NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted December 10, 2024*
Decided December 17, 2024
Amended January 22, 2025

Before

DIANE S. SYKES, *Chief Judge*

JOHN Z. LEE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 24-2089

LIDAN LIN,
Plaintiff-Appellant,

v.

CARL DRUMMOND, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Indiana, Hammond Division.

No. 4:20-CV-97-TLS

Theresa L. Springmann,
Judge.

O R D E R

Lidan Lin, a professor at Purdue University, sued the Trustees of Purdue University, Carl Drummond (a vice chancellor), and Lachlan Whalen (a professor), under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2, and 42 U.S.C. § 1981.

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

She contends that, based on her race and national origin, the defendants passed her up for two positions and subjected her to a hostile work environment. The district court entered summary judgment for the defendants. Because no evidence suggests that Purdue's professed belief that Lin was less qualified for both positions was a lie, and no evidence shows that Lin's work environment was unlawfully hostile, we affirm.

We construe the record in favor of Lin, the non-moving party. *See Barnes-Staples v. Carnahan*, 88 F.4th 712, 715 (7th Cir. 2023). Lin, who identifies as "Asian-American/Chinese," is a tenured professor at Purdue University, and her claims focus on three events in early 2019.

First, Lin applied to become the acting chair of the College of Arts and Sciences. The notice for the position stated that candidates "must be a tenured member of the faculty and preference is given to a full professor." When deciding between three tenured candidates, the dean running the hiring process stated that he weighed heavily the opinions of the staff and faculty. Deborah Huffman, a white associate professor, received the most positive feedback, and Lin received the most negative feedback. Based on this feedback, the dean recommended Huffman for the position, and Drummond, the decisionmaker, agreed and promoted her.

The second event is Drummond's decision to hire Lachlan Whalen, a white professor, instead of Lin, as editor-in-chief of an interdisciplinary journal. Drummond viewed Whalen and Lin as both qualified, but he attested that he offered the position to Whalen because of his previous experience on the editorial board of another university's journal.

Lastly, Lin asserts that Whalen and his associates harassed Lin by "spying on, following, and encountering her," "throw[ing] hateful looks," sneering at her, "stalk[ing]" her and "us[ing] hateful body language such as conspicuously turning their heads sideways."

After pursuing a charge of discrimination with the Equal Employment Opportunity Commission, Lin filed this suit. She contends that Purdue did not offer her the positions because of her race, national origin, and previous complaints about discrimination, and it subjected her to a hostile work environment on the same bases. The district court granted the defendants' motion for summary judgment. The judge held that Lin failed to produce evidence rebutting the sincerity of Purdue's proffered rationale for its hiring decisions—the successful candidates were better qualified—and she did not establish an unlawfully hostile work environment.

On appeal, Lin contests these rulings. We review the entry of summary judgment de novo. *See Khungar v. Access Cmty. Health Network*, 985 F.3d 565, 572 (7th Cir. 2021). We ask whether Lin furnished evidence that would permit a reasonable factfinder to conclude that her race, national original, or previous complaints about discrimination led to an adverse hiring decision, or that she faced an unlawfully hostile work environment. *See Johnson v. Advoc. Health & Hosps. Corp.*, 892 F.3d 887, 894 (7th Cir. 2018).

Lin argues that a factfinder could infer from the record that her race, national origin, or previous complaints motivated both hiring decisions, but we disagree. Purdue furnished unrebutted evidence of an honest and legitimate rationale for its hiring choices: Drummond, the decisionmaker, believed that Lin was the inferior candidate. For the position of acting chair, Drummond attested without contradiction that he genuinely thought that Huffman outranked Lin because, even though Huffman was not a full professor and Purdue valued that status, the faculty's superior support for Huffman over Lin was more important. For the second position of editor-in-chief, the record is undisputed that Drummond sincerely thought that Whalen was better suited for the job because, even though both Whalen and Lin were qualified and had held previous editorial roles, Whalen had other relevant administrative experience that made him the better candidate.

In the face of evidence of these legitimate and sincere beliefs, for Lin to stave off summary judgment she had to supply evidence from which a reasonable jury could find that these rationales were a pretext—a lie—to cover for unlawful discrimination. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 804 (1973); *King v. Ford Motor Co.*, 872 F.3d 833, 842–43 (7th Cir. 2017) (affirming summary judgment because no evidence showed that employer's proffered, legitimate reason for adverse employment action was a lie). Lin did not. Instead, she observes that the process by which Purdue hired Huffman deviated from Purdue's standard process in that Purdue allowed other faculty members to offer feedback. But the deviation from standard procedures in this case is not enough to create an inference of pretext. *See Barnes-Staples*, 88 F.4th at 717. Unlike in previous cases in which a jury could rationally find that a deviation from standard procedures was a pretext for discrimination, here the different procedure "affected all candidates equally" and therefore did not mask discrimination. *Id.* Lin conjectures that Purdue used this process to enable racially biased faculty to discriminate against her. But speculation about Purdue's motive for the deviation or the animus of faculty members is not a basis upon which a jury could find in her favor. *See Johnson*, 892 F.3d at 899.

The judge was also correct in entering summary judgment for the defendants on Lin's claim that she faced a hostile work environment. To get past summary judgment on this claim, Lin had to offer evidence of harassment motivated by a protected status (such as her race or national origin) that was subjectively and objectively so severe or pervasive that it interfered with work. *See Brooks v. Avancez*, 39 F.4th 424, 441 (7th Cir. 2022). She has not. Lin describes behavior—"hateful" looks, sneers, sideways glances, and other encounters—but she does not tie the motivation for the behavior to her race or national origin. Likewise, she does not cite any authority suggesting that these non-verbal, no-contact looks and glances were objectively severe or pervasive enough to interfere with work. Thus, no reasonable factfinder could decide that Purdue created an unlawful hostile work environment.

AFFIRMED