

DEPOSITION SUMMARY OF DALE F. DOUGLASS, PH.D.

I am a 58-year-old Ph.D. in the field of Sociology, a tenured professor at State University. From time-to-time, I have been asked by attorneys to appear as expert witnesses in various employment law cases. Not infrequently, this involves allegations of racial discrimination.

Though I am perfectly willing to work for whichever side hires me, it just so happens that a overwhelming majority of cases in which I have been retained as an expert involve giving testimony for an employer being sued.

In this case, I am aware that the invitation to Walther von Stroheim by Brahmin Prep. While I do not agree with many of von Stroheim's conclusions, he is a respected, if controversial, figure in the academic world. His invitation to speak at the school was entirely proper, consistent with the spirit of open inquiry in an academic community.

My conclusions on the issues in this case are as follows:

1. Mr. Jones cannot identify a similarly situated employee who received more favorable treatment than he. The other faculty member he attempts to compare himself to, Robin Peterson, presents an entirely different situation. Jones was being disciplined, not for the content of his ideas, but the way in which he expressed them. There was no such issue with regard to Robin Peterson.
2. There is no evidence that Brahmin Prep had anything other than legitimate non-discriminatory reasons for placing Rufus Jones on probation. It is a valid exercise of administrative power to maintain a climate of respect between all members of an educational community. Placing Mr. Jones on probation for his inappropriate behavior does not constitute an adverse action motivated by racial grounds. This was a valid exercise of administrative authority by Brahmin Preparatory School.
3. There is no evidence that either retaliation or race based factors played any role in Mr. Jones probation.
4. The Employer was committed to diversity and zero tolerance against discrimination and retaliation as evidenced by its stated policies and procedures.

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5. The Employer evidenced zero tolerance of discrimination and retaliation by requiring its employees to affirmatively acknowledge receipt of, and understanding of, its anti-discrimination and retaliation policies.
6. The Employer evidenced zero tolerance of discrimination and retaliation by the training it provided to its employees in these areas
7. The effectiveness of the Employer's anti-discrimination and retaliation policies is evidenced by the lack of complaints received by the Employer
8. The Employer had a written policy in which its employees were required to show respect and collegiality when dealing with all members of the community, including colleagues and supervisors. The policy included examples of the levels of discipline that could be imposed if the policy was violated.
9. The plaintiff's behavior in the subject meeting evidenced behavior that violated the respect policy.
10. The Employer reasonably believed that plaintiff's behavior violated the respect policy
11. Based upon the Employer's reasonable belief that plaintiff violated the respect policy, the Employer disciplined plaintiff according to the guidelines in the policy.
12. There is no evidence that race was a substantial factor for the Employer's discipline of plaintiff for violating the respect policy.
13. There is no comparator for plaintiff to use because he was the first person to violate the respect policy in public and about which his supervisors had actual knowledge.
14. Probation was one of the mildest forms of discipline in the policy.
15. In an academic environment, adhering to the respect policy is critically important and the Employer must ensure the policy is followed.
16. Plaintiff's behavior effectiveness of the Employer's anti-discrimination and retaliation policies is evidenced by the lack of complaints received by the Employer