

Entry 5 Finch Deposition

DEPOSITION SUMMARY OF DR. C. Z. FINCH

My name is C. Z. Finch. I have a Ph.D. in Political Science and am a tenured professor at Major University. My expertise is in the institutional behavior, with an emphasis on the role of racial factors in administrative decision-making. I have testified in a number of legal cases involving claims of discrimination. At least 90% of the time, this is on behalf of the plaintiffs. My salary at the University is \$100,000 per year. My consulting rate for legal cases is \$350 per hour. While my income fluctuates depending on the year, in the past, I have made anywhere from \$50,000 - \$150,000 in consulting on legal cases.

My opinions in this matter are as follows:

1. Rufus Jones was a model teacher, acknowledged by the defendant as such. His personnel file shows that he was recruited to the school to provide an independent voice in this community. His subsequent actions are entirely consistent with this. The defendant's reasons for disciplining him are classic pre-textual behavior.
2. The environment at Brahmin Preparatory School was hostile to persons of color. Over the last ten years, out of 15 members of color hired, all of them have left in a period of 3-5 years. This is a much higher rate than one would expect at a school with a higher than average pay scale.
3. The behavior of Mr. Jones at the faculty meeting concerning the Walther von Stroheim speaking invitation was entirely appropriate. Academic freedom does not mean that everyone must speak in quiet, librarian type voices. An important part of the educational process is passion for ideas.
4. There is no rational basis to distinguish between the lack of discipline for Robin Peterson, who directly raised the issue of racism at Brahmin Prep, and Rufus Jones, who did the same. The bottom line here is the pure racial disparity. Peterson is White, Jones is Black. He got disciplined, she did not.
5. Placing Rufus Jones on probation was an adverse employment action, constituting disparate treatment.

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6. The Employer's anti-discrimination and anti-retaliation policies were not enforced as evidenced by the disparate treatment given the African American employee and the Caucasian employees in the Meeting.
7. The Employer's claim that it has a zero tolerance for discrimination and retaliation is refuted by the evidence of the disparate treatment given the African American employee and the Caucasian employees in the Meeting.
8. Evidence that the Employer did not enforce its anti-discrimination and anti-retaliation policies is found in the supervisors refusal to take the African American employee's complaints seriously.
9. Further evidence is the white authority figures (the supervisors) publicly zealously defending the Caucasian employees in this Meeting while marginalizing the complaints of the African American employees.
10. The Employer's anti-discrimination and anti-retaliation policies were not enforced because the white supervisors philosophically tolerated disparate treatment.
11. Any serious effort to eradicate discrimination and ensure no retaliation occurs as a result of discrimination complaints must have the support and commitment of the Administration and supervisors. The Administration and supervisors must create an awareness not only by their words but by their actions that these issues are serious and will not be tolerated. In the one example of this one Meeting, the Administration did not send the message by words or actions (and quite to the contrary) that racial issues were serious and discrimination would not be tolerated.
12. Racism or discrimination is evidenced by negative attitudes, condoning discriminatory behavior, refusing to acknowledge, overlooking, trivializing the issues or specific instances of such behavior, and/or not responding seriously to those who raise complaints, will exacerbate these problems as happened with this Employer as evidenced by the facts in the case, and particularly the Meeting at issue.
13. The Employer claims that in disciplining the plaintiff, it was enforcing its respect policy; however, there is evidence that the policy was not enforced prior to this meeting when African Americans tried to invoke the policy for their benefit.

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14. The Employer claims that it gave plaintiff a mild form of discipline; however, based upon the Employer's own stated policy, probation is not the mildest form of discipline, and is one of the forms of discipline that is documented in an employee's personnel file (as opposed to a verbal reprimand)
15. The Employer did not discipline any Caucasian community member even though complaints were raised about their behavior and lack of respect in this Meeting further evidencing disparate treatment and retaliation.
16. The Employer claims it provides training to its employees but not all employees were provided anti-discrimination and retaliation training.
17. The Employer failed to document "verbal complaints" of discrimination and/or retaliation by community members and thus, ensured no paper trail of ongoing complaints existed.
18. The verbal complaints of discrimination and retaliation establish the ineffectiveness of the Employer's policy and further, ratified such behavior.