

GRAY

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wanted to climb the trees because "limbs were snapping."

Gray was still registered for and attended classes in fall term of 1993. Unable to commit to her classwork, she continued to chain smoke and write the growing account of her dealings with Kokis, the lion student "Eric" and the University. "I desperately wanted to immerse myself in art and college again. I tried to put (the attack) behind me," she wrote.

On Oct. 11, Gray called the Office of Student Advocacy. A day later she had an appointment with Marlene Drescher, the director of the office.

When Drescher heard the details of Gray's case, she contacted the Office of Affirmative Action. In Drescher's office on Oct. 12, Gray learned that there were such things as formal and informal grievances and that she could file one.

The next day, Gray met with intake officers Mark Zurich and Janet Wentworth and told them the story. But they could do nothing at that point.

Gray then chose to file a formal complaint. She had only one problem: the 180-day deadline had passed and Gray was 12 days too late to file.

The situation prompted Gray to write a short poem that day in her ever-growing account: "April Fool's, too bad for you, less work for us to do."

But intake officers Zurich and Wentworth did not dismiss the complaint. According to Affirmative Action Director Ken Lehrman, just because a complaint misses a deadline does not mean that it will not be investigated. A few days after Gray's meeting with Zurich and Wentworth, Zurich called Gray and told her that they would work on extending the deadline.

Meanwhile, Gray's case and the request to extend the deadline was reviewed by the seven-member Affirmative Action Advisory Committee. The committee, which can only make recommendations and not rules, advised that the deadline not be extended.

When Gray learned this, she called Lorraine Davis, vice provost for academic personnel and advisory committee member. She asked why the committee didn't extend the deadline.

According to Gray, Davis told her the committee did not extend the deadline because Kokis informed the committee that the lion was in a clearly marked costume, he did not intend to attack her and the "attack" was not discriminatory.

"They dismissed my case," Gray said. "They have got all this legal ammo and all I have is my writing and my art."

Drescher said, "If I had been Lorraine Davis and had learned that a professor had someone touch a woman without her consent in a scary way, I would have been on the phone really quick educating that professor."

Davis said she doubts that nobody informed Gray of the deadline, and disagreed with Gray's conviction that her grievance was swept under the rug because of the committee's wish to protect Kokis.

"Her complaint was not ignored," Davis said. "An inquiry was made by members of the AAAC, Affirmative Action and an ombudsperson."

When the committee reviews a case, Davis said, a decision is made as to the "nature, timeliness and substance of the complaint," and, "in some cases we proceed with a formal investigation."

In Gray's case, they did not conduct a formal investigation. However, Davis said "an inquiry is made under any circumstances." The result of the committee's inquiry into Gray's claim of discrimination was a decision that no harassment had taken place because the student, "Eric," had not intended to harass Gray.

Gray still awaited the letter Kokis promised to write her after he had read *Trauma and Recovery*, as agreed upon in mediation. She received it on Oct. 30. In it Kokis wrote, "There is no question I failed you at a critical moment ... it was a failure of omission, not of commission, one I would never have knowingly committed."

Kokis also wrote, "I know the feeling of betrayal so well because ... I too feel betrayed - by you. After a year of close and gratifying work together, to be so disparaged is painful and disturbing!" He expressed a desire to help Gray return to her artistic and academic studies, and added that he had never had a problem with the exercise in the past but intended to take more precautions with it in the future.

'They have got all this legal ammo and all I have is my writing and my art.'

— Devon Gray, alleged harassment victim

Gray did not believe Kokis' apology. "He's not sorry at all," she said. "That letter is just cliches. Many of them were from the book I made him read."

Gray agreed that she and Kokis did once have a promising working relationship and said, "I used to ... wish my father was like him."

Defending the exercise, he wrote, "The play-acting we were engaged in was intended to reinforce several learnings important to the development of the content of the course and to accomplish this experientially. To consider harassment out of any context except crime, as you indicated, is to require that even a game of tag is nothing but a violent act. Such a sentiment would make anyone holding it incapable of sharing normal human experiences. It seems clear that the experience of Mark and Image Making was not suitable for you at this time."

For the spring 1994 Origins of Mark and Image Making class, Kokis handed a letter to the students explaining that the class is designed to teach through "play." Near the end of the letter, Kokis wrote, "If your personal history includes anything that might make physical role-playing and the surprises that this might include problematic — be sure to alert me so that I can acquaint you further with the way this class will operate and discuss whether or not it is reasonable for you to continue."

"I don't want to make this class seem radical or dangerous in any way," Kokis wrote. "However, our perspectives on such things may not be the same."

Meanwhile, Gray was contacted by the Eugene police and Officer Burk told her the police could not take her report because the attacker was told by the professor to do what he did.

On Dec. 12, Gray had participated in a press conference alongside several women suing philosophy professor Arnulf Zwieg. The same day, Wentworth told her that the lion student, identified by Kokis only as "Eric," had graduated and left the University.

Gray had wanted a criminal check done on "Eric" and was furious that the University had let a person whom she considered a potential rapist go free.

Her last meeting with University officials before she left school was a meeting with President Myles Brand, the University legal counsel Pete Swan, Brand's executive assistant, Dave Hubin, and ombuds officer Wentworth. Before the meeting, Gray sent a copy of "The Lion-head Serpent," along with a letter demanding that both Kokis and the lion student be penalized. She also asked for compensation "for the devastation that the attack caused me academically, spiritually, physically, emotionally, mentally ... " Gray suggested that Brand "bring a \$5,000 check to the meeting along with flowers, chocolates and a get-well card ... "

Gray said of the meeting: "From the moment Myles Brand entered the room, he seemed ready to dash out at

any second, leaving a cartoon character-type cutout in the wall. He had no answers to my questions other than 'I am not in a position to answer that.'" According to Gray, Brand told her he was sorry about her ordeal and she replied that her husband used to abuse her and tell her "sorry," and that sorry meant nothing to her.

That month Gray was not accepted into the bachelor's program of fine arts. Soon after, she decided to leave the University. She said she called the members of the Affirmative Action Advisory Committee and left messages on their voice mail, saying, "I extend to you my personal f— you."

Gray believes that "losing her cool" in meetings, the phone calls and becoming upset at times caused University officials to conclude that she was "an unreasonable woman." When judging sexual harassment cases, both the courts and University officials use a "reasonable woman standard" to determine harassment. If the incident in question would be perceived by a reasonable woman as harassment, then the unwanted sexual behavior is deemed sexual discrimination.

"An assault of any time," Drescher said, "whether it results in physical harm or not, does not belong in an educational setting." Drescher wrote a letter to the assistant attorney general of the Oregon, in which she said that Gray was "denied access to the complaint procedure, even though she had had prior contact with the assistant director of the Office of Affirmative Action, the Dean of Students Office, and had mediated the dispute through the University mediation program." Drescher urged the state official to review the 180-day time limitation for filing formal grievances.

Through Drescher's advocacy, attorney Martha Evans has taken Gray's case on contingent-fee basis, meaning Evans will only receive payment in the event of a verdict or settlement for Gray.

Gray's first argument against the University is that she was sexually harassed on April 1, 1993. Her second argument is that she thinks the University was negligent in informing her of the procedures available for filing grievances with the Office of Affirmative Action. Third, she thinks the Affirmative Action Advisory Committee, in the closed meeting which in effect decided her case, applied the "reasonable woman standard" to her harassment claim and decided that she was an "unreasonable woman" and had not been harassed.

"What reasonable woman do they have on the AAAC?" asked Michelle Parks, ASUO's women's advocate. Parks said she thinks that the University's sexual harassment policy is too vague and that the advisory committee is "stacked" in favor of the administration and not the students. She said that, in effect, the advisory committee's recommendation in Gray's case, made in confidential hearings, sent out this message: "Based on our opinion of your psychological abilities, you were not harassed." Parks said that if the advisory committee knew how to apply the reasonable woman standard, they would not have determined that Gray was not harassed.

Parks said she thinks the advisory committee is "designed to protect the University," and cites the lack of students, people of color and reasonable women on the committee as proof.

Gray has begun to create artwork again, and she spends a lot of time at home with her three children. The woman who once wanted to be a professor said, "I get physically sick when I go anywhere near campus."

She continues to fight the University, Kokis and the lion student, if she can find him, so that "I can make a difference for other women in that situation." She would like to see a room on campus where women could go and cry. She and her lawyer, are planning her case, which she would like to see go to trial. She will sue for harassment and emotional distress, she said, for as much as she can get.

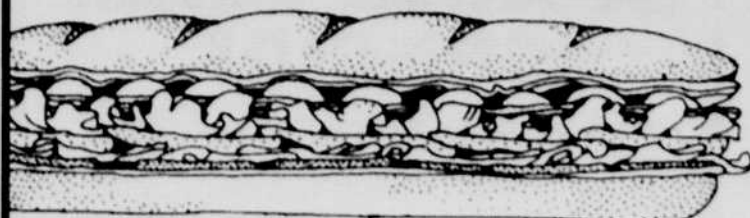
Only half smiling, she said, "A half a million dollars will be fine."

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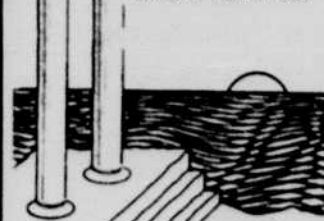
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