

DATE: September 7, 1998

FROM: Mayra E. Diaz

TO: President Cotter, Janice Kassman, Mark Serdjenian, Geraldine Roseboro, Joan Sazenbacher

RE: Dean's Board Hearing on Racial Harassment (May 18, 1998)

Diaz v. Ms. R

CC: The Board of Trustees, Dean's Hearing Board Members, Lyn Brown, Natalie Collins, James B. Crawford, Priscilla Doel, William Estrada, Jim Fleming, Elizabeth Gomez, Jill Gordon., Sandy Grande. Ron Hammond, Peter Harris, Susan Kenney, Maine Human Rights Commission, Phyllis Mannocchi, Peter McLaren, NAACP-Portland & Bangor, Robert Nelson, Adrianna Paliyenko, Ira Sadoff, Jean Sanborn, Betty Sasaki, Randy Stewart, Katherine Stubbs, David Suchoff, Mark Tappan, Pam Thoma, June Thornton-Marsh, Kevin Turner, Ed Yeterian

### **Part 1: Introduction**

The Colby road was never easy. For me, a Puerto-Rican woman with Black skin, it was full of ignorant questions, assumptions, and stereotypes. Until the case involving Ms. R, however, I never considered filing formal charges of racial harassment. This was not because of a lack of racial harassment on campus (there were many instances of racism I chose to turn away from at Colby) but because I chose not to devote my valuable time and energy to fighting other people's ignorance. I have always chosen my battles carefully, weighing which offenses were worthy of my time and which were not. I could not, however, overlook the Ms. R case. Her accusations were different because they were personal and so relentless. She singled me out and labeled me as violent, and did so based on the color of my skin and her racist fantasies (particulars of the incident are detailed in Part II of this document).

As the case unfolded, I learned that Ms. R's (White, female) behavior was protected by the institution and its policies, and that I (Black, Puerto Rican, female) was not. It soon became clear that the college--confirmed by President Cotter in a personal meeting--had no intention of acknowledging Ms. R's actions as racist. My outrage and concern is, thus, no longer limited to Ms. R or any other students like her who accuse Black students of violent, murderous, intent but extends to Colby's "justice" system that protects White students from having to examine their belief systems and actions as being racist. It is this system that enabled Ms. R to walk away from this incident feeling vindicated in her belief that her actions, while naive and insensitive, were not rooted in racist ideology.

Thus, my purpose in writing this letter is to explain how the Ms. R case was profoundly and unjustly mishandled by the College, particularly by the Harassment Advisory Board Chair, Joan Sazenbacher; Dean of Students and Dean's Board Chair, Mark Serdjenian; and the Dean of Students, Janice Kassman. In addition, Associate Dean of Students, Ron Hammond, and

Professor of English/Creative Writing, Susan Kenney, contributed to the initial mishandling of this case.

I also write this letter because I feel that it is important that minority students at Colby be protected against institutional racism and white privilege and that they are supported in their claims of racial harassment. Although I received no such support or protection I feel that the importance of this case and its effect on the future attitudes of students, faculty, staff, and administrators toward racial harassment is significant enough for me to articulate in detail how this case was unjustly handled. I have also developed a list of recommendations so that the processes involved in hearing harassment cases, along with the overall racial climate at Colby, can be improved.

For weeks, I have battled within myself to understand the events that took place from the very first time I learned Ms. R had accused me of murderous intent, to the final disappointing outcome. I have gone through a myriad of emotions and questions about this case and the way it was handled and have concluded that it has been one of the most debilitating experiences of institutional racism and white privilege I have ever had to endure. While I was given the "option" to appeal my case I decided against an appeal because I have lost the confidence I once had in the system and I refuse to become further victimized or silenced by Colby's undemocratic processes. I placed my trust and faith in a system that was supposed to protect me, and as a result was shattered by a process that was unjust, abusive and incoherent. So instead, I choose to write this letter, to act as a public citizen and fight for racial justice. I hope that my actions ignite the change and reformation that needs to take place at Colby. Given the events that have transpired it is self-evident that change is needed to bring Colby in compliance with its own stated policies, with civil law, and with the broader concerns of equity and social justice. While I feel that Colby must take action in order to conform to legal policy, I also hope that it would also seek reformation as an act of moral courage.

## **Part II: The Incident**

In short, Ms. R accused me of murderous intent because of a story I wrote for my Creative Writing Course. The story was about a young girl, Amber who was physically and emotionally neglected. She was the schoolyard bully and widely despised by her classmates. In the final confrontation and culminating act of the story, Twyla (**race undefined**)--a frequent victim of Amber's--decides to stand up to her. Twyla and Amber begin to argue and soon the rest of the kids circle around them, with most of them cheering Amber on. Suddenly, one young boy, Tommy (**race undefined**)--also frequently terrorized by Amber--takes a bat and hits Amber over the head and says, "I saw this in a movie once." The story ends with Amber lying dead on the playground. Twyla looks down at the lifeless body and says, "The hatred wasn't worth it."

The story is a critique of televised and cinematic violence and its affects on children. It was inspired, in part, by the ongoing tragedies of playground shooting occurring around the country.

This story was not about Ms. R and therefore was never constructed as a threat against her. Amber's physical description, well detailed in my story, is a caricature of a young child with

severe skin problems, knotted hair, improper hygiene, who wears old, tattered clothing. She expresses herself with intense forms of anger toward her peers, a tacit indication that she herself has been a victim of emotional and physical abuse at home.

That Ms. R chose to identify with this character problematically demonstrates how she perceives herself. My story was neither a threat to Ms. R's life nor was it written with any intent to hurt her. Until our Creative Writing course, I had never known Ms. R and she had never known me. Therefore, I can only conclude that her accusations were not only unmerited but also solely premised on her prejudices, stereotypes, and racist paranoia.

Nevertheless, on the basis of this one story Ms. R became convinced that I desired her dead and was going to kill her. Based on this interpretation of my story Ms. R proceeded to discuss my "threat" with her friends and dorm-mates, as well as to e-mail the chair of my department, and to call my professor (who has an unlisted phone number) at home at 12:00am the night she read my story.

Even though Ms. R's fears were ridiculous and unfounded and her accusations were malicious, unmerited, and defaming Professor Kenney and Dean Hammond had determined that her accusations merited a meeting between the four of us. Though, for me, this meeting was "voluntary" I felt I had no other option but to attend in order to defend my name and reputation from further disparagement. I attended this "voluntary" meeting with Ms. R, Dean Ronald Hammond, and Professor Kenney the following morning. This meeting was held privately and was intended to clarify any misunderstanding about my story.

Professor Kenny, Dean Hammond and I explained to Ms. R at great length that no threat against her life existed. After our extensive explanations, Ms. R attempted to justify her accusations, insisting that the story was about her and a threat against her. She said, "Amber is my name backwards with an 'm,' Twyla sounds like Mayra, Tommy sounds like Randy, and Mrs. Maree, (the school teacher) sounds like Professor Kenney!"

This response to my story demonstrates how Ms. R racialized the characters to fit her ingrained prejudices. In her accusations, Ms. R singled out Randy and I--two Black students--as the threatening characters. This is particularly significant since none of the characters in my story were assigned racial identities. She herself determined that Twyla and Tommy were children of color. The reality is that Amber is my favorite stone (which I wore on a ring every day to class) and Twyla is the name of one of the protagonists in my favorite Toni Morrison short story, "Recitatif."

In response to her "rationale" we took the time to explain again to Ms. R that I had no intent to kill her, or reason to waste time threatening her. After this second explanation, Ms. R responded by saying, "OK, but I just want to know (Mayra) if you're going to hurt me." This response and her persistence in depicting me as a violent person, regardless of my assurances outraged me. Her continued accusations conveyed to me that Ms. R did not yet understand the gravity of her actions.

Although I was still upset about the entire incident, I felt the need to put the occurrences behind me and enjoy my final weeks at Colby. A few weeks later, on the last day of our Creative Writing class, Ms. R gave me a hand-critiqued copy of my story. In accordance with class policy, all stories are returned to the author with helpful comments and criticism. Ms. R's comments, however, were neither helpful nor appropriate. Instead, her "critique" contained the exact same murderous accusations she alleged in our meeting a few weeks ago. Ms. R wrote, "Mayra, I have to tell you when I first read this story, I was VERY scared for my life! .... I was seriously afraid that you or someone else might try to hurt me. And believe me, although writing stories is important to me, my life is much more so!" These words were insulting, as well as cruel reminders of her racist perceptions of me as a threatening killer. The act of handing back my story with her highly inappropriate comments, constituted the third act of racial harassment against me by Ms. R. These are the events (the initial charge, the second verbal charge in the meeting with Dean Hammond and Professor Kenney, and the returned "critique") that led me to pursue a racial harassment case against Ms. R.

According to the Student Handbook, the College's policy on racial harassment states, "students should not be singled out, in any way...Hostile, intimidating remarks because of race or ethnic origin are provided as examples of the kinds of actions that may constitute harassment under college policy..." (Colby College Handbook, 1997-98, pgs. 96&97). I cannot think of anything more hostile or intimidating than one person accusing another of murderous intent.

In addition, before Professor Kenney and Dean Hammond assured Ms. R that I intended no threat with my story, Ms. R was prepared to press formal charges against me. She informed all of her friends, my fellow peers, my advisor and Chair of the English department, Cedric Bryant, and my professor of my supposed intentions. Therefore Ms. R's perceptions of me were not contained to a small group of people and spread well beyond the confines of our classroom. According to the Student Handbook, insulting remarks become "harassing" when the victim "experiences a loss of self-esteem" and a "deterioration in the classroom, social, and work place environments." The fact that Ms. R informed several people of my supposed threat against her life led me to experience of a profound degree of humiliation and loss of self-esteem as well as a deterioration in my classroom, social, and work environments. Therefore, under Colby's own policy, Ms. R's actions were not only insulting and insensitive, but constituted harassment.

In the current social climate, stereotypes of Blacks and other minorities as deviant, criminal people are prevalent. In particular, Blacks as the perpetrators of violence, danger, and hostility against Whites is an ingrained stereotype, just as the stereotypes of Blacks as good dancers and basketball players, as welfare mothers, and victims of fatherless households are ingrained. Since Ms. R did not know me personally the only plausible source of her perception of me--as a violent Black, Puerto Rican woman--could have only stemmed from the myriad of racist stereotypes she had internalized about minorities. These images are racist, demeaning, and dehumanizing *and that she had the freedom to use such images to define me, is a form of racial harassment.*

### **Part III: Background of the Incident**

Ms. R was known by all the students in our Creative Writing Class as someone who had racial prejudices. Professor Susan Kenney or any other class member, Black or White, could testify to this. For example, in one story Ms. R had written, "Leaving Home," she referred to characters as "White trash" because they were poor and White, and in the same story employed the highly charged racial epithet "nigger". The entire class, including the professor, expressed their concerns about her use of such language and the importance of proper contextualization.

Ms. R claims that I vindictively wrote my story as payback for her use of the word "nigger." She wrote in her critique "I seriously thought you were trying to 'teach me a lesson' with this story, since I had obviously hurt you (and Randy) by using a word you were uncomfortable with." Even though our entire class engaged in the discussion of Ms. R's story, and many White students expressed anger toward, and frustration with Ms. R, she chose to target only Randy and me because of our race.

While after reading Ms. R's story the classroom environment was intense, highly charged, and uncomfortable, and even though I could easily have interpreted Ms. R's use of the term nigger as racist, I did not. *I did not feel racially harassed by Ms. R's story, her use of questionable language, or by the class discussion about her story.* I did, however, feel racially harassed by Ms. R's repeated accusations that I posed a physical threat to her life.

### **Part IV: Filing Charges and the Expectation for Social Justice**

In contemplating the events that transpired, I believed I had a strong case of racial harassment. My instincts were supported by classroom peers, close friends, Dean Roseboro, Dean Hammond, Professor Kenney, and Professor Grande. I was deeply shaken by the entire situation, and tried to understand how any student could feel the freedom to accuse another Colby student of murderous intent. At the outset, I believed I would be completely supported by other administrators.

Much to my surprise, however, I encountered great resistance to my desire to pursue this case. Specifically, I was explicitly discouraged by Administrative Deans Janice Kassman and Mark Serdjenian. I received even less support from the head of the Harassment Advisory Board, Joan Sazenbacher and sadly, I received no support from the College President, William R. Cotter. Both Cotter and Sazenbacher, the two people who were supposed to (institutionally) be my greatest allies told me directly that I had "no case" against Ms. R. I was both deeply disappointed by and indignant about this lack of support.

Despite the adversity I encountered with administrators, I received enough support from friends and Professors' Sandy Grande, Lyn Brown, Mark Tappan, Peter McLaren (UCLA), and the Dean of Intercultural Affairs, Geri Roseboro to confront Ms. R and file formal charges of racial harassment. They each took the time to listen, comfort, and help me understand the events that transpired. More importantly, they each validated my reasons for wanting to pursue this

case, which Cotter, Kassman, Serdjenian and Sazenbacher all failed to do. I was nervous, but determined that the events that had taken place were substantial enough to support a hearing in my favor. In terms of a hearing, I was mainly in search of two things:

1. That a formal charge of racial harassment be filed against Ms. R including a formal acknowledgment by the College that Ms. R had violated College policy on racial harassment. And that this acknowledgment would set a precedent protecting other minority students from being victimized by such overt forms of racial harassment.
2. That Ms. R would be mandated to take some "sensitivity courses" centered around issues of race and racism and that these courses would be taken in addition to Colby's "diversity" requirement.

I believed these requests were fair. I did not expect that Ms. R would be expelled or suffer any other form of academic probation. I understood that this was not an "academic" issue but one of social justice and equal rights. I did not seek to punish her. Instead, I wanted her to realize that what she had done was inappropriate and in violation of College policy. I wanted the College to take responsibility for the ignorance of its students and to educate them on racism instead of relying on minority students and minority professors to do the job. Moreover, I wanted the College to adhere to their claims of "supporting students of color on campus" by acknowledging that Ms. R's actions constituted racial harassment.

### **Part V: The Deans Board Hearing**

As the hearing approached, it occurred to me that the case never should have gone this far. Professor Susan Kenney and Associate Dean Hammond never should have validated Ms. R's fears by offering to arrange a meeting to "clarify any misunderstanding about my story." By doing so, they validated Ms. R's unfounded fears and by implicitly asking me to defend myself, they encouraged her to continue seeing me as a threat. The issue never should have been construed as a problem about me or my story. If Professor Kenney and Dean Hammond had been better informed about how to handle cases involving racial harassment in the first place a hearing would not have been necessary. This first mishandling of the case, though unintended, set in motion a myriad of inappropriate, misinformed, vindictive, malicious, and racist responses, the sum of which constituted my experience with institutional racism.

Secondly, in pursuing this case I had to run around from Dean to Dean in order to finally set a date for the hearing. I spoke with Professor Kenney who told me to speak with Dean Hammond. He advised me to speak with Dean Serdjenian, who then advised me that the best option was to go to the head of the Harassment Advisory Board, Joan Sazenbacher, instead of pursuing a Dean's Hearing. In my meeting with her, Joan Sazenbacher informed me that I did not have enough evidence to substantiate a hearing with the racial harassment advisory board. She did not consult a second opinion nor did she speak to Professor Kenney or Dean Hammond for further information. She did, however, say that as a "favor to me" she would speak with Ms. R about her actions. Not only did this make me feel I as though I was personally indebted to Ms.

Sazenbacher, but her response also made it seem as though this was not a normal part of her job. It has been my experience that instances of racism at Colby are often relegated to the personal or individualistic realm and not seen as an institutional problem.

Needless to say, I was not satisfied with Ms. Sazenbacher's assessment of my situation. I proceeded to make an appointment with Dean of Students Janice Kassman. In this meeting I brought along an ally, Professor Sandy Grande, to alleviate the anxiety I felt as I continued to pursue this case. Finally, with the help of Professor Grande, I was granted a Dean's Board hearing. The amount of time and energy I expended just to get a hearing against Ms. R was in and of itself oppressive. I was frustrated and disheartened that I needed to make so many appointments to simply confirm a hearing date; something that should have been a matter of routine. This experience conveyed to me that my case was neither important, nor significant enough to pursue a formal racial harassment charge and in fact, that perhaps I was not worthy of being heard.

Approximately four weeks after the initial incident (April 23) a Dean's Board Hearing was convened on May 18, 1998, at 1 p.m. (my senior week) to hear the charges of racial harassment and defamation of character alleged against Ms. R by Mayra E. Diaz.

Though we all arrived at or around 1:00pm, the hearing did not convene until 1:45, which meant that all parties involved, including Ms. R and myself, were standing outside the door waiting for Board members to call the session. Before the hearing, Ms. R and I had been required to submit written statements explaining our respective interpretation of the events that had transpired. We later learned that the reason the meeting had been delayed was because the Board members did not read the materials and had come to the meeting unprepared.

Once the meeting started, one student member, Mike Cuzzi, admitted that he had still not read the given material. Even so, he proceeded to speculate about the case and offer his opinion without sufficient information. All members should have been fully prepared for the hearing, read all materials and understood the specifics of the case before testimony was presented. As a result, there were serious breeches of due process and several procedural violations during the hearing. I recount only the most significant discrepancies below:

First, upon arrival it was evident that there were several people present (all testifying for Ms. R) who did not appear on the initial list of witnesses and participants. Professor Grande inquired at the start of the meeting as to the protocol regarding this matter and whether it was OK that Ms. R had several witnesses present that were not previously listed. Dean Serdjenian tersely replied that it was "no problem" and that both students were entitled to bring as many people as they pleased. While Ms. R had clearly been apprised of this "policy" I was not. I was under the impression that the only people allowed to testify on our behalf were those individuals significantly involved in the case.

I provided four witnesses: Professor Kenney, Dean Hammond, Dean Geri Roseboro, and Professor Grande. All of my witnesses provided information directly related to the case, whereas Ms. R's acted as "character witnesses" testifying to the "goodness" and naivete of her intentions. In short, they provided no substantial evidence related to the case. Whether or not Ms. R was

otherwise a "good" person was irrelevant. She accused me of murderous intent based on her racist assumptions and a fictional story with which she chose to identify. Ignorance and naivete are unacceptable justifications for racially harassing another student, yet Dean Serdjenian allowed a significant amount of testimony about Ms. R's "good character."

Secondly, due to the fact that Dean Serdjenian came to the hearing late and unprepared and that he was dismissive in tone (about the witness question), it was immediately evident that he did not feel the case warranted a hearing. Specifically, Dean Serdjenian's attitude toward Professor Sandy Grande, Dean Roseboro, and me was generally impatient, bothered and unreceptive. As a result, a hostile environment and tone was set from the beginning and it soon became evident that I, and not Ms. R, was the one on trial.

Third, Dean Serdjenian allowed the English Department Chair, Cedric Bryant, to speak at length about the "appropriateness" of Ms. R's use of the word nigger. As previously stated, Ms. R's story and her use of questionable language was not the issue. Moreover, while he allowed Professor Bryant to speak at length about irrelevant issues he continually reprimanded Professor Grande when she attempted to speak about issues relevant to the case. Dean Serdjenian went so far as to interrupt Professor Grande, saying that she needed to stop talking since "she had talked the most." When Professor Grande stated that she was unaware of any time constraints regarding testimony, Dean Serdjenian could not offer a suitable reason as to why she could no longer speak. Dean Serdjenian stated that he had the right to diverge from official hearing procedures, but allowed her to continue anyway. If his claims are in fact true, Dean Serdjenian should have practiced these "divergences" equally.

Fourth, during our final statements Professor Bryant interrupted again, attempting to speak at length about appropriate literary usage of the word "nigger." According to hearing procedures, once students final statements are given no further testimony is allowed. As such, I interrupted Professor Bryant and appealed to Dean Serdjenian to enforce hearing procedures. Dean Serdjenian reluctantly acknowledged my request and asked Professor Bryant to comply. I learned later, from another Professor, that after the hearing Professor Bryant called Dean Serdjenian in order to finish his testimony. This not only constituted a patently unacceptable breach of procedure and due process but allowed Professor Bryant to inappropriately assert his power as Chair of the English department over my voice as a student of color. He was adamant that his student (Ms. R) not be found guilty of racial harassment because of her story. Professor Bryant was obviously uninformed about the case and never understood that I was not filing charges against Ms. R based on her story but on her accusations about me as a violent person.

Lastly, the case against Ms. R was heard by an all White Board. At the end of the hearing Professor Grande attempted to ask on my behalf about the fairness of these arrangements. Dean Serdjenian cut her off and said she was not allowed to give any further testimony. She replied that she was not offering additional testimony but that she had a question about procedure which should be allowed at that time. He replied, "No, you're not allowed to talk anymore." In response to this silencing, Professor Grande quietly shook her head in dismay. Dean Serdjenian then said, "Why are you shaking your head?" Professor Grande replied, "Because I have a question about procedure and I should be able to ask it." Dean Serdjenian then said "OK, go ahead." She said, "I question the fairness of the fact that this case will be heard by an all White board and if Mayra

shares these concerns what can she do?" Dean Serdjenian did not answer her question and simply addressed all of us and said "Ok, we're done thank you for coming." After the hearing, was adjourned, I asked Dean Serdjenian what to do about registering my complaint and he said to e-mail Dean Kassmann and, if she thinks it is important, she can make a determination of its impact after a judgment is reached.

I not only found Dean Serdjenian's attitude in this whole exchange to be rude and highly unprofessional but to be an explicit attempt to silence Professor Grande and inappropriately exercise his power as the Chair of the Hearing Board. I also found his comment "Why are you shaking your head" to be profoundly paternalistic and patriarchal and an attempt to dismiss Professor Grande as a Junior woman of color and intimidate her into silence. I believe that had Professor Grande not been as articulate and politically intelligent as she is (her area of expertise is Anti-Racist and Multicultural Education) that my case would never have been heard and the situation would have been even worse.

Finally, my case would never have been allowed to be heard by an all White judge and jury in a civil court, as we are all insured a trial by our "peers" and racial balance is always sought particularly in cases involving racial harassment. Similarly, if I were a female pursuing a sexual harassment case, an all male Board would have been deemed unjust and unacceptable, I do not understand how I could have been expected to receive a fair trial when there was not one person of color listening to the case. I stated my concerns to Janice Kassman via e-mail. She did nothing to remedy this concern except to inquire whether or not I thought an all White board was capable of being fair. Moreover, the problem occurred because we ran out of Dean's and the fact that Dean Roseboro is the only Dean of color. However, the situation could have easily been remedied by having a student or faculty member of color present while deliberations were going on. This option was never offered to me under the guise of "proper procedure" and the implication that an all White board would be just as "fair" as any other. This is a rhetorical question that is impossible to "prove," which is why any truly just system works toward racial balance in such hearings. The fact that I was denied a trial by my peers, in spite of my repeated requests and stated concerns, constitutes unjust and undemocratic procedures.

## **Part VI: The Final Outcome**

The Dean's Board members hearing the case, Dean Earl Smith, Pam Tinto Pillay, Mark Serdjenian, Mike Cuzzi, and Julie Williams decided that

..."Ms. R is not guilty under the strict definitions of defamation or harassment. At the same time, it is evident that Mayra Diaz suffered a great deal of personal anguish as a result of the incidents described at the hearing. We believe it is improper for this or any hearing panel to pass judgment on the use of the 'n' word in Ms. R's essay and that the appropriateness of using this word can only be discussed, as it was discussed, in the classroom."

According to this letter, submitted by Dean Serdjenian, the Dean's Board members obviously concluded that Ms. R's use of the word "nigger" in her fictional story motivated my charges of racial harassment against her. However, as I have clearly stated, I did not charge Ms. R with racial harassment because of her use of the word "nigger." I charged Ms. R for racial harassment because of her continued malicious accusations and defamation of my character.

Furthermore, the Dean's Board members concluded that I experienced "a great deal of personal anguish" typifying the fact that charges of institutional racism are often reduced by the White majority to problems of personal sensitivity. Given the evidence presented here, it is clear that this case was in fact racial harassment and not the personal experience of an overly sensitive, psychologically victimized Black by a naive White student. I confronted this hearing professionally, trusting that the Board would comprehend the gravity of Ms. R's actions, beyond the personal and emotional. Instead I was placated and offered emotional condolences by an all-White board who obviously felt from the very beginning that I had no case and did not clearly understand the facts involved.

By denying the charge of racial harassment, the Dean's Board members granted every White student on campus the power to accuse a minority student of murderous inclination, and worse, to grant them the freedom to do so without acknowledging the racism rooted behind such accusations. This power is not only threatening to Black and other minority students, but indicative of the kind of institutionalized racism that imperils the lives and compromises the environment of all minority students who are simply trying to assert their right to equality of educational opportunity. Ms. R undoubtedly racialized this case by targeting Randy and me as the "killers" and I am certain that had a White student written the story Ms. R's reactions would not have been the same.

For these reasons I believe the Dean's Board Hearing involving Ms. R was unjustly and inappropriately handled and that this, in and of itself, stands as an additional incident of racial harassment. Since I cannot expunge the events that previously occurred, I write this letter articulating my experience in the hope that significant changes will be made in current College policy and in the administration of that policy.

No student should have to live in fear of being, accused as a potential murderer just because of the color of their skin. The damage, both academically and emotionally, is devastating. As such, I offer the following list of recommendations and demands that I hope will be taken into careful consideration before another White student decides to follow in the steps of Ms. R.

These suggestions are not limited to changes in the racial harassment policies and proceedings because I think it is about time that Colby acknowledges that these seemingly discreet "incidents" are linked by the common experience of institutional racism. It is the (racial) climate at Colby that allows for these incidents to occur and reoccur and until they are dealt with as a whole they will continue to occur. Colby is in many ways an oppressive environment for students of color and I believe that it is incumbent upon the administration to rectify this situation and provide us equal protection under the "law" as well as equality of educational opportunity. I offer these recommendations in good will and with the understanding that there will be some follow through. Though I personally feel, and have been advised by legal council,

that I have a strong case for civil action I choose at this time to place my faith in the broader structures of democracy and to see if such forces can prevail. I submit the following demands/recommendations, in rank order, in the spirit of this faith in the democratic process and with the understanding that democracy will be taken seriously.

### **Part VII: Recommendations and Demands**

The following list of recommendations-demands are listed in descending order according to their importance to me and my perception of the broader state of race relations at Colby College. It should be noted that this in no way represents a complete list of changes that needs to be made in order to make Colby an equitable institution. I outline only the most significant and egregious policies that presently stand in the way of justice. I also want to note that the very fact that I, a student, was put in a position of having to formulate this list for administrators (essentially doing their job) is in and of itself a statement about the level of ambivalence and incompetence of the administration, particularly when it comes to issues of race.

1. That I receive a formal apology from Joan Sazenbacher, Mark Serdjenian, Janice Kassmann and President Cotter each acknowledging their complicity in the processes of injustice and institutional racism and that states that I did in fact endure racial harassment.
2. That the policies for racial harassment cases be reviewed and revised (by a committee with student, faculty and administrative representatives) so that:
  - A. The chair of the Harassment Advisory Group (HAG) does not have the ability to usurp power and deny students the right to pursue their cases;
  - B. Protocol and procedures for filing complaints are CLEARLY outlined in the student handbook, SEPARATELY from the section on sexual harassment (as it reads now it appears as if racial harassment is, at best, an addendum and at worst an afterthought);
  - C. A separate Racial Harassment Advisory Group be formulated;
  - D. The Chair of the RHAG is NOT the same person as the chair of the HAG and that this person be an administrator or faculty member of color;
  - E. The proceedings for hearings be clearly outlined in the student handbook and that all participants in any given hearing are given a copy of these guidelines before the proceedings begin;
  - F. The proceedings of hearings are either video or audio-taped so that administrators not present can not claim ignorance as a defense against injustice and institutional racism.
  - G. That in the instance that students do not feel comfortable going to the chair of the RHAG, a campus ombudsman be available to hear students cases and advise them on the various options available to them.
  - H. That appeals for cases arising in the end of the Spring term be allowed to hold over to the next academic term so that the right of the victim to a fair trial is given priority over the perpetrator's right to a speedy trial.
  - I. That the hate speech-code be revised and rewritten with stronger language and with clearly outlined penalties for different levels and types of violations

3. That a full-time Affirmative Action officer (person of color) be appointed.
4. That, in addition to Geri Roseboro, there be at least one more person of color on the Dean's Office Staff.
5. That the College make a greater commitment to the recruitment of minority faculty and that minority post-doc offered in every department be offered as a way to bring such candidates to campus. That there be a review on the attrition of minority faculty at Colby in order to reveal a possible pattern of discrimination.
6. That every member of the Dean's Office and Financial Aid Office administrative staff be required to participate in diversity "training" and that this training be ongoing, substantive, and rigorous.
7. That diversity "training" be offered to other interested members of the staff and faculty at no or low cost and that this training be made available on an on-going basis.
8. That a position be created that is half-time administrative, half-time faculty to serve the interests of minority students.
9. That a DEAN of Minority Recruitment position be reinstated. The fact that this position was quietly removed after Sherman Rosser's resignation is indicative of the College's attitude toward minority student recruitment.
10. That the Pugh Center be formally recognized (through dedication or a plaque) as the result of students of color fight for recognition on Colby's campus. That the "demands" of these students (available in their original documents) be reviewed by a committee to see what progress has been made and what other challenges remain.
11. That the faculty residence program be constructed so that at least one faculty member of color lives on campus at all times.
12. That the physical environment of students, dorms, and campus buildings be more representative of all students. Currently there is few if any art work and or posters by artists of color or of people of color.
13. That a minority- affairs representative be added to student government and a standing all-campus committee on minority affairs be added to work toward the building of a more equitable campus climate.
14. That the diversity requirement be changed to be more substantive. As it currently stands students often complete this requirement without even knowing it.

### **Part VIII: Closing Remarks**

I was deeply saddened that this incident occurred at the end of my senior year, marring my experience of graduation and senior week. I wanted to leave Colby with a smile and look back on the obstacles and struggles I overcame with a sense of pride and accomplishment. I have some great memories from Colby as well as friends, but this hearing served as a cruel reminder of the institutionalized racism, privilege, and injustice that lies beneath the surface of Colby's "democratic" system. Throughout my four years President Cotter has often stressed the importance of diversity and his personal commitment to ensuring that each student receives the utmost protection against racial injustices that plague college campuses, as well as our country. I therefore remain perplexed as to how he, Janice Kassman, Mark Serdjenian, and Joan Sazenbacher refused to support me during a time when I deserved the most support. I did nothing wrong. Instead, the system worked to protect a White student without questioning the source of her perceptions of me, a student of color. Though I entered college fully aware of the depth of White privilege, this incident was an education in how such privilege works to systematically oppress people of color.

I have sent this letter to several Colby representatives (i.e. the Board of Trustees, faculty, and staff) in order to ensure that the College prepares to prevent similar experiences from happening to other minority students. Also, copies of this letter have been sent to Ms. Patricia Ryan, Executive Director of the Maine Human Rights Commission, as well as to Ms. Paula Edme, Regional Director of the NAACP in order to warrant an immediate response. Moreover, I want to ensure that this letter is not silenced or dismissed as an isolated incident on campus. There are many instances of racism and racial harassment that are often swept under the rug in order to secure Colby's reputation. However, I have invested many months in this letter and I would appreciate as much support from as many allies as possible. I know that there are Trustees, faculty, and staff members who are just as concerned as I am in putting this particular case behind us and improving the current methods used to pursue racial harassment cases and to building a more just community.

In the end, graduating from Colby was one of the greatest moments of my life. It was a great moment, not because of its ceremony, prestige, or diploma, but because it symbolized my ability to conquer all odds. I have experienced many struggles during my years at Colby. There were moments when I never believed graduation day would come. There were even times when I thought the best solution would have been to walk away and transfer to a more inclusive and supportive environment. Yet I opted to stay, because I wanted to prove to myself that I possessed the power, strength, and stamina to persevere under difficult circumstances. For me, graduating from Colby College was more than a diploma or educational opportunity. It was a struggle for my right to attend and attain an education from a prestigious institution that would perhaps guide my way toward and through greater professional opportunities. I achieved all this in an environment where I was often rejected, silenced, and overpowered by the suffocating standards of the dominant White majority. I endured situations that majority students need not face or even think about, yet another example of White privilege. I found the strength to endure the experiences I did by keeping the poignant image of my parents signing tuition checks for me to attend the college of my choice as I packed my bags. I sadly leave with questions of whether the sacrifice, pride and commitment they chose to invest in my education was wasted on an unworthy institution. I know that for them, I made the most of my experience. I hope that Colby

works to warrant the respect it wields and to be a place of opportunity for students of color and their families who place their trust in higher education as a fair and just institution.

I await your response. I hope that President Cotter, Janice Kassman, Joan Sazenbacher, and Mark Serdjenian appreciate the amount of courage and strength I have demonstrated in writing this letter. Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink that reads "Mayra E. Diaz". The signature is written in a cursive style with a long, sweeping underline that extends across the width of the name.

Mayra E. Diaz