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## **From Racial Antipathy and Apathy to Racial Sensitivity**

On Feb. 16, 2007, on the apropos occasions of MIT's 33rd Annual Martin Luther King, Jr. Breakfast Celebration and the conclusion of Professor James Sherley's 12-day fast, the Institute issued a landmark statement on race issues. For the first time, the terms "racism" and "MIT" were finally written in the same breath into Institutional archives beyond its boilerplate. The statement reaffirmed MIT's responsibility for ensuring that all members of its diverse community feel welcome and respected and that its grievance processes are comprehensive, fair and timely.

"[Sherley] has raised issues that reach beyond any single individual or any single institution," commented President Susan Hockfield.

These political gestures, taken at face value, cast a ray of hope against a bleak backdrop of the quintessentially monolithic, monochromatic or at best apathetic ethos on campus. Just two days earlier, Paul E. Gray '54, former chief executive of the Institute and MIT golden jubilee alumnus and career professor, crashed the protest site personally and openly criticized Sherley's hunger strike as "unwise." Then, chemistry professor Keith A. Nelson vehemently condemned Sherley's comparison of himself to the victims of the civil rights struggles as "sickening", adding that he did not consider any of his colleagues "dishonest or outright evil, however racist [their] motivations".

An editorial of *The Tech*, while acknowledging that an offense might have been committed against Sherley, summarily dismissed Sherley's racism complaints as lacking evidence by mistakenly putting the burden of proof on him, urging that "the Institute owes it to our entire community not to follow the path of appeasement." Another column in *The Tech* later amplified this sentiment, denouncing Sherley's complaints as "race-baiting" and his reference to the civil rights struggles as "racial hyperbole" and vowing not to "kowtow to the fear of being called a racist". Earlier that week, Chairman of The Tech Michael P. McGraw-Herdeg conceded to *The Harvard Crimson* that "there had not been too much student reaction to Sherley's protest".

Why such a gaping disconnect between the principals involved and the rest of the campus? For one thing, most casual bystanders could hardly fathom all the complicated facts of the matter, let alone their legality. In fact, under Massachusetts SJC's established three-step burden-shifting test for cases alleging discrimination<sup>2</sup>, once a complainant establishes a prima facie case of discrimination, the burden shifts to respondents to articulate a reason for their adverse employment decision, before the burden returns to the complainant to show that the respondents' reason is discriminatory. Now, a prima facie case of discrimination has been laid out in "A Plea for Fairness at MIT" dated Feb. 6,

2007. Therefore, the ball is in respondents' court to articulate a legitimate reason for such unfair treatments. As *The Tech* put it, "MIT owes Mr. Sherley a true and open response to all of his allegations." Until then, the burden of proof remains with the respondents instead of Sherley.

According to a Feb. 6, 2007 editorial in Boston University's *Daily Free Press*, "Sherley [claimed] he overheard [then MIT provost Robert Brown] say he did not want to grant lab space to a black man.[Brown] should offer a brief but personal refute to the racist allegations against him to counter the attacks". So far, Brown has remained tightlipped.

As President Hockfield rightly emphasized that morning, the spirit of the MIT statement goes beyond the MIT administration and Professor Sherley and "reaches into the larger MIT community. We will only move ahead if we do so together." If there is any validity to her comment, she will have her work cut out to instill, install, and enforce across campus the new spirit of racial sensitivity behind the MIT statement.

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