

# REPORT ACCOMPANYING **TOOLKIT** ON CAMPUS **HATE AND BIAS**

**STRATEGIES TO CREATE MORE INCLUSIVE CAMPUSES**



*"Hate will never win," U. of Nebraska rally, Craig Chandler*

## **TOOLKIT ISSUED**

FEBRUARY 2019

## **CREATED BY**

FUND FOR LEADERSHIP, EQUITY,  
ACCESS AND DIVERSITY (LEAD FUND)

# DEAR COLLEAGUE

Incidents of hate, bullying and other forms of harassment have proliferated across the country in recent years – and college campuses are no exception. As the American Association for Access, Equity and Diversity (AAAED) continues its long-standing work of leading, directing, and managing affirmative action, equal opportunity, diversity, and programs to promote inclusive campuses – a new challenge has arisen. Colleges and universities have become a focal point of emboldened hate and bias based on race, ethnicity, gender, immigration status, religion, disability and/or and sexual orientation.



In coordination with the Stop Hate Project of the Lawyers' Committee for Civil Rights Under Law and ThinkRubix, the Fund for Leadership, Equity, Access and Diversity (the LEAD Fund) — the nonprofit affiliate of the American Association for Access, Equity and Diversity (AAAED) — received a grant to conduct activities to identify challenges for resolving issues of intolerance, bias and uncivil behavior on campus.

The toolkit is based on listening sessions on selected campuses in the Midwest. The Fund also held conference calls with campus equal opportunity professionals — some of whom are members of the American Association for Access, Equity and Diversity (AAAED). The Fund also conducted individual discussions with university leaders in Wisconsin and on other AAAED member campuses. In addition, the Fund's coordinators conducted online research to supplement information related to the issue and attended a Hate Bias Response Symposium at the University of Wisconsin at La Crosse, where anti-bias staff from campuses within the University of Wisconsin system were in attendance.

At each of the Listening Sessions, the Fund coordinators provided a presentation including scenarios that depicted major themes surrounding the incidents of hate and bias on campus. The three themes were as follows:

- A. Who are the Key Players?
- B. Crisis Management Systems
- C. Faculty-Student Issues, Free Speech and Training

Participants were asked questions following the showing of graphics related to each theme. They were also asked the hypothetical question of, "If you were president of University X, what would you do?" The materials in this toolkit are built on key themes about the way hate on campus has been expressed, both from outside institutions of higher education and inside.

This report accompanying the toolkit is designed to be an aid in meeting the challenge of maintaining a safe and welcoming environment for students, faculty, staff and the communities surrounding all of the nation's institutions of higher education.

# THE LEAD FUND

AFFIRMATIVE ACTION, EQUAL OPPORTUNITY, EQUITY, ACCESS, CIVIL RIGHTS, AND DIVERSITY AND INCLUSION IN EDUCATION, EMPLOYMENT, BUSINESS AND CONTRACTING.

The LEAD Fund would like to thank the following individuals who worked on this project: Shirley J. Wilcher, MA, JD, CAAP, President and CEO of the LEAD Fund and Executive Director of AAAED; Sandra K. Hueneman, Region V Director of AAAED and Principal of Manchester Consultants; and LEAD Fund Chair Jennifer Tucker. Richard A. Baker, MPA., JD, PhD, Assistant Vice Chancellor and Vice President, Office of Equal Opportunity Services, University of Houston, University of Houston System; and Christopher Jones, JD, Assistant Vice President and Director of Equity, Office for Inclusion, Diversity, and Equal Opportunity, Case Western Reserve University, conducted the survey that accompanies the Toolkit and deserve our thanks as well. The Fund also wishes to thank Taylor Lawson, student at Howard University, and Sasha Pierre-Louis, office manager, who also assisted with this project.

The Fund is grateful for the generous grant from the



LAWYERS' COMMITTEE FOR  
**CIVIL RIGHTS**  
UNDER LAW

Lawyers' Committee for Civil Rights Under Law and its Stop Hate Project staff: Aunna Dennis, Senior National Coordinator, Voting Rights & Stop Hate Project; Nadia Aziz, Policy Counsel; and Becky Monroe, Lawyers' Committee Board Member and Former Stop Hate Project Director.



## THE LEAD FUND

The Fund for Leadership, Equity, Access and Diversity (LEAD Fund) was established to provide thought leadership in promoting inclusive organizations and institutions through research and education on issues related to diversity, social responsibility, human and civil rights. The LEAD Fund is a "Think and Do" tank, which advances new knowledge and tested strategies aimed at eliminating prejudice and discrimination.



The Project on Campus Civility, Hate and Bias is one of the programs of the LEAD Fund.

The LEAD Fund is a 501 (c) (3) charitable organization. It complements the work of the American Association for Access, Equity and Diversity (AAAED) through programs and activities that address a range of concerns including affirmative action, equal opportunity, equity, access, civil rights, and diversity and inclusion in education, employment, business and contracting. The scope of the Fund's activities is both domestic and international. The LEAD Fund places a special emphasis on the emerging demographics in the United States in all of its work.

Founded in 1974 as the American Association for Affirmative Action (AAAA), AAAED has four decades of leadership in providing professional training to members, enabling them to be more successful and productive in their careers. AAAED's Professional Development and Training Institute (PDTI), established in 1991, provides training and certificate programs in areas including EEO and Affirmative Action law, Diversity Management, Title IX and Federal EEO. AAAED also promotes understanding and advocacy of affirmative action and other equal opportunity and related compliance laws to enhance the tenets of access, inclusion and equality in employment, economic and educational opportunities.



# THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW



The principal mission of the Lawyers' Committee for Civil Rights Under Law is to secure equal justice for all through the rule of law, targeting in particular the inequities confronting African Americans and other racial and ethnic minorities. The Lawyers' Committee is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combating racial discrimination and the resulting inequality of opportunity — work that continues to be vital today.

The Stop Hate Project of the Lawyers' Committee seeks to strengthen the capacity of community leaders, law enforcement, and organizations around the country to combat hate by connecting these groups with established legal and social services resources.

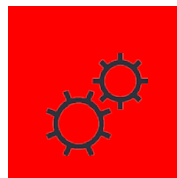
## THINK RUBIX

Think Rubix is a Washington, DC- based thought-leadership firm for creative policymaking and political strategies. The firm emphasizes ideas, strategies and solutions.



### WHO IS THE TOOLKIT FOR?

The Toolkit on Campus Hate and Bias is for members of the college and university community who have responsibilities for addressing these issues. Such officials include university presidents, equal opportunity professionals (EOPs), student affairs personnel, deans, diversity and inclusion professionals, multicultural affairs personnel, campus safety officials and other members of the university leadership as well as faculty, students and others who wish to know how to address these issues when they arise.



### CONTENTS OF THE TOOLKIT

This toolkit presents the following three sections and a final synopsis of what we learned in our listening sessions and research:

1. Hate and Bias on Campus: The Challenge, the Statistics
2. Crisis Intervention and Communications Strategies
3. Maintaining a Welcoming Campus Climate
4. What Have We Learned?

*A Report Accompanying the Toolkit* is also available for additional information. Included in the Report is an extensive Appendix with resources that we hope you will find useful as you work to make your campus a welcoming and safe environment for students, faculty, staff and the surrounding communities.

For more information about the LEAD Fund, the Lawyers' Committee, the Stop Hate Project, the American Association for Access, Equity and Diversity and ThinkRubix, please visit our respective websites below.<sup>1</sup>

<sup>1</sup> <https://lawyerscommittee.org/>  
[https://www.aaed.org/aaed/LEAD\\_Fund\\_Project\\_on\\_Campus\\_Civility.asp](https://www.aaed.org/aaed/LEAD_Fund_Project_on_Campus_Civility.asp)  
<https://www.aaed.org/aaed/default.asp>  
<http://thinkrubix.com/>

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## II. MAINTAINING A SAFE AND WELCOMING CAMPUS COMMUNITY

“Charlottesville,” once associated with a bucolic college town, now reminds people of hate-filled and deadly violence fomented by white supremacist groups who marched with torches across the campus of the University of Virginia and through the city to protest the planned removal of a confederate statue. At American University, a private university in the District of Columbia, a hate crime perpetrator hung bananas from nooses, etched with the words “AKA Free” and the threat “Harambe Bait,” after an African American woman was elected student body president. Later, cotton branches attached to Confederate flags were posted in public areas around the campus. An African American Bowie State student waiting at a bus stop near the University of Maryland, College Park was killed days before his graduation in what has been charged as a hate crime. These events and more have forced colleges and universities nationwide to develop strategies to prevent, address and resolve the growing issues of hate and bias on their campuses.

The U.S. Bureau of the Census reports that the U.S. is projected to become a majority-minority nation for the first time in 2043. “While the non-Hispanic white population will remain the largest single group, no group will make up a majority.”<sup>2</sup> This statistic may constitute one of several reasons why white supremacist and other hate and bias groups have proliferated or become more vocal in recent years, most notably since 2016. Such hate and bias-related incidents have not escaped the academic sector, particularly as colleges and universities have become more diverse.

*The Chronicle of Higher Education* confirmed that “hate crimes were up in 2016.” Using Department of Education and Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act<sup>3</sup>) statistics, the *Chronicle* reported that, compared with an annual average of 970 hate crimes in prior years, in 2016 there were 1,250 hate crimes on college campuses — i.e., “offenses motivated by biases of race, national origin, ethnicity, religion, sexual orientation, gender, or disability.”<sup>4</sup> Forty percent of such crimes were racially-motivated and nineteen percent were related to religious bias. In 2016, 50 cases were motivated by gender identity.<sup>5</sup>



Stephanie Kenner / Shutterstock.com

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<sup>2</sup> Ortman, Jennifer M., U.S. Bureau of the Census, “A Look at the U.S. Population in 2060.” December 14, 2012, [https://www.census.gov/newsroom/cspan/pop\\_proj/20121214\\_cspan\\_popproj.pdf](https://www.census.gov/newsroom/cspan/pop_proj/20121214_cspan_popproj.pdf) (Accessed on May 14, 2018).

<sup>3</sup> Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, [20 U.S.C. § 1092\(f\)](#)

<sup>4</sup> Bauman, Dan, “After 2016 Election, Campus Hate Crimes Seemed to Jump. Here’s What the Data Tell Us,” *Chronicle of Higher Education*, February 16, 2018. <https://www.chronicle.com/article/After-2016-Election-Campus/242577> (Accessed on May 14, 2018).

<sup>5</sup> *Ibid.*



Sheila Fitzgerald / Shutterstock.com

Additionally, according to the Anti-Defamation League (ADL), there have been 346 incidents (fliers, stickers, banners and posters) of white-supremacist-based propaganda distributed since September 1, 2016 on college campuses. Two hundred sixteen colleges and universities have been affected in 44 states and the District of Columbia.<sup>6</sup> The most active of alleged hate groups include Evropa (IE) — 158 incidents of 346 incidents; the Patriot Front; Atomwaffen Division; and Vanguard America. The hardest-hit states were Texas (61 incidents, or 17 percent) and California (43 incidents, or 12 percent).

In its testimony before a congressional committee, the ADL recited one lurid quote regarding the motivation of a white supremacist activist:

Andrew Auernheimer, a white supremacist hacker known as “Weev,” took targeting to the next technological level when he sent out anti-Semitic and racist fliers via many thousands of campus printers across the country. One flier, which was adorned with swastikas, read in part: “I unequivocally support the killing of children. I believe that our enemies need such a level of atrocity inflicted upon them...So, the hordes of our enemies from the blacks to the Jews to the federal agents are deserving of fates of violence so extreme that there is no limit to the acts by which can be done upon them in defense of the white race.” The fliers referenced The Daily Stormer, Andrew Anglin’s neo-Nazi website.<sup>7</sup>

Between September 1 and December 31, 2017, there were 147 hate incidents on campus, a 258% increase over the 41 incidents during fall semester 2016,<sup>8</sup> demonstrating that many white supremacists view college campuses as spaces to recruit more members. It should be noted that some of these extremists are students. The presence of a student at the University of Nebraska Lincoln, who had participated in the supremacist events in Charlottesville, Virginia, and reportedly described himself as “the most active white nationalist in the

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<sup>6</sup> ADL, “White Supremacist Propaganda Surges on Campus, Data show incidents more than tripled in 2017.”

<https://www.adl.org/resources/reports/white-supremacist-propaganda-surges-on-campus>

(Accessed on May 14, 2018).

<sup>7</sup> ADL, “Testimony of Frederick M. Lawrence Secretary and CEO, The Phi Beta Kappa Society, On behalf of the Anti-Defamation League Before the House Oversight and Governmental Reform Committee Hearings on Challenges to Freedom of Speech on College Campuses,” July 27, 2017, at 4.

<https://www.adl.org/sites/default/files/documents/ADL%20Statement%20-%20House%20Oversight%20Committee%20Hearings%20-%20Free%20Speech%20on%20Campus.pdf>

(Accessed on May 14, 2018).

<sup>8</sup> Ibid.

Nebraska area,” caused an explosive reaction from members of the campus community.<sup>9</sup> Among other actions on campus, approximately 1,500 students staged a “Hate Will Never Win” rally.

Not only has white supremacist propaganda been inundating college campuses, racist and biased speakers such as Richard Spencer have visited colleges and universities as well. In response, ADL says, ““While campuses must respect and protect free speech, administrators must also address the need to counter hate groups’ messages and show these bigoted beliefs belong in the darkest shadows, not in our bright halls of learning.” This group argues that institutions must respond “clearly and forcefully to constitutionally protected hate speech.”<sup>10</sup>

The Southern Poverty Law Center (SPLC), a group that regularly monitors acts of hate and violence, reported that “an old and familiar poison is being spread on college campuses these days: the idea that America should be a country for white people.”<sup>11</sup>

Behind the provocative, youthful and sometimes entertaining facade of the alt-right is a scrum of white nationalists and white supremacists — mostly young men — who hate diversity and scorn democratic ideals. They claim that “white identity” is under attack by multicultural forces using “political correctness” and “social justice” to undermine white people and “their” civilization. Characterized by heavy use of social media and memes, they eschew establishment conservatism and promote the goal of a white ethnostate, or homeland.<sup>12</sup>

The SPLC defines the term “alt-right” as a form of white nationalism with the expressed belief that “white identity” is being threatened. Why are college campuses targeted by these groups? The SPLC has an answer: “[College campuses] embrace diversity, tolerance and social justice. They strive for equality and have created safe spaces for students of every gender and identity. College campuses are home to the highest ideals of human rights.”<sup>13</sup>

News stories about campus hate incidents abound. On one day alone, the LEAD Fund found six news clips: See below the clips of January 29, 2018 (Google Keyword Clips):

- Hate group posters removed from TAMU-CC campus <http://www.kztv10.com/story/37376276/hate-group-posters-removed-from-tamu-cc-campus>
- University of Tennessee officials condemn "white pride" hate speech on campus <http://www.local8now.com/content/news/University-of-Tennessee-officials-condemn-white-pride-hate-speech-on-campus--471690144.html>
- University of Chicago students, faculty protest potential campus visit from 'white supremacist' Steve Bannon <http://www.washingtonexaminer.com/university-of-chicago-students-faculty-protest-potential-campus-visit-from-white-supremacist-steve-bannon/article/2647418>
- Student calls for change regarding racial bias incident <https://www.ursinusgrizzly.com/student-calls-for-change-regarding-racial-bias-incident/>
- CAN YOU HEAR ME NOW?: UNR Introduces Hotline to Report Hate, Bias and Harassment <http://nevadasagebrush.com/blog/2018/01/30/can-you-hear-me-now-unr-introduces-hotline-to-report-hate-bias-and-harassment/>

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<sup>9</sup> Lincoln Journal-Star, “UNL acknowledges concerns about white supremacist student.” February 7, 2018, [http://journalstar.com/news/local/education/unl-acknowledges-concerns-about-white-supremacist-student/article\\_c88a282c-bdb0-50e3-82c2-bc21bf86e6e2.html](http://journalstar.com/news/local/education/unl-acknowledges-concerns-about-white-supremacist-student/article_c88a282c-bdb0-50e3-82c2-bc21bf86e6e2.html)

(Accessed on May 14, 2018).

<sup>10</sup> ADL press release.

<sup>11</sup> Southern Poverty Law Center, “The Alt-Right on Campus: What Students Need to Know,” August 10, 2017, <https://www.splcenter.org/20170810/alt-right-campus-what-students-need-know>

(Accessed on May 14, 2018).

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.



- White supremacist group Vanguard America vandalized a Black History Month poster at Middle Tennessee University last week with <http://www.diversityinc.com/news/white-supremacist-propaganda-invades-college-campuses-report/>

Issues of hate and bias have increasingly beset college campuses and have arisen in every sector of the United States, from small liberal arts colleges in New England to the large public colleges and universities on the West Coast. While the LEAD Fund focused on the Midwestern states, the issues of hate and bias, and the overarching issue of maintaining a safe and welcoming campus community, are a nationwide phenomenon.

## RACIAL INTOLERANCE/RACIALLY MOTIVATED BIAS

As the *Chronicle* indicated in its report, racial intolerance or racially motivated bias constituted forty percent of the classes of hate crimes or bias in the 2016 survey. The incidents surrounding the confrontations at the University of Missouri (Mizzou) are an example of on-campus racial bias and acts of hate that led to campus protests and the ultimate resignation of the college system president. An even more tragic incident occurred at the University of Maryland, where Richard Collins III, an African American recently-commissioned Second Army Lieutenant attending Bowie State University, was stabbed while waiting for a bus.<sup>14</sup>



## RELIGIOUSLY MOTIVATED HATE CRIMES OR BIAS

Hate crimes motivated by religious bias constitute 20% of hate crimes reported to the FBI in 2016. More than half of religious –related hate crimes reported were anti-Jewish. Anti-Muslim hate crimes make up about a quarter of religiously motivated hate crimes, and have increased sharply in recent years. From 2014 to 2015, anti-Muslim hate crimes increased by 67%, from 2015 to 2016, anti-Muslim hate crimes increased again by approximately 20%.



## BIAS BASED ON SEXUAL ORIENTATION, GENDER IDENTITY AND TRANSPHOBIA

In 2017, the National Coalition of Anti-Violence Programs released a report documenting 52 documented reports of hate violence related homicides of LGBTQ people – an 86% increase in single incident reports from 2016. 22 of these homicides were transgender women of color.<sup>15</sup> The Merriam Webster dictionary defines “Homophobia” as “irrational fear of, aversion to, or discrimination against homosexuality or homosexuals.”<sup>16</sup> While the culture in the US is growing increasingly more tolerant, homophobia continues to exist on campus as well as in the broader community.



<sup>14</sup> Inside Higher Ed, “The ‘Alt-Reich’ Next Door,” May 23, 2017, <https://www.insidehighered.com/news/2017/05/23/arrest-u-maryland-student-stabbing-death-bowie-state-student-shakes-both-campuses>

(Accessed on May 14, 2018).

<sup>15</sup> <http://avp.org/wp-content/uploads/2018/01/a-crisis-of-hate-january-release-12218.pdf>

<sup>16</sup> Merriam Webster, “Definition of homophobia,” <https://www.merriam-webster.com/dictionary/homophobia> (Accessed May 1, 2018).

## ACTS OF BIAS AGAINST INDIVIDUALS WITH DISABILITIES

The Equality Challenge Unit of the United Kingdom writes that for many people with disabilities, harassment is an unwelcome part of everyday life. Many come to accept it as inevitable and focus on living as best they can. Too often that harassment can take place in full view of other people and the authorities without being recognized for what it is. Academic institutions, while striving to comply with the disability rights laws, continue to be a source of discrimination and bias against individuals with disabilities.

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## EXAMPLES OF HATE AND BIAS EXPERIENCED ON CAMPUS

- Verbal abuse
- Threatening or offensive emails
- Use of social networking sites to threaten, harass or offend individuals or groups
- Vandalism of property, including offensive graffiti and the defacing of posters
- Vandalism of equipment used by people with disabilities to aid mobility or otherwise provide support
- Abusive or threatening behavior relating to cultural or religious dress and artifacts, including pressure to dress in a certain way
- Physical assaults against staff or students
- Exclusion of particular groups through the presence of ‘no-go’ areas on campus
- Violent protests<sup>18</sup>



*Campus Protests, Pax Ahimsa Gethen*

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<sup>17</sup> See, Equality Challenge Unit, “Promoting good relations on campus: a guide for higher and further education,” 2013. <https://www.strath.ac.uk/media/ps/sees/equality/promoting-good-relations-on-campus.pdf>

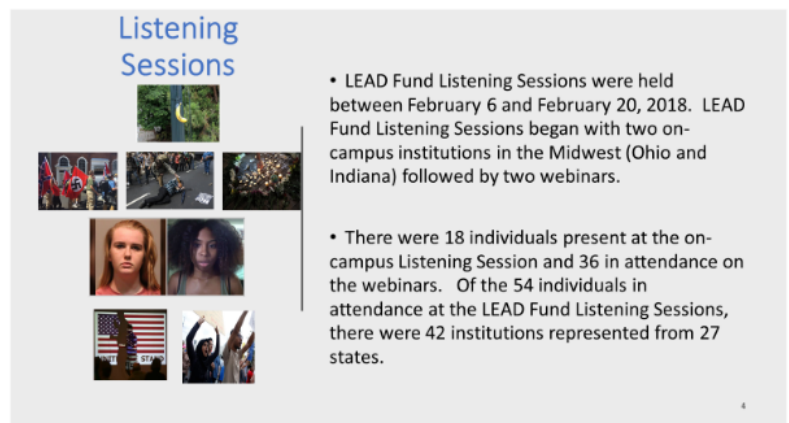
<sup>18</sup> Equality Challenge Unit, “Promoting Good Relations on Campus” p. 18, <https://www.strath.ac.uk/media/ps/sees/equality/promoting-good-relations-on-campus.pdf> (Accessed May 2, 2018).

# III. WHO IS THE TOOLKIT FOR?

## TOOLKIT METHODOLOGY

*The Toolkit on Campus Hate and Bias and Accompanying Report* are for members of the campus community who have responsibilities for addressing these issues. Such campus officials include university presidents, equal opportunity professionals (EOPs), deans, diversity and inclusion officers, student affairs professionals, campus safety and the university leadership as well as students and members of the general public who wish to learn how to address these issues when they arise.

The toolkit and report are derived from listening sessions conducted on selected campuses in the Midwest. The LEAD Fund also held conference calls with campus leaders and personnel, some of whom are members of the American Association for Access, Equity and Diversity (AAAED). The Fund also held discussions with university leaders, conducted online research to



**Listening Sessions**

- LEAD Fund Listening Sessions were held between February 6 and February 20, 2018. LEAD Fund Listening Sessions began with two on-campus institutions in the Midwest (Ohio and Indiana) followed by two webinars.
- There were 18 individuals present at the on-campus Listening Session and 36 in attendance on the webinars. Of the 54 individuals in attendance at the LEAD Fund Listening Sessions, there were 42 institutions represented from 27 states.

supplement information related to the issue and attended a Hate Bias Response Symposium at the University of Wisconsin at La Crosse, where anti-bias staff from campuses within the University of Wisconsin system were in attendance.

At each of the listening sessions, the Fund presented a presentation including scenarios that depicted major themes surrounding the incidents of hate and bias on campus. Participants were encouraged to interact following the showing of graphics related to each theme. They were also asked the hypothetical question, “If you were president of University X, what would you do?”

After some initial reservation and assurance that the institutions would not be identified, discussions were lively and informative. Participants appeared to learn about the challenges confronted by their counterparts at other institutions as well as share what steps they were taking to address some of these challenges.

Listening session attendees included members of AAAED working for colleges and universities as well as nonmembers at academic institutions. Invitees included diversity and inclusion officials, equal opportunity and affirmative action staff as well as others.



# IV. DEFINITIONS, THE LAW AND REPORTING REQUIREMENTS

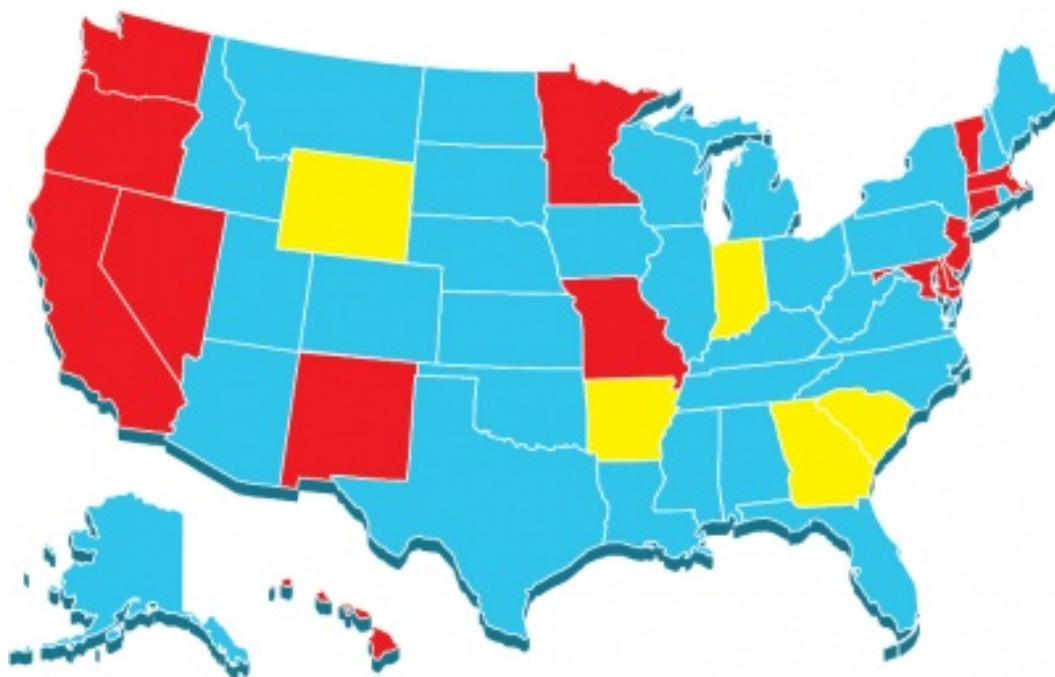
## DEFINITIONS

### WHAT IS MEANT BY “HATE” ON CAMPUS?

The term “hate” can include several kinds of actions from bias incidents to crimes prosecuted by federal or state and local agencies.

### WHAT IS A HATE CRIME?

A hate crime is generally defined as a crime against a person or property that is motivated by bias, prejudice, or hatred toward the personal, or perceived personal, characteristics of a victim, including: race, religion, disability, sexual orientation, ethnicity, gender, or gender identity. Forty-five states and the District of Columbia have hate crime statutes<sup>19</sup>.



- **States (including D.C.) with comprehensive hate crime laws** that cover: race, religion, ethnicity/national origin, sexual orientation, gender, gender identity, and disability.
- **States without comprehensive hate crimes laws.**
- **States with no hate crimes laws<sup>20</sup>**

Hate crimes are message crimes. They are intended to hurt and intimidate individuals and entire communities, and seek to send a message that the targeted individual or community are not welcome.

<sup>19</sup> <https://8449nohate.org/hate-crime-laws/federal-overview-of-hate-crime-law/>

<sup>20</sup> Anti-Defamation League, #50StatesAgainstHate, An Initiative for Stronger Hate Crime Laws, <https://www.adl.org/50statesagainsthate> (Accessed August 10, 2018)



## WHAT IS A HATE AND BIAS INCIDENT?

A bias incident is based on the same behaviors and motivations as a hate crime, but does not rise to the level of a crime. For example, you may be a victim of hate speech, which, depending on the circumstances, may not constitute a crime (and may be protected under the First Amendment), but which may constitute a bias incident.

Such incidents include bias-laden comments that may be hurtful but do not rise to the level of a hate crime. These incidents may also include cases of harassment or verbal slurs, and they may be precursors to more serious hate motivated violence.<sup>21</sup> Racist flyers and leaflets, graffiti and, in some instances, name-calling appear to predominate.

Hate crimes and bias incidents can have lasting effects on individuals and communities, including physical, emotional, and mental harm.

Issues of hate and bias have increasingly beset college campuses and have arisen in every sector of the United States, from small liberal arts colleges in New England to the large public colleges and universities on the West Coast. A Justice Department report warns that either kind of incident needs to be reported: “A campus culture in which the use of slurs becomes commonplace and accepted soon becomes an environment in which slurs can escalate to harassment, harassment can escalate to threats, and threats can escalate to physical violence.”<sup>22</sup>

## THE LAWS: THE FIRST AMENDMENT AND ANTI-DISCRIMINATION LAWS RELATED TO HATE AND BIAS

The Constitution’s protections under the First Amendment and Fourteenth Amendment are relevant in any discussion about rights to freedom of speech, the legal responses to hate speech and the right to due process and equal protection of the laws.

Civil rights laws enacted by Congress, particularly those originally passed in the 1960s and 1970s, also offer protections to students, faculty and staff at colleges and universities, both public and private, and institutions of higher education may be liable for violations of these laws. As will be noted below, colleges and universities must maintain a delicate balance between respecting the rights to free speech and maintaining an environment that is safe, bias-free and inclusive.



*Campus Protest March against Hate speech -Fibonacci Blue*

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<sup>21</sup> Community Relations Service, <https://www.justice.gov/archive/crs/pubs/university92003.htm>

<sup>22</sup> Wessler and Ross, <https://www.ncjrs.gov/pdffiles1/bja/187249.pdf>

## The First Amendment

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

## THE FIRST AMENDMENT

"CONGRESS SHALL MAKE NO LAW RESPECTING AN ESTABLISHMENT OF RELIGION OR PROHIBITING THE FREE EXERCISE THEREOF; OR ABRIDGING THE FREEDOM OF SPEECH, OR OF THE PRESS; OR THE RIGHT OF THE PEOPLE PEACEABLY TO ASSEMBLE, AND TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES."

- The First Amendment protects all types of speech, including hate speech. Historically, speech codes were used to persecute minorities and political dissidents. But the First Amendment does not protect unlawful hateful activities, either on college campus or in other public forums.
- Hateful activities are defined as: conduct that incites or engages in violence, threats, defamation, or other unlawful action on the basis of the actual or perceived race, color, religion, national origin, sex, gender, gender identity or expression, sexual orientation, or disability of the target.
- Public colleges and universities can establish policies that prevent or restrict hateful activities in order to protect the safety of their students, faculty, staff, and campus. But they cannot restrict nonviolent speech solely based on its content; schools must balance the rights and interests of the community, the school, and academic freedom.
- Just as the First Amendment does not immunize against physical attacks on persons or property, it does not condone discriminatory conduct illegal under the Constitution's equal protection clause or federal/state civil rights and labor laws.
- Colleges and universities may impose reasonable "time, place, and manner" restrictions on nonviolent speech, but these restrictions must be "content-neutral;" i.e. they must apply equally to any point of view or any speaker.
- Private colleges embrace the principles of academic freedom and free speech as well, but they must also respect federal and state civil rights and labor laws.



## THE FOURTEENTH AMENDMENT

SECTION 1. "ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES, AND SUBJECT TO THE JURISDICTION THEREOF, ARE CITIZENS OF THE UNITED STATES AND OF THE STATE WHEREIN THEY RESIDE. NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR

IMMUNITIES OF CITIZENS OF THE UNITED STATES, NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW, NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS. CONGRESS HAS POWER TO ENFORCE THIS ARTICLE BY APPROPRIATE LEGISLATION."

## THE FOURTEENTH AMENDMENT (CONT.)

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The Fourteenth Amendment includes:

- The Privileges and Immunities Clause - extended the Constitution to states
- The Due Process Clause
- The Equal Protection Clause

## CIVIL RIGHTS ACTS

Both public and private colleges and universities that receive federal financial assistance (including financial aid) are covered by the various civil rights acts originally enacted in the 1960s and 1970s and enforced by civil rights agencies of the Federal Government. These agencies include the Office for Civil Rights, U.S. Department of Education and the Civil Rights Division, U.S. Department of Justice. Among these civil rights laws are the following:

- **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

Title VI of the Civil Rights Act of 1964 was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance.<sup>23</sup> Title VI is primarily enforced by the U.S. Department of Education’s Office for Civil Rights, but other federal agencies that award grants or other forms of financial assistance may have civil rights offices to ensure compliance with this law.



- **TITLE IX OF THE EDUCATION AMENDMENTS OF 1972**

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity including most, if not all, colleges and universities. The principal objective of Title IX is to avoid the use of federal money to support sex discrimination in education programs and to provide individuals with effective protection against those practices.<sup>24</sup>



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<sup>23</sup> U.S. Department of Justice, “TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 42 U.S.C. § 2000D ET SEQ, OVERVIEW OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.” <https://www.justice.gov/crt/fcs/TitleVI-Overview> (Accessed May 14, 2018).

<sup>24</sup> U.S. Department of Justice, Overview of Title IX of the Education Amendments of 1972, 20 U.S.C. A§ 1681 ET. Seq., <https://www.justice.gov/crt/overview-title-ix-education-amendments-1972-20-usc-1681-et-seq> (Accessed May 14, 2018).

- **TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 (CONT.)**

Title IX is primarily enforced by the U.S. Department of Education’s Office for Civil Rights (OCR). In addition to issues related to equal opportunity in athletics, Title IX also includes protections against sexual harassment, discrimination in a school’s science, technology, engineering, and math (STEM) courses and other programs, and discrimination based on pregnancy.<sup>25</sup>

- **SECTION 504 OF THE REHABILITATION ACT OF 1973**

Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education (ED) and other agencies. Section 504 states: "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . . ." <sup>26</sup> Note that OCR also enforces Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination by public entities, whether or not they receive federal financial assistance). These laws can be viewed primarily as statutes that protect students against discrimination.

- **EQUAL EMPLOYMENT LAWS**

There are civil rights laws that specifically pertain to employment, including Title VII of the Civil Rights Act of 1964 and Executive Order 11246. Title VII is enforced by the Equal Employment Opportunity Commission (EEOC). Most, if not all, colleges and universities are covered by Title VII. Executive Order 11246, which covers companies and institutions (including colleges and universities) that receive federal contracts, is enforced by the Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP).



EEOC also enforces the employment section of the Americans with Disabilities Act and OFCCP enforces Section 503 of the Rehabilitation Act of 1973, which protects persons with disabilities working for federal contractors.<sup>27</sup>



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<sup>25</sup> U.S. Department of Education, Sex Discrimination: Overview of the Law, <https://www2.ed.gov/policy/rights/guid/ocr/sexoverview.html> (Accessed May 14, 2018).

<sup>26</sup> U.S. Department of Education, Protecting Students with Disabilities, <https://www2.ed.gov/about/offices/list/ocr/504faq.html> (Accessed May 14, 2018).

<sup>27</sup> To learn more about the EEOC and OFCCP, visit their websites at [www.eeoc.gov](http://www.eeoc.gov) and [www.dol.gov/ofccp](http://www.dol.gov/ofccp).



## FEDERAL HATE CRIMES LAWS

There are several federal statutes that may protect a person who is the victim of a hate crime. Under the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, (HCPA) (18 U.S.C. § 249), a person commits a hate crime if he or she “willfully causes bodily injury” or “attempts to cause bodily injury using a dangerous weapon” because of his or her perceived or actual race, color, religion, or national origin. Moreover, the HCPA protects people who have been victims of a crime based on their actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability if that crime affects interstate or foreign commerce or the crime occurs within federal special maritime and territorial jurisdiction.



Another federal law that may protect a person from a hate related incident is 42 U.S.C. § 3631 (relating to criminal interference with the right to fair housing). Under this federal law, a person commits a crime if he or she uses or threatens to use force in order to interfere with another person’s right to fair housing based on the victim’s race, color religion, sex, disability, familial status, or national origin.

One might also be protected under 18 U.S.C. § 245, Federally Protected Activities, if a person through force or threat of force “injures, intimidates or interferes with” another person based on his or her race, color, religion or national origin and because he was engaged in a federally protected activity (i.e. enrolling in a public school, serving as a juror, traveling across state lines, etc.).

In addition, the Damage to Religious Property, Church Arson Prevention Act, 18 U.S.C. § 247, prohibits the intentional defacement, damage or destruction of real property because of the religious nature of the property, where the crime affects interstate or foreign commerce, or because of the race, color, or ethnic characteristics of the people associated with the property. The statute also makes it a crime to intentionally obstruct by force, or threat of force, any person in the enjoyment of that person’s free exercise of religious beliefs.

Furthermore, 18 U.S.C. § 241, the Conspiracy Against Rights, makes it unlawful for two or more persons to conspire to injure, threaten, or intimidate a person in any state, territory, or district in the free exercise or enjoyment of any right or privilege secured by the Constitution or federal law.

## STATE LAWS

There are also state constitutions and laws that grant civil rights comparable to those under federal law. For information about state hate crimes laws, go to <https://8449nohate.org/hate-crime-laws/state-hate-crime-overviews/>.

# REPORTING REQUIREMENTS

Reporting requirements for hate crimes vary according to federal and state laws. The FBI's Uniform Crime Reporting Program is a nationwide, cooperative statistical effort of nearly 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies voluntarily reporting data on crimes brought to their attention. The Clery Act, as amended<sup>28</sup>, requires institutions to include four general categories of crime statistics: criminal offenses, hate crimes, Violence Against Women Act (VAWA) crimes, and Arrests or Referrals for Disciplinary Action. Hate Crimes are classified according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual. Under the Clery Act, the following eight categories of hate crimes are reported: Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin, and Disability. For purposes of the Clery Act, hate crimes include any of the following offenses motivated by bias: murder and non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property.<sup>29</sup>

## V. THEMES OF CIVILITY, HATE AND BIAS ON CAMPUS

The LEAD Fund listening sessions were held between February 6 and February 20, 2018. The listening sessions began with two on-campus institutions in the Midwest (in Ohio and Indiana) followed by two webinars. There were 18 individuals present at the on-campus listening sessions representing seven institutions and three states. A total of 36 individuals participated in the webinar/online sessions. In the first session on February 14, 2018, 18 attended (out of 33 who registered), representing 17 institutions and 12 states. In the second session, 18 individuals attended (out of 33 who registered), representing 18 institutions and 12 states. Of the total number participating in the LEAD Fund listening sessions, there were 43 institutions representing 27 states.



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The forty-eight (48) job titles of individuals who participated in the listening sessions are listed in the Appendix. They include Affirmative Action and Diversity Personnel, Deans of Multicultural Affairs, Title IX Coordinators, Chief Diversity Officers, EEO Directors, Employee Relations Directors and Vice Chancellors.

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<sup>28</sup> The Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) amended the Clery Act of 1990 (Public Law 101-542) to require campus security and local law enforcement to identify, record and effectively respond to incidents motivated by gender identity bias and national origin bias in addition to the longstanding requirements to report hate crime incidents based on race, gender, religion, disability, sexual orientation or ethnicity bias. Federal Register, Final Regulations, Violence Against Women Act, October 20, 2014, <https://www.federalregister.gov/documents/2014/10/20/2014-24284/violence-against-women-act> (Accessed May 1, 2018).

<sup>29</sup> U.S. Department of Education, The Handbook for Campus Safety and Security Reporting, 2016 Edition, <https://ifap.ed.gov/eannouncements/attachments/HandbookforCampusSafetyandSecurityReporting.pdf>

## Agenda

- Introduction to the “Stop Hate on Campus” Project and Co-facilitators
- Introduction of the Attendees
- Discussion of the Process for Sharing Information: The Three Scenarios
- Recommendations: Best Practices for Maintaining a Welcoming and Safe Campus Climate
- Other Relevant Issues and Best Practices
- Conclusion
- Lunch

5

The listening sessions were constructed based on three major themes. The themes were discussed using scenarios presented graphically in a PowerPoint presentation. In each of the themes, participants were asked the hypothetical question: “If you were president of university X, what would you do?”

The major themes and corresponding questions related thereto were:

- A. Who are the Key Players?**
- B. Crisis Management Systems**
- C. Faculty-Student Issues, Free Speech and Training**

The Fund also asked general questions of the participants:

- Are there other examples of incidents and challenges on campus that should be offered to exemplify the current climate on campus?
- What recommendations would you make to your colleagues nationwide in addressing issues of hate, bias and incivility on campus?
- What best practices can you cite?

## **THEME A: HATE FROM THE OUTSIDE AND INSIDE: “BANANAS AND ROPE”: WHO ARE THE KEY PLAYERS?**

In Theme A, the Fund showed the following scenario:

*On May 1st, University X was alerted to a racist incident that occurred in our community. Bananas hanging from string in the shape of nooses were found in three places on campus and were marked with the letters AKA. While this incident targeted U’s chapter of Alpha Kappa Alpha Sorority, Incorporated (AKA) and occurred after the first black woman and AKA member was sworn in as the Student Government president, our entire university community has been adversely affected by this cowardly, despicable act.*



Questions related to the scenario and the theme, “Key Players and Climate Surveys,” were as follows:

- Who among the campus leadership is responsible for addressing acts of hate on campus, including bullying, intimidation, assault, other forms of harassment based on race, national origin, sex, sexual orientation and gender identity, disability, immigration status and religion?
- What are the tools and policies in place to measure and monitor the campus environment, including campus climate surveys?

- Who should be involved in measuring and monitoring campus climate and addressing issues raised in such surveys?
- What tools, policies and programs should be in place to measure the campus climate?

The scenario was based on an incident at a private university in the District of Columbia, where after an African American woman was voted as student government president, bananas and string in the shape of nooses were hung throughout the campus. The letters AKA and threats were etched on the fruit.

## THEME B: HATE FROM THE OUTSIDE – CRISIS MANAGEMENT SYSTEMS

For Theme B, “Crisis Management Systems,” the scenario was described as follows:

*Carrying torches and chanting angrily, demonstrators marched Saturday against a vote to remove a statue of Robert E. Lee, leading the city’s mayor to compare the rally to a gathering of the Ku Klux Klan. The gathering of several dozen protesters was led by a prominent white supremacist, who posted pictures and video from the gathering to social media that showed a phalanx of demonstrators holding Confederate battle flags and a banner proclaiming, “We will not be replaced.” Their chants, some of which were captured on video, included “Russia is our friend” and the Nazi-era slogan “blood and soil.” One person was killed when a car plowed into a group of counter protesters.*



F42PIX / Shutterstock.com

The following questions related to the theme “Crisis Management” were asked:

- What systems, including crisis management committees, have been established to prevent and intervene in the event of major incidents?
- What is the role of Equal Opportunity Professionals (EOPs), campus safety personnel, senior leaders and other professionals in investigating and resolving these crises?
- What systems should a college or university have? For example, one university has established the position of “Hate/Bias Response Program Manager.”

These pictures depicted a now-infamous event that took place in or near the public university campus in the Commonwealth of Virginia.



## THEME C: “FACULTY-STUDENT ISSUES, FREE SPEECH AND TRAINING”

For Theme C, “Faculty-Student Issues, Free Speech and Training,” the scenario was described as follows:

*The recent appearance of a controversial speaker at X University, where I’m a student, bubbled over into a community-wide debate that pitted the social merits of free speech against the harm of hate speech. A prominent anti-Islam writer and speaker who has called for the annihilation of Islam appeared at a forum sponsored by the X University College Republicans, or UCR, to promote her new book. The event sparked divisive debate on campus, as many progressive students condemned the UCR for giving her a platform to spew her hateful views. The controversy even prompted a member of the UCR board to resign in protest of her appearance.*



The following questions related to the theme “Faculty-Student Issues, Free Speech and Training” were asked:

- What policies and training programs are in place to instruct faculty to de-escalate heated debates in the classroom?
- Are residence life personnel prepared to resolve racial, religious and other conflicts in the dormitory?
- What training programs have been established to assist campus professionals, faculty and students to learn the laws, policies and skills related to free speech but also to prevent and eliminate discrimination, hate and bullying on campus?
- What programs should there be?

These graphics recalled three kinds of incidents involving hate originating within the college; one related to an incident in a residence hall at a college in the Northeast. The student, who had boasted on social media of using bodily fluids and other egregious acts to eject her roommate, whom she called “Jamaican Barbie,” was ultimately expelled and prosecuted by local authorities.

In the second graphic, an anti-Islamic speaker was invited to give a speech on the campus of a private college in the Mid-Atlantic region. The scenario is given from the perspective of the Muslim student.

A third issue involved whether and how a faculty member can de-escalate heated conversations in the classroom and to what extent campus officials are trained to address these internal issues in the residence halls and in the classroom.

## QUESTIONS, COMMENTS AND BEST PRACTICES

At the end of each listening session, the Fund posed the following questions and asked for examples of best practices:

- Are there other examples of incidents and challenges on campus that should be offered to exemplify the current climate on campus?
- What recommendations would you make to your colleagues nationwide in addressing issues of hate, bias and incivility on campus?
- What best practices?

## DIVERSITY, EQUITY AND INCLUSION AS A REMEDY

The listening sessions ended with a discussion of Diversity, Equity and Inclusion as a remedy to hate and bias on campus. “What is the role of Diversity, Equity and Inclusion and “Inclusive Excellence” in addressing and resolving these issues?”

**Diversity and Inclusion as a Remedy**

*What is the role of Diversity, Equity and Inclusion and “Inclusive Excellence” in addressing and resolving these issues? See Diversity, Equity, and Inclusion Statement:*

**Diversity, Equity, and Inclusion Statement:**

As a learning and research institution, \_\_\_ strives to be defined by inclusive excellence. This commitment requires that we hold ourselves accountable for achieving real change based on clear and transparent measures and that we regularly examine ourselves and everything we do. Integrated into the core of the institution, the Inclusive Excellence framework advances the idea that diversity, equity, and inclusion are catalysts for achieving institutional and educational excellence through:

- the compositional diversity of our administrative leadership, faculty, staff, students, alumni, and trustees;
- the alignment of our policies and organizational structures;
- the innovative nature of our curricula and co-curricular programs; and
- our ability to welcome, value, and affirm all members of our community.

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The Fund provided the above quote from a college president in the Mid-Atlantic region, who was responding to an issue of hate that shook the campus and surrounding community. The president brought the issue of hate and bias around to the question of diversity, equity and inclusion (DE&I), and her proposed solution made DE&I the primary focus. In her view, Inclusive Excellence is the linchpin and advances the notion that diversity, equity and inclusion are key to achieving institutional excellence through, in part, the ability to “welcome, value and affirm all members of the community.”<sup>30</sup>

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<sup>30</sup> American University. “American University’s Plan for Inclusive Excellence,” January 30, 2018, p. 19. [https://www.american.edu/president/diversity/inclusive-excellence/upload/18-160-IE\\_PLAN.pdf](https://www.american.edu/president/diversity/inclusive-excellence/upload/18-160-IE_PLAN.pdf) (Accessed May 14, 2018).

# VI. HATE AND BIAS ON CAMPUS:

## RESULTS OF LISTENING SESSIONS

The listening sessions were composed of three formats: webinars and online discussions, in-person meetings at selected campuses in the Midwest, and telephone discussions with individuals responsible for addressing civility, hate and bias on campus. The following is a synopsis of the discussions and views shared by the participants.

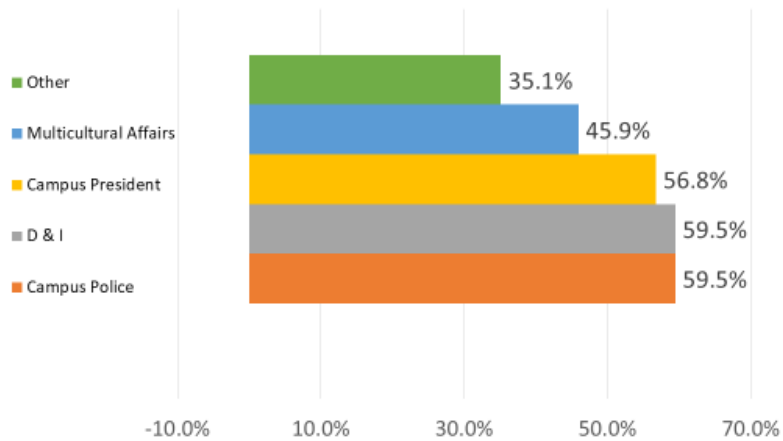
### A. HATE AND BIAS ON CAMPUS: WEBINAR DISCUSSIONS

The following charts reflect the answers from polls taken during the online webinars and track the themes and scenarios that formed the basis for discussion. Invitations to attend the two webinars were derived from the AAAED email lists that include both members and nonmembers and are national in scope. The Fund limited participation to those who worked for colleges and universities or whose employment was related thereto. At each online session there were 18 people in attendance, or 36 individuals altogether representing 35 colleges and universities. The charts below reflect a compilation of responses from both online sessions.



**Who among the campus leadership is responsible for acts of hate on campus including bullying, intimidation, assault, all forms of harassment and discrimination?**

Scenario #1 Question #1  
Who among the campus leadership is responsible for acts of hate on campus, including bullying, intimidation, assault, all forms of harassment and discrimination?

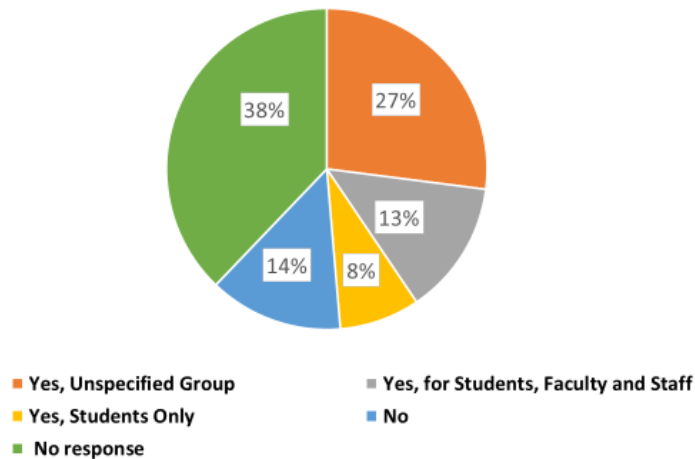


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In this chart, participants responded to the question “Who are the Key Players” in responding to acts of hate and bias on campus including bullying, intimidation, assault, harassment and discrimination. The majority of respondents (59.5%) answered that the Diversity and Inclusion Office and campus police were equally the most responsible for such acts. A slightly smaller majority (56.8%) indicated that the campus president was responsible, followed by the Multicultural Affairs office (45.9%) and “Other.” During the discussion, one participant stated that other offices should be added to the list of persons responsible for acts of hate on campus: marketing and communications, the counseling center, the deans of student affairs and administration, public affairs, and the Vice President for Student Affairs. Another added that the Title IX coordinator should be on the list.

### Have you conducted climate surveys?

Scenario #1 Question #2  
Have you conducted climate surveys?



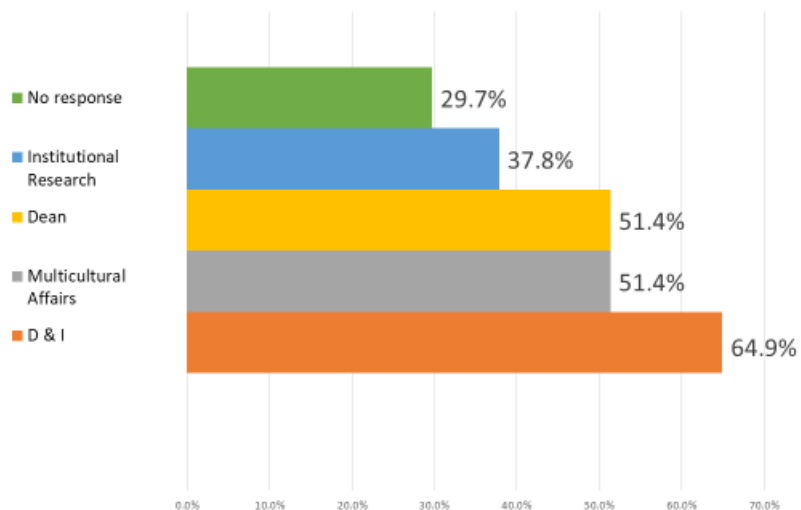
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On the question of climate surveys and whether the participants had conducted them, a third had no response, and slightly less than a third indicated that they had conducted a climate survey. Fourteen percent indicated that they had not done a survey, and only thirteen percent said that it had conducted a survey for students, faculty and staff.

One participant noted that they had not done climate surveys on her campus, but such surveys had been proposed.

### Who Should be Involved in Measuring, Monitoring and Addressing Issues Raised in Climate Surveys?

Scenario #1 Question #3  
Who Should be Involved in Measuring, Monitoring and Addressing Issues Raised in Climate Surveys?



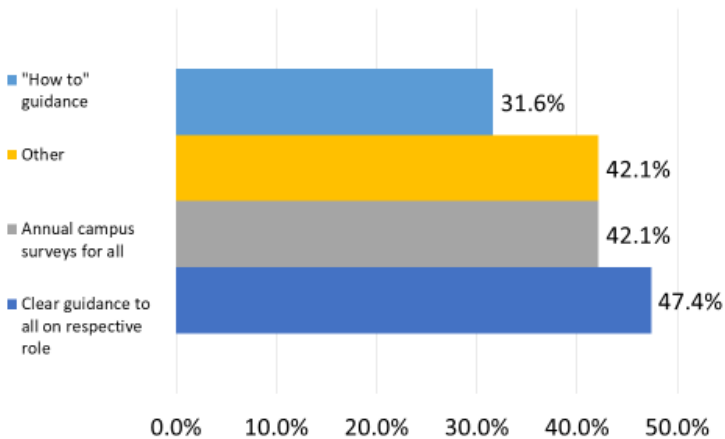
As to who should be involved in measuring, monitoring and addressing issues raised in the climate surveys, nearly two-thirds indicated that the Diversity and Inclusion office should have that role. A little more than half noted that multicultural affairs should be the responsible office, followed closely by the dean. Institutional research was noted by slightly more than a third, and nearly thirty percent had no response. One person who spoke at the session added that the public affairs office should be added to this list.



### What tools, policies and programs should be in place to measure the campus climate?



Scenario #1 Question #4  
What tools, policies and programs should be in place to measure the campus climate?

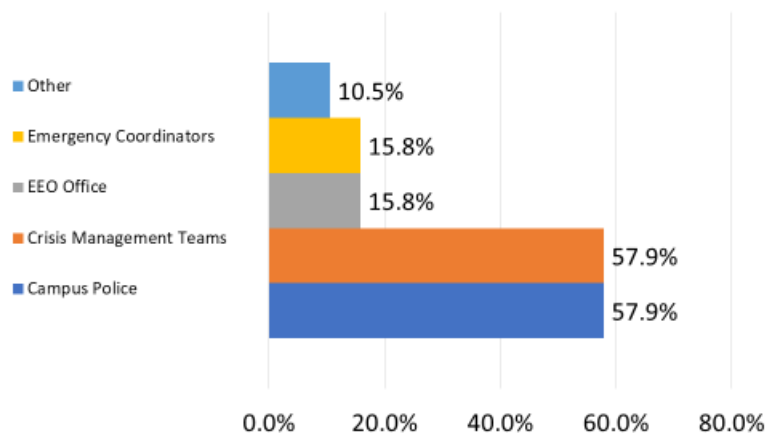


In this poll question, respondents were asked to suggest the kinds of tools, policies and programs that should be in place to measure the campus climate. Slightly less than half noted that there should be clear guidance to all on the respective roles of individuals responsible for measuring the climate on campus. More than forty percent suggested that there should be annual campus surveys for all (students and faculty), and thirty-one percent wanted guidance as to how to do a survey. One added that such policy guidance was needed and should come from upper level administrators.

### What Systems including, Crisis Management Committees, Hate Crimes Response Teams or Victim Assistance Teams, have been established?



Scenario #2 Question #1  
What Systems including, Crisis Management Committees, Hate Crimes Response Teams or Victim Assistance Teams, have been established?

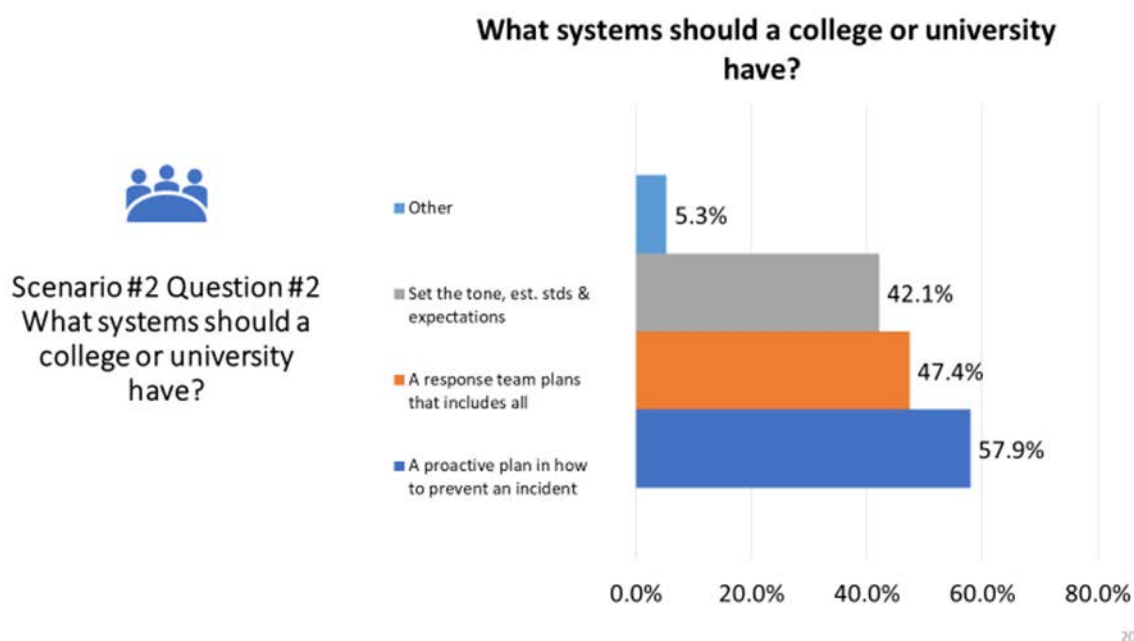


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This question relates to crisis management systems in Scenario #2. The majority of respondents indicated that the campus police were involved with or in charge of their crisis management team. The same group indicated that they had crisis management teams. A much smaller percentage (15.8%) indicated that the EEO Office was in charge of crisis management related to hate crimes, and a similar percentage indicated that there were emergency coordinators. The balance noted "Other."

Of the participants who chose to speak, one stated that there is a bias incident response team on his campus led by the vice president for diversity and inclusion. Another noted that the Bias Incident Response Team included the dean, chief diversity officer and a member of the police department. The human resources office was noted as well.

As to the role of the equal opportunity professional (EOP), one person added that at his institution, the EOP reports to the D&I office and has Title IX and discrimination investigations as part of that person’s responsibilities. His university is engaged in strategic planning, however, and will establish a stand-alone office for the EOP. At another institution, the EOPs help to support the persons affected and help to define the values of free speech. Normally, the EOP investigates policy violations and assists in educating the campus on equal opportunity issues. That person may be part of the various response teams, including the sexual assault and the bias response teams.



As for what systems for crisis management a college or university should have, a majority (57.9%) indicated that there should be a proactive plan for preventing an incident. Slightly less than half (47.4%) noted that there should be a response team plan, and forty-two percent recommended that the institution should set the tone and establish standards and expectations. One of the participants stated that in the case of a controversial speaker, before a room is reserved, it is important to vet the speaker to determine if extra security is needed.

A participant who works at a private Midwestern university added that as to the controversial speaker, it is important to take control of the time, place and manner of the event. If there is going to be an incident the matter is handled at the vice president level, usually the vice president for student affairs along with campus security. Safety is the primary concern as well as mitigating the loss of property. Social media is also a concern.

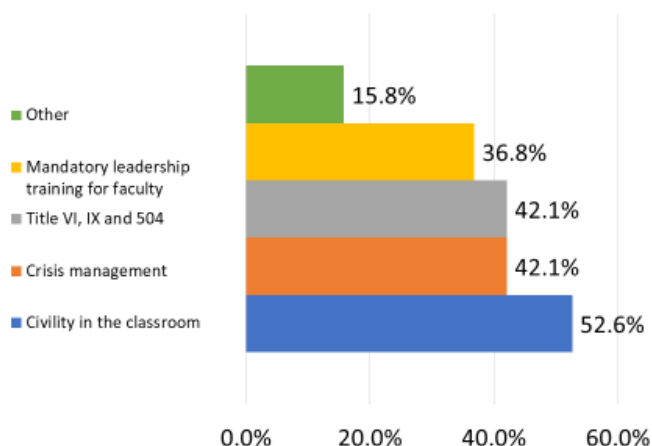
He added that there are different circles of safety, including the entrance to the venue. Making allowances for hecklers and other potential disruptions within the context of a civil environment is key. Having written guidance, detailing who has the authority to shut down an event — e.g., the head of security — is also important. Having safe spaces is important. Sometimes faculty will teach in a counter-session.

What is worn by the university staff is also important. Having a jacket that identifies staff as working for the university, as well as a nametag, are important to avoid confusion. Communication between the leaders of the event and the institution is also very important, as is communicating to student leaders what is expected and other security issues.



**Scenario #3 Question #1**  
**What policies and training programs are in place to instruct faculty to de-escalate heated debates in the classroom?**

**What policies and training programs are in place to instruct faculty to de-escalate heated debates in the classroom?**



25

These poll questions related to Scenario #3, including programs and policies to de-escalate “difficult conversations” in the classroom. A majority of respondents (52.6%) indicated that there were policies in place regarding civility in the classroom. Less than half (42.1%) responded that there were policies that addressed this issue as part of the crisis management system. The same percentage responded that the policies were incorporated into the institution’s anti-discrimination program. Slightly more than thirty-six percent indicated that there was mandatory leadership training for faculty, and sixteen percent indicated “other.”

One person spoke about hate speech in the classroom and said that his president hired speakers to discuss bias in the classroom. Faculty and staff were part of the instruction given. His institution also has a program where faculty and staff can learn diversity competencies. In addition, he spoke of the need to build sessions to address these issues.

Another person noted that there had been complaints about comments made by professors, particularly adjunct faculty. Those complaints led to a “Language Campaign” where posters were hung on campus to instigate discussion and as to serve as visual reminders.

Her institution preferred a “teaching mode” vs. taking enforcement actions. There were also “no contact” orders issued when necessary, and training was required for all freshmen. When the situation called for it, the institution brought in facilitators as well.<sup>31</sup>

Another participant mentioned that his institution had an anti-discrimination and anti-harassment policy. Anyone who comes to the university receives training. Where there is a complaint, sanctions could be imposed after an investigation. He added that the problem of discrimination and harassment needs to be handled systemically.

<sup>31</sup> See discussion below of hate and bias in the classroom and research conducted by a professor in Wisconsin.

It appears from the discussion that policies regarding de-escalating difficult conversations in the classroom are in their infancy and lack coordination. A participant noted that colleges have not until now had to deal with this level of bias in the classroom — but it is escalating. One suggested that there should be student interaction in the classroom. If something contentious starts, students should try to de-escalate the situation by talking it through. Faculty also need to be able to de-escalate these potential confrontations. They need training, too.

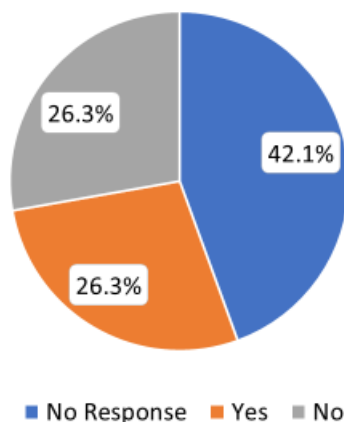
Another participant suggested that there be more train-the-trainer programs focusing on a particular topic such as classroom civility, hate and bias and how to de-escalate difficult situations. Mediation training was also a desirable goal. Some colleges have behavioral intervention teams and counseling programs for employees dealing with student issues, including Title IX sexual assault incidents and students with PTSD.

Other recommendations included giving time for faculty to revise the curriculum to be more culturally inclusive. Ideally, cultural proficiency should be part of the evaluation process for faculty. Another institution has a Council on D&I that meets monthly, but more training for or by this group would be desirable.



- Scenario #3 Question #2  
Are residence life personnel prepared to resolve racial, religious and other conflicts in the dormitory?

Are residence life personnel prepared to resolve racial, religious and other conflicts in the dormitory?



26

This chart relates to the graphic in which a student was expelled for engaging in egregious acts of hate against her roommate. As to the question of whether residence life personnel were prepared to resolve racial, religious and other conflicts in the dormitory, forty-two percent gave no response. Twenty-six percent responded that these individuals were prepared to resolve such issues, and the same percentage answered “No.”

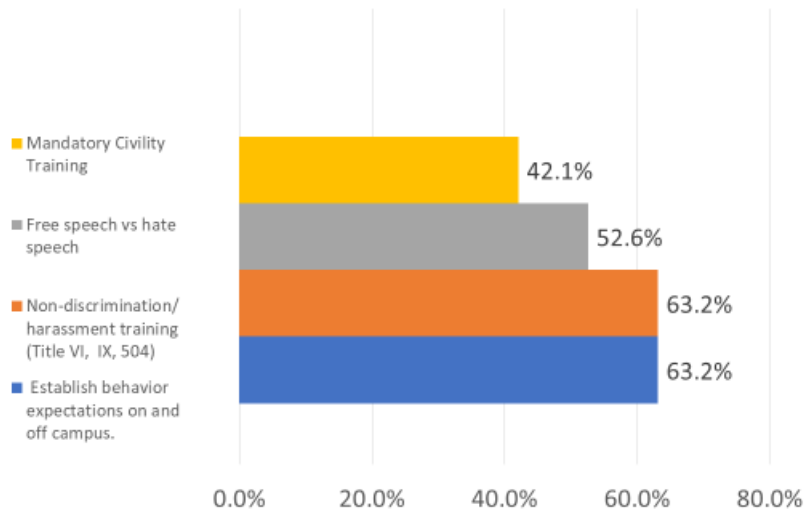
In discussing the issue of resolving conflicts in the residence halls, one person noted that conflict resolution training is optional and does not address the kinds of debates reflected in this report. Usually there is a policy of nondiscrimination, and EEO officers are responsible. The residence life staff are initially responsible if an incident occurs, but the preparation for such matters is cursory and often superficial.





**Scenario #3 Question #3**  
What training programs have been or should be established to assist campus professionals, faculty and students learn the laws, policies and skills related to free speech, but also to prevent and eliminate discrimination, harassment, hate and bullying on campus?

### What training programs have been or should be established...?



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As for the question of hate speech, those who wished to speak noted that there should be faculty discussions and dialogues with staff organizations as well as activities organized by the student life offices to discuss the parameters of hate vs. free speech. One person commented:

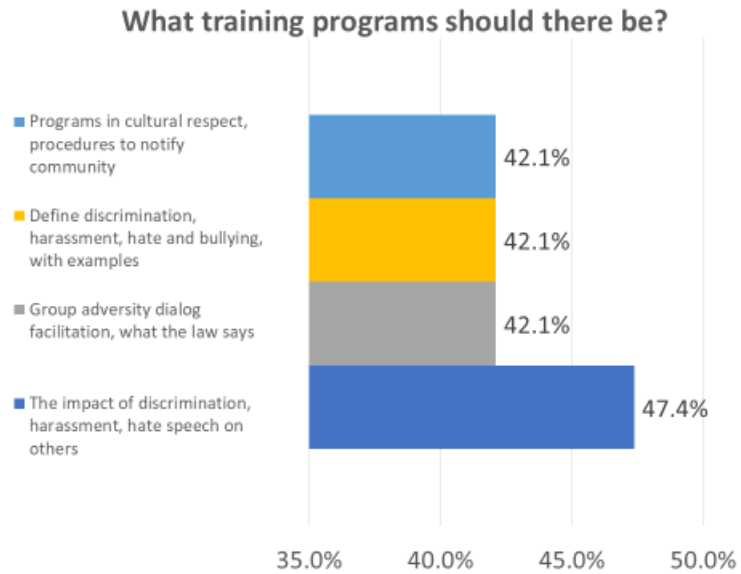
A group came on campus a few years ago. A decision was made to shut down the student center, and [as a result] women and children were left out in the cold. The vice president went on to spend the evening with those people. He addressed the decision to close the spaces, using the mission of the university to show how the decision was the wrong one. It is important to link the mission and values of the university. [A speaker] came in and tied in the mission of diversity and inclusion to the strategic plan.

This person also noted that there is a spot on each of the eleven campuses for free speech. He added that as to measuring and monitoring, the president should seek out opportunities to make sure that all students feel valued. They should also know before a crisis occurs where to go for assistance.

This scenario likewise poses the “should be” question. What training programs have been or should be established? Sixty-three percent of respondents indicated that the institution should establish behavior expectations on and off campus. The same percentage recommended that there be nondiscrimination and harassment training. Slightly more than fifty percent replied that there should be training on free speech and forty-two percent suggested that there be mandatory civility training.



Scenario #3 Question #4  
What training programs  
should there be?



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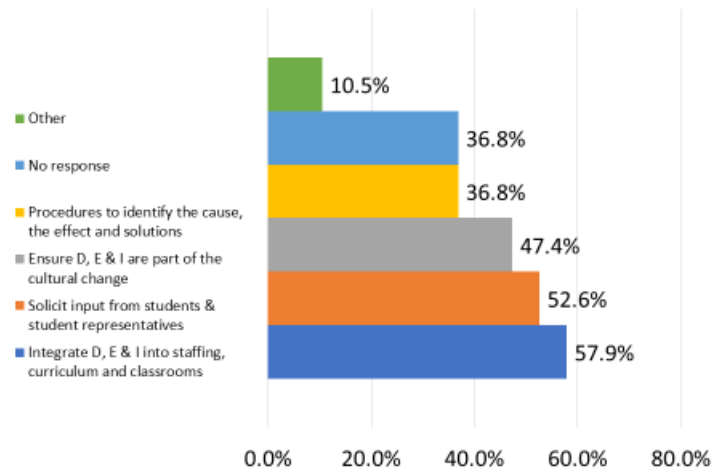
Additional recommendations regarding training are included in this poll. Forty-seven percent recommended that there be training on the impact of discrimination, harassment, and hate speech on others. Slightly more than forty-two percent responded that there should be a facilitated group diversity dialog on what the law requires. The same percentage suggested that the institution define discrimination, harassment, hate and bullying with examples. This same percentage also suggested that there be programs regarding the respect for cultures and procedures to notify the community.

Some commented that there should be training regarding Title IX and free speech as well as mandatory civility training, especially for a public institution of higher education. This is contrary to what is usually the case: Such training is not mandatory; it is optional. The civility training should be available for faculty and staff. While mandatory training is desirable, one questioned whether it was effective. Another participant supported awareness training for D&I and for individuals with disabilities, especially regarding those along the autism spectrum.



Recommendations:  
What best practices are or should be in place for maintaining a welcoming and safe campus climate?

### What best practices are or should be in place for maintaining a welcoming and safe campus climate?



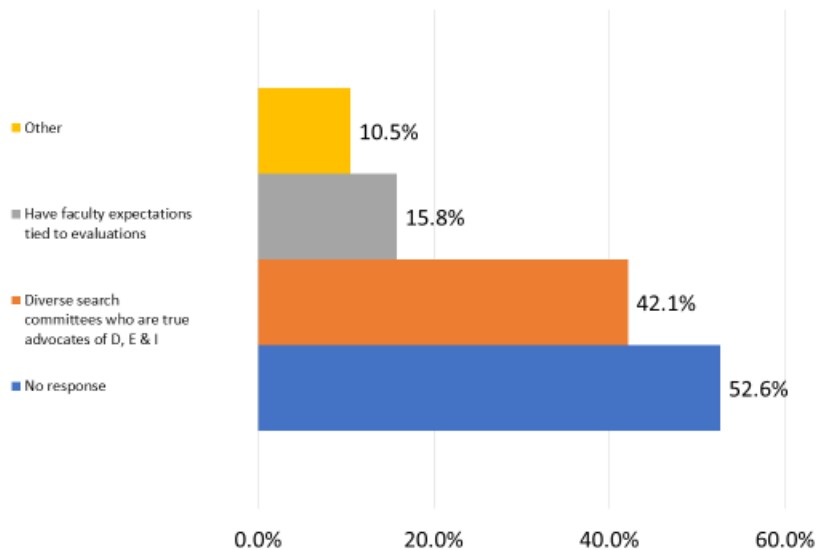
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As for the kinds of best practices that should be in place to maintain a welcoming and safe campus climate, more than fifty percent of respondents indicated that Diversity, Equity and Inclusion should be integrated into staffing policies, the curriculum and the classrooms. A majority also responded that the institution should solicit input from students and student representatives. Slightly less than half indicated that the institution should ensure that Diversity and Inclusion are part of the cultural changes at the college or university. Thirty-seven percent suggested that there be procedures to identify the cause, the effect and solutions for hate on campus, and slightly less than ten percent responded “other.” Thirty-seven percent gave no response.



Recommendations:  
Other Relevant Best Practices

### Other Relevant Best Practices



As for other recommendations, forty-two percent of respondents recommended that there be diverse search committees who are true advocates of Diversity, Equity and Inclusion, and sixteen percent suggested that faculty expectations be tied to evaluations.

## **B. HATE AND BIAS ON CAMPUS: IN-PERSON LISTENING SESSIONS**

The LEAD Fund team visited two locations in the Midwest, in Ohio and Indiana, and attended a hate/bias response symposium in Wisconsin. The purpose of these meetings was to have a half-day-long discussion, in the mode of a small focus group, on issues related to the three themes. In each session, the team showed the PowerPoint presentation of the themes and questions related thereto and sought input regarding the views of the participants. In Wisconsin, we learned that most of the individuals whom we sought to participate in our listening session were attending the Hate/Bias Response Symposium, so we went to the symposium with the intention of meeting our prospective participants at the University of Wisconsin at La Crosse on February 23, 2018. In Ohio, there were ten persons who attended, representing six institutions — including two private colleges and one nonprofit organization. In Indiana, all eight participants represented two campuses of one large public university.

The following is a summary of responses made at these sessions.

### **1. SCENARIO #1: KNOWING YOUR CAMPUS: KEY PLAYERS IN ADDRESSING ISSUES OF HATE, BIAS AND INCIVILITY; CLIMATE SURVEYS. WHO ARE THE KEY PLAYERS?**

- a. ***Who among the campus leadership is responsible for addressing acts of hate on campus, including bullying, intimidation, assault, other forms of harassment based on race, national origin, sex, sexual orientation and gender identity, disability, immigration status and religion?***

Attendees noted that in addition to race, national origin, sex, sexual orientation and gender identity, disability, immigration status and religion, they also include age, language and veterans' status as bases for civil rights protections against hate and bias. They added that responsible anti-bias campus leadership on their campuses include diversity and inclusion professionals, staff working in student affairs, equal opportunity, multicultural affairs, campus police, a crisis management team and occasionally other staff and faculty.

- b. ***What are the tools and policies in place to measure and monitor the campus environment, including campus climate surveys?***

At least one person said that two campus surveys (faculty/staff and students) were conducted once every four years. Another added that faculty and staff discuss perceptions of campus climate. It was also noted at one institution that there were two individuals on each campus assigned to monitor the bias incident reporting system.

- c. ***Who should be involved in measuring and monitoring campus climate and addressing issues raised in such surveys?***

The responsible campus leadership include diversity and inclusion, student affairs, EEO staff, multicultural center, campus police, crisis management team and occasionally staff and faculty.

- d. ***What tools, policies and programs should be in place to measure the campus climate?***

Participants noted that there should be annual campus surveys (faculty, staff, students), guidance to staff and faculty on “how to” conduct and presumably analyze the surveys, and clarification of the respective role and responsibility for faculty and staff. Institutions should also ensure that all policies cover all protected groups covered by law.



## 2. SCENARIO #2: CRISIS MANAGEMENT, COORDINATION AND PREVENTION STRATEGIES

- a. ***What systems, including crisis management committees, have been established to prevent and intervene in the event of major incidents, — e.g., Charlottesville? What is the role of EOPs, campus safety personnel, senior leaders and other professionals in investigating and resolving these crises?***

Several attendees said that they had a crisis management team or emergency coordinators (one for every building) to watch and monitor incidents, as well as campus police to share that role. Others responsible for reporting included EEO, D & I, faculty, students and staff. In one institution, the EEO office discussed procedures with campus police regarding graffiti, flyers, and other symbols of hate. Where there is something in the news that is very disturbing, faculty and students would often discuss.

Another institution polled key constituents and a network of other presidents to determine what other institutions are doing. This institution conducts a survey and periodically plans before and after an incident to ensure knowledgeable persons are involved. There were few specifics given, however.

- b. ***What systems should a college or university have? E.g., the University of Maryland has established the position of “Hate/Bias Response Program Manager.”***

Participants collectively noted that colleges and universities should have: a proactive response plan in how to prevent an incident from happening, a response team to include members from the student body, a bias incident response team, EEO committee, multicultural team, counseling, policies, and flexibility in schedules to allow for discussion of incidents affecting the campus.

They added that colleges and universities should have procedures in place to train all staff and faculty on how to handle such incidents, since what is said or done can create potential liability for the university or college. Regardless of the position or where the individual came from, the respective university or college should set the tone and establish standards and expectations. This will allow the institution to be prepared with each knowing his or her responsibilities and whom to contact.

## 3. SCENARIO #3: FACULTY-STUDENT ISSUES, FREE SPEECH AND TRAINING

- a. ***What policies and training programs are in place to instruct faculty to de-escalate heated debates in the classroom?***

A few commented that their institutions had training programs available on how to respond to negative incidents and microaggressions, political speech, and forums on free speech on campus. There was also leadership training for faculty, civility in the classroom training, Title IX training, student Title IX training, and ethics online training. Such training was not widespread, however, nor is there agreement across the faculty and staff about what kinds of training are needed. Training is not mandatory for faculty, staff or students.

- b. ***Are residence life personnel prepared to resolve racial, religious and other conflicts in the dormitory?***

It did not appear from the participants that residence life personnel had been trained on how to resolve racial, religious and other conflicts in the dormitory, but such issues are handled through the code of conduct.

- c. ***What training programs have been established to assist campus professionals, faculty and students to learn the laws, policies and skills related to free speech but also to prevent and eliminate discrimination, hate and bullying on campus?***

A few participants commented that there are forums on free speech on campus, policies on how staff should act on campus, a revised statement on civility and a no bullying policy, but agreement on the content or availability of such programs is not widespread. There is conflict resolution training, however. On at least one campus, there is no policy regarding civility on campus.

- d. ***What programs should there be?***

Participants commented that programs should include group adversity dialogue facilitation — e.g., what the law says and how discrimination is defined as well as hate and bullying. The institution should provide examples of what these problems look like and the impact of hate, bias and bullying on other people. There should be meetings with faculty, attorneys and counselors to aid in unfolding the discussion to include what hate speech is versus free speech, civility training, workplace civility, classroom civility, programs on cultural respect, and procedures to notify the community when students march and other on-campus activities.

#### **4. RECOMMENDATIONS: BEST PRACTICES FOR MAINTAINING A WELCOMING AND SAFE CAMPUS CLIMATE**

The participants recommended the following “best practices”:

- a. Ensure that Diversity and Inclusion (D&I) are part of the institution’s cultural change, integrally involved and part of the solution to incidents and issues.
- b. Integrate D & I into all areas — i. e., the curriculum, classroom, faculty and staff.
- c. There should be procedures and training for staff and faculty on how to handle incidents of hate and bias on campus — e.g., what to say and do and what not to say and do should they experience or receive complaints of discrimination. There should be clearly defined roles and responsibilities.
- d. There should be procedures to identify what allowed the situation or incident to happen.
- e. There should also be procedures to identify solutions.
- f. The institution should ensure that those responsible for the identity and solution of the problem have clearly defined roles and responsibilities. Expectations should be clear and institutions should provide training.
- g. There should be procedures in place to ensure that the appropriate staff are included.
- h. There should be policies and procedures (e.g., student incident reporting, a description of incident types), and such procedures should include coverage of the following bases: age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, gender identity, veteran status or any other protected status by law.

#### **5. OTHER RELEVANT ISSUES AND BEST PRACTICES**

Finally, as for the hiring and tenure of faculty, a few participants recommended that faculty expectations should be tied to evaluations for the purposes of articulating clear performance standards and accountability. The institution should also ensure that search committees are diverse and true advocates of D & I.

## C. HATE AND BIAS: PERSONAL INTERVIEWS AND OTHER VENUES

At the Hate/Bias Response Symposium at the University of Wisconsin at La Crosse on February 23, 2018, several presentations were noteworthy. One of these workshop presentations will be discussed below. This workshop involved faculty issues regarding hate and bias.

### 6. ANALYZING CLASSROOM HATE AND BIAS DATA TO SUPPORT CRITICAL PEDAGOGY AND INCLUSIVE TEACHING PRACTICES

Roi Kawai, Department of Educational Studies, University of Wisconsin-La Crosse and Hate and Bias Response Team Member, led a workshop in which he discussed his research on acts of faculty members that had led to complaints of discrimination or bias. In his presentation he noted that during the period between August 30, 2006, and February 19, 2018, there were 92 classroom reports, 78 separate incidents, and 11.15 percent of these reports related to incidents within the classroom.<sup>32</sup> In 2016 and 2017, 14 and 22 percent of complaints, respectively, derived from classroom incidents. Forty-one percent of the complaints involved race and ethnicity; 22 percent related to gender identity. Twelve percent involved sex. Both the alleged victims and upstanders submitted complaints.

Dr. Kawai's presentation noted that the emergent themes from the complaints were the following:

- Assuming identities based on appearance
- Tokenization
- Debating oppression
- The embodiment problem
- Gender dichotomy
- Heteronormative assumptions
- Justifying racial slurs as a matter of "context"
- Bias in assigned readings
- Deficit thinking/language

Dr. Kawai found that faculty asked students to "teach them about your people" or said that "this is not a woman's book" (sexual assault denial). In his view faculty were apparently singling out minorities or women as being the representatives of their particular group, which was considered offensive.

Dr. Kawai's research suggests that faculty must also be part of the effort to promote diversity and inclusion in the academy and must be mindful of the subtle or not-so-subtle microaggressions that could taint the learning experience of students of color, women, LGBTQ students and others. While faculty may reject the suggestion of training and may also assert that these so-called bias incidents violate the principle of academic freedom, there are liabilities for the institution that militate in favor of some sort of learning experience for faculty in order to convey the effects of potentially biased teaching practices on their students.



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<sup>32</sup> Kawai, Roi." Analyzing Classroom Hate and Bias Date to Support Critical Pedagogy and Inclusive Teaching."

# VII. ROLES OF CAMPUS LEADERSHIP:

## GOVERNING BOARDS

Of all of the offices responsible for maintaining a diverse, safe and inclusive campus climate, including the president, deans, Diversity, Equity and Inclusion (D, E &I) professionals, faculty, campus police, student organizations and university counsel, the governing boards of colleges and universities are most critical in setting institutional policy. In 2016, the Board of Directors of the Association of Governing Boards of Universities and Colleges (AGB) issued the “Statement on Governing Board Accountability for Campus Climate, Inclusion and Civility.” The AGB is an association composed of member boards, institutions and individuals. Its mission is to “strengthen and protect this country’s unique form of institutional governance through its research, services, and advocacy.” It provides university and college presidents, board chairs, trustees and board professionals of both public and private institutions and institutionally related foundations with resources to enhance their effectiveness.<sup>33</sup>

The AGB’s Statement on Governing Board Accountability for Campus Climate, Inclusion and Civility boldly addresses the board’s role in this era where demands for inclusion and other statements in recent years have proliferated. In its introductory section, it recounts recent incidents that have occurred on campus, including the following:

- A 1,000-student demonstration that arose in protest of a shooting of an African American male in the state
- Students seeking “trigger warnings” for the teaching of potentially offensive material in class and “safe spaces” where those of different positions are not allowed to be present
- The grant of gender-free housing on one campus and the denial of housing for a transgender student on another
- Demands about increases in faculty diversity
- A demonstration in which a woman student wears a mattress to protest the presence of a male student whom she claimed had sexually assaulted her
- States in which concealed weapons may be carried on campus

Countering these emerging demands for a diverse, welcome and safe campus climate are those who are intolerant and resistant to change.

The association asserts that at the center of these issues are governing boards, institution and chief executive officers who are ultimately responsible and accountable for “risk management, institutional reputation, educational quality, and the creation of an open and safe campus environment, and who are just as often taken to task for their failure to act as they are for the actions they take.”<sup>34</sup> Governing boards have a fiduciary responsibility and duty of care to act in good faith and comply with the laws covering these institutions and to protect freedom of speech and academic freedom.

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<sup>33</sup> Association of Governing Boards of Colleges and Universities. “AGB Board of Directors’ Statement on Governing Board Accountability for Campus Climate, Inclusion, and Civility, (forward.)” [http://agb.org/sites/default/files/agb-statements/statement\\_2016\\_campus\\_climate.pdf](http://agb.org/sites/default/files/agb-statements/statement_2016_campus_climate.pdf) (Accessed May 14, 22018).

<sup>34</sup> Ibid, p. 2.



In accordance with the history and traditions of institutional independence and academic freedom, AGB urges that “institutional policy related to campus climate, diversity, inclusion, and civility should be developed, viewed, affirmed, and welcomed.”<sup>35</sup> The Statement adds that the principles of Diversity, Inclusion and Freedom of Expression should be reflected in institutional and system policies:



**Diversity.** Diversity is a part of the value proposition for the institution and for higher education because of its demonstrated educational benefits for all students. Diversity comes in many forms, including race, gender, gender identity and expression, ethnicity, national origin, religion, sexual orientation, age, socio-economic background, physical ability and disability, neurodiversity, and student and faculty intellectual and political beliefs. Diversity also includes beliefs and practices that are strongly held by some religiously affiliated colleges and universities but that may differ from those of other higher education institutions. Diversity is not merely about demographics but also about campus climate, culture, and norms. Institutions cannot merely claim to be diverse. Rather, diversity is a dynamic institutional choice whose scope and characteristics will vary over time and place and circumstance.

**Inclusion.** Diversity without inclusion is only a metric. Inclusion recognizes and embraces the need for all members of the institutional community to have a sense of ownership in the institution and a place of belonging. It requires sustained and intentional institutional commitment and action. Tolerance is passive and may be a starting point. Inclusion is active and reflects the continuing character of a campus. An inclusive campus climate is manifested by the ideas, policies, actions, and shared culture of its governing body, chief executive, administration, faculty, students, alumni, and local community. Respect and civility, even in a clash of passionately expressed beliefs and values, are essential to the ability of a college or university to thrive and sustain over generations.

Campus safety is fundamental to protecting and implementing these ideals. In this context, being “safe” does not mean being shielded from potentially challenging ideas and beliefs that may be uncomfortable for some. Rather, individuals should have the right to be safe from physical or emotional harm or harassment in their expression of ideas, beliefs, values, lifestyles, diversity, and personal characteristics.

**Freedom of Expression.** Freedom of expression is both an American constitutional right and a principle that is central to an open and engaged institution of learning. It must be established by meaningful and consistent policies and remedies for its infringement, or there is no freedom. Tolerance — the willingness to permit the free expression of ideas, beliefs, and values that may be at odds with your own, rooted in a climate of mutual respect — is an essential characteristic of a campus climate that promotes this principle. With respect to engagement, civility is an essential response, but it is also an element of campus culture. Civility is not the opposite of passion. Conversations, discussions, debates, protests, and demonstrations do not need to be passive or unduly constrained in the name of civility, although they must respect the rights and safety of those who participate and those who do not. Tolerance and civility are at the heart of true freedom of expression.<sup>36</sup>

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<sup>35</sup> Ibid, p. 5.

<sup>36</sup> Ibid, p. 6.

The AGB made the following recommendations for institutions as they make cultural and institutional changes to address the needs of campus climate, inclusion and civility:<sup>37</sup>

1. An institutional or system governing board should support the chief executive officer with trust, confidence, and the delegation of authority necessary to make critical and timely decisions consistent with institutional and system policy. Governing boards should show support for and avoid micromanaging college executives in making decisions regarding campus climate, especially in moments of crisis.
2. Chief executives should be fully transparent and collaborative with the governing board on campus climate issues. The association recommends that chief executives (e.g., college presidents) should keep the governing boards regularly apprised of challenges, including protests, and keep them aware of when efforts to promote diversity, equity, inclusion and freedom of expression are successful and unsuccessful.
3. Boards should periodically review campus climate policies and ensure that those policies are up-to-date and consistent with the institutional mission and relevant laws and regulations. The AGB recommends that governing boards be proactive to ensure the clear articulation of principles of diversity, inclusion, freedom of expression, academic freedom and personal safety.
4. Boards should exercise their fiduciary duty of care by ensuring that the institution has allocated appropriate resources to address campus climate needs. Evaluating resource deployment must be proactive and include both short-term and long-term needs.
5. Governing boards should ensure the implementation of an effective communication plan and receive regular updates from the chief executive and other administrators who are responsible for the implementation of campus and system policies regarding campus climate. Transparency and consistency, through explanation and example, breed trust. The AGB suggested that boards should receive reports regarding measures and metrics that can guide their responses. Among such measures are campus climate surveys, student engagement surveys, academic results and achievement rates of various groups. “Boards should ensure that they are attuned to risks to reputation and culture by meeting on these matters with the chief executive and others as appropriate, including faculty leaders, the general counsel, the diversity and inclusion officer, the communications officer, student leaders, outside experts, and officers charged with ensuring institutional compliance under Title IV, Title VI, Title VII, and Title IX.”<sup>38</sup>
6. Governing boards should actively lead in addressing campus climate issues through effective governance practices that are proactive, responsive and adaptive. In order to be credible, governing boards need to be diverse and inclusive. “Board selection, the choice of board officers and committee chairs, and board education must effectuate the diversity that should be present in today’s higher education environment.”<sup>39</sup> Training on campus climate, diversity, and inclusion is also important for boards, the chief executive and administrators, added the association.
7. Governing boards, as a collective body, should seek direct engagement with students, faculty, staff, alumni, local communities and other stakeholders to be certain that they have an understanding of their

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<sup>37</sup> Ibid, p. 8 – 13.

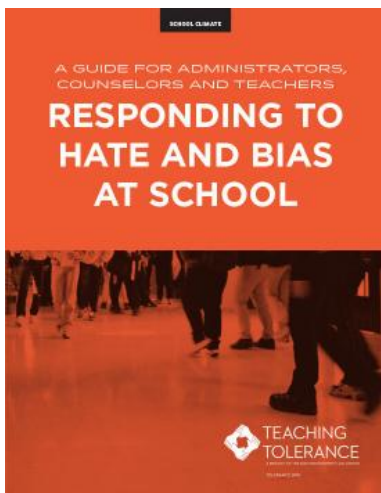
<sup>38</sup> Ibid, p. 11.

<sup>39</sup> Ibid, p. 11.

concerns and current priorities. In one example, the board adjourned its meeting and joined the student demonstration on campus. The AGB added, as was said at a Lumina Foundation event on race gaps in higher education, the focus must be not only on “college-ready students,” but also on “student-ready colleges.”<sup>40</sup>

8. Chief executives should demonstrate compliance with governing board policy and governance expectations on diversity and inclusion and show leadership in staff development. The AGB called on institutions to be champions of diversity throughout the faculty and staff hiring process. Progress on these goals should be included in the chief executive’s annual assessment or key performance indicator. Staffing structures should correlate with campus climate needs.<sup>41</sup>

## VIII. CRISIS INTERVENTION AND COMMUNICATIONS STRATEGIES



In 2017, the Southern Poverty Law Center (SPLC) published the booklet, “Responding to Hate and Bias at School: A Guide for Administrators, Counselors and Teachers.” While it pertains primarily to incidents of hate and bias at elementary/secondary institutions, it represents an excellent guidebook for preventing, addressing and managing the aftermath of crises involving hate crimes and bias-related incidents on college campuses as well.<sup>42</sup>

The pamphlet is divided into three sections: “Before a Crisis Occurs,” “When There’s a Crisis,” and “After the Worst is Over.”

Ida “Beth” Wilson, JD, former American Association for Affirmative Action (now AAAED) president and faculty member for the AAAED Professional Development and Training Institute, wrote a presentation on “Racial Conflict on Campus: Dealing Effectively with Difficult Situations.” This section will rely on both documents as well as others to discuss crisis intervention and communications strategies.<sup>43</sup>

### A. BEFORE THE CRISIS OCCURS

At this stage, observing the climate of the institution is important to avoid or prevent the escalation of potential incidents of hate, bullying and bias. Acts of intolerance may manifest in the form of harassment, name-calling, certain types of clothing that represent a hate group, social media messages or even more blatant acts of hate, including the distribution of racist posters around the campus. In the classroom, a bigoted comment should not go unnoticed. In order to prevent a crisis of hate and bias on campus, institutions should do the following:

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<sup>40</sup> Ibid, p. 12.

<sup>41</sup> Ibid, p. 13.

<sup>42</sup> Southern Poverty Law Center (SPLC), “Responding to Hate and Bias at School: A Guide for Administrators, Counselors and Teachers,” 2017, <https://www.tolerance.org/magazine/publications/responding-to-hate-and-bias-at-school> (Accessed May 14, 2018).

<sup>43</sup> We thank Ms. Wilson for her contribution to this report and toolkit.

- **ESTABLISH POLICIES AND PROTOCOLS**<sup>44</sup>

- Establish policies and procedures on discrimination and harassment.
- Establish protocols for reporting Incidents:
  - determine who can receive complaints: title, contact information
  - provide a complaint form on Line
  - provide a hot line for complaints: anonymous or otherwise.
- Advertise the policies and protocols to the university community.
- Explain policies and protocols to key student groups including sororities, fraternities, dormitories, athletes, student government.

- **ADDRESS HATE SPEECH THAT DOESN'T VIOLATE POLICIES WITH COUNTER SPEECH**

- Make sure that the university's mission statement includes the goal of a diverse campus
- Make sure the university has a non-discrimination policy that prohibits discrimination and harassment
- Generally, the response to hate speech is more speech that is counter to the hate speech. This can be accomplished through the following:
  - Position statements by university presidents that are widely disseminated to school and local press
  - Editorials written by other university students, faculty and officials stating their opposition to the sentiments expressed in the speech
  - Forums established to discuss issues of hate speech conducted at the same time as the speaker scheduled to deliver a speech known to provoke racial or other forms of hatred — to provide a contrary view consistent with the university's position. The forum could feature a panel of university officials and student leaders to discuss the university's position and that of student leaders on such matters.<sup>45</sup>

- **MAKE TRAINING OPPORTUNITIES AVAILABLE TO THE CAMPUS COMMUNITY**<sup>46</sup>

- Develop a training program for all first responders and investigators: faculty, administrators, key staff, and campus police.
- Ensure that the training is initially in person with Q & A, case studies and scenarios drawn from actual incidents for discussion.
- Make protocols and other critical information about what to do, when to do it, how to do it, and who else to involve readily available:
  - On line
  - In person
  - In writing

- **PRELIMINARY INVESTIGATION UPON NOTICE OF POTENTIAL OR ACTUAL PROBLEM**<sup>47</sup>

- Take Immediate Steps to Determine
  - What happened
  - When it happened
  - Where it happened
  - Who was Involved

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<sup>44</sup> Ida "Beth" Wilson, JD, "Racial Conflict on Campus," 2018, PowerPoint presentation, slide 2. To obtain a copy of the presentation, contact the LEAD Fund, email: [leadfund@aaaed.org](mailto:leadfund@aaaed.org).

<sup>45</sup> Ibid, Slide 3.

<sup>46</sup> Ibid, Slide 4.

<sup>47</sup> Ibid, Slide 5.



- Take Immediate steps to protect persons and property
- Take Immediate steps to preserve evidence
- Determine next steps based on what is discovered

- **INTERIM ACTION UPON NOTICE<sup>48</sup>**

- Once made aware of a potential or actual problem by complaint, observation or other way, you should do the following:
  - Follow protocol for Interim Action prior to investigation or adjudication in order to protect the campus community from further harm.
  - Determine whether a position statement should be developed and disseminated to the university community, public, press, and so on.
  - Determine who will be the spokesperson for addressing the matter to the university community and public, as warranted.
  - Determine what information will be released on a preliminary basis and, subsequently, in what form, and by whom.
  - Determine what action should be taken, by whom, on behalf of or against those involved in incident, and on what basis the action can be justified, such as violation of specific institutional policy.

- **PREPARE TO TAKE NEXT STEPS TO INVESTIGATE AND ADJUDICATE THE INCIDENT AND DEAL PROPERLY WITH THOSE INVOLVED<sup>49</sup>**

- **CREATE A BIAS INCIDENT REPORTING SYSTEM TO DOCUMENT AND MONITOR AN EMERGING PROBLEM OF POTENTIAL BIAS.**

The SPLC says, “Being alert is the responsibility of everyone on campus, and everyone has a duty to report problems they see and hear.”<sup>50</sup> It is important to focus on patterns of behavior rather than on speech. Such behavior patterns may reveal if students feel alienated and believe they are targets of biases.

- **ESTABLISH A “CAMPUS EVENT RESPONSE TEAM.”**

In “Responding to Campus Protests: A Practitioner Resource,” Axmacher and Sun offer a checklist for campus safety and other administrators to consider in the event of a potentially controversial activity. They recommend that institutions establish an integrated emergency management plan, otherwise called an “Incident Command System (ICS)” to prepare for crises that may arise.

This team would be activated in the case of demonstrations, protests, assemblies and other events. In convening the response team, the following questions should be asked:

- What is the command structure?
- Who is the incident point person? Is there a different point person on the ground versus at an off-site command center?
- Who should be present at the incident?
- What principles are used to delineate necessary presence? For instance, how do the protocols ensure for responder safety and command response team safety?

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<sup>48</sup> Ibid, Slide 6.

<sup>49</sup> Ibid, Slides 7 and 8.

<sup>50</sup> Southern Poverty Law Center (SPLC). “Responding to Hate and Bias at School: A Guide for Administrators, Counselors and Teachers,” 2017. <https://www.tolerance.org/magazine/publications/responding-to-hate-and-bias-at-school>, p. 8.

- How will the Campus Event Response Team assess incident priorities? What are the operational objectives?
- At what point will external or support agencies such as local law enforcement enter the environment? How will they be briefed and to whom do they respond?
- How will the Campus Event Response Team manage incident resources such as personnel, physical environment and building use, and finances to address the matter?
- Who will respond to the media?<sup>51</sup>

- **SET HIGH EXPECTATIONS.**

The SPLC reminds us that every one of the staff, faculty and students should know that hate has no place on your campus. What is expected is respectful behavior.<sup>52</sup>

- **SPEAK UP AGAINST BIGOTRY WHEN IT OCCURS AND REINFORCE WHENEVER THE OCCASION AND OPPORTUNITY ARISE.**

- **INCIDENTS THAT MAY OCCUR ON OTHER CAMPUSES MAY ALSO BE USED AS “TEACHABLE MOMENTS,” WHEREBY THE ISSUES CAN BE ADDRESSED IN A LESS STRESSFUL MANNER.**

Discuss how your campus would handle the situation if it happened there. 53

The SPLC suggests that in any moment of bias or bigotry, whether it happens on campus or elsewhere, ask yourself —and ask others in the school community — what happened and why are people reacting to it? Could it happen here? If so, what might we do to prevent it, or at least lessen its impact?<sup>54</sup>

## B. WHEN THERE’S A CRISIS

When an incident occurs that involves hate or bias, the first question to ask is whether it is a hate crime or a bias incident. The former may involve a referral to local law enforcement. The latter may violate campus policies and practices as well as state or federal civil rights laws. See section IV of this report for the definitions of hate crime and bias incidents.

You should focus on the impact of the incident, not its motivation. How has the school climate been damaged? What must be done to repair and improve the climate?

**The SPLC suggests that there are nine major considerations when addressing incidents involving hate and bias:**

- Put safety first.
- Denounce the act.
- Investigate.
- Involve others.
- Work with the media.
- Provide accurate information.
- Dispel misinformation.
- Support targeted students.
- Seek justice, avoid blame.
- Promote healing.

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<sup>51</sup> Education Law Association and NASPA Research and Policy Institute. “Responding to Campus Protests: A Practitioner Resource,” found on the website of NACUA, p. 8. <http://www.nacua.org/docs/default-source/meetings/responding-to-campus-protests-legal-links.pdf> (Accessed May 14, 2018).

<sup>52</sup> SPLC “Responding to Hate and Bia at School,” at 10.

<sup>53</sup> Ibid, p. 12.

<sup>54</sup> Ibid.

In addition to assessing what resources, material and human, you have to manage the situation, it is important to convene the crisis management team. Ask yourself who needs to be involved, involving superior officials including the president's office or even governing board members. The SPLC recommends that community members outside the institution may also serve as allies and supporters at that time and should be considered among those who should be consulted or enlisted as part of the response team.<sup>55</sup>

The SPLC adds that it is important to “balance the desire for speed with the need of thoroughness.”<sup>56</sup> In this era of the Internet, rumors travel quickly, but it is essential to gather as many facts as you can and implement an information and communications strategy to address rumors and properly convey your message. To spread accurate information, it may be useful to create a website where updates can be posted about the incident and its resolution.

## **SAFETY IS THE FIRST PRIORITY.**

The SPLC says that the paramount concern in any crisis is safety. Follow your school's policies for locking down the site or site evacuation, if needed; call school security officers or outside law enforcement, if appropriate; alert parents and caregivers, if warranted; and make sure everyone on campus is safe and accounted for.<sup>57</sup>

The campus community should be assured that the matter is being addressed and that further information will be made available. Faculty and staff should also be on alert for copycats and threats.

## **THEN, DENOUNCE THE ACT ASAP.**

It is most important for the administration to denounce the hate crime or bias incident clearly and unambiguously. “Silence or a lack of response allows fear, confusion, misinformation and distrust to grow.”<sup>58</sup> The statement needs to be made available to faculty, staff and students and disseminated on websites and other modes of communication. Consider if the incident originates from the outside or the inside and remember that this is an opportunity to heal, support the targets of the hate and restore the community, not to punish the perpetrator.

### **Keep it simple. Focus on three main points:**

- An unacceptable incident has occurred. (Be specific in your description of it; otherwise gossip and rumor will allow mistaken information to take root.)
- A full investigation is under way.
- Our school stands for respect and inclusion, a place where all are welcome and appreciated.<sup>59</sup>

## **CONDUCT AN INVESTIGATION.**

The investigation should be conducted, as others are, deliberately, without pre-conceived notions of the outcome. The SPLC suggests: “Empower the incident response team to carry out a thorough investigation and provide resources to support it.”<sup>60</sup> Be mindful that hoaxes may happen. Inform the campus that there is an investigation in progress; do not leave that information to the rumor-mill. The investigation should look for patterns of bias, hostility or discrimination.

In her PowerPoint presentation “Racial Conflict on Campus,” Attorney Beth Wilson recommends that institutions take the following steps:

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<sup>55</sup> Ibid, p. 16.

<sup>56</sup> Ibid, p. 17.

<sup>57</sup> Ibid, p. 18.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid, p. 19.

- **COORDINATE WITH CAMPUS POLICE AND/OR OTHER INSTITUTIONAL DEPARTMENTS AS NEEDED AND APPROPRIATE**<sup>61</sup>
  - Visit the scene of incident.
  - Interview parties and witnesses.
  - Collect and secure evidence.
  - Execute reporting protocols.
  - Share with others on a “need to know” basis.
  
- **ADJUDICATE WHERE THERE IS WRONGDOING BY STUDENTS OR PERSONNEL COVERED BY CAMPUS CONDUCT POLICIES:**<sup>62</sup>
  - Follow protocol for providing due process to those accused of wrong doing in violation of institutional policy
  - Determine appropriate remedy to punish and deter further violations as warranted, and/or to otherwise provide relief to those victimized by the policy violation.
  - Take measures, as warranted, to prevent or diminish possibility of a recurrence of the policy violation by the violators or others.  
Measures may include, for example: training or developing and disseminating new or revised policies and procedures
  
- **RESOLVE THE PROBLEM:**<sup>63</sup>
  - Take steps to ensure an effective and appropriate resolution of the incident.
  - Take steps to ensure that those who need to know how the incident was resolved are informed.
  - Take steps to ensure that the university community knows, through actions taken, that such incidents will not be tolerated in the future.

Institutions should not expect police to manage the campus climate. Police investigators are looking to solve a crime. As a campus administrator, one of your key objectives is to repair and improve school climate in the wake of a bias-based crisis; do not neglect that role as you await completion of a police investigation.<sup>64</sup>

## **INVOLVE OTHERS.**<sup>65</sup>

Use the relationships that have already been formed as a vehicle for communication and assurances that actions are being taken to address the matter. It is also an opportunity to broaden your relationships with members of the surrounding community, for example, or with advocacy groups and government officials, depending upon the size and scope of the issue. Not only inform your constituency but seek their input where appropriate or necessary.

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<sup>61</sup> Ida “Beth” Wilson, JD, “Racial Conflict on Campus,” 2018, PowerPoint, slide 7. Remember that Campus Police are Investigators of Criminal Misconduct and Administrators are Investigating Violations of Institutional Policy. There is a major difference between the two.

<sup>62</sup> Ibid, Slide 8.

<sup>63</sup> Ibid, Slide 9.

<sup>64</sup> Ibid.

<sup>65</sup> Southern Poverty Law Center. “Responding to Hate and Bias at School: A Guide for Administrators, Counselors and Teachers,” 2017, p. 20. <https://www.tolerance.org/magazine/publications/responding-to-hate-and-bias-at-school> (Accessed May 14, 2018).

## **WORK WITH THE MEDIA.**<sup>66</sup>

This is where a pre-developed communications plan is essential. The public information office should be involved as part of the Crisis Response Team. If the incidents are small, involving internal acts of hate or bias, there may be a few press calls. If the incidents are major, you may wish to organize a conference call so that you can control the message.

Your public information office should already know members of the local and state press. Their contact list should also include national education press and members of the “niche” press that specializes in education, employment and other issues. In these cases, the primary spokesperson should be the president or chief executive. This is not the time to delegate. The press office and senior staff should assist with talking points for the spokesperson so the message remains consistent with each interview and in communicating with the campus community, parents, alumni and the surrounding community.

The SPLC has the following recommendations for a press conference:

- State what has happened.
- Denounce the hateful incident.
- Indicate where you are in the investigation (early, partway through, nearly finished).
- State what steps the school is taking in its response to the incident (e.g., setting up counseling teams for students and staff, creating an incident response team to investigate the incident).
- Describe supports that already exist in the school (e.g., an anti-harassment policy, core values, pledges of tolerance signed by staff and students.).
- Indicate that clearly there is need for more work to be done.
- Remind people that you are an educational institution, well-positioned to raise awareness and increase understanding around the issues raised by the hateful incident.
- State that discipline will be handled in a manner appropriate to the offense, based on school policy and local laws.
- Focus on positive steps you plan to take rather than on punitive measures against perpetrators.<sup>67</sup>

The SPLC report has other recommendations regarding the conduct of the press conference. What is most important is not to promise anything that you are not prepared to deliver.<sup>68</sup> Consult with all of the individuals who will be involved in any changes and ensure there is buy-in across the board, including faculty and administrators. Make sure student organizations have been consulted as well, where appropriate, in any changes that are being made in response to the incident. In addition, be factual. Facts can be researched, so make sure of your facts.

## **PROVIDE ACCURATE INFORMATION — AND DISPEL MISINFORMATION.**<sup>69</sup>

As stated above, research your facts. The institution’s credibility is on the line.

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<sup>66</sup> Ibi, p. 22.

<sup>67</sup> Ibid, p. 23.

<sup>68</sup> Ibid, p. 23 -24.

<sup>69</sup> Ibid, p. 17, 24.



## PROVIDE EMOTIONAL SUPPORT FOR TARGETED STUDENTS.<sup>70</sup>

It is vital to provide emotional support services for the targeted group or individual, including counseling. In addition, immediately denouncing the act is essential, as is following through with the possible consequences for the perpetrators.

In the listening sessions, one of the participants emphasized that students, especially those who are members of the target groups, are waiting for more than words; *they want action*. The demonstrations

of student groups who are displeased with the perceived inaction of the campus administration toward acts of hate and bias could lead to more escalated actions, as in the case of the students at the University of Missouri Columbia (Mizzou). The president of the university and the chancellor were ultimately forced to resign.<sup>71</sup> The Spike Lee Documentary - 30 for 30 Spike Lee's Lil' Joints Fists Up captured the movement at Mizzou.<sup>72</sup> It can be found on YouTube.



## SEEK JUSTICE, AVOID BLAME.<sup>73</sup>

When a hate crime or bias incident occurs, the punishment should surely fit the crime, including criminal action by the authorities, separation or expulsion. That is not the end of it, however, according to SPLC. Institutions should use these events as an occasion to educate.

*This crisis is an opportunity to teach about culture and race, to help guide students to a deeper understanding that our diversity is a powerful force for good, binding us by our common humanity.<sup>74</sup> - SPLC*

## PROMOTE HEALING.<sup>75</sup>

This is an opportunity to begin the healing process post-crisis and to bring the campus community together. There is also an opportunity to plan for the future and to begin to implement ways to prevent such events from occurring in the future. One way to bring the campus together is to have a collective show of unity in the form of an event.

Distributing ribbons or wearing certain colors can become symbols of determination to recover from the incident and show unity in opposing hate and prejudice at school.

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<sup>70</sup> Ibid, p. 25.

<sup>71</sup> CNN, "University of Missouri campus protests: 'This is just a beginning'." <https://www.cnn.com/2015/11/10/us/missouri-football-players-protest-presidents-resigns/index.html> (Accessed May 14, 2018).

<sup>72</sup> [https://youtu.be/3eW-31F\\_7mY](https://youtu.be/3eW-31F_7mY)

<sup>73</sup> SPLC, Responding to Hate and Bias at School, p. 26.

<sup>74</sup> Ibid, p. 26.

<sup>75</sup> Ibid, p. 27.

## C. AFTER THE WORST IS OVER

The crisis is over and the media have gone on to other news events. The challenge ahead is to make the culture and campus climate change to ensure that such an event never happens again and to protect the institution from future incidents involving hate and bias.

### DEBRIEFING IS IMPORTANT.<sup>76</sup>

It is important to assemble the crisis management or bias response team and discuss what went right and what went wrong. Widening the discussion to include faculty designates, staff and students would also be inclusive and helpful. Focus on problem-solving, not blame.

Among the questions to be asked are:

- What worked well?
- Where are the opportunities for improvement?
- What resources did we have, and how did we use them?
- What resources did we lack, and how might we introduce and use new resources in the future?

The SPLC recommends the creation of a school climate task force composed of members of the campus community, including students representing multiple identity groups. This task force must have the resources and support of the administration if it is going to be successful.

The next section focuses on the use of campus climate and student engagement surveys as part of a long-term strategy of culture change at the institution.

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<sup>76</sup> Ibid, p. 30.

# IX. CAMPUS CLIMATE AND STUDENT ENGAGEMENT SURVEYS

Throughout this report, there has been mention of the importance of campus climate and student engagement surveys. These tools are essential if an institution wants to gauge the extent to which its faculty, staff and especially students are thriving and productive in an environment that was created to promote learning and the free exchange of ideas.

One university defines “campus climate” thusly: “Campus climate is characterized by the current attitudes, behaviors and standards of students, faculty, and staff concerning the level of respect for individual needs, abilities and potential. Campus climate is a key factor in recruitment, satisfaction, productivity, and retention.”<sup>77</sup>

In a workplace climate assessment at the College of Southern Nevada (CSN), campus climate was defined as follows: “a term that is used to discuss how individuals and groups experience membership in the campus community. It’s a general term that quickly summarizes the inclusivity dynamics of the organization and the degree to which various stakeholders feel included or excluded in the environment.”<sup>78</sup>

Climate surveys are not new to the academy, although according to our discussions with members of the listening sessions, they are not uniformly used throughout the academic community. We asked Ken Coopwood Sr., PhD, CDE, DROI Professional, vice president for Strategic Diversity & Infrastructure, Campus Climate Surveys LLC and co-founder of CoopLew, a national consortium of former chief diversity officers, researchers and scholars, to provide his views on the importance of campus climate surveys. The following is his essay on the subject:

## A WORD ABOUT CAMPUS AND CLIMATE IN HIGHER EDUCATION – KEN D. COOPWOOD SR., PHD<sup>79</sup>

No better opportunity for advances in diversity management exists than that found in campus climate research. However, even with its richness of information and platforms for reform, most institutions shy away from climate research and its underpinnings. Institutions considering climate research must be clear upfront about why such research is needed, but even clearer about what they are prepared to do with the results.

Climate research is not for the faint of heart, as so many institutions find out after the data are in. It takes an authentic belief that opportunity can be wrung from data that often is skewed toward less pleasant aspects of the campus, and more frustrations than accolades. But honestly, we don’t do climate studies to learn how great we are in the eyes of our constituent groups; we do them to learn how great we can be in those eyes, and where are the most advantageous components of the campus to get started on that journey.

“Campus” and “climate” are hoped by campus leaders to be synonymous for most university constituents. Herein lies the savior and scapegoat of any research that seeks to learn where these two descriptors divide. It is easier to dilute divisive perceptions of campus and climate when different experiences are being discussed. However, a good challenge is to adopt a discussion of these descriptors that sheds more concise light on each as an individual phenomenon.

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<sup>77</sup> Texas A&M University, Office for Diversity. <http://diversity.tamu.edu/Campus-Climate> (Accessed May 14, 2018).

<sup>78</sup> College of Southern Nevada. “What is Campus Climate and Why is it Important.” [https://www.csn.edu/sites/default/files/documents/imported/\\_convo2012campusclimate-fullpresentation.pdf](https://www.csn.edu/sites/default/files/documents/imported/_convo2012campusclimate-fullpresentation.pdf) (Accessed May 14, 2018).

<sup>79</sup> The next few paragraphs were written by Dr. Coopwood as an essay and are presented in toto. “A Word about Campus and Climate in Higher Education.” Essay by Ken Coopwood, Sr., Ph.D., submitted to AAAED March 21, 2018.

As such, a “campus” is the culmination of its pride, principles, practices and programs, while its “climate” is the cumulative and specific effect or influence the campus has on an individual, group, social, political or economic matter.

Taking the campus alone into focus allows for more distinction of its make-up and helps us researchers to readily identify its components as functional causes of climate as opposed to effects that resulted from something else, which is likely not being studied. Climate can now be seen in human form, with feelings, reactions, securities and insecurities resulting from the experience afforded by the campus.

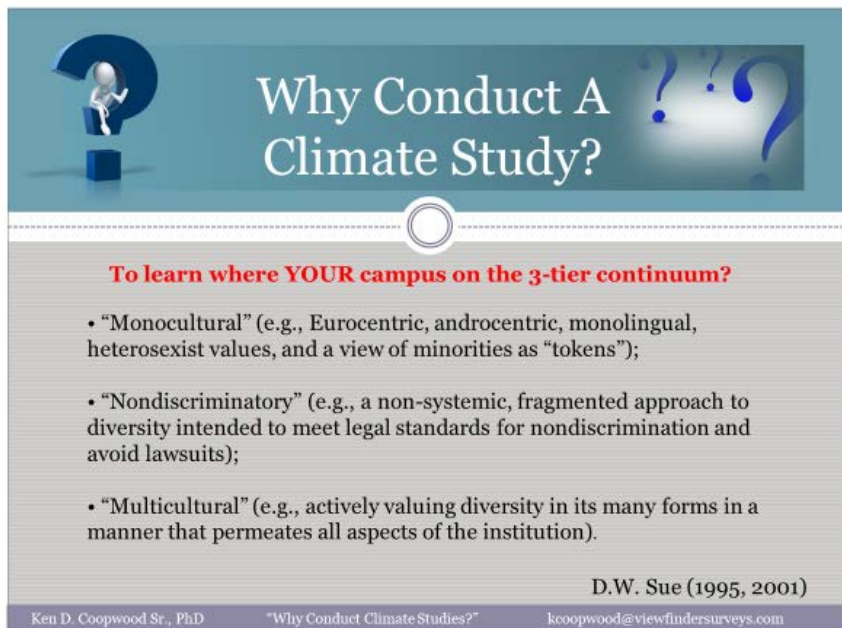
Acknowledging and embracing the opportunity to re-view the campus takes courage and a willingness to be found as “cause” of one concern or another. However, no genuine investment in self-discovery has ever gone unrewarded if we truly *want* to be and see ourselves in better light by others. Moreover, there is a nexus between social responsibility and holistic education that should compel institutions toward campus reform and climate transformation. Institutions must garner the resolve to be great in the eyes of all their constituents and invest in the change necessary to make campus and climate indisputably synonymous. There is much to learn and much to prepare for regarding campus climate research, and both are a *must* if we are to create 21<sup>st</sup> century-worthy curricular and co-curricular climates.

## DR. COOPWOOD’S WEBINAR

In his webinar presentation on Climate Surveys for the American Association for Access, Equity and Diversity (AAAED), Dr. Coopwood defined campus climate as “the degree to which the events, messages, symbols, values, etc., around the campus and community make it a welcoming and inclusive environment for all students, faculty, staff and members of the broader community.”<sup>80</sup> He also noted that “climate is what cultivates the emotional, psychological, physical and spiritual experiences of all students at a college or university.”

Dr. Coopwood wrote: “When proactively addressed, campus climate “creates a place where all people feel a sense of belonging and can use their differences to unlock the potential that exists within each other to foster innovation.” It also “provokes new thinking and establishes new behaviors, which generate breakthrough results in academic achievements and service delivery.”<sup>81</sup>

In his webinar presentation regarding the need for institutions of higher education to conduct climate studies, Dr. Coopwood discusses the three-tier diversity continuum and the use of climate studies in revealing where colleges and universities fit on the continuum:



**Why Conduct A Climate Study?**

**To learn where YOUR campus on the 3-tier continuum?**

- “Monocultural” (e.g., Eurocentric, androcentric, monolingual, heterosexist values, and a view of minorities as “tokens”);
- “Nondiscriminatory” (e.g., a non-systemic, fragmented approach to diversity intended to meet legal standards for nondiscrimination and avoid lawsuits);
- “Multicultural” (e.g., actively valuing diversity in its many forms in a manner that permeates all aspects of the institution).

D.W. Sue (1995, 2001)

Ken D. Coopwood Sr., PhD      “Why Conduct Climate Studies?”      kcoopwood@viewfindersurveys.com

<sup>80</sup> Ken Coopwood, PhD, Webinar PowerPoint Presentation for AAAED. “Why Conduct Climate Studies,” October 19, 2017. To obtain a copy of the presentation, contact the LEAD Fund, email: [leadfund@aaaed.org](mailto:leadfund@aaaed.org).

<sup>81</sup> Ibid.

Dr. Coopwood argues that students gain in several ways from diverse environments, including greater learning, increased interpersonal competencies, greater self-confidence among differences, fewer irrational prejudices, greater gains in critical thinking, and greater involvement in civic and community service. Administrators, faculty and staff also benefit from climate surveys. With the results of such surveys institutions can:

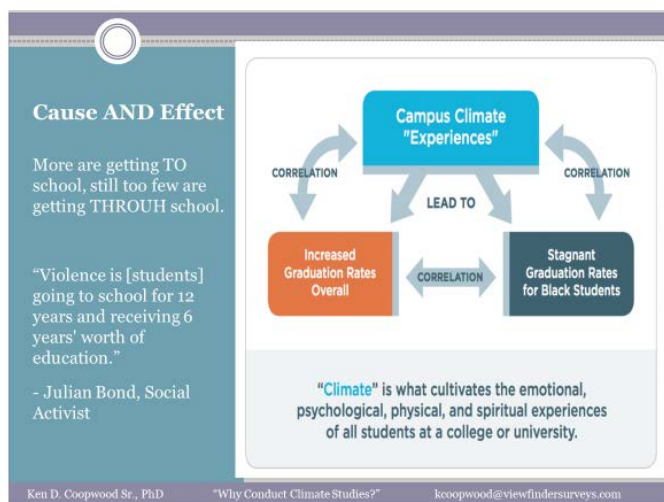
- design pathways to recruiting diverse faculty reflective of the community
- identify “misalignments” between public statements in support of diversity and the allocation of resources to effectuate these statements
- satisfy the requirement for “data-based action” responsive of significant findings in the surveys
- establish a platform to reward “multicultural competencies” and skills used to interact with diverse populations with sensitivity and respect<sup>82</sup>

Dr. Coopwood also asserts that “Diversity Makes Dollars” at every stage of the employment and admissions spectrum, from recruitment and retention to market shares and image branding. Before embarking on a climate survey, institutions should consider the following questions:

- What are EDP (Economic, Demographic and Political) trends?
- What are the fiscal conditions of the institution?
- Is the institution (people, practices and policies) ready for change?
- How vital and relevant are the institution’s current programs?
- What is the level of interactivity between the matters above?
- Why do we need outside resources to do this initiative well?<sup>83</sup>

In crafting questions for the survey, Dr. Coopwood urges institutions to seriously consider the nature of the questions asked. For instance, asking “Do you feel safe on campus?” may yield a simple yes or no answer, but instead, asking “What must exist before you feel safe on campus?” yields a more helpful response, especially if these are among the possible answers: visible officers, parking lot lights, a ban on guns, anonymous reporting, a shuttle bus, designated drivers and other more specific and relevant responses.<sup>84</sup>

Climate survey results may also correlate to some of the demographic data regarding student persistence and achievement, for example. See the graphic to the right:



Finally, the structure of the questions asked on the survey may unearth underlying problems that have been heretofore unexpressed. For example, on the survey there may be a simple declarative sentence that seeks a response:

Statement: “I trust the President’s staff.” Responses: 30% Undecided; 40% Disagree

What is being communicated is a complaint: Staff not visible at major venues.

The underlying structure that led to the complaint is there is no requirement for senior staff to be present after hours.

<sup>82</sup> Ibid, Slide #12.

<sup>83</sup> Ibid, Slide #14.

<sup>84</sup> Ibid, Slide #16.



The resulting behaviors are mistrust, impersonal relations, and excess criticism.

**Structure + Behavior =  
“The Smoking Gun”**

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**Statement: I trust the President’s staff**  
Responses: 30% Undecided 40% Disagree  
Complaint: Staff not visible at major venues  
Structure: No requirement for senior staff to be present after hours  
Behavior: Mistrust, Impersonal relations, Excess criticism

**Statement: I feel diversity efforts at my campus are inclusive**  
Responses: 20% Undecided 50% Disagree  
Complaint: Climate is hostile and protests about mistreatment arise  
Structure: No process to give voice to marginalized populations  
Behavior: Angry inferences, Confrontations, Transfers

Ken D. Coopwood Sr., PhD      “Why Conduct Climate Studies?”      kcoopwood@viewfindersurveys.com

## CAMPUS SURVEYS AROUND THE NATION

Among the campus surveys or survey results that are available online are the following:

1. UC Berkeley Campus Climate Survey: <https://diversity.berkeley.edu/initiatives/survey-results>
2. Washington University St. Louis, Mosaic Project Campus Climate Survey: <https://diversity.wustl.edu/wp-content/uploads/2016/05/FINAL-Undergrad-Results.pdf>
3. NC State University, Spring 2015 Campus Climate Survey: Undergraduate Students Demographic Profile, <https://oirp.ncsu.edu/ccs2015-undergrad-demogprofile/>
4. NC State University, Spring 2015 Campus Climate Survey: Undergraduate Students’ Comments <https://oirp.ncsu.edu/ccs2015-undergrad-comments/>
5. North Carolina State University, 2015 Campus Climate Survey (Undergraduate Students) Section F: Shaping Attitudes about Diversity, [https://oirp.ncsu.edu/wordpress/wp-content/uploads/2016/02/ccs15.ug\\_demog\\_sectionf.pdf](https://oirp.ncsu.edu/wordpress/wp-content/uploads/2016/02/ccs15.ug_demog_sectionf.pdf)
6. University of Chicago, Spring 2016 Campus Climate Survey, Diversity and Inclusion Survey Results, <https://cpb-us-west-2-juc1ugur1qwqqo4.stackpathdns.com/voices.uchicago.edu/dist/6/294/files/2016/09/UCM300717.ClimateSurveyReport.v4.111716-zl5tj8.pdf>
7. University of Wisconsin Madison, UW-MADISON To Use New Survey Data to Improve Campus Climate, November 1, 2017, <https://diversity.wisc.edu/uw-madison-to-use-new-survey-data-to-improve-campus-climate/>; Results and Next Steps: <https://diversity.wisc.edu/wp-content/uploads/2017/10/FINAL-CCSTF-RECOMMENDATIONS.pdf>
8. Bloomsberg University Campus Climate Survey Questions (2012): <https://intranet.bloomu.edu/documents/strategic/ClimateSurvey.pdf>

9. University of Michigan, “University of Michigan survey shows mixed views on campus climate,” November 3, 2017, <http://michiganradio.org/post/university-michigan-survey-shows-mixed-views-campus-climate>; Results of the 2016 Student Campus Climate Survey on Diversity, Equity and Inclusion, <http://diversity.umich.edu/wp-content/uploads/2017/11/DEI-STUDENT-REPORT-FINAL.pdf>

What is evident in reviewing some of the results of the surveys is that on these campuses there is a marked difference between the level of satisfaction of the overall student population and that of underrepresented students of color or the female student body. At the University of Michigan, for example, underrepresented students of color (i.e., students of color other than Asians) indicated less satisfaction with the campus climate than white or Asian students:

Overall, 72% of undergraduate and graduate students report being satisfied or very satisfied with the overall climate within the past 12 months (Table 23). Although there is no statistically significant difference between undergraduate and graduate students, there is a statistically significant sex difference across all students, with women being less satisfied than men (Table 24). Also, there is a statistically significant race difference across all students with underrepresented minority students being less satisfied with the campus climate than both White and Asian American/Asian students (Table 25).<sup>85</sup>

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<sup>85</sup> University of Michigan. “RESULTS OF THE 2016 UNIVERSITY OF MICHIGAN STUDENT CAMPUS CLIMATE SURVEY ON DIVERSITY, EQUITY AND INCLUSION”, at 19 <file:///C:/Users/Shirley/Documents/LEAD%20Fund%20toolkit%20UMich%20DEI-STUDENT-REPORT-FINAL.pdf> (Accessed May 14, 2018).

# X. THE FIRST AMENDMENT AND FREE SPEECH ON CAMPUS

In this era, where incidents of hate and bias against targeted groups, whether from outside the campus or inside the classroom, are becoming commonplace, colleges and universities must be mindful of the rights and limits imposed by constitutional and statutory law, both federal and state, that provide for freedom of speech. The following are examples:

*On campus X, a professor has been criticized for using the “N” word in a class on hate speech and blasphemy. After protests, he cancelled the class. On campus Y, students drown out a speaker denouncing a particular religion as evil. A third college has a sophomore who boasted on YouTube that he espouses hate and violence against individuals who are gay or members of an ethnic/racial group. Two institutions are public universities located in a major city, and the third is a private college located in a rural environment and situated 100 miles west of the largest city in the state. What is an institution of higher education to do when students who are the targets of such speech demand action? Does the First Amendment apply?*

Colleges and universities have been the locus of student activism and protests since the 1960s. Demands to diversify the curriculum by adding black studies and women’s studies as well as demonstrations against the Vietnam War have come full circle, morphing into demands for safety against sexual assaults, demonstrations for a more diverse faculty or protests against hate speech in the classroom and in the public square. CNN has dubbed the modern debate on hate speech the “War on Campus.”<sup>86</sup>

The possible solutions to the students’ demands involving speech are nuanced and complicated, and institutions of higher education are grappling with the tools that they have at their disposal. Solutions first depend upon whether the institutions are either public or private colleges and universities. If they are public, they, as all government agencies, are covered by the First Amendment to the U.S. Constitution. They are also covered by the Fourteenth Amendment’s equal protection and due process clauses.

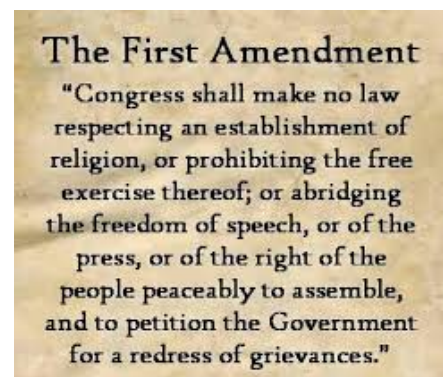
## PUBLIC COLLEGES AND UNIVERSITIES

The First Amendment to the United States Constitution states as follows:

### AMENDMENT I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

If a college or university is a public institution, there are substantial limits to the kinds of speech and “speech codes” the administration can mandate. Students have the right to free speech on a public college campus. The First Amendment’s right to freedom of speech is not entirely limitless, however. This right is balanced by the institution’s concern for preventing the disruption of its



<sup>86</sup> McLaughlin, Elliott C., CNN, “War on Campus: the Escalating Battle over College Free Speech,” May 1, 2017, <https://www.cnn.com/2017/04/20/us/campus-free-speech-trnd/index.html> (Accessed May 14, 2018).

primary mission, which is educating its students, maintaining campus safety and the protection of property, and preventing interference with the students' rights.<sup>87</sup>

Under the First Amendment, a public college or university can only restrict speech in two ways.

- (a) Through “reasonable time, place, and manner” restrictions that impose the same rules on every speaker regardless of who they are or their point of view. E.g., “No yelling in the library,” or “No disruptions of regular classroom activities.”
- (b) For any speech restrictions based on the content of the speech, or the point of view or identity of the speaker, the restrictions must pass the “strict scrutiny” test. This means the restrictions must be (1) narrowly tailored, (2) to a compelling government interest.
  - “Narrowly tailored” means that the restriction is neither under- nor over-inclusive; it only restricts the exact amount of speech necessary to accomplish the purpose of the restriction. Applying a rule to one point of view but not another point of view is under-inclusive (e.g., “Libertarians are allowed to protest in the Quad, but communists are not.”). Blanket prohibitions of particular content regardless of the context in which it is used would be over-inclusive (e.g., banning swastikas entirely from campus, including history classes).
  - A “compelling government interest” is an important goal or purpose of the school, such as protecting equal opportunity to education in accordance with civil rights laws or ensuring that regular school activities are not unreasonably disrupted.

The authors of this document also suggest that Institutions avoid attempting to regulate “pure speech”, which includes “spoken or written words communicating the thoughts, opinions, or ideas of the speaker,” even if the content of speeches or statements may be objectionable to others.<sup>88</sup> Thus, cancelling a speaker out of fear that that person may offend others is not permissible. Barring a student from wearing a t-shirt whose message may offend others is also a potential violation of the First Amendment. The “heckler’s veto,” when a speaker’s message is drowned out by other speech, is also problematic. Where speech is protected, one cannot be fined, censored or punished by the government, including public institutions of higher education. The First Amendment cannot protect one from criticism, condemnation, counter-arguments, satire, or nongovernment regulations.

Anticipating a disruptive event is not enough to prevent or limit the free speech rights of the inviting organization or the speaker. There must be “actual evidence of immediate disruption” before taking action to cancel the event. The threat must be a “true threat,” i.e., a genuine or sincere communication indicating imminent action.

There are four exceptions to the high level of scrutiny a court would apply in the case of speech restrictions: violent speech, for example, or speech likely to incite violence; obscenity that appeals to a “prurient interest in sex without redeeming social value”; defamatory speech; and commercial speech.

Colleges and universities may impose “time, place and manner” restrictions on speech, but these restrictions must be “content-neutral.”

- **Time** – Limitations on the length of the activity, frequency, hour, and date of expression.
- **Place** – Specifying areas available for free speech, requiring space reservations, and the limiting or prioritizing the categories of users for particular locations.

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<sup>87</sup> Education Law Association and NASPA Research and Policy Institute, “Responding to Campus Protests: A Practitioner Resource,” found on the website of NACUA, at 3. <http://www.nacua.org/docs/default-source/meetings/responding-to-campus-protests-legal-links.pdf> (Accessed May 14, 2018).

<sup>88</sup> Ibid, p. 4.

## Protected and Unprotected Speech and Press

### Protected Speech

- No Prior restraint – “Pentagon Papers” case
- Symbolic speech – *Texas vs. Johnson*
- Free Speech zones – imply that other areas are not?

### Unprotected speech

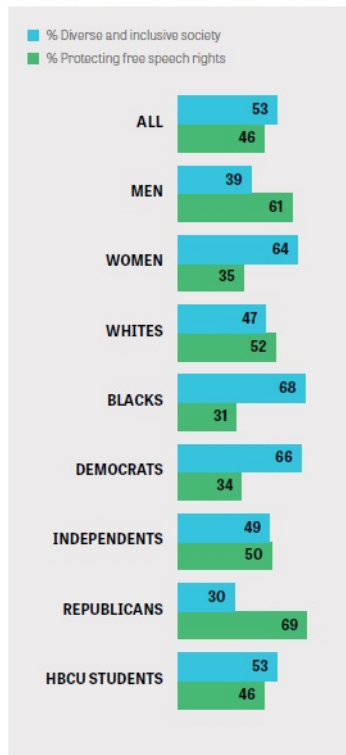
- Hate speech – when it intimidates or threatens
- Libel and Slander – *New York Times vs. Sullivan*
- Fighting words – similar to incitement
- Obscenity – community standards usually prevail; tough to define

• **Manner** – Limitations related to the form (not content) of the communication, such as a display of photographs, volume controls, construction prohibitions, distribution of literature, or oration.<sup>89</sup>

Institutions may indicate where the event may take place, including on the campus grounds or in a classroom. They may also limit the kinds of expressions uttered in a laboratory or other nonpublic venues.

### Diversity and Inclusion vs. Free Speech

If you had to choose, which do you think is more important?



## PRIVATE COLLEGES AND UNIVERSITIES

Recognizing the importance of academic freedom and freedom of expression, private colleges and universities attempt to emulate the rights accorded members of the public college community. According to the authors of “Responding to Campus Protests,” California and New Jersey are two states that have extended the rights accorded individuals at public institutions to private colleges.<sup>90</sup> Institutions of higher education should therefore be mindful of state and local laws in the attempt to regulate hate speech or limit speakers, speeches or other potentially objectionable and disruptive statements on campus.

## FREE SPEECH DEBATE: THE STUDENTS’ VIEWS

Interestingly, when polled, students support the principle of free speech — except when it comes to diversity. In that case, they support a diverse and inclusive environment more. A poll conducted by Gallup and the Knight Foundation at the end of 2017 found that when asked which is more important, 53 percent of the students selected for the survey chose diversity vs. free speech (46 percent).<sup>91</sup> This survey revealed both a gender difference and an even wider racial gap. Sixty-one percent of men chose free speech over diversity, while women (64 percent) chose diversity over free speech. Fifty-two percent of white students chose freedom of speech vs. diversity and sixty-eight percent of black students chose diversity over free speech.

<sup>89</sup> Ibid, p. 4.

<sup>90</sup> Ibid, p. 3.

<sup>91</sup> Bauer-Wolf, Jeremy. “Students Say Diversity Is More Important Than Free Speech,” Inside Higher Ed.

<https://www.insidehighered.com/news/2018/03/12/students-value-diversity-inclusion-more-free-expression-study-says> (Accessed May 14, 2018).



## HATE SPEECH AND DISCRIMINATION

Hate speech is defined by the American Bar Association as: “Speech that offends, threatens, or insults groups, based on race, color, religion, national origin, sexual orientation, disability, or other traits.”<sup>92</sup> While hate speech may not be regulated on its own, such speech may be used as evidence of an act of discrimination. Smolla writes that “Just as the First Amendment does not immunize [against] physical attacks on persons or property, it does not immunize [against] discriminatory conduct illegal under the equal protection clause, civil rights acts, or labor laws. Hate speech is often used as evidence of illegal discriminatory behavior. As long as it is the underlying discriminatory behavior and not the speech that is being regulated, the First Amendment is not offended.”<sup>93</sup>



One could argue that when a governmental employee (i.e., faculty) speaks in part for the government, the situation implicates a governmental interest in controlling the content of its own speech and ensuring that it is not, for example, racially or sexually abusive. Moreover, the presence of this interest therefore creates a justified opportunity for regulation.<sup>94</sup> Faculty groups, including the American Association of University Professors (AAUP), may take issue with this assertion, however, and argue that classroom speech as well as scholarship are protected by the First Amendment.<sup>95</sup>

Where students are concerned, controlling hate speech is more problematic. Smolla argues:

Does the idea of a university contemplate a role for the institution as an inculcator of what might be called academic values, as opposed to academic freedom? Might not the university say that part of its legitimate mission is to teach students how to contend vigorously within the marketplace of ideas while nevertheless observing certain norms of civility? Might not the university claim that part of its mission is to encourage the triumph of the rational and contemplative sides of the intellect over passion and prejudice?<sup>96</sup>

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<sup>92</sup> American Bar Association, “Debating Hate Speech,” Students in Action.

[https://www.americanbar.org/groups/public\\_education/initiatives\\_awards/students\\_in\\_action/debate\\_hate.html](https://www.americanbar.org/groups/public_education/initiatives_awards/students_in_action/debate_hate.html) (Accessed May 14, 2018).

<sup>93</sup> Smolla, Rodney A., “Academic Freedom, Hate Speech, and the Idea of a University.” College of William and Mary Law School, William & Mary Law School Scholarship Repository, 1990, at 211, <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4056&context=lcp> (Accessed May 14, 2018).

<sup>94</sup> Ibid, p. 223.

<sup>95</sup> Nisenson, Aaron. “Faculty Rights in the Classroom.” AAUP, September-October 2017.

<https://www.aaup.org/article/faculty-rights-classroom#.WrmnYYjwaUk> (Accessed May 14, 2018).

<sup>96</sup> Smolla, p. 223.

The American Association of University Professors (AAUP) *On Freedom of Expression and Campus Speech Codes*, details the faculty’s role in dealing with intolerance and offensive behavior by students. AAUP asserts that:

Members of the faculty have a major role in dealing with incivility, intolerance, offensive speech, and harassing behavior.’ If a topic raised by a student is not germane to the class, the faculty member may ask that discussion of the topic cease. Further, if the method by which the student addresses the class is unduly disruptive — yelling, for example — the faculty member may ask the student to cease this conduct, and if the conduct does not cease, the faculty member may use the techniques normally available to address the behavior of a disruptive student.<sup>97</sup>

The controlling issue regarding uncivil student conduct and hate speech in the classroom is behavior. The content of the student’s speech may be protected by the First Amendment; the behavior is not. Taking some action against the student in the face of abusive and bias-laden behavior is preferable, since silence may be interpreted as consent or agreement with the offending student.

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<sup>97</sup> Nisenson, Faculty Rights in the Classroom.

## XI. WHAT HAVE WE LEARNED?

In polling the attendees of the LEAD Fund listening sessions we learned that the institutions represented were in varying stages of development in having a concerted and organized policy of prevention, crisis management and cultural change.

The diversity and Inclusion (D&I) offices appeared to be a key point of contact when hate and bias incidents occur, followed by the campus police departments, the president's office, multicultural affairs and student affairs. The equal opportunity professionals other than the D&I staff had supporting roles and were charged with conducting investigations of complaints of discrimination.

Less than a third of attendees polled had conducted climate surveys, and only fourteen percent had conducted surveys for faculty and staff. Most attendees wanted clear guidance on roles of persons conducting the surveys and ways to measure the campus climate. Less than half indicated that they preferred an annual survey of the climate on campus.

The majority of those responding to the webinar polls indicated that there was some kind of crisis management system, including the police, on campus. Some institutions had a Bias Incident Response Team composed of the D&I office, the dean, chief diversity officer and police department. The majority responding indicated that they wanted a proactive plan that includes written guidance, safe spaces, directions for action and the articulated roles of staff when incidents occur.

There was little training on how to de-escalate a difficult conversation in the classroom other than civility training. There were also no policies. The office that handles anti-discrimination complaints was most likely to be in charge of complaints emanating from the classroom. As for incidents arising in residence halls, there was some training in conflict resolution, but it was optional.

Participants indicated that there was mandatory civility training in forty-two percent of the institutions, and there was also training on free speech in fifty-three percent of the respondents' institutions. Sixty-three percent conducted non-discrimination training.

As for what kinds of programs participants would want, forty-two percent wanted programs in cultural respect. They also want D&I integrated into the staffing (including faculty hiring) and in the classroom. Colleges and universities should also solicit input from students, participants suggested. Overall, D&I should be part of the movement for cultural change at the institution.

## Diversity and Inclusion as a Remedy

*What is the role of  
Diversity, Equity and  
Inclusion and “Inclusive  
Excellence” in addressing  
and resolving these issues?  
See Diversity, Equity, and  
Inclusion Statement:*

### Diversity, Equity, and Inclusion Statement:

As a learning and research institution, \_\_\_ strives to be defined by inclusive excellence. This commitment requires that we hold ourselves accountable for achieving real change based on clear and transparent measures and that we regularly examine ourselves and everything we do. Integrated into the core of the institution, the Inclusive Excellence framework advances the idea that diversity, equity, and inclusion are catalysts for achieving institutional and educational excellence through:

- the compositional diversity of our administrative leadership, faculty, staff, students, alumni, and trustees;
- the alignment of our policies and organizational structures;
- the innovative nature of our curricula and co-curricular programs; and
- our ability to welcome, value, and affirm all members of our community.

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At the end of our listening sessions, we showed a slide containing a quote from a president on a campus who was recovering from an incident of hate, and we asked: “What is the role of Diversity, Equity and Inclusion and ‘Inclusive Excellence’ in addressing and resolving these issues?”

This president chose to reach back to the issue of diversity and inclusion as a vehicle to promote excellence and emphasized the importance of the “ability to welcome, value and affirm all members of the community.”<sup>98</sup> One person at the listening session commented, “Students look to be enlightened [in a] safe environment where they can interact with a certain amount of freedom.” “It is important,” she added, “that our president makes clear what the mission and goal of the establishment is. This mission should also be supported by the faculty and staff throughout the institution. It is a challenge that we all have to embrace.” Another noted that the programming of diversity and inclusion should spring from the top down as well as the bottom up to create a safe community within the campus.

## FACING THE FUTURE

The increasing incidents of incivility, hate, and bias on campuses since 2016 demand that colleges and universities pay greater attention to prevention, crisis management, and post-crisis assessment, including cultural change with an emphasis on diversity and inclusion. Some colleges and universities have taken noteworthy actions in the face of daunting threats to the peace and stability of their campuses. From what we are learning in conducting our listening sessions and evolving research however, is that the academic community as a whole has much to do to develop comprehensive and sustainable systems to combat an increasingly hostile environment fomented by hate and bias from outside the campus community and within.



Sheila Fitzgerald / Shutterstock.com

<sup>98</sup> American University. “American University’s Plan for Inclusive Excellence,” January 30, 2018, p. 19. [https://www.american.edu/president/diversity/inclusive-excellence/upload/18-160-IE\\_PLAN.pdf](https://www.american.edu/president/diversity/inclusive-excellence/upload/18-160-IE_PLAN.pdf) (Accessed May 14, 2018).

# APPENDIX A: SELECTED NEWS STORIES AND ARTICLES ON CAMPUS CIVILITY, HATE AND BIAS

## SELECTED NEWS STORIES ON CAMPUS HATE AND BIAS INCIDENTS SINCE NOVEMBER 2016

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- C. U. Mass. Amherst, "Hate Has No Home at UMass." Diversity Matters, <https://www.umass.edu/diversity/hate-has-no-home-at-umass> (accessed May 14, 2018).
- D. U. Mass. Amherst, Campus Climate Survey Results, <https://www.umass.edu/diversity/campus-climate> (accessed May 6, 2018).
- E. Campus Safety, Racism Reported on Several Campuses Following Trump Victory, Nov. 14, 2016, [https://www.campussafetymagazine.com/news/racism\\_reported\\_on\\_several\\_campuses\\_following\\_trump\\_victory/](https://www.campussafetymagazine.com/news/racism_reported_on_several_campuses_following_trump_victory/) (accessed May 14, 2018).
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- I. UConn students shaken by University of Hartford hate incident, <http://dailycampus.com/stories/2017/11/9/uhart-bias-incident> (accessed May 14, 2018)
- J. FBI Investigating American University Hate Crime, <http://baltimore.cbslocal.com/2017/05/03/fbi-investigating-american-university-hate-crime/> (accessed May 06, 2018)
- K. American University Responding to Hate - May 2017, <http://www.american.edu/president/diversity/respondingtohate/> (accessed May 14, 2018)
- L. White Nationalists Wield Torches at Confederate Statue Rally, <https://www.nytimes.com/2017/05/14/us/confederate-statue-protests-virginia.html?action=click&contentCollection=U.S.&module=RelatedCoverage&region=Marginalia&pgtype=article> (accessed May 14, 2018)
- M. <https://www.nytimes.com/2017/05/14/us/confederate-statue-protests-virginia.html?action=click&contentCollection=U.S.&module=RelatedCoverage&region=Marginalia&pgtype=article> (accessed May 14, 2018)



- N. A Guide to the Charlottesville Aftermath, <https://www.nytimes.com/2017/08/13/us/charlottesville-virginia-overview.html> (accessed May 14, 2018)
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- M. University of Michigan, "Expect Respect, an educational partnership of students and faculty to promote campus climate in which all persons are treated with civility," <https://expectrespect.umich.edu/> (accessed May 06, 2018).
- N. Saunders, Shari and Diana Kardia. "Creating Inclusive College Classrooms." Center for Research on Learning and Teaching. <http://www.crlt.umich.edu/gsis/f6> (accessed May 06, 2018).
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- Y. Ken D. Coopwood, Sr., Ph.D. "Why Colleges and Organizations Need to Conduct Climate Surveys." PowerPoint presentation for an AAAED webinar, October 19, 2017.
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- AA. Ida "Beth" Wilson, JD. "Racial Conflict on Campus: Dealing Effectively with Difficult Situations." PowerPoint presentation, 2018.

# APPENDIX C: RESOURCES ON CAMPUS CIVILITY, HATE AND BIAS

## **Fund for Leadership, Equity, Access and Diversity (LEAD Fund)**

1701 Pennsylvania Avenue, NW  
Suite 200  
Washington, DC 20006  
202-349-9855  
[https://www.aaaed.org/aaaed/LEAD\\_Fund\\_Project\\_on\\_Campus\\_Civility.asp](https://www.aaaed.org/aaaed/LEAD_Fund_Project_on_Campus_Civility.asp)  
[leadfund@aaaed.org](mailto:leadfund@aaaed.org)

## **Campus Pride**

PO Box 240473  
Charlotte, NC 28224  
(704) 277-6710  
Website: <https://www.campuspride.org/about/>

## **Community Relations Service**

**U.S. Department of Justice**  
600 E Street NW., Suite 6000  
Washington, DC 20530  
202-305-2935  
Fax: 202-305-3009  
Website: [www.usdoj.gov/crs](http://www.usdoj.gov/crs)

## **Human Rights Campaign**

919 18th Street NW., Suite 800  
Washington, DC 20006  
202-628-4160  
Fax: 202-347-5323  
Website: [www.hrc.org](http://www.hrc.org)

## **Anti-Defamation League**

823 United Nations Plaza  
New York, NY 10017  
212-490-2525 Website:  
[www.adl.org](http://www.adl.org)

## **International Association of Campus Law Enforcement Administrators (IACLEA)**

1110 Bonifant Street  
Silver Spring, MD 20910  
855-4-IACLEA (toll-free in the United States); 855-442-2532  
FAX: 202-618-8841  
Email: [info@iaclea.org](mailto:info@iaclea.org)  
Website: <https://www.iaclea.org/>

## **Lawyers' Committee for Civil Rights Under Law**

1500 K Street NW, Suite 900  
Washington, DC 20005  
202-662-8309  
888-299-5227 (Toll Free)  
202-783-0857 (Fax)  
Website: [www.lawyerscommittee.org](http://www.lawyerscommittee.org)  
Stop Hate Project:  
<http://8449NoHate.org>

## **National Women's Law Center**

11 Dupont Circle NW., Suite 800  
Washington, DC 20036  
202-588-5180  
Fax: 202-588-5185  
Website: [www.nwlc.org](http://www.nwlc.org)

## **Southern Poverty Law Center**

400 Washington Ave.  
Montgomery, AL 36104  
(334) 956-8200 or Toll-Free at (888) 414-7752  
Website: <https://www.splcenter.org/>

## **U.S. Department of Education Safe and Drug-Free Schools**

400 Maryland Avenue SW.  
Washington, DC 20202  
202-260-3954  
Fax: 202-260-7767  
Website: [www.ed.gov](http://www.ed.gov)



**U.S. Department of Justice**  
**Civil Rights Division, Criminal Section**  
601 D Street NW.  
Washington, DC 20530  
202-514-3204  
Fax: 202-514-8336  
Website: [www.usdoj.gov](http://www.usdoj.gov)

**U.S. Department of Justice**  
**Office on Violence Against Women (OVW)**  
145 N Street, NE, Suite 10W.121  
Washington, D.C. 20530  
E-mail: [ovw.info@usdoj.gov](mailto:ovw.info@usdoj.gov) (link sends e-mail)  
Phone: (202) 307-6026  
Fax: (202) 305-2589  
TTY: (202) 307-2277  
Website: <https://www.justice.gov/ovw>

# APPENDIX D: JOB TITLES OF PARTICIPANTS AT LEAD FUND LISTENING SESSIONS

## JOB TITLES (48) OF PARTICIPANTS AT LEAD FUND LISTENING SESSIONS:

ADA & EEO Associate  
Administrative Officer  
Affirmative Action and Diversity Assistant  
Assistant to the President for Institutional Diversity  
Assoc. to the President/Asst. V.P. for Div., Acc. & Inclu.  
Associate Dean  
Associate Dean of Multicultural Affairs and Global Engagement  
Associate Director of Community Life  
Associate Legal Counsel OIE / Title IX Coordinator  
Associate Vice President  
Associate Vice President Human Resources and Chief Human Resources Officer  
AVP for Student Affairs - Diversity and Inclusion  
AVP/Title IX Coordinator  
Chair, Diversity Council  
Chief Compliance Officer/Title IX Coordinator  
Chief Diversity Officer  
Compliance Director/Title IX Coordinator  
Deputy Title IX - Campus Diversity Initiatives Director  
Director - Diversity Center  
Director of Diversity and EEO  
Director of Diversity, Equity and Inclusion  
Director of Employee Relations; Professional Development & EEO/Compliance  
Director of Labor/Employee Relations and HR Compliance  
Director of Staff Diversity & Inclusion  
Director, Community Engagement  
Director, Institutional Equity and Diversity  
Director, Office of Equal Opportunity  
Director, Staff Equity & Diversity; Title IX Deputy Diversity and Inclusion Manager  
Diversity and Inclusion, Director  
Diversity Manager  
EEO Director  
EEO Officer  
Equity and Diversity Officer / Title IX Deputy Coordinator  
Equity Officer  
Executive Director  
HR Compliance Investigator  
Interim Director, Civil Rights & Diversity and Title IX Coordinator  
Manager of Affirmative Action  
MOA Coordinator  
Senior Administrative Assistant  
Senior Investigator at the Office of Equal Opportunity  
Social Equity Officer  
Student  
Testing Center Coordinator  
Vice Chancellor for Diversity, Equity and Inclusion  
Vice Chancellor for Student Affairs

THIS TOOLKIT AND REPORT ARE DESIGNED TO BE AN AID IN MEETING THE CHALLENGE OF MAINTAINING A SAFE AND WELCOMING ENVIRONMENT FOR STUDENTS, FACULTY, STAFF AND THE COMMUNITIES SURROUNDING ALL OF THE NATION'S INSTITUTIONS OF HIGHER EDUCATION.

## CONTACT



1701 Pennsylvania Avenue, NW  
Suite 200  
Washington, DC 20006



866-562-2233 (AAAED)  
202-349-9855  
FAX: 202-355-1399



leadfund@aaaed.org

[WWW.AAAED.org/aaaed/lead\\_fund.asp](http://WWW.AAAED.org/aaaed/lead_fund.asp)



*Thank you for the graphic design and layout of this document*



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