

**The Commonwealth of Massachusetts
Commission Against Discrimination
The Springfield State Office Building
436 Dwight Street, Rm. 220, Springfield, MA 01103
Phone: (413) 739-2145 Fax: (413) 784-1056**

MCAD DOCKET NUMBER: 21SEM00375
FILING DATE: 02/25/2021

EEOC/HUD CHARGE NUMBER: 16C-2021-00616
VIOLATION DATE: 02/19/2021

Name of Aggrieved Person or Organization:

Jodi Shaw
C/o Michael Thad Allen, Esq.
Allen Harris Law
P.O. Box 404
Quaker Hill, CT 06375

Named is the employer, labor organization, employment agency, state/local government agency, or other entity who discriminated against me:

Smith College
Human Resources/Legal Department
30 Belmont Avenue
Northampton, MA 01063
Primary Phone: (413)585-2260 ext. _____

No. of Employees: 25+

Work Location: Northampton, MA

Cause of Discrimination based on:

Race/Color and Retaliation

The particulars are:

I, Jodi Shaw, the Complainant, believe Smith College, the Respondents discriminated against me on the basis of my Race/Color and in Retaliation for opposing discriminatory practices. This is in violation of M.G.L. 151B, Section 4, Paragraphs 1, 4, and Title VII.

See Attached for Particulars.

I hereby verify, under the pains and penalties of perjury that I have read this complaint and the allegations contained herein are true to the best of my knowledge.

(Signature of Complainant)



ALLEN HARRIS LAW

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February 25, 2021

MCAD Boston Headquarters
1 Ashburton Place, Suite 601
Boston, MA 02108

RE: Fresh Complaint of Jodi Shaw

Dear Commission,

I am an attorney admitted to practice in the Commonwealth of Massachusetts and represent the Complainant in the attached Complaint.

Please accept my client's Complaint for filing, and please do not hesitate to contact me if I can provide further information or if there are any questions.

Sincerely,

Michael Thad Allen

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

JODI SHAW,

Complainant,

vs.

SMITH COLLEGE

Respondent.

MCAD Docket No. 21SEM00375

EEOC/HUD No. 16C-2021-00616

COMPLAINT

1. Jodi Shaw brings this Complaint against Smith College (“Smith”), which subjected her to a hostile environment based on race and then retaliated against her for complaining about the hostile environment. Smith has nurtured an atmosphere of race-based intimidation and coercion in which Smith singles out staff, including but not limited to Shaw, on the basis of their skin color.

2. Shaw brings this complaint before the Massachusetts Commission Against Discrimination seeking relief for Smith’s violation of her rights under Title VI and Title VII of the Civil Rights Act, 42 U.S.C. § 2000d et seq. and 42 U.S.C. §2000e et seq. as well as Mass. G.L.c. 151B.

3. Jodi Shaw is a resident of Northampton, Massachusetts, and until her constructive termination on February 19, 2021, Shaw was of Smith College.

4. Smith College is a private institution of higher education with its principal place of business in Northampton, Massachusetts. Smith College receives federal funding.

5. The college expends vast amounts of energy and resources creating and executing initiatives and programming aimed at convincing staff, most of whom are low-level employees without authority or influence, that white people are inherently racist by virtue of their skin color, have inherent power and privilege over all others in society regardless of context, and cannot be subject to discrimination—even as Smith justifies discriminating against them in on the basis of their skin color.

6. This hostile environment began in earnest after an incident on July 31, 2018. A black Smith student publicly accused a white staff member of engaging in racial discrimination against her by calling campus security. The accusation was false, as Smith's investigation should soon showed. The student was unexpectedly encountered in a building set aside for a children's summer camp program, in which only children in the program and the adults affiliated with the program – who had all provided child-abuse clearances – were permitted to be present.

7. Prior to conducting any investigation, Smith immediately took actions indicating the college's unquestioned and unassailable support of the student's false allegations.

8. Smith's response included, without limitation:

- i. Issuing multiple public apologies to the student for making her allegations;
- ii. Requiring that staff (but not faculty or students) attend mandatory "anti-bias" training; and
- iii. Initiating policy changes, convening new committees, holding lectures and workshops to focus on racial "dialogue" and "equity and inclusion."

9. "Equity and inclusion" are, in reality, Smith's euphemism for a race-based program to force white staff to accept responsibility for patently false accusations of "racism."

10. Shortly after the incident, the student posted the names, photographs, and contact information of two white staff members who she wrongly accused of calling campus security because she is black. The staff she accused did not, in fact, do so. Moreover, the student reiterated her false allegation that campus security was called because she was black, not because she was in an area where students were not allowed unless they were with the summer camp program, regardless of race.

11. The student later removed the photos and information of first one and then the other staff member. Her false accusations nevertheless had deep and lasting consequences not only for the staff whom she publicly and falsely accused; but also for the entire Smith community.

Repercussions included the removal of at least one security officer from duty. One of the falsely accused staff left Smith as a result of this public accusation and Smith's support for the false accusations of racism.

12. Another staff member remained at Smith. She suffered a torrent of harassing behavior, including phone calls and abusive letters left at her private home address and inside of her car. She was singled out on campus, with students saying things like "there's the racist." As recently as May 10, 2020, almost two years after the incident, the student who had wrongly accused this staff denounced her as a "racist bitch" in a campus dining hall where the staff member was working.

13. Such abuse of staff is expressly against Smith's rules and policies. Yet there was no letter from administrators denouncing the behavior, and no public apology for Smith's negligence and collusion in supporting the student's behavior. Smith's response instead created a workplace environment fraught with fear, racial tension, and extreme intimidation.

14. Shaw began to feel that one could only be valued in the so-called Smith "community," not due to the quality of their work or the content of their character, but only if the individual could lay claim to some sort of history of discrimination, oppression, or grievance.

15. In August 2018, another Smith staff member issued a public letter in which she stated that that staff are now living in a "climate of fear, hostility and exclusion" due to their handling of the July 31, 2018 incident. Smith did not respond to this staff member's concerns.

16. At the time of the incident, Jodi Shaw was employed in the Smith College Libraries, one of many places where Smith attempted to institutionalize its race-based policies.

17. Smith had recently asked Shaw to prepare a memorable and entertaining orientation program for first-year students. Shaw worked hard on this program because she had recently applied for a new, higher-level position -- called the First Year Experience Librarian -- that had opened up in the library and that she hoped to get.

18. Shaw has a background in music composition and performance. She therefore had decided to do a rap music presentation, knowing that rap music is popular among students regardless of race. Such a program fit Smith's direction to Shaw to prepare a memorable orientation event to be performed in a large concert hall for an audience of six hundred new students.

19. Shaw's supervisor in the library at the time, [REDACTED] and Dean of Libraries [REDACTED] were both aware that she planned a rap performance. Neither expressed any objection to Shaw's approach.

20. However, Smith perceived the need to institutionalize race-based policies following the July 31, 2018 incident, and Shaw got a new boss at the library, [REDACTED]. Following the July 31 incident, [REDACTED] informed Shaw that performing rap music was problematic "because you are white." Shaw asked him if this would be somehow permissible if she were a person of color. Without hesitation, he replied "yes."

21. This is only one indication that Smith has instituted unwritten, and to the staff unknowable, policies that dictate what staff may do and say on the basis of race.

22. [REDACTED] followed up by email to say, "The use of rap as a medium by a white staff member and student could easily be perceived as insensitive or cultural appropriation by incoming Smith students and could create a perception with students that the library is not racially sensitive," which would be particularly problematic after "this summer's incident." Under Smith's current policies, segregating staff and students according to race-based rules of what may be said or performed is somehow "racially sensitive." It racially discriminates against all students, regardless of race. It pigeonholes them. It relegates them to the cultural performance, in this case of music, of whatever Smith arbitrarily decides is "appropriate" or "authentic" for their skin color.

23. Following this meeting, Shaw was instructed to create a new orientation program on extremely short notice and told that this was an opportunity "for us to see your resilience and

creativity in how you manage to turn this around by next Wednesday, in light of your candidacy for the First Years' Experience position." Shaw's candidacy for the new position was therefore contingent on preparing, at a moment's notice, a program consistent with Smith's new unwritten and incomprehensible standards for "cultural appropriation" and "racial sensitivity."

24. This experience branded Shaw as a morally deficient person as result of her skin color, just as staff workers had earlier been presumed guilty simply on the basis of a false accusation. Shaw agonized at the thought of being humiliated again in her interview. She withdrew her application for the position of First Year Experience Librarian, a casualty of Smith's race-based employment practices.

25. Following the withdrawal of her application for the First Year Experience Librarian position, Shaw started in the position of Student Support Coordinator in Residence Life on October 29, 2018. Unfortunately, she soon discovered that the hostile racial climate that permeated Smith following the July 31, 2018 incident extended to the Department of Residence Life as well.

26. At a professional development meeting in January 2019, she was forced to discuss the ways in which Smith "upholds white supremacist values." In response to a question about what the problem was supposed to be at Smith, Shaw's colleague ██████ began banging his fist on the table while loudly chanting "Rich white women! Rich white women," referring to Smith College alums (of which Shaw is one, although she is scarcely "rich"). ██████ did this three times, categorizing Smith alumnae by race as white supremacist based on nothing other than their skin color. No one in the meeting expressed concern with Simmons' behavior.

27. Shaw's supervisor, ██████ further informed Shaw that employment decisions were made on the basis of race at Smith College. Specifically, she stated that a complaint about ██████ issues with time management were put on ice because he is "black and gay." Smith

not only condones and encourages the disparagement of individuals based on race but also uses race to make employment decisions about other employees.

28. In her role as Student Support Coordinator, Smith also required Shaw to interact with students differently based upon their race.

29. As an example, Shaw is responsible for fulfilling housing accommodations mandated by Smith's Office of Disability Services. Recreational use of marijuana was legalized in Massachusetts in late 2018 and there was a corresponding surge in use amongst students in campus housing. This led to requests for housing accommodations for students adversely affected by marijuana smoke. A simple, facially neutral policy would have been, for example, to enforce college rules against marijuana on campus regardless of race by asking students to call campus police when they smell smoke. However, Smith instructed Shaw, "No, we don't do that." When she asked why, Smith told Shaw that students of color are unfairly treated by the police, unfairly impacted by police presence on Smith's campus, and thus feel "traumatized" by police at Smith--one of the most exclusive and secluded women's colleges in the United States where to the best of Shaw's knowledge there have been no recorded incidents of police brutality of any kind. The investigative report into the incident of July 31, 2018, which delved into records of the campus police department, also did not reveal any such brutality.

30. Shaw suggested that it was likely that students of all skin colors were smoking marijuana in the residential houses or bothered by the smoke. Smith told Shaw that the mere presence of campus police in residential houses would upset and "traumatize" students of color, regardless of whether or not they were the ones smoking the marijuana.

31. Smith's race-based policies somehow purport to protect people of color from campus security by forbidding them from turning to campus security in situations in which students, including white students, smoke marijuana that irritates black students or other people of color.

32. As another example, by Fall 2020, Smith had created racially segregated “affinity houses.” This was one of the demands issued by students in response to false accusations of racism during the July 31, 2018 incident. These are dormitories reserved for students on the basis of race or other preferred identities. But more beds were available than there was demand in the “affinity houses,” because self-segregation among Smith’s student body is not actually popular.

33. In the College overall, however, there were more incoming students (regardless of race) there were available beds in the (non-“affinity”) residence halls. Despite the empty beds available in “affinity houses,” Smith placed several first-year white students who did not have bed in the dormitories into temporary makeshift living spaces. Shaw suggested assigning some of the incoming white first years who did not have permanent beds to rooms in an “affinity house,” but Smith firmly refused. The white first-year students had to remain in temporary housing assignments due to their race and Shaw was required to enforce this policy in order to maintain Smith’s segregation policies for the “affinity houses.”

34. Shaw was also expected to support a Residence Life curriculum that instructs students to make assumptions and project stereotypes on the basis of race. She was personally expected to uphold these stereotypes. Shaw objected to her supervisors that she is uncomfortable making assumptions about people based on solely on observable skin color.

35. Meanwhile, the climate for Shaw – and other white Smith staff – grew ever more toxic due to Smith’s express commitment to race-based policies. Some students continued to issue demands for racial discrimination at Smith. Smith repeatedly capitulated and acquiesced to these demands.

36. In March or April of 2019, Shaw requested and was granted a meeting with ██████████ ██████████ to troubleshoot how she might communicate more effectively with her relatively new supervisor, ██████████ During this meeting ██████████ instructed Shaw to “remember ██████████ is a brown

woman from Baltimore.” ■■■ did not specify how this information might be helpful. Although ■■■ did not elaborate, Shaw was clearly being instructed that people had to be treated differently on the basis of race in the office.

37. In April 2019, Shaw arrived at her office at Clark Hall to find a four-page list of student demands taped to her office door. These demands included express threats. The introduction stated, “If these demands are not met, our anger will be made clear to you, and you will feel it to the deepest extent to which our pains are felt. This is OUR campus, and ***we will take our fight to every house, every office, and every person who needs to be fought***” (emphasis added).

38. Threatening staff is expressly against Smith rules. Nevertheless, the administration did nothing to assure staff that they would not be attacked, nor did any of Shaw’s supervisors in Residence Life ask staff about the threatening demand letters posted on all their office doors.

39. Instead, Smith immediately issued a letter to the “community” announcing the steps the college would take to meet the students demands, which included the creation of racially segregated affinity houses.

40. In January 2020, Smith required Shaw to attend a Residence Life staff retreat. The focus was racial issues under Smith’s evolving race-based policies. Hired facilitators asked each member of the department to respond to intensely personal questions about their race and racial identity. When it was Shaw’s turn to respond, she said, “I don’t feel comfortable talking about that.” She was the only person in the room who refused to participate in what was obviously meant to be a struggle session.

41. The facilitators then announced that discomfort and resistance by a white person to discussing race or skin color is a symptom of “white fragility.” The group was told, indicating Shaw as the clear culprit, that a “white person” who says they are uncomfortable with such a discussion

“may seem like they are in distress,” but this is actually a “power play.” In other words, any white person, even a low-level staff member, who objects to discussing their race in terms of rigid, foreordained racial stereotypes is explicitly branded as a racist aggressor under Smith’s new policies and so-called “training.” Shaw was directly shamed and humiliated for abstaining.

42. At the retreat, the facilitators also asked participants, including Shaw, to describe how they “feel” about working in teams. Shaw disclosed that she felt less comfortable working in teams than she does working independently.

43. Then, at the end of the session, the facilitators disseminated a handout entitled “characteristics of white supremacy culture.” This made the racist statement that “individualism” is a characteristic of white supremacy. The trait of “individualism” was described as “little experience or comfort working as part of a team.” In addition to sending the condescending and racist message that people of color are somehow incapable of individualism, the facilitators condemned Shaw individually as a white supremacist for stating the preference for working independently.

44. Following the retreat, Shaw’s supervisor ██████ expressed disappointment with Shaw’s behavior – specifically, her unwillingness to discuss her “race” in a public setting. Shaw replied that she was not comfortable discussing skin color as work performance and pointed out that it is not in her job description ██████ replied, “your job description needs to be changed anyway” – clearly conveying to Shaw that she would soon suffer retaliation for her unwillingness to subject herself to race-based humiliation.

45. Shaw also met with another supervisor, ██████ and told her that as a result of the retreat, she was experiencing severe distress. Shaw told her that she was now even more uncomfortable discussing race/skin color at work and would no longer participate in discussions that singled out employees on the basis of race. ██████ informed Shaw that discussing and categorizing people on the basis of skin color was part of her job. Shaw stated that if this were true,

it needed to be very clearly stated as such in her job description using clear, specific language. She cited the example: “employee must discuss his/her skin color/race at work.” Like ██████ also informed Shaw that her job description needed to be changed, a change clearly meant to enforce Smith’s race-based policies.

46. Requiring white employees to confess that their skin color justifies the presumption that they are “racist” and responsible for “systemic racism” singles out these staff members on the basis of race regardless of the content of their character. Smith’s practices also define any resistance or dissent as further evidence of “racism.” These practices therefore discriminate on the basis of race, and they also discourage independent dissent by all staff, regardless of whether they are white or not.

47. Requiring anyone to confess “racial privilege” in Smith’s so-called training sessions creates a hostile work environment. It also discriminates against non-white staff who do not share Smith’s bizarre orthodoxy that such traits as individuality, rationality, and other characteristics are somehow anti-black or otherwise racist.

48. On February 3, 2020, Shaw met with ██████ Smith’s Director of Equal Opportunity and Compliance, to discuss filing an internal complaint of racial discrimination and hostility according to Smith’s grievance procedures ██████ response was to ask, “do you believe in white privilege?” To Smith, when a white employee asked that the college to abide by its own policies and rules, this was further evidence of “white privilege.” To Smith, following rules (like individualism) is apparently also “white,” resurrecting the most obnoxious stereotypes of 19th-century racist colonialists.

49. ██████ also told Shaw that she would need to hire an outside investigator because Hunter lacked experience “in this area.” When Shaw asked her to elaborate, ██████ said that it is because Shaw is white. ██████ informed Shaw that the Civil Rights Act was created to protect

traditionally marginalized groups. ■■■ would not take her complaint seriously because Shaw is white.

50. During a subsequent phone call with ■■■ Shaw expressed her fear of retaliation and told Hunter that her supervisors had suggested her job description needed to be changed. ■■■ responded that Smith is allowed to change Shaw's job description.

51. On February 17, 2020, Shaw sent ■■■ an email notifying her that she intended to file a complaint through Smith's Equal Employment Opportunity process for employees. In this email (which ■■■ also received), Shaw stated, "I need you to stop asking me to discuss my race and skin color (and other protected characteristics) at work and allow me to do the job I was hired to do. My job description clearly outlines my responsibilities."

52. On March 2, 2020, Shaw filed the first of a two-part complaint. Shaw filed the first part of her complaint – about her treatment at the January 2020 staff retreat – before the rest of her complaint was finished, because she wanted to get the complaint process started in order to protect herself from retaliation.

53. Two days later, Shaw met with ■■■ to discuss reformatting her job description. Near the end of that meeting, ■■■ surprised Shaw with the information that "large chunks of responsibilities" might be taken away from her, which could result in adverse employment consequences concerning salary and eligibility for overtime pay.

54. ■■■ suggested to Shaw that it would make the most sense to remove "meeting with and placing special needs populations" from her purview and to assign them to someone else. This was the most important portion of Shaw's job. This was one of the main reasons that she received slightly higher pay. Smith now threatened to eliminate this part of her job in retaliation for her complaining about the college's racially segregationist, discriminatory policies and practices.

55. Shaw became very upset and worried about this retaliation and direct discrimination. Shaw was so distraught that she phoned a crisis counselor, and the next day, she felt too ill to go to work.

56. On March 26, 2020, Shaw had another phone conversation with [REDACTED] [REDACTED] again mentioned hiring an outside investigator because she had “not handled this kind of claim before.” Shaw told her that her understanding was that [REDACTED] was the person who handles such claims. [REDACTED] repeated, for the second time, “it’s different because you’re white,” and that this was a question of “reverse discrimination.” This reinforced Shaw’s concern that her complaint was being handled differently because of her skin color.

57. On May 12, 2020, Shaw filed the second part of her complaint with [REDACTED] documenting the racially hostile environment dating back to her time on the library staff.

58. In the meantime, Smith continued to host events villainizing white people for their race based on stereotypes that are no less demeaning and prejudicial to people of color. For example, on June 1, 2020, Shaw attended the first 25 minutes of a “Generating Justice” event, at which the emcee told the audience that voices of people of color must be prioritized and that white people had to take a “back seat.”

59. Following this event, the College sent out “resources” with titles including “Dear White People, This is What We Want You to Do.” The resources also invited people to join one of the following “affinity groups”: LGBTQ; Asian/Asian American; International; Black; Mixed Race; Latinx; or “White people committed to anti-racism.”

60. Following the death of George Floyd, [REDACTED] forwarded the Residence Life department an email from Dean [REDACTED] [REDACTED] email stated that “On June 10, 2020, I ask you to consider how you will stop business as usual and engage in some personal reflection and anti-racist work and learning.” The email contained a link to #ShutDownAcademia,

which stated “Those of us who are not black, particularly those of us who are white, play a key role in perpetuating systemic racism... Unless you engage directly with eliminating racism, you are perpetuating it.” Once again, Smith’s supervisors pressured Shaw and other staff to show fealty to race-based condemnation of people solely due to their skin color. Segregating employees in this way counts as “antiracism” at Smith.

61. On June 9, 2020, ██████████ sent an email only to white members of Shaw’s department, convening a segregated meeting to somehow support colleagues of color. Again, to Smith, segregating employees by race somehow supports “anti-racism.”

62. The following week, Shaw had a pre-job performance review with ██████████ ██████████ told Shaw that she did not feel Shaw met the “mission and values of the department,” in particular the area of “Cultural Competency.” At Smith, “cultural competency” is a euphemism for the endorsement of racial stereotyping and segregation that the school now practices. ██████████ noted the professional development retreat (i.e. struggle session) of January 13, 2020 as an example of Shaw’s deficient “cultural competency.”

63. On June 30, 2020, ██████████ and Shaw exchanged an email negotiating the exact wording of Shaw’s complaint. ██████████ insisted on excising numerous examples of hostility. ██████████ told Shaw that these examples were better chalked up to “climate.” When Shaw objected, ██████████ informed her that this was better addressed in a meeting with the VP of the Office of Equity and Inclusion. ██████████ refused to permit them in the complaint. This was yet another example of Smith ignoring Shaw’s claims of a hostile environment.

64. Throughout the Summer of 2020, ██████████ and ██████████ increasingly took away various aspects of Shaw’s job, including working with students in the Conway Apartments and working with students who had accommodations. Yet they never formally communicated these

changes to Shaw – they just happened. This was clearly retaliation for Shaw’s failure to play along with Smith’s race-based policies and enforced stereotypes.

65. In July, Smith released a document entitled “Toward Racial Justice at Smith.” Shaw sent an email to the VP of Human Resources, ██████████ expressing concern over statements in the document that tied performance reviews and salary increases to an undefined commitment to “equity and inclusion,” a Smith euphemism for its race-based policies of discrimination. Smith also announced its intention to require further “cultural competency” training sessions, more of the same “training” like that in which Shaw had been singled out earlier on the basis of her race. ██████ ignored Shaw’s questions to clarify the nature of the training despite repeated follow-up attempts.

66. Because of the hostile environment and retaliation, on August 4, 2020, Shaw suffered her first panic attack and shortly after sought out twice weekly treatment from a therapist, whom she still sees.

67. On September 1, 2020, Smith president Kathleen McCartney issued a financial update that mentioned forthcoming furloughs and stated that “underlying all of our conversations [regarding financial decisions] will be a commitment to prioritize the work and resources that are essential for delivering on our core academic mission, including the strategic plan Toward Racial Justice at Smith College, which we shared in July.” Thus, Smith announced its intention to impose adverse employment consequences on anyone deemed insufficiently loyal to its race-based policies.

68. On September 10, 2020, Smith placed Shaw on a half-time furlough. On information and belief, Shaw was the only member of the Residence Life department to be placed on furlough.

69. Later that month, Smith continued to retaliate against Shaw. The task of issuing notifications to the housekeeping department – normally one of Shaw’s core tasks – was taken over

by [REDACTED] and [REDACTED]. As with the other responsibilities taken away from Shaw, Smith did not tell Shaw they were doing this – they just did it.

70. By late October 2020, Shaw had grown increasingly frustrated with the escalating hostile environment, the retaliation, and Smith's lack of action on her complaints. [REDACTED] had told Shaw the investigation would take 30-60 days. It had been over 100 days.

71. Therefore, Shaw posted a video to YouTube outlining her concerns with the racially hostile environment at Smith.

72. Once this went viral and three days after it was posted, [REDACTED] emailed Shaw asking to discuss the outcome of the investigation of her complaints. Hunter and VP of Equity and Inclusion [REDACTED] informed Shaw that there was "insufficient evidence" to support a claim of a racially hostile work environment. They also claimed they had legitimate reasons to require Shaw to engage in racially discriminatory and segregationist behavior.

73. The letter dismissing Shaw's complaints stated that the outside investigator had interviewed 14 people, including Shaw and the individuals she had named as respondents. On information and belief, none of the people Shaw had listed as witnesses to support her claims were interviewed. Smith refused to interview a single one.

74. That same day, Residence Life sent out its weekly newsletter to students. This newsletter was entitled "A Guide to White Privilege," which told the reader not to "deflect" when talking about white privilege. It stated that "**Whiteness can be hard for white people to acknowledge and the self-victimization of white people is extremely harmful for Black people and people of color.**" (Emphasis added.) In other words, even complaining about a hostile environment counts at Smith as evidence of racism.

75. In November, Shaw had a one-on-one meeting with [REDACTED] to establish professional goals. [REDACTED] presented a list of goals to be discussed, including departmental support

for the document, “Toward Racial Justice at Smith.” Shaw told ■■■ she would not be supporting this document until Shaw had a better understanding of the concepts outlined in it, and until she could be satisfied that they were not racially hostile. In response, ■■■ again brought up the January 13 professional development retreat, saying, “There were other white people in the room that day... you were the only one uncomfortable discussing your race.” ■■■ did not deny, however, that the struggle session of January 13 singled out Shaw on the basis of race.

76. On November 30, 2020, Shaw arrived at work to find a meeting on her calendar with Dean ■■■ and ■■■ from HR. ■■■ had offered to meet with all Residential Life staff regarding hostile and threatening emails. Of course, Smith did not mean its own discriminatory, segregationist, and race-based emails; it meant emails sent to Residential Life chiefly threatening Shaw following her YouTube video exposing the college’s discriminatory actions and policies. Shaw knew that ■■■ had already met with her colleagues, and believed ■■■ was now meeting with her for this same reason.

77. Instead, the meeting was an ambush. ■■■ told Shaw that her colleagues felt “harmed” and “unsafe” as a result of the YouTube video. Shaw had advocated for improved working conditions at Smith that are not based on institutionalized racial hostility. ■■■ then told Shaw that she had made a remark about the “affinity houses” that Shaw had never made, and ■■■ asked Shaw how she would go about providing support for students in the segregated “affinity houses.” Shaw responded that she would continue to support students in the “affinity houses” in the same way she provides support for all students regardless of race.

78. She also accused Shaw of forwarding emails from the departmental email account to her personal account and claimed that one of these emails contained personal information about a student. Shaw had forwarded such emails. On information and belief, this is routine among all Smith employees, especially when they work remotely.

79. The only difference was that in this case, the emails Shaw forwarded included demands that she be denounced or fired following her YouTube video and outspoken criticism of Smith's race-based discriminatory policies.

80. Shaw became aware that ██████████ offered to meet any individuals – including people from outside the Smith community – who wished to discuss their demands that Shaw be fired, disciplined, and canceled at Smith for objecting to race-based campus orthodoxy. Shaw had sent the emails to her private email account to preserve evidence of the pressure placed on the college, Smith's acquiescence to this pressure, and Smith's retaliation for Shaw's opposition to Smith's racially hostile environment and failure to kowtow to this pressure.

81. ██████████ placed Shaw on paid leave effective immediately, pending an "impact assessment" investigation. Smith conducted a pretextual investigation of Shaw's hostile environment complaint; it now swung into full and immediate action to investigate Shaw for speaking out against the hostile environment that Smith had created.

82. When Shaw later asked ██████████ to clarify why she was placed on leave, ██████████ responded that Shaw had been placed on leave for forwarding herself a single email that allegedly contained confidential student information. Smith refused to identify this email. The real purpose of the meeting was to intimidate Shaw.

83. On January 31, 2021, Smith formally reprimanded Shaw for forwarding herself emails—something no different from what other employees of Smith do on a regular basis—in retaliation for preserving evidence of Smith's wrongful and discriminatory employment practices.

84. On multiple occasions over the past several years, Shaw stated her belief to her superiors that Smith was subjecting her to a hostile environment. Later she did so in a public video. Shaw described the racially hostile environment and individual acts of discrimination at Smith. She made clear that Smith's repeated race-based practices are offensive, demeaning, and discriminatory.

No one at Smith took any action to remedy or correct the racially hostile environment. In fact, after she filed her internal complaint, Smith's discriminatory practices intensified.

85. Smith's ongoing racially hostile and discriminatory behavior has affected Shaw's mental and physical health. It has caused Shaw deep distress and depression. Shaw has become anxious, hypervigilant, and subject to panic attacks; she suffers from a multitude of physical symptoms as well.

86. As a result, Shaw made the difficult decision to resign from her position at Smith on February 19, 2021. She resigned because she had no choice: Smith had repeatedly made clear that its commitment to a toxic race-based ideology was more important than its commitment to treat individual employees equally, and with respect and dignity, regardless of their skin color, and that she could continue to expect the same hostile treatment if she remained employed there.

For Complainant,



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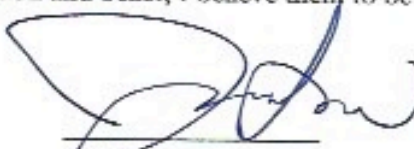
VERIFICATION

COMMONWEALTH OF MASSACHUSETTS)
) ss.:
HAMPSHIRE COUNTY)

Jodi Shaw, being duly sworn, deposes and says:

I am the petitioner in this proceeding.

I have read the above petition and hereby state that it is true to the best of my knowledge and as to those matters alleged to be on information and belief, I believe them to be true.



Jodi Shaw

Sworn to before me this
24th Day of February 2021



Michael Thad Allen
Commissioner of the Supreme Judicial Court
BBO #679795