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

INTERVIEW OF: KENNETH RANDALL

Wednesday, October 1, 2025

Washington, D.C.

The interview in the above matter was held in room 2237, Rayburn House Office Building,
commencing at 1:26 p.m.

1 Appearances:

2
3
4
5 For the COMMITTEE ON THE JUDICIARY:

6
7 [REDACTED], DEPUTY DIGITAL DIRECTOR

8 [REDACTED], SENIOR COUNSEL

9 [REDACTED], PROFESSIONAL STAFF MEMBER

10 [REDACTED] DEPUTY CHIEF COUNSEL FOR CONSTITUTION

11 [REDACTED], MINORITY OVERSIGHT COUNSEL

12 [REDACTED], MINORITY SPECIAL COUNSEL

13 FOR INVESTIGATIONS AND SENIOR ADVISOR

14 [REDACTED], MINORITY CHIEF COUNSEL AND SENIOR ADVISOR

15 [REDACTED], MINORITY FELLOW

16 [REDACTED], MINORITY COUNSEL

17 [REDACTED], MINORITY SENIOR COUNSEL

18
19 For KENNETH RANDALL:

20
21 JONATHAN GREENBAUM

22 Kling Greenbaum PLLC

23 4301 Connecticut Avenue NW

24 Suite 432

25 Washington, D.C. 20008

1 [REDACTED] We'll go on the record, please.

2 This is a transcribed interview of Ken Randall. Chairman Jordan requested this interview as
3 part of the committee's investigation into George Mason University's compliance with applicable civil
4 rights laws and executive orders.

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

6 Mr. Randall. Kenneth Charles Randall.

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

9 My name is [REDACTED], and I'm with Chairman Jordan's staff. I'll now have everyone else
10 from the committee who's here in the room introduce themselves as well.

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

12 [REDACTED]: [REDACTED], Chairman Jordan's staff.

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

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

15 [REDACTED]: [REDACTED], Ranking Member Raskin's staff.

16 [REDACTED]: [REDACTED], Chairman Jordan's staff.

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

18 [REDACTED] Our questioning will proceed in rounds. The majority will ask questions first
19 for 1 hour. The minority will then have an opportunity to ask questions for an equal period if they
20 choose. We will alternate back and forth until there are no more questions, and the interview is
21 over.

22 Typically, we take a short break at the end of each hour. If you would like to take a break in
23 addition to that, just let us know.

24 As you can see, there's an official reporter taking down everything we say to make a record.
25 So we ask you give verbal responses to all questions. Do you understand?

1 Mr. Randall. Yes.

2 [REDACTED] So the reporter can take down a clear record, we will do our best to limit the
3 number of people directing questions at you during any given hour to just those people on the staff
4 who's turn it is.

5 Please try and speak clearly so the reporter can understand and everyone in the room can
6 hear you. It is important we do not talk over one another or interrupt each other if we can help it.
7 That goes for everybody today.

8 We encourage witnesses who appear before the committee to consult with counsel if they
9 choose. It is my understanding today you are appearing today with counsel. Is that correct.

10 Mr. Randall. Yes, correct.

11 [REDACTED] Could counsel please state your name?

12 Mr. Greenbaum. Jonathan Greenbaum, KlingGreenbaum, PLLC.

13 [REDACTED] We want you to answer our questions in the most complete and truthful
14 manner possible, so we will take our time. If you have any questions or if you do not understand a
15 question, please let us know.

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

17 If you honestly do not know the answer to a question or do not remember, it is best not to
18 guess. Please just give us your best recollection.

19 It is okay to tell us you learned information from someone else. Just indicate how you came
20 to know the information.

21 If there are any things you do not know or cannot remember, just say so, and please inform
22 us who, to the best of your knowledge, might be able to provide a more complete answer to the
23 question.

24 Although this interview is not under oath, by law, you are required to answer questions from
25 Congress truthfully. Do you understand?

1 Mr. Randall. Yes.

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

3 Do you understand?

4 Mr. Randall. Yes.

5 [REDACTED] Witnesses who knowingly provide false testimony could be subject to criminal
6 prosecution for making false statements under 18 U.S.C., section 1001.

7 Do you understand?

8 Mr. Randall. Yes.

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

11 Mr. Randall. No.

12 [REDACTED] Finally, I would like to note, the content of what we discuss here today is
13 confidential. We ask you not to speak about what we discuss in this interview to any outside
14 individuals to preserve the integrity of our investigation.

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

18 That is the end of my preamble. Is there anything my colleagues from the minority would
19 like to add.

20 [REDACTED] I'd just say thank you for being here today. You're testifying voluntarily.

21 I'd also like to note that this is being recorded. I'm sure you know that already. I just wanted to

22 make it clear for the record.

23 Mr. Randall. Great. Thank you.

24 [REDACTED] The time is 1:30, so we'll begin the first hour of questioning.

25 EXAMINATION

1 BY [REDACTED]

2 Q Could you please state your full name again?

3 A Kenneth Charles Randall.

4 Q And where do you currently work?

5 A Antonin Scalia Law School at George Mason University.

6 Q And what is your job title?

7 A I'm dean of the law school.

8 Q Starting with college, can you briefly summarize your educational background?

9 A Yeah. I'm a -- I consider myself a blue-collar kid. I started on Long Island at a
10 university called Adelphi University; then went to Hofstra University. Did a master's at
11 Yale Law School; did a master's and a doctorate at Columbia University. I did executive education in
12 business at Columbia and at Harvard Business School.

13 Q And, starting with your first job after law school, what is your professional background?

14 A I was an associate at Simpson Thacher & Bartlett on Wall Street in New York.

15 Q And anything after that?

16 A Yes. So I practiced law with Simpson Thacher in New York, and then I went to
17 Columbia on a scholarship to work on a master's and a doctorate. And then, from there, in 1985, I
18 went to the University of Alabama as an assistant professor of law. Excuse me.

19 Q How long were you at University of Alabama?

20 A A long time, 28 years. So I was faculty member for 4 years. Then I was vice dean of
21 the law school for 4 years, and then I was dean of the law school starting in 1993. And I stayed as
22 dean of the Alabama law school for 20 years.

23 Q And following dean of the Alabama law school, is that when you became dean of GMU?

24 A No. I had a break from deaning. So, for 7 -- at least 7 years, I was a full-time
25 entrepreneur. So, during my last 8 years as dean at Alabama, I started to found businesses in a

1 couple of different sectors.

2 When I stepped down at Alabama in 2013, it was to go full-time at one of the entities we had
3 started. We had some exits. We had a final exit. We sold that business to BARBRI in 2017. I
4 stayed on as president of the company, and then joined George Mason in 2020.

5 Q At George Mason, what are your main responsibilities as dean?

6 A So, you know, the dean of any unit is essentially the CEO of that unit, the executive
7 branch of that unit. You interact with a variety of constituents, university faculty, staff, students,
8 and alumni.

9 You have ultimate fiscal responsibility for the unit, you have strategic responsibility, and then
10 really I have a series of direct reports in about eight different subject areas. So I've got about eight
11 direct reports.

12 Q And you noted that -- equated the dean to sort of the executive position of the law
13 school.

14 A Right.

15 Q What are the other governance levels?

16 A So, at the law school, the law school dean reports to the provost of the university but
17 also interacts frequently with the president and with the other vice presidents. So the provost is
18 provost and executive VP, and he's my direct supervisor.

19 But then I have a lot of interaction with the president -- or I used to have a lot of interaction
20 with the president, with the other vice presidents, and then with the other deans through something
21 called the Council of Deans.

22 Q And you said "used to." Can you explain that?

23 A President Washington has excluded me from communication with him for a couple of
24 years. He has not communicated with me directly.

25 Q Do you know why that is?

1 A Most immediate factor was when the law school needed university help with an ABA
2 accreditation, and the law school and the university had tension over that issue. And, after -- after
3 that, close to that time, he stopped communicating with me and the law school and said he preferred
4 for me to deal directly with the provost.

5 Q And when did that occur, the year, approximately?

6 A Yeah. It was 2023. So I have not had a personal conversation with the president
7 since May 2024.

8 Q And that is unique among GMU deans, would you say?

9 A Yes.

10 Q Since you -- it sounds like you directly deal with the provost --

11 A Yes.

12 Q -- a lot?

13 How many provosts have been provost since you started as dean?

14 A You know, I think I'll call it three. I was dean designate -- when I was named dean
15 designate, that I was going to become the dean, there was a provost who then left.

16 But, during my appointment there have been three -- Mark Ginsberg, Ken Walsh, and the
17 current provost Jim Antony, A-n-t-o-n-y.

18 Q What were your levels of communication like for each of those provosts?

19 A With the first and the third, so Ginsberg and Antony, a fairly regular and similar cadence
20 of communication, once a month, one-on-one meetings, ad hoc communication when we needed it,
21 interaction through the Council of Deans.

22 The one in the middle, Ken Walsh, was interim, and he not only was interim, but he got sick
23 during his interim period. So, for those 9 or 10 months, we had less communication -- less regular
24 communication than I did with the others.

25 Q In addition to the provosts, are there any GMU entities you interact with frequently?

1 A Well, I interact with other units through the Council of Deans. I was asked to serve as
2 the mentor to the business school dean. I had helped recruit him. I chaired his recruitment
3 because I have a business background.

4 So I served as his mentor -- well, I was asked to do that. I don't want to be presumptuous
5 that I, you know, necessarily had the ability to mentor somebody, but that was what I was asked to
6 do.

7 And then money that comes to the law school goes to the GMU Foundation. So we interact
8 with the foundation.

9 Q Have you had a lot of experience working with the Office of Access, Compliance, and
10 Community, which I'll abbreviate going forward as OACC?

11 A So is that the previous Office of Diversity, Equity, and Inclusion?

12 Q Yes. To my understanding, the Diversity, Equity, and Inclusion Office morphed into the
13 Office of Access, Compliance, and Community.

14 A Yeah. So I have not had much contact with the newly named entity. All deans had
15 significant experience with the Office for Diversity, Equity, and Inclusion. It was an ever-looming
16 presence in countless meetings that I've had in my 5 -- almost 5 years at GMU.

17 Q And who led the Diversity, Equity, Inclusion, or DEI, Office?

18 A So there's a vice president. Her name is Sharnnia Artis, A-r-d-i-s (sic).

19 Q And do you know if she currently leads the newly formed office?

20 A I believe she does.

21 Q And you said that you had all-encompassing interactions with the DEI office. Can you
22 explain some of your interactions?

23 A Well, you know, under President Washington, DEI has been an ever-present framework
24 for virtually everything that we have done at the university, and so his conduit for that has been
25 through the DEI office and through Sharnnia -- so her first name is Art- -- Dr. Artis.

1 So each unit would have a series of planning meetings every year, with the Office for
2 Academic Affairs and that is pretty normal at universities. However, at George Mason, the DEI
3 office would assign two to three members of its staff to sit in on all unit planning, irrespective of the
4 topic.

5 So, if it was faculty, there would be DEI reps. If it was students, it would be DEI reps.

6 Can I go back to the previous question?

7 Q Yes.

8 A So you asked about background, and I'll say, you know, I was founding -- I founded
9 companies, and we worked in -- one of the sectors we worked in was in higher ed, but I also had
10 another company that was a consulting company where we consulted with higher ed institutions.

11 So I will say, between accreditation work I did and consultations, I have, in a sense, consulted
12 with approximately 30 different institutions.

13 So, when I talk about these experiences, they're not limited to University of Alabama versus
14 GMU. I've actually accredited and consulted with, it's got to be 30-something universities -- private,
15 public, religious-based, for-profit, nonprofit, independent, throughout the country, and even beyond
16 the country, in Europe, so -- and India.

17 So I just want to say, anytime I talk about higher ed or compare it, it's not limited to Alabama
18 for a period and then GMU. I have traveled the country and gone to institutions, and I probably
19 visited, in one capacity or another, 80 to a hundred institutions of higher education in the
20 United States and beyond.

21 Q Lots of experience there.

22 You mentioned -- you indicated there was a high level of interaction that the DEI office had
23 when it came to planning. And would you say that's unique to GMU? Have you seen that level of
24 interaction in other universities?

25 A I have not.

1 Q And, correct me if I'm wrong, you stated that no matter the subject matter of your unit
2 planning, there would be DEI reps present?

3 A Yes.

4 Q What would those reps be doing?

5 A Well, sometimes they'd be kind of silent, but -- and I'm thinking of this, we've probably
6 done more Zooms since I've been at GMU than in-person meetings.

7 But, in those planning meetings that could have, you know, 10 or 12 people on them, often
8 they were done by Zoom so that they were -- you know, could have people on different schedules.
9 And, you know, the main campus is in Fairfax; the law school is in Arlington, right near D.C.

10 So we would often do them by Zoom, and the members of the DEI staff, you would
11 sometimes be quiet on the Zooms. Sometimes they'd ask questions. I assume they were
12 evaluating what we were saying.

13 Every year, in addition, we would have to present a DEI plan, a DEI excellence plan, which we
14 would have to submit with criteria and data and numbers, and we would meet with the DEI staff
15 only -- I can't remember whether the provost would've been present also -- so the DEI staff was
16 present on meetings on the DEI inclusive excellence plans as well as on almost any planning that was
17 going on.

18 Q Do you know if the DEI office, did they report directly to the president, or do they report
19 to the provost?

20 A I think that the vice president reported to the president. However, I assume that on
21 some matters she would've gone to the provost, slash, executive vice president.

22 Q And when did the DEI office start getting heavily involved in the affairs of the law
23 school?

24 A Well, you know, President Washington came in 2020. I also arrived in 2020.
25 Although he did not hire me. I was -- the interim president did. And that office was there in its

1 large presence, significant presence, from the moment that I started.

2 I really don't know how much it was present before 2020, but from the time I arrived in 2020,
3 and, you know, as we know from, you know, the president's communications, the president, you
4 know, talked about the anti-racism efforts, you know, within a couple of weeks of his starting the
5 presidency. So it was there all the time. The only -- it's -- it's lessened; it's changed since January
6 2025.

7 Q You mentioned anti-racism efforts. Are you familiar with the Anti-Racism and Inclusive
8 Excellence Task Force?

9 A Yes.

10 Q Who developed this task force?

11 A I thought it was appointed by the president. So he came in in approximately June
12 2020. You had the tragedy of the George Floyd murder, death. The president came in talking
13 about George Floyd, and then, from there, went to anti-racism at George Mason University.

14 Q Did Dr. Washington discuss anti-racism at lot at GMU?

15 A Yes.

16 Q And would he discuss it in small group settings with deans?

17 A Yes.

18 Q What are the type of things did he say about anti-racism?

19 A Well, there was always a -- he would express a presumption that there was racism. So,
20 while, over time, we started to hear the phrase, you know, the DEI, diversity, equity, and inclusion
21 and inclusive excellence, in the early days of it, it was about anti-racism, that somehow there was
22 racism at the university.

23 So somehow we started -- he started with George Floyd, and then had barely gotten on
24 campus, and we were then combating racism at the university. You know, we would just hear it,
25 you know, I mean, a lot.

1 I don't think anyone ever really described what that racism was: How it had been detected?
2 Was it student-oriented? Was it faculty-oriented? Were there incidents?

3 I mean, we heard talk about the faculty and staff not reflecting the composition of the
4 student body. So, if, by that, we mean a race -- racism is meant, but I never saw it.

5 As a lawyer, I'm always looking for, what is the issue? Have we evidenced the problem?
6 And I haven't seen it. I heard -- saw Dr. Washington, when setting up that task force, talked about
7 racism, that the attorney general of the Commonwealth found in 1971.

8 And, in 2020, he said that there were, quote, still "ripples of that." I don't really, as a lawyer,
9 know what "ripples of that" mean. But, apparently, we were going to combat something that was
10 never, in my ear and my eyes, defined, what we were really combatting.

11 Q So, to your knowledge, did Dr. Washington ever discuss the need for a task force with
12 deans like yourself?

13 A So the answer I'm going to tell you is no. I do want to be clear, though. My official
14 appointment date came after he set up the task force in 2020. So, if he did that -- you know, it's
15 possible he did it, and I didn't know about it.

16 Q You just mentioned he set up the task force in 2020. Is that -- how soon did he set up
17 the task force once he became president?

18 A I believe it was in the first month.

19 Q Do you know who ran the task force?

20 A I have not -- I'm sorry -- I have not looked it up. I assume, you know, Sharnnia and
21 others would've been involved.

22 But I really have not looked at each of the members of -- who got appointed to it, I have not.

23 Q How did the task force interact with the GMU schools?

24 A You know, I'll tell you, I'll be probably light on specifics here. You know, I assume that
25 it's from the task force that we got the requirement that all schools do an annual diversity, equity,

1 and inclusion plan.

2 I assume that that's also part of the basis that we all would take diversity, equity, and
3 inclusion training. Before faculty committees started to search for faculty members, they took
4 specialized training. There were conduits between any hiring committee and -- and the DEI office.
5 So I assume that those things came from the DEI task force.

6 There was eventually a curricular effort undergrad where every undergrad was going to have
7 to take, I think it was, four courses in DEI-related topics that ultimately the Board of Visitors did not
8 approve. But I assume that many of those efforts have some origin, directly or indirectly, from the
9 task force.

10 Q And are you familiar with Dr. Washington's July 2020 email to the campus community
11 describing the task force?

12 A Yeah, I've looked back through it for today, just glanced through it, but I've not, you
13 know, studied it word for word. And I think it probably predated me.

14 [REDACTED] I'm going to introduce that email to the campus community. It's going to be
15 exhibit 1.

16 [Randall Exhibit No. 1.

17 was marked for identification.]

18 Mr. Greenbaum. Want us to use one of your copies? We'll look at this one.

19 Mr. Randall. Yeah, all right. Thanks.

20 BY [REDACTED]

21 Q I'll give you a brief moment to review. Just let me know when you're ready.

22 A I'm ready.

23 Q Starting on page 4, the announcement lists kind of several actions the ARIE Task Force
24 would undertake, and I just kind of want to explore those.

25 First up, we have faculty salary equity. It states --

1 A Are you on page 4? Excuse me.

2 Q Yes --

3 A Oh, yeah, yeah, yeah.

4 Q Page 4.

5 -- Faculty salary equity states, "We will complete and act upon a faculty salary equity review
6 and work with the schools and colleges towards correcting any issues over a 3-year period."

7 Did you see any of these efforts come to fruition as dean?

8 A So this won't be a simple answer. Most of the time -- close to all of the time raises are
9 given when the Commonwealth gives money for that purpose and then mandates a percentage.

10 So, hypothetically, the Commonwealth will say to George Mason University, "We want to
11 create 5 percent raise" -- sometimes it differentiates between faculty and staff, but let's keep the
12 example simple -- 5 percent raise.

13 Oftentimes the Commonwealth will only fund 4 percent of that, which means the university
14 has to come up with the other percent.

15 The Commonwealth also normally mandates how much of that goes for across-the-board or
16 for merit or for equity. Most of the time, the Commonwealth mandates that almost all of it goes
17 for across-the-board.

18 So, in my 5 years of giving raises, most of it on that basis, has been given on -- on an
19 across-the-board basis. You might call it like a CTI, like a -- you know, an inflationary index raise,
20 very little given, and then there's a little bit of money that you can squirrel away.

21 So, on that basis, you know, I didn't see that really systemically in the summer when we do it.

22 Now, I do want to be sure, I will say, I mean, President Washington, when he was speaking to
23 me, did have a one-on-one once where he told me that he felt we should pay minority faculty
24 candidates more than majority faculty candidates because there was a greater market demand for
25 minority faculty candidates than majority.

1 So he said to me on a one-on-one phone call, approximately 2022, could've been 2021 -- I
2 didn't memorialize the call -- that -- we were talking about faculty hiring, and we were talking about
3 competing with the other area schools, and he told me that he felt we should pay more to minority
4 candidates than majority candidates.

5 But, going back to this -- to the normal race system, it was not really a systemic way of doing
6 that.

7 Now, it was up to really the deans to say, "Hey, I think there's an issue with this particular
8 raise that cannot just be addressed by across-the-board," and that would be the dean's
9 responsibility.

10 Q Before kind of moving on with this, I just want to note, what was your response to that
11 comment from Dr. Washington?

12 A I was stunned. I -- I think, with hindsight, regret I didn't say more. He is a -- he does
13 not like it when you disagree with him.

14 However, I did report to my boss, the provost, the comment, and that I thought it was
15 absolutely inappropriate and illegitimate to pay more on the basis of race. I told Mark Ginsberg,
16 the provost at the time. Dr. Ginsberg is now president of Towson University.

17 Q What did Dr. Ginsberg say? Did he agree with you?

18 A Kind of let it just go. Wouldn't really say much about it.

19 Q Was Dr. Ginsberg close to Dr. Washington?

20 A Well, he appeared close. Sometimes he would talk to the deans about things that he
21 would tell Dr. Washington more privately, that, even though Dr. Ginsberg didn't really stand up to
22 Dr. Washington in group meetings, he assured the deans that he actually said more to the president,
23 that he had encouraged the president to let deans talk more at meetings rather than just listen to
24 Dr. Washington.

25 They appeared to have a close relationship, but I don't know how close it was. I mean, he

1 did -- you know, Washington did pick Ginsberg to be interim and then gave him a longer term
2 contract. So you assume that there was a, you know, a good relationship --

3 Q Uh-huh.

4 A -- you know, because he extended it.

5 Q Did Dr. Ginsberg ever discuss DEI a lot?

6 A Yeah, he did. I don't think he talked about it as much as Dr. Washington did, but he
7 would, you know, talk about it.

8 Q And, to the extent you know, did his comments mirror Dr. Washington's?

9 A He seemed to accept what Dr. Washington said. I mean, he told me one time
10 that -- we were talking about the Nation- -- you know, we have, on the faculty at the law school,
11 probably 30 to 40 percent of the professors originated in other countries, and I was talking with Mark
12 about, you know, comparative law and how people brought different legal systems, and he did say to
13 me once, referring to President Washington by name, "You know, when Greg talks about diversity,
14 he means Black," is what Ginsburg said to me.

15 Q What was your reaction?

16 A I didn't really react to it.

17 Q Did Dr. Washington ever echo similar statements to you?

18 A I didn't hear him make that statement that Ginsburg attributed to the president, no.

19 Q Going back to Dr. Washington's email announcement, we see it also states implicit bias
20 training, and it talks about an Inclusive Excellence Certificate Program that certifies that the schools
21 and colleges have completed implicit bias training.

22 Did the law school go through this certificate program?

23 A Yeah, I can't remember much about the certificate itself, but you don't get your
24 paycheck without doing whatever training is mandated by the payroll system. So we all took the
25 training that we were supposed to take.

1 I mean, there was no -- nothing we could do but take any kind of training. Now, that's not
2 limited to implicit bias. If there's cybersecurity training or sexual harassment, you know, training,
3 you know, we would do that too. But everyone would take the same -- would take the same
4 training.

5 Members of the hiring committee, I believe, had to take additional training.

6 Q Was it online training?

7 A Yes.

8 Q Do you know who developed the training?

9 A You know, I don't. When I think back -- and I want to be clear, I don't have a great
10 recollection of it -- some looked like they were more in-house developed but occasionally would look
11 like they had gotten some other training from other places. But there were some in-house as well.

12 Q And could you, if you remember, could you generally describe what the implicit bias
13 training involved?

14 A You know, not -- not really well. I mean, I think we know when we talk -- see explicit
15 bias, and I, you know, believe that it was when you're dealing with colleagues or staff or in hiring,
16 they would give examples of something that, you know, you wouldn't bring in some under, you
17 know, less explicit bias.

18 I'm not really saying, I don't think, all that much, other than it was implicit bias training, that
19 you wanted to be aware of things that you might not be as aware of. I mean -- and how do you see
20 through those -- those things.

21 Q Okay.

22 A I mean, I think it's an important topic. We shouldn't practice bias. I think it's a very
23 significant, you know, topic, that we don't want to have bias, you know, no qualms with that.

24 Q The email also touched upon implicit bias recognition in faculty promotion and tenure.
25 It talks about how, you know -- the email states, we will develop specific recommendations for the

1 renewal, promotion, and tenure processes that address implicit bias, discrimination, and other equity
2 issues, like invisible and uncredited labor, to support faculty of color and women in their professional
3 work.

4 Did the ARIE Task Force ever provide you with specific recommendations to address those
5 specific things?

6 A I really can't remember.

7 Q Okay.

8 A I mean, we had a statement from the president -- or we've heard him stated -- I think it
9 was in group status -- you know, I've heard him say that there ought to be different standards for
10 promotion and tenure depending on ethnic status. I heard him say that. I think that was to a
11 group.

12 But I think that's different from -- than this.

13 Q Sort of pausing, kind of addressing that comment, do you -- what was Dr. Washington
14 trying to get to, like, what was he trying to mean by that, that schools should have different tenure
15 policies based on individual status?

16 A Or the application of policies. But he said it -- I don't remember a specific date. I was
17 really aghast -- I heard him say it more than once. He said it to a group of deans, whatever deans
18 were around in 2021. There's a certain amount of turnover.

19 Again, I told my boss, the provost, that I thought that was, you know, clearly disallowed, and
20 you couldn't have different standards depending on -- on race.

21 But he said it quite clearly. It was not a nuanced statement. It was how to address historic
22 discrimination. There should be different standards for minority candidates. I heard him say it, I
23 mean, as --

24 Q And, at GMU, the individual schools develop their tenure promotion policies, or is that
25 centralized?

1 A It's a really great question. It's kind of both. So the university has overarching
2 policies, and then you create sort of implementing rules.

3 The implementing rules must be consistent with the university's, with the caveat that, if you
4 have specific accrediting rules that you have to comply with, as a law school would, with an ABA, that
5 you can explain why you would have to have an exception to something.

6 And that's not limited to promotion and tenure. It would be limited to almost anything.

7 Q So do you think Dr. Washington was trying to pressure deans to implement that policy in
8 each of their schools, or was he trying to espouse that at a university-level policy?

9 A He espoused it generally, and I assume we were being messaged by him that when it
10 came to promoting and tenuring people, we would need to take his -- that pronouncement into, you
11 know, effect.

12 I mean, he is a very powerful person. He's a strong person. So, when he said that, I
13 assumed people would be taking that into account, which I also, you know, thought that if, you
14 know, you did not promote and tenure, you know -- I don't remember whether he had gender in
15 there, or it was just -- I think it was just race -- but that we would really be put to task if we did that.

16 Q Does the president have final authority over promotions?

17 A So I'm not positive. So I believe that he has final authority over promotions, but I
18 believe it's the BOV, the Board of Visitors, that has final authority over tenure. I think that's the
19 way it works.

20 So I think it's faculty to dean, to provost, to president on promotions, with the extra layer of
21 the BOV, but I think the BOV is limited to tenure. That's my recollection.

22 Q Dr. Washington's ARIE Task Force email also mentions equity advisers. Are you
23 familiar with the term "equity adviser"?

24 A Yeah, I have a general recollection of it.

25 Q What were equity advisers?

1 A So I think at every -- at every unit, every school, you would have staff whose
2 responsibility in that area would have been to have DEI -- some DEI jurisdiction. We never named a
3 DEI associate dean or an assistant dean at the law school. Most units had some DEI -- or many units
4 had DEIs. We did not have someone with that -- with that title per se.

5 Q So does that mean you did not have an equity adviser?

6 A We did not have anyone with the phrase "equity adviser."

7 Q Do you think this is one of the reasons Dr. Washington and you did not have a close
8 relationship?

9 A I doubt that that was the specific reason. I can think of other reasons, but I don't think
10 that was a reason.

11 Q You said that most other schools had an equity adviser?

12 A To the best of my knowledge, they had equity advisers, you know, and you see this, you
13 know, the landscape across education where you had this -- these professions come up where you
14 would have professional people, with DEI, on it, just like I think law firms, you know, have had the
15 same.

16 Q And do you know if they would report to the dean of the school, or would they report to
17 the -- I believe you said Dr. Sharnnia?

18 A Yeah, you know, great question. I mean, I really don't know. I mean, I think that's
19 typically an area where the presumption would be that they reported directly to the dean, but in
20 some instances, they would have a dotted line to the dean and to the VP for DEI.

21 Q And you touched on this term earlier, and I want to address it here because it's also in
22 the email -- inclusive excellence planning. Dr. Washington's email notes that, "At the college and
23 school level, we will establish inclusive excellence plans that articulate the vision and definition of
24 anti-racism and inclusiveness for that unit. The task force will develop a metric-driven template for
25 units to use."

1 Was inclusive excellence planning mandatory?

2 A Yes.

3 Q To your understanding, what was Dr. Washington's goal in implementing inclusive
4 excellence planning?

5 A Thought it was to add minority individuals. Going back to the Ginsberg contact, I think
6 it was primarily for African American increases in students, faculty, and staff, and that some of the
7 language about inclusive excellence and excellence was really euphemistic, and it was that it would
8 be numbers-driven.

9 I mean, you really -- it's hard to think of how you have anything, in my business mind, of
10 something called a metric that isn't numbers-based.

11 I'm eligible for an annual bonus. My annual bonus has -- or had a metric in there that had
12 what the diversity numbers were.

13 I sat in on Deans' Council meetings where we were told -- I don't know if they ever
14 implemented it, but we were told that when discretionary money would be given to units, that it
15 would take into account the metric of how much diversity you had and the metric.

16 That simply means counting numbers, percentages. We went from 9 percent of this ethnic
17 minority to 14 percent in students, faculty, and staff. I mean, it's pretty clear that that's what we
18 were being required to do. It was numbers-driven.

19 Q So are you saying that some of the law school's operating funds were contingent on
20 showing diversity?

21 A So I don't know if they ever implemented it or said it. I mean, we've had a lot of
22 budget issues with the university -- excuse me. I don't -- you know, at one point, the president told
23 the ABA that he didn't know that the university would be able to continue supporting the law school.
24 That's when we went on probation on fiscal issues.

25 I don't know if that's what motivated the president to cut funds to essentially throw us under

1 the bus with the accreditors. I don't know. I mean -- but we were told that money that would go
2 into budgets could have to do with how much diversity you had in your unit.

3 I don't ever -- what I'm really saying to you, I don't ever remember someone saying, "Hey, you
4 lost \$500,000," and I said, "Why did we lose 500K," and someone said, "Well, you went down three
5 minority faculty."

6 And no one ever said that to me, but we clearly got on the wrong side of the university on
7 budget, and I know that the university wasn't happy with us on diversity.

8 Q What did the university want to see at the law school in terms of diversity?

9 A More minority students enrolled, more minority faculty, more minority staff. I don't
10 know how much they really ever dug into the numbers. The staff is really -- of associate
11 deans -- was, you know, by traditional standards, quite diverse. I mean, traditional the way you
12 would think of diversity at the time, it was, you know, quite diverse.

13 The law school did have immersion programs to try to help minority students with law school
14 opportunities. We had networking opportunities. I taught in them myself.

15 But I think the university was just looking for sheer -- sheer numbers. You know, you've got
16 this percent and you need to be at this other percent.

17 Q Did the ARIE Task Force pressure schools to create inclusive excellence plans?

18 A Yeah. They were mandated.

19 Q And who provided that guidance, was it the provost?

20 A It would've come from the vice president, Artis, herself, but the provost would've been
21 in there, and anytime we were facing a deadline, the provost would've helped to, you know, remind
22 deans that this was an important deadline for us.

23 Q What assistance did the DEI vice president provide schools so they could create plans?
24 Was there any sort of instruction?

25 A Yeah. I'm sure -- yeah, there was some. There was a tool kit. I typically would look

1 at the plan -- you know, we have something called an academic unit tool kit that I went back and took
2 a quick look at.

3 I typically would delegate the drafting to a couple of associate deans. And, at some point, I
4 would review the plan before it went -- we'd have a meeting about it internally, and then it would get
5 sent.

6 But I was typically not involved in the actual drafting and creating of the plan or the report.
7 So, you know, we're calling it a plan, and, you know, there's a part of it that feels like a plan.
8 There's a part of it that feels like this was more descriptive in reporting what had gone on in the past.

9 Q And, after the unit -- or the law school drafted their plan, what was the review process?
10 Did it have to be reviewed by a central employee?

11 A Yeah. So my recollection of how it worked, because I think they stopped doing it this
12 year when they changed the name and kind of started describing differently what had actually gone
13 on, was that you would submit it to the DEI office by a deadline.

14 And then there would be a meeting, typically a Zoom meeting, where there would be a lot of
15 people on the screen. I'd be there, a couple of associate deans, maybe two or three associate
16 deans, Ms. Artis -- I can't remember if she has a doctorate or not -- Ms. Artis, and a couple of her
17 people.

18 And, again, I don't remember whether there was any member of the Office for
19 Academic Affairs, but there would be a lot of us on the Zoom. I think of that as a businessman or as
20 a lawyer because I would think, you know, this is limited to those plans, but, you know, you've got
21 10, 12 people on, and it's a lot of people on the screen.

22 I mean, a lot of, a tremendous amount of resources were put toward these -- these
23 documents and these meetings. I mean, there was a lot of bureaucracy behind this, a lot
24 of -- millions of dollars of bureaucracy was behind this.

25 Q To your knowledge, was it expected the inclusive excellence plans address faculty hiring

1 and faculty diversity?

2 A Yeah.

3 Q And how did the DEI office want that addressed?

4 A Well, in hiring, I mean, you would -- this unit would need to show not only, you know, an
5 inclusive place, that is, a place that's open to applications irrespective of race or ground, but that
6 special efforts had been made to have candidates and to recruit people with -- I'll use the word
7 "diverse" backgrounds.

8 Again, I think it primarily meant ethnic minorities. I don't think it meant a faculty member
9 from Portugal. I don't think it really referred to orientation -- sexual orientation. I think it mostly
10 was about race and that there was an affirmative effort made to have a broader pool.

11 Q And the email noted a metric-driven template, so what did that look like? Specific
12 numbers?

13 A Yeah. Yeah, you'd have to report on -- you'd have to report on those numbers. As a
14 lawyer, that made -- always made me very uncomfortable.

15 I do want to say the American Bar Association would also require the law school to report
16 numbers based on gender, ethnicity -- and they kept going back and forth about whether sexual
17 orientation was going to be part of that -- gender identity.

18 So it wasn't just GMU that was demanding this of the law school; it was also the ABA. But,
19 you know, as a lawyer, it made me very uncomfortable reporting on those kinds of numbers.

20 Q So the plans had those -- or reporting requirement --

21 A Yeah.

22 Q -- sounds like?

23 Did they also mandate schools develop a plan to become more diverse?

24 A Yeah.

25 Q And what did that look like?

1 A I mean, you really had to show -- it felt always numbers-driven to me. So, you know,
2 you could describe certain efforts, but at the end of the day, I think you were going to be judged on
3 the actual numbers that you achieved.

4 And, if your numbers were at a certain point, I mean, the president, you know, publicly
5 said -- I mean, this is, anybody can look this up -- publicly said that the faculty and staff needed to,
6 quote, look like the student body.

7 And he mentioned that it was a majority-minority student body. So what that logically
8 means is, you then need a majority minority faculty and staff. I mean, it's -- that's just the logic of
9 it. And they weren't at that point.

10 Now, I don't know what that means. You know, we have tenure at university. So I don't
11 know if that means that, if you tenure people and then the composition of the student body changes,
12 do you take tenure away? I don't know what that means.

13 Does it -- do you mirror it every year, or do you mirror it on a 5-year basis? But that that
14 was the goal, that somehow the faculty and staff did not look like the student body and that had to
15 be changed. It needed to look like the student body, that that was the goal.

16 Q And, to your knowledge, when Dr. Washington makes that statement -- the faculty
17 should look like the student body -- he was referring to racial, slash, ethnic, looking like student
18 body?

19 A Yes. I mean, I can't remember whether he meant -- had gender in there, but it
20 clear- -- it was about it, ethnic background, yeah.

21 Q It was clear it was not diversity of thought, right, or --

22 A It was clear it was not diversity of thought, and when they talked about diversity of
23 thought, it always came across as a clever way to say, "Oh, yeah, and we really want people with
24 different opinions."

25 I don't think they really wanted people with different opinions because, if you had a different

1 opinion, you know, you'd get, you know, you'd get in the doghouse at GMU. So they really didn't
2 want different opinions.

3 Q Are you aware if every school ended up creating a plan?

4 A I don't have specific evidence. I mean, I don't know how you could've gotten by
5 without it because all of these things were addressed to all deans, and it was a mandate. I had
6 no -- I mean, you couldn't operate without it. You'd get fired if you didn't have a plan.

7 Q And these had to be done yearly?

8 A Yes.

9 Q During the planning process, was it ever made clear that -- let me take a step back.
10 You mentioned the inclusive excellence plans had to be approved.

11 A Yes.

12 Q Are you aware of any plan that was not approved?

13 A No. No. What would happen at the planning meetings and then with some followup,
14 you'd get asked questions. Again, I largely delegated to the associate deans -- and that's my
15 management style anyway, to let people who are good at their jobs do their jobs.

16 We would sometimes have to provide some additional information. It might be that then
17 there was something that we were supposed to work on. I don't remember the specifics of that.

18 I mean, the calls -- those Zooms were not unpleasant. They weren't feeling called to task,
19 but we were -- but there also was a feeling -- at least my feeling -- I'll speak for myself as dean of the
20 law school -- was that you needed to be sure you said the right things and nodded at the right times.

21 So, you know, the goal, I think, was really to find a way to get off the calls without, you know,
22 getting yourself in some -- some trouble. So there was a lot of nodding and trying to think of
23 everything that you could to get a smile from somebody on the other side of the Zoom.

24 Q Did you ever discuss the ARIE planning process with other deans?

25 A Just on a really limited basis.

1 Q To the best of your recollection, how did they view the process?

2 A So I probably speak to a couple of deans more than others. Some of it has to do with
3 where we're located in Arlington. Some of it has to do with things that might overlap with law
4 more than others.

5 I think everyone realized that this was a, you know, kind of this -- I mean, it was the
6 president's top agenda item. It was a unitary mission. It was burdensome. But, if you were
7 going to be a dean at GMU, this is what you did.

8 Q And would you say it's fair to say that deans didn't want to push back because that
9 would anger Dr. Washington because it was his core initiative?

10 A I'll speak for myself. I hesitated speaking up in groups because, you know, you might
11 get his anger.

12 BY [REDACTED]

13 Q Just wanted to pick back up on a couple of comments earlier in the hour. You
14 mentioned on a couple of occasions that you felt something Dr. Washington said was either
15 inappropriate, made you uncomfortable, and that you raised it to the provost at the time.

16 Were these just conversations with the provost, or was there any sort of, kind of a formal
17 submission that you could make?

18 A Yeah, I didn't -- I tended not to write these down, but it was with Mark Ginsberg. Mark
19 and I would have one-on-ones mostly on Zooms. We would have an agenda. I can't remember
20 whether I put this specifically on the agenda or just talked to him about things that made me
21 uncomfortable.

22 Mark did not come across to me as a strong provost. He really was happy to have the job of
23 provost at that point in his career. He called it the crown jewel because he had just stepped down
24 as the education dean.

25 So I don't know how seriously he took it or whether he did anything with it, but I told him that

1 I was kind of shocked by these things that had been said, that you couldn't have different standards,
2 and you couldn't pay people different amounts of money.

3 I assume Mark had a general agreement with the president on these initiatives because I
4 don't -- I don't know how you can be a provost for somebody without not being aligned in those
5 ways.

6 Q To your knowledge, did the provost ever raise your concerns with Dr. Washington?

7 A I have no knowledge that he did it. If I had to make a guess, I don't know, I assume he
8 didn't. I mean -- although a couple of things that the president said that I thought were
9 outrageous -- you would've hoped that the provost would.

10 So what I look for in a provost and when I've -- you know, I've been nominated for a lot of
11 provost jobs, is what I get -- you know, the provost needs time to be an advocate for the units and an
12 advocate with -- for the deans and kind of speak truth to the president sometimes, probably in a
13 one-on-one setting.

14 You know, that's -- you know, "Mr. President, have you considered this?" And you are the
15 academic leader, executive vice president. I would have expected someone to say that, but
16 whether Mark did it or not, I really don't know.

17 Q Earlier in the hour, you mentioned that the law school did not have equity advisers.

18 A Yes.

19 Q You believe other schools did. To your recollection, was there ever passing comments
20 or any sort of, kind of indication from the provost, from the president, or someone else that they
21 were displeased that the law school didn't have equity advisers?

22 A You know, I remember specifically when we would be on those -- and this is going to be
23 a, like a vague recollection; I don't remember verbatim on this -- that we would explain how we
24 would handle diversity issues if we had them at the school, people who had training, because we did
25 have an associate dean who had some training. We had paid for her training. I think she went to

1 Yale for DEI training, which we supported.

2 I did have a Deans' Advisory Task Force on DEI, where we looked at climate issues, cultural
3 issues, making sure that we were in an environment that would be comfortable for students -- and
4 not just minority students, but we have a lot of international students at the law school.

5 I mean, we would do some events like luncheons for students who had, you know, came to us
6 from different backgrounds, to make sure that there was a comfort level or that we were hearing
7 anything. So we would've explained how we would handle issues if we had issues.

8 Q Some earlier responses, especially when sharing that it was your impression that, under
9 the excellence plans, that really the end goal was numbers, and because the end goal was numbers,
10 it made you very uncomfortable.

11 Could you say a bit more about why, as a law school dean, the numbers aspect made you
12 uncomfortable?

13 A Well, normally, I love numbers because I'm a numbers person. Here I thought that,
14 you know, we were, you know, possibly doing something that was illegitimate, illicit, counting
15 numbers, and to achieve the kind of numbers that the university wanted would've had us clearly
16 discriminate against people who are not in the classes that, you know, were getting favorable
17 treatment.

18 You know, I want to be clear: The law school had programs, to be sure, that we had broad
19 pools. We had a pipeline program with Hampton University, which was, you know, an HBCU in the
20 Commonwealth.

21 I would go to Richmond every summer and speak to the attorney generals. He would have
22 students from HBCUs in. I mean, I did the same work at my old law school. You know, our BLSA
23 group twice gave me the "Professor of the Year" for the Black Law Students Association.

24 So I wanted an environment that was supportive, encouraging help, and opportunistic, and
25 yet, when I came to -- that I had to do something to manipulate numbers or make numbers that

- 1 would go from 6 percent to 7 percent or 11 to 12, I was not comfortable with those actions because I
- 2 think they also could then discriminate against a majority candidate.

1 [2:25 p.m.]

2 BY [REDACTED]

3 Q I'm just going to jump in and note that you said that the kind of numbers you thought
4 Dr. Washington was looking for could lead to potentially illicit activity or --

5 A Yes.

6 Q -- improper activity.

7 Can you touch on that? Why -- what were the numbers he was pushing?

8 A So I don't remember him ever saying a specific percent, or he, again, is on record
9 publicly saying that the faculty and staff should mirror the student body, then he'd point at the
10 student body was majority-minority, say 55 percent. So you would assume that 55 percent would
11 have been the goal, right? I mean, that would have been logical.

12 Now, there are two ways that you can address a percentage, right? You can have more
13 minority candidates, or you can have fewer majority candidates, you know. I would be
14 uncomfortable that majority candidates don't get held -- don't get hired, don't get retained, or get
15 fired because of their -- their majority status.

16 You know, I'm not very -- I'm not comfortable -- I don't think any of us should be comfortable
17 with that.

18 BY [REDACTED]

19 Q You mentioned that your, kind of, one-on-one communications with Dr. Washington
20 had largely ceased by 2024 and --

21 A Yes --

22 Q -- 2023?

23 A Yes.

24 Q Can you say a little bit more about the nature of your conversations back when you
25 were still having one-on-ones about how your relationship was with Dr. Washington?

1 A I tried to be friendly. I always tried to be as friendly with the president as -- as
2 possible. I remember doing something that I thought really would help him and the university.

3 So, when he started in 2021, he was interested in raising the U.S. News ranking of the
4 university. Well, I also had another company that I founded that helped law schools and
5 universities with their rankings because I was known for this because, at Alabama, I brought us
6 from -- we were 96 when we started, we were 21 when we left, right? So people wanted to pay me
7 money to help them with rankings.

8 And, then, at some point, the law schools would hire me. I had about 30 law schools hire
9 me for rankings, and then their university was hiring me. So President Washington knew that. So
10 I gave him a rankings -- I did a rankings project for him, for the university. They didn't pay me.
11 They paid our lowest paid person. They gave her a small stipend, I think, like \$7,500.

12 But our company would not take a stipend from the university for doing the work. So I did a
13 whole write-up for them. I had a statistician. We would do -- it was a metrics-driven thing. How
14 you get from this point to this point, where the university is? I won't take credit that the university
15 is ranked higher than it had been.

16 But, you know, we did -- so I tried to be friendly, I tried to volunteer for stuff. I'd show up at
17 the mansion for, you know, the holiday party, for things like this. I tried to make it a positive
18 relationship, as I think -- as I think it should be. I mean, he is the president. So your goal is to do
19 that.

20 At Alabama, while I was dean -- I didn't mention this -- I was also simultaneously special
21 counsel for the president for about 7 years. President Witt asked me to be a special counsel. I
22 can't remember if it was 6 years, 7 years, whatever; it was a while.

23 So I mean, I understand -- I have gotten along with presidents. I've counseled with
24 presidents. I was paid a stipend to work with the University of Alabama president. So I'm not
25 a -- you know, I'm not antagonistic toward presidents. But -- and, again, I got real close to taking

1 the presidency of universities a couple times. I just didn't do it.

2 [REDACTED] Can we go off the record.

3 [Recess.]

4 [REDACTED] Back on the record.

5 EXAMINATION

6 BY [REDACTED]

7 Q Dean Randall, thank you for joining us today. It's wonderful to meet and speak with
8 you.

9 Before we get into our questions, I wanted to discuss the legal landscape a bit more with you.
10 And I promise this is not a trick question, but as a lawyer and the dean of the law school, you agree
11 it's important that schools follow the law, correct?

12 A Yes.

13 Q And you agree it's important for George Mason to follow Virginia State law as well?

14 A Yes.

15 Q And you're aware that George Mason is a State agency under Virginia law?

16 A Yes.

17 [REDACTED] We'll introduce this as an exhibit. It's Virginia Administrative Code
18 provision designating and noting George Mason as a state agency under Virginia law. So I just want
19 to ask you about some Virginia laws.

20 [Randall Exhibit No. 2.

21 was marked for identification.]

22 [REDACTED] So I just wanted to ask you a bit about some Virginia laws that apply to
23 State agencies like Mason. So, first, let's start with the ONE Virginia Plan. Let's take a look at this.

24 We'll mark this as exhibit 3. This is the ONE Virginia Plan launched in February 2021.

25 [Randall Exhibit No. 3.

1 was marked for identification.]

2 BY [REDACTED]

3 Q Are you familiar with the ONE Virginia Plan?

4 A I know about it. I've looked at it from time to time, but I don't -- I'm not overly familiar
5 with it, no.

6 Q Can you tell me what you know about it?

7 A Yeah. I know very, very little. One thing I want to say, really to clarify even from the
8 questions you asked me at the beginning, so, as a lawyer, you know, I don't want the law school to do
9 anything that's illegal.

10 However, I don't practice law on behalf of the law school, and I don't view my job is as making
11 sure that the law school complies with my understanding of what the law is for a couple of reasons.

12 I'm not licensed in the Commonwealth of Virginia. I have -- I have an associate membership,
13 but I'm not licensed in Virginia. I'm licensed -- an active license in New York and in Alabama.

14 Q Understood.

15 A Second -- well, I think it's real important because I think about this, really, on a daily
16 basis. Then we have a university counsel, Anne Gentry, and my responsibility really is to let the
17 university counsel know when we have legal concerns or if there's a legal issue which we're thinking
18 about doing something, and I want to talk to -- so we refer things, you know, with a privilege to Ann.

19 So I want to say that I'm careful, you know, to not practice law. If we have agreements and
20 contracts that, you know, impact the law school, I don't find -- I don't view my role as to be doing a
21 contract review for the law school.

22 So I want to -- I want to be clear. One cannot ignore his or her legal background if you have
23 one, but I would -- in some ways, I put myself like the engineering dean and the business dean on this
24 and that I -- I watch my role.

25 And I even tell faculty that, when faculty sometimes will say, "Dean, that's not -- you know, is

1 that legal," or -- I always say, I will refer to university counsel because I think that's really -- they have
2 the portfolio, and I don't. I'm not barred in the -- in Virginia. So I'm not an expert on ONE Virginia.
3 I've heard it referenced, but --

4 Q Understood. And I won't be asking you for your view on whether things are legal. I
5 won't be asking you to practice law as the leader of an institution in this legal context. I just want to
6 ask and gauge your understanding of a series of, sort of, regimes in which you're operating. So
7 that's -- that's the context --

8 A Sure.

9 Q -- in which we're --

10 A So I want to be clear at the beginning, I am not overly familiar with this, and I have not
11 read it in preparation for today.

12 Now, I've seen the president refer to it a couple times, some of the statements that things
13 that he is doing he thinks is -- are consistent, if not mandated. But I do not know this document.

14 Q Understood. I think next I'd like to talk to you about our statutory obligations -- your
15 statutory obligations under Virginia law, again, as context for some of the programs and procedures
16 that you've been talking about.

17 So, in 2021, as I trust you're aware, the Virginia legislature passed and Governor Northam
18 signed House Bill 1993, which codified elements of the ONE Virginia Plan into law.

19 [REDACTED] I'd like to introduce this as exhibit 4.

20 [Randall Exhibit No. 4.

21 was marked for identification.]

22 BY [REDACTED]

23 Q The Governor signed this on March 18, 2021, and it's codified in Virginia Code, section
24 2.2-602.

25 Are you familiar with that provision?

1 A No.

2 Q Okay. So I want to be specific about what exactly this requires, and to table set, we've
3 discussed that Mason is a State agency; section 2.2-602 applies to State agencies.

4 So is your understanding that this would apply to Mason?

5 A Based on what you just said, yes. But I have not read this for today. And deans don't
6 come into their jobs with a background in what the law is in that particular State. And, of all the
7 training that we do at Mason, I don't remember any of this ever being referenced as any of the
8 training.

9 BY [REDACTED]

10 Q Would it be fair to say that a president of a university would be thinking about following
11 Commonwealth law?

12 A I would think that all presidents and deans and administrators would try whenever they
13 could to follow law when they had a question about that.

14 Q So you're including deans as well in that --

15 A Yeah, sure.

16 Q Okay. So just want to -- let's check that. So you would agree that Dr. Washington
17 would have a duty of following Commonwealth law?

18 A Yes.

19 Q Okay.

20 BY [REDACTED]

21 Q And understand that you expressed that you aren't -- you haven't reviewed this
22 document --

23 A Correct.

24 Q -- in preparation for today?

25 A Right.

1 Q So I'd like to go through it now with you. So if you could look at section B, where you
2 see B, the heads of State agencies. And, if you could read that to yourself, I will read it out loud as
3 well.

4 It goes -- it reads: "B. The heads of State agencies shall establish and maintain a
5 comprehensive diversity, equity, and inclusion strategic plan in coordination with the Governor's
6 director of diversity, equity, and inclusion."

7 A Okay.

8 Q So what do you interpret this passage to be doing?

9 A It's requiring -- not speaking as a lawyer here. It's requiring heads of agencies to
10 maintain DEI plans.

11 Q So, under Virginia law, an agency -- which includes Mason -- is required to establish and
12 maintain a comprehensive diversity, equity, and inclusion strategic plan?

13 A That looks correct.

14 Q So, when you discussed previously, sort of, these various plans, your understanding of
15 your role in participating in forming them -- you know, no one likes bureaucracy and paperwork, but
16 you do agree that it's important to comply with State law?

17 A Yes.

18 Q Okay. Let's continue. So let's look at section B, and we'll go to the second sentence.

19 A Okay.

20 Q If you could read it, I'll read it as well.

21 The plan shall integrate the diversity, equity, and inclusion goals into the agency's mission,
22 operations, programs, and infrastructure to enhance equitable opportunities for the populations
23 served by the agency and to foster an increasingly diverse, equitable, and inclusive workplace
24 environment.

25 So, if I could ask you -- again, not as a lawyer but just reading that -- what do you understand,

1 as the leader of an institution subject to these requirements, what do you understand that to
2 require?

3 A That the university should have a diverse workplace.

4 Q Okay. So, under current Virginia law, you agree that Mason is required to, as this says,
5 integrate
6 diversity, equity, and inclusion goals into its mission, operation, and program?

7 A Yes.

8 BY [REDACTED]

9 Q Can I ask a followup? What is your -- and this is not a trick question; I'm truly curious.
10 What is your definition of a goal? Because it says the plan should integrate diversity, equity,
11 and inclusion goals. What do you take that to mean?

12 A So I think it puts a responsibility on the subunits to set goals, right? Goals are data
13 demonstrating the achievement of an objective.

14 Q Could a goal also be aspirational as well?

15 A I'm not sure. I don't think you can really -- I mean, there -- aspirations are harder to
16 measure.

17 Q Okay. So you're viewing it more through the -- the way of measuring through -- that's
18 why you mentioned data when you said goal?

19 A Yeah.

20 Q Okay.

21 A I mean, if you are -- set up an evaluation scheme for an executive, typically the
22 ones -- the goals that they have that have numbers reasonably assigned to them, you can measure,
23 and the ones that they don't, you don't. They're very hard to, you know -- so, if you have a goal,
24 let's say, to improve the culture, that's harder to measure; if you say it's to have 10 percent men on
25 the faculty, that's easier to measure.

1 Q Okay. Thank you.

2 A Yeah.

3 BY [REDACTED]

4 Q Okay. I wanted to go through the rest of these sections. So, first, if you could look
5 back, we're now at the third section. It begins, "The plan shall include." If you could read that to
6 yourself, and I will read it as well. And, again, as context, regardless of, sort of, your personal
7 agreement or disagreement with the policy goals here, I just want to table set what Virginia law is
8 requiring of agencies.

9 So this section reads: "The plan shall include best practices that, (i) proactively address
10 potential barriers to equal employment opportunities pursuant to Federal and State equal
11 opportunity employment laws; (ii) foster pay, equity pursuant to Federal and State equal pay laws;
12 (iii) promote diversity and equity in hiring, promotion, retention, succession planning, and agency
13 leadership opportunities; and (iv) promote employee engagement and inclusivity in the workplace."

14 A Okay.

15 Q So what does this passage mean?

16 A You know, I'm not going to try to interpret what that says. I think it -- the language
17 is -- is clear. If there are barriers that are seen, they should be addressed. You know, in the
18 setting of GMU, I did not see any barriers to the hiring of minority individuals.

19 Again, I think there's a presumption that there were in something called antiracism. I'm
20 unaware of any. I haven't seen any. Is it a perfect environment? I doubt it. But I have not
21 seen barriers.

22 But it would say, if there's a barrier, I don't know what that -- you know, what that would be.
23 I mean, we know it was explicit decades ago. I don't -- I'm not aware of any barriers of equal
24 employment today at George Mason University.

25 Q Understood. And I -- again, I'm not asking, sort of, for legal analysis. I just want to

1 make sure that I get in your own words what you understand this to mean.

2 A Okay.

3 BY [REDACTED]

4 Q So, earlier, you mentioned folks from the DEI office -- and I'm paraphrasing. I don't
5 know what the name of the office officially is. I don't know -- it was something different when I
6 went to George Mason a long time ago.

7 A Right.

8 Q But they might sit in your meetings --

9 A Yeah.

10 Q -- or your faculty hiring decision meetings.

11 Did you testify to that earlier? Am I -- am I recounting that properly?

12 A There was a conduit from DEI to the hiring faculty selection committee at the law
13 school.

14 Q Would that function, reading this passage that you just read, reasonably fall under
15 subsection 3 of promote diversity and equity in hiring, promotion, retention, succession planning,
16 and agency leadership opportunities?

17 A Well, I think it could. It might, and it might not.

18 Q Okay. Can you explain?

19 A It could go in either direction. Well, I mean, if the pressure that was put on the law
20 school to hire minority candidates worked against hiring majority candidates, then I don't think that
21 that's promoting equity and hiring.

22 Q We'll get to that a little later.

23 BY [REDACTED]

24 Q And, then, finally, we'll just look at the last part of this.

25 If you could read it to yourself as well, I will read out loud: "Each agency shall establish an

1 infrastructure to effectively support ongoing progress and accountability in achieving diversity,
2 equity, and inclusion goals in coordination with the Governor's director of diversity, equity, and
3 inclusion. Each agency shall submit an annual report to the Governor assessing the impact of the
4 strategic plan on the population served by the agency and on the agency's workforce and budget."

5 So, again, Dean, just in your words, what do you understand this to do?

6 A That the units had to do reporting.

7 Q And that's a requirement under State law?

8 A Yes.

9 Q Okay. So that was the law in 2021. And I'd like to look just briefly at how the
10 legislature amended that in 2024. So this is an enacted bill.

11 [REDACTED] This will be our next exhibit.

12 [Randall Exhibit No. 5.

13 was marked for identification.]

14 BY [REDACTED]

15 Q And this is the current operative version. And you can see at the bottom here, these
16 are the changes from the 2021 version that are marked and striked through, and additions are in
17 italics.

18 So, just directing your attention to those bottom two sentences where the changes are, do
19 you see those changes, the strike-through and the italics?

20 A Yes.

21 Q And do you see any other changes in the document?

22 A I have not been -- I'm not going to be able to compare line by line.

23 Q Of course. But just any other strike-through or --

24 A I see those at the -- near the bottom, yep.

25 Q So, in your own words, just looking at those, can you just explain what the legislature

1 did in those two changes with the addition of --

2 A I can't tell you what I think the legislature was trying to do in a piece of legislation that I
3 have not looked at before.

4 Q Understood. I'll just explain exactly what the additions are then.

5 You can see there's the addition of "and the General Assembly" twice and who the agency is
6 expected to submit its annual report to and where it's supposed to craft its goals in coordination.

7 So do you, sort of, see these additions as, sort of, adding the General Assembly as an
8 additional entity that these agencies are required to report to?

9 A Again, I really am not prepared to compare pieces of legislation on this basis.

10 Q Understood. So I -- I don't mean to badger you on that point.

11 The point I'm just underscoring here is that these provisions that we've walked through and
12 that are currently the provisions in Virginia State law -- here we'll introduce, sort of, the codified
13 version of this in the Virginia Code, which is 2.2-602.

14 [REDACTED] I'll give you this. This is what's operative today. We took that off
15 the Virginia Code website.

16 [Randall Exhibit No. 6.

17 was marked for identification.]

18 BY [REDACTED]

19 Q This is section 6. I'd just ask that you take a moment to look at that and take your
20 time, and just let me know when you're comfortable with it.

21 A I'm not going to be comfortable reading a statute that I have not looked at before and
22 that I'm going to be comfortable discussing it. I'm here as a fact witness, not as an expert witness
23 on Virginia law.

24 [REDACTED] So maybe not comfortable, but just read it to familiarize yourself.

25 Mr. Randall. I'm not going to be able to talk about it in reading it for the first time.

1 [REDACTED] Okay.

2 Mr. Randall. I think it's -- that's -- it's not a reasonable request. And, if I had seen it
3 beforehand, I would have read it, but I'm not here to interpret statutes.

4 BY [REDACTED]

5 Q That's all right. We're at the conclusion of the section. I think we've walked through
6 the provisions under section B together, and you've expressed your understanding of those.

7 And I just want to conclude by asking you again -- and I know we've, sort of, laid this out
8 several times, but just to be crystal clear, those statutory requirements apply to George Mason,
9 which is an agency of the State and are in effect and binding?

10 A Yes, that would be correct.

11 BY [REDACTED]

12 Q I know, earlier, I think you mentioned that -- you talked about when you came to
13 George Mason. I want to talk about your hiring process a little bit.

14 Can you walk us through the process of when you applied and was hired to be the dean of the
15 law school at George Mason?

16 A Yes. So, in 2019, I was solicited to apply for the deanship at Scalia Law School. The
17 university or law school -- it probably would have been the university -- used a search firm. I don't
18 remember the name of the search firm.

19 We had to submit resume, cover letter, things like that. I had gotten to know George
20 Mason. My company in Distance Ed was called iLaw. iLaw we had worked with George Mason, I
21 had gotten comfortable with the institution and the area, so I decided to apply.

22 We did preliminary interviews in about January 2020, and then full campus interviews in
23 about February 2020.

24 Q So it was just like two sets -- two rounds of interviews is what you just said?

25 A Yes.

1 Q Okay. Do you remember who the highest level official was that you met with during
2 the interview process?

3 A Yeah. So I spent some time with Anne Holton. Anne Holton, Dr. Holton, was the
4 interim president. She had me over to the president's mansion, took me to dinner. There
5 was -- there were a couple of other advisers, provosts, but it was really -- it seemed to me that it was
6 really Dr. Holton, President Holton who was making the hiring decision.

7 Q Was Dr. Holton -- I'm trying to remember -- was she interim president at the time?

8 A Yes.

9 Q Okay.

10 A So you had a president leave and go, I think, to Georgia Tech. Dr. Holton came in and
11 was the interim president.

12 Q That's right. During your interview process, whether it was with the search
13 committees or with Dr. Holton, was diversity discussed with you?

14 A I remember -- yes. What I remember was there was a public discussion. You had to
15 do a public presentation, and I don't remember whether it was required or whether I volunteered it,
16 but there was maybe 5 minutes spent on diversity or what I had worked on on diversity at -- at my
17 old school, but it was not highlighted in any particular way.

18 Q So about 5 minutes of all your interviews with George Mason was spent talking about
19 diversity is what you recall?

20 A Yeah, something like that.

21 Q So it sounds like Dr. Washington did not interview you as part of this process?

22 A Correct.

23 Q Okay.

24 A Correct. So, before I became the official dean but had been hired and signed a
25 contract, I went to Fairfax and met with him and spent some time with him in Fairfax in his office, but

1 that was it.

2 Q And what year would this have been, approximately?

3 A 2020.

4 Q 2020. It would have been the latter part of 2020?

5 A So I was named dean in about April of 2020, actually went on the payroll in about June
6 with some stipend, dean designate. I was trying to learn the budget. I originally turned the job
7 down over the budget and then went back and accepted it, but I didn't know that I could make the
8 budget work.

9 And then did a courtesy visit with -- with President Washington to get to know him in summer
10 2020, but did not start until December 1, 2020, officially.

11 Q In the press release that Dr. Washington released about your hiring, he said -- and this is
12 a quote -- he praised you for your, quote, "commitment to ideas, faculty diversity, and a proven
13 ability to attract a wide range of students," end quote.

14 Did you take issue with that quote in the press release?

15 A I don't remember it.

16 Q Don't remember it?

17 A I mean, I don't remember taking objection to it.

18 Q Okay. Do you think it's important to be able to attract a wide range of students as the
19 dean of a school?

20 A Absolutely.

21 Q Why do you think it's important to be able to attract a wide range of students as the
22 dean of a school?

23 A Well, I think we all deal with our own personal experiences, and I -- and I've always
24 thought that whatever I brought as a law student or as a dean, I -- I had some unusual background.

25 My father is a graduate of the tenth grade, was a meat cutter in a supermarket, and I think

1 that I bring some experiences that most people don't bring. I was a dishwasher during my first year
2 of law school in a restaurant, and I think that, when you look at most people who play the role that I
3 play, they come from wealthy families and great backgrounds and a lot of networking, and I had none
4 of those advantages.

5 At the University of Alabama, we came from an environment of some historic discrimination.
6 So I thought it was important -- in particular in that setting, we worked hard on, you know, to have a
7 very welcome and inclusive student body, you know.

8 I really think that having -- going out of our way and, you know, you don't really know this
9 with students as much, but with faculty, having people with different subject-matter interests,
10 different viewpoints at the law school, we go out of our way to focus on viewpoint diversity through
11 our Scalia-Ginsburg Colloquy.

12 So I think it makes for a better education to have people with different -- you know, different
13 backgrounds.

14 Q I'd just like to note, I mean, I asked about -- and it was in the quote from
15 Dr. Washington -- it said a wide range of students.

16 You didn't take that to mean racial diversity in that context?

17 A To be really honest, I don't remember that statement, how I took it at the time. I
18 would assume that that's included in it, but a wide -- a wide array of students.

19 Q So it does sound like, when you were hired and even now to this day, sounds like you're
20 committed to promoting and attracting a wide range of students to the school?

21 A 100 percent.

22 Q What about faculty?

23 A Yes, same, 100 percent.

24 Q And you had come to George Mason -- I think you mentioned this, too -- with an existing
25 track record at the University of Alabama of, it seems like being successful of attracting a wide range

1 of students --

2 A Yes.

3 Q -- is that fair to say?

4 A Yes.

5 Q Faculty as well?

6 A Yes.

7 Q Do you think that factored into you being hired as the dean of the law school at George
8 Mason?

9 A I'm sorry. Say it again. You went fast.

10 Q Do you think that factored into you being hired as the dean of the law school at George
11 Mason University?

12 A You know, I don't want to be presumptuous about what was going on in President
13 Holton's mind. I could imagine that being a relevant consideration, but I think those decisions are
14 pretty complex.

15 It has to do with who is in the pool and a variety of things, I think, are pretty complex.
16 They're pretty complex decisions that they make.

17 But, yeah, I would imagine it was -- had a relevance to it, sure.

18 Q We talked -- I know the majority in their hour talked a little bit about faculty hiring, and I
19 just want to -- I want to better understand it because I think I might have missed some of it.

20 Can you walk us through -- let's say the law school wants to hire a new faculty member. Can
21 you walk us through the process of hiring a faculty member?

22 A You want to know how the sausage is made.

23 Q I'd love to know how the sausage is made.

24 A Because it's not -- it's not -- it's not pretty.

25 Q You can go to Smithfield to learn how sausage is made. You want a --

1 A I'll never eat -- I'll never eat sausage again.

2 So I'm going to limit this to tenure track faculty. So near the start of an academic year, a law
3 school looks at a couple things. It looks at where it's -- it has coverage holes and really subject
4 holes. But it's also a budget-driven process. I mean, 80 percent of the budget is in people.

5 So you -- you know, it's -- it's basically we can't cover these two topics, but we only have
6 \$300,000. How do we do that with \$300,000 in salary and benefits and all that? So it's -- there's a
7 real, you know, strategic part of it.

8 You have a -- the dean appoints a faculty selection committee, but the faculty must approve
9 at least a certain number of members of the faculty selection committee. The faculty selection
10 committee looks at subject areas. It looks at whether we think we need more -- some more junior
11 people, do we have more money for senior people, and starts a hiring process. The juniors are
12 looked at through a very structured process.

13 So there's an organization in Washington, D.C., the American Association of Law Schools.
14 Anyone interested in an entry-level job applies through that, and then they do half-an-hour
15 interviews with the interviewers and the interviewees. And, before COVID, you did it near
16 Woodley Park -- where I live now -- at a hotel, half-an-hour interviews, and now they're all done
17 online.

18 But it's a very, sort of, structured -- you know, people fill up their dance cards: If we want
19 you, you want to do this. I do want the interview. I don't want -- and from then, it goes to a
20 second level -- to use your words, a second round of interviews.

21 Q Okay.

22 A That's different than the lateral market when you're trying to recruit people with tenure
23 other places. It's -- it's a different, more discrete process, so you don't embarrass someone who
24 has tenure somewhere else.

25 Q So let's -- let's start with the -- the more --

1 A Yeah.

2 Q -- I hate to say entry-level faculty --

3 A Yeah. No, entry-level --

4 Q -- entry-level faculty or --

5 A That's right.

6 Q -- well-established and accomplished as a lawyer and an academic.

7 So it sounds like at the top, I think you said there was a dean, so you. Is that correct?

8 A Yes.

9 Q Okay. And then not below, but a team working before it gets to you is, like, the faculty
10 selection committee. Is that --

11 A You're probably overstating my importance.

12 Q Okay.

13 A So what happens is I nominate -- I pick the -- pick a committee.

14 Q Okay.

15 A I had done some work beforehand to say, "Will you chair this," and looking at the -- the
16 committee on different subject matters and viewpoints represented. I can tell you more of that if
17 you want.

18 The faculty -- that committee then brings candidates after a preliminary round for on-campus
19 interviews, and the entire faculty interviews them. And then every candidate does a job talk.

20 Q Okay.

21 A And then I meet with them. But I actually -- the faculty votes on who they think I
22 should extend an offer to. And I probably have some level of discretion, but if the faculty has voted
23 strong for somebody, I'm going to extend an offer, subject to the university approving it. So --

24 Q Okay.

25 A -- I think I actually play a secondary role to the general faculty's decision. And they do

1 this, it's like picking the Pope. I mean, they have secret ballots and, you know, it's --

2 Q You stole my analogy I was about to make, what it sounded like.

3 So -- so this is for entry-level. So, after the faculty, kind of, does --

4 A Yes.

5 Q -- their vote --

6 A Yes.

7 Q -- their selection --

8 A Yes.

9 Q -- I'm assuming it then comes to you as the dean?

10 A Yes.

11 Q Is that fair?

12 A Yeah.

13 Q And then, what is your -- sounds like limited role -- but what is your role after the faculty
14 have selected a new entry-level faculty member?

15 A Great question. It's really a couple fold. One is that I draft what offer terms would
16 be, but I have to get the approval from the university, and I have to be really careful to say, this is not
17 a real offer. But, if an offer was approved by Mason, this is what we think the terms are.

18 It's kind of difficult because you're making what's, sort of, a -- a nonoffer to somebody. But,
19 if you come, you'll get paid X, and you'll teach this, and this will be your teaching load. But I've got
20 to keep the university --

21 Q When you say "university," who is that?

22 A So it's a combination of academic affairs and HR And it all works through an HR
23 electronic system. So nothing happens that doesn't go through that system. Offers don't go out
24 that don't go through that system.

25 So all the while that the unit is proceeding, it has the oversight by the university, combination

1 of HR and academic affairs.

2 Q Okay. I guess, thinking about this intersection with HR and academic affairs, have they
3 ever pushed back or rejected a candidate that the faculty and you, as the dean, wanted to hire?

4 A Yeah.

5 Q For what reasons?

6 A Yeah, they did.

7 Q What reasons?

8 A So, on an entry-level, I don't remember them doing it. I remember it with a lateral --

9 Q Okay. So, for the entry-level, you don't recall HR or academic affairs rejecting a
10 candidate?

11 A I don't.

12 Q Okay.

13 A They would talk to us about the terms. They would talk to us about maybe what the
14 salary was, but those are pretty straightforward hires because the terms are not extensive.

15 On the senior people, the terms can get more complicated because they're moving from
16 another place.

17 Q And call me shallow, when I think of terms of employment are -- these decisions, I'm
18 only thinking about salary.

19 What are the terms that might get mixed into this versus the salary?

20 A When the person starts, can they have some research money coming in? Do they get a
21 summer research grant? Will they get a professional development fund to pursue research?
22 What's their teaching load? Will it be reduced to key points in the tenure process? Would all be
23 on -- in that. Are we going to help them with moving?

24 And then it's less a term, but if there's a spouse or significant other or partner, what can we
25 do to help that other person move as well?

1 Then occasionally there will be a person with a special issue, like they'll have a child, and let's
2 say there's an issue to help the child in particular, other things, and whether there are contract terms
3 or not that we can do to help recruit the family to the -- to the school.

4 One thing I'll mention, there's always a distinction between whether the entry-level is already
5 in the area and when they're not. When they're somewhere else, it creates some additional
6 complexity. They've got to look at housing markets --

7 Q Travel costs.

8 A -- and all of that stuff. Do they get repeat visits? Do they get to bring the
9 partner-spouse on the second -- the next visit, so --

10 Q Okay.

11 A But, anyway, it's not overly complicated.

12 Q No. Thank you for explaining.

13 A Yeah.

14 Q So I want to move now to the lateral faculty hiring.

15 A Yes.

16 Q What's different about that lateral faculty hiring process than what you just described to
17 us?

18 A So it's -- it's real different. So it's not structured in any way by that American
19 Association of Law Schools.

20 Lateral faculty are free to write to our hiring committee, but most people don't get hired that
21 way. And what mostly happens is -- at least good law schools who are now ranked in about the top
22 30 at Scalia -- are faculty, in part, are picked for that selection committee because they know other
23 faculty networking, and they'll try to bring in a group of people based on reputation.

24 So, for example, if we're looking for an environmental law professor, I'll be sure that we have
25 an eLaw person on the committee because he or she will know that group and will put out messages

1 to all the eLaw groups. You know, so that's -- that's a little more how it works.

2 We worry a lot about the reputation of the person because most laterals don't want to have
3 it -- they want us to keep it as quiet as we can in case they don't get a job and they don't want to get
4 embarrassed where they are. So they want some assurances that they're -- they're serious-enough
5 candidates.

6 Q Sounds a lot like the partner lateral at law firms --

7 A Yeah, I think you're right.

8 Q -- process.

9 And so sounds like the search committee is more targeted in identifying potential lateral
10 faculty candidates. Is that accurate to say?

11 A Yeah. It's -- it's -- it's more targeted.

12 Q Okay.

13 A Now, what they will do is for people who just write to us, everybody gets in front of the
14 committee, and it's interesting. Sometimes someone who came through a very different process or
15 who actually initiated with us -- and sometimes they do -- will get -- will have a positive result. So
16 sometimes it's that they've reached out to us.

17 And, you know, there are times where a person has a spouse, a partner that's moving to the
18 area, so they'll contact those schools. So they've done the outreach. There's a time when they've
19 said, "Hey, you have a bunch of great economists on the faculty" -- as we do -- "I don't feel the love
20 where I am; I don't have other economists to talk to. Will you" -- so there are times where it's
21 initiated by the other lateral. So, in that way, they target us, I guess.

22 Q And -- and, once the search committee identifies the individual, it will be through them
23 sending a letter --

24 A Yes.

25 Q -- or through a targeted outreach?

1 A Yes.

2 Q Is it the same, you know, voting for the facultywide process --

3 A It is.

4 Q -- as it is for entry-level?

5 A It is.

6 Q Okay.

7 A And we have a rule of thumb, approximately, that you don't hire anyone where you
8 have not had at least three people interview for the position on a second round, that you don't have
9 a single candidate.

10 It's hard with the laterals, because they don't want to be embarrassed, but we just feel
11 strongly that everybody -- you know, you just have broadened it.

12 So, basically, if we want to hire three, we'll have a minimum of nine second interviews where
13 everybody gets to see all of them.

14 Q And then, again, like the entry-level, once, you know, the faculty have had their
15 democratic process --

16 A Yeah.

17 Q -- you approve the hirer at the dean level?

18 A Yeah. And "approve," I'd have to probably italicize that.

19 Q Okay.

20 A If I had tremendous problems with a hire, I might be able to -- during a 5-year
21 deanship -- be able to say to the faculty, "I just can't do this for these reasons."

22 But, most of the time, if the faculty feels strongly -- if there's been a really tight vote, I might
23 have a little bit of leeway. But, generally, once a person gets a -- a positive vote, probably a little bit
24 of a -- closer to a supermajority, my -- my job is then to recruit and not to really use my own decision
25 on who gets hired.

1 Q Have you ever had to step in and, kind of, reject a -- a faculty member candidate that's
2 been recommended to you?

3 A So I'm going to limit it to Mason because I have not been at Alabama for -- since 2013.

4 Q And thank you. Let's limit it to Mason. That's --

5 A Yeah.

6 Q -- actually, what I meant with the question.

7 A Yes, sir. I don't remember ever doing that at -- at Mason.

8 Q And then you mentioned -- and I'm not going to use the term "university"; I'm going to
9 use the term "HR" and "academic affairs."

10 A Yeah.

11 Q Do they step in again for the faculty hiring -- the lateral faculty hiring process?

12 A So they -- yes. They play the same role, but the terms get more complicated, the
13 money gets bigger. So, for that, there's more discussion.

14 I'm -- I likely, on anybody who is at a lateral, will have conversations with my boss, the
15 provost, and say, "We're thinking about doing this; what do you think of this number? These are
16 the reasons why we're going to do it."

17 So what I've learned as a long-time dean, right -- I'm in year 25 -- is that, on those big
18 decisions, I try not to do them solo. I go to the provost. I bring the partner -- my partner is a
19 provost -- and it's why you need a good provost -- and say, "What do you think about this? How
20 would this strike you? What does this number look like? I know this number is a lot, but they live
21 in Toledo, the cost of living is here."

22 So, normally, I'm bringing in my boss before I make the next -- those next -- you know, so that
23 we all -- so that we're aligned is a good way to put it.

24 Q Is it fair to characterize the faculty hiring process, whether it be lateral or entry-level, as
25 driven by the faculty of the law school in your case?

1 A Yes. I think that's fair.

2 Q So then it's also fair to say that Dr. Washington doesn't play a role in the faculty hiring of
3 the George Mason law faculty?

4 A I don't know that I'd say that.

5 Q Why not?

6 A So I think, at an entry-level, he probably does not play much of an ex- -- explicit role. I
7 mean, we've seen things that he said. I mean, he's been very vocal. He's done townhalls. So I
8 don't know how people have internalized what he has said.

9 When it comes to lateral candidates, he does play a role because promotion and tenure goes
10 through the president. So, when you're hiring a lateral person, typically you're bringing them in at
11 either associate professor or professor of law. So he does have to approve that because it's
12 considered a rank, right? It's not assistant professor and then tenure he has to -- he has to approve.

13 Q Sorry. I want to make sure -- so he has to approve the associate and full professor --

14 A Yes.

15 Q -- hires, and that's going to be in the lateral --

16 A Yes.

17 Q -- market mostly?

18 A Yes.

19 Q Is it different than almost, like, your approval at the dean level when the faculty kind of
20 select it for you?

21 A Oh, I would assume that a president and a board of visitors would look at it with a
22 different view than the dean. I mean, I haven't done those jobs, but I would think that they would
23 be looking at it differently. I don't want to presume what -- how they view that.

24 And then the other thing that I'd say is, you know, I would imagine that a president, a board,
25 when they're looking at those, have dozens of recommendations from dozens of units. So I don't

1 know how they put that into the mix. Mine is rather small.

2 Every couple years, I mean, of a 5 -- 5-year deanship, which is the term, you know, we may
3 hire eight total people. I would imagine that a president would see a hundred by then.

4 Q Has Dr. Washington ever rejected a faculty hire that you've recommended to him?

5 A So we had trouble with a lateral candidate in summer 2024, and it came to me from the
6 then-provost, Ken Walsh, who was interim, who had been President -- President Washington's
7 executive assistant or special adviser and came with him from Cal Irvine. I -- I prefer not to mention
8 that faculty member by name.

9 Q Please don't mention -- please don't mention the name.

10 A But they were not happy with the lateral hire that we were -- we were trying to make in
11 summer 2024.

12 Q Did the school end up making that hire of that lateral candidate?

13 A Yes. The board intervened.

14 Q I guess I want to go back and ask a very specific question.

15 Did Dr. Washington not sign the approval for this candidate?

16 A Ultimately, he did.

17 Q So, again, I'm going to ask -- this is yes or no -- did Dr. Washington approve the
18 candidate that you said --

19 A Ultimately, he did. When the opposition came from Ken Walsh, I don't know if Ken
20 Walsh was doing that in coordination with the president.

21 Q I guess, how do you know that's why ultimately he approved the hire?

22 A What is why he approved the hire?

23 Q You said ultimately when the --

24 Mr. Greenbaum. Why the board --

25 BY [REDACTED]

1 Q I'm asking -- it sounds like you're not -- you're giving a caveat for Dr. Washington signing
2 the approval. I guess I'm trying to understand the foundation for that.

3 A If the -- I believe that, if the board had not intervened, this candidate would not have
4 been hired.

5 Q But you don't know that for sure. Is that correct?

6 A No. They were making it impossible for me to hire this person. It is a he. So I'll use
7 the "he" pronoun.

8 He is a superstar that -- or was a superstar at a top 5, top 10 school, and it was taking months,
9 and it was being held up.

10 Q And then Dr. Washington signed the approval?

11 A Ultimately, he did.

12 Q How many other hires have you made? I think you said, in a 5-year tenureship, you
13 might make 8?

14 A Eight to 10. That's all.

15 Q Has Dr. Washington signed the approval for, let's just say, the other seven
16 recommendations --

17 A The other laterals -- yeah, the other laterals who has gotten tenure, that's right.

18 Q And he approved all the entry-level professors that you recommended for his approval?

19 A I don't know that he needed to approve them, but they were approved, and it was
20 without -- without tension, to my recollection.

21 Q Okay. Now, you mentioned the board just now getting involved with the one
22 candidate, I think, that you described as having some trouble.

23 I guess, what's the basis, or can you help us describe how the board got involved? What's
24 your basis for knowing how the board got involved?

25 A Yeah. I think it's unusual, and it really would not normally be my -- my preference.

1 So, first of all, the board of visitors appoints one of its members to be the liaison with each of the
2 units.

3 So Reginald Brown, known by Reg Brown, one heck of a great lawyer --

4 Q We know Reg well.

5 A -- was on the board and was the liaison to the law school. So I -- I had some contact
6 through Mr. Brown.

7 Then there were some other lawyers on the board who did outreach to me or got to know
8 me. Ambassador Pence, then a graduate of the law school; Cully Stimson became rector. I had
9 known Cully, I believe, before. Then another graduate of the law school, Armand Alacbay, became
10 secretary.

11 So we had -- there were members of the board we had gotten to know, they were lawyers or
12 they were graduates. From time to time, they would come up to me and say, "How is it going,
13 Dean," or "What's going on," or "How can I help you?" And they, I assume, wanted an honest,
14 transparent answer, and I would tell them when something happened. So I had contact, you know,
15 with them in that way.

16 Q Okay. So it sounds like you had contact with them. And what did you tell them in
17 this moment with this one candidate?

18 A That the university was making it hard to hire a superstar with whom they were familiar
19 because he had a -- truly a superstar, a top 10 law school reputation.

20 Q And then what happened after, you know, you said that the university was holding up
21 this hire?

22 A I assume that the rector intervened with the president or provost and said, "How do you
23 not hire a person with this -- you know, with this track record? This is an award-winning person."

24 Q I'm not to trying to be rude. You said you assume?

25 A I know.

1 Q How do you know?

2 A They told me that they -- they contacted, the rector.

3 Q Who told you they --

4 A The rector.

5 Q The director?

6 A No. The rector.

7 Q The rector?

8 A The rector. That's the chair of the board of visitors.

9 Q And who is the rector that told you?

10 A Cully Stimson.

11 Q Sorry. Can you spell that for the record?

12 A S-t-i-m-s-o-n, Stimson. And it's Charles. He goes by Cully, C-u-l-l-y.

13 Q So the rector told you that he had to step in to talk --

14 A Yes.

15 Q -- to the president about the specific hire?

16 A Yes.

17 Q Okay.

18 A And he's a graduate of the law school.

19 So I want to say one more thing about this particular hire. This hire -- I'm working so hard
20 not to say the name, which isn't easy.

21 The law school made five total offers. By any way that you would describe diversity, this is a
22 very diverse group of candidates in every way, background, seniority, subject matter, graduate work
23 that they've done. You probably know at law schools; you have people with Ph.D.s and do graduate
24 work in history, philosophy, economics.

25 This one candidate was the only majority male. He, particularly because he was coming

1 from a top -- I think it was five or six school -- which was pretty much of a coup for us to hire him,
2 highest ranked person we've ever hired -- asked if he could spend a year with us, looking at us after
3 he had his offer, and Mark Ginsberg had said that that was okay. It's not uncommon. It's
4 actually -- call it a reverse look-see visit, if it matters. After a year with us or so, he said, "I'm in; I
5 want to stay."

6 When I brought it, then, to Ken Walsh, Ken was talking about how we really couldn't do it, the
7 salary was high; the compensation was high; and how you couldn't make hires like this one person at
8 a time. I feel like I was banging my head against the wall.

9 I said, "We didn't make one hire." We -- he was part of a pool of 200-something. He was
10 part of a group of five. He was anything but, like, a targeted hire. You know, I thought they were
11 harassing me, which they were doing, harassing me at a lot of things at this point of my dean's career
12 there.

13 Ultimately, they said you can hire. However, they required me to write a long memo to Vice
14 President Sharnnia Artis to explain how this was not really a targeted hire and how he really had fit in
15 with the pool. I had that in there, but they wanted me to, you know, talk about his qualifications.

16 We almost lost him because, for about 2 months, he felt he was in limbo. He had his house
17 on the market in one place, trying to make an offer on the other, had moved the family here. I had
18 to be quite candid with him about where we are, "We might lose you. I think I'm being -- I'm sorry.
19 I think this is probably retribution to me or something."

20 Ultimately, by about July or August, they let us make -- make the hire. I'm just thrilled that
21 he still came after all of that.

22 Q So it sounds like it was -- you mentioned compensation. Was that one of the factors
23 that was maybe holding this up?

24 A Well, you know, I don't know that it was -- no, I don't really think that was the case.
25 Because he was being paid in the same realm as -- we hired -- that year we made offers to four

1 laterals and one entry-level. The other four -- the other three were in roughly the same range,
2 close to \$300,000.

3 The money was a little bit different buckets, came to them in different ways, but they all were
4 in about that range. It was pretty comparable to what he was getting at his old -- old place.

5 Q I think you just said, though, they cited budget to you as one of the reasons. Did you
6 not --

7 A Yeah. They may have talked about budget at -- at that point. But it -- to me, it
8 seemed like it was a veneer for either making it hard to hire him or making it hard for me as a dean
9 to recruit somebody. And I thought they should have gone out of their way to make it a -- I mean, it
10 had to have been one of the top hires that Mason has ever made of a person in the top 10 of another
11 institution.

12 Q But, to be clear, budgetary reasons were cited to you? No matter what you might
13 have believed the real reason was, budget reasons were cited to you?

14 A I really can't remember that. So, if I said it, I really can't remember how much budget
15 was brought in.

16 Q So I don't mean to -- again, so you don't really remember then what was --

17 A Not much about --

18 Q -- cited to you?

19 A Not much about -- not much about budget. I really don't remember. So, before -- I
20 don't remember those -- those parts of it.

21 I was told that there were contract terms that they were not happy with, but it wasn't really
22 just, you're paying this guy \$300,000.

23 Q Okay. Thank you. So thank you for that. What I will note is that, in all of what you
24 just described as giving you trouble, it wasn't DEI or diversity that was brought up as the reason. Is
25 that correct?

1 A No one ever said that.

2 Q Thank you.

3 A He was the only majority male candidate.

4 Q Okay.

5 A We had no trouble with the other four. He was from the highest ranked school of
6 everyone. He had the best credentials.

7 [REDACTED] I'm sorry. I lost track of time. Can I get a time check, [REDACTED]

8 [REDACTED] Five minutes.

9 [REDACTED] Five minutes?

10 [REDACTED] Ten minutes.

11 [REDACTED] 49 minutes.

12 [REDACTED] So we'll stop there because I don't want to start a new line and then have to
13 stop. We'll just transition now. Thank you.

14 [Recess.]

15 [REDACTED] We'll go back on the record, please.

16 BY [REDACTED]

17 Q Picking up where the minority left off, you discussed the various hires that you
18 conducted --

19 A Right.

20 Q -- as dean. You said you went through four lateral hires?

21 A So, in the -- that session, so we would have been -- I guess it would have been summer
22 of -- that would have been the people who started in fall '23, except for this one person started for
23 fall '24, there were four laterals and one entry level.

24 Q And, with the four laterals, one of the four, there was trouble onboarding smoothly?

25 A Yes.

1 Q And you -- you mentioned that candidate was the only majority race candidate out of
2 the four?

3 A From United States.

4 Q From United States. The other three candidates, there was no -- there was no similar
5 hiccups hiring those candidates?

6 A There were not.

7 Q And you mentioned that they all were offered the same salary range?

8 A Yes.

9 Q Could you think of any reason why the one would face more challenges than the others?

10 A Yeah. And I don't know. So I'm -- if I had to guess, one is he is the most Conservative
11 ideologically, and I didn't know if it was on ideology grounds. Secondly, by that time, since he
12 delayed for a year, it was -- they were angrier at me and less happy with me over time.

13 I don't know if it had to do with his, you know, any personal characteristics. I don't know
14 whether it was -- the contract was very much like the others. So I don't know whether it was on the
15 contract, something with contract terms. And, again, though, he was a little bit -- the process was a
16 little different because he had requested to delay for a year.

17 Q You just mentioned as was one potential reason, the relationship with you soured.

18 A Yes.

19 Q Can -- can you go back to the beginning and discuss how your relationship started
20 and -- and the various things that led to the souring of the relationship?

21 A Yes. I worked really hard on the relationship at the beginning. We had a challenge.
22 In, 2022, the law school had an ABA inspection, normal accreditation inspection, and finances were
23 not mentioned to me by the ABA during that inspection. So the ABA team does an exit interview.
24 They didn't raise money with me.

25 We then get a fact-finding report, what's called an action letter, from the ABA, and the ABA

1 said that they didn't think that the institution had demonstrated financial soundness, the ability to
2 have enough money to run a sound financial institution.

3 I was, frankly, kind of surprised. I mean, I didn't think we were well-budgeted, but I was
4 surprised because I really couldn't get anyone on the team to talk to me about -- the accreditation
5 team to talk to me about money. They never met with our fiscal team. They didn't meet with the
6 VP for finance, so I was stunned.

7 So I called the ABA because I had done a lot of ABA inspections and said, "I'm -- I'm kind of
8 shocked by this one; will you explain it?" And they said that it had to do with the exit interview that
9 they had had with the president and that, at the exit interview, the president volunteered that he
10 didn't know whether the university was going to be able to support the law school in the same
11 manner that it had previously supported the law school.

1 [3:40 p.m.]

2 Mr. Randall. So, you know, we were not happy with that. I obviously told the provost and
3 the president. The president said he didn't remember saying that to the ABA.

4 Then George Mason, in -- let me get my years right here. In -- by that point, May '23 -- so, in
5 May '23, the law school was preparing to write a response to the ABA on the fiscal -- you know, on
6 the fiscal matter. And, in May of '23, the university realized it had a \$40 million deficit. So the
7 budget year is over in June, and in May, they realize they had a \$40 million deficit. It's a big deficit
8 even on a \$1.5 million -- billion dollar budget because they recognized it in the last quarter of the
9 fiscal year; so, normally, if you're tracking money, when you realize deficits have been -- so the
10 university was going to cut all the -- was going to cut the units. I said to the provost that I thought
11 cutting the unit when we were under the thumb already on fiscal would sink us with the ABA. So I
12 wrote an email, a letter to the president requesting a meeting. And I said I thought our
13 accreditation was threatened. And, you know, it was, I think, \$1.2 million on a \$1.5 billion budget.

14 So I met with the president and the provost, and there were a few other people in the room.
15 And the president just started yelling at me and telling me that the ABA would never put us on
16 probation and that I basically didn't know what I was doing and that he knew what he was doing on
17 money because he was on corporate boards, and he once knew Erwin Chemerinsky, the dean of
18 Berkeley, and he was going to call Dean Chemerinsky to ask him what he thought, and that -- I mean,
19 pretty much humiliated me with a group of five or six people in the room.

20 I actually -- if I have an expertise, it's, I think, on the finance; probably what I'm best at. But
21 the president basically told me that, you know, we couldn't do this. What I really tried to say to him
22 was, you know, "We always hope we're not cut, but I think if you cut us now, you're going to really
23 hurt us with the ABA." And he got really angry with me. And that was the origin when the
24 relationship started going downhill.

25 Now, I assume if I had sucked up the 1.2 and just didn't say anything about it, I mean, he

1 would have liked me more. The problem with that, of course, is it's not the right thing to do. And
2 it's my job as the person in charge of the unit to say, "Hey, I think this isn't good for the law school,"
3 right? "Because if not, aren't you going to get mad at me when we do get in trouble?" Right? I
4 mean, it's pretty logical. And I tried to say it respectfully and all those things.

5 And I just said to him, you know, "I hope you never cut us, but this is a tough time because
6 the ABA was here." Kind of had the conversation, so he got -- he got really upset with me and
7 raised his voice and, you know, got --

8 BY [REDACTED]

9 Q You mentioned financial expertise. You noted, during the first round, you have
10 experience creating companies. Is that right?

11 A Yeah. Yeah. I mean, I'm kind of -- had developed an expertise on money and finance.
12 And, when I did ABA inspections, I did the finances at about fifteen law schools. I've gotten hired by
13 institutions to help them with their money. Yeah. Most deans don't really do numbers. I do
14 numbers.

15 Q So you said, at one point, you did inspections for the ABA?

16 A Yeah, and I did -- always do the finance. I did the money. So yeah. I -- yeah.
17 That's what I was -- that's what I'm probably -- one of the things I'm known for -- in higher ed, I'm
18 known for having that expertise.

19 Q So this happened in approximately May 2023.

20 A Yeah.

21 Q 2023. And following this is when you ceased having contact with the president?

22 A Well, no. We had a little bit after that. I was invited to a budget meeting that -- and I
23 don't know what the parameter of our -- here -- that was an executive session with the -- the budget
24 committee of the board had me there with the president. And then we had one lunch in May '24
25 that former Congressman Davis put together. And that's the last time I have had a conversation

1 with the president.

2 BY [REDACTED]

3 Q Just one quick clarifying question. When you're talking to the ABA, and you said
4 the -- the ABA said the GMU president mentioned --

5 A Yes.

6 Q -- this concern, were you talking about Dr. Washington?

7 A Yes.

8 Q And he denied saying that, or he just couldn't recall?

9 A He said, "I don't really remember that. I don't remember that that's what was said."
10 That's what the ABA told me.

11 Q Do you believe there's any reason for Dr. Washington to make that remark, kind of
12 hurting the law school in this conversation with the ABA?

13 A You know, I have to be really candid. I'd be guessing, and I didn't hear him make it.
14 You know, he was not a fan of our faculty, to my knowledge. You know, we're viewed to be the
15 most ideologically Conservative unit on campus. I don't want to guess that that's why he said that.
16 I mean, I really don't -- I don't know. But, when I called the ABA and said -- like, I'm -- you know,
17 because I wanted to talk to someone about, you know, money. That's what I'd like to talk about,
18 and they wouldn't talk to me. There really was not a financial person on the team, so.

19 Q And do you think the ABA's approach to the law school -- do you suspect there was any
20 intent behind it because of the law school's political leanings?

21 A I thought that the team -- the inspection team came in with certain animus toward the
22 law school. Based on conversations that I had with them, I thought they came in guns ready to, you
23 know, to go because we were the Scalia Law School named for Justice Scalia. I don't know -- but,
24 after that then, their report -- their factfinders and their report goes to the ABA council that actually
25 issues this action letter, and the action letter matches facts to standards.

1 So I don't know if there was animus there or not. I didn't have contact with the council. I
2 was stunned when the council raised financial issues because they didn't talk about finance, and they
3 didn't meet with the CFO, which would have been very typical. When I do finances at law schools, I
4 meet with the fiscal people. I require that the VP for finance on the university meet with me
5 because I want to hear it from the VP from finance for the university. And they didn't meet with
6 anybody because during those times, you'd tell people they have to stay in their office and wait for
7 the ABA to come by. And the fiscal people said they just stayed; no one ever talked to them.

8 So I don't know how they came -- I really don't know how that -- you know, we had some
9 conversations of some fiscal during it, but it was a very small part of it. And that's the explanation
10 that the ABA gave me. But, for me, it is clearly second or thirdhand.

11 Q Besides the ABA not meeting with the fiscal team, are there other aspects of that
12 process of saying that to you is out of the ordinary?

13 A Well, I mean, they, you know, would ask about diversity. A good part of that ABA
14 inspection was spent asking about diversity issues. And I mentioned that, you know, a while ago
15 that it wasn't just GMU that was asking us or making us report on the numbers based on race. It
16 was also the American Bar Association.

17 Q Did you have any -- before all of this took place, had you had any conversations with the
18 president about the ABA and the ABA's relationship with the law school?

19 A Believe I did it only through the provost. So I gave the provost, like, a prep document.
20 I don't know whether I also copied the president on it. I tried to give them, like, my normal one- to
21 two-pager so that they're ready. I had to have my cell phone after I had my entry meeting. I
22 definitely chatted with the provost to give him a heads-up. But, generally, I try to go through
23 the -- through the provost, since he's really my supervisor, and give him the heads-up.

24 Now, when I saw that action letter from the ABA, I did write an email to the -- after I talked to
25 the provost and said, you know, "request a meeting with the president." And, you know, the

1 subject line was "ABA accreditation threatened." And it was. I mean, basically, what the ABA
2 does when they come back on finance is they want you to come back and show you have more
3 resources, not less resources. So to say you were going to cut would be a death -- the death knell.

4 Q And is the president's remark in that letter, or is it something that the ABA told you?

5 A Only that the ABA told me. And I believe at the ABA I spoke to the director, the top
6 person at the time. He's not there anymore, but I believe it was the top person. And I knew them
7 from doing ABA inspections and being sort of on the inside of what that process is like.

8 BY [REDACTED]

9 Q During the last hour of questioning, you kind of did extensive review of -- the overview
10 of the hiring process --

11 A Yeah.

12 Q -- at GMU. Want to ask about a few components and their role in the hiring process.
13 Did the GMU's DEI office have a role in the hiring process?

14 A I think so. And, again, remember, I'm -- I had a limited role in the hiring process. You
15 know, first, everyone who was on the committee, the hiring committee, had to take special training.
16 When I chaired the committee that hired the dean -- business dean that made recommendations -- I
17 took -- we took special training.

18 But, as I understand it, there was a person assigned in the DEI office to be, in a sense, the
19 conduit -- I don't think -- more like an ex officio. They did not have a voting role on the committee.
20 But that person, I assume, was like an ombudsman and watched the process of what we were doing
21 and who we were hiring and how -- I mean, what the pool looked like, and that that would have all
22 been through DEI.

23 Q Kind of the same question with -- to the extent you know -- with the ARIE task force.
24 Was there a specific role that ARIE played in hiring?

25 A I don't remember that it did.

1 Q You mentioned there was a central HR system, and various individuals had approval in
2 that process. Was the Diversity Equity Inclusion office one of the entities with approval in that
3 system, to your knowledge?

4 A I really don't know.

5 Q Okay. Can you -- I know you said that the law school had no equity advisors, right?

6 A Right.

7 Q Do you know -- to the extent other schools' equity advisors -- to the extent, did they
8 have a role in the process for hiring?

9 A I don't know.

10 Q Did you ever hear Dr. Washington express preference for a specific candidate to be
11 hired?

12 A Only by hearsay.

13 Q Could you talk about that a little bit?

14 A Yeah. So the -- and I'm being clear: This is hearsay. I did not hear President
15 Washington say this. But that, when his vice president for research -- institutional research
16 was -- the one who does Federal grants -- that he wanted a candidate who did not make it to the
17 short list, and that the comment that gets attributed to the president is he said just -- "Oh, come on.
18 Just give the brother a chance." And then ultimately this person was hired as the VP.

19 Again, it's at least hearsay for me if not double hearsay because I did not hear him say -- did
20 not say that. He told me we should pay more to minority candidates because he thought they
21 were -- it was a fit to meet the -- more competition to hire minorities than majorities in the
22 marketplace, and we should pay more; different tenure standards that he talked about.

23 And then I did hear him say, you know, if you have two candidates, and they both meet a
24 certain level that you don't have to pick the better credentialed. You can pick the one that's not
25 better credentialed. And I think he said, you know, when you think about what's better, "better"

1 can include someone's ethnicity as a -- as a qualifier.

2 So I heard those things. But I never -- you know, other than that, that's all -- that's all I have.

3 [REDACTED] I'd like to introduce what's going to be exhibit 7.

4 [Randall Exhibit No. 7.

5 was marked for identification.]

6 BY [REDACTED]

7 Q This is another announcement from Dr. Washington that was sent out to the campus
8 community on April 15th, 2021.

9 A Okay.

10 Q Give you a moment to review.

11 A Yeah. I remember -- I remember this.

12 Q If you look on page 2, towards the bottom, the last paragraph, Dr. Washington states, "If
13 you have two candidates who are both above the bar in terms of requirements for a position but one
14 adds to your diversity and the other does not, then why couldn't that candidate be better even if that
15 candidate may not have better credentials than the other candidate?"

16 Is this similar to the statement you heard --

17 A Yes.

18 Q -- Dr. Washington make?

19 A Uh-huh.

20 Q When he made that statement to you, in what context was this?

21 A I think this was in -- I thought he articulated something like this in a group meeting with
22 the deans at some point. I don't remember the exact date when it was. That was not a -- when he
23 said this, it was not a one-on-one with me.

24 Q Okay.

25 A It was in a -- would have been in a -- I thought he articulated a similar thing in group

1 meeting with the deans.

2 Q And was he just discussing diversity and then decided to mention this? Or what -- do
3 you remember the context of -- during the dean meeting?

4 A I don't know. He spoke and the council spoke a lot about diversity. It predominated
5 many discussions.

6 Q And, when you hear that statement, what does that mean to you?

7 A It means you hire a diverse candidate and don't hire a majority candidate.

8 Q And what were your thoughts on that?

9 A Well, it's -- it's offensive. Means I don't get hired.

10 Q Did other -- do you know if other deans felt similarly?

11 A You know, I don't have a really -- a very specific recollection of that, so nothing -- I
12 mean, what I want to say is there's always a fair amount -- you know, you got -- people complain
13 about the presidents of every place, and the provosts, and I'm sure the presidents and provosts
14 complain about deans. You hear some of that. But I don't remember on that specific -- I mean, I
15 think there was some grouching that there was a, you know, an abundance of time spent on diversity
16 topics. We talked about it a lot.

17 Q I know you mentioned that you went to the provost at times when you felt some
18 statements Dr. Washington made could be problematic.

19 A Yes.

20 Q Was this one of those times where you went to the provost and raised the statement?

21 A I can't remember. I remember saying to him when we were told there should be
22 different promotion tenure and that you should pay more, but I don't know -- I don't remember -- I
23 told him that I thought the president's statements went well beyond what people normally talk
24 about when they talk about having a multicultural environment and being open to people with all
25 kinds of backgrounds and viewpoints. Saying you should specifically hire people, you know, pay

1 people more, promote people on different bases, I had never heard that anywhere.

2 Q To your understanding, when Dr. Washington mentioned the faculty should reflect the
3 rich diversity of students, again, what did you take that "rich diversity" to mean?

4 A It meant you had minority students within the student body. I think he, you know,
5 particularly would have focused on African-American students, and that the faculty should reflect
6 that same level of diversity.

7 Q And, in fact, we see here on page 2 -- it's kind of the first full paragraph -- second
8 sentence says, "With respect to diversity inclusion, Mason's north star is that this university should
9 reflect the rich diversity of our students." Dr. Washington goes on to specifically call in the second
10 paragraph ethnic diversity and differences in ethnic diversity between faculty and students.

11 A Right.

12 Q This is, would you characterize as typical of Dr. Washington when discussing diversity to
13 focus in on ethnic diversity?

14 A Yes. And, you know, we heard Ginsberg talk about when he talks -- when Washington
15 says diversity means, you know, Black students or Black faculty, I think that's what it was -- what he
16 really meant.

17 I -- this is hearsay, but another dean told me where the president talked to him about his
18 search and said there were too -- too many Asian -- Asians in the pool for a position. You know, he
19 didn't think there was enough diversity, and the dean pointed out number of Asian Americans and
20 that the president said that there were, quote, too many. But that again for me is hearsay. I
21 didn't hear him say that.

22 Q Do you know what that dean's reaction to hearing that was? Did he discuss -- he or
23 she discuss that with you?

24 A I think he was upset by it. I think, again, we all know that we've got to be careful what
25 we say to this president because it will blow up. And I assume that the dean didn't want to -- you

1 know, probably wanted to keep his job.

2 Q Did Dr. Washington ever discuss what the faculty at GMU should look like in the future?

3 A Well, just this concept of reflecting what the student body -- what the student body is
4 like. I mean, you know, it's also kind of problematic. You know, demographics of student bodies
5 are going to change, right? So you have this thing called the admissions cliff, right, where you have
6 fewer high school graduates, so fewer students. You're going to -- you know, the number of
7 females will far exceed the number of males. I mean, you can look at the data on these things.

8 I mean -- I mean, does it -- do we do that every year? Do we reset it every 3 years? Do
9 people lose their jobs? I mean, how do you do that with a tenure system? I mean, it's like, when
10 do we judge? I don't know. I mean, I don't -- I don't understand. And this is even putting aside
11 things -- like, you imagine that AI is going to impact a workforce. I mean, I really -- even just
12 thinking of it on the more pragmatic grounds, what does that mean that you do? I don't know
13 how -- what that means that you do.

14 Q If you had to briefly describe the -- the culture as a dean at GMU under
15 Dr. Washington's presidency, how would you describe that culture?

16 A Well, it's been -- you know, it's been dominated by the -- by the topic of diversity until
17 this year, it was, you know, dominated by the number of investigations.

18 Most people would think that the president is, you know, not really open to different
19 viewpoints of things that he disagrees with. It's, you know, pretty -- it's pretty top-down, which,
20 you know, I guess, in some sense, he has a right to have a, you know, a centralized style. I mean,
21 presidents pick styles. But it's definitely not one where different viewpoints are wanted.

22 Q Would you say it's a more heavy-handed presidency than other institutions you've been
23 a part of?

24 A Yes. Yes.

25 Q How so?

1 A How would I really describe that to you? What would be the -- I'm surprised at the
2 number of small things that the university gets involved in. So I'll give you an example.

3 This professor that I mentioned before that we were talking about, I mentioned that we gave
4 permission to visit us for a year. He needed to have a housing allowance because he was going to
5 keep his home at the old place. I thought it was a pretty reasonable amount of -- I think it was like
6 \$7,500 in Washington and Virginia. Family of four. Taxable, right? Taxable. It's a tax -- benefit.
7 So take 40 percent of it away. I think the price of the house rental was, like, 10,000 plus. Was
8 going to lose his shirt.

9 The provost got involved. The provost told me that he had talked to the president and that
10 they thought that was too much to pay this same person, that \$7,500. And they got involved in
11 various, you know -- the micromanaging was -- on many big decisions, you really don't have the same
12 level of consultation. So, like, when Walsh was picked as an interim provost, there was no
13 conversation with the deans whatsoever on having him step in. That's pretty unusual. It's also
14 pretty impolitic. Even if you kind of had your mind made up the way you would go, you normally
15 would socialize it with the -- with the level of deans. So it's a -- you know, it's a pretty
16 heavy-handed universe.

17 Q Kind of shifting gears a little bit. How was Dr. Washington -- in your opinion, how is
18 Dr. Washington -- how did he navigate the antisemitism incidents on campus?

19 A Well, you go back to October 6, we had a president who would speak a lot to the press
20 about a lot of things even that didn't really involve the university very much. The board eventually
21 has stopped that, that neither he nor the rector can talk about things that don't involve the
22 university. But, on October 6, it was pretty much silence from the university.

23 Couple days later, I actually wrote a memo, you know, supporting our Jewish students and
24 our Jewish student organization and talking about things we could do to help. We did ultimately,
25 you know, hear something from the president. Then his provost, interim provost Ken Walsh, sent

1 an email to the dean saying we were not allowed to talk about antisemitism and October 6. So we
2 were prohibited from speaking.

3 I don't know whether they had seen what I had written. I wrote it very carefully because,
4 you know, I -- I partly did it because the university hadn't said anything about it, and I know we had
5 students who were troubled, and they have families in Israel who had been impacted. So it
6 was -- the amount that was said changed. Less was changed. I know we had some law faculty
7 who were very upset with things that they thought had been not handled on campus. You know,
8 let their emails to the president, which I assume are all public or can easily be forwarded and gotten,
9 or you guys can get it pretty easily -- you know, they were not happy with things that had happened,
10 so.

11 Q So, if I understand correctly, Dr. Washington never released a statement regarding those
12 events or --

13 A Think he ultimately did a -- I think it was well past when many presidents had spoken.
14 I appreciate the delicacy of running any of those -- a lot of things that the president had written on
15 other issues before then were incredibly bold and aggressive. So there were people talking about
16 why was there no statement made about October 6.

17 Q And the president also had a statement regarding the protest against Jewish students,
18 right?

19 A Yeah. I mean, our -- I don't remember as much about that topic as the others that
20 we've spoken about. Our faculty was not happy with the, you know, his response to the protests
21 and the masking of people at protests. They just did not think that he was protecting the Jewish
22 students on -- on campus.

23 Q So, I guess, just -- so to help me understand or to clarify, in your experience as dean, you
24 saw Dr. Washington take many bold statements throughout his presidency, right?

25 A Yes.

1 Q But you would say this was not the case when it came to his statements about the
2 terrible events of October 7th?

3 A Yes. It was different. It was quiet. And the ultimate statement was much more
4 careful. So people felt that, you know, once you set yourself up as using the bully pulpit, that, when
5 there weren't things said about October 6th, that it was essentially not taking up for the Jewish
6 community on campus.

7 Q Would you say that, in general, Dr. Washington is more ready to advance DEI topics than
8 any other topic?

9 A Yes. I mean, I guess, being Jewish didn't fit in the DEI spectrum that he was
10 articulating; that recruiting, retaining, protecting Jewish students or Jewish faculty and staff were not
11 in that same spectrum as other groups.

12 Q Do you know if Dr. Washington has ever tried to influence who's on GMU's board of
13 visitors?

14 A I don't have any direct knowledge of that.

15 BY [REDACTED]

16 Q I just wanted to circle back to the incident with the ABA.

17 A Yeah.

18 Q So you've been in academia for quite a while, have experience --

19 A 40 years.

20 Q Could you say just a bit more about, you know, whether it was surprising or just your
21 reaction of -- that the president's remarks seemed to be kind of one of the main factors undercutting
22 the law school that he's supposed to be playing a role in and helping oversee.

23 A Well, that's what the ABA said. So, most of the time, the president is trying to -- at
24 most universities would be trying to show support for the institution. So I went to maybe
25 20-something exit interviews with presidents. And the presidents are normally saying, "I love the

1 law school. We're going to support the law school. We had this bump in the road or that bump in
2 the road, but whatever it takes, we're there for the law school." I mean, that's a pretty
3 typical -- you know, they're also playing sort of a ceremonial role. "Oh, you're from Toledo. I
4 knew someone that" -- and they're really doing that. They're doing the "Let's make this a friendly,
5 nice exit." "When's your plane? Are you from Dulles? Are you from DCA?" That kind of a
6 thing, you know. But "We are" -- "stand together with the law school." That's how presidents
7 played it.

8 Now, sometimes, you know, on the team, we would ask presidents questions when we do
9 that, and we'd say, "You know, we want to give you a heads-up of things that we're going to present
10 facts about," and we -- part of those exit interviews is to give them a chance to react to facts that
11 they will see, right? But when I asked, it wasn't that the ABA had initiated facts about the money as
12 much as -- but, instead, it was the president talking about the money for the law school.

13 Q And remind us which year this was?

14 A '22.

15 Q And so both you and Dr. Washington started in 2020. You know, over that time, up
16 until 2022, did you have any indication that Dr. Washington may not be, you know, inclined to fully
17 support the law school in a meeting like this?

18 A No, well, the law faculty and Dr. Washington did not get off on a great start. He did a
19 Zoom get-to-know-each-other. And the faculty took issue with some of the things that he had been
20 saying. And he would pontificate about legal issues. He's not a lawyer. And the faculty -- our
21 faculty is not one that, again, just glad-hands people and says, "Oh, sure." They -- maybe they have
22 more, you know, more courage than I do.

23 They actually -- he said a few things. We had a few faculty who disagreed with him and
24 didn't go out of their way to do it, you know, politically. They just -- they just told him. So, you
25 know, we knew that he was not happy with some of the faculty.

1 One anecdote from that. There was a professor who told him that he disagreed with
2 something that he had been saying about, you know, I think DEI. And the professor was actually
3 retiring that December. And, typically, when a person retires, if they've had a good solid career,
4 they get emeritus status.

5 Well, this professor applied for emeritus status, and the president held it up because he
6 remembered that this was the person who had spoken up during the townhall that they had with the
7 law school. I had to go back and forth. I tried to bridge it. The president held it up for months
8 and months. I -- we were on better terms then. And I said to the president, "You know, I really
9 don't think that" -- "I think your office is too big for this kind of an issue. It's an emeritus. The
10 faculty member is moving to Florida. I think you should, Mr. President, respectfully, rise above this
11 and give Professor X emeritus status."

12 I mean, it's a very normally rubber-stamped thing, but he was making an issue of it. He was
13 mad -- and I won't mention the professor's name -- "You don't think he'd be coming to meetings and,
14 like, trying to show me up at something or" -- I said, "No. I think he's going to pretty much be
15 in" -- "he's moved to Florida, and I think he's going to pretty much be out of the building," and I
16 think -- "But he could come back." I said, "Yeah, but he doesn't have a faculty office." And I said,
17 "I really think my counsel to you would be to rise above this, Mr. President." That's what I said to
18 him.

19 So, you know, there were -- you know, there were bumps.

20 Q Are there any other --

21 A In the road.

22 Q -- bumps that come to mind?

23 A That was -- that's the primary one. He wasn't always, you know, thrilled with us.

24 Well, we had -- you know, the law school had fired -- basically fired a professor for sexual
25 harassment, fired a tenured professor. And, you know, I know the president was not happy with

1 the law school over the fact that the harassment had happened -- it happened not under my watch,
2 at least. It happened way back in 2010 or early on. So I know that that caused issues for the
3 president. We certainly regret that. He was not happy that I, you know, I told -- people really
4 wanted to know what happened. I think the university more wanted to just brush it under the
5 carpet. And I did tell people, you know, we really had a problem, for which I apologized on behalf
6 of the school. And the president thought we should have really just kept it much more hush-hush.
7 So he wasn't happy with us over that.

8 And, you know, I do think that what this professor did was a terrible thing and, you know,
9 does not, you know -- portrays the school and the university very badly. It was, you know, they had
10 a -- we did an investigation. It was limited to one faculty member but, you know -- you know,
11 I -- but the professor was forced to give up his tenure. So I -- you know, it's kind of the most that we
12 can do, right? We fired a tenured faculty member.

13 Q And then your conversation with the president after the ABA --

14 A Yeah.

15 Q -- at least said to you that they heard this from Dr. Washington --

16 A Yeah.

17 Q -- it sounds like unprompted. And, you know, you said he just did not recall making the
18 statement, or did he recall any discussion around finances with the ABA during his exit interview?

19 A Said, "Really? I don't remember that." I just -- "Really? Really?" Did one of those.
20 So I didn't really know what I should say at this point. "Well, Mr. President, one of you is a liar," or
21 "One of you is not recollecting." I mean, it's just -- but I did share with him. And I shared it with
22 him as well as with Mark Ginsberg that that's what the ABA said that they said -- it was the exit
23 interview with the president. Mark was at that interview; the provost was. He didn't contradict
24 the president. So I don't know. I don't know why the ABA would say that if they -- if it wasn't the
25 case.

1 BY [REDACTED]

2 Q Kind of just thinking about the inclusive excellence planning process, just kind of
3 jumping to that, generally, would you say that the law school had a lot of independence in
4 developing an inclusive excellence plan?

5 A You know, I don't know that I'd characterize it as independence or not. I mean, the
6 plan largely was drafted by the -- by a couple of associate deans. If there were anything where they
7 thought they needed to bring in the faculty or other people who had authority or jurisdiction, they
8 would have. But the plan was not approved by an entire faculty. It was done by administrators.
9 I don't think that's really unusual. You know, universities require a variety of planning documents.
10 And, normally, the faculty doesn't get involved in those, you know, unless it impacts them.

11 So, you know, I think we had -- so, first of all, at the law school, it was really the work of a
12 handful of people. I mean, at some point, it might have been four or five deans, associate deans
13 took the role, and then I did. You know, we knew that we were presenting to -- we knew our
14 audience. We knew our target market. We knew who we were presenting to. So I think
15 everybody knew that there were certain ways we were supposed to frame it to pass muster. In that
16 way, I felt we didn't have independence.

17 Q Because it was clear what the plan should address.

18 A Yeah.

19 Q And what would that be?

20 A Well, I mean, they gave us a listing of things, and it, you know -- the last section was
21 basically to come up with what your numbers are. So, at some point, I feel like we were going to be
22 measured by the numbers. I, you know, in my own bonus plan, diversity is in there, and it's -- I
23 assume they want me to do some measuring. I can't remember what we wrote in the early ones of
24 those. We were in meetings where we were told that, you know, future discretionary funding could
25 include how we had performed on diversity. And I think the only way -- what that means is, did you

1 hit certain numbers, or didn't you hit certain numbers?

2 Q And, just to be very clear, the whole idea of inclusive excellence, inclusive excellence
3 planning, that was not an idea the law school developed or decided to take.

4 A No. It was required of us.

5 Q Dr. Washington required that of --

6 A Yes.

7 Q -- the school. Of all schools.

8 A Yeah. Now, I want to say, you know, with great pride, our faculty and staff were really
9 committed to having an open environment. We are very strong in First Amendment. We don't,
10 you know, discriminate on viewpoint or background. I've seen faculty advocate to hire people with
11 whom they disagree really strongly. I mean, it was really stunning to me when I got to the law
12 school how that went. It was such a unique environment. So they're very -- it's the most -- it's
13 actually the most open and honest environment that I've ever worked in in an academic institution.

14 [REDACTED] Can we go off the record?

15 [REDACTED] Yeah. We can go off the record, please.

16 [Recess.]

17 [REDACTED] We'll go back on the record at 4:24 p.m. Eastern time.

18 BY [REDACTED]

19 Q Dean Randall, you don't like Dr. Washington, do you?

20 A Oh, I don't say that. I don't think of him in terms of like and dislike.

21 Q What about his style of leadership? Do you like his style of leadership?

22 A You know, I've seen a lot of presidents, and a lot of them have pretty strong styles. I
23 think there's an advantage at times to being open to more conversation and, you know, listening
24 more than speaking. So I hadn't been asked to give feedback to him as I have for other leaders.
25 But, if I was, I'd probably say listening is a great -- can be really great as a leader, which you learn

1 over -- I mean, he's pretty senior. So I'd say listening and being open to different viewpoints and
2 hearing other sides is a really -- something I'd recommend for him.

3 Q Do you think he's not open to other viewpoints?

4 A Yeah. I think he -- I've seen him get pretty angry at you if you disagree with him. So,
5 yeah, I think that's -- and, you know, we talked about a few of these things that he said. While I
6 found some of them startling, he says them as if everybody would just agree, says them very
7 nonchalantly. So, when he says, you know, you need to pay a minority candidate more than a
8 majority candidate, he says it as if nobody -- it's just a -- as a given that there's racism on the campus.
9 So, yeah, he's very confident -- he's very confident in his opinions.

10 Q Let's get onto that statement. I think you've mentioned it a few times today. Did he
11 tell you that directly, that you need to pay a minority candidate --

12 A Yeah, it was on a phone call. I did not memorialize or anything. He just -- I don't
13 really remember how we got into hiring; we were talking about hiring. I remember I was in
14 Arlington. We had a phone call. We both had each other's cell phone. We were just
15 thinking -- having a conversation. We were talking about -- he might have said something like,
16 "Well, what's going on with hiring?" I don't remember that, but something as informal as that.
17 And I told him some of the things we were trying to do, and he just said it pretty casually. "Well,
18 you know, there are times you're just going to have to hire" -- "pay a minority candidate more than a
19 majority candidate because there's more competition."

20 Q What were some of the things you were telling him you might need to do that triggered
21 that comment?

22 A Don't remember. We were talk- -- informal, just general conversation, what's going on
23 at school. I assume we had something else we needed to talk about.

24 Q So, just to make it clear, you don't remember what you said to trigger the comment, but
25 you specifically remember him saying we should pay minority --

1 A Yes because it struck me. So I think he was -- what I imagine it was, was saying, "Are
2 you guys hiring this year," or "What's going on with hiring?" And that's how it came about.

3 Q And I think earlier you mentioned you got to pay more -- and you might have mentioned
4 it just now too. "We got to pay minority candidates more." About the market, right? It seemed
5 more about the -- market-driven.

6 A He said to me there can be more -- you know, there can be more competition for a
7 minority candidate.

8 Q So is it paying a minority candidate more because they're a minority, or paying them
9 more because of the market?

10 A Well, I'm telling you what I recollect he said.

11 Q And I'm asking your interpretation. Is it paying a minority candidate more because of
12 the market that they --

13 A Because there's more competition --

14 Q Let me finish. Let me finish.

15 A Excuse me.

16 Q Because of the market that's dictating their pay, or paying them more because they're a
17 minority candidate?

18 A It's related to the marketplace for a minority candidate.

19 Q Thanks.

20 I think, in your hour with the majority, you mentioned the incidents -- you said October 6. I
21 believe you meant October 7th. Is that correct?

22 A Yes.

23 Q And I think you said Dr. Washington said nothing that you can recall about October 7th.
24 Is that correct?

25 A No. I don't remember him saying something that day or a couple days after. I

1 thought it was within the week or so.

2 Q So, on October 10th, which I'll note is 3 days later, you don't recall Dr. Washington
3 saying -- this is a quote -- "Today we come together to mourn the loss of so many lives as well as to
4 condemn the acts of terrorism that have targeted innocent civilians and reminded us of the United
5 States' own painful history of experiencing terrorist attacks. While geopolitical differences that can
6 produce armed conflict naturally produce competing perspectives and robust public debate, such
7 craven acts of terrorism as we have seen in Israel simply must be repudiated," end quote.

8 Do you recall that statement from October 10th?

9 A I remember he made a statement. I don't remember that verbatim. I don't
10 remember the number of days. There was some discussion why are we not hearing from the
11 president the day of, the day after.

12 Q You remember October 17th, so just a week later, Dr. Washington saying, and I quote,
13 "We condemn the craven acts of terrorist" -- "terrorism by Hamas on innocent Israelis," end quote?

14 A I don't remember that specific statement. He put a couple statements out.

15 Q Okay. And then you remembered on November 2nd -- so again, this is all within a
16 month of October 7th of 2023, Dr. Washington said, and I quote, "Hateful expressions against the
17 Jewish community are on the rise right on our own campus, including a very recent attempt to leaflet
18 the Fairfax campus with deeply offensive antisemitic rhetoric. This disgusting behavior is not
19 normal for Mason and is fundamentally at odds with who we are as a university community. We
20 repudiate antisemitism just as we repudiated the terrorist attacks on Israel last month," end quote.

21 Do you recall that?

22 A I don't remember specific days and what he said. So what I do recall was within a day
23 or two after the event, partly, the associate deans came to me and said, "You know, we have Jewish
24 students and the Jewish Association, who is waiting to hear something," and they encouraged me to
25 fill that, what they viewed as a -- as a void. I don't remember whether he -- his came out the 10th,

1 the 9th, the 11th. But when they came to me, that's one of the reasons we did it.

2 Q The reason why I'm asking in such detail is because, if I remember correctly, your
3 answers to the majority seemed to insinuate just a lack of care or a lack of statements from Dr.
4 Washington in response to --

5 A I did not mean to -- yeah. That's your -- that's what you took from that. I didn't.

6 Q So is it fair to say, from what I just went over with you, that Dr. Washington made at
7 least four statements in the immediate aftermath --

8 Mr. Greenbaum. Well, could you quote? Where are they coming from? What are the
9 sources of the statements? Were they in the newspaper? You're asking if he remembers.

10 [REDACTED] I mean, I'm happy to keep us longer and go print all the exhibits --

11 Mr. Greenbaum. No.

12 [REDACTED] -- and bring them back. I'm happy to do that.

13 Do you disagree -- I'm asking -- I'm asking the witness -- unless you want to object to it --

14 Mr. Greenbaum. I'm not -- I'm not objecting. I'm saying, were they memos to the law
15 school? To the greater community? In a newspaper?

16 BY [REDACTED]

17 Q Do you disagree that Dr. Washington made statements about the attack on Israel after
18 October 7th to the Mason community at least three times after that?

19 A So I don't remember those specifically. If you're telling me he did, I have no reason not
20 to believe that. Law faculty, however -- you're reading quotes from that -- take to task some of the
21 statements that were made.

22 Q You've brought up the statement from -- I believe -- is it Dean Ginsberg? Or provost?

23 A Provost Ginsberg.

24 Q Provost Ginsberg.

25 A Yeah.

1 Q About when Dr. Washington talks about diversity, he's talking about Black people. Is
2 that accurate?

3 A Yes.

4 Q To be clear, Provost Ginsberg told you this?

5 A Yes.

6 Q You did not hear it from Dr. Washington himself?

7 A Correct.

8 Q How does George Mason University define "diversity"? Do you know?

9 A No. I mean, other than the -- some of the written statements that we've seen here,
10 no.

11 Q Do you think that George Mason University defines "diversity" to include individuals'
12 viewpoints being different?

13 A I think they paid lip service to it. I don't think they believe it very much.

14 Q Is it in -- do you believe that it's part of -- oh. So you think it's just lip service --

15 A Yeah --

16 Q What's your -- what's your foundation for the lip service --

17 A Because I --

18 Q -- in your term --

19 A Sorry. I assume that one of the reasons is animus toward me and the law schools that
20 were viewed not to agree with things that the president says.

21 Q So, just to get to the facts -- you did refer to yourself earlier as a fact witness. You're
22 assuming that. Is that correct?

23 A Yes.

24 Q So, to get back again to it, Dr. Washington -- just to stick with facts, Dr. Washington
25 never told you that diversity means Black, correct?

1 A Correct.

2 Q Has Dr. Washington ever defined "diversity" to you?

3 A No. I think there's typically a lack of a definition of all of these terms: "diversity,"
4 "equity," and "inclusion." I think there's a lack of definition of what he means by "racism" and
5 "antiracism."

6 Q So, when you started your diversity and -- I forgot what it was. Was it a -- you started
7 a task force. What was the name of your task force?

8 A There was a task force on diversity, equity, and inclusion.

9 Q How did you define it?

10 A I think the task force defined it. And I can't remember. I don't have the document,
11 but they -- I don't remember how they defined it. We would have included, given what our
12 environment is, viewpoint diversity as well as diversity of background.

13 Q Who started this task force?

14 A I think it came under me, but it was based on recommendation from the previous dean
15 that we have a task force.

16 Q But it was under your leadership?

17 A That we started the -- had the first one.

18 Q Okay. And you defined "diversity" under your task force, or your task force --

19 A I think the task force --

20 Q Sorry. Let me finish.

21 A Oh. Sorry.

22 Q -- or the task force at the law school defined "diversity"?

23 A I think we probably had a working definition. I can tell you what -- we wanted to be
24 sure we focused in that group that had students on it and some alums, that we were not missing any
25 environmental issues and that we had environment that was supportive and that we were focusing

1 on, you know, diversity of viewpoint as well.

2 Q Did Dr. Washington ever tell you to define "diversity" to mean "Black" when you had
3 this diversity and inclusion task force at the law school?

4 A I never -- I don't remember any conversation with the president over the law school task
5 force.

6 Q You also brought up statements from Dr. Washington about different standards for
7 minority tenure track professors. Is that -- am I getting that right?

8 A Yes.

9 Q What was that quote again that you said?

10 A Something as simple as -- trying to recollect. And he did it in a group setting. It was
11 Council of Deans. That the standards that we use -- I don't remember verbatim, so I don't want to
12 sound like I'm quoting him -- that the standards that we use for promotion and tenure for minority
13 candidates should not be the same as majority candidates. He made reference to the historic
14 discrimination against minority candidates.

15 Q And I believe majority counsel was actually getting at this. They introduced an exhibit.
16 And, in the exhibit, it's a message to the Mason community. Dr. Washington says, and it's a quote,
17 "If you have two candidates who are both, quote, 'above the bar,' end quote, in terms of
18 requirements for a position but one adds to your diversity and the other does not, then why couldn't
19 that candidate be better," end quote.

20 Is that around kind of what you remember him saying?

21 A Yeah. So -- and it's by analogy, right? Because that quote, I think, goes to hiring, and
22 the promotion tenure process would be separate from hiring, but --

23 Q Okay --

24 A -- along those lines -- excuse me.

25 Q No. I cut in on you. That was a comma, not a period from you, so I apologize for

1 that.

2 I think when you were talking to the majority, though, you said, but one adds to ethnic
3 diversity, whereas, in the statement I'm reading from, the exhibit -- or ethnicity -- "considering
4 ethnicity" was the words you used. I have it written down in my notes. But it looks like, in this
5 message from Dr. Washington, he says "diversity."

6 So I'm trying to figure out was it -- did he say "ethnicity," or did he say "diversity" that you'd
7 add to -- that he's looking to add to?

8 A On promotion tenure?

9 Q Yes.

10 A Let me really think about this. I don't know whether he said "diverse candidates" or
11 "minority candidates." I really just don't remember it.

12 Q Would you agree there's a difference between saying "diverse candidates" versus
13 "minority candidates"?

14 A I think that the statement that Ginsberg made that, when the president talks about
15 diversity, he's talking about Black candidates, is how many people interpret what the president was
16 saying when he was talking about diversity, of having more Black candidates.

17 Q So the hearsay statement that Mr. Ginsberg said is why you're interpreting "diversity" to
18 mean racial diversity? Is that fair to say?

19 A I don't think it's the only reason. I think it's what we -- what deans generally thought
20 that the president was talking about was largely -- I mean, we didn't hear much talk about sexual
21 orientation. We heard mostly talk about ethnic diversity. And I think most people would assume
22 that the president was talking about adding Black faculty, students, and staff.

23 Q "Most people." What does that mean?

24 A When we would have more informal conversations, I think there was an understanding
25 that the president was focusing on Black candidates.

1 Q Who are most of these people who understand Dr. Washington to mean --

2 A Well, people who I would have had conversations with. Other deans, other
3 administrators.

4 Q So --

5 A And it was assumed -- excuse me. It was assumed casually. It wasn't, you
6 know -- think that was the general assumption, that the president was mostly talking about Black
7 candidates.

8 Q So, getting back, again, highlighting the fact part, this is an assumption. Is that
9 correct? That's your own word.

10 A Yes.

11 Q Okay.

12 A Excuse me. Before you start the -- I did not hear him say that.

13 Q Thank you.

14 Do you ever recall the standards for tenure hiring or promotion to ever change to include, you
15 know, considering the ethnicity or race of a candidate?

16 A I do not.

17 Q Do you ever recall the standards for tenure hiring ever changing at all while you
18 were -- while you've been dean of the law school?

19 A So standards probably -- policies undoubtedly got tweaked and revised in some ways.
20 I think it's also -- think about applications of standards. But I don't remember anything marked
21 changing.

22 Q Did it ever change to incorporate DEI into the standards for promotion or hiring?

23 A No.

24 Q Thank you.

25 Going back to your conversation about -- with Dr. Washington about a minority candidate

1 might have to be paid more, do you ever recall offering a minority candidate more money because of
2 their race or ethnicity?

3 A No.

4 Q I think you also mentioned to the majority that -- and this is a quote, but correct me if
5 I'm wrong -- if you disagreed with Dr. Washington, it will get you in the doghouse if you had diversity
6 of thought. Do you recall saying that?

7 A Yes.

8 Q What does "doghouse" mean?

9 A He would probably become, you know, unfavorable towards you -- not -- you know.

10 Q What does "unfavorable" mean, towards you, as a dean of a law --

11 A Well, I mean, there's a personal side of it, how you're treated on a personal basis. I
12 think we all know what it's like at times to not be treated well.

13 Q So he wasn't your friend?

14 A Well, he wouldn't interact with me at the last graduation that I went to. He bumped
15 into me -- physically bumped into me at the last graduation ceremony but did not greet me. He
16 would not include me in pictures being taken with honorees.

17 I don't know why his vice president for finance was moved out of the university. The
18 rumor -- this is a rumor -- is it had to do with bullying that he did of [REDACTED]

19 Q That was a rumor, though?

20 A Well, I assume it's a rumor, but I was asked to be a witness in the claim that she brought
21 against him. And the questions -- the written questions that I received, many of them were about
22 bullying by the president, mistreatment by the president, the president humiliating and demeaning
23 people. So, since that was in connection with the claim that [REDACTED] brought, I think it's a
24 pretty reasonable assumption that [REDACTED] claim had to do with mistreatment by the president.

25 Q So one person's claim, though? I'm not minimizing. I'm just saying, it's one person's

1 claim against the president?

2 A So you asked me, "Was it just an assumption?" So I gave you that as an example.

3 And that is his vice president of finance, a pretty significant person.

4 Q So that's your basis, though, for your --

5 A I think I -- I would see him in meetings where, if you didn't agree with him, you do it at
6 your -- you had to be very careful.

7 Q You also said that he, as in Dr. Washington, didn't like our school, the Scalia School of
8 Law, because of our Conservative ideology. What is the basis of that statement?

9 A I just -- I assume it. We're the best ranked unit that is on campus, but he has
10 disfavored us in different ways. He hurt us with the American Bar Association. We're the best, by
11 far, ranked unit, academic unit that he has. So I don't know. Normally you would think that that's
12 a unit that would be favored and not disfavored.

13 Q Again, getting down to the fact, though, you are assuming that he doesn't like the
14 school. Is that correct?

15 A Yes, I mean, from a lot of significant facts. I mean, he has not come to the law school
16 to events. He will not speak to his dean. He physically bumped into his dean. He held up the
17 emeritus status of a faculty.

18 Q Speaking of that emeritus status of the faculty, did that individual get emeritus status?

19 A Eventually, yeah.

20 Q That's a yes or no. Did that person get an emeritus status?

21 A Yes.

22 Q Okay. I want to actually hit on that ABA point. What -- so you said that
23 Dr. Washington -- actually, I'm just going to ask you. What is the ABA situation? I kind of lost the
24 thread about the ABA situation with Dr. Washington.

25 A Well, ABA came in and did not focus on finances at all. And then we got written up by

1 the ABA for not demonstrating financial resources to sustain a law school that can meet the
2 standards.

3 Q So how does Dr. Washington fit into this ABA write-up?

4 A Well -- and I've said this a couple times this afternoon, so --

5 Q I understand. I just missed it.

6 A -- I'll do it again.

7 Q Yeah.

1 [4:43 p.m.]

2 Mr. Randall. So I called the ABA -- because I've done a lot of accreditation work for the
3 ABA -- and said, "You need to tell me it did not finance this and not come up with" -- at my exit
4 interview with the ABA. "Where is this coming from?" And they said it has to do with what the
5 president said at its -- at their interview with the president.

6 BY [REDACTED]

7 Q So, again, this is hearsay from the ABA?

8 A Well, it came from the managing director of the ABA when I called him to say, "I don't
9 follow this at all. It wasn't raised." He said, "Let me call the chair -- I'll call the chair of the team."
10 He called the chair of the fact team, and when we spoke again, he told me that that was the
11 reason. The managing director at the time was named Bill Adams (ph). So I would've given Bill a
12 call. I said, "I'm stunned by this. Finances weren't reviewed. Where are you getting that we
13 haven't demonstrated" -- and he said it was due to what the president said during the exit interview.

14 Q I'm going to ask the question again. It's hearsay, correct?

15 A Yeah.

16 Q Okay.

17 [REDACTED] Actually, let's just -- I'm going to introduce another exhibit. What exhibit
18 number are we on?

19 This will be exhibit 8.

20 [Randall Exhibit No. 8.

21 was marked for identification.]

22 BY [REDACTED]

23 Q We got two copies. This is an article titled "George Mason University's Law School
24 Faces \$38 Million Running Losses." I'll give you a chance to review the article.

25 A I know the article.

1 Q So finances have come up throughout this interview. This article says that reports
2 from 2024 indicate the law school is projected to face a \$38.3 million in cumulative losses by fiscal
3 year 2025, and this is according to reports describing documents presented to the university's board.

4 Is this figure correct?

5 A No.

6 Q Okay. Why isn't it? Explain.

7 A I mean, this is -- this is a trash piece, a hit piece by a blog. It's something called the
8 Higher Ed Dive. There were 55 dives. There's the Waste Disposal Dive, the Restaurant Dive. This
9 is -- this is not a credible blog, and they looked at one document, added some numbers up. This is
10 not credible.

11 Q So what number was the deficit that the law school had in 20- --

12 A Well --

13 Q Wait.

14 For the fiscal year 2025, what was going to be the projected cumulative losses by the law
15 school?

16 A I really don't -- I really don't remember off the top of my head. We had the law school
17 on the JD budget. So you have different budgets. No law school can meet its budget on the JD
18 side with JD revenue anymore, so you do two things -- well, three things.

19 You fundraise; you subsidize it with online education, which we have, and then universities
20 will subsidize when applications -- so, when applications are strong, sometimes law schools subsidize
21 universities. When it flips, universities subsidize law schools.

22 And then we had negotiated, when I started, a line of credit. So, if you really put in the line
23 of credit, we weren't going to run -- we really weren't going to run a deficit.

24 If you're going to, say, take the line of credit out, and you're talking about revenues versus
25 expenses, probably in the \$5- to \$6 million range, something in that range. But 38 is not -- this is

1 not a credible article.

2 Q So then I'll -- I mean, can you approximate what the deficit would've been under your
3 leadership at the law school?

4 A For that -- for --

5 Q -- for --

6 A You're asking about FY '24?

7 Q The cumulative deficit for fiscal year 2025, the year we're in right now.

8 A So you really don't have cumulative deficit. You have fiscal year deficit.

9 Q And --

10 A Fiscal year deficit, if you're saying, without any type of line of credit, would've been
11 about \$5- to \$6 million.

12 Q Without any line of credit?

13 A Yes. With a line of credit, it goes to, you know, basically flat, basically zero.

14 Q So I believe you said \$5.6 million -- or what did you say?

15 A Something like that.

16 Q Okay. And that's the deficit for this year?

17 A No. You said -- I thought you said FY '24.

18 Q So, all right, let's clear it up then.

19 A So that's 2 fiscal years ago.

20 Q It was \$5.6 million?

21 A Would've been rough- -- \$5- to 6 million would've been it before -- before the credit
22 came in.

23 Q What about for this year, then, what's the deficit?

24 A Zero. We will run a surplus. We ran a surplus last year.

25 Q Was there -- I guess, how many -- so you've been at George Mason how many years?

1 A Five.

2 Q Of your 5 years at George Mason, how many years has your budget been at a deficit?

3 A So I would say zero.

4 Q Not including the line of credit, how many --

5 A You can't take -- I don't think you can really credibly take out a line of credit. I mean,
6 most of us around the table who own a home have a line of credit. We have a house. I mean,
7 would we say that, if we didn't have -- we didn't have any money from the bank, we were in a zero
8 mode?

9 So, with Anne Holton, we established a 5-year financial plan. The law school met the 5-year
10 financial plan every year.

11 Q Let's talk about the enrollment because you talked about the enrollment numbers.

12 A Yeah.

13 Q What was the enrollment of the law school when you arrived for the new class
14 entering?

15 A So it's varied over time. My first full-time year, it was one of the highest ever. It
16 was -- they -- it surpassed our metrics for projection. It was one of the highest ever. We were,
17 like, 225 students.

18 Q And then how did you -- it sounds like you changed -- so how did you change the
19 enrollment over time?

20 A So we work all pursuant to a budget. So we would budget -- and it's not just the
21 entering class, right? You have 3 to 4 years of JD students. You've got a part-time program. You
22 have non-JDs, LLMS and JMs.

23 So it's not all about just the first year entering class. Some of that goes up and down a little
24 bit depending on the applicant pool in a particular year.

25 But I think you want to know, have the numbers gone up or down? They're pretty flat for

1 the JD class. They're exponentially high for the non-JD classes.

2 Q For the incoming JD class, has the enrollment numbers for each new class, has it gone
3 down from this 225 number when you first entered, or is it about the same?

4 A So, every year after that -- 225 was my first year doing it -- it has been less than that but
5 by design. We don't have faculty or space for 225 students. So there was -- what we have is we
6 have a plan for the JD students to have between 500 and 600 total JDs.

7 We have a lot of transfer students, and that's a number that has been steady the whole time.

8 Q So approximately what is the entering class number for JDs at George Mason?

9 A So it depends on the previous year. So the goal is to have between 130 and 170.

10 Q Okay.

11 A But it -- I want to just tell you, you're focusing on JD. We now have built an operation
12 that brings in, we have about 400 non-JD students, and primarily they're foreign-educated lawyers
13 taking our degree or master's online.

14 Q I'm going to break it down year by year just because I think it will be cleaner.

15 So 2021, it sounds like, that was your first year. Is that correct?

16 A Yes.

17 Q Sounds like the enrollment was around 225?

18 A Yeah.

19 Q 2022, what did the enrollment drop down for --

20 A It was lower by design. I don't remember exactly. Probably 160, something like that,
21 150.

22 Q 150, 160?

23 A Something in that range.

24 Q Did it ever drop below a hundred?

25 A Yeah. We had one year where it was 90-something.

1 Q Okay.

2 A And it was a decrease. So what we did was, we -- first of all, that was the year we still
3 had the large 200 year. So it was a pretty good balance for faculty, staff, and building.

4 But what we did was, then we -- we had more transfer students, after their first year, from
5 other law schools, transferring for the second year. So that class had started at 95. By the end of
6 it, it was pretty close to the normal, like 140 to 150 mark.

7 Q So is that your testimony here, that it was under a hundred? By the time that class
8 graduated, it was up to the normal 150 range?

9 A Yes.

10 Q Okay. Would dropping the classes down from 225 to 150, would that impact the
11 revenue coming into the law school?

12 A Yes, but much less than you would think. And want me to tell you why?

13 Q Sure.

14 A Ninety-two percent of the students have a scholarship -- of the JD students. So most
15 of it, our budget is not driven by the JD population. It's driven by the non-JD population, because
16 there, there's almost no scholarship money.

17 So, during my deanship, we've generated \$8 million of new money from non-JD revenues.

18 Q So, going back to the end of this article -- and I acknowledge you said this is a hit piece,
19 but I want to make sure this is -- I want to understand the facts.

20 For fiscal year 2024, it says the law school logged a \$7.8 million deficit. It's your testimony
21 here that that's not true?

22 A That's high. That's right. That's high.

23 Q So it's not true, yes or no?

24 A Correct.

25 Q Okay. And you're not projecting a \$13.2 million deficit for 2025?

1 A We -- no, but don't forget, '25 is over. We're in '26 right now. So that budget year is
2 over.

3 Q So what was the deficit for 2025 then?

4 A Zero.

5 Q Okay.

6 A We had a -- we ran a surplus.

7 Q And it's not true then -- this is your testimony -- it's not true that between -- going back
8 each year to fiscal year 2020, there hasn't been a deficit between 3 million and \$5.8 million each year
9 going back?

10 A So -- so -- no, this isn't -- so let me just put this in. This is an inaccurate and misleading
11 article.

12 Q I just want to make sure we get a yes-or-no clear for the record. I'm going to --

13 A It's not accurate.

14 Q Okay. So I'm going to read, just to make sure it's clear for the record.

15 So this is, after posting annual deficits between \$3 million and \$5.8 million for each year going
16 back to fiscal year 2020, it's your testimony here today that that's not accurate?

17 A Correct.

18 Q Okay. Did Dr. Washington ever talk about the deficit of the law school to the board?

19 A Yeah.

20 Q Can you tell me more? When did he do that?

21 A Well, when the law school had the issue with the ABA, he had conversations with the
22 board about it.

23 Q What year was this?

24 A That would've been '23.

25 Q So it sounds like Dr. Washington talked to the board about the deficit issues at the law

1 school. Is that correct?

2 A Yes.

3 Q How did you take that?

4 A I don't understand the question.

5 Q How did it make you feel that Dr. Washington was discussing the deficit of the law
6 school to the board?

7 A Well, it was actually the board who raised the issue with me and -- they initiated the
8 topic, the board initiated the topic with me, and I showed them what the law school had done and
9 how it was consistent with the plan with Anne Holton. And they were not happy with the president
10 by his lack of support for the law school.

11 So it -- it never feels good to be in a controversy, but I don't think it's just he talked to them
12 about -- about us.

13 Q Did you ever brief Dr. Washington on the budget that I guess it sounds like you worked
14 out with Dr. Holton? Was the budget ever discussed with Dr. Washington?

15 A I worked through it with the provost, Mark Ginsberg, the president. That was what I
16 was supposed to do, work it with the provost.

17 Q So it's your testimony here today that Dr. Washington, it sounds like, should've been
18 aware of the deficit at the law school?

19 A Oh, I don't know that I'd say that. I think he should -- normally on that, you would
20 defer to the provost.

21 I also want to say this. Even if, on the JD budget, you ran a deficit of \$3- or \$4 million, I don't
22 think that's a significant amount of money in a \$1.5 billion budget, particularly for your top ranked
23 program. I mean, we would consider that, in business, to be a rounding error.

24 Q And Dr. Washington is responsible, though, for the university-wide budget. Is that
25 accurate?

1 A Sure, sure.

2 Q So that deficit would've been something that he would've had to think about and been
3 responsible for. Is that fair to say?

4 A Yes. You also want to remember that the university realized it had a \$40-something
5 million -- they kept going back and forth on the number -- a \$40-something million deficit in FY '23.
6 So the law school's -- any law school deficit was dwarfed by the university's own deficit, which they
7 only realized at the end of the fiscal year in FY '23.

8 Q So when you say "university's deficit," I'm assuming that would be all the schools'
9 various deficits added up to a \$40 million deficit?

10 A Yeah, I don't know that I want to say it's just the schools, because the university has
11 departments that goes beyond the school. But, yes, they ran -- "they" being George Mason
12 University -- ran a \$40- to \$50 million deficit in FY '23 and realized it in Q-4 of FY '23.

13 Q So, going back to this hire then that you mentioned, I think in 2024, where the budget
14 was brought up, the university is facing a deficit. Do you see why a budget might be brought up
15 when you're trying to make a lateral hiring decision?

16 A No. I think this is -- no, I don't. We had budgeted for the position of this person.

17 The problem that the university had was budgeting. I mean, I can -- I understand why they
18 had their budget problem. I don't think you want me to take our time this afternoon on it, but it's
19 not about "do you hire a professor or not?"

20 It's they don't know how to -- they didn't know how to track money. They were spending
21 operating funds from unfilled faculty lines and didn't have an operating system and a software
22 system that could keep up for how they were spending money.

23 Q Okay. I want to go back to a statement you said earlier again, so I'm going back to --

24 A Okay.

25 Q -- the checklist. I believe the majority asked you about the role of the DEI office in

1 hiring, and I believe you used the term, there was a conduit almost. Is that the term you used?

2 A Yes.

3 Q And I don't -- I believe you said "I think so" when it said that the conduit was watching
4 over your hiring decisions. Did you say that?

5 A Yeah. So every law school would have a member of the DEI group that was assigned to
6 the hiring process. I was not involved. In fact, as a dean, I want to keep some hands off to let the
7 faculty prerogative work on that, but that that person -- I don't know him, her, what they -- I can't
8 use a name -- would be overseeing what that committee was doing.

9 Q Overseeing? You think they were overseeing what the faculty committee was doing
10 with the hiring?

11 A I think they were at least reviewing data and reviewing what they were doing, sure.

12 Q Did they vote on who was being hired?

13 A No. I think I said before that they would not have been a voting member of the
14 committee.

15 Q I understand you might've said before. I just want to make sure it's clear for the
16 record.

17 Did the DEI conduit vote on any hiring decisions made at the law school?

18 A Not to my knowledge.

19 Q Did they ever -- did the DEI conduit ever overrule a faculty committee decision on who
20 to hire?

21 A Not to my knowledge.

22 Q Are you even aware if the DEI conduit made a referral to the faculty --

23 A I don't know.

24 Q You also brought up a statement, I believe, I believe someone else said to you that
25 Dr. Washington might've said -- and this is a quote -- "too many Asians in the pool." Did you say

1 that?

2 A Yes. And he told another dean that.

3 Q You heard this from that other dean?

4 A Yes.

5 Q So, getting back -- again, this is hearsay; you never heard Dr. Washington say that?

6 A Correct.

7 Q We talked a little bit, the majority did, about the inclusion excellence plans. Do you
8 recall that conversation?

9 A Yes.

10 Q And I believe you said -- or the majority might've said -- it was required by
11 Dr. Washington. Is that correct?

12 A The plans were required by the university. I don't know whether it would've been
13 Washington or someone else.

14 Q And we went over earlier the State law. Do you recall going over the State law with
15 my colleague?

16 A I remember it being shown to me.

17 Q Right. And being shown to you that part of the State law was inclusion plans for State
18 agencies?

19 A Yes.

20 Q So that would naturally fall under an inclusion plan under the State law, correct?

21 A That's right.

22 Q I believe you also brought up the research role where you said, and quote,
23 Dr. Washington said, "Oh, come on, give the brother a chance."

24 A Uh-huh.

25 Q Who said that to you again?

1 A It was the dean repeating what he had heard.

2 Q So Dr. Washington didn't say that to you?

3 A Correct. It was hearsay.

4 Q It was hearsay. Thank you.

5 [REDACTED] One second.

6 I would say "court's indulgence," but I'm not in court.

7 Can we go off the record for, like, 2 minutes?

8 [Recess.]

9 [REDACTED] We'll go back on the record at 5:05 p.m., which sounds terrible to say out
10 loud on the record.

11 BY [REDACTED]

12 Q Can you go back and explain to me the line of credit with the law school? I believe you
13 said, took out a line of credit to help with the deficit.

14 A Yeah.

15 Q Help me understand the line of credit.

16 A Yeah.

17 Q I didn't know if I wanted to go down this line, but I'm going down this line.

18 Mr. Greenbaum. No pun intended.

19 [REDACTED] It was a pun, actually.

20 Mr. Greenbaum. Oh, okay.

21 Mr. Randall. When I started, my predecessor had run up some debit deficits. It's one of
22 the reasons I didn't know that I wanted to come, and I needed to understand the school better.

23 One of the reasons I think they hired me was because I had this company called iLaw. So we
24 were in OPM. We sold to BARBRI -- we exited and sold to BARBRI. So I was going to create an
25 autonomous OPM within the law school to generate dollars.

1 It was going to take a couple, 3 years to get the dollars going, the capital to get it going. You
2 had to create programs. So what I worked out with Anne -- Dr. Holton -- was that if we needed it,
3 we would have a line of money where the university would let us borrow against it up to a certain
4 amount. And then, when we hit that 5-point plan, we would pay it back. So we would be able to
5 access it.

6 So, for example, when we were building an operating budget for a particular year -- call it FY
7 '21 -- we may have actually built into the FY '21 budget, or '22 budget, a piece of that coming from
8 the line of credit because, you know, we knew that we couldn't do it otherwise.

9 So we'd have the LLM money coming up. So it was, you know, used; I think it was in
10 line -- year 2, where we would use the most against the line of credit. Then that would diminish,
11 and then the LLM money would come up.

12 So the question on that is, when you say to somebody in that year, "Did you run a surplus or a
13 deficit or hit the budget," the question is sort of, with or without the line of credit.

14 I think it's reasonable to say if you -- legitimate -- you used a line of credit, that you hit your
15 budget line, right, because you had planned for it. It was legitimate, just like when you set up a
16 home finance, you say, "Well, we've got a mortgage," right?

17 Do you have a -- you might even have a HELOC, right? You might have a HELOC. If you
18 access a HELOC, are you going to say you didn't?

19 So it was a strategic plan that was based on us being able to access -- so we did exactly what
20 we did. In fact, we outperformed the 5-year budget.

21 Q But the line of credit sounds like -- so it was with the university. Is that correct?

22 A Yes.

23 Q Okay. And were you paying the university back over time? Was that kind of the
24 agreement?

25 A There was -- although they're not particularly good at doing those agreements, yes, it

1 was going to have an interest rate. And we went back and forth, is it, you know, this rate plus this,
2 or not, and how long could you do it, yeah. So there was originally some planning with it, yes.

3 Q And you've paid back that line of credit, the school to the university?

4 A We were paying it back, and then the Board of Visitors asked the university -- they
5 wanted to support the law school well because we were a top-ranked unit, and part of them, the
6 university said -- and this came to me from the provost, not the president -- "We want to forgive the
7 previous dean's debt and any that you built up" -- we hadn't built up. It was mostly from the
8 previous dean.

9 So let me just tell you more than you may want to know. When deans get hired, typically
10 they'll deal with the situation of the predecessor, and the question is, what happens with that debt?

11 It didn't get erased when I started. It gets erased at most schools, but there's typically a
12 plan to handle how that deficit is.

13 Q So I'll make sure I take out my line from the university next time.

14 A You do. It gets debit. Well, let me negotiate it.

15 [REDACTED] All right. We'll go off the record at 5:09.

16 [Discussion off the record.]

17 [REDACTED] Can we go back on the record, please?

18 BY [REDACTED]

19 Q Dean Randall, first, you're here voluntarily, right?

20 A Yes.

21 Q And then do you recall, at the very start of this transcribed interview, my colleague here
22 read you, as part of the opening preamble --

23 A Yeah.

24 Q -- that our questions will cover a range of topics. If you need clarification at any point,
25 just say so. If you honestly do not know the answer to a question or do not remember it, it's best

1 not to guess. Please just give us your best recollection. It's okay to tell us you learned information
2 from someone else. Just indicate how you came to know the information.

3 Do you recall hearing that?

4 A Yes.

5 [REDACTED] Thank you.

6 [REDACTED] I'd also like to introduce an exhibit into the record, exhibit 9, we're on.

7 [Randall Exhibit No. 9.

8 was marked for identification.]

9 BY [REDACTED]

10 Q I believe this may have been one of the articles the minority referred to during their line
11 of questioning regarding Dr. Washington's statement on the Israel war in Gaza -- or war in Israel and
12 Gaza. I'll give you a moment to review this article.

13 A Okay.

14 Q This statement was published October 10th. Is that correct?

15 A Yes.

16 Q Which is 3 days after the attacks on October 7th, right?

17 Did the statement mention Hamas at all?

18 A I haven't looked at this in a while. I don't recall that it did.

19 Q And did you see, as you flipped through the statement today, do you see that -- is there
20 a mention of antisemitism?

21 A No.

22 Q So one of the president's statements following the vicious attack on October 7th
23 contained no mention of the perpetrators of the attack, Hamas, right?

24 A Right.

25 Q And it did not mention antisemitism at all, correct?

1 A Right.

2 [REDACTED] Thank you.

3 We'll go off the record.

4 [Whereupon, at 5:13 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date

Transcribed Interview Transcript Errata Form

Interviewee	Ken Randall
Date of Interview	Oct 1, 2025
Date of Review	11/5/25
Name of Reviewer	Jarothan Greenbaum
Signature of Reviewer	

Page	Line	Suggested Correction
20	20	"lay" should be "layer"
49	16	"Woodland Park" should be "Woodley Park"
Page	Line	Suggested Correction