington, because we had some Supreme Court
5 judges come on campus to talk about the whole Roe v. Wade decision, so there were
6 protests there as well.

7 Q Why is it important for you as president to facilitate such a strong culture for
8 free speech?

9 A The university is one of the last true places for debate in the country.

10 Q And why is it important for -- I know we talked about education earlier.
11 Why is it important for students that are embarking on an educational experience to be
12 subjected to or have to engage in debate?

13 A So that they -- you know, debate is different than arguing, and so we really
14 teach debate. We teach students how to debate, how to listen, how to respond. And
15 what you find is that when you do it that way, it shapes your understanding of the world,
16 because you actually get to hear the other side and figure out if your arguments are
17 better or if they're not. It just helps society become a better society.

18 Q I know in some of your speeches that you've given, or statements, you
19 frequently reference viewpoint diversity when talking about free speech at George
20 Mason.

21 A Yes. Yes.

22 Q How do you, you know, consider George Mason's viewpoint diversity for the
23 student body, the faculty, the schools in general?

24 A You know, I've been in the University of California system. I've been in the
25 University of North Carolina system. I've been in Ohio in that State's system. From a

1 perspective of thought and viewpoint, George Mason has no peer in the country. We
2 literally have the Scalia School of Law sitting right next to the Carter School of Peace and
3 Conflict Resolution. Those two entities sit literally right beside one another.

4 Q And so you talk about, for example, the viewpoints of the Scalia School of
5 Law and in particular maybe the Carter School of Peace and Conflict Resolution.
6 Taking -- I guess this is maybe the next question of, you know, why is free speech culture
7 so important. Why is viewpoint diversity within the student body as well as the units
8 themselves important for a university?

9 A It's one of the seven values of the institution.

10 Q Of George Mason University?

11 A George Mason. Freedom of thought and expression. And it's incredibly
12 important that people are free to have those beliefs and differences and that we figure
13 out ways to support all of them.

14 Q How have you as president and a facilitator maintained George Mason's
15 reputation and belief of right of having viewpoint diversity?

16 A So we sponsor seminars. This whole -- we do debate forums where
17 students are allowed to debate issues. We offer education on helping them learn how
18 to effectively debate. We have programs around dialogue and discourse. One of the
19 ways, to be honest, is quite controversial. We -- I don't shy away from writing to
20 students about controversial issues and providing viewpoints out there for them to
21 discuss, to engage.

22 Q Can you provide an example of one of those?

23 A Probably going to be one of your exhibits coming up here at some point.
24 But when -- in the past when there was a major issue that happened in society, right, that
25 we deemed as an educational -- that provided an educational opportunity, we would use

1 that to talk to the campus.

2 Q So, I also understand and know just from experience that George Mason has
3 also been consistently considered a top university for military affiliate students. What is
4 a -- is that your understanding as well?

5 A Uh-huh.

6 Q And that's a yes, for the record, just to make sure?

7 A Yes.

8 Q No worries. What's military affiliated mean and how -- I guess, how does
9 the university support that student group?

10 A Either veterans themselves or veterans' dependents.

11 Q Okay. And how has George Mason prioritized or focused on supporting
12 veterans themselves or, you know, dependents of military families?

13 A We have a -- we have veteran support groups on campus. We have an
14 office that focuses on helping veterans matriculate, helping them understand how to use
15 the GI Bill and other benefits they may have to further their education, connecting them
16 with like-minded individuals on the campus as well who have prior military service. I
17 have prior military service, and so I engage with them myself. I speak at Veterans Day.
18 We have a very active ROTC battalion. I go and speak at the battalion. I am -- we go
19 out of our way to make sure military veterans feel welcome on the campus.

20 Q Do you know approximately how much of the student body is milit- -- are
21 military members or veterans?

22 A I think the number of the veterans in attendance is a little over 10 percent.

23 Q Yeah. That'd be over like 4,000 students. Is that about right?

24 A It's a big number.

25 Q Has George Mason ever received any recognition for its treatment of

1 veterans or military families?

2 A From recognition --

3 Q External recognition.

4 A Yeah. We've definitely gotten some rankings information. There are a
5 couple of ranking organizations that look at this that have ranked us very highly. One of
6 the best places in the country actually.

7 Q And I know, again, there's been a lot of discussion today about the Office of
8 Access, Compliance, and Community. Would supporting veterans and military families,
9 would that be something that the Office of Access, Compliance, and Community be
10 responsible for making sure those students felt comfortable at George Mason University
11 as well?

12 A Yes, it is.

13 Q That's all we have for this hour. Thank you.

14 [Recess.]

15 [REDACTED] Okay. We'll go back on the record, please. Time is 2:28.

16 [REDACTED] And we're going to do our best to wrap up this hour, so please
17 excuse us if we kind of like hop from topic to topic, but --

18 Dr. Washington. No worries.

19 [REDACTED] -- we'll be cognizant of your time.

20 BY [REDACTED]

21 Q Could you briefly explain what an equity adviser is?

22 A Equity advisers are individuals who have been assigned to help committees
23 in two general ways. The first is to help them identify best practices for broadening
24 candidate pools, and then the second way is that they help -- if they need help on
25 understanding implicit bias or anything that would cause them to -- any training that

1 would help them eliminate biases that a committee will have, they can help in that regard
2 as well.

3 Q And what office do they work under?

4 A They come out of the Office of Access, Compliance, and Community.

5 Q Were they present in the Diversity, Equity, and Inclusion Office?

6 A Yes.

7 Q It's probably implied in its name, but equity adviser, they're only advising.

8 Is what they advise mandatory to academic units?

9 A It's advisory. Nothing's mandatory.

10 Q Okay. Going back to the IEP guidance, were unit -- to your knowledge,
11 were academic units ever explicitly told they did not have to follow that guidance?

12 A I don't recall that happening.

13 Q Did academic units ever provide updates on achieving their IEP goals?

14 A I don't get the question. Can you restate it?

15 Q Sure. Yes. Academic units developed IEP plans, right?

16 A Yes.

17 Q And in those plans, they had goals, correct?

18 A Yes.

19 Q And did the units ever provide you or essential GMU office status update on
20 how they were on track to meet their goals, not meeting their goals?

21 A So I have not received that information from any IEPs and I didn't review the
22 IEPs. I don't know if those went to any other individual.

23 Q Okay. I want to introduce exhibit 11. Exhibit 11 is, again, a post by
24 yourself on April 15th, 2021, titled "Adopting an Inclusive Excellence Framework for
25 Hiring Will Deliver Best Candidates."

1 A Yes.

2 [Washington Exhibit No. 11
3 was marked for identification.]

4 BY [REDACTED]

5 Q Are you familiar with this statement?

6 A I am. Let me read it just to make sure it's in alignment with what I think.
7 [Witness reviewing.]

8 Dr. Washington. Okay.

9 BY [REDACTED]

10 Q Are you familiar with this statement?

11 A I am.

12 Q Direct your attention to the second page, page 2 of 6. I'm going to read the
13 second full paragraph for the record. It says, "The differences in ethnic diversity among
14 our students as compared to our faculty are drastic. While a majority of our students
15 are non-white and reflective of the Nation's expected ethnic makeup in the mid-21st
16 century, just 30 percent of our faculty are from ethnic minority, multi-ethnic, or
17 international communities, and the percentage from underrepresented groups is
18 significantly lower than that. As so many leaders remind us, it's hard to be what you do
19 not see."

20 In relation to the IEP goals, I remember we discussed one of the goals was to have
21 faculty demographics mirror student demographics, correct?

22 A Uh-huh.

23 Q So is that --

24 Mr. Ruckman. Sorry to interrupt. Was that discussed?

25 [REDACTED] That was in exhibit No. 5.

1 Mr. Ruckman. Oh, the IEP. Okay. Thanks.

2 Dr. Washington. And the tool kit, right.

3 Mr. Gansler. And you should say yes when you --

4 Dr. Washington. Oh, I'm sorry. Did I not say yes? Yes.

5 [REDACTED] Stemming from that, in practical terms, would that mean that you
6 would want a majority of faculty to be non-white so they could mirror, as is quoted here,
7 "a majority of our students are non-white"?

8 Dr. Washington. No. So let me highlight a couple of things about this. This
9 sentence, again, actually is a general sentence just highlighting ethnic diversity, not
10 diversity in general. You -- and actually listed is -- it's listed as ethnic diversity. So here
11 we're just highlighting a statement of fact that, from an ethnic perspective, our faculty
12 don't match our students.

13 [REDACTED] Understood. And so if faculty -- if the outcome in the IEP stated,
14 number two, faculty and staff demographics that mirror student demographics, so one
15 part of that would be ethnic diversity. And so ethnic diversity demographics and faculty
16 should match ethnic diversity demographics in students?

17 Dr. Washington. Okay. That's not what we're getting at here. I see how you
18 could try to draw those parallels, but that's not what we're stating. If you go in the
19 paragraph above that, you actually see the exact language of what we were trying to
20 address in this document. So my statement does not relate to that IEP. I didn't write
21 that IEP, but I actually do address diversity in the paragraph before the paragraph you just
22 read. And it states here, "With respect to diversity and inclusion, Mason's North Star is
23 that the university should reflect the rich diversity of our students, the broader
24 Commonwealth of Virginia (whose tax dollars supports us all), and the Nation.

25 And then it says, "This is not code for establishing a quota system." And so there

1 we're talking about the broad expanse of Mason's diversity. We're not talking about
2 ethnic diversity there. And how do you know that? Because when we are talking
3 about ethnic diversity, we specifically use the term "ethnic diversity". It's the same -- it's
4 not like these are in different documents. It's actually in the same document.

5 And so we are -- we're just saying here that our North Star is that we should be
6 representative, and that's in alignment with State law. It's also in alignment with what
7 our board produced in the strategic plan. It's in alignment with the general notion of
8 diversity that we're talking about here.

9

BY [REDACTED]

10 Q So does the general notion of diversity not include ethnic diversity?

11 A The general notion of diversity is broader than ethnic diversity. Okay? It
12 includes diversity of circumstances, diversity of thought, diversity of -- diversity of
13 thought, diversity of circumstance and the like, in addition to entities that one could talk
14 about relative to identity. And "identity" is a broad term as well. Even people -- some
15 people of color don't identify that way. There is a broad expanse of diversity that we're
16 trying to address in this document.

17 Q Okay. I'm just trying to understand if, when you say "this university should
18 reflect the rich diversity of our students," you know, there's been a couple of times during
19 the interview when we were looking at a different document you specified that this is
20 talking about ethnic diversity, and then we brought it up again here about ethnic
21 diversity.

22 So I'm just -- I'm trying to understand in the lead-in paragraph that you read about
23 Mason's North Star is that this university should reflect the rich diversity of our students,
24 does that include ethnic diversity or is ethnic diversity something different all together?

25 A This is -- this includes a broader construct beyond ethnic diversity. It's

1 interesting. If you read the documents how they are written, the ones that I've
2 authored, when we talk about ethnic diversity, we say it, and when we're talking about a
3 broader framework of diversity, we say that too. And here we use the two to highlight
4 their meaning in the same document so we can clearly -- you can clearly see that we're
5 talking about two things that are related but different. Ethnic diversity in that second
6 paragraph. Broader respects -- we even use rich diversity, right, so we're talking about a
7 broader aspect of diversity in the previous.

8 Q So rich diversity means a rich diversity and you categorize it as a broader
9 meaning of diversity?

10 A That's right.

11 Q That includes ethnic diversity or --

12 A It includes diversity of identity, diversity of thought, diversity of
13 circumstance. It includes that broad richness of diversity as we define it on our campus.

14 BY [REDACTED]

15 Q Given that rich diversity has those many facets you just outlined, why did
16 you decide to specifically zone in on ethnic diversity in that second paragraph when
17 discussing how the faculty relates to students?

18 A Because we were highlighting a specific area where we can show that there
19 is a clear mismatch. So here we were specifically talking about ethnic diversity, but we
20 were not talking about it in the previous paragraph.

21 Q And to correct that mismatch, that would require hiring more ethnically
22 diverse --

23 A No, not necessarily.

24 Q Sorry.

25 A I'm sorry.

1 Q Would remedying that mismatch require you to hire more ethnically diverse
2 staff?

3 A No, not necessarily. No.

4 Q So how could you remedy the differences in ethnic diversity between staff
5 and faculty without increasing the ethnic diversity of the faculty?

6 A So we all -- we all want a -- let me say that differently. It is -- we would like
7 to have a faculty that is diverse as possible. There's nothing wrong with wanting the
8 faculty to be diverse and as representative as possible, and so how you go about doing
9 that, I'm one who believes that you can have -- you can have any level of diversity you
10 want and you can have excellence as well. You don't have to discriminate in order for
11 one to achieve -- in order to have -- to achieve both. And in some sense, I'm actually a
12 product of that myself in terms of -- and so I know that I exist.

13 Even to this day, I'm still, from an accomplishment perspective, one of the -- and
14 I've had 10 years where I basically have been in administration. I'm still one of the more
15 accomplished faculty members in the College of Engineering at George Mason, even not
16 working for -- and actively working as a faculty member for 10 years. And so I clearly
17 believe that this is indeed something that's possible. And so having that as your North
18 Star, it's just a reflection of that, that you can have -- you actually can have both. There
19 are places that achieve that.

20 Q Now I'm going to read the third full paragraph on the page.

21 A Sure.

22 Q It's kind of a long paragraph, so please bear with me. But for the record, it
23 goes -- statement starts to say, "Second, in order to achieve our vision, we first have to
24 adopt a broader, shared understanding of what "best" means when recruiting faculty and
25 staff at Mason. Professional experiences will always be vital in recruiting our workforce,

1 but so must lived experiences. Each quality prepares us in different ways to educate
2 students for the demands of the world to come. If you have two candidates who are
3 both, quote, "above the bar," end quote, in terms of requirements for a position, but one
4 adds to your diversity and the other does not, then why couldn't that candidate be better,
5 even if that candidate may not have better credentials than the other candidate?"

6 In that statement, what does the phrase "above the bar" mean? What are you
7 referencing? What does that mean?

8 A That's a term of qualifications. So you determine what the qualifications
9 are for the job and you say that's the bar, that all candidates must first and foremost have
10 some level of equality relative to the qualifications.

11 So I look at that in two frames. One, that they're above some standard and that
12 they are relatively equal to one another above that standard, right. Meaning, if you
13 have one professor who's been teaching for 10 years and has 30 papers -- let's say the bar
14 is 20. You have one professor who has been teaching for 10 years and has 30 papers.
15 You have another professor who's been teaching for 15 and has 50 papers, that's not
16 what I'm talking about. What I'm talking about is you get an assistant professor position
17 and you have candidates that are both above the bar and both -- there's an equality
18 amongst the candidates, meaning the candidates are equal.

19 Q Okay. So just kind of to conceptualize this, kind of like a hypothetical, if
20 you will --

21 A Okay.

22 Q -- like a -- we can further plan this out. We have candidate one and
23 candidate two. Both are, as you say, above the bar. They meet those minimums as
24 you -- right?

25 A Requirements for the position.

1 Q So both meet the requirements for the position.

2 A Yes.

3 Q Candidate one is a white candidate. Candidate two is from -- represents
4 someone who's an underrepresented minority candidate. Is it your thought that it's
5 okay to go with the more diverse candidate even if they are less qualified than the white
6 candidate, even though they both meet the minimum requirements?

7 A Okay. So let me unpack that a little bit. First of all, it was a hypothetical.

8 Q Yep.

9 A So I can't really answer a hypothetical. Let me give you a general notion
10 and let me use the document to do it, because the document actually addresses that
11 point directly.

12 So two candidates above the bar means that they're both qualified for the
13 position and they're equal. That's what you asked me previously. So later on in that
14 statement, when we say one adds to the university and the other one does not, then why
15 couldn't that candidate be better, even if that candidate may not have better credentials?
16 Well, if the two candidates are equal, the candidate doesn't have better credentials. So
17 we're not talking about one person having better credentials than the other. If one has
18 better credentials than the other, the whole thing doesn't work, the scenario.

19 This was a scenario I was painting for our faculty to initial -- to initialize discussion,
20 and that's why it is posed as a question. And so you can see the end, it ends in a
21 question. When you ask a question, you're asking a question to elicit a response.
22 Wasn't a directive. It was a question so that we can have engagement. Okay?

23 And so -- but let's suppose for a minute that one candidate was white and the
24 other candidate was not white. If you go to the page 3 of the document, it actually
25 addresses that. It says, Include inclusive excellence criterion -- in the criteria we use for

1 hiring. This is where we're starting to talk about the brass tacks for how you do this. It
2 says this does not mean hiring anyone that we can find from a historically disenfranchised
3 community, and then it says what it actually does mean. A better mechanism is to set
4 cultural norms and expectations requiring inclusive excellence statements along with
5 teaching statements and the like and then use rubrics to evaluate the candidate.

6 So if you can just look at the candidate, that's not what I'm talking about in that
7 previous sentence. What I am talking about is to say, in our broader definition of
8 diversity, what candidate will bring a better outcome for our students? If you can just
9 look at them, you're already on the wrong track. You don't need a rubric for that. You
10 just look at a person to tell who they are. But rubrics speak to experiences. It speaks
11 to the kinds of things that you've been able to achieve, and that's the piece that brings
12 that level of diversity that says you would choose one candidate over another.

13 Q You just mentioned that include inclusive excellence in the criteria we use
14 for hiring. Including those inclusive excellence, the criteria, as we saw earlier today, in
15 the inclusive excellence plan specifically called out racial percentages. They did not call
16 out other diversity aspects, right?

17 A An inclusive excellence plan, which again, I didn't write, did not come from
18 me. That came from individual faculty groups that go forward. They were clearly not
19 following the directives. If they were only just looking at race, they clearly were not
20 following any of the feedback that I gave in this document. If this document is the
21 document that you're saying is the document that was used to establish the inclusive
22 excellence plans and all the plans looked at was race, this document actually says not to
23 do that. Literally says that in this bullet point. And so clearly there's a disconnect
24 coming from that.

25 Why someone would put that in their inclusive excellence plans, I don't know, but

1 it didn't come from this. Because if they were following this, they would have a rubric.
2 That rubric would really be focused on lived experiences. Actually in multiple places in
3 the document we talk about experiences, lived experiences. We talked about that kind
4 of thing being in alignment with your criteria, not your ethnicity or your color.

5 Q And just to be clear, remind me, the inclusive excellence plans that the units
6 created, those were not reviewed once they were created in that unit, correct?

7 A The inclusive excellence plans were not reviewed or implemented by the
8 academic units, so they were not implemented either.

9 Q No inclusive excellence plan was implemented by the unit that created it?

10 A It would have had to have made its way into actual policy that the unit used
11 for hiring, and there was no change to policy. So when we say "implementation,"
12 implementation means that the inclusive excellence plan is then used for policies. In
13 some cases, in some of the plans, it's very clear that units were operating in ways in which
14 they were operating previously, right.

15 And so the inclusive excellence plans were, again, not implemented relevant to
16 changes in policy. And so -- and if they were and they were using something on racial
17 grounds, it's not what was outlined in this document, because this document actually
18 cautions against doing that explicitly. So it says explicitly not to do that. So there
19 could be a disconnect there. Why someone would put that in an inclusive excellence
20 plan, I don't know. I didn't write it, so I don't know.

21

BY [REDACTED]

22 Q Does it concern you that that was put into an inclusive excellence plan under
23 your watch as president at GMU?

24 A What do you mean when you say concern me?

25 Q Does it concern you that you had specifically cautioned against that in a

1 document from 2021 and yet it appeared in an inclusive excellence plan?

2 A So what I -- the way I would answer that is that our -- it's a -- this stuff is hard
3 for people. It's a learning process, and so you have to say something and then say it
4 over again and then say it over and over and over again. It's just part of that process.
5 And over time, people come to understand what's the right and the best way to do this.
6 Again, people were reacting to some really devastating visuals that they had seen come
7 across their television screens and on their computers and phones and they were reacting
8 to that and looking for ways in which they could be better.

9 And so all of this, and that's the same thing with the -- what you saw coming out
10 of corporate America, what you saw coming out of every university in the country was
11 really focused on trying to help us be better. So we were helping -- again, if you read
12 the document -- and actually, you know, the early pages, it talks about how this is my
13 input to the discussion. It was a broad-based discussion on our campus, and I was
14 offering my two cents to the discussion and prompting the faculty to think about these
15 things in a broader way.

1 [2:55 p.m.]

2

BY [REDACTED]

3

Q And jumping back to the question that my colleague -- you posed in here -- it

4

said, "If you have two candidates who are both above the bar in terms of requirements

5

for a position but one adds to your diversity and the other does not, then why couldn't

6

that candidate be better even if that candidate may not have better credentials than the

7

other candidate?" And you said you had asked that question to elicit engagement.

8

That was the purpose of this.

9

A Yes.

10

Q Did you receive engagement on that question?

11

A Of course.

12

Q And what can you tell us about the engagement you received?

13

A It was all over the map.

14

Q Okay.

15

A Some people who felt that the answer to that question was, "Hell no, you

16

shouldn't," and people who felt that the answer to that question was, "Yes, you should."

17

Some people who felt that it was illegal, some people who felt that it was legal. It was

18

all over the map.

19

BY [REDACTED]

20

Q What is your personal opinion on the answer to that question?

21

A My personal opinion is actually clearly outlined and delineated in the

22

document that's listed here. I do not believe that you would -- let me say it in a

23

different way.

24

I've had a prolific academic career. I have gone through that career, written

25

more than 150 papers, graduated Ph.D. students and students who are in some of the

1 best institutions in the country. I've had millions of dollars of funding from both
2 government and from industry. I'm really proud of my academic record.

3 For me personally, I don't want somebody pushed along who is not qualified to be
4 there because of skin color, right, because that lessens the work that I've done, too,
5 right? People will say, "Well, if that person got in because of their skin color, maybe you
6 got all that you got because of yours."

7 And I think that's the piece that people miss in all of this, is that everybody wants
8 to be recognized for the things they've done, and there are people who want to compete
9 and want to be known for competing and for success. They don't -- so that's more of
10 the ilk that I come from.

11 And so that's why you have a bullet point like you have here where it says this
12 does not just mean hiring anyone we can find from historically disenfranchised
13 communities.

14 Q Kind of shifting gears a little bit from what we've been discussing.

15 A Sure.

16 Q How would you describe your relationship with GMU's Board of Visitors?

17 A So GMU's Board of Visitors is not a single entity. The board is actually
18 different every single year. Okay? And so there have been times when it's been a
19 beautiful relationship, and there's been times when the relationship has been tense. So
20 it's run the map.

21 Q How often do you communicate with the Board of Visitors?

22 A It all depends on which board. Again, everyone's different. So,
23 historically, I talk to the rector multiple times a week, and I talk to every board member
24 after every meeting. We meet six times a year. And I reach out to board members
25 directly and have individual one-on-ones. It could be over dinner, it could be over lunch

1 and the like. So that's the historical framework of how that works.

2 Q And moving to current then, if everyone's different, what's your current
3 relationship like with the board?

4 A With some board members, it's really good, and with some, it's strained.

5 Q And how is the communication with the current Board of Visitors?

6 A I actually end up communicating more with this Board of Visitors than I've
7 had to with others, and that's because this Board of Visitors brings in it a different level
8 of, for lack of a better way of putting it, a different level of -- a different ideology than
9 previous boards.

10 Q And how does an individual become seated on the Board of Visitors?

11 A The Governor chooses, and I have no idea what the Governor does in order
12 to do that.

13 Q So to sit on the board you are appointed by the Governor of Virginia?

14 A And then approved by the House and the Senate.

15 Q I know you might have seen this in the news lately, but are you aware that
16 some of Governor Youngkin's GMU board appointees have been rejected by Virginia's
17 General Assembly?

18 A Yes.

19 Q Have you discussed these, this event, with anyone, or these events?

20 A Oh, we discuss it all the time.

21 Q Who have you talked to -- who have you talked with about it?

22 A When that happens, you're talking -- everybody is talking to everybody
23 about it. This is -- when these happen, it's a major upheaval for an academic institution.

24

BY [REDACTED]

25 Q Did you ever take a position on the board appointees that were rejected?

1 A No.

2 Q So you never supported or opposed their appointment?

3 A No. The appointment of board members are done by the Governor and
4 the General Assembly. I'm not asked to take a position one way or the other. And so I
5 don't get -- I don't have that level of power.

6 Q And do you ever talk to anyone who is in the Virginia General Assembly
7 about board appointees?

8 A I talk to members of the General Assembly all the time. It's part of my job.
9 And during those times, do people ask that? Folks on both sides of the aisle ask. And I
10 tell them all the same thing: "Look, that decision is beyond my pay grade. That's their
11 decision, not my decision."

12 Q And to the extent it comes up in conversations that you have with members
13 of the General Assembly, you never took a position about a board appointee?

14 A No.

15 [REDACTED] Have you ever been in contact with any attorneys engaged in any
16 litigation to prevent Governor Youngkin from appointing the individuals to the board?

17 Dr. Washington. I don't understand that question.

18 Mr. Gansler. I don't either.

19 BY [REDACTED]

20 Q Have you ever been in contact with any lawyers involved in litigation
21 surrounding the current appointees that were not allowed to sit on the board, that were
22 rejected by the General Assembly?

23 A Okay. You can ask me a specific name and I can tell you because this
24 general question -- I think Tim Heaphy is the person who is representing. I've never
25 spoken to him. I couldn't tell you who he was. He's the only person that I know of

1 that's representing that other side, and I don't know him.

2 Q How do you know he's representing that side?

3 A Because it's in the public -- it's in the public domain.

4 Q Okay.

5 A Yeah.

6 Q Are you aware of the, and it's a quote, "I Stand With Mason," end quote,
7 campaign?

8 A Oh, yeah. Very much so.

9 Q What is the campaign?

10 A It's a campaign that supports the institution and that supports me.

11 Q Are you aware of the campaign's goals?

12 A I'm aware of what I read on the website, and it seems like the goals are to
13 support the campus and to support me.

14 Q When you say support yourself, what do you mean by that?

15 A I'm trying to figure out how do I say this without sounding in any
16 braggadocious sense.

17 Look, the institution has achieved its highest fundraising, its highest rankings, its
18 highest State government support, its highest enrollment. The students are doing, from
19 a perspective of their performance in the job market, better than they ever had.

20 There is some really good stuff happening on campus and people are supporting
21 that. And they understand the leadership that was needed in order to get the campus
22 to that point. And I know that I'm a big part of that. And so that's the piece that I'm in
23 alignment with and that I support.

24 Q Do you have any role in the campaign?

25 A None.

1 Q Do you know who funds the campaign?

2 A I do not.

3 Q Have any of the campaign's funds been directed toward any potential legal
4 fees you have?

5 A No. Well --

6 Mr. Gansler. None that you're aware of.

7 Dr. Washington. I mean, I could ask him, but no.

8 [REDACTED] Do you know how the money is raised?

9 Dr. Washington. I have absolutely no idea. I'm not involved in any of that
10 aspect of it. So I'm really a spectator just like everybody else.

11 [REDACTED] So you never communicate with any of the campaign's Advisory
12 Council members?

13 Dr. Washington. Those council members are donors to the campus. So a
14 number of them I see at events and I'll talk to them at events, but we don't talk about the
15 planning of "I Stand With Mason."

16 [REDACTED] And during your time at GMU have you entered into any settlement
17 agreements during your tenure there?

18 Dr. Washington. I don't understand the exact nature of the question.

19 [REDACTED] Just any settlement agreements. It can be independent of the
20 Department of Education investigation or DOJ investigation. Any settlement
21 agreements that you entered into?

22 Mr. Gansler. I don't understand the question either. Are you asking about, like,
23 the current investigations or just, like, settling about buying a building?

24

BY [REDACTED]

25 Q That and any other settlement agreements.

1 A My goodness. If it's that broad, I'm sure there's a significant number of
2 agreements that we have developed with vendors and with other entities that I have to
3 sign off on.

4 Q Okay. Any just involving you personally, or would it be involved with, like,
5 the university, like a building name?

6 A Any involved with me personally?

7 Q Yeah. Like, you personally were part of the settlement agreement.

8 A Okay. You would have to give me some -- you would have to give me some
9 detail. I don't really -- I really don't understand the question.

10 Mr. Gansler. Are you asking, like, has he been the subject of litigation that's
11 been settled as opposed to the school? Is that --

12 [REDACTED] During your tenure at GMU, have you been the subject of any
13 settlement agreements?

14 Dr. Washington. Yeah, I don't know how to answer that question because I
15 really don't understand the question, honestly.

16 [REDACTED] Okay. Okay.

17 Let us go off the record for just a second.

18 [Discussion off the record.]

19 [REDACTED] We can go back on the record.

20 I think we're done with the questions.

21 Dr. Washington. Okay.

22 [REDACTED] Okay.

23 Mr. Gansler. Thank you.

24 [REDACTED] We'll go off the record.

25 [Whereupon, at 3:07 p.m., the interview was concluded.]

1 Certificate of Deponent/Interviewee

2

3

4 I have read the foregoing ____ pages, which contain the correct transcript of the
5 answers made by me to the questions therein recorded.

6

7

8

9

10

Witness Name

11

12

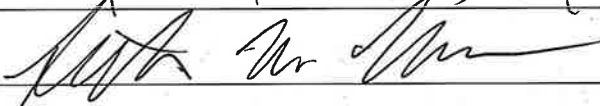
13

14

Date

15

Transcribed Interview Transcript Errata Form

Interviewee	Dr. Gregory Washington
Date of Interview	September 3, 2025
Date of Review	September 10, 2025
Name of Reviewer	Stephen Knickman, Esq.
Signature of Reviewer	

Page	Line	Suggested Correction
7	17	correct "powers invested in me" to "powers vested in me"
7	23	correct "powers invested" to "powers vested"
8	23	2 believe he said "... through the board for approval, (for) the faculty," they are not "... through the board for approval, they are."
15	1	missing word: "Office of Access, <u>Compliance</u> , and Community."
17	15	correct "leaths at George Floyd" to "leath..."
21	9	correct "you had a lot of white faculty. You had lots..." to "you had a lot of white faculty — you had lots..." this was all one sentence
21	23	missing comma after "general." Insert comma.
24	8	correct "... more training <u>and</u> implicit bias" to "more training <u>on</u> implicit bias." Answer was about type of training
28	12	missing word: change "... but committees ..." to "but with committees"
30	25	correct "I haven't discussions" to "I <u>had</u> discussions." He was talking about discussions at the time.

Page	Line	Suggested Correction
40	24	correct "echo" to "echoed"
54	16-17	Timing error. Office at DEI was dissolved in Feb 2025, as he stated on p. 11, lines 24-25. Recommend adding
76	22	[see also p. 85, lines 11-12] missing word: "it's the OAC" should say "it lists the OAC"
84	12	On line 11, he says "no, that doesn't happen." then on 12 he rethinks that, so I think the "yes" in this sentence is also a
89	23	Unclear without quotes. Add quotes around "without discriminating."
94	14	correct "maintain" to "maintained"
95	24	correct "That's a big number" to "It's a big number"
107	7	correct "on the computers" to "on their computers"
108	24	correct "I had" to "I've had"
109	23	correct "Director" to "reclor"
111	2	In my notes the question was: "So you never opposed their appointment?" Can stenographer listen to this to check?
111	25	correct "that I know" to "that I know of". Answer makes clear in other parts that he does not know him.