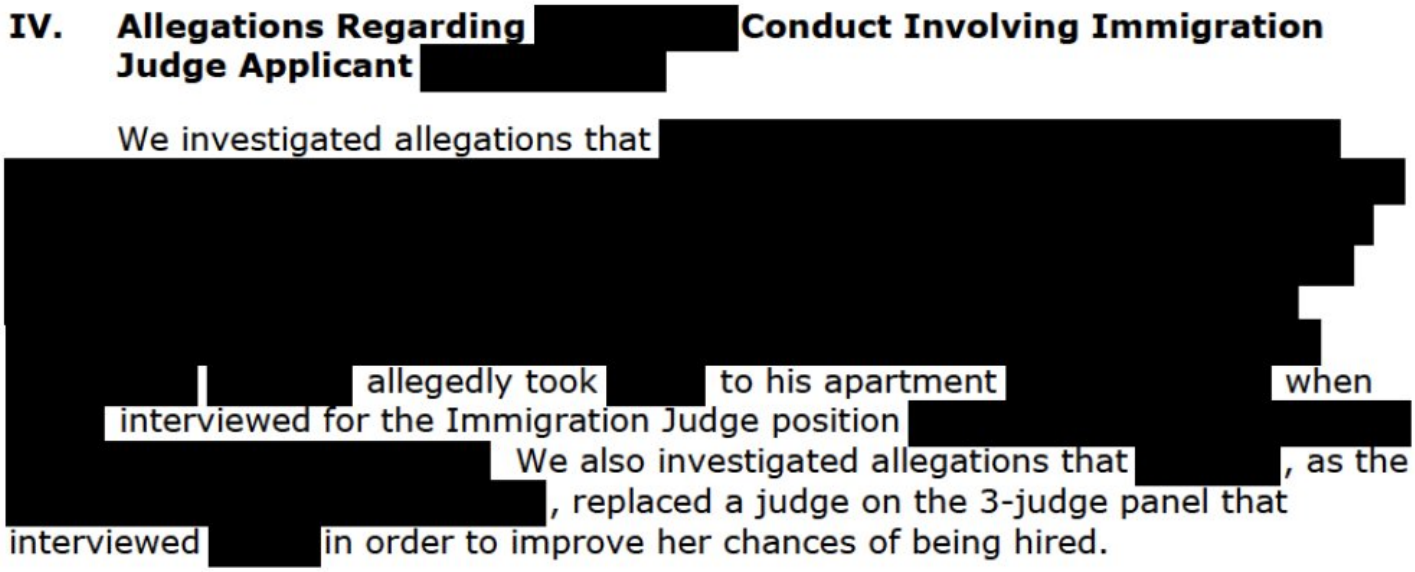
Twitter Thread by Matthew Hoppock



Matthew Hoppock
@MatthewHoppock

There's more in the OIG report about IJ hiring than just the sexual harassment stuff. In this example, a senior EOIR employee involved in IJ hiring personally intervened for one candidate and replaced one of the judges on her hiring panel "to improve her chances of being hired." https://t.co/SxRD5lYmDu



IV. Allegations Regarding [redacted] Conduct Involving Immigration Judge Applicant [redacted]

We investigated allegations that [redacted] allegedly took [redacted] to his apartment [redacted] when [redacted] interviewed for the Immigration Judge position [redacted] We also investigated allegations that [redacted], as the [redacted], replaced a judge on the 3-judge panel that interviewed [redacted] in order to improve her chances of being hired.

> \U0001f6a8New investigation: \U0001f6a8
>
> How sexual harassment and misconduct has been allowed to flourish in the immigration courts, a system intended to give immigrants a fair chance to stay in the U.S.:https://t.co/Lw8hpK5jSe
>
> — Tal Kopan (@TalKopan) January 22, 2021

It was his day off, but he came into the office anyway to intervene in this particular candidate's hiring. He invited her to his office to admire the view, escorted her to the interview room, and then invited her to his apartment afterward to change clothes.

[redacted] admitted that she went to [redacted] apartment with him after her interview at the EOIR offices [redacted] According to [redacted] had offered to escort her to the interview room [redacted] She said that her interview took place on [redacted] day off, but he came into the office and that she sat in his office for a few minutes before her interview. When asked what she and [redacted] talked about in his office, [redacted] said they made fun of the view" from his office, but she could not recall what else they discussed. When asked whether they talked about her interview, [redacted] said, "No, that would have been improper." [redacted] said [redacted] escorted her to the interview room [redacted] According to [redacted] "allowed [her] to change at [redacted] apartment" [redacted]

It's alarming how much of this report is redacted - and there are more records they haven't turned over. The OIG said these actions communicated to the hiring panel that she was his close friend and that he "was providing her preferential treatment based on his relationship"

He had already written her a recommendation letter and wasn't supposed to be involved in her hiring process at all.

[10] [redacted] confirmed that [redacted] wrote her a letter of recommendation. According to [redacted], [redacted] told her that he was not going to participate in her hiring because he had written a recommendation letter for her.

[redacted]

[redacted] However, we concluded that even if [redacted] substituted [redacted] on [redacted] panel for a benign reason, his decision about who would replace the [redacted] still constituted participating in the hiring process for [redacted]. In addition, we found that his review of the interview panel's assessments of [redacted] and inclusion of her in the list of candidates provided [redacted] for consideration for a [redacted] panel interview also constituted participation in her hiring. We examined whether [redacted] should have participated in [redacted] hiring process at all.

Aside from the specific individuals the article names, the OIG report says the use of code words to rate attractiveness was so widely known, one person said she had heard it from "enough people that I can't even remember."

[redacted] told the OIG that she never heard [redacted] or [redacted] use "code words" to refer to the attractiveness of female Immigration Judge candidates. However, [redacted] told the OIG that "other judges" told her that [redacted] had used the term "smart" as a joke to indicate a woman was attractive. When asked who she heard this from, [redacted] said, "Enough people that I can't remember."

One person the OIG interviewed said this group would use their code words about female candidates as a way to "poke at" a female employee because they knew it "bugged" her. Imagine the kind of workplace culture that allows this.

[redacted] told the OIG that [redacted], he heard [redacted] refer to attractive women as smart, but he denied ever making those comments himself. [redacted] stated:

> So when I got there, they had like this sort of—they got along very well. They had kind of like this running thing that [] bugged [redacted]. She would make these faces. He would say like, for instance, Sally Yates, he thought Sally Yates was smart. And [redacted] would roll her eyes, and over time I figured out what they were doing. It had nothing to do with candidates.

[redacted] said that he heard both [redacted] and [redacted] use the term "smart" in this way, but he stated that he thought [redacted] did it "mainly just to poke at [redacted]" because they were friends. [redacted] said that on one occasion [redacted] told him that he thought a female candidate was "smart." [redacted] denied making such references himself about anyone, including female Immigration Judge candidates, EOIR employees, or other women.

The investigation by @TalKopan named one of them. But the OIG report was broader - it said "senior managers" at EOIR had developed these code words. And one of them, when interviewed by the OIG, had not told the truth about it. The OIG report chalks it up to "poor judgment"

Based on the evidence above, including [redacted] testimony, we concluded that senior managers in EOIR commented to each other on the attractiveness of women. The similarity between [redacted] description of [redacted] use of the term "smart" to [redacted] description of [redacted] and [redacted] use of that term persuaded us that [redacted] more than likely also used the term himself, despite his denial that this occurred. We did not find sufficient evidence to conclude that [redacted] used the term "smart" with respect to female candidates; however, we concluded that he participated in conversations in which other senior managers commented on the attractiveness of female candidates. Senior managers commenting on the physical attributes of job candidates could give rise to claims that EOIR engaged in prohibited personnel practices in violation of the merit system principles found in 5 U.S.C. § 2301. Moreover, making such comments about female candidates or women could make a manager vulnerable to claims of sexual harassment, and Department policy requires managers to ensure that their own conduct sets an example in the office.[13] For these reasons, we found that [redacted] used poor judgment in commenting on the attractiveness of women in the workplace.

Aside from rating female IJ candidates, a group of EOIR employees made sexual jokes in the workplace.

We also investigated allegations that [redacted] made inappropriate comments in the workplace [redacted].[14]

During our investigation, we learned that [redacted] developed a close working relationship with a small number of people in the office with whom he also socialized outside the office. According to these witnesses, [redacted] would participate in sexual banter and jokes of a sexual nature in the office. [redacted] According to [redacted], they were "pretty bawdy" with each other and with the small number of people who were in the "social circle."[15] [redacted] told the OIG that [redacted] would sometimes comment to him on the attractiveness of female candidates and that, as part of these conversations, [redacted] would elaborate on whether he thought the candidate had the ability to do the job or not and why he thought so. [redacted]

The OIG said this conduct didn't violate the DOJ's policies because the conduct was not "unwelcome." Just "poor judgment" they said.

We concluded that [redacted] made comments of a sexual nature and commented on the attractiveness of female candidates with court employees with whom he socialized and trusted and that they willingly participated with him in making such comments themselves. Accordingly, we concluded that [redacted] conduct did not violate the Department's sexual harassment policy, which requires that the conduct be unwelcome. However, even though [redacted] may have believed he was speaking to trusted colleagues in confidence, [redacted] exhibited poor judgment by participating in conversations in the workplace that included joking about things of a sexual nature and commenting on the attractiveness of female job candidates. As discussed above, as a supervisor, [redacted] was required to ensure that he set an example in the office, and, for this reason, he should have avoided making comments of a sexual nature or participating in conversations of this nature with court employees. Also, as discussed above, such comments could give rise to claims of sexual harassment or claims of prohibited personnel practices in violation of the merit system principles found in 5 U.S.C. § 2301.