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'It doesn't meet the threshold': Asian students reported anti-Asian texts in November 2021, the search for solutions continues

By River Lisius

Content warning: This article discusses texts that emerged in February between two Occidental students that included genocidal, racist speech toward Asian people.

A series of genocidal, anti-Asian texts between two Occidental students were released via social media Feb 1. As an increasingly outraged student body became aware of these texts, so too did senior level administrators at the college, including President Harry J. Elam Jr. and Vice President for Equity & Justice David T. Carreon Bradley.

The events that followed exposed a major gap in the college's policies to respond to racism on campus through existing Discrimination, Harassment, and Retaliation (DHR) Policy and student conduct processes, and also demonstrated a lack of communication between lower-level administrators and senior staff.

Several administrators had been aware of and had been responding to the texts since November 2021, when two Asian students, Shanna Yeh (senior) and an anonymous source,* first



Chalk in front of the Tiger Cooler at Occidental College in Los Angeles, CA. Feb. 18, 2022.

contacted Chris Arguedas, director of the Intercultural Community Center (ICC) and eventually initiated the college's DHR process.

"Throughout the whole process, I felt like there was nothing in place because I kept being shown to the next door. And each door didn't open up to anything," Yeh said.

In an interview with The Occiden-

tal, Elam said he became aware of the texts Feb. 2, and viewed the screenshots of the text Feb. 3. Elam said he is immediately informed of direct and credible threats to the college, but in this case, no imminent threat was determined. Elam said that moving forward, it is his priority to reconsider when and how quickly his office learns about incidents related to racial hatred on campus.

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According to Elam, he is also working to address the gap in the college's current processes to respond to incidents that are deeply harmful to the community, but do not reach the level of a direct and credible threat and are protected speech under the First Amendment.

"I'm working with the senior staff, as well as with faculty and students and

staff to think of a system that fills that gap. To have an answer to what we're going to do in the future, so that this is not repeated," Elam said.

November 2021: Assessing the threat and providing support

Arguedas was the first college administrator who became aware of the anti-Asian text messages when Yeh and the anonymous student met with him Nov. 17, 2021, according to Yeh and Arguedas. Yeh and the anonymous student said they scheduled this meeting after becoming frustrated at Kappa Alpha Theta's lack of action, of which Yeh, the anonymous source, Student A* and Student B* were members.

"We decided to have a meeting with the three of us to talk about what could happen," the anonymous source said. "At this point, we weren't like, 'We need XYZ to happen.' We've never advocated for a specific punishment. We weren't even necessarily coming at it from a punitive standpoint. We just wanted someone to acknowledge what had happened."

TEXT RESPONSE
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Tirzah Blanche aims to provide support and educate

By Sam Reed

Tirzah Blanche, program manager of Occidental College's Project for a Sexual Assault-Free Environment (SAFE), has a lot on their plate. In the basement of Stewart-Cleland Hall, the office of their former role as project coordinator is conspicuously empty, with Blanche now sitting in the dimly lit office one door down. Blanche's new position as program manager involves running most of the day-to-day operations at Project SAFE. As the Survivor Advocate, Blanche also provides confidential assistance to victims of sexual violence on campus. As announced via email, Project SAFE's previous manager, Marianne Frapwell, left the office in April 2021. After several months serving as interim director, Blanche was officially selected Oct. 25.

"Project SAFE professional staff, historically, has [had] one person in charge of

prevention — that's a coordinator — and one person that's in charge of advocacy," Blanche said. "I work with people who are impacted by gender-based violence, power-based violence. As an advocate, I essentially help people to navigate the various structures, processes, things that they need to do to get their life back on track."

Blanche said Project SAFE faced significant challenges during the early months of the pandemic, as workers were furloughed at 50 percent pay, while training and outreach were complicated by the online format.

"When we had to go to a virtual, that sucked," Blanche said. "We did our PA (Programming Assistant) training in 2020, completely virtual: that's 80 hours of training, which is a lot to do on Zoom."

However, recent changes in leadership and a push by student activists on campus have made Blanche hopeful for the future of the program, Blanche said. Despite hurdles during the pandemic, Project

SAFE is finally rounding a corner.

Blanche pointed to recent protests, organized by the Oxy Sexual Assault Coalition (OSAC) in November 2021 to advocate for greater accountability from the administration, as one positive sign. And with the recent appointments of Dean Rob Flot in 2017 and President Harry Elam, Jr. in 2020, Blanche said the college seems to be making strides in the right direction.

"I think with the new administration, there's just been a new a renewed interest in our approach to preventing sexual violence and dating violence on campus," Blanche said.

The administration is making efforts to address OSAC's demands in particular. In an announcement Nov. 16, for example, President Elam detailed a new Sexual Misconduct Training and Education Working Group — of which Blanche is a

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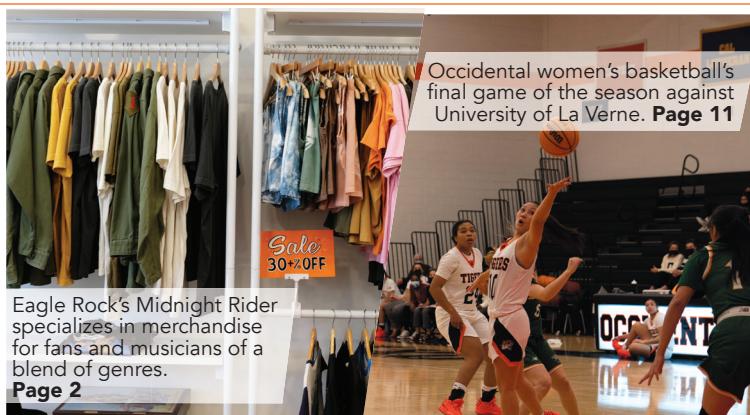
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Dive deep into Black history with Justin Dunnivant

By Mostyn Trudinger-Smith

Seventy years after the graduation of Occidental's first Black students, Dr. Janet Stafford '52, George F. Ellison '52 and Barbara Bowman Wright '52, the college welcomed Justin Dunnivant as the Stafford Ellison Wright Scholar in Residence. Dunnivant is an assistant professor of archeology at UCLA and co-founder of the Society of Black Archeologists. He conducts research with a wide range of questions in a wide range of locations — including the bottom of the ocean — all united by his essential project of studying Africa and the African Diaspora of the past 500 years through archeology.

Erica Ball, chair of the Black Studies department and Stafford Ellison Wright Committee Member, said that every year the committee aims to find someone who is on the cutting edge of their field and can get students excited about the expansive nature of Black Studies. According to Ball, Dunnivant is able to access the same history that she studies through literature and theory in a way most people would not consider, showcasing the diversity of disciplines that Black Studies encompasses.

"We can look for it in different places," Ball said. "We can look for it in print culture if you're coming from the humanities and studying literary works, we can find it at the bottom of the ocean if you're doing the work that Dunnivant is doing."



PHOTO COURTESY OF JUSTIN DUNNAVANT

According to Dunnivant, his current projects center around finding Maroon communities — communities of self-freed, formerly enslaved people and the subject of one of his public lectures at Occidental — and around the connections between the environment, ecology and slavery, from the past through to the present day.

Dunnivant said he first got the idea for his current project in St. Croix while visiting the island and seeing the current environmental problems.

"I got interested in understanding the colonial roots and origins of a lot of these issues," Dunnivant said.

JUSTIN DUNNAVANT

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Students who reported anti-Asian texts to the college detail the process, search for solutions

TEXT RESPONSE FROM FRONT PAGE

According to Yeh, Arguedas became an important support system for her throughout the process.

"I wanted to shoulder as much weight as possible. Because when anything like this happens, there's a deep personal impact and I knew that was the case," Arguedas said.

The anonymous source said she felt Arguedas was the first person she talked to who took the violent language in the texts seriously. She said this acknowledgement and his support were incredibly important to her.

"No one was willing to say the word 'racism' and that's what was really frustrating to me," the anonymous source said. "I feel like he [Arguedas] was the first person to see the gravity of them [the texts]."

Arguedas said that in every interaction with Yeh and the anonymous source, he prioritized recognizing the violence of the text messages and affirming the harm the students experienced as a result.

"Oftentimes — and I don't want to make it just about these two students — when someone's moving through something like this, there's so many things that cloud your mind," Arguedas said. "Like, 'Am I overreacting? Is this a big deal? It doesn't seem to be gaining traction with other folks.' And so what I said is what I believe: 'This is not okay. This is explicitly racist. And let's work together to see what we can do in terms of next steps.'"

Arguedas has been at Occidental since Fall 2018 and first started working in the Dean of Students office.

"To be clear, it's the most explicit racist language that I've seen in my time here written out," Arguedas said. "It's very important to me to speak that out loud. It's about affirming someone's experience."

Arguedas said he wanted to make sure that he shared the appropriate information with people on campus. After initially meeting with Yeh and the anonymous source about the incident, he made a request through the Dean of Students office for both Yeh and the anonymous source to have the option of academic flexibility if they needed it. In addition, Arguedas also filed a Care Report for both students, detailing his meetings with them and the language within the text messages.

All Care Reports at the college are referred to the Student Success Team (SST), which oversees cases related to significant student crises and struggles, according to Vivian Garay Santiago, associate dean of students and the director of student success. Members of the SST reach out to students through staff who are close to them, such as coaches, resident directors or other staff.

"We view ourselves as all the different connection points at the college," Santiago said.

Santiago said the amount of staff who reach out to any given student depends on the risk of the individual situation and how receptive the student has been to the staff who reach out.

Yeh said she also met with Marcus Rodriguez, assistant dean of students and director of Student Leadership, Involvement & Community Engagement (SLICE). Yeh said in the meeting Rodriguez offered support, discussed the conduct and DHR processes and discussed the possibility of creating training modules for Theta.

Rodriguez said his office first became aware of the texts in mid-November 2021 after Arguedas submitted the Care Report and has continued to offer support to the students.

Santiago also chairs the part of the Occidental Behavioral Intervention Team (OBIT) which oversees student-involved threats. That team includes representatives from Campus Safety, Emmons Wellness Center and the Office of Student Conduct.

Santiago said that after the Care Report was filed, members of both the SST

and OBIT — including Assistant Dean of Students and Director of Residential Education, Housing Services and Student Conduct Isaiah Thomas, Director of Campus Safety Rick Tanksley and herself — discussed whether they needed to convene OBIT in order to assess the threat.

They ultimately decided not to call an OBIT meeting.

"It was clear there was no threat. These messages were over a year old. They were a conversation between two people. It was fairly obvious that there was no need to convene anything," Santiago said.

However, after the messages were released publicly in early February this year, OBIT met Feb. 7 to discuss the incident, according to Santiago.

November-December 2021: The DHR Process and its threshold

As both students became increasingly frustrated by Theta's lack of action, Yeh and the anonymous source said they began to discuss the different avenues for action at the college with Arguedas, including filing DHR forms.

"What I conveyed is this: I wasn't sure where the DHR policy was going to take us. However, what I felt was most important is that the college has a record of it because who knows how many other times this has happened," Arguedas said. "And if there is a pattern, then folks need to know, and the people who oversee that process need to know."

With the help of Arguedas, the anonymous source and Yeh each individually filed a DHR report in November 2021. The reports included screenshots of the text messages, according to Yeh.

In her DHR report, the anonymous source also mentioned another student involved in Theta who knew about the text messages and dismissed their violence and seriousness.

"She had said [I] need to get over it because this is the real world," the anonymous source said.

The anonymous source said that it seemed like almost instantly after filing the DHR reports, she and Yeh received an email from Thomas inviting them to set up a meeting to talk about their DHR reports.

"So at that point, we were really excited. We thought people are taking it seriously and something's going to happen," the anonymous source said.

However, in the Dec. 8, 2021 meeting to discuss the students' DHR reports, the anonymous source said she quickly became disappointed when she learned the college would not take any action.

According to Thomas, the college conducted an assessment of whether the conduct constituted a potential violation of Occidental's DHR based on multiple factors, including the nature and timing of the conduct, the identities of the sender and recipient, the context of the conduct, the requests of those who reported the messages to the college and whether there was a risk of physical harm to any individual or group.

Considering these factors, and the free speech protections afforded to students in disciplinary proceedings, the College found that these messages did not contain a credible threat of violence, and determined they were not subject to discipline under the DHR Policy," Thomas said via email.

Vice President for Student Affairs and Dean of Students Rob Flot said he first became aware of the text messages in November 2021 and was aware the SST was involved and a DHR case had been filed, but that he did not learn the exact content of the text messages until February. Flot said that because students have a right to appeal decisions related to their conduct process, and he oversees those appeals, he is intentionally removed from the conduct process.

"I intentionally and necessarily am not always intimately involved in situations because it could bias my response," Flot

said.

Yeh said she was very surprised when Thomas told them that the language did not meet the threshold for going further with an investigation.

"I remember he specifically told us that the DHR policy had a very high threshold," Yeh said. "He commented that these text messages were hate speech, and they were very violent. But I think the part that we didn't agree on was the mode of action and accountability."

The anonymous source said she was unsatisfied with Thomas' response.

"Over and over again, 'It doesn't meet the threshold,'" the anonymous source said. "I get that that is the legal language, but there's no acknowledgment of the fact that these are words that represent sentiments that lead to actual violence. And just because this specific thing wasn't a credible threat doesn't mean those thoughts that are espoused by people can't lead to violence in other cases."

After their meeting with Thomas, both students met with Arguedas again. Arguedas said he was disappointed, and apologized to the students because the DHR process did not turn out the way he had hoped or expected.

"In the course of our meeting, hearing from them about their experience, I felt like I misled them and that I shouldn't have directed them to the DHR policy if I'm being honest. And I wanted to take responsibility for that," Arguedas said. "Because yes, I can say I think it's important so we track these things, but I also have to recognize all of the emotional taxation of putting in a report, sharing it with others, meeting with folks, and then the meeting not going as you had hoped."

December 2021: Safety, Confidentiality and the Student Conduct process

Thomas gave Yeh and the anonymous source the option of initiating the Student Conduct process. However, student conduct cases require that the accused students would receive a copy of their complaints with the exact language that was used. Frequently, these complaints include the names of the students filing them, as well as other identifying information.

The anonymous source said she and Yeh did not feel comfortable knowing that the accused students would have access to their reports.

In addition, Thomas also told the anonymous source that if she initiated the Student Conduct process, the results of the investigation would not be shared with her and Yeh. This option did not feel safe to Yeh and the anonymous source, Yeh said.

"We made it very clear to him [Thomas] that we weren't going to move forward with that — not because we don't want any accountability taken — but because we didn't feel like we were put in a safe position in that process," the anonymous source said. "They kept making a big deal about the texts not being targeted toward [individual] people. So then why were Shanna [Yeh] and I having to represent that? Why couldn't the school just handle it? It shouldn't have been on me and one other person to take this anywhere."

Yeh said that hearing she would need to submit a conduct case with her identity attached brought back the uncomfortable and unsafe feelings from when she had first seen those text messages.

"She [Student A] holds these very violent and hateful thoughts about a community that I'm a member of," Yeh said. "So personalizing that even more made me very scared and uncomfortable about how I would continue to be a student here."

Yeh said she felt uncomfortable not only because she and Student A went to the same college, but were also in the same major and Yeh said she knew Student A had planned to enroll in one of her classes in the Spring 2022 semester. (Student A is no longer enrolled at Occidental.)

"Obviously Oxy is a small campus.

You see people. And after I saw those text messages, I was immediately uncomfortable in the space that we shared," Yeh said. "So when Isaiah was saying, your last option is to file this nonconfidential report, I was very scared about my safety and how comfortable I would be on campus."

The anonymous source agreed.

"I couldn't reconcile the fact that every avenue and every person had been telling me it doesn't matter — but I've been unable to leave my house, really struggling in school and stuff like that, and I felt frustrated that it happened," the anonymous source said.

According to the anonymous source and Yeh, Thomas never reached out after they decided not to file a student conduct case and neither Flot, Bradley nor Elam have reached out to either of them as of Feb. 15.

"I know the president [Elam] shared that he was just recently made aware of this and I would think that the president or the head of Diversity, Equity & Justice [Carreon Bradley] should know about reported racist incidents, regardless of if action is taken or not," Yeh said. "So they understand what is happening on their campus and what their students are struggling with. So they can better support them and prevent it from ever happening again."

Carreon Bradley said they first learned about the anti-Asian text messages Feb. 2, when a member of the Civil Rights & Title IX office mentioned seeing the texts on social media.

"My role is to work at the strategic institutional level to increase diversity and inclusion and to fuse equity and justice into everything that everyone does on a daily basis," Carreon Bradley said. "So it would be unusual for me to be aware of interactions between specific students because we have processes and protocols in place for that for both support and for accountability."

Carreon Bradley said when they first became aware of the text messages, they were provided few details and did not even initially view the text messages themselves.

"That is one of the things that we are looking at really critically — what are the triggers that would cause something to be elevated?" Carreon Bradley said. "Typically those thresholds are pretty high because you want that process to be protected. So in this case, for example, if a student goes and makes a complaint, you don't want to share that student's identity or what they said broadly."

Carreon Bradley said that following Feb. 2, they met with administrators including Flot, the Director of Athletics Shanda Ness, Civil Rights & Title IX Coordinator Alexandra Fulcher and Thomas to develop a collective response to support students and develop possible communications protocols.

Students were not the only group outraged by the college's response.

Connie Chung Joe, chief executive officer at Asian Americans Advancing Justice – Los Angeles and a former American Civil Liberties Union (ACLU) attorney who worked on First Amendment matters, wrote Occidental College an Open Letter Feb. 11.

"I was disappointed and frustrated by the fact that the school administration had forwarded these texts, or some content of them, to at least two different offices in the school or to different people, and to see that no action had been taken, that they had not been elevated or responded to in any way by the school for months," Chung Joe said.

Rethinking how the college handles incidents of hate

"I think there's a lot of work to be done around, if something does not fall within the context of DHR, what then? What do we do?" Arguedas said. "I don't think we have the answer. I think we owe more to students."

The anonymous student source said

that she has taken this incident as an indication of how many incidents of racism could have occurred at the college without gaining any traction through the college's current pathways and processes.

"Something I've been thinking about a lot lately is that for me to be as surprised as I was in that situation was definitely coming from a very privileged position," the anonymous source said. "That's why I also want to be anonymous because I don't want to be claiming space when this isn't the first racist incident that happened. This is the lived reality of a lot of students of color at Oxy and it was naive of me to think that somehow I would leave unscathed by that."

Elam announced his Black Action Plan in a campus-wide email Aug. 26, 2020, and a subsequent Equity and Justice Agenda March 29, 2021.

"It's trying to look at the whole of our college and also the experience of minority students," Elam said. "To create a space where, at Occidental, every student is valued. Every student feels like they belong. Every student feels like they can thrive. So equity and access are key elements within that."

Embedded within the Equity and Justice Agenda is a plan for a Bias Education Support Team (BEST), according to Elam.

"The 'E' is important because we're an educational institution," Elam said. "And in a case like this, or in other cases subsequently, how are we going to educate the person to the problems that we see here?"

According to Elam, the college also seeks to hire a new position to work on training and education.

Arguedas said many people have been a part of a working group and involved with developing BEST, but that he started working on it in the summer of 2020.

"There's a real opportunity within that to be able to be responsive and not reactive," Arguedas said. "And also to collect really important data about what's going on. Because we can't create cultural change until we have a sense of the things that perhaps DHR is not catching."

According to Carreon Bradley, after arriving at the college at the beginning of Fall 2021, he began to oversee the development of BEST.

"We're trying to figure out a way to initiate a team with the staffing capacity limits that we currently have. Because Oxy needs to make sure that we're not trying to do everything and doing everything poorly, but doing a very targeted and intentional set of things and doing it well," Carreon Bradley said.

Carreon Bradley said integrating all necessary voices into the plan, while working around all laws and on-campus policies, has caused the plan to require a full year of preparation.

Arguedas emphasized that BEST does not necessarily have to be punitive, but it must be rooted in acknowledging harm and serving what students need.

"I think once the text messages broke, it became about what we could or couldn't do through a punitive lens," Arguedas said. "But I want to be clear — that's not where we started. No one ever met with me to say, 'We want the student expelled.' It was, 'We want something, we need something.' And I think that as educators, we have to look at the underlying hurt and you have to understand it. And then we have to respond to it thoughtfully and with discernment."

**The names of Student A and Student B have been omitted in this article for their privacy.*

**The identity of the anonymous student source has been withheld for her safety, in accordance with our anonymous source policy. For more information on anonymity, visit our Frequently Asked Questions.*

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