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# **RESPONDING** *to* **BIGOTRY** *and* **INTERGROUP** **STRIFE** *on* **CAMPUS**

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A Guide for  
College and  
University Presidents and  
Senior Administrators

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ANTI-DEFAMATION LEAGUE

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# Contents

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<b>Introduction</b>	
<b>FOREWORD</b>	<b>5</b>
<b>DEDICATION</b>	<b>7</b>
<b>The ANTI-DEFAMATION LEAGUE</b>	<b>9</b>
<b>INTRODUCTION</b>	<b>11</b>
<b>How Hate Escalates on Campus</b>	
<b>GLOSSARY of TERMS</b>	<b>15</b>
<b>HATE CRIMES and BIAS INCIDENTS</b>	<b>17</b>
The Special Nature of Hate Violence	18
Key Indicators of Bias Motivation	19
Strategies for Effective Investigation	21
Suggested Intervention When Dealing with Hate on Campus	22
<b>HOW HATE ESCALATES ON CAMPUS</b>	<b>29</b>
<b>PYRAMID OF HATE</b>	<b>30</b>
<b>Free Speech, Intergroup Strife and Hate on Campus</b>	
<b>FREE SPEECH, INTERGROUP STRIFE, and HATE ON CAMPUS</b>	<b>31</b>
Hate and the Campus Media	32
Speech Codes in University Policies	34
Speech in the Classroom	36
Extremist Speakers on Campus	42
Speech at Rallies and Protests	47
Vandalism and Graffiti	50
Hate on the Internet	54
Developing Collaborative Programs with International Universities	60
<b>Taking Action Against Hate</b>	
<b>TAKING ACTION AGAINST HATE</b>	<b>63</b>
Respond to Specific Events	64
Develop Proactive Strategies	65
Improve the Campus Culture	66
Develop Clear Grievance Procedures	66
<b>Appendix</b>	
<b>APPENDIX A: Statements from Presidents &amp; Administrators</b>	<b>71</b>
On Racism	72
On Anti-Semitism	80
On Homophobia and Heterosexism	83
On Discrimination Based on Gender Identity	88
On Islamophobia	90
On Fighting Bigotry	94
On Diversity	97
On Addressing Current Events	101
On Changing Campus Culture	103
<b>APPENDIX B: A Campus of Difference™</b>	<b>109</b>
<b>APPENDIX C: Campus Security Hate Crimes Training</b>	<b>113</b>
<b>APPENDIX D: Examples of College Policies</b>	<b>115</b>
<b>ENDNOTES</b>	<b>152</b>



# Foreword

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The university traditionally has served as an enclave for intellectual expression, insulated from the distractions of the world outside. It also has served as a trendsetter for the larger society, a laboratory where social change first begins to ferment and find an outlet. The campus has been seen as a community of established and aspiring scholars, freed from the prejudices of the larger society, who enjoyed the luxury of pursuing an unburdened intellectual life. As such, the campus of our romantic ideal has been one of the very last places where bigotry would be expected to find a home.

The reality on some campuses today, unfortunately, is far from ideal. Students, faculty and staff are subjected to verbal and physical harassment based on their actual or perceived race, ethnicity, religion, gender, sexual orientation or other identity groups. Such hatred comes from influences and attitudes outside the campus as well as from individuals and elements from within the institution. Academia, in this regard, has become both a mirror of the larger society and a place where bigotry is reflected into surrounding communities.

Prejudice is not simply a frustration on campus, but a significant threat to the integrity of academic institutions and a formidable challenge to their ability to carry out their core educational mission. College and university presidents and senior administrators are key players in the fight against bigotry on campus. Campus leaders set the overall tone of the university and serve as the role models students, faculty, and the larger community look to for guidance in times of crisis. Therefore, it is essential that university administrators take a strong leadership role when hatred and bigotry surfaces on campus to ensure the safety and well-being of students, faculty and staff and to maintain the integrity of the institution.

Building upon its long history and experience in combating all forms of bigotry on and off campus, the Anti-Defamation League produced the second edition of the *Responding to Bigotry and Intergroup Strife on Campus Guide* to provide comprehensive assistance to leaders of the academic community. The *Guide* begins with background information on hate crimes and incidents, followed by sections that deal with specific campus scenarios relevant to free speech, bias and diversity. Each section includes legal background and analysis, specific action steps and examples of presidential statements that have proven to be effective responses in similar scenarios. Included in the Appendix are examples of presidential statements divided by the motivation behind the incident, such as racism, anti-Semitism and homophobia. Finally, the *Guide* offers a prospectus of anti-bias education programs available through ADL's acclaimed A CAMPUS OF DIFFERENCE™ diversity training program, as well as examples of college and university policies that have been enacted to fight and prevent acts of hate.

We trust you will find this *Guide* to be a valuable tool in your ongoing work to make your campus, and the larger community, a better and more fruitful place for all of us to live and work. ADL remains committed to its goal of being an accessible resource for the campus community in fighting hate and in developing educational programs to help prevent it.

With best regards,



Glen S. Lewy, National Chair



Abraham H. Foxman, National Director



# Dedication

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Dr. Jeffrey Ross, the Anti-Defamation League's former Director of Campus/Higher Education Affairs, passed away suddenly on July 8, 2003. Jeffrey Ross dedicated 19 years of his life to combating anti-Semitism and hate crimes on college and university campuses throughout the United States.

One of Jeffrey's most significant contributions to combating bigotry on campus is the first edition of this publication: *Responding to Bigotry and Intergroup Strife on Campus: A Guide for College and University Presidents and Senior Administrators*, a comprehensive publication designed to provide concrete advice to senior campus administrators on combating hate on campus.

With an update of his original publication, we honor him and his life's work with campus communities to help them establish safe and nurturing learning environments that promote respect, understanding, freedom of speech and the value of diversity.

Jeffrey took the most pride and joy in interacting with students and staff, speaking about these issues of acceptance and the need for continued dialogue on campuses throughout the country. His experience enabled him to put each incident into its proper perspective, reacting appropriately and offering just the right counsel. He was always careful to distinguish between valid political speech and campus hatred and hate crimes. In situations when others might have overreacted, Jeffrey provided a calming influence, responding professionally and effectively.

The Anti-Defamation League and campus communities across the United States miss Jeffrey's clarity and guidance in handling issues of bigotry and diversity on campus.

At the Anti-Defamation League, we are dedicated to continuing his vision of college campus life free from bias and bigotry—a place where everyone is accepted and respected in our most treasured learning communities.



# The Anti-Defamation League

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The Anti-Defamation League (ADL) is one of the nation's premier civil rights and human relations agencies. When ADL was established in 1913, its charter stated: "The immediate object of the League is to stop, by appeals to reason and conscience, and if necessary, by appeals to law, the defamation of the Jewish people.

Its ultimate purpose is to secure justice and fair treatment to all citizens alike and to put an end forever to unjust and unfair discrimination against and ridicule of any sect or body of citizens." With this charter, ADL called for a society in which all minority groups would be granted the same rights of freedom from discrimination traditionally enjoyed by the majority. ADL's long-term commitment to fighting anti-Semitism and all forms of bigotry is the basis for all of its anti-bias initiatives.

Today, ADL's offices in the United States and abroad work to secure justice and equitable treatment for all people through information, education, legislation and advocacy. Its Legal Affairs staff files amicus briefs and advocates for civil rights policy and against discrimination. (For example, 45 states and the District of Columbia have enacted laws similar to or based on the ADL model hate crime statute, which may enhance penalties when crimes are committed because of a victim's immutable identity, such as race, religion, ethnicity, sexual orientation or national origin.) The League's Center on Extremism monitors extremist groups, from neo-Nazi skinheads to international terrorist groups. Its Education Division seeks to break the cycle of hatred through curriculum and training that builds bridges of communication, understanding and respect among diverse racial, religious and ethnic groups around the world. ADL also works in coalition with many organizations nationwide, including National Voices for an Inclusive 21<sup>st</sup> Century, with the National Urban League, the National Council of La Raza, Leadership Education for Asian Pacifics, Inc., National Congress of American Indians and the National Conference for Community and Justice.

On the local front, ADL's 30 regional and satellite offices respond daily to grassroots concerns and issues regarding intergroup relations and incidents of bias. Further, the regional office professionals implement national programs and serve as a resource for government, media, law enforcement, educators and the public. Timely, informative conferences and workshops bring together thousands of community leaders annually to address pressing concerns and problems identified at the local, national and international levels. These offices also focus on local public policy concerns, legal matters, education issues, individual and group civil rights complaints, and intergroup and interfaith affairs. In conjunction with a regional board of lay leaders, the professional staff acts in concert with local political and law enforcement officials to defuse community racial and ethnic tension by providing informational and educational programs, by targeting needed resources and by encouraging and providing a forum for dialogue.

# Introduction

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College and university administrators are on the front lines of the struggle to combat hate on campus. All constituencies on campus rely upon college and university leaders to provide practical and moral guidance in times of conflict, and to direct their institutions successfully through periods of stressful change.

When diversity—differences in race, ethnicity, religion, sexual orientation, gender identity, language, learning style, class, body type and ability—is not valued and respected, the resulting lack of understanding can fuel intergroup tension, widen the academic gap among diverse student groups, and create an inequitable institution.

Not only can this tension cause inequities, but it also creates the potential for scapegoating, discrimination and intergroup conflict. Bullying, harassment, youth violence and hate crimes have a powerful negative impact on the entire educational community and underline the imperative for universities to address issues of prejudice and discrimination.

In 2007, the Federal Bureau of Investigation (FBI) documented over 7,600 hate crimes, reported by more than 13,200 law enforcement agencies across the country.<sup>1</sup> Schools and colleges were the third most frequent location for these hate crimes. According to the FBI's Hate Crime Statistics, there has been an increase in reported hate crimes on American schools and campuses, from a total of 799 incidents in 1996 to 859 incidents in 2007.<sup>2</sup> Bias incidents are even more common than hate crimes, affecting about 1 million students in any given year on the nation's college campuses.<sup>3</sup> Bias incidents may include hate speech and verbal harassment, which, unfortunately, occur every year on campuses across the country.

Students, faculty and administrators have both the right and the responsibility to condemn and counter hatred. The failure to oppose hate and bigotry not only contributes to the spread of hate-filled rhetoric, but creates an environment where targeted students may feel defensive, angry and isolated. University presidents, in particular, should immediately and unequivocally condemn expressions of bigotry on their campuses and send a clear message to students that while hateful words may be protected speech, freedom of speech does not compel a listener's silence.

While a growing number of university presidents and senior administrators have responded strongly to bigotry on their campus, many others, regrettably, have not used their platforms to counter the activity of those who engage in hateful and bigoted speech. Some college presidents have issued generic responses to blatant bigotry, using the shield of free expression as an excuse to not more forcefully condemn the hate speech. Sometimes responses are delayed, coming only after pressure from students, alumni, faculty and the surrounding community. Delayed reaction may be based on the erroneous belief that a response will only fan the flames of controversy and keep an unwelcome incident in the public eye. However, just as student groups may exercise their free speech rights by sponsoring a controversial speaker or printing an incendiary opinion, university administrators may exercise their free speech rights by publicly criticizing both the message and the messenger. Withholding this message may serve to vindicate the offensive speech and to further alienate the target(s).

As students expand their emotive and cognitive horizons at college and seek a niche in the world, some are especially vulnerable to hatemongers who either stir their developing political passions or couch bigotry in academic terms designed to appeal to their intellectual curiosity. Racists and demagogues, whether they are students, faculty, staff or community members, may use the exchange of ideas on a university campus to introduce today's students and tomorrow's leaders to the ideas they preach and to generate controversy that may erupt over particularly incendiary events.

Often, administrators are placed in a precarious situation when bigoted speakers visit campus or use the campus as a platform. While there are limits to what an administration can or should do to prevent such speech, a timely and strong reaction is essential. Although extremist and racist speakers may, under certain circumstances, have a legal right to speak on campus, colleges and universities are under no obligation to provide them with a platform. Indeed, the real question often is the appropriateness of opening campus facilities for such uses. These issues are more fully explored in later sections of the *Guide*. Administrators should consult the college's general counsel to further explore state and federal laws on speech.

Administrators should seek to develop a fair balance between protecting free speech and shielding those at whom negative words are directed. Some institutions of higher learning have implemented speech codes in their policies that provide severe consequences for hate speech on campus. However, many of these codes have been repealed or declared unconstitutional. In ADL's vast experience combating hate on campus, the League has come to believe that the key to ridding campuses of hate is not to outlaw hate speech, but rather to promote positive and continuing anti-bias education and thoughtful preparation for intervention and to condemn hateful acts publicly.

In order to ensure the safety and well-being of students, faculty and staff, it is important to develop appropriate and effective interventions for dealing with intergroup conflict and bigotry on campus. The following is a list of suggested steps to prepare campus officials for potential conflicts. Additional suggestions for taking action against hate can be found in Section IX of this *Guide*.

- Establish university response protocols to deal with hate crime incidents and other emergency situations. These protocols should be communicated across the campus through student policy manuals, orientation materials, campus Web sites and posters in every campus building.
- Develop lines of communication between campus security and local law enforcement officials, specifically on the issue of addressing hate crimes on campus.
- Educate law enforcement and staff about the difference between hate speech and hate crimes. Although both can create enormous tension and profound damage, hate speech alone may not be illegal; thus, the institution's response may need to be different.
- Institute educational and leadership initiatives focusing on inclusiveness and equity.
- Recognize that students, faculty and administrators have the right and responsibility to condemn and counter hatred. Clearly communicate university policies on appropriate student conduct and the difference between expression in a residence hall and in a classroom setting.
- Develop an ongoing and sustainable initiative to promote understanding and respect among groups on campus.
- Provide comprehensive anti-bias and diversity programming for staff and students, making sure to include new students and faculty entering campus each year.



# Glossary of Terms

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The definitions that follow are not legal definitions, but rather are provided to clarify the meaning of the terms as they are used in this handbook. Many of these terms have legal definitions, which may vary from state to state.

**Bias Incident**

Conduct, including words, slurs or action, which is directed at any individual, residence, house of worship, institution or business because of the target's actual or perceived personal characteristics—race, religion, gender, ethnicity, national origin, sexual orientation, gender identity or disability.

**Bigotry**

An unreasonable or irrational attachment to negative stereotypes and prejudices.

**Cyberbullying**

The use of the Internet, cell phones, or other digital communication devices to bully peers or to intentionally be cruel to others. Such Internet speech can be vulgar, cruel, threatening, harassing and/or critical of the university, faculty, administration, or fellow students.

**Discrimination**

The denial of equal treatment in many arenas, including employment, education, housing, banking and political rights. Manifestations of discrimination can be both personal (an individual act) or institutional (supported and sanctioned by power and authority that confers privilege on members of a dominant group while disadvantaging members of other groups). Targets of discrimination are often chosen based on personal characteristics, such as race, age, sex, sexual orientation, nationality or religion.<sup>4</sup>

**Extremist Group**

An extremist group is one in which the political, ideological or philosophical goals are so far outside those of the mainstream that the extremists have no chance of accomplishing those goals by the normal political process.

**Fighting Words**

Inflammatory words that, when spoken, might provoke violent action and incite an immediate breach of the peace.<sup>5</sup>

**Harassment**

A pattern or course of conduct of using abusive words, gestures and/or actions directed at a specific person for the purpose of causing that person substantial emotional distress and alarm.<sup>6</sup>

**Hate Crime**

A hate crime is a criminal act directed against a person, group of persons or property in which the perpetrator intentionally selects the victim because of the victim's actual or perceived race, religion, gender, ethnicity, national origin, sexual orientation, gender identity or disability. State laws differ on protected categories.

**Hate Group**

An organization whose ideology is primarily or substantially based on antipathy, hostility or hatred toward persons of a race, religion, gender, ethnicity, national origin, sexual orientation, gender identity or disability group different from their own.

**Hate Speech**

Hate speech is verbal attacks based on race, religion, gender, ethnicity, national origin, sexual orientation, gender identity or disability.

**Hostile Educational Environment**

A hostile educational environment exists when harassment at a college or university is "severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services" of the school.<sup>7</sup> Casual or insignificant isolated incidents are not enough to give rise to a hostile environment.<sup>8</sup>

**Intimidation**

To willfully place another person in fear of bodily harm.<sup>9</sup>

**Libel (individual/group)**

A false written statement that damages another's reputation.

**Threat**

A communicated intent to inflict physical or other harm on a person or property.<sup>10</sup>

# Hate Crimes And Bias Incidents

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Hate crimes are criminal acts against a person or property in which the perpetrator chooses the victim because of the victim's real or perceived race, religion, gender, ethnicity, national origin, sexual orientation, gender identity or disability. Hate crimes affect entire communities, not just the victim.

For this reason, many states have adopted hate crime laws that call for more severe penalties when crimes are determined to be motivated by hate. The organization Partners Against Hate provides a listing of hate crime laws across the country, at

<http://www.partnersagainsthate.org/laws/list-of-hate-crime-laws.html>.

Bias incidents reflect a similar animus but may not reach the legally defined threshold of criminality. Such incidents include hate-motivated behaviors that may not be "criminal," such as taunting, verbal harassment, bias-motivated bullying and intimidation. Some examples include the posting or circulating of demeaning jokes, printed material, caricatures or hate-group literature. Although they are not considered hate crimes, these incidents should be considered serious incidents that can have long-lasting negative effects on both students and faculty.

# The Special Nature of Hate Violence

Hate violence is distinguished by its unique impact on both individual victims\* and the larger community. Victims of bias crimes are often attacked because they are perceived as being different, outside a rigidly defined “acceptable social norm,” and often because they are hated for no other reason than their personal identity/characteristic. Because the basis for the attack is the victims’ identity, victims may feel a deeper trauma or reaction to the crime. They may feel powerless to control whether or not the crime happens again because their vulnerability is based on an aspect of their identity.

If their membership in a target group is not readily apparent, victims of bias crimes may feel afraid to associate with other members of a group that has been targeted. They also may fail to seek needed services, believing that these actions may “out” them or increase their vulnerability. There is also the potential for victims of bias crimes to feel that the crimes are diminished in the eyes of the community because of societal stereotyping, prejudice or an attitude of indifference exhibited by law enforcement officials or civic leaders.

Because the motive is connected to the victims’ actual or perceived identity, victims have no negotiating power with the offender to minimize their injury (e.g., they cannot merely give the offender money or jewelry as they would to a mugger). In bias crimes, violence, intimidation or humiliation is often the goal, not just a means, of gaining compliance. Therefore, bias crimes are often more violent than crimes that are not motivated by bias. Statistics show that bias crimes can be up to four times more violent, resulting in four times the number of victims requiring hospital stays as a result of their injuries than victims of crimes that are not motivated by bias.<sup>11</sup>

Hate and bias crimes affect entire communities, not just members of the targeted group. Fear and humiliation may not be felt by the victim alone, but by the victim’s community as well. While the victim feels fear, anger and intimidation, others in the target’s community may feel some of the same emotions. Members of the campus community, as well as the larger community, may be embarrassed by the message the crime sends to the outside world about the atmosphere on campus. The campus may be polarized by the crime, making the victim and his/her identity group feel isolated and suspicious of others. As a result, community spirit may be diminished and overall tensions may increase.

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\* This document uses the term “victim” because it is accepted law enforcement parlance when referring to a criminal act. However, university staff should note that outside the reference to a criminal act, the term “target” may be more appropriate. Many targets of hate and bigotry reject the connotation of helplessness and powerlessness that the term “victim” implies.

# Key Indicators of Bias Motivation

The motivation behind an act determines whether a crime is bias-related. Although no one factor is conclusive, the following criteria, applied singly or in combination, can assist in determining if a crime was motivated entirely or in part because of the persons or group's race, religion, gender, ethnicity, national origin, sexual orientation, gender identity or disability.

1. Words, symbols or acts that are or may be offensive to an identifiable group were used by the perpetrator or are present as evidence. For example, there is a burning cross, a painted swastika or derogatory words, slurs or graffiti directed at a particular racial, religious, ethnic or other group.
2. The victim and the suspected perpetrator are members of different social identity-based groups, such as racial or religious groups.
3. The victim or the victim's group has been subjected to past incidents of a similar nature.
4. There has been recent tension or hostility between the victim's group and another group.
5. The victim is the only member of the targeted group (or one of just a few people) on campus.
6. Multiple incidents occurred at the same time, and all victims are of the same race, religion, national origin, sexual orientation or other social identity-based group.
7. A meaningful portion of the community perceives and responds to the crime as a bias-related incident.
8. The crime appears to be timed to coincide with a specific holiday or date of significance (e.g., Martin Luther King Day, Rosh Hashanah).
9. The victim has been involved in recent public activity that would possibly make the person a target. For example, the victim had been associated with prominent recent or past activities relating to race, ethnicity, religion, or sexual orientation. (e.g., NAACP, LGBT rights rally, demonstrations by or against the Ku Klux Klan).

10. There has been prior or recent news coverage of events of a similar nature.
11. The manner and means of attack support the conclusion that the crime was bias-motivated (e.g., color of paint, symbols or signs utilized, unusual spelling of the words used).
12. The modus operandi is similar to other documented incidents.
13. There is an ongoing campus problem that may have initiated or contributed to the crime.
14. The perpetrator has a true understanding of the impact of the crime on the victim or other group members.
15. The crime indicates possible involvement by an organized hate group (e.g., printed or handwritten literature that contains an identifiable hate group symbol or insignia or hate group address; or the presence of documented or suspected organized hate group activity in the area).

# Strategies for Effective Investigations

- Be prepared for an emotional response from the victim, family and targeted group, because the attack was based on the victim's identity.
- Recognize that the victim may be reluctant to cooperate in the investigation due to fear of retaliation, cultural or language barriers or fear of being "outed."
- Sincerely convey to the victim that law enforcement takes this very seriously and that you are sorry the incident happened. Do not appear hurried.
- Do not minimize the victim's feelings or the crime's impact.
- Allow the victim to use own words. Use an interpreter, if necessary.
- Do not make assumptions or jump to conclusions.
- Interview away from public scrutiny, if possible.
- Keep questions simple (victim may be distraught).
- Pay attention to bias indicators.
- Make certain victim is aware of next steps to be initiated.
- Suggest to the victim and the members of the victim's identity group that they seek support and comfort from a number of community-based organizations. Have names and telephone numbers of victim-assistance organizations available.

# Suggested Intervention When Dealing with Hate on Campus

Administrators, faculty, staff and students have an important responsibility to establish and maintain a tone of civility on campus by demanding and enforcing a policy of “zero indifference” toward all forms of bigotry, whether manifested through criminal action or not. The most important action an administrator can take following a hate crime or bias incident is to release a statement condemning that act immediately after the crime is committed. Although the motivations of specific individuals on campus who commit hate crimes and incidents often can be complex, confused and difficult to determine, the administration’s response should be clear, timely, unambiguous and public. It is crucial that the administration take immediate steps to alert the entire campus and detail how the situation will be handled. Sending a mixed or muddled message may appear as tacit approval.

In order to quickly and effectively deal with hate crime incidents and other emergencies, campuses should establish university response protocols. These protocols should be communicated through student policy manuals, orientation materials, the institution’s Web site and clear, step-by-step instructions placed in every campus building.

The final step of a response protocol should be reporting the crime to the Federal Bureau of Investigation. Reporting hate crimes on campus is a crucial part of dealing with bigotry and intergroup strife. The Clery Act (20 U.S.C. § 1092(f)) was enacted in 1992 to require colleges and universities across the nation to report campus crimes and security policies to both the campus community and the U.S. Department of Education. In addition to policy and reporting requirements, it specifies that schools must report separately those crimes that appear to have been motivated by prejudice.

Out of concern for their public image, colleges and universities tend to either report the crime without indicating that it was bias-motivated, or fail to report the crime at all. However, without accurate information, the FBI is unable to identify nationwide trends and allocate resources to assist universities in handling bias-motivated incidents.

For information on extremist groups and for hate crimes training seminars, contact the Anti-Defamation League at

[www.adl.org](http://www.adl.org).

# Examples of Campus Protocols Dealing with Acts of Hate and Intolerance

## ■ Stanford University's Protocols for Acts of Intolerance

*October 18, 2001; clarification issued May 28, 2003*

### **1. Purpose**

The purpose of this protocol is to outline the procedures and support for faculty, staff and students when acts of intolerance occur on this campus.

### **2. Definition of an Act of Intolerance**

For the purpose of this protocol, an act of intolerance is conduct that adversely and unfairly targets an individual or group on the basis of sex, race, color, disability, religion, sexual orientation, and/or national/ethnic origin.

### **3. Security Concerns**

If, in the aftermath of an act of intolerance, students, staff, or faculty are concerned for their physical safety, they should contact the campus police (723-9633 or 9-911).

### **4. Reporting Responsibility**

Anyone who is either the victim of an act of intolerance or who witnesses an act of intolerance is encouraged to report the act to the Vice Provost for Campus Relations (723-3484) or the Vice Provost for Student Affairs (725-1808). Acts of intolerance that threaten physical harm and/or violence should be immediately reported to the campus police (723-9633 or 9-911).

### **5. Graffiti and E-Mail**

If the act of intolerance is in the form of graffiti, the police department will take responsibility for its prompt removal. Under no circumstances should physical evidence of an act of intolerance be removed or tampered with, since removal or tampering could seriously compromise any subsequent investigation. If the act of intolerance is in the form of e-mail, it should be forwarded, in its original form, to either the Vice Provost for Campus Relations (lcardell@stanford.edu) or the Vice Provost for Student Affairs (awakuni@stanford.edu) so that steps can be taken to identify the sender.

### **6. Psychological Assistance**

Stanford University Office for Campus Relations <http://www.stanford.edu/dept/ocr/intolerance.html>

Victims of an act of intolerance may be in need of psychological assistance. Students should contact counselors at Student Health Services (723-3785); faculty and staff should contact counselors at The Help Center (723-4577).

### **7. Dissemination of Information**

The Vice Provost for Campus Relations will take responsibility for informing faculty and staff of any significant incidents (via e-mails and/or telephone calls to the Staff Groups, Deans and Department Chairs). The Vice Provost for Student Affairs will take responsibility for informing students of any significant incidents. Any questions should be directed to the Vice Provost for Campus Relations or to the Vice Provost for Students Affairs.

## 8. Community Education

Stanford University is committed to the ongoing education of its faculty, staff and students to address and respond to acts of intolerance.

## 9. Clarification

This protocol is procedural only. As noted in Section 1 above, its purpose is to outline the procedures and support available when acts of intolerance occur on campus. Section 2 includes a definition of acts of intolerance solely for this purpose; it has never been the purpose or the intent of this protocol to define whether or not an act may violate the law or a University policy such as the Fundamental Standard.

<http://www.stanford.edu/dept/ocr/intolerance.html>

# Syracuse University's Protocols for Responding to Bias-Related Incidents

*Updated February 13, 2007*

### A. Statement of Purpose:

Syracuse University seeks to provide all students with a safe and secure learning environment that is free of crime and/or policy violations motivated by discrimination, sexual and bias-related harassment and other violations of rights. The Division of Student Affairs recognizes and values the similarities and differences among students and recognized student organizations at Syracuse University. Discrimination, sexual and bias-related harassment and other violations of rights disrupt the educational process and will not be tolerated. As members of the University community, students can reasonably expect that the following rights will be respected by all University offices, programs, employees and organizations.

### B. Statement of Student Rights:

#### NON-DISCRIMINATION.

Students have the right not to be discriminated against by any agent or organization of Syracuse University for reasons of age, creed, ethnic or national origin, gender, disability, marital status, political or social affiliation, race, religion, or sexual orientation. Students who feel they have been discriminated against for any of the above reasons may contact the Office of Judicial Affairs at 443-3728, 310 Steele Hall, or Dean of Students Office at 443-4424, 301 Steele Hall.

For more information regarding the Statement of Student Rights and Responsibilities and/or the Syracuse University Sexual Harassment Policy see the Office of Judicial Affairs web page at [students.syr.edu/depts/judicial](http://students.syr.edu/depts/judicial), or the Syracuse University Student Handbook.

### C. Definitions:

Hate crimes and bias-related incidents involve behavior that is motivated by race, religion, sexual orientation, ethnicity, national origin, gender, age, or disability. Bias related incidents include those actions that are motivated by bias, but do not meet the necessary elements required to prove a crime. Hate crimes are also motivated by bias, however accompany a crime, such as: threats of violence, property damage, personal injury and other illegal conduct.

Bias-related incidents are defined as behavior, which constitutes an expression of hostility, against the person or property of another because of the targeted person's race, religion, sexual orientation, ethnicity, national origin, gender, age, or disability. Bias related incidents include, but are not limited to: non-threatening name calling and using degrading language or slurs directed toward a person because of his or her membership (or perceived membership) in a protected class. A person commits a hate crime when he or she commits a specified criminal offense and either:

(1) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

(2) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

See New York Penal Law 485.05.

Examples of hate crimes may include, but are not limited to: threatening phone calls, hate mail (including electronic mail), physical assaults, vandalism, destruction of property, and fire bombings.

#### **D. Procedures for Responding to Bias-Related Incidents:**

These procedures apply, to the extent reasonably practicable under the circumstances, during both business and non-business hours. When a Student Affairs staff member becomes aware of a bias-related incident, the following procedures are to be applied:

1. Determine whether emergency medical treatment for physical injury is needed. If medical attention is needed, contact the Department of Public Safety and Syracuse University Ambulance (or other emergency transport service) for assistance.
2. If medical attention is NOT needed, contact the Department of Public Safety to report the incident if it has not already been reported.
3. Immediately document what happened. Where reasonable, complete an incident report form and include as much detail as possible. Record where and when the incident occurred and document the names of witnesses if applicable. In addition, document detailed information about the perpetrator(s) if applicable. Retain any physical evidence of the incident (e.g., messages written on doors, physical objects, etc.).
4. If possible, ensure the responding Public Safety Officer documents the incident as a bias-related activity and photographs physical injuries, offensive graffiti and evidence of vandalism. This can be accomplished by providing the Public Safety Officer with a copy of your completed incident report form. All documented incidents of bias-related activity will be retained in the Dean of Students Office, which should be provided with a copy of your written report.
5. The targeted person should be engaged in a discussion to determine what role he or she would like to play in responding to the incident. A targeted person may feel uncomfortable about cooperating with an investigation due to fear of retaliation by the perpetrator(s). Assure the targeted person that his or

her personal safety and security is important; that special requests, such as relocation and/or anonymous reporting, can be utilized to minimize foreseeable threats; and that any retaliatory behavior by the perpetrator or his or her supporters may constitute an independent violation of University policy.

6. If the targeted person is distraught, contact the Counseling Center on call system at 443-4715, and explain the situation. The counselor on call may want to speak with the student over the telephone to conduct an initial assessment. If the student does not wish to speak with a counselor, suggest contacting someone that the student knows for emotional support. Additional resources to offer include, but are not limited to:

- Hendricks Chapel...443-2901.
- Office of Greek Life...443-2635.
- Office of Judicial Affairs...443-3728.
- Office of Multicultural Affairs...443-9676.
- Office of Residence Life...443-3637.
- Student Legal Services...443-4532.
- Dean of Students Office...443-4424.
- LGBT Resource Center...443-7273.
- University R.A.P.E. Center...443-7273.
- Slutzker Center for Int'l Services...443-2457.
- Department of Public Safety...443-2224.
- Counseling Center...443-4715.

7. Parents and/or guardians of students should be notified only at the request of the student or if the student has been injured. Every effort should be made to facilitate the student in making the decision to contact a parent and/or guardian.

8. Following a complete investigation of the incident, it may be necessary to contact FIXIT at 443-4948 to clean and/or repair any damage to, or graffiti on, University property.

9. Contact the Dean of Students Office to assure the TAB (Team Against Bias) is notified of the incident. TAB will immediately respond to the needs of the University community (or affected community) related to the incident. TAB will function as a trained crisis response team during events that escalate to a larger scale. TAB will hold open forums and encourage group dialogue to allow the community an opportunity to express concerns and suggestions. TAB will reiterate the Non-Discrimination Policy and discourage tolerance for harassment, discrimination and other violations of rights that disrupt the educational process. The TAB will be comprised of representatives from the unit handling the crisis and other trained staff members, along with trained students and directly affected students (if those directly affected so desire).

10. The Division of Student Affairs will act to facilitate the investigation of all complaints of bias-related incidents and/or hate crimes by taking appropriate action to identify any University community member who is found to have violated applicable law or University policy, as well as to respond in a sensitive manner to the targeted person, his or her family, and the broader community.

11. All bias-related incidents shall be considered confidential. Any personal information obtained during the investigation or adjudication of the matter will be subject to disclosure only to the extent required by law.

<http://students.syr.edu/deanofstudents/protocol.html>

## Northwestern University Administrators Respond to Hate Crime Incident

*February 2003*

We met yesterday to discuss the recent hate crime incident in Ayers Residential College. We stand together in condemning and denouncing in the strongest terms possible these racist acts. Northwestern University is an institution that prides itself on its diversity, tolerance and respect for all members of the Northwestern community. These acts are an attack not just on individuals, but also on the entire campus community and on the University itself.

Now we would like to bring you up to date on some of the University's efforts regarding this incident.

- The University is treating these incidents as hate crimes. University staff and University Police are investigating the incidents and are actively gathering and evaluating information.
- The Federal Bureau of Investigation is assisting University Police in investigating the incident. We appreciate the assistance and involvement of the FBI and hope that the combined resources of the two agencies will identify the perpetrator or perpetrators.
- Northwestern is offering a \$2,500 reward for information that leads to the arrest and conviction of the perpetrator or perpetrators. Students with possible leads should contact Lt. Glenn Turner of the University Police at 847-491-3254.
- The University Residential Life staff has met with the affected students and other Ayers residents and will continue to provide the appropriate support. They are also assisting in the investigation and we request that you provide them with your full cooperation.
- University Police will increase its surveillance of Ayers Hall.
- A new policy on civility, mutual respect and violence will be added to the code of student conduct and will be published in the student handbook. In addition, the code of student conduct is being reviewed to possibly include off-campus incidents that fall within the jurisdiction of University Police. Further, a new section defining bias incidents and hate crimes will also be added to the student handbook.
- The No Place for Hate Campaign\* will continue and new information will be incorporated into New Student Week. A hate crime and bias incident brochure will be developed and distributed to students.
- The Division of Student Affairs welcomes collaboration with the student task force in not only resolving the recent incident, but in working together to prevent any reoccurrence of such incidents. In addition, the student task force is invited to consult with the Student Affairs incident response team on reviewing incident response procedures.

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\* The No Place for Hate program at Northwestern University has no affiliation with the Anti-Defamation League's No Place for Hate program.

Students who have concerns about the incidents are encouraged to discuss their concerns with members of the Student Affairs staff.

We acknowledge that individuals, groups, the entire community and the University are victims of these acts of hatred and that we all must work together to prevent them from occurring on our campus and in our lives.

*William J. Banis, Vice President for Student Affairs; Tracy M. Carson, Coordinator, For Members Only; and Michael Fong, President, Associated Student Government*

<http://www.northwestern.edu/noplaceforhate/uresponse/bbanis.html>

# How Hate Escalates On Campus

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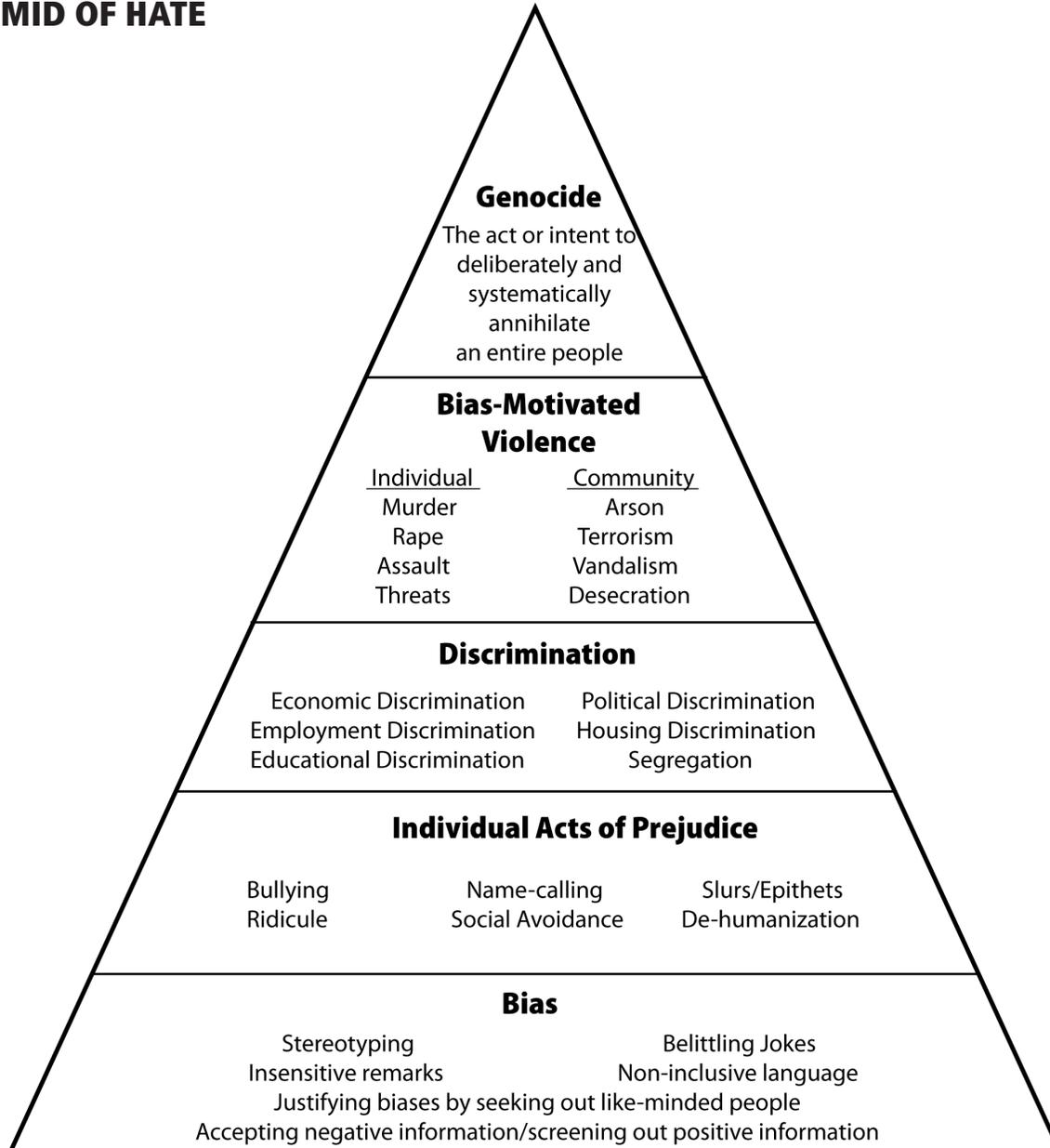
While some bias incidents may seem nonthreatening to the campus environment, it is important to demonstrate a university's commitment to addressing hate in all forms, because hateful attitudes and behaviors can escalate if left unchecked.

The diagram on page 30, the *Pyramid of Hate*, illustrates biased behaviors, growing in complexity from the bottom to the top. Like a pyramid, the levels above are supported by the lower levels. If people or institutions treat behaviors on the lower levels as being acceptable or “normal,” it is more likely that the behaviors at the next level become accepted as well. Many people describe the behaviors at the bottom level of the pyramid as being “subtle and insignificant.” However, for people who are regular targets of these behaviors (e.g., name-calling) these acts are very serious and the effects can be longlasting. While the “higher” levels of the pyramid are more life-threatening, the impact on the individual experiencing the lower levels of hate should not be underestimated.

Whether it is in the classroom, residence hall room, athletic field, or social event, bias can be seen on campus in a variety of ways. The following example is based on an incident that took place in the fall of 2007 and shows the escalation of hate on campus.

Jeremy is a university sophomore. Jeremy is an active leader in the Jewish community and always wears a yarmulke or head covering. Since he is one of only a handful of religiously observant Jews at the university, he occasionally receives insensitive comments and is the target of name-calling by his peers. One afternoon, Jeremy stood on the quad talking with his fraternity brothers when a group of students passed him and began to bully him by saying, “You Jews are responsible for the war in Iraq.” Jeremy felt the students were about to strike him until his friend intervened. Later that week, Jeremy was at a party on campus. Around midnight, one of the bullies from the quad began threatening Jeremy and said, “I’ll kill you, kike.” Jeremy had the campus security remove the student from the party. Later, when Jeremy left the party, the student, who was waiting outside, assaulted him by punching him in the face. Jeremy was seriously injured and was taken to a nearby hospital.

## PYRAMID OF HATE



# Free Speech, Intergroup Strife And Hate On Campus

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The First Amendment to the United States Constitution guarantees the right of freedom of speech to all Americans, even those whose opinions are reprehensible.

To place an outright ban on certain speech would be unconstitutional and contrary to a fundamental tenet of American democracy. However, the Constitution does not oblige universities to host everyone who wants to speak or write there, nor does it require campus newspaper editors to publish every item submitted to them. Campus leaders and journalists must responsibly draw a line between valid, fact-based opinions and outright bigotry. The sections in this chapter outline common hate speech issues on campus. Each section contains background information, legal analysis, suggested action steps and examples of university responses.

When dealing with specific speech issues on campus, there are certain fundamental guidelines that can be applied in most situations.

- Be a public presence on campus by voicing your support or opposition in tense situations.
- Establish university response protocols to deal with hate incidents. These protocols must be communicated to the campus through student policy manuals, orientation materials, the institution's Web site and clear step-by-step instructions placed in every campus building.
- Continually review and train on the emergency protocols and be able to direct victims to where they can get assistance.
- Appoint a central university ombuds officer as a point person to dealing with issues of hate, bigotry and intimidation.
- Establish high-priority, long-term human relations and anti-bias programming within the curriculum, in the orientation process, through student services and in university publications.
- Be equally concerned about and respond equally to instances of bias directed at any group on campus. Base your response on the incident itself, not the group identity of the targets.
- Hold fraternities, sororities and other student organizations responsible for acts of bigotry committed by their members participating in any fraternity, sorority or organizational activity.
- Encourage alumni, parents and members of the larger community to speak out on issues of bigotry on campus. Their voices can have a significant positive impact on the atmosphere on campus.

# Hate And The Campus Media

## ISSUE

The campus media are a natural venue for the expression of ideas. Hate groups may take advantage of this and place paid advertisements, paid inserted supplements, opinion/editorial articles and letters to the editor in campus newspapers and other publications. This was a favorite, high-profile tactic of the Holocaust denial movement in the late 1990s, which succeeded in placing such materials in publications on more than 200 campuses.

Editors should be aware that privately owned publications have editorial autonomy to decide what they will and will not publish. Courts generally view student newspapers (even those at public schools) as private when student editors, and not school administrators, make the decisions about content and advertising policies. University regulation and subsidization do not transform a newspaper from a private body into an arm of the state or university.

Despite their claims, extremist groups have no legitimate First Amendment right to have their advertisements placed in campus publications. The First Amendment guarantees that they may stand in public areas speaking hateful messages, hold meetings and send racist fliers through the mail and the government cannot censor or punish them. However, the First Amendment does not secure anyone the right to be placed in a private newspaper. Private companies are not bound by the constraints of the First Amendment, and individuals have no First Amendment right to force a private, professional or college newspaper to run a story or advertisement. One federal appellate court observed: “The right to freedom of speech does not open every avenue to one who desires to use a particular outlet for expression.”<sup>12</sup> Determining the paper’s editorial content and deciding what stories to print is solely the province of editors.

## SUGGESTED ACTION STEPS

- Since campus newspaper staff change from year to year, educate campus newspaper editors on a continuing basis about their journalistic responsibilities. Proactive outreach is needed before any bigoted advertisements, articles or opinion pieces are received.
- Advise student editors to devise and record an advertising policy, which they can reference when declining to run hateful ads.
- Encourage students to use the campus media as a tool for civil and respectful dialogue instead of hate or bigotry.
- Encourage the student leadership of the campus media to engage their staff in a dialogue regarding their rights and responsibilities as journalists.
- Encourage faculty members and top administrators to take a public stand against the use of the campus newspaper to spread hateful propaganda. Administrators always have the right to criticize an article or the decisions made by newspaper staff.

## Example of Campus Statement from University Official

### Statement from Syracuse University Chancellor Kenneth A. Shaw on Racial Insensitivity

*February 13, 2001*

I am troubled by the tone being set by certain sections of *The Daily Orange*, and I believe it is time that we, as a University, begin to think about the implications of what can be perceived as occasionally sexist and/or racist cartoons. This problem pre-dates the current editors. Frequently those cartoons were printed under a pseudonym, making it impossible to assign responsibility to the writer.

*The Daily Orange* has by tradition held itself separate and apart from the University. As such, it receives no funds from the institution and pays the full amount for the SU-owned house it occupies off campus. It also remains unsupervised by persons not on its editorial staff. *The Daily Orange* sees this as essential to the newspapers maintaining its First Amendment right of freedom of the press.

As an independent editorial voice, the newspaper has often helped to shed light on important issues of University life. The institution has been moved to change its policies and procedures in the past as a result.

However, freedom of the press is not, in my view, an excuse to offend whole groups of people by objectifying them. When a cartoon reduces women to their body parts or implies that African Americans are criminals it makes the group the “other,” separate from and different from the so-called mainstream. This is the root of all prejudice and bigotry.

Indeed, freedom of the press has never been a blank check. Rightly or wrongly, editors and journalists in the real world of newspapers and magazines have been fired for printing material that runs counter to community standards in the past and will no doubt be in the future.

I don't mean to imply in any way that censorship of *The Daily Orange* is appropriate. Those who believe that a heavy hand is needed in this instance must think about the implications of such a position and the harm it could do to us as a place where truth can be sought without fear of reprisal.

Rather, I believe it is time to think about the responsibilities of a student newspaper, especially one with such a long and proud tradition as *The Daily Orange*. This vehicle is seen by many as the official voice of the SU student body. I challenge its editors and writers to devise a system of checks and balances that will bring it in line with sound journalistic practice.

I understand that *The Daily Orange* leadership has accepted responsibility for the current problem and is taking a series of positive steps. I commend their efforts. It is hoped these steps will deal not only with the kinds of problems presented by the recent controversy but also the structural problems that have led to this all-too-frequent occurrence.

We in the University community look forward to seeing the results of these efforts.

<http://sunews.syr.edu/fullstory.asp?id=212024>

# Speech Codes In University Policies

## ISSUE

Effective intervention is critical to dealing with hate in college communities. Although some institutions of higher learning have developed speech codes designed to provide severe consequences for hate speech on campus, many of these codes have been repealed or declared unconstitutional. One of the main reasons that they are repealed is that the limitations on speech are overbroad and may infringe on First Amendment rights. Federal and state court decisions regarding university and college speech/conduct codes suggest that these codes need to be very carefully drafted in order to be constitutional.

ADL does not recommend broad, sweeping speech codes, because such codes raise serious constitutional problems and tend to hamper the free exchange of ideas. Instead, the League suggests that colleges and universities develop constitutionally sound policies that will serve the important institutional objective of protecting the targets of hate. Examples of these policies can be found in Appendix D.

## SUGGESTED ACTION STEPS

- Speak out against prejudice and bigoted expressions. While administrators at private institutions have more freedom of action to regulate behavior than do their counterparts at public institutions, both can and should provide firm and unambiguous leadership in this area.
- Do not tolerate or accept abusive discourse without a vigorous response. Those who misuse their freedom of expression to offend, demean, intimidate or insult members of the academic community need to understand that their words are unacceptable in a civilized atmosphere, whether or not they are protected by the First Amendment.
- Emphasize the prohibition of hostile conduct or behavior that incites immediate violence and is likely to prompt such violence, in contrast to expressive offensive speech.

Increase the penalties for alcohol-related hate acts or utterances. Most campus conduct codes allow the imposition of disciplinary sanctions for disorderly conduct or violations of alcohol and drug policies. When imposing penalties for student code violations, it may be constitutionally permissible to address biased acts or utterances as an added component to be considered.

Increase the penalties for any behavioral conduct already forbidden in campus regulations when that behavior clearly was motivated by bigotry.

# Example of Campus Statement from University Official

## ■ Michigan State University President Lou Anna K. Simon Addresses First Amendment Rights on Campus

*March 3, 2008*

### **An Open Marketplace for the Free Exchange of Ideas**

I have written and spoken often over the past year about the university's commitment to free speech and the First Amendment, most recently in response to concerns about controversial speakers and events on campus last fall. I feel compelled to write again because of the ongoing actions of groups and individuals to intimidate, threaten, and ridicule fellow members of the MSU community, all under the banner of free speech.

I am particularly concerned about the number of students who have reported recently that they feel threatened and intimidated on our campus because of their political beliefs, racial or ethnic identity, sexual orientation, or religious practices. Just last week, members of ASMSU received death threats prior to a meeting they held to discuss a bill related to free speech (reported in the State News, February 24, 2008). No matter the reason, threats of violence and attempts to silence those with whom we disagree by ridicule or humiliation are antithetical to MSU's core values, and such threats have no place in an academic community.

I have said many times that a university should be an open marketplace for the free exchange of ideas. This in no way implies that we will not encounter ideas that make us uncomfortable or individuals whose views we find personally offensive. As I have said before, our freedom to impart our views is assured only if we recognize the equal freedom of others to impart theirs, even when—especially when—those views are at odds with our own. Attempting to suppress the free speech rights of any individual or group, especially by means that are intended to cause individuals to feel unsafe, undermines our efforts to encourage robust intellectual discourse.

We live in an increasingly violent world, as evidenced a few weeks ago in the shootings on the campus of Northern Illinois University. I'm sure none of us will forget the grief and horror we felt when hearing about this and other incidents of campus violence over the past year because it hits too close to home. A college campus should be a safe place—physically and intellectually—where learners and seekers come to expand their minds, dream big dreams, and discern and refine their beliefs about the world around them. A university is a place where all forms of diversity should be welcomed and respected and where everyone should be able to express their opinions and ideas.

Free speech is at the heart of academic freedom and is something we take very seriously at Michigan State. I encourage individuals and groups to exercise their right to free speech in ways that enhance the intellectual discourse rather than using the protections of the First Amendment to attempt to silence the voices of others. Where the exchange or exploration of ideas turns into personal attacks or threats meant to intimidate or frighten others, any value gained by the discourse is lost. As we strive to educate the next generation of the world's leaders, we must continue to keep an open dialogue about the challenges that prevent the free and safe expression of ideas on our campus and seek solutions that honor and respect the individual rights of every member of this community.

[http://president.msu.edu/desk/index.php?/site/an\\_open\\_marketplace\\_for\\_the\\_free\\_exchange\\_of\\_ideas/](http://president.msu.edu/desk/index.php?/site/an_open_marketplace_for_the_free_exchange_of_ideas/)

# Speech in the Classroom

## ISSUE

The U.S. Supreme Court has maintained a deep commitment to safeguarding academic freedom, which is of “transcendent value to all of us and not merely to the teachers concerned.”<sup>13</sup> As the Court held, “the classroom is peculiarly the ‘marketplace of ideas.’”\*

The Supreme Court has emphasized the responsibility of a university to provide an atmosphere that is most conducive to an exploration of ideas and where “the four essential freedoms” of a university prevail. The “four essential freedoms” of a university are “to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught and who may be admitted to study.”<sup>14</sup> In order to create this environment, the administration must ensure that academic freedom is being upheld by all divisions of the campus community.

Students have a right to learn in a classroom environment without intimidation based on their perspectives. While this does not mean that students should only hear views with which they agree, it does mean that the professor should be encouraged to create an environment where multiple perspectives can be expressed without fear of academic penalty.

In its 1940 Statement of Principles on Academic Freedom and Tenure, the American Association of University Professors maintained that “teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.”<sup>15</sup> This sentiment remains a foundation of professionalism in the field.

Any discussion of academic freedom must include the balance between the professor’s right to teach and conduct research and the student’s right to learn. Individual professors are entitled to their personal

and professional perspectives on religion, politics, history, current events, etc. These various perspectives are crucial to the academic process and environment. However, faculty members are hired as experts in their field and to educate students on a specific subject. When faculty enter the classroom, it is their duty to present their subject in a competent and professional manner. It is also their duty to consider the appropriateness and the impact of classroom discussions of controversial issues that do not relate to the curriculum.

The American Council of Trustees and Alumni commissioned a survey of 658 undergraduate students from 25 top liberal arts colleges and 25 top universities to investigate intimidation in the classroom based on political ideology. In this survey, 49 percent of the respondents stated that professors frequently comment on politics in class, even when it has nothing to do with the course. Twenty-seven percent of the respondents said that there are courses on their campus where they believe they have to agree with the professor’s political or social views in order to get a good grade.<sup>16</sup>

## PROTECTING THE FACULTY

Faculty members can also be victims of intimidation. It is a professor’s responsibility to challenge students to think critically and explore different perspectives on a curricular topic. In general, people often resist information that challenges their own political beliefs and values. Therefore, students may be particularly resistant to course content that challenges their views or requires them to move beyond their comfort zones.

A frequent method for students to express their disapproval of a professor is through a course evaluation. Therefore, broad ideological differences between students and professors (or the course content) can result in more negative evaluations from students.<sup>17</sup> Since tenure is partially determined by

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\* *Keyishian v. Board of Regents of University of State of NY*, 385 U.S. 589 (1967).

student evaluations at the end of each course, faculty members may avoid teaching controversial topics.

Higher education should afford students a wide range of learning opportunities that teach students how to think critically and analytically to prepare them to live in a diverse world. When professors feel intimidated or unable to introduce controversial or varied course content, they are not able to offer those learning opportunities. As long as the topic is relevant to the course, faculty members should not be hesitant to introduce certain perspectives or curriculum based on their fear of adverse employment action, such as poor course evaluations, lack of tenure or even termination. In order to help clarify a faculty member's academic freedom, in 2005 the American Council on Education (ACE) and 29 higher education organizations issued a Statement on Academic Rights and Responsibilities.<sup>18</sup>

The American Council on Education's Statement on Academic Rights and Responsibilities outlines the importance of intellectual diversity and the specific challenges that accompany academic freedom. Below are some relevant highlights from that report:

- American higher education is characterized by a great diversity of institutions, each with its own mission and purpose. This diversity is a central feature and strength of our colleges and universities and must be valued and protected. The particular purpose of each school, as defined by the institution itself, should set the tone for the academic activities undertaken on campus.
- Colleges and universities should welcome intellectual pluralism and the free exchange of ideas. Such a commitment will inevitably encourage debate over complex and difficult issues about which individuals will disagree. Such discussions should be held in an environment characterized by openness, tolerance and civility.
- Neither students nor faculty should be disadvantaged or evaluated on the basis of their political opinions. Any member of the campus community who believes he or she has been treated unfairly on academic matters must have access to a clear institutional process by which his or her grievance can be addressed.

- The validity of academic ideas, theories, arguments and views should be measured against the intellectual standards of relevant academic and professional disciplines. Application of these intellectual standards does not mean that all ideas have equal merit. The responsibility to judge the merits of competing academic ideas rests with colleges and universities and is determined by reference to the standards of the academic profession as established by the community of scholars at each institution.
- Government's recognition and respect for the independence of colleges and universities is essential for academic and intellectual excellence. Because colleges and universities have great discretion and autonomy over academic affairs, they have a particular obligation to ensure that academic freedom is protected for all members of the campus community and that academic decisions are based on intellectual standards consistent with the mission of each institution.

#### **SUGGESTED ACTION STEPS**

- Educate the campus community on the definitions of freedom of speech and academic freedom.
- Develop clear grievance procedures for students to report faculty intimidation. Examples of grievance procedures can be found on page 67.
- Identify a specific point person(s) who will handle student complaints regarding faculty. Provide training to the point person(s) on the protocols for response.
- Actively communicate the grievance procedure to all students, faculty, staff and administrators. Instruct all university staff members to contact the point person(s) if a student approaches them with a complaint.
- Encourage professors to provide a venue during or after class for students to express any frustrations or concerns and to take those concerns seriously.
- Encourage department heads to attend classes throughout the semester. This approach will provide administrators with a first-hand perspective of the faculty's teaching style and the students' attitudes toward the professor.

# Example of Campus Statement from University Official

## ■ California State University at Long Beach's History Department Acknowledges that Academic Freedom Can Sometimes Be Used to Advance Intolerance

*April 4, 2008*

### **Statement Concerning Dr. Kevin MacDonald**

In light of the ongoing controversy regarding Dr. Kevin MacDonald, the members of the CSULB History Department have agreed to the following statement:

We in the CSULB History Department firmly believe in and seek to protect the tenets of academic freedom, but we also understand that the mantle of “academic freedom” can sometimes be used to advance racism, bigotry, or other forms of intolerance. When racism or other forms of intolerance are promoted in academia, they undermine the principles upon which CSULB was founded. As a university, we have an obligation to maintain a campus climate in which individuals from a wide range of religious, cultural, and linguistic backgrounds can have exchanges in a context of mutual respect. The prejudicial views expressed by Kevin MacDonald in his writings and in his public statements are irresponsible and morally untenable.

We are particularly concerned about MacDonald's misguided attempts to use history to back up his various assertions. Although MacDonald has stated that he is not a historian, he frequently makes historical claims in his writings, despite his lack of training or understanding of historical methodology. For example, he asserts that European culture has been typified by individualistic, democratic, and republican societies, a claim that ignores the centuries long history of European feudalism, and ignores the historical development of numerous European states. He argues that Europeans have been historically monogamous without ever explaining his method for such a sweeping conclusion. He argues that the 1965 U.S. Immigration Law was “ultimate triumph of the Jewish policy on immigration,”<sup>19</sup> without ever examining the history of the bill or the actual congressional debates over it. It appears that his approach to historical investigation is antithetical to our discipline in that he selects those materials that support his preconceived thesis while ignoring all evidence to the contrary. MacDonald's misuse of historical methodology would be unacceptable in an undergraduate history paper; how much more disturbing, therefore, is the fact that in these writings he is identified as a professor at CSULB.

We wish to make it clear that in no way do we wish to impede Dr. MacDonald's First Amendment rights or interfere with his academic freedom. But just as he has the freedom of speech to advance his white nationalist agenda, so too do we have the freedom of speech to deplore his prejudicial views of Jews and nonwhites and state that Dr. MacDonald's writings on white ethnocentrism, Jews, race, and immigration do not enjoy the respect of the members of the Department of History.

[http://www.csulb.edu/colleges/cla/departments/history/docs/ClarificationMacDonald\\_Statement.pdf](http://www.csulb.edu/colleges/cla/departments/history/docs/ClarificationMacDonald_Statement.pdf)

## Northwestern University President Supports Professor's Right to Express Personal Views Outside of the Classroom Environment

*February 9, 2006*

Northwestern University Associate Professor Arthur Butz recently issued a statement commending Iranian President Ahmadinejad's assertion that the Holocaust never happened. Butz is a Holocaust denier who has made similar assertions previously. His latest statement, like his earlier writings and pronouncements, is a contemptible insult to all decent and feeling people. While I hope everyone understands that Butz's opinions are his own and in no way represent the views of the University or me personally, his reprehensible opinions on this issue are an embarrassment to Northwestern.

There is no question that the Holocaust is a well-documented historical fact. The University has a professorship in Holocaust Studies endowed by the Holocaust Educational Foundation. Northwestern offers courses in Holocaust Studies and organizes conferences of academic scholars who teach in areas relating to the Holocaust. In addition, Northwestern hosts a summer Institute for Holocaust and Jewish Civilization. And most recently, a fellowship in the political science department has been established in my name by the Holocaust Educational Foundation. In short, Northwestern University has contributed significantly to the scholarly research of the Holocaust and remains committed to doing so.

Butz is a tenured associate professor in electrical engineering. Like all faculty members, he is entitled to express his personal views, including on his personal web pages, as long as he does not represent such opinions as the views of the University. Butz has made clear that his opinions are his own and at no time has he discussed those views in class or made them part of his class curriculum. Therefore, we cannot take action based on the content of what Butz says regarding the Holocaust—however odious it may be—without undermining the vital principle of intellectual freedom that all academic institutions serve to protect.

<http://www.northwestern.edu/observer/issues/2006/02/09/statement.html>

## A Letter from Higher Education Leaders and Chair of the Ford Foundation to College and University Presidents Promoting Pluralism and Academic Freedom On Campus

*March 31, 2005*

Dear President:

We are deeply troubled by reports of growing religious intolerance and of increasing restrictions on academic freedom on college and university campuses. In the wake of 9/11 and the continuing conflicts in the Middle East, the tone of academic debate has become increasingly polarized, and, in some cases, we see attempts to silence individuals, faculty and students alike, with controversial views.

We believe that these problems are symptoms of the nation's larger and more complex challenge of sustaining informed political and civil discourse. In times like these, we need to be especially vigilant in maintaining and nurturing a free and open campus environment. Unrestrained academic scholarship and the expression of a wide diversity of viewpoints are the hallmarks of the American university system and must be vigorously defended. Through this letter and the attached Request for Proposals, we invite you to consider promising approaches for fostering a free and open campus community.

Colleges and universities bear a special responsibility to protect and respect academic freedom, not only in shaping their own policies, but also in supporting faculty members and students whose freedoms are threatened. Our institutions should be very clear about the role of academic freedom as a guarantor of free inquiry. University professors enjoy, both as teachers and as citizens, substantial latitude in what they say and what they write—free from institutional constraints or sanctions—save in rare situations. If, however, professors seek to exploit students, coerce the views of students, or display a demonstrable lack of competence in their discipline, their academic colleagues may conclude that their expression exceeds the limits of academic freedom. That is, academic freedom must always be accompanied by academic responsibility. Defending academic freedom also entails sensitivity to those rare cases where it is abused. Indeed, a central mission of academic freedom is to afford students the broadest range of learning opportunities as they prepare to understand and engage in an increasingly heterogeneous and global community.

Today there are new and genuine threats to academic freedom that have contributed to a deterioration of constructive dialogue on campuses. The recent rise in anti-Semitic incidents throughout the world has reverberated on American college and university campuses. There is also a troubling increase in anti-Muslim and anti-Arab incidents. On some campuses, a climate of intolerance has been exacerbated by attempts to target individual scholars with calls for their censure or removal. These problems are heightened by the use of the Internet to misrepresent and exaggerate controversial discourse. In the academy, the best way to deal with controversy and difficult dialogues is to engage with those with whom one disagrees, not to isolate them.

Open and honest dialogue is one of the defining characteristics of a vibrant academic community. Furthermore, it is an essential component of a strong civil society on which democracy depends. We must strive to ensure that all members of the community are treated as full and equal partners in the intellectual and institutional life of colleges and universities, especially those who may hold minority political views or religious beliefs. Campus leaders also must create an atmosphere of mutual respect, in which diversity is examined and seen in the context of a broader set of common values. We need to ensure that our discourse not only remains open but civil.

Many colleges and universities face a new, and quite remarkable, level of diversity among their student bodies. Since changing its immigration laws in 1965, the United States has experienced exponential growth in the diversity of faiths practiced by its citizens. Hindus, Sikhs, Muslims, Buddhists, and many others have joined, in increasing numbers, the ranks of citizens, along with Protestants, Catholics, and Jews. Colleges and universities are on the front line in weaving together this unprecedented diversity of faiths, races/ethnicities, and cultures into a new American social fabric. Precisely because so many of our students belong to organizations with resources provided by outside advocates, it is critical that we develop consistent policies to confront choices that may not have been made at the institutional level. Diversity is simply a fact of our local and global world, but pluralism requires engaging that diversity

with study, debate, and dialogue; and this constitutes a new intellectual challenge for colleges and universities.

Promoting new scholarship and teaching about cultural differences and religious pluralism, while supporting academic freedom, requires a significant commitment at every level of the academic community. As leaders, we need to protect faculty, academic centers, and institutes from inappropriate pressures, from on and off campus, to limit the free exchange of ideas. We must ensure that faculty members have institutional support and encouragement to pursue scholarly and pedagogical approaches that address the new reality of the United States. It is no longer adequate for student affairs staff to bear, largely alone, the responsibility for sponsoring and overseeing difficult dialogues. We must develop rigorous academic programs to engage students in constructive dialogue around difficult religious, political, racial/ethnic, and cultural issues. Students need this training to take their places as successful leaders in civic life and to participate as members of our democracy.

There is a great need for innovative strategies to promote faculty, staff, and student involvement around these matters. The Ford Foundation invites your proposals to address the profoundly important challenges presented in the attached Request for Proposals.

Sincerely,

Susan V. Berresford, President  
Ford Foundation

Graham Spanier, President  
The Pennsylvania State University

Robert M. O'Neil, Former President  
University of Virginia,  
University of Wisconsin System

Augustine P. Gallego, Chancellor Emeritus  
San Diego Community College District

Daniel O. Bernstine, President  
Portland State University

Shirley M. Tilghman, President  
Princeton University

Irvin D. Reid, President  
Wayne State University

Juliet V. García, President  
The University of Texas at Brownsville  
and Texas Southmost College

Robert J. Birgeneau, Chancellor  
University of California, Berkeley

David Ward, President  
American Council on Education

Donna E. Shalala, President  
University of Miami

Ronald Mason, Jr., President  
Jackson State University

Derek Bok, President Emeritus  
Harvard University

James Wright, President  
Dartmouth College

Judith Shapiro, President  
Barnard College

Johnnetta B. Cole, President  
Bennett College for Women

[http://www.fordfound.org/news/more/dialogues/difficult\\_dialogues\\_letter.pdf](http://www.fordfound.org/news/more/dialogues/difficult_dialogues_letter.pdf)

# Extremist Speakers On Campus

## ISSUE

Speech on public campuses is generally protected by the First Amendment and equivalent state constitutional protections. It is crucial to keep in mind that hateful speech is not necessarily unlawful speech. In general, speeches at a political protest rally on a university campus are protected from discipline by public schools, so long as no specific threats were directed at an individual student or group of students.

Administrators should be aware of the thin line between providing a forum and being a sponsoring promoter. Regardless of whether a speaker is invited by the administration or by students, once a public university has created a forum on its campus for the kind of speech in question, First Amendment protections will apply. A public college is, however, constitutionally permitted to place certain time, place and manner restrictions on speech as long as the restrictions are reasonable, apply to everyone and do not discriminate according to viewpoint.

Private universities are free, within the law, to define their own missions, and have greater leeway in restricting speech than public universities. However, many private universities are subject to federal loan regulations, state constitutions or state laws that limit their right to curb free speech in much the same way as the First Amendment. As federal funds recipients, they also may be subject to federal anti-discrimination law.

While academic freedom protects much speech, it does not protect hostile environments. Colleges and universities are required to provide a learning environment that is safe and free from hostility for all students. A school violates its duty to prevent a hostile environment when (1) a hostile environment exists; (2) the school has notice of the problem and does not utilize the mechanisms in place to notify the community; and (3) it fails to respond adequately to remedy the situation. Students may have rights for protection from harassment under Title VI.

Remember, the First Amendment limits the government's ability to restrict speech. The First Amendment does not require that those who disagree with certain speech remain silent. Critical discourse is not a form of censorship and must not be seen as an affront to academic freedom. After all, such criticism is also free speech. Thus, when a known hate speaker comes to campus the university administration should not remain silent. University administrators have the right and responsibility to speak out against and condemn hate speech.

When campus administrators stand aside and do not speak out, conflict tends to deepen and spread, sharply polarizing the campus community and inviting public scrutiny. Prompt and direct administrative statements, especially from the president, provide direction and moral certainty and allow the campus to process the incident, while at the same time buttressing the institution's public image.

## **SUGGESTED ACTION STEPS**

- Ensure the safety of all members of the campus community in cooperation with campus law enforcement.
- Issue an immediate statement condemning the speaker's views as both intolerant and intolerable. Be specific, direct, responsive and concerned in the public statements. Mention the speaker by name and condemn the speech's content.
- Reduce the tension, and potential anxiety, created by the extremist speaker's presence by sponsoring alternative forums, structured dialogue, anti-bias training, educational programming and other appropriate interventions. Empower students to be part of the planning and implementation of these forums.
- Make certain that the speech is held in a reasonably secure location. In most cases, admission can be limited to those with valid university ID cards.
- Encourage an organized question and answer session that is conducted in a calm, non-intimidating atmosphere.
- Ensure that security for the event is entirely under the Institution's control. Speakers should not be allowed to place their own private security force inside or outside the auditorium without thorough coordination with the campus and local authorities.
- If there is a simultaneous counter-demonstration, hold it in a separate location from the speech to reduce the risk of physical confrontation. Security should be present at the counter-demonstration.
- Consult with your general counsel in advance of the program and articulate to students what decisions were made and why they were made.

# Example of Campus Statement from University Official

## ■ Columbia Law School Dean David Schizer Responds to the Invitation to Iranian President Mahmoud Ahmadinejad

*September 23, 2007*

A controversy has developed about the invitation extended to President Mahmoud Ahmadinejad of Iran by the Columbia School of International and Public Affairs. Although Columbia Law School was not involved in arranging this invitation, we have received many inquiries about it.

This event raises deep and complicated issues about how best to express our commitment to intellectual freedom and to our free way of life. Although we believe in free and open debate at Columbia and should never suppress points of view, we are also committed to academic standards. A high-quality academic discussion depends on intellectual honesty but, unfortunately, Mr. Ahmadinejad has proven himself, time and again, to be uninterested in whether his words are true. Therefore, my personal opinion is that he should not be invited to speak. Mr. Ahmadinejad is a reprehensible and dangerous figure who presides over a repressive regime, is responsible for the death of American soldiers, denies the Holocaust, and calls for the destruction of Israel. It would be deeply regrettable if some misread this invitation as lending prestige or legitimacy to his views.

Our university is a pluralistic place, and I recognize that others within our community take a different view in good faith, and that they have the right to extend invitations that I personally would not extend. I know that we will learn from each other in discussing the difficult questions prompted by this invitation.

David M. Schizer  
Dean and the Lucy G. Moses Professor of Law  
Columbia Law School

[http://www.law.columbia.edu/media\\_inquiries/news\\_events/  
2007/september07/deans\\_statement](http://www.law.columbia.edu/media_inquiries/news_events/2007/september07/deans_statement)

## Columbia University President Lee C. Bollinger Responds to Minutemen Founder Jim Gilchrist Speech Disruption

*December 22, 2006*

Dear fellow members of the Columbia community:

Now that final exams have concluded, I would like to bring everyone up to date on what we have done to respond to the October 4 student event featuring speakers from the Minuteman Project. At the time, I said that the disruption of that event constituted a serious breach of faith against an academic community built on the freedom to think, speak, debate, and disagree. Since then, we have taken a number of steps to enforce our University Rules of Conduct with respect to the individuals involved and to ensure more broadly that everyone at Columbia understands and appreciates the essential ethos of tolerance on this campus.

First, Provost Alan Brinkley, Deans Austin Quigley and Peter Awn, Deans of Students Chris Colombo and Mary McGee, Chaplain Jewelnel Davis, and I immediately began an extensive series of meetings with student leaders and student groups across campus to discuss these matters. From these conversations with students, including members of the student councils, the Student Governing Board, and other organizations (as well as talking with students in my undergraduate class on free speech and press), I am heartened by how our students have themselves risen to articulate and protect the tradition of free speech on campus.

The *Columbia Daily Spectator* eloquently stated the case in its October 6 editorial “When Protest Fails,” saying: “Free speech requires an environment of respect, and even a disrespectful speaker does not exempt students from that responsibility.”

On October 8, the Student Caucus, composed of elected representatives from every undergraduate and graduate school at Columbia, unanimously passed a resolution stating, “the Student Body of Columbia University has a right to invite speakers with varied points of view to campus, and it is unacceptable within our community, to take away someone else’s right to express their opinions and viewpoints.... The Student Affairs Caucus stands behind the principles of free speech on campus.” On November 16, they added that “while students have every right to protest a speaker and his or her views, they do not have the right to enter that speaker’s space while speaking—at the podium for example. This is seen as a significant disruption of the speaker’s ability to have his or her say as a guest of the University.” Next year’s student orientations will include discussions of the importance of tolerance and will incorporate and reflect this student consensus.

Second, we all understand that student groups should have the widest possible latitude in conducting activities and inviting speakers consistent with their own personal interests and beliefs. But along with the right to have controversial speakers on campus come several responsibilities to the overall University community. In order to better facilitate these rights and responsibilities, we have now reorganized University governance of student organizations. This change should enhance the coordination of student activities and improve the functioning of future student-sponsored events. Additionally, we are implementing event planning and staging procedures to better accommodate events, no matter how controversial they may be. We are, for example, instituting uniform procedures for engaging speakers

or groups from outside the University community. This will include an express agreement in advance of any event—between the University, the sponsoring student group, and the speakers or groups—about how the events will be staged and who from outside the University will attend.

Third, there has been a comprehensive review of security at student events. In this case, an examination of the facts shows that Columbia University Public Safety personnel (both in uniform and a number in plainclothes) restored order within a few short moments. Still, it is always a sad day for academic freedom when disruption makes speech impossible. For the future, we will accordingly have additional security measures in place. It is, of course, unfortunate that such protective measures are necessary in a campus environment that depends on openness and human connection. Nevertheless, we must strike the balance between an environment that fosters self-regulation of behavior by young adults and the visible security presence necessary to ensure the safety of all participants at student sponsored events.

Fourth, I said from the outset that the University would pursue an investigation under its Rules of University Conduct. An investigation began the very evening of the disruption, when twenty-four Columbia staff and administrators convened in Lerner Hall in the aftermath of the event. Under established University procedures, any such process is led by University Rules Administrator, Senior Vice Provost Stephen Rittenberg. I also warned in October that we should be careful not to prejudge facts based on media reports, since along with the right of free speech on campus, is also the right to fair process. (I must also point out that it was possible that as president I would serve as the final avenue of appeal for those found to be in violation of University Rules and therefore could not publicly presume facts.)

As a result of that investigation, the University has notified a number of Columbia students that they will be subject to discipline for having violated the Rules of University Conduct. The Federal Family Educational Rights and Privacy Act (FERPA), however, strictly prohibits the University from divulging details of disciplinary proceedings, including the identities of participants. That may feel unsatisfactory to some who would like to see a public announcement of specific punishments, but we must adhere to federal law in these matters of student privacy. I must also report that several people unaffiliated with Columbia who were found to have jumped on the stage and actively engaged in the physical altercation have been informed that they are no longer permitted on the Columbia campus.

Finally, I want to again thank the many people in the University who have devoted time and energy to repairing the damage our community has sustained and to strengthening our shared academic values. Many students come to Columbia because we are a diverse academic community in the most diverse and global of American cities. Even though this is a place of academic reflection, we have always been a place of lively engagement in the issues of our time and often a crucible for the heated debates that pervade society at large—locally, nationally, and globally. We all know that words can cause pain and discomfort. And every idea poses a risk of action, for good or bad. But what is hard to learn and hard to live by is the single idea that words are the better way in which to work through conflict and danger. This is certainly true for universities, but also for healthy, free societies.

I hope that Columbia is stronger for having recommitted itself to the common right of every member of this community and our guests to speak freely, on even the most difficult and contentious issues of our day. We must now work together to ensure that we always put this core principle into practice.

Sincerely,  
Lee C. Bollinger

<http://www.columbia.edu/cu/president/printable/docs/communications/2006-2007/061222-free-speech-update.html>

# Speech at Rallies and Protests

## ISSUE

Rules on campus set forth in a student code of conduct apply with equal force to student or faculty speech at political protest rallies. Speech outside the legitimate scope of the rally that is profane, threatening, an incitement to violence or directed specifically against an individual student based on his race, religion, gender, ethnicity, national origin, sexual orientation, gender identity or disability can be disciplined by the university.<sup>20</sup> Speech within the scope of the rally and directed to a general audience, however, is not punishable.

More generally, colleges and universities are required to provide a learning environment that is safe and free from hostility for all students. A school violates its duty to prevent a hostile environment when (1) a hostile environment exists; (2) the school has notice of the problem and does not utilize the mechanisms in place to notify the community; and (3) it fails to respond adequately to remedy the situation. In addition, students may also have rights for protection from harassment under Title VI,<sup>22</sup> which prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance.

Federal law prohibits federally funded schools from allowing hostile environments that harass students based on their race, color or national origin to persist on campus. Religion and sexual orientation are not included in the groups protected under the federal law,<sup>23</sup> although some states and cities extend this protection to religion, sexual orientation, gender and/or gender identity. Victims of such an environment may be able to sue for injunctive relief, to force the university to take action or to receive monetary damages.<sup>24</sup>

## SUGGESTED ACTION STEPS

- Publicly articulate that the university is concerned with the safety of all its students and will take action against speech that is unlawful, such as true threats.
- Clearly express that the university condemns hate speech.
- Hold organizers of protests and rallies to equal standards when booking event space, reserving security detail, compiling appropriate administrative paperwork, etc.
- Clearly explain that ending unauthorized rallies is not a violation of the First Amendment.

# Example of Campus Statement from University Official

## University of California at Berkeley Chancellor Robert M. Berdahl Addresses the Protection of Free Speech

*May 1, 2002*

The right to assemble, to demonstrate on behalf of a cause, and to speak freely, subject only to rules that assure that the exercise of these rights does not interfere with the rights of others, are protected by the First Amendment and are rights that the University of California, Berkeley campus has long sought to protect. Indeed, the Dean of Students Office and other units work to facilitate peaceful assemblies and demonstrations.

On April 9, members of the student group, Students for Justice in Palestine (SJP) reserved Sproul Plaza to hold a demonstration; subsequently they and their supporters marched through the campus to Wheeler Hall, where they unlawfully occupied the building and interrupted classes held there.

After refusing repeated requests to leave, 79 protesters, including 41 UC Berkeley students, were cited for trespassing; the UC Berkeley students face student-conduct sanctions. In addition, SJP's privileges as a registered student group have been temporarily suspended.

Let me explain the reasons for our actions and correct some misunderstandings.

It is important to understand that this is neither an issue of free speech, nor of the right to hold demonstrations on the campus. None of the actions of the University has compromised this principle. The issue is the occupation of an academic building, interfering with the rights of other students to continue their education. While SJP occupied Wheeler Hall, chanting loudly and using bull horns, students in Wheeler Auditorium were trying to take a midterm examination. Other classes had to be moved. By intentionally interfering with the rights of other students to learn, the group's actions violated a core principle we must uphold.

The primary responsibility of campus leaders is to assure that the central mission of the University, the teaching of students and their right to secure the education they came here for, can continue whenever possible without interference. The campus has had in the past numerous demonstrations that have broken rules; it has had sit-ins that have disrupted activities of the University. But SJP is the first student organization that has deliberately sought to disrupt the conduct of classes in so substantial a way. Because of SJP's unexpected occupation of Wheeler Hall last year, we issued clear warnings this year prior to the demonstration scheduled for April 9. We said that willful interference with the educational mission of the University would not be allowed. After demonstrators pushed past police to enter Wheeler, they were warned again that they could face serious sanctions if they continued to interrupt classes. They chose to ignore the warnings.

One of the consequences of the group's actions is temporarily suspending SJP as a registered student group. Suspending SJP's ability to reserve facilities or access campus resources after violating the rules has ample precedent. SJP has not been "disbanded" or "banned" as it purports; it is not under any "gag order." It can still call itself Students for Justice in Palestine; it can continue to exercise free speech; it can continue to leaflet; it can continue to demonstrate. Indeed, its demonstration a year ago was held when it was not a registered student organization. What it cannot do is call upon the use of University resources as a student organization until the investigation of its actions has been completed.

Civil disobedience is a part of the American experience and a means of calling attention to the justice of one's cause. That SJP sought amnesty from legal and student conduct sanctions in advance of the arrests indicated that they wanted to avoid all consequences of their unlawful actions.

Most recently, groups that support Palestine and groups that support Israel have each sought space on our campus to express their views. It has been our policy, and continues to be our policy, to provide free and ordered space, neutral for all sides to express their points of view. To fail to enforce rules that were clearly enunciated prior to April 9 for all groups, rules of which students were reminded during the event, would be to apply the rules in an inequitable fashion.

The issues surrounding the conflict in the Middle East as it plays out on the campus are extraordinarily complex and difficult. Whether one agrees or disagrees with our actions, know that we do not undertake these actions lightly. We make these decisions after considerable thought and attention to the basic principles involved in assuring that the University remains a free and ordered space, protecting the rights of everyone.

[http://www.berkeley.edu/news/media/releases/2002/05/01\\_openl.html](http://www.berkeley.edu/news/media/releases/2002/05/01_openl.html)

# Vandalism And Graffiti

## ISSUE

According to the FBI's 2006 Hate Crimes Statistics, 32.1 percent of all hate crime offenses were acts of destruction, damage and vandalism, 27.6 percent were intimidation, 19.1 percent were simple assault and 13 percent were aggravated assault.<sup>25</sup> Hate-related vandalism, graffiti, intimidation and harassment demand a priority response because of their special emotional and psychological impact on the target and the target's community. The damage done by hate crimes and incidents cannot be measured solely in terms of physical injury or financial damages. Hate crimes and bias incidents may effectively intimidate other members of the target's community, leaving them feeling isolated, vulnerable and unprotected by the law.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires higher education institutions to give timely warnings of crimes that represent a threat to the safety of students or employees, and to make public their campus security policies. It also requires that data on all crimes, including hate crimes, are collected, reported and disseminated to the campus community and are submitted to the U.S. Department of Education. The act is intended to provide students and their families, as higher education consumers, with accurate, complete and timely information about safety on campus so that they can make informed decisions.<sup>26</sup>

## SUGGESTED ACTION STEPS

- Establish legally valid, clear and unambiguous policies regarding student, faculty and staff conduct. Such policies should be widely published in student and staff handbooks and other appropriate places, making it clear that vandalism, racist graffiti, intimidation and harassment have no place on campus and will not be tolerated, and that violators will be punished and prosecuted as appropriate. Enforce such policies strictly and promptly. Following appropriate norms of due process, violators must be punished and their actions must be publicly denounced.
- Ensure the safety of the victim. If the crime is an act of bias, ensure the safety of the targeted identity group.
- Promptly remove bias-related graffiti after the police have conducted their investigation. Such graffiti should be considered a special human relations concern, distinct from standard maintenance procedures and preset maintenance schedules.
- Posters containing hateful or discriminatory messages should be considered unauthorized for display on university-controlled spaces and should be promptly removed by university officials.

In accordance with the Clery Act, universities must report crime data to the U.S. Department of Education. Information on compliance with the Clery Act can be found in the U.S. Department of Education's manual, *The Handbook for Campus Crime Reporting*.

# Example of Campus Statement from University Official

## ■ York University President Mamdouh Shoukri Responds To Anti-Semitic Graffiti

*February 28, 2008*

Yesterday evening a report was made to York Security of a series of anti-Semitic graffiti discovered in a study booth in York's main library on the Keele campus.

This hate incident was immediately reported to Toronto Police Service, who are investigating the incident. We do not know at this point whether this hate crime was committed by a member/members of the York community.

As president of this academic community of some 60,000 people, I and the entire York community condemn these cowardly and hateful acts unreservedly and in the strongest possible terms. As a university we are not immune from the world around us, but as a university, we should be a place where ideas and differences are celebrated, not despised. The spreading of hate is a callous and cruel act, designed to isolate and frighten. There is no place for this kind of criminal behavior at York and such individuals are not welcome here. We will give Toronto Police Service every assistance in bringing the perpetrator(s) to justice.

Earlier this month, we issued A Joint Statement on Community Values from the University Leadership. Contained in that document was the following:

“Yet some of the events that have happened here on the campus in recent months run the risk of alienating community members from each other, and of driving distance between individuals and communities that should be growing together.

“We must always be vigilant to oppose intolerance in all of its various forms against people deemed to be of the ‘wrong’ colour, gender, sexual orientation, identity, background, politics, religion, nationality or disability.”

We stand by that statement today more than ever and stand against all those who would promote fear and distrust among us.

Mamdouh Shoukri,  
President and Vice Chancellor, York University

<http://www.yorku.ca/mediar/archive/Release.asp?Release=1381>

## University of Texas at Austin President Larry Faulkner Responds to Racially Derogatory Flyers

*April 27, 2000*

The placement of objectionable, racially derogatory flyers [*sic*] on the campus of The University of Texas at Austin by an organization unaffiliated with the University has caused understandable concern within our community.

I want to reaffirm the University's position, as expressed by Vice President for Student Affairs James Vick earlier this month. We deplore the hateful and racially intolerant messages expressed in these flyers. In the two years that I have served as UT President, I have consistently emphasized the importance of equality and opportunity for all. It is vital to the success of our mission that we maintain a campus that is inviting and welcoming to all sectors of the diverse population of Texas and our nation.

Higher education is a door of opportunity that must remain wide open. The University is actively engaged in the recruitment of a student body that is representative of our state's population. Earlier this week, for instance, I visited high schools in Dallas that have been historically underserved by UT to present \$500,000 in scholarships. In addition, we opened a permanently staffed Dallas Admissions Center this week in order to reach a more diverse applicant pool. These are only two of many initiatives designed to build a representative student body.

Indeed, we are making progress. African American enrollment in this year's freshman class at UT increased by 44 percent. Our existing retention programs helped increase freshman success to 89 percent last year for first year students and our retention rate for African American freshman was 95 percent, highest among all groups. This month, hundreds of admitted and prospective minority high school students have visited UT as a part of our year-round recruitment efforts. However, we still have some distance to go to consistently serve all population groups in Texas. We need to improve our minority enrollment figures and we will.

As soon as we became aware of the offending flyers, we informed the organization that dissemination of such material was in violation of University regulations and told them to cease doing so immediately. We do not know the identity or the address of the organization's local representatives, so we responded to the out-of-state address printed on the flyers.

Hateful messages such as those expressed in the flyers should be rejected by all civilized people. This administration remains committed to fighting intolerance and bigotry on the campus of The University of Texas at Austin by all legal means.

Larry R. Faulkner  
The University of Texas at Austin

[http://www.utexas.edu/president/speeches/intolerance\\_042700.html](http://www.utexas.edu/president/speeches/intolerance_042700.html)

## Binghamton University President Lois B. Defleur Asks for a Pledge Against Bigotry

*November 10, 2000*

To the Binghamton University Community:

The campus has recently experienced a number of bias-related incidents of graffiti and vandalism that have provoked apprehension, anger and revulsion among students, faculty and staff. These actions, whether rooted in hatred or ignorance, undermine the atmosphere of openness and inclusion that are central to a learning community. The University climate must be one of respect and civility. The University denounces incidents such as those we have witnessed in recent weeks, and reaffirms its opposition to intolerance and cowardice.

All of us, as members of the University community, must be a part of creating and maintaining a campus environment in which all are free to participate fully in the life of the campus. We must respect differences and ensure a forum for the spirited exchange of ideas. We are committed to the principles of inclusiveness and actively celebrate diversity in all of its different settings and forms.

I applaud the work of the Student Association and other campus organizations in working to address these bias-related incidents. As President, I encourage the entire University community to work with them and all other groups to denounce acts of intolerance. I especially urge you to help us identify those who perpetrate these acts. Because of the recurrence of these incidents, I am increasing the reward for information leading to the arrest and conviction of those responsible from \$1,000 to \$3,000.

University Police have already increased patrols on the campus and they continue to investigate all incidents. In addition, our maintenance staff has been instructed to remove any graffiti as quickly as possible once it has been reported. Please notify University Police immediately of any bias-related graffiti on the campus.

I also am asking members of the University, as an act of support, to join with me in signing the Binghamton Pledge, which articulates our goal of inclusion and diversity. The Pledge is available at tables in the University Union Lobby and I also encourage you to wear a green and white ribbon provided by the SA's Student Action Committee as a sign of your repudiation of bigotry and intolerance.

Sincerely,  
Lois B. DeFleur  
President

<http://www.binghamton.edu/home/updates/vandalism.html>

# Hate on the Internet

## ISSUE

Most students today consider e-mailing, text messaging, chatting and blogging a vital means of self-expression and a central part of their social lives. There are increasing reports, however, that some young adults are using the Internet and cell phone technology to bully and harass others (often referred to as “cyberbullying,” which can be defined as the willful and repeated harm inflicted through electronic media). Further, hate groups and extremist groups have recognized the Internet’s power and rushed to use it to rally their supporters, preach to the unconverted, and intimidate those whom they perceive as their enemies.

Victims of cyberbullying and/or hate on the Internet are subject to unique distress due to the pervasive and invasive nature of modern communications technology: messages can be circulated far and wide in an instant and are usually irrevocable. Furthermore, there is no refuge from Internet hate and victimization can be relentless.

The First Amendment protects the free speech rights of student Internet users. Public universities may have more authority to restrict postings that violate university rules if the posting is created as part of a university-sponsored activity or if a student used campus resources to create it, such as the campus computer system. Universities may consider adopting computer use policies for students who use the school computer systems. The policy could set out guidelines detailing the terms and conditions of Internet use, including definitions of acceptable online behavior and access privileges. It is crucial to work with your counsel on these issues to ensure any policy is effective and constitutional.

Private universities may have more leeway to restrict speech on the university computer system than would otherwise be protected by the First Amendment in a

public school. Some states have statutes, however, that deem private universities to be public for purposes of student First Amendment protection.<sup>27</sup>

If applicable, universities may remind students that the University’s Internet service is provided under the terms and conditions of the service provider, which may have acceptable-use policies of its own. As private entities, providers are not restricted by the First Amendment, and most Web sites and providers have “Terms of Use” policies that prohibit offensive speech and restrict users from harassing others.

## Criminal Liability

Students should be reminded that they may be held criminally accountable for speech on the Internet. Following are examples where university students were convicted of a crime for their behavior on the Internet:

### **United States v. Machado**

In September 1996, a 21-year-old expelled college student who lived in Southern California sent a threatening e-mail message to 60 Asian students at the University of California-Irvine (UC Irvine). The message expressed a hatred for Asians and stated that UC Irvine would be a much more popular school without Asian students. The message further blamed Asians for all crimes that occurred on campus, and concluded with a clear threat to hunt down and kill all Asians on campus if they did not leave the university.

*I personally will make it my life career [sic] to find and kill everyone one [sic] of you personally. OK????? That’s how determined I am....*  
The message was signed “Asian Hater.”

The sender did not sign his name to the message, and the message was sent from an e-mail account that hid his identity. Ultimately, however, in voluntary interviews with UC Irvine police, Richard Machado

admitted that he sent the threatening message. He was charged with violating the federal civil rights law, which prohibits (among other things) interference by force or threat of force based on race or national origin with a person's attendance at a public university. Machado's first trial ended in a hung jury. A second trial in 1998 resulted in Machado's conviction, and he was sentenced to one year in prison.

### **United States v. Quon**

A college student, Kingman Quon, sent e-mail messages to 42 Latino/a faculty members at California State University at Los Angeles, 25 Latino/a students at the Massachusetts Institute of Technology, and numerous other Latino/a persons employed at various institutions and businesses across the nation. Quon's racially derogatory messages discussed his hatred of Latinos/as, accused them of being "too stupid" to have been accepted at the university or have obtained employment without the help of affirmative action programs, and concluded that he intended to "come down and kill" them.

In 1999, the U.S. Department of Justice charged Quon with interfering with the students' federal rights in violation of federal civil rights laws. Quon pleaded guilty and received a two-year prison sentence.

### **State of Maine v. Belanger**

In 1997, Casey Belanger was a 19-year-old freshman student at the University of Maine at Orono. He posted his resume, which included a statement that he "dislike[d] fags," on the university's computer network. In response, another student posted a message attacking Belanger's resume and asking who Belanger thought he was. This subsequent message was sent to student groups organized on the university's Internet system for Religion, Gay/Lesbian/ Bisexual, Politics, and Debate.

Later that same day, Belanger posted a message to all of these groups, which stated [expletives deleted]:

*I hope that you die screaming in hell...you'd [sic] better watch your... back you little...I'm [sic] gonna shoot you in the back of the... head...die screaming [name of student], burn in eternal...hell I hate gay/lesbian/bisexuals, so... what....*

The State Attorney General brought an action against Belanger under the Maine Civil Hate Crime Act seeking an injunction to require Belanger to cease from threatening any person because of the person's sexual orientation, race, color, religion, ancestry, sex, national origin or physical or mental disability. The court issued a permanent injunction against Belanger.

### **Suggested Responses for Victims of Hate on the Internet or Cyberbullying**

1. As an initial step, students could block the person sending the offensive messages using the block options that come in many e-mail and instant messaging programs.
2. Students and/or universities may inform their Internet Service Provider (ISP), e-mail service provider or cell phone/pager service provider about harassing messages or content. Because it is not feasible for providers to review all postings or enforce policies such as age limits, it is critical that users report violations.
3. Users should contact the appropriate campus officials, and if necessary, their local police department about repeated harassment or threats.

### **SUGGESTED ACTION STEPS**

- Condemn cyberbullying in all forms on campus.
- Include clear and well-communicated policies on cyberbullying as part of the university's code of conduct and technology-related "acceptable use" policies.
- Educate students, faculty and staff about cyberbullying policies, and how to recognize and respond to cyberbullying and cyberthreats.
- Include students in the planning and implementation of university-wide programs to counter cyberbullying.
- Develop a mechanism for students to report incidents of cyberbullying they have experienced or observed.

# Example of Campus Statement from University Official

## ■ Yale University Responds to Cyberbullying

*March 7, 2008*

### “After Campus Gets ‘Juicier,’ Yale Considers Legal Options”

*Yale Daily News*

By Isaac Arnsdorf

Staff Reporter

JuicyCampus.com showed up at Yale uninvited. Now the administration is looking for ways to show it to the door. Lured by the Web site’s much-touted promise of anonymity, students around the country have embraced the chance to gossip without fear of identification on the JuicyCampus site, whose exposure and prominence on the ever-popular Facebook.com has fueled a slew of coverage in collegiate and professional media outlets nationwide. As Yale’s section of the anonymous online message board has experienced increasing volume—and increasing vitriol—Yale administrators, under pressure from students and parents who have complained to residential college deans, are considering the University’s legal options for restraining the site’s presence on campus. Dean of Student Affairs Marichal Gentry has consulted the University’s general counsel about the possibility of blocking the site from Yale’s network or punishing users who log onto it. Yale’s lawyers have contacted JuicyCampus about University concerns, Gentry said.

Choices currently on the table, administrators said, include asking JuicyCampus to remove offensive posts, trying to identify and discipline posters of allegedly defamatory or harassing comments, or banning access to the site from on-campus Internet access. “When you have a forum that’s on the computer, that’s anonymous, that’s the only place where you can say those things without getting punished—it’s a problem,” Gentry said.

Gentry said that, in an effort to address this problem, he wrote to Yale’s general counsel asking whether anything can be done about Web sites “that don’t have students’ interest in mind.”

But there are challenges in confronting JuicyCampus and its users. Punishing students or blocking the site on the University’s network could run afoul of Yale’s historically robust free-speech policy. And technological and legal hurdles could hinder efforts to bring the site and its users to court.

While the administration deliberates, students who have been personally targeted, or those who are offended by the site, are intent on releasing the Web site’s grip on the Yale community.

“We can’t let this become part of our lives at Yale,” said Chase Olivarius-McAllister ’09, the Women Center’s former political-action coordinator.

JuicyCampus founder, 2005 Duke University graduate Matt Ivester, said in a phone interview he conceived of the forum as a place where students could gossip without fear of consequence from peers or administrators, but he never expected the site’s content to turn so nasty.

“It’s a gossip site and we never said that it’s not,” he said. “I guess we didn’t realize how mean some people can be.”

But one Yale freshman, who has been targeted by particularly violent posts that called her a “slut” and accused her of having genital herpes, said it was inevitable that the site’s anonymity would be used for personal attacks.

“It becomes a vehicle for hatred and harassment,” she said. “People should be held accountable for what they said.”

She has been talking to her college dean about taking action, she said.

Students interviewed said the site had reached a critical mass of readership and can no longer simply be ignored.

“We don’t have the option to ignore the site anymore because our own student newspaper decided to put it on the front page,” said Presca Ahn ’09, a coordinator at the Women’s Center, in reference to an article in the Feb. 11 edition of the News.

#### **Banning the site**

The option of banning the site altogether could go against Yale’s official policy of protecting freedom of expression “even when some members of the University community fail to meet their social and ethical responsibilities.”

But the same protection might not extend to anonymous speech, Yale College Dean Peter Salovey said.

“Anonymous speech does not enjoy the same protections afforded to other kinds of expression—expression where individuals stand behind their words, by Yale’s policies,” he said.

The official policy does not mention any exceptions for anonymous speech.

University President Richard Levin said Thursday that he was unfamiliar with JuicyCampus and the surrounding controversy, but blocking any Web site “wouldn’t be our first instinct of response.”

“I tend to think offensive speech is better countered with more speech, with counterargument, rather than by barring access,” he said.

Another college featured on JuicyCampus—Pepperdine University in Malibu, Calif.—received national attention after its student government voted 23–5 last month to ban the site.

Banning JuicyCampus would be the preferable response for some Yalies, including the Women’s Center’s board, which sent a letter to the administration this week urging action on the issue.

Andy Levine ’08 agreed the administration should banish the Web forum from Yale servers because a site devoted to anonymous gossip can only hurt people, as it has, he said. His friends have had to answer to embarrassing rumors spread about them on the site, he said.

“If only bad can come out of something, there’s no problem banning it,” he said. “It’s not a free-speech matter.”

But Ivester said free speech is central to his site and should be to universities, too.

“We’d be really surprised if schools decided to ban a Web site that encourages free speech,” he said.

### **Students taking action**

Administrators are not the only ones looking for solutions to the JuicyCampus menace. The Women’s Center hosted a discussion Tuesday about the offensive content on the site, much of which board members said tended toward sexism and objectification of women.

Many student concerns are not specific to gender, but based on the general indecency of the site’s content.

“Anyone who looks at that Web site should be appalled by what’s on there,” Alice Buttrick ’10 said. “Your views on gender and sexuality aside, it doesn’t matter who’s being attacked—personal attacks are just not acceptable.”

Students—some of whom are ostensibly affiliated with the Women’s Center—have been clogging the site’s Yale discussion boards with posts intended to overwhelm and overshadow its use for gossip. The students have posted everything from musings on the weather to the full text of the U.S. Constitution and feminist treatises.

After the meeting at the Women’s Center had been announced in a JuicyCampus thread, a lawyer for JuicyCampus called the Center to warn them about actions that could interfere with the site’s operations or violate its terms of use, board members said.

Ivester did not deny that an attorney affiliated with the site contacted the Center.

The Yale College Council currently has no position on JuicyCampus and has not yet discussed the issue. But YCC President Rebecca Taber ’08 said that, while something needs to be done to curb the site’s damage to the Yale community, she worries that trying to ban it could draw more attention to the site.

“Whenever something is a forbidden fruit, people will be more enticed to find out what it’s about,” she said.

Ivester said the site’s heavy traffic and “thousands” of requests to expand to new campuses demonstrate that JuicyCampus serves a real and legitimate purpose on college campuses.

“Just based on the number of students coming and checking it out daily, we’ve created something that there’s a clear demand for, and that’s good thing,” he said.

If achieving that goal has negative consequences, that is the fault of a lack of “personal responsibility” of the users, he said, not the site itself. He advised people offended by the site simply not to read it and people targeted on the site “not to make it into a bigger deal than it is,” he said. “People know that it’s unsubstantiated gossip and you shouldn’t believe everything you read on there.”

Overall, he said, feedback to the site has been mixed, and a few mean-spirited commentators should not ruin it for everyone else.

“Some people like having a place where they can express themselves without worrying about having an unpopular opinion,” he said. “Some people are not happy—maybe these are the people who have something to hide.”

### **Squeezing the juice**

Ivester’s deference to the responsibility of the site’s users is supported by federal law: In most cases, Web sites enjoy generous protection from lawsuits, legal experts said.

Internet hosts are insulated by federal law from liability for content others post on their message boards, Daniel Solove LAW ’97, a law professor at The George Washington University, wrote in an e-mail to the News.

In its terms of use, JuicyCampus boasts immunity to liability for content that users post, and pledges not to track individual posts or users.

But Parry Aftab, a lawyer in private practice who specializes in privacy and online abuse, said she sees two potential chinks in JuicyCampus' legal armor.

A site is not responsible for users' posts only if it merely conveys information and has no role in editing the content as a matter of policy and practice, she said. But JuicyCampus' encouragement of racy content, she said, could make it responsible for the resulting posts.

Ivester said JuicyCampus does not interfere with content, except for removing spam and copyrighted material, which he said is consistent with federal law.

Aftab also said JuicyCampus could be sued for consumer fraud for violating its "always anonymous" slogan.

The Web site did track down a user at Loyola Marymount University in California when he posted a bomb threat in December 2007, and provided the information to the authorities, Ivester confirmed.

If JuicyCampus has the capability to track posts in some cases, it has a legal obligation to do so consistently, Aftab said. Falsely promising users never to compromise their anonymity could be cause for a civil action, she said.

Ironically, the Web site that invites users to say nasty things under the cover of anonymity could be vulnerable to litigation for not adequately delivering on that very promise, she said.

JuicyCampus does not guarantee anonymity but will not release any data unless ordered to by law enforcement or court subpoenas, Ivester said.

### **Punishing the posters**

Besides going after JuicyCampus itself, the posters of alleged defamation or harassment could be sued, Aftab said.

A new federal law has made cyber-stalking, which includes anonymous online communications, criminally punishable by up to two years in prison, she said.

In several anonymous online libel cases, courts have subpoenaed Internet service providers for information leading to the identification of posters to online comment boards, John Morris '81 LAW '86, director of the Internet Standards, Technology and Policy Project at the Center for Democracy and Technology in Washington, D.C., said in an interview with the News in January.

But depending on how much effort the commenters put into cloaking their identities, there may still be significant technological barriers to finding them, he said.

Some Yalies have already felt the sting of anonymous online speech and have experienced firsthand difficulties of apprehending their attackers.

Two Yale Law School students are currently suing the anonymous commenters on another Web forum, AutoAdmit.com, for defamation. A federal judge granted their request in January to subpoena several ISPs in the hopes of unmasking the commenters.

JuicyCampus launched last August and currently operates at 60 colleges.

<http://www.yaledailynews.com/articles/view/23938>

# Developing Collaborative Programs with International Universities

When establishing collaborative relationships with universities abroad, special awareness must be taken with programs in countries where there are potential restrictions on the activities of program participants based on such characteristics as religion, gender and sexual orientation. Such a relationship, if not precisely defined to protect students, faculty and staff, may run afoul of a number of the university's legal obligations, as well as cause the university to fail in its commitment to ensuring that diversity is an integral element of the educational experience.

Regarding legal obligations, public universities adhere to state and federal laws that prohibit employment discrimination based on a number of characteristics, including religion, sex, national origin and ancestry.<sup>28</sup>

Moreover, any program operated by a United States university must comply with state anti-discrimination laws so that any qualified student, faculty or staff member will have equal access to participate in any university program.<sup>29</sup>

These obligations may be triggered even if the discrimination occurs because a foreign government fails to issue visas to students, faculty members or staff on the basis of any of the aforementioned characteristics.

Short of any legal requirement that may dictate your actions, a university may find itself in a unique position to further its reputation as a school that supports diversity and gender equality. By insisting that any arrangement must meet the highest values of an open and welcoming university, it will send a strong message to its faculty, its students and the wider higher education community that bigotry and bias are not acceptable.

## SUGGESTED ACTION STEPS

- Check your state and federal employment discrimination laws to ensure that these laws will be upheld in the international university setting.
- Effectively communicate your university's diversity policy and code of conduct to the administration of the international university.

# Example of University Policies Addressing Collaborative Relationships with International Universities

## ■ Stanford University Policy on Nondiscrimination in Foreign-Sponsored Research

*Originally issued: April 1979; Current version: November 1995*

All agreements will conform to a policy of nondiscrimination against individuals on the basis of sex, race, religion, place of birth or ancestry. Furthermore, Stanford shall not enter into any research agreements which permit discrimination on the basis of citizenship against individuals engaged in the proposed research activities on campus.

It is Stanford's intent to reduce or eliminate the discriminatory impact that policies or regulations of other countries may have for University personnel who may need to enter a foreign country in the course of research activity. If a sponsoring country restricts entry of citizens of other nations into its country, the Principal Investigator should try to organize the research project and the University should try to draw up the agreement in such ways as to eliminate or reduce as far as possible the discriminatory effect of those restrictions on participating Stanford personnel.

For all proposed research agreements with foreign sponsors which involve travel by Stanford personnel into the sponsoring country during the course of the research, the proposed sponsor will be asked to indicate citizens of which countries, if any, may be barred entry into the sponsor's country on the basis of their citizenship.

The Office of Sponsored Research (OSR) will review all proposed research agreements which involve a foreign sponsor for purposes of assessing any discriminatory impact. If, in their judgment, the proposed agreement would have a potentially significant discriminatory impact on Stanford personnel because of travel by Stanford employees or students into the sponsoring country as part of the research activity, OSR will refer the proposal to the Vice Provost and Dean of Research. If the Dean agrees with this assessment, he or she will then refer the proposal for review to an advisory panel of three faculty members chosen in consultation with the chairman of the Committee on Research.

The advisory panel shall not recommend acceptance of the proposed agreement unless the Principal Investigator shows that the agreement is in the best interests of the University, taking into consideration:

1. the probability and extent of discrimination;
2. the reasonableness of the particular discriminatory rules. An example of a reasonable discrimination on the basis of nationality is the excluding of an enemy alien in time of war;
3. the kind and quantity of benefits the foreign country would derive from the agreement. For example, the agreement may involve the delivery of medical services or efforts to increase food production;
4. the kind and quantity of benefits to the faculty involved and to the training possibilities for students. For example, the obtaining of support for research that can be done only in a particular location, such as research on earthquakes;

5. the interests of students in having fullest access to all scholarly activities in the University.

The advisory panel shall submit its recommendation to the Vice Provost and Dean of Research for action. If the Dean of Research permits acceptance of an agreement in which a probability exists of discrimination on the basis of citizenship, the principal investigator must tell his or her academic department chairman, who in turn has the responsibility of informing relevant students that they may be unable to participate in certain aspects of the investigator's work. The above policy and procedures and their implementation shall be reviewed periodically by the Committee on Research.

<http://www.stanford.edu/dept/DoR/rph/10-4.html>

# Taking Action Against Hate

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The struggle against hate is not easy and it cannot be accomplished only through short-term measures. Rather, effective action requires a long-term commitment of energy, resources, passion and collaboration. This section outlines general proactive and reactive strategies to help free the campus of hate and intergroup strife.

# Respond to Specific Events

1. Provide proper and immediate assistance to the target(s), including ensuring that law enforcement is notified as necessary.
2. Improve information flow so that all levels and constituencies of the university are instantly aware of university responses and feel included in the process of response information. E-mail and institutional Web sites are excellent tools.
3. Deliver a prompt and forceful media message that highlights the university response.
4. Put a “community watch” system in place so that staff, faculty and students in potential target sites can be trained to contact the campus police if they see suspicious individuals and activities. This type of system will not only bolster law enforcement efforts, but also build a sense of community on campus.
5. Train all Student Affairs staff, including residence halls staff and residential advisers, in the hate crimes and emergency protocols. This includes knowing who on campus to contact, how to support the target(s) and how to manage the situation.
6. Campus police need to continually reassert their authority on campus. Private off-campus groups should not be allowed to provide security when their representatives are invited to speak on campus. This requirement should be stipulated to groups and speakers in advance of, and as a condition of, their appearance on campus. In cases where persons with private security details speak on campus, such security should be coordinated with the campus and other appropriate authorities.
7. Establish and organize a university’s rapid response group so that it can meet and act immediately during a crisis. When a response is delayed, the efficacy of the response is compromised.
8. When and where it is appropriate, issue timely announcements of concern, outrage, or condemnation from the president. If communication from the president is not feasible, the university’s highest-ranking appropriate administrator should issue such statements. Circulate these statements widely and immediately to all university constituencies, demonstrating that the administration is actively addressing the situation and is exercising effective leadership.

# Develop Proactive Strategies

Introduce anti-bias education programs, such as ADL's A CAMPUS OF DIFFERENCE™ training programs.

1. Introduce training on extremism and hate crimes for campus security, such as ADL's Law Enforcement Training.
2. Seek to develop both formal and informal mechanisms of improving communications and coordination between student affairs professionals, faculty members and campus security. College deans and the provost's office can play a crucial mediating role in this regard.
3. Improve institutional responsiveness by outlining clear lines of administrative authority and communicating them throughout the campus. University community members need to know the appropriate avenues for addressing specific problems and concerns. The appointment of a central university ombuds officer should be considered. The ombuds officer should clearly communicate to the students the exact procedures for dealing with an emergency.
4. Make resident advisers aware of all available campus resources (e.g., Office of Multi-Ethnic Student Education, Counseling Center, Disability Support Service, Office of Human Relations Programs). Invite staff members from these offices to conduct training programs for the residence hall staff. Require resident advisers to inform the university's professional resident services staff of all bias incidents.

# Improve the Campus Culture

1. Develop leadership and “authority-legitimacy” roles for the university president and senior administrators. While effective management is necessary at the administrative level, it is not sufficient in the climate of today’s complex higher educational institutions. Arguably, the major task at this level is the definition, articulation and communication of the moral center of the university and the values for which it stands. This is a constant, ongoing task that, if successful, will reward the university in good times and preserve its balance and public image in times of difficulty.
2. Formulate a positive code of conduct. A positive code embraces those behaviors and beliefs that the university will value and reward, not just those behaviors and beliefs that are to be punished.
3. Go beyond the mere celebration of diversity, which may be viewed as fleeting and peripheral, and find ways in which you can integrate equity into all aspects of the institution.
4. Provide programs that encourage the development of new courses, innovative teaching methods, team teaching, etc. among the faculty so as to provide for greater diversity within the curriculum. Faculty fellowships, providing summer stipends or limited release time for the development of innovative course offerings are one way in which the university can encourage such trends.

# Examples of Clear Guidelines for Grievance Procedures

It is essential that all universities establish response protocols to deal with issues relating to hate, bias and intimidation. These protocols must be communicated to the campus through student policy manuals, orientation materials and clear step-by-step instructions listed in every campus building. It is often helpful to appoint a central university ombuds officer as a first responder to dealing with these issues. The following are examples of campus grievance procedures.

## Columbia University Strengthens Grievance Procedures for Students

*April 11, 2005*

To the Columbia Community:

I am writing to report on two important improvements in the University's procedures for responding to student concerns and grievances. All of us on the faculty care deeply about our students, and these are among several steps we will be taking to better address their needs. Overall, I want to ensure that we have open and clear channels of communications in place among all students, faculty and administrators in order to strengthen our entire community.

Of primary importance is the need to clarify and improve our grievance procedures. Because our scholarly community is large and diverse, the faculties and administrations of the individual schools each have their own grievance procedures. Over the past several months, we have been working with our deans to review, clarify and, where appropriate, augment the processes already in place to create a more cohesive and effective system for responding to student grievances. Discussions with students, faculty and administrators have been an important part of this effort, and these discussions are ongoing.

It is imperative that those handling our procedures are informed and invested with the authority of the particular schools to resolve complaints. It is also imperative that our systems for handling student concerns and grievances are sufficiently robust, readily accessible and clear in what they cover, with reasonable timeframes for responses to the student and with an opportunity to appeal.

Most student concerns are best dealt with in informal and collaborative ways at the school level, such as with the class dean or the dean of students, as explained in the procedures for each school. Whenever possible, we must continue to facilitate that kind of resolution for initial complaints related to teaching and other areas of student concern.

But, occasionally, more formal procedures are needed, and these, too, will now be provided. For example, at the school level, Columbia College, the School of General Studies and The Fu Foundation School of Engineering and Applied Science (SEAS) have clearly articulated informal or collaborative grievance procedures for undergraduates. Integrated with these procedures are opportunities for lodging a formal complaint at the level of the dean or vice president.

Undergraduate students registering complaints are encouraged to do so initially by using their school's procedures. Any complaints of undergraduates or other students served by the faculty of the Arts and Sciences that remain unresolved at the school level can now be reviewed by a standing faculty committee of the Arts and Sciences. Students may also access the faculty committee directly if they feel this is a more appropriate venue for registering initial grievances. Students and faculty will also have the option of appealing directly to the provost.

Our graduate and graduate professional schools have also reviewed and revised their procedures, refining and creating new procedures to make sure the avenues for complaints and concerns are clear and understandable, and to provide for an opportunity for appeal to the provost for both the student and the faculty member.

There is a great institutional need to have appropriate procedures in place as soon as possible, and these new procedures signify important progress in this area. However, more work needs to be done. Together, we will continue to review these procedures as we gain practical experience in their application and amend them as required. We must communicate about these procedures effectively and ensure that those who administer them have the necessary training and support. We will relate what happens in the grievance system with our advising of and interactions with students in all other settings. And we will step back periodically to see how we are doing.

Hearing from the community in the months ahead will help us improve on what we have now put in place. Each undergraduate school is soliciting feedback, as are the graduate and graduate professional schools. To view the enhanced grievance procedures for your particular school, please visit your school's website. Alternatively, you can visit Provost Alan Brinkley's website, which contains a full list of links to the grievance procedures at all schools. Comments, concerns or questions on school-specific procedures can be submitted to the College, the School of General Studies and SEAS through specially created email addresses found on each school's Website. They may also be directed to offices of school deans, the Office of the Vice President for Arts and Sciences, the University ombuds officer or the provost.

In a related matter, I know it can be difficult at times for the University leadership to keep apprised of students' concerns about campus issues. While we interact with students in many ways, the absence of a formal way of connecting with students has become apparent, and I believe it is beneficial to establish a regular way of meeting.

After considerable discussion with students and others, I have decided to form a President's Council on Student Affairs. This body will help ensure that students from across the University, as well as the administrators responsible for addressing the quality of student life, have a forum for bringing important matters directly to my attention.

The council will be composed of one student representative from each undergraduate school and the Graduate School of Arts and Sciences as well as the respective dean of student affairs from each of those schools. The vice president for student services and the University chaplain will also sit on this council, and two students and two deans of student affairs from our graduate professional schools will join on a rotating basis. Provost Brinkley and I will meet with this council three times a year.

The student councils for each school will nominate three students, who are not already officers, to join the council. From these nominees, Provost Brinkley and I will select the final student representatives, who will serve for the academic year. The selection of students for council representation in the 2005-2006 academic year will take place by May 2005.

Also, I intend to meet formally with all student government leaders, including members of the University Senate Student Caucus, at least once a semester. And given the extremely important role that Chaplain Jewelnel Davis plays in hearing and addressing student concerns and ideas, I also will be holding regular meetings each semester with her and the Executive Council of Earl Hall.

I hope and expect that these initiatives will be helpful in advancing the interest all of us have in building our sense of community at Columbia.

Sincerely,  
Lee C. Bollinger

[http://www.columbia.edu/cu/news/05/04/press\\_release\\_letter.html](http://www.columbia.edu/cu/news/05/04/press_release_letter.html)

# Georgetown University's Bias Reporting System

*Revised: October 28, 2005*

Georgetown University has a rich tradition of embracing people from a wide spectrum of faiths, ethnicities, cultures and backgrounds. As the University Mission statement reads, Georgetown was “[f]ounded on the principle that serious and sustained discourse among people of different faiths, cultures, and beliefs promotes intellectual, ethical, and spiritual understanding” and we continue our commitment to promoting a diverse, tolerant and respectful campus community. The University reflects the greater pluralism of today’s global society. Georgetown considers acts of hate and bias unacceptable and antithetical to its commitment to an inclusive and respectful community.

In the spring of 2004, student demonstrations prompted University President, John J. DeGioia to convene a Hate and Bias Reporting Working Group to improve the awareness of and response to acts of intolerance, bias, and hate within the University community. The group included University administrators, staff and students who worked collaboratively to compile and provide resources to better aid the University community in confronting intolerance. As a result of their work, the Bias Related Incident Reporting System was implemented.

## **How Does the Bias Reporting System Work?**

Any member of the university community can make a report about a possible bias related incident or hate crime through the Bias Reporting System or by calling the Department of Public Safety at 687.4343.

Please submit a Bias Related Incident Reporting form online. You can also print the form, complete it, and deliver it to the Office of Student Affairs on the 5th Floor of the Leavey Center. If getting to the Leavey Center is not practical, you may fax the form to 687.6255. In either case, please mark the form Attn: Bias Reporting Team. You will receive a follow-up call or e-mail from a member of the reporting team soon after submitting your form. The Bias Reporting Team is composed of trained professionals in Student Affairs, Affirmative Action Programs, and the Department of Public Safety.

## **Why Incidents of Bias and Hate Must Be Reported:**

While bias incidents sometimes target specific individuals, they often violate an entire group or community. The graffiti on the wall, defaced fliers, and anonymous emails convey a clear message of intolerance. When a bias incident does target specific individuals because of their race, religion, ethnic origin, sexual orientation, or other protected characteristic, even those persons not directly targeted may feel at risk. Bias incidents create schisms within the community, and may create hostilities and tensions between groups.

Often, no one knows who committed the bias-related act; the act is anonymous. However, it is important that anyone who sees evidence of a bias incident report it. Collecting accurate data about hate and bias incidents on campus aids the University in understanding the climate of our community, designing services and programs for the campus, and responding with quick and effective interventions to these incidents.

Reporting the incident may lead to an investigation, and if either a witness or the investigation identifies the person responsible, the University can hold that person accountable for their acts. When appropriate, a judicial response communicates a clear message about the standards and behaviors that are acceptable at the University.

### **E-Mail and Online Incidents**

Incidents of hate and bias involving e-mail, online harassment, or other forms of Internet abuse should be reported to University Information Services (UIS). To do this, contact [abuse@georgetown.edu](mailto:abuse@georgetown.edu) or call 687.4949.

Please be sure to include as much information as possible, such as an original copy of the message, any additional relevant information such as e-mail message headers and transaction log files. Please also retain original electronic copies of this information, in the event it is needed later. UIS will investigate the incident, contact the Bias Reporting Team, and may contact you if additional information is needed. If the person responsible for the online abuse is a member of the University community, the matter will be handled in accordance with University policies and procedures, and will be referred to the appropriate department for resolution (e.g. Student Affairs for an incident involving two students).

In the event that someone not affiliated with Georgetown is involved in the incident (such as a customer of a third-party Internet Service Provider or e-mail Service Provider), UIS will report the incident to them. In these cases, the third party's policies and procedures may affect information disclosure and resolution of the incident. While many Internet Service Providers consider e-mail harassment to be a serious violation of their policies and user agreements, and consider such activity a cause for termination of services, they are often unable to disclose users' identities without legal action.

For more information, see: <http://security.georgetown.edu> and <http://uis.georgetown.edu>

<http://studentaffairs.georgetown.edu/biasreporting/reporting.html>

# Appendix A

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## **Selected Statements from Campus Presidents and Senior Administrators**

The previous section provided examples of how senior administrators responded to specific incidents. Appendix A provides examples of statements based on the motivation behind certain incidents. The statements focus on racism, anti-Semitism, homophobia and heterosexism, transphobia, islamophobia, bigotry and diversity, addressing current events and changing the campus culture.

## Statement From University of Virginia President John T. Casteen III on Racial Incidents

*August 29, 2005*

Late last week and continuing into the weekend, the Division of Student Affairs and the University and local police received and investigated a remarkable series of complaints about racial insults directed toward University students.

On Saturday afternoon, a public meeting called by University students to protest these abuses was held at the Rotunda.

These troubling incidents—which thus far have been affirmed by investigations—share common characteristics: all have been vicious, deliberate and secretive efforts to insult and abuse members of this community for the color of their skin.

The perpetrators—whether students or nonstudents, on Grounds or off—who lurk outside a student's room to write the words "N----/I hate Jesus" on a note board or who shout racial abuses from a passing vehicle do nothing to advance truth or knowledge and communicate nothing other than her or his desperate lack of fit in our community. In fact, she/he threatens the very freedom—to seek truth freely and without interference—that makes universities thrive. And abuse of this kind goes further: it attempts in unobvious ways to take away the freedom to belong that every member of the University by right owns.

The writer of the spiteful words and the passing motorist who shouts an insult have no place in a community built on mutual trust and respect. I encourage all students, staff and faculty to join me in expressing outrage at these events. And I ask each of you to report immediately any bias incident to University Police and to Student Affairs, and to offer quick and strong support for those who have been victimized.

Student leaders merit commendation for taking a public stand against these racial abuses. Their actions and their words of support and comfort for the victims is a reflection of how our community should work to counter such senseless attacks. All of us belong here, all deserve to live in circumstances that sustain academic and personal success, and no one deserves to be abused and insulted as many of our sisters and brothers were this weekend.

[http://www.virginia.edu/topnews/08\\_29\\_2005/casteen\\_statement.html](http://www.virginia.edu/topnews/08_29_2005/casteen_statement.html)

# Saint Joseph's College President Timothy R. Lannon Speaks Out Against Racism

*March 15, 2007*

“Saint Joseph’s acknowledges the dignity of the individual and commits itself to promoting awareness of and sensitivity to human differences.”

That sentence begins the University’s Statement on Diversity, formally approved nearly a decade ago but surely part of the essence of our identity as a Jesuit institution since its founding in the spirit of St. Ignatius over 150 years ago.

A recent incident on campus following the Black Student Union Talent Show prompted some of our students of color to call to the University administration’s attention other disturbing incidents they have experienced here, as well as their broader perceptions of the climate on campus for racial minorities. It is important that I bring their concerns to the attention of everyone at Saint Joseph’s:

Our students, members of the minority community at Saint Joseph’s, yet not always feeling that they are in fact members of the larger Saint Joseph’s community—came together and shared their feelings and their experiences, first with each other, and then as part of a Multi-Cultural Action Proposal that they shared with the University administration. I want to say that I applaud their initiative, their candor, their willingness to share their heartfelt concerns and their thoughtful proposals to improve the campus climate for students of color. More deeply, I anguished over some negative incidents they have experienced at Saint Joseph’s.

Clearly, there is work to be done on our campus if we are to continue on our path to preeminence, if we are to live, and live up to, our mission of inclusiveness, preparing the next generation for an interdependent world. To that end, senior administrators have held a series of meetings over the past week to examine our role in creating a climate where diversity is celebrated and racial animosity not tolerated. As part of that effort, we will facilitate the development of a diversity action plan for the University. Among the initiatives that will be implemented or are under consideration:

1. I will meet with our students of color to talk directly with them about their concerns and to underscore the University’s commitment to fostering inclusiveness on our campus.
2. The University Student Senate will host an open forum to discuss diversity issues, which all Saint Joseph’s students will be encouraged to attend.
3. As part of the development of the University’s Diversity Plan, meetings will be held during the spring to seek input from diverse groups of stakeholders across campus. These meetings will focus on the findings of the Diversity Task Force, our current status based on their report, and initiatives to advance the University in its diversity goals.
4. A more user friendly explanation of the University’s current policies and procedures for addressing racial incidents committed on campus will be publicized and posted on the Student Life Web site so that all members of the University community will better understand the process of filing a complaint should an incident occur.
5. Our cultural diversity courses will be more widely publicized, as well as the incentives for faculty to develop new multi-cultural course offerings.
6. The development of a diversity newsletter will be considered, as a vehicle for gathering and disseminating updated information about these initiatives and other diversity news on campus.

I hope that together we can all work to build at Saint Joseph’s a more respectful, inclusive community that is open and welcoming to all and truly reflects our pursuit of the greater good.

[http://www.sju.edu/ucomm/news\\_archives/president\\_diversity\\_031507.html](http://www.sju.edu/ucomm/news_archives/president_diversity_031507.html)

# Statement from Syracuse University Chancellor Kenneth A. Shaw on Racial Insensitivity

*May 9, 2002*

**A group of 11 African American SU students and Chancellor Kenneth A. Shaw met for several hours Wednesday, May 8, in the Chancellor's office to discuss the students' concerns following an incident the night before in which a white student appeared in black body paint at a local tavern with several of his fraternity brothers.**

**The African American students, representing a larger group of concerned students, many of whom gathered Wednesday in the Tolley Administration Building, expressed concern that this situation was but the latest of several bias-related incidents at the University over the course of the 2001-02 academic year.**

**The students presented to Chancellor Shaw a list of demands. Following a lengthy discussion of the points, the Chancellor and student Rahnold Thomas, speaking for the group, made brief statements.**

**Following is an expanded response from Chancellor Shaw about this incident and the students' concerns.**

My meeting Wednesday, May 8, with student representatives was comprehensive, constructive, and provided for a full airing of views. I was impressed by the students' earnestness, professionalism, and commitment to the University's core values.

I, too, was appalled by the incident of Tuesday night. I offer my apologies to students of color and to all members of the University community that a Syracuse University student could have progressed to this point in his academic career and not understand the hurtful consequences of his actions. I apologize, also, for the slower than desirable response time from the University after the incident.

It is clear that we have much work to do.

The following are my responses to the demands presented to me today by students representing several recognized student organizations.

**1. Suspension of Sigma Alpha Epsilon and its members from the University.**

The fraternity has been interimly suspended from Syracuse University pending final resolution of this matter through the University Judicial System.

**2. The individual involved in wearing blackface around the campus and campus area must be expelled immediately without question.**

Action has been taken regarding this student. Federal privacy laws prevent the University from commenting, except to say that this student is being afforded the standard judicial process.

**3. Public apology from the members of the fraternity, as well as from the University, to all students of color.**

As stated above, I have apologized to the entire University community that a student could reach this point in his academic career and not understand the hurtful consequences of his actions. I agree that a showing of remorse from the fraternity is warranted in this situation. This is their decision, however, and not the University's.

**4. Letters to parents of current and incoming students, alumni, and all people otherwise associated with the University about the blackface incident immediately via electronic mail with a formal letter to follow.**

This statement will be posted on the Syracuse University News web site ([sunews.syr.edu](http://sunews.syr.edu)) for all constituencies by Friday, May 10, 2002. A formal letter to parents and to incoming students will follow.

**5. Diversity and anti-racism training that includes all underrepresented groups required for all students, faculty, staff, and public safety officers in all aspects of training and curriculum.**

At present, all University staff are participating in diversity training. Approximately one-half of the staff have gone through this training. We are reviewing the program and will adjust it as necessary. Vice Chancellor and Provost Deborah Freund will work with the deans and faculty to determine how best to communicate diversity issues to faculty members. A recommendation is expected by the Spring 2003 semester. Senior Vice President Barry L. Wells is working with faculty and staff on a revised New Student Orientation program that will contain improved diversity training. In the meantime, a number of new diversity initiatives will be included in the orientation of the new students next fall. Dean Wells and his staff will seek student comment on the orientation program.

**6. All incidents must be documented and permanently placed on the record of the accused.**

Syracuse University currently documents bias-related incidents and will follow federal law in the maintenance of student discipline records. Presently, a record of student misconduct is maintained for a minimum of seven years.

**7. Syracuse University policy on “bias-related incident” and “hate crime” must be redefined with students, staff, and faculty to facilitate accurate reporting with public safety.**

The director of public safety is amenable to developing a reporting system that includes both incidents classified as hate crimes under federal law and bias-related incidents as defined by University policy.

**8. Policies to protect students of color or other marginalized groups from discriminatory acts and hate crimes. If students, faculty, staff, or administration fail to comply with the policy result must be expulsion and organizations will be fined at least \$25,000. The fine must be used to support student-controlled diversity programming including a Black Student Union Building and a Black Pan-Hellenic house.**

At present, we have a Protocol for Responding to Bias-Related Incidents. We will post that protocol on the web and ask for comments and suggestions. We will also develop a policy statement to provide additional context and guidance for this protocol in consultation with the University Senate. I am not prepared to endorse the suggestion about fines. I will expect the committee working on the policy to be mindful of appropriate educational, remedial, and punitive sanctions.

**9. Reinstate the Black Student Union Building and Black Pan-Hellenic house.**

Dean Wells will form a group to examine these issues.

**10. Create a judicial task force, separate from the Team Against Bias (TAB), comprised of representatives from the following organizations: the Student African American Society, The Black Voice, the African American Male Congress, La LUCHA, the National Pan-Hellenic Council, and Asian Students in America, as well as any organization that shows interest in handling racial incidents. The African American Studies Department and faculty of color that are concerned must be included.**

I have great concerns about separate judicial bodies. Fundamental fairness requires us to maintain objectivity in dealing with judicial issues. Dean Wells will encourage students and faculty of color to participate in the Team Against Bias and the University Judicial Board.

**11. A student-controlled board that will monitor the increase of hiring, tenure, and promotion of faculty and staff of color.**

The University will provide annual information on hiring, tenure, and promotion without including the names of those involved.

**12. JUSTICE**

I am in full agreement that justice must be served in this and all other judicial incidents on campus.

[http://sunews.syr.edu/story\\_details.cfm?id=2033](http://sunews.syr.edu/story_details.cfm?id=2033)

# Statement from Johns Hopkins University President William R. Brody on Building a Stronger Community Following a Racial Incident

*November 2, 2006*

Events of last weekend, triggered by an offensive and repugnant invitation to a fraternity party, have underscored that racism is still an issue. It's still an issue in our society. As much as we wish it were otherwise, it is still an issue in our university community.

But though the point is underscored, it is, for me at least, not a new point.

In fact, issues of diversity, tolerance and inclusion at Johns Hopkins have been a high priority since I became president 10 years ago. One of my first major actions was to create a university-wide Diversity Leadership Council. Throughout my tenure, I have been supportive of its work as well as that of the Black Faculty and Staff Association the University Committee on the Status of Women.

We have made progress. But no one ever believed, even before last weekend, that we had done all we should. We all knew that we still had lots of work to do toward making Johns Hopkins the diverse, tolerant, respectful, and welcoming community we want it to be.

In fact, before last weekend, the university was already within weeks of announcing important new initiatives based on months of work by the DLC and the UCSW. I am taking advantage of this important moment—when our attention is riveted on the question of how we can build a stronger community—to accelerate the announcement of some of these initiatives and introduce others:

1. The deans, directors and I have unanimously adopted a proposal by the UCSW for a set of Principles for Ensuring Equity, Civility and Respect for All, laying out our unyielding expectations for treatment of students, faculty and staff by all other members of the university community. That set of principles can be found online now at [www.jhu.edu/news\\_info/policy/civility.html](http://www.jhu.edu/news_info/policy/civility.html).
2. I have directed the establishment of a university-wide commission, comprising faculty, staff and students, to make specific recommendations for the implementation of these principles and to help all of us to remain focused on their centrality to our success as a university.
3. I have directed that we undertake, as the DLC has proposed, greatly enhanced training and education on diversity issues for students, faculty and staff. [While details on this initiative will be forthcoming, it is worth noting now that we believe—for instance—that diversity activity for Homewood undergraduates should extend beyond Orientation at least throughout the freshman year. It is also worth noting that several of our divisions have been leaders in this area, with programs that may provide models for the university as a whole.]
4. I am directing the deans to work with the faculty to implement an important recommendation on curriculum I received this week from a distinguished group of African-American professors from across the university. These faculty members point out that, in recent years, college and university students have become increasingly unfamiliar with the history of racism in the United States and around the world. They propose that we develop courses, workshops and seminars to increase our students' exposure to the history and current reality of racism.
5. I have directed that we establish better and more regular communication between the administration and the leadership of our multicultural student groups. I also am determined that we better establish the atmosphere of trust necessary for students to feel they can bring forward concerns without fear of negative repercussions.

As much as last weekend alarmed and disappointed me, this week has given me reason for renewed admiration of and faith in our student body. The Black Student Union and other minority student groups have made their concerns known to all of us with eloquence, passion and civility. Leaders of other student groups have responded with support for the BSU and a determination to reach out across divides of race, ethnicity and culture. The great majority of students with whom I and other senior leaders have spoken are determined to take advantage of the opportunity presented by this unfortunate moment to build increased understanding and unity at Johns Hopkins.

We will continue the dialogue that has begun this week. One venue for that continuing dialogue will be a forum on campus climate issues, open to the entire Homewood campus community, on Monday evening, Nov. 6. We will listen and we undoubtedly will hear important new ideas for addressing issues that face underrepresented minorities, students of diverse sexual orientation, women and others at Johns Hopkins.

I commit to you that attention to those issues will not fade when that forum has passed or when this unfortunate episode recedes from the front pages. The construction of a campus community—one that is open to all, tolerant of all, welcoming for all and comfortable for all—is not a job that is completed in a day or a week. We will not finish the job in a year or even a decade. It must have our constant attention, and it will.

[http://www.jhu.edu/news\\_info/news/univ06/nov06/statement.html](http://www.jhu.edu/news_info/news/univ06/nov06/statement.html)

## ■ Penn State University Administrators Vicky L. Triponey and W. Terrell Jones State Their Commitment to Tolerance

*February 21, 2005*

In recent days student members of the Penn State community have been the targets of bigotry and epithets related to sexual orientation and race. While individuals are free to hold and express such opinions, their determination to use public forums to deliberately berate and harm fellow students serves to undermine a healthy living and learning community. Furthermore, these words and actions stand in sharp contrast to the values held by the vast majority of our community members—the values of acceptance and inclusiveness.

On behalf of the Penn State administration, we can assure members of the Penn State community that we will not waver in our commitment to foster a welcoming campus climate and an inclusive and cohesive learning community. Acts of discrimination only make us more determined to engage the entire community in efforts to rid our campus of hatred and intolerance through education and acceptance.

We are proud of the students who have had the courage to speak out against these hateful words and we are grateful for the outpouring of support students have demonstrated for those targeted in recent days. We urge all Penn State students, faculty and staff members to join us in our ongoing efforts.

<http://146.186.194.36/archive/2005/02/02-21-05tdc/02-21-05dops-letter-17.asp>

## University of Virginia President John T. Casteen III Alerts Students of a Racial Assault on Campus

*March 9, 2003*

Dear Students:

Just before spring break, an assault on a candidate for Student Council president was reported. This crime included a racial element that has led to a joint FBI/U.Va. Police inquiry under the federal law prohibiting hate crimes. This investigation is continuing.

During the break, University officials and others, including students, parents, and police officials, have worked to address immediate concerns about the attack and the circumstances that preceded it. This letter includes information that may be of immediate use to you. Longer-term actions, including redoubled efforts to teach the values of human differences, of mutual respect, and of a community grounded in trust, openness, and inclusiveness will follow.

These initiatives will take time, and they will require both student and University actions. As the final weeks of this semester get under way, I ask each of you to make a personal commitment to become involved. Learn the racial history that makes hate crimes and racial intolerance such serious matters here and in Virginia generally. Engage in dialogue with persons who are different from you, and by that means try to understand our community and yourself in larger contexts. Work toward openness and understanding as the appropriate alternatives to silence and anger in a community of trust. By facing hard issues, working together, and building on the strengths of the community, we can together bring about positive change.

Much has happened since February 26. This is a partial list intended to bring you up to date:

**CRIMINAL INVESTIGATION:** University Police and the FBI are aggressively investigating the crime. They urge anyone with information to call the University Police tip line at 924-7166 or Crimestoppers at 977-4000, or provide an online tip at <http://www.virginia.edu/uvapolicy/>.

Parenthetically, I feel an obligation to make this observation about this investigation: some here, perhaps more than a few, know who placed the threatening calls that preceded the assault on February 26. These persons and perhaps others know who carried out the attack. Students and alumni rightly boast about the Honor System, and its central place in what many call the community of trust. These threatening telephone calls and this assault challenge both personal freedom (to participate in student self-governance, to move freely and without fear of attack on the Grounds) and the community of trust itself. If you know who made the threats, who carried out the assault, I urge you to give this information to the proper authorities now.

**GENERAL SAFETY:** Call 911 (9-911 from a University telephone) if you feel threatened or unsafe or if you witness suspicious activity or individuals. Do not walk alone, especially late at night. Be mindful of your surroundings. Not all areas can be brightly illuminated at night. Would-be attackers often choose dark locations. The University Police are here to protect all of us. They are committed to ensuring your safety. Students in University housing should raise concerns about personal safety and security with residence hall staff, who will pass along these reports to the appropriate authorities.

ELECTION RUNOFF: The runoff election for Student Council president was suspended when the assault was reported. Early this week, you will receive an e-mail confirming when and how this runoff will be completed. I expect this runoff to occur this week.

INDEPENDENT REVIEW OF ELECTION PROCEDURES: Student leaders and Patricia Lampkin, the vice president for student affairs, have agreed that an examination of the 2003 election is necessary. Accordingly, a person or persons independent of the election proceedings will examine reported irregularities and propose reforms to improve the process for future Student Council elections. A NEW WEB SITE offers comprehensive and updated information about diversity initiatives at the University. <http://www.virginia.edu/uvadiversity/>.

#### FORUMS FOR DISCUSSION:

This is a watershed moment for the University community as we face complex issues and seek solutions to them. These issues do not have short-term fixes. We need to work from a common assumption about our community: that there is no place here for intolerance, for bigotry, for hatred of the kind that fuels racism. Because we are a moral community, because we believe in our honor system and the values it teaches, each of us has a personal stake in this effort to understand how we can recapture the vision of justice and fairness and shared responsibility that ought rightly to bind us together. Each can contribute to this week's events. Take part. Speak out. Take on your share of the task of learning from what has happened, setting affirmative directions for the future, and then building that future. Don't let this unique moment in our history pass you by.

<http://www.virginia.edu/uvadiversity/casteenstatement3-9-03.html>

## University of Iowa President David J. Skorton Addresses the Community After an Alleged Hate Crime Near Campus

*February 11, 2004*

I want to indicate clearly that acts and threats of violence are completely unacceptable at The University of Iowa. These acts are against UI policies because they undermine the safety and well-being of our community of faculty, staff and students. More important than university policies, however, these crimes have no place in the diverse marketplace of ideas that comprises our university. We can only approach each other as individuals with richly varying backgrounds and perspectives within an environment of openness, tolerance, and safety. Such an environment cannot coexist with crimes of this type. I call on the entire UI community to join me in soundly rejecting any act of this type, now and in the future.

<http://www.iowaonlinejournalism.com/OnlineJournalism/Parker/Skorton.html>

# Anti-Semitism

## Northwestern University President Henry S. Bienen Responds to Anti-Semitic Hate Crimes

*November 10, 2003*

As you probably are aware, there have been several incidents of anti-Semitic and racist graffiti appearing on the Northwestern campus in the past two weeks. We had a spate of similar hate crimes and bias incidents last winter, so it is particularly troubling to have such things occur again this fall. In addition, we received a report of a racially motivated threat to a student that occurred near campus over the weekend.

As I said last winter, I condemn these acts as strongly as I can. These actions are offensive to the entire Northwestern community and will not be tolerated. University Police are investigating the graffiti incidents thoroughly and Northwestern has offered a \$2,500 reward for information leading to the arrest and conviction of persons involved in these incidents. The Evanston Police Department is investigating the reported attack on our student. Anyone who has information about these incidents should contact University Police at 847-491-3254.

Vice President for Student Affairs William Banis and his staff have been meeting and talking with student leaders from the Associated Student Government, Allianza, FMO and other groups. The advice from these groups has been extremely helpful, and we very much appreciate their willingness to help address the issues raised by these incidents.

I truly believe these recent actions are not indicative of the values of the larger Northwestern community. As an institution, Northwestern seeks to provide a diverse learning environment that welcomes students, faculty and staff of all races and religious beliefs. I also believe strongly that, with your continued support, the University will overcome the hateful acts of a few individuals and will build an even stronger Northwestern community.

<http://www.northwestern.edu/president/addresses/statement.html>

## Harvard University President Lawrence H. Summers Denounces Anti-Semitism

*September 17, 2002*

I speak with you today not as President of the University but as a concerned member of our community about something that I never thought I would become seriously worried about the issue of anti-Semitism.

I am Jewish, identified but hardly devout. In my lifetime, anti-Semitism has been remote from my experience. My family all left Europe at the beginning of the 20th century. The Holocaust is for me a matter of history, not personal memory. To be sure, there were country clubs where I grew up that had few if any Jewish members, but not ones that included people I knew. My experience in college and graduate school, as a faculty member, as a government official all involved little notice of my religion.

Indeed, I was struck during my years in the Clinton administration that the existence of an economic leadership team with people like Robert Rubin, Alan Greenspan, Charlene Barshefsky and many others that was very heavily Jewish passed without comment or notice it was something that would have been inconceivable a generation or two ago, as indeed it would have been inconceivable a generation or two ago that Harvard could have a Jewish President.

Without thinking about it much, I attributed all of this to progress to an ascendancy of enlightenment and tolerance. A view that prejudice is increasingly put aside. A view that while the politics of the Middle East was enormously complex, and contentious, the question of the right of a Jewish state to exist had been settled in the affirmative by the world community.

But today, I am less complacent. Less complacent and comfortable because there is disturbing evidence of an upturn in anti-Semitism globally, and also because of some developments closer to home.

Consider some of the global events of the last year:

- There have been synagogue burnings, physical assaults on Jews, or the painting of swastikas on Jewish memorials in every country in Europe. Observers in many countries have pointed to the worst outbreak of attacks against the Jews since the Second World War.
- Candidates who denied the significance of the Holocaust reached the runoff stage of elections for the nation's highest office in France and Denmark. State-sponsored television stations in many nations of the world spew anti-Zionist propaganda.
- The United Nations-sponsored World Conference on Racism while failing to mention human rights abuses in China, Rwanda, or anyplace in the Arab world spoke of Israel's policies prior to recent struggles under the Barak government as constituting ethnic cleansing and crimes against humanity. The NGO declaration at the same conference was even more virulent.

I could go on. But I want to bring this closer to home. Of course academic communities should be and always will be places that allow any viewpoint to be expressed. And certainly there is much to be

debated about the Middle East and much in Israel's foreign and defense policy that can be and should be vigorously challenged.

But where anti-Semitism and views that are profoundly anti-Israeli have traditionally been the preserve of poorly educated right-wing populists, profoundly anti-Israel views are increasingly finding support in progressive intellectual communities. Serious and thoughtful people are advocating and taking actions that are anti-Semitic in their effect if not their intent.

For example:

- Hundreds of European academics have called for an end to support for Israeli researchers, though not for an end to support for researchers from any other nation.
- Israeli scholars this past spring were forced off the board of an international literature journal.
- At the same rallies where protesters, many of them university students, condemn the IMF and global capitalism and raise questions about globalization, it is becoming increasingly common to also lash out at Israel. Indeed, at the anti-IMF rallies last spring, chants were heard equating Hitler and Sharon.
- Events to raise funds for organizations of questionable political provenance that in some cases were later found to support terrorism have been held by student organizations on this and other campuses with at least modest success and very little criticism.
- And some here at Harvard and some at universities across the country have called for the University to single out Israel among all nations as the lone country where it is inappropriate for any part of the university's endowment to be invested. I hasten to say the University has categorically rejected this suggestion.

We should always respect the academic freedom of everyone to take any position. We should also recall that academic freedom does not include freedom from criticism. The only antidote to dangerous ideas is strong alternatives vigorously advocated.

I have always throughout my life been put off by those who heard the sound of breaking glass, in every insult or slight, and conjured up images of Hitler's Kristallnacht at any disagreement with Israel. Such views have always seemed to me alarmist if not slightly hysterical. But I have to say that while they still seem to me unwarranted, they seem rather less alarmist in the world of today than they did a year ago.

I would like nothing more than to be wrong. It is my greatest hope and prayer that the idea of a rise of anti-Semitism proves to be a self-denying prophecy, a prediction that carries the seeds of its own falsification. But this depends on all of us.

<http://www.president.harvard.edu/speeches/2002/morningprayers.html>

# Homophobia and Heterosexism

## Georgetown University President Delivers Remarks at an Open Meeting on Lesbian, Gay, Bisexual, Transgender, Questioning (LGBTQ) Student Resources

*October 24, 2007*

Good evening everyone. Our purpose in coming together this evening follows on a recent letter that I sent to all of the members of our community, in which I stated that, here at Georgetown, we will not tolerate homophobia or any other form of discrimination. It is never acceptable for students, faculty, or staff to walk in fear because of any aspect of their identity.

In recent weeks, I have twice invited in student leaders in response to two reported homophobic assaults. As you know, they have requested to me that we mobilize the community to provide greater support to LGBTQ students. They encouraged me to offer my thoughts regarding these incidents and, more broadly, the general climate within which LGBTQ students pursue a Georgetown education. In this meeting, I will provide a deeper response beyond what I expressed in my letter to the community.

The format we will use this evening is one that I developed in conversation with the students. I will speak for approximately 20 minutes, offering my thoughts on the importance of supporting LGBTQ students, the resources we bring to this work as a Catholic and Jesuit university, the specific suggestions that the students have made, and the approach that I would like us to take to make sustained progress over the course of the next six weeks and then for the longer term. Then we will have Q and A, which will include questions from members of our community who will join me on stage and then we will take questions from the floor. We will end tonight's forum at 7:30.

How do I approach the questions that arise from the concerns that have emerged in our community? I respond from within my own lived experience. Three dimensions of my experience are relevant in framing my responses: First, my work as an educator; second, my responsibilities as an administrator at a Catholic and Jesuit university; and third, my core identity as a parent. This is the reality from which I engage the questions and issues, tensions and opportunities that so many of us have been wrestling with these past weeks.

As an educator, I know that you are here to develop your minds and your hearts, your talents, your character—your full selves. You are here to pursue an education. To realize the promise of this opportunity, you need, at a minimum, a peaceful and safe environment. The kind of work that is involved in pursuing your studies requires a stable and coherent environment that is predictable and consistent. To do the kind of difficult, demanding work of personal formation, you need a sense of security. We all need that. When that security is absent, or when we are in doubt about the environment in which we are living, it is difficult to do the very best work of which we are capable.

As an administrator, it is my role and responsibility to ensure that the conditions for success are present. As an administrator of a University with a 218-year commitment to a Catholic and Jesuit identity, I need to ask myself two questions as I undertake these responsibilities. What are the resources that the Catholic moral tradition brings to the core work of providing an educational environment in which every individual can flourish? Which ways of working towards this goal are most appropriate and authentic to our Catholic and Jesuit identity, and which are not?

These are complex questions. They bring to the surface areas of uncertainty or disagreement among members of a community. As an administrator I ask myself, how can we be most authentically a university, and most authentically Catholic and Jesuit, as we work to sustain and strengthen this community in all of its complexity? In these matters before us this evening, I rely heavily on the pastoral message of the U.S. Catholic Bishops entitled, *Always Our Children*. I believe this document captures the very best of the religious tradition that has served as the foundation of this community since our founding at the birth of the republic itself.

Finally, as a parent, I ask myself questions in a deeply personal way. If I were to learn that my son, or some other member of my family, were to be affected by decisions for which I have responsibility, would I feel good about these decisions? Can I square the approaches I take as an educator and an administrator with my own moral commitments as a parent? What parent would not want all of the support that can be provided to enhance the capacity of their sons or daughters to realize their potential? If my son lived in this community, how would I hope this community would respond to his needs? Would I want to know that everything possible was being done to protect him from the threat of verbal or physical assault, and the feelings of insecurity that result?

I bring these three dimensions of my identity to the questions which we are here to discuss tonight. How do we respond to legitimate requests for a more supportive environment? We can continue to do this in a somewhat informal manner that builds on somewhat unpredictable and ad hoc efforts and activities of members of our community. Or we can move forward in a more organized way, through more formal and institutional structures and processes.

In this case, it is time for the latter. This evening I would like to propose that our community work together on a more comprehensive initiative to strengthen Georgetown's approach to addressing the needs of LGBTQ students.

I recognize that there are also issues of concern particular to faculty, to staff and to graduate students. I speak for the senior leadership on all three campuses when I say that we are also open to taking steps to respond to these needs. In the coming days you will receive a letter from Provost O'Donnell outlining mechanisms for bringing forward issues that are particular to faculty, staff and graduate students.

Tonight I want to focus on undergraduates. Let me articulate a few of the principles that should inform our work: I would like us to begin a process for a sustained, community-wide discussion about the needs of students. I would like us to develop new ideas for meeting these needs in ways that are in alignment with our identity. The four ideas brought to me by the students—all workable—should be a platform for our efforts, but not the ceiling. I would like us to get to work right away, with an action agenda that produces immediate ideas that can be implemented for the Spring 2008 and Fall 2008 semesters. And it will be important that members of the LGBTQ community, especially our students, be full participants in shaping how we work and what we implement.

This initiative will report directly to me and to Provost Jim O'Donnell. Yesterday I asked two members of the senior administration known for their commitment to students and their influence on campus to coordinate this effort—Vice President for Institutional Diversity and Equity Rosemary Kilkenny, and Vice President for Public Affairs and Strategic Development, and Assistant Professor of English, Dan Porterfield. I would like to thank Rosemary and Dan publicly and note for the record that they both accepted this request with a great deal of enthusiasm.

To describe the key features of our initiative, I would like to begin with the recommendations provided to me by the four students with whom I have met. I would like to thank those students—and many others who have given your time and care to these issues. Yours has been a generous and principled response, motivated by a desire to create a stronger and more inclusive community, and driven by the conviction that we can and must do more to support LGBTQ students. I would like to express my gratitude to you. I also would like to acknowledge the work of LGBTQ Resource Coordinator Bill McCoy and faculty members who have been sounding boards for the students.

Broadly speaking, the students communicated to me their ideas for improvement in four areas:

- The University's formal reporting of incidents of bias and hate;
- The allocation of resources currently organized under the position of the part-time LGBTQ resource coordinator;
- The use of educational programs to promote the inclusion of, and respect for, the LGBTQ community;
- and the need for a more visible and effective LGBTQ working group.

Each of these suggestions is reasonable, and, in principle, I accept them. We can and must improve upon our services for LGBTQ students. Let me be clear: The question before us is not "if," but "how."

With that as background, I would like Rosemary and Dan to organize our initiative by creating three broadly representative working groups to address the first three areas raised by the students—Reporting, Resources, and Education. The role of these groups will be to bring recommendations to Provost O'Donnell and me that we can implement in Spring 2008 and Fall 2008. Let me say a bit about each one.

The Working Group on Reporting will develop a plan to strengthen and make more transparent our processes for notifying the community when an incident of intolerance has been reported. Quite frankly, our current mechanisms are not working well enough. We need a more effective system - more timely, more consistent, more transparent, and more responsive to the University community's legitimate need for information and reassurance that unacceptable incidents are being taken seriously.

I want to acknowledge that there are complex considerations in these matters. These include student privacy and confidentiality, federal disclosure guidelines, our need to be able to obtain accurate information about incidents before reporting them, and the rights of the accused to the presumption of innocence.

We will ask the group to identify expeditiously options for improving the public notification of acts of intolerance. That means we need to take a look at all of our current notification protocols, including the DPS Public Safety Alerts, the Bias Reporting System, and other ways we communicate with the campus community. As a part of our changes in this area, we will need to develop a clear statement of when, how, and why the University makes public notifications, and who makes these decisions.

The second Working Group on Resources will evaluate the nature and level of staff support for coordinating LGBTQ community resources. Let me say at the outset that we can and will expand the resources currently available to our students.

I have been asked if I would be open to Georgetown's moving from the current part-time Resource Coordinator role to a fulltime position in an LGBTQ Center. The answer is yes. These are important issues. We need more resources for students.

In order to do this work, we will need to pay close attention to the nature of the work that will be done. At a Catholic and Jesuit university, a University administrator or Center cannot advocate for policies or practices that are counter to Catholic teaching. All work must be consistent with, and authentic to, our identity as a Catholic and Jesuit university. Part of my responsibility as an administrator, and ours as inheritors of this University, is to ensure that nothing can compromise the integrity of our mission and identity.

At the same time, at the heart of the Catholic tradition we find resources that profoundly support our work for LGBTQ students. I am referring, for example, to the Catholic insistence on the dignity and worth of each and every individual, the emphasis on social justice and multicultural understanding, and the Gospel call that we engage all of our sisters and brothers in a spirit of love. The character of our heritage supports the call to deepen the services and support we provide to LGBTQ students. Indeed, to bring some clarity to the term "advocacy," at a Catholic and Jesuit university we most certainly can "advocate" for LGBTQ students. We can and must advocate for respect, inclusion, understanding,

safety, mentoring, dignity, growth and equal opportunity. We can and must advocate for freedom from prejudice, exclusion, discrimination, and homophobia.

This is extremely important work. In the various roles I have held at Georgetown over the years, I have taught, mentored, and worked with many LGBTQ students. I know that for all students, college is a period of extraordinary importance in the formation of direction, character and identity—and that is certainly true for LGBTQ students. We need to provide more support for these students as they experience the growth and transitions and questioning of these years. Carefully defined, a center can be a vital part of that support.

And so, we will establish a Working Group on Resources to address these vital issues. While I will ask Rosemary and Dan work with this community to determine the structure of this group, I believe that the participation of Vice President of Student Affairs Todd Olson and Vice President for Mission and Ministry Phil Boroughs will be crucial to this effort, and I have asked them to serve.

The third Working Group on Education will evaluate the use of educational programs to promote inclusion of, and respect for, the LGBTQ community. I will ask the group to identify steps that we can implement both within the current academic year and over a longer time horizon. In particular, I will ask the group to evaluate options for education programs in our residence halls, academic workshops, and existing programs such as Pluralism in Action, which occurs during New Student Orientation. It should be possible to draw upon, and strengthen, the roles of existing resources, such as the Diversity Action Council and diversity-oriented student groups like YLEAD.

As I mentioned, the final recommendation of the students is to strengthen, and make more visible, our existing Working Group on LGBTQ issues. This is an excellent suggestion, and I am pleased to accept it. After the three groups I have discussed have completed their work, we will enhance the charge and membership of the permanent Working Group, which will be a crucial vehicle for sustaining our commitment to the LGBTQ community over the long term.

These four steps respond directly to the suggestions of students and, indeed, take their recommendations as our starting point. I would like to articulate two additional areas of work.

The first concerns public safety. Vice President of University Safety Rocky DelMonaco has already increased the number of DPS officers on weekend foot patrol. This week he indicated to me that he will work in the following ways to identify and address safety issues of particular concern for the LGBTQ community.

First, he will ask his Student Safety Advisory Board—a standing student committee that advises the Vice President on security issues—to conduct focus groups with LGBTQ students, and he will invite LGBTQ students to join the Board.

He will reach out to peer institutions to see if they have developed approaches tailored specifically to the needs of the LGBTQ community that we should adopt here.

And he will enhance our partnership with MPD's Gay and Lesbian Liaison Unit—inviting leaders to hold a public forum on campus this semester and to assist us with our training of DPS officers.

A second additional area is the identification of other ways we might support LGBTQ students. Once Ms. Kilkenny and Dr. Porterfield have started the Working Groups on Reporting, Resources, and Education, I have asked them to reach out to the University community to identify other steps we can take to improve the climate and resources for LGBTQ students. These areas may range from Campus Ministry to the Career Center to Athletics to CAPS to our engagement with our alumni. I want to be sure that we are being creative and exploring other practical steps that will make a difference for our students. It is possible that some of the opportunities they identify could form the early agenda of the new Working Group on LGBTQ Issues.

In closing, let me describe what I hope we will experience in the days ahead. Beginning tomorrow, Rosemary and Dan will reach out to leaders in the student and faculty communities to develop a

process for forming the Working Groups. I have asked them to ensure that they are composed of diverse, engaged members of the community. It is especially important that our Working Groups include members who have substantial knowledge of and commitment to the LGBTQ community, and members who appreciate the context and resources of our Catholic and Jesuit identity. The groups also need to be creative, open to dialogue, practical, results-oriented, and ready to work quickly. That is the way they will establish authenticity and legitimacy. Jim O'Donnell and I are prepared to receive recommendations from the Working Groups at any point during the semester, and we certainly expect to have received actionable items from all three groups within one month of when they start working.

I hope that the commitments that I have made and the process that I have proposed send an unmistakable signal across the University about the importance with which I regard these matters. I am grateful to you for your attendance here this evening. Thank you.

<http://president.georgetown.edu/speeches/jjd10242007.html>

## Brown University President Ruth J. Simmons Addresses Community Behavior

*January 29, 2003*

Dear Faculty, Students, and Staff,

I am pleased to welcome you back to campus and to the opening of the second semester. I hope that your break was a profitable one, allowing you the time to rest and reflect on your work from the first semester. For my part, I have had time to think about the many challenges of our work together and how we might build upon the good will and intelligence of so many in the Brown family.

You all know that I have had some concerns in the past about the tenor of our interactions as members of this community. At opening convocation in the fall, I spoke about the need to sustain a spirit of respect for difference. All participants in the Brown community certainly have the intelligence and ability to perform at the highest level in this particular arena. I believe that if we set higher expectations for ourselves, we have a chance of succeeding far better than most communities.

I am especially concerned about a number of incidents in the fall in which members of the lesbian, gay, bisexual, and transgender community were exposed to unwelcome taunts pertaining to their identity. These incidents included threatening verbal encounters, anonymous postings, and harassing behavior. It is important to understand that any threats, efforts to intimidate, or harassing behaviors violate University policy and are subject to disciplinary action. However, there are actions and language that fall short of violating University policy but are nevertheless offensive and damaging both to those who are the specific targets of such behavior as well as to the culture of free and open inquiry that is so essential to our collective mission. An academic environment is better able to foster open exchange when it is free of persistently disparaging personal remarks. While our right to such speech may be constitutionally protected, our role as participants in a learning community necessitates that we exercise that right with intelligence and sensitivity.

We may not be able to prevent mean-spirited language and behavior from surfacing from time to time, even in an environment like Brown. However, we can make ourselves aware of the impact of behavior that seeks to frighten, intimidate, or make people uncomfortable because of their identity. I urge you to report any behavior that is willfully intimidating or harassing so that it can be dealt with swiftly. I also urge you to seek ways of reassuring victims of bigotry. What is most important in cases where this behavior occurs is how the surrounding community responds. The Office of Student Life will soon disseminate a new set of procedures for reporting, responding to, and tracking bias incidents. Please read these guidelines.

Brown is a wonderful community. Even a strong community, however, must be ever alert to the stealthy ways in which cruel personal attacks can erode the good will that enables such a community and its core academic values to flourish. As you start the semester, I hope you will be alert not only to the opportunities and responsibilities to strengthen our community by avoiding and discouraging the gratuitous ridicule of others, but also to the satisfaction of being personally active in making this community safe for people of all backgrounds, orientations, and perspectives.

Sincerely,  
Ruth J. Simmons

[http://www.brown.edu/Administration/President/behavior\\_0129.html](http://www.brown.edu/Administration/President/behavior_0129.html)

# Discrimination Based on Gender Identity

Gender identity has become a more visible topic on campus, but it is often a topic with which people are less familiar or find uncomfortable, making transgender students—whose gender identity does not traditionally match their biological sex—more vulnerable to hate, and even violence. Further, accommodation for transgender students is an emerging field of campus policy.

The *Journal of Gay & Lesbian Issues in Education* published an article titled “Suggested Steps to Make Campuses More Trans-Inclusive,” which offers a list of practical recommendations to assist colleges and universities in becoming more supportive of transgender students, staff and faculty.<sup>30</sup> These recommendations address places and departments where transgender people are likely to encounter discrimination on campuses, including health care, residence halls, bathrooms, locker rooms, records and documents, public inclusion, and programming, training and support. For each of these areas, the recommendations are broken into beginning, intermediate and advanced steps. Beginning steps focus on raising awareness of transgender issues and providing transgender-related information, intermediate steps involve changing institutional practices, and advanced steps entail implementing long-term policy changes.

## Yale University President Richard C. Levin Amends the University Equal Opportunity Statement

October 17, 2006

I am pleased to say that the Yale Corporation at its most recent meeting approved a measure amending the University's Equal Opportunity Statement explicitly to protect gender identity and expression. With this step, the University expressly affirms that discrimination on the basis of these factors is unacceptable at Yale, as is discrimination based on any of the other listed grounds, and that all members of the University community enjoy the protection of the policy as so amended.

The Equal Opportunity Statement now reads as follows:

*The University is committed to basing judgments concerning the admission, education, and employment of individuals upon their qualifications and abilities and affirmatively seeks to attract to its faculty, staff, and student body qualified persons of diverse backgrounds. In accordance with this policy and as delineated by federal and Connecticut law, Yale does not discriminate in admissions, educational programs, or employment against any individual on account of that individual's sex, race, color, religion, age, disability, status as a special disabled veteran, veteran of the Vietnam era or other covered veteran, or national or ethnic origin; nor does Yale discriminate on the basis of sexual orientation or gender identity or expression.*

Please be sure that any publications in your schools and programs (including any web pages) that carry the Statement reflect the new language, which consists of the final phrase, "or gender identity or expression." Web pages should be modified immediately; print publications at the next scheduled printing. Should there be any questions as to the effect of this change in particular circumstances where sex-based distinctions exist in facilities or programs, you should bring these to the attention of the Provost or the Vice President and General Counsel.

[HTTP://www.yale.edu/opa/president/statements/20061017.html](http://www.yale.edu/opa/president/statements/20061017.html)

## Statement from President Peter Likins on Restroom Access at the University of Arizona

June 26, 2006

The University of Arizona strives to create and sustain a campus environment that supports and values all members of our community, including visitors. One aspect of creating a comfortable environment is providing safe, accessible, and convenient restroom facilities. Many people may experience difficulty and inconvenience when required to use gender-specific\* restrooms. Parents with children of a different gender are not able to accompany them into a gender-specific restroom and the same holds true for others with attendants/caregivers of a different gender. Additionally, transgender individuals may be subject to harassment or violence when using male- or female-specific restrooms. Consequently, this statement has been developed to declare the University's commitment to creating an inclusive and supportive campus environment.

In keeping with the University's policy of nondiscrimination on the basis of gender identity<sup>†</sup>, the University allows individuals to use the restroom that corresponds to their gender identity. In addition, to address restroom facility access issues not related to gender identity such as parents and attendants/caregivers as described above, the University is committed to designating and maintaining a gender-neutral restroom in as many of its buildings as reasonably feasible. In some instances a designated gender neutral restroom may contain multiple stalls. Additionally, the University is committed to include at least one gender-neutral restroom in new buildings constructed on campus to the extent feasible.

[http://fp.arizona.edu/affirm/Doc/stRestroom\\_Access.pdf](http://fp.arizona.edu/affirm/Doc/stRestroom_Access.pdf)

\* "Gender-specific" means designated for use by one gender, i.e., male or female.

† "Gender identity" means an individual's actual or perceived gender, including an individual's self-image, appearance, expression, or behavior, whether or not that self-image, appearance, expression, or behavior is different from that traditionally associated with the individual's sex at birth as being either female or male.

# Islamophobia

## Statement from University of Toronto President David Naylor on Racist and Offensive Incidents on Campus

*March 23, 2006*

### **A HISTORY OF DIVERSITY**

For decades, this University has placed a special emphasis on creating the most diverse academic community possible. We have done so because outstanding scholarship and outstanding teaching can only thrive in an environment that embraces the broadest range of people and encourages the free expression of their diverse perspectives.

Year by year, we have succeeded in building a safe place for the widest breadth of communities, of experiences and thus inevitably, of ideas. By some measures, the University of Toronto is now more diverse even than Toronto itself. Continuing to advance that achievement remains our daily work.

### **A CURRENT STRAIN**

Thus, it is also important for us to take note when part of our community feels under particular strain. I am concerned that a number of incidents in the past few weeks have made the current environment difficult for members of our Muslim community. Misinformation about these incidents has only compounded that anxiety. I am disappointed that some members of our community have offered commentary on these distressing events that has not been particularly accurate or helpful.

In order to ensure the accuracy of this discussion, let me describe the facts as we know them about four incidents in particular and what the University's response has been:

- On March 7, a hijab-wearing female UTM student was followed into a bathroom at Hart House by another woman who confronted her verbally and shoved a poster onto her chest. The poster advertised a rally in support of the Danish cartoons that had portrayed the prophet Mohammed in a manner offensive to Muslims. The victim left the bathroom, threw the poster in the garbage and rejoined her friend in the Arbor Room. The assailant followed her out of the bathroom, found her in the Arbor Room, and began to yell anti-Islamic epithets at the student and her friend.

The victim reported this incident to the campus police. Campus police sent an officer to Hart House, but didn't find anyone matching the description of the assailant. The police continue to investigate this incident.

- On March 8, International Women's Day, student leaders from SAC were distributing Women's Day leaflets on the southeast corner of St. George and Bloor. Three eggs were dropped onto the group from the Woodsworth College residence under which they were standing. One egg narrowly missed two Muslim women wearing hijab, who were there as part of the SAC group.

Campus police responded immediately, and questioned people at the site. However, because no one claimed that they had been hit or specifically targeted, the police determined that they had no grounds to continue their investigation. Woodsworth is investigating to ascertain the identity of those involved and appropriate action will be taken by the College.

- Two Weeks Ago: Fliers including one of the Danish cartoons and statements that have caused offense to Muslims started to appear on a variety of locations around U of T and, apparently, around York University. U of T's Anti Racism Office contacted police and asked them to take the

fliers down treating them the way that we treat all offensive graffiti. Campus police forwarded the fliers to Toronto Police. On March 14, Toronto Police advised U of T that these fliers did not constitute hate literature, but also advised that the fliers were a “point of interest” for them.

- On March 20, Sunday, an African-Canadian man attending an Islamic theological conference that had rented space on campus was the victim of a hit-and-run at Huron and Russell Streets, after a verbal confrontation during which the assailant had yelled racial epithets at the victim. The victim was taken to hospital for examination and observation and then released. The alleged assailant later turned himself into Toronto Police, who have laid charges for dangerous driving and assault. The assailant has been released on bail—with the condition that he stay away from the U of T campus.

The victim was not a member of the U of T community. It is our understanding that the assailant is not a member of the U of T community. This did not take place in connection with any U of T programming or on U of T property, and we have seen no evidence to suggest that the incident had any connection to the Islamic conference happening nearby.

Nonetheless, the University Administration feels a profound responsibility to ensure a safe environment on our campuses and we responded fully and quickly. Immediately upon learning of the incident, U of T Police sent five special constables to the conference with offers to escort attendees after the conference, if they so desired. U of T’s acting provost went to the conference immediately to assist attendees and police, and, the anti-racism officer went to the conference to speak with attendees and police.

Clearly, these incidents take place in a setting of growing ethnic and religious tensions in Western society. That a university such as ours, which pursues diversity as a central tenet, should find itself a venue for the ugliest displays of that tension is perhaps inevitable. It is most certainly regrettable, and it is without question intolerable.

Other Canadian universities have faced similar tensions in recent years. We, like they, can only respond to racism by confronting it directly, prosecuting it whenever warranted, protecting the safety of our members, and promoting diversity with unwavering commitment. This University has long been and remains opposed to Islamophobia, anti-Semitism, and every conceivable form of discrimination based on race, religion or faith, or ethnocultural identity. Combating these myriad forms of racism and discrimination is the daily work for many members of your administration, and it is a daily commitment made by countless members of the wider U of T community.

On that point, I have to register concern at the way some individuals have publicized the hit-and-run crime this weekend as linked to the Islamophobic incidents that clearly involved members of our University community. The struggle against racism is not advanced by commentary that fuels anxieties or that unfairly impugns the reputation for inclusivity of our remarkably diverse University community. In that respect, the Administration decided last week to proceed with a statement today, and we have been firm in not allowing this weekend’s unrelated incident to alter our timetable. My considered view is that no amount of public rhetoric is a substitute for the private professionalism and commitment demonstrated so abundantly by members of the Student Affairs team and our Campus Police in their interactions with victims of discrimination and their outreach to members of the affected communities.

Last Friday, I had the honour to attend Muslim Jumma prayers at Hart House—where they have been held for over forty years. In speaking with members of our community there, I underscored the fact that the University of Toronto is their home; that Muslim students, faculty and staff are integral to this learning community; that diversity and respect for difference is our advantage, and that the strength that they have shown in continuing to educate others about their community in the face of these difficulties has benefited us all.

The University has worked with student groups to develop the plans for a multi-faith centre that will provide an appropriate permanent location for Muslim students, as well as the many other faith communities on our campus. I am pleased that construction on this facility will commence this summer.

I am proud of the way that Muslim students on campus have joined forces with other groups, most

notably Hillel, to challenge ethno-cultural stereotyping and actions that promote intolerance. In many ways, these two communities have provided a model of bridge building for all of us to pursue further. I also want to thank a great many people in the Administration, in our faculties and within our student bodies who devote themselves, daily, to fighting racism and building equity.

### **THE UNIVERSITY'S VALUES**

Some have asked how the University applies the principle of free expression in the current climate.

Let me say very specifically that the University will not tolerate actions that appear to rise to the level of a hate crime, or for that matter, any criminal act. We have worked and will continue to work to protect the victims, to investigate these events quickly and thoroughly, and to forward any evidence to the Toronto Police for their prosecution where evidence exists to support a conviction.

I would add that incidents targeting individuals on the basis of their identity—even if they do not rise to the level of an actual crime—also cause us grave concern, because they undermine the basic purpose of this learning community.

Of course, the principle of free expression is a cornerstone of free academies in democratic societies. No university embracing that principle can ban legal expressions of opinion. Indeed, as we have noted before, every member of the University community should be prepared to confront opinions they find morally offensive.

Nonetheless, any action undertaken for the sole purpose of causing distress to other members of the University of Toronto undermines the basic purpose of this learning community. Our purpose is to advance knowledge through teaching and research in an environment of inclusiveness and respect. Intolerance is a destructive distraction from that goal. It thus has no moral place at this University, even when expressed through means that are protected by the principle of free expression.

To repeat: There will be offensive expressions that we cannot suppress or censor because of our respect for the core value of free speech on our campus and in our society. But I want to serve notice that this Administration will not hesitate to communicate its concerns to those who seek not to promote a dialogue, but to posture as demagogues.

Beyond all of these considerations, any action that threatens the physical safety and well-being of University members or of visitors to our campuses is absolutely intolerable. Every member of the U of T community is responsible for ensuring an environment in which their peers and guests feel safe and welcome. And, I assure you that this administration will continue to focus on ensuring the safety of all our campuses.

### **THE PATH AHEAD**

Let me summarize: The University of Toronto will continue to uphold the principle of free expression—even, at times, to a degree that may be uncomfortable in broader society—because it is the cornerstone of our daily work.

In so doing, we expect all members of this community to be mindful of the fine line between discourse that is provocatively reasonable and that which is unreasonably provocative because it targets individuals on the basis of their identity. Racism and discrimination on the basis of religion or ethno-cultural identity are unacceptable on our three campuses.

To that end, we will also continue to devote major resources to strengthening the culture of inclusiveness and respect for differences that already characterizes so much of our University. In that effort, I remain grateful for the contributions of countless members of our learning community who, in their everyday interactions with each other, uphold the principle that equity and diversity are essential prerequisites for the long-term success of this great University.

<http://www.president.utoronto.ca/aboutthepresident/speeches/racistandoffensiveincidents.htm>

## ■ Chapman University President James L. Doti Rejects Intolerance

*March 24, 2003*

As war with Iraq continues, it is possible that some of Chapman's most cherished values may be challenged. These values include our commitment to diversity, to treating all persons with respect, and to the open and free exchange of ideas. Following the Gulf War and again after 9/11, the number of persons of Middle Eastern descent who suffered verbal abuse and physical attack increased sharply in Orange County. At Chapman University, we will continue our classes and daily activities with civility, tolerance and mutual respect. No acts of bigotry will be tolerated, and perpetrators will be dealt with swiftly and severely. This will be an especially difficult time for those members of our community of Middle East origin, many of whom have family who may be in harm's way. More than ever, they need our compassion and support. Our entire Chapman community will be well-served by living up to the values that have long guided us.

[http://www1.chapman.edu/pubrel/happenings/happenings\\_2003-03-24.pdf](http://www1.chapman.edu/pubrel/happenings/happenings_2003-03-24.pdf)

# Fighting Bigotry

## University of Colorado President Elizabeth Hoffman Takes Action Against Bigotry

*January 17, 2003*

Responding to what she calls “a trend toward increased bigotry and intolerance” on American university campuses, University of Colorado President Elizabeth Hoffman today (January 17, 2003) issued the following statement.

Like other leaders of American colleges and universities, I have observed with growing alarm a trend toward increased bigotry and intolerance on U.S. campuses. As president of the University of Colorado, I want to state clearly where I stand on the issue of intimidation and intolerance directed at many student groups.

In one of my first initiatives of 2003, I also wish to announce a series of actions designed to address this troubling issue facing our campuses.

In particular, I have been deeply disturbed by increasing evidence of bigotry, harassment and other forms of intolerance. A specific example of grave concern to me is the recent deliberate acts of anti-Semitism on our Boulder campus. CU-Boulder Chancellor Richard Byyny joins me in condemning these acts and in resolving to address them.

The University of Colorado stands firm on the fundamental importance of human dignity and denounces those engaging in acts of racism, sexism, homophobia, bigotry, anti-Semitism or culturally intolerant behavior in any form on any of our four campuses.

A paramount responsibility of the president, as well as CU’s four chancellors, is to work toward ensuring that all of our students are safe from intimidation, intolerance and bigotry. A university must be a place where students feel secure—free from fear of violence based on who they are or what they believe.

With an eye toward the increasing turmoil related to the Middle East and the war on terrorism, Chancellor Byyny and I are working closely with student leaders, faculty and community members to foster a safer and more tolerant environment on the Boulder campus. To that end, the Boulder campus is taking the following steps:

- Creating an Anti-Bias Working Group, composed of faculty, staff and students, to evaluate current campus policies and services and to consider additional actions to promote diversity, respect and tolerance for all members of our campus community;
- Revising the Student Code of Conduct to include “ethnic intimidation” as a specified infraction under the standards of behavior;
- Sponsoring an anti-bias symposium for students, faculty and staff in mid-January with the assistance of the U.S. Department of Education, Office of Civil Rights;
- Assigning a senior staff member to serve as a special advisor to Jewish students seeking information, advice and support, and as a point-of-contact for community members;
- Evaluating campus policies and regulations that address anti-bias and discriminatory behavior to help ensure that the campus maintains a safe environment for all; and,

- Promoting the support services available to all students through the Division of Student Affairs, including the Cultural Unity Center and the Counseling and Psychological Services: A Multicultural Center.

These efforts, which are particularly needed in these difficult times, will be part of an ongoing effort to help enhance the safety of our students.

Universities must protect the academic environment that encourages freedom of expression. However, with that freedom comes responsibility. We will not tolerate acts of intimidation or hate on CU's campuses. At this precarious time, with the uncertainty of impending conflict and emotions running high, it has never been more critical to assure the safety and well being of our students, faculty and staff. This is my deeply held belief and my personal commitment.

The University of Colorado's commitment as an academic institution remains steadfast. We must continue to foster civil and open discourse and continually encourage our students to experience and listen to diverse viewpoints. That is, after all, what a university education is all about. At CU's four campuses, we are committed to an atmosphere that cultivates tolerance and rejects bigotry—so that all our students may study, grow and learn to their full potential.

The University of Colorado is a four-campus system with three general campuses in Boulder, Denver, and Colorado Springs, and health sciences center campuses located in Denver and at the former Fitzsimons Army Base in Aurora. For further information, please contact Bob Nero or Michele McKinney in the CU System Office of Institutional Relations at 303-492-6206.

<http://www.cu.edu/president/diversity/bigotry.html>

## University of Connecticut President Philip E. Austin Takes Steps to Ensure Safe Campus Climate

*October 8, 2001*

Following up on earlier communications, I want to let you know about steps we are taking in two closely related areas: assuring a welcoming, safe campus climate for all members of our community; and enlarging our efforts to promote a better understanding of the impact and implications of the events of Sept. 11.

I cannot reiterate forcefully enough that there is no place for bigotry at this University, now or ever. Every member of the UConn community, including but by no means limited to the University Police, has an obligation to respond as appropriate to acts that create a climate of apprehension or anxiety.

It is essential that the University receive full information about incidents on campus that violate individuals' or groups' sense of safety. Without that information not only are we unable to take prompt action, but the potential for unsubstantiated rumors to create unwarranted fear is significant. I urge anyone who is him- or herself the victim of such acts, or who witnesses them, to communicate immediately with the Office of the Dean of Students at (860) 486-3428 and the University Police at (860) 486-4800 or, in an emergency situation, 911.

All allegations will be investigated and dealt with in a manner honoring the confidentiality of those making the report, but that brings to bear on perpetrators the full force of law and the University's Student Code of Conduct. Our cultural centers also have an important role to play in creating safe havens and responding to concerns, and we are working to strengthen their capacity in this area.

Beyond that basic step, the University is engaged in a wide range of activities to respond to safety concerns expressed by individuals and groups on campus. Immediately following the Sept. 11 attack, the International Student Center reached out to international and particularly Muslim students on campus; the Campus Activities staff and the Dean of Students Office have been in close contact with the Muslim Students Association to assure that their needs are addressed; and University Police have provided a security presence as needed. I met last week with several Muslim student leaders to solicit suggestions for further actions and we are looking closely at their ideas.

I should also say that we are working closely through the Dean of Students Office to deal with registration, fee, housing and other matters that affect UConn students who have been (or may be) called to active duty in the National Guard or Reserves. We will work to assure that no student's standing at the University will be adversely affected by reason of military service.

Concurrent with our efforts to assure campus safety, we are endeavoring to use the resources of the University to generate a better understanding of the fundamental public policy issues that are being debated here and across the nation. UConn is a large, diverse institution and we expect - indeed, we welcome - a broad range of views. But it is important that all of us, students, faculty and staff alike, base our opinions on a solid grounding in history and culture. To that end we sponsored a colloquium eight days after the Sept. 11 attack, at which several faculty members presented a range of perspectives, and their views were followed by a lively interchange with students and others.

Chancellor John Petersen has named a campus-wide committee to develop additional academic activities and programs during and beyond the current semester. Many of our pre-planned activities in connection with the Human Rights semester will be incorporating issues related to the current crisis into their agenda.

Several other proposals have been made in connection with the events, including a formal structure for a campus-wide dialogue about the full range of issues stemming from or underlying the events of Sept. 11. The University has an institution called a "Metanoia," defined in the Senate Bylaws as "a day devoted to intensive discussion of topics of great concern to the University community," and convened by the "TAFS" (Trustee-Faculty-Administration-Student) Committee, consisting of leaders of the governance body of each constituency.

To respond to the request for a day of discussion, I have convened a meeting of TAFS. If a Metanoia is called, an ad hoc committee of faculty and students will be convened to oversee planning and I expect the Metanoia itself will take place later this month.

These are challenging times for the nation and for people of good will everywhere. Like other colleges and institutions of higher education, we are trying as best we can to meet all legitimate concerns in a manner consistent with our role as an institution of higher education. As more information becomes available, we will communicate it regularly through e-mail and other means. And as we proceed to develop and implement our plans, I invite all members of the community to participate in an ongoing discussion about how our university can best meet its objective of creating a safe, intellectually and culturally diverse environment for our members.

<http://www.advance.uconn.edu/2001/011008/01100801.htm>

# Diversity

## The University of California-Davis Principles of Community

*December 1, 2003*

The University of California, Davis, is first and foremost an institution of **learning** and teaching, committed to **servng** the needs of society. Our campus community reflects and is a part of a society comprising all races, creeds and social circumstances. The successful conduct of the university's affairs requires that every member of the university community acknowledge and practice the following basic principles:

We affirm the **inherent dignity** in all of us, and we strive to maintain a **climate of justice** marked by respect for each other. We acknowledge that our society carries within it historical and deep-rooted misunderstandings and biases, and therefore we will endeavor to foster **mutual understanding** among the many parts of our whole.

We affirm the right of freedom of expression within our community and affirm our commitment to the highest standards of **civility** and decency towards all. We recognize the right of every individual to think and speak as dictated by personal belief, to **express** any idea, and to disagree with or counter another's point of view, limited only by university regulations governing time, place and manner. We promote open expression of our individuality and our diversity within the bounds of **courtesy, sensitivity and respect**.

We confront and reject all manifestations of discrimination, including those based on race, ethnicity, gender, age, disability, sexual orientation, religious, or political beliefs, status within or outside the university, or any of the other differences among people which have been excuses for misunderstanding, dissension or hatred. We recognize and **cherish** the richness contributed to our lives by our diversity. We take **pride** in our various achievements, and we **celebrate** our differences.

We recognize that each of us has an obligation to the community of which we have chosen to be a part. We will strive to build a true community of **spirit** and purpose based on **mutual respect** and caring.

<http://principles.ucdavis.edu/>

## University of Michigan President Mary Sue Coleman Addresses the Community on the Importance of Diversity

*November 8, 2006*

Diversity matters at Michigan, today more than any day in our history. It matters today, and it will matter tomorrow. It will always matter because it is what makes us the great university we are.

I am deeply disappointed that the voters of our state have rejected affirmative action as a way to help build a community that is fair and equal for all. But we will not be deterred in the all-important work of creating a diverse, welcoming campus. We will not be deterred.

Universities are models for the civil exchange of ideas, and the debate over Proposal 2 has been no exception. Still, it has been a particularly difficult campaign, and I regret the pain and concern it has caused people on our campus.

But there has been a positive outgrowth of the debate about Proposal 2. It has brought together so many different people to say: diversity matters at the University of Michigan. Many, many people were passionate in delivering this message, and I want to thank them for their hard work.

If November 7th was the day that Proposal 2 passed, then November 8th is the day that we pledge to remain unified in our fight for diversity. Together, we must continue to make this world-class university one that reflects the richness of the world.

I am standing here today to tell you that I will not allow this university to go down the path of mediocrity. That is not Michigan. Diversity makes us strong, and it is too critical to our mission, too critical to our excellence, and too critical to our future to simply abandon.

This applies to our state as much as our university. Michigan's public universities and our public bodies must be more determined than ever to provide opportunities for women and minorities, who make up the majority of our citizenry.

Last week I received an email from Miranda Garcia, a Michigan graduate who shared my concern about the dangers of Proposal 2, and how it jeopardizes the fiber of our university. "My four years in Ann Arbor," she said, "were a life-changing experience. I met students from every area of the country, from all different socioeconomic and cultural backgrounds." She was blunt in saying her life-changing experience would not have been possible without affirmative action. I should add that Miranda lives in California, a state whose voters banned affirmative action 10 years ago. It has been a horribly failed experiment that has dramatically weakened the diversity of the state's most selective universities. It is an experiment that we cannot, and will not, allow to take seed here at Michigan.

I will not stand by while the very heart and soul of this great university is threatened. We are Michigan and we are diversity. I am joined on these steps by the executive officers and deans of our university. We are united on this. You have my word as president that we will fight for what we believe in, and that is holding open the doors of this university to all people.

Today, I have directed our General Counsel to consider every legal option available to us. In the short term, we will seek confirmation from the courts to complete this year's admissions cycle under our current guidelines. We believe we have the right, indeed the obligation, to complete this process using our existing policies. It would be unfair and wrong for us to review students' applications using two sets of criteria, and we will ask the courts to affirm that we may finish this process using the policies we currently have in place.

This is our first step, but only our first step.

I believe there are serious questions as to whether this initiative is lawful, particularly as it pertains to higher education. I have asked our attorneys for their full and undivided support in defending diversity at the University of Michigan. I will immediately begin exploring legal action concerning this initiative. But we will not limit our drive for diversity to the courts, because our conviction extends well beyond the legal landscape.

It is a cause that will take our full focus and energy as an institution, and I am ready to begin that work right now. We will find ways to overcome the handcuffs that Proposal 2 attempts to place on our reach for greater diversity.

As Susan B. Anthony said in her crusade for equal rights, "Failure is impossible."

I know many in our community have been wondering what this election outcome means for you in a directly personal way.

For our current students, I promise that we will honor all financial commitments we have made to you. This is a contract we have with you, and the University of Michigan honors its contracts. Your scholarships, fellowships and grants will remain just that: yours. The funds we awarded you are available today, and they will be there for you tomorrow, because the University of Michigan embraces diversity.

For University employees who fear that their livelihood is at risk with the passage of this proposal, please know that you have no cause for worry. No one's job at the University of Michigan will go away because of Proposal 2. We will continue to review all of our programs dedicated to minority affairs and campus diversity to ensure that they comply with the law, as we have done for many years. Let me be very clear about this: Your work is more important now than ever before. I will do everything I can to support you in this work, because the University of Michigan promotes diversity.

To the hundreds of thousands of Michigan alumni, I ask for your support in recruiting the finest students for your alma mater. You more than anyone know the benefits of an education at this great university. I urge you to share that enthusiasm with prospective students, because the University of Michigan wants diversity.

To high school principals, counselors and teachers throughout Michigan, please know that our outreach efforts to your schools will continue. We believe this outreach is on firm legal ground, and we will continue these programs because we want your graduates at our university. Our high school partnerships are critically important pipelines for drawing great students to Michigan, and those programs will go on. Those programs will go on because the University of Michigan believes in diversity.

Finally, to high school students and their families, my message is simple: We want you at the University of Michigan. We want your intellect, we want your energy, and we want your ambition. We have one of the finest universities in the world, and it is remarkable precisely because of our students, faculty and staff. We want you to aspire to be part of this amazing community.

It is amazing because the University of Michigan is diversity. We know that diversity makes us a better university—better for learning, for teaching, and for conducting research. Affirmative action has been an effective and important tool for creating this rich, invigorating environment. We believe so strongly in affirmative action that we went before the United States Supreme Court to defend its use, and we prevailed.

Today, I pledge that the University of Michigan will continue that fight. Look around you. We are standing at the heart of our campus, where all the divergent pathways of the Diag come together. We still have much to do to bring together all the people of our university. All walks of life must be present and welcome at the University of Michigan. We should never forget a challenge issued by Henry Tappan, the university's first president, who said, "We must take the world as full as it is." Ours is a university of the leaders and best. We must always be vigilant about recruiting and retaining the best students and staff and the finest faculty—individuals of all backgrounds and experiences—so that they may further enrich the fabric of this university. We simply cannot lose these bright minds.

As the days and weeks unfold, I know you will have questions about what this proposal means—for the University overall and for you personally, as students, faculty and staff. We do not yet have all the answers, but I vow to keep you fully informed as we explore the full effects of this initiative.

Of course the University of Michigan will comply with the laws of the state. At the same time, I guarantee my complete and unyielding commitment to increasing diversity at our institution. Let me say that again: I am fully and completely committed to building diversity at Michigan, and I will do whatever it takes.

I will need your help. As individuals and as a University, we absolutely must continue to think creatively about how to elevate Michigan's role as a national model for diversity in higher education. In the days and weeks ahead, you will hear from us about specific ways you can help in our cause. Starting today, I am asking all of our students and alumni of this great university to fire up their networks and spread the

word. Tell people, “I am what a U-M education looks like—please join us.” Together, we must always work to make ours a welcoming campus. Always. Let the world know that we are a university that embraces all. No one—no one—should ever forget that every student at Michigan is highly qualified, and has rightfully earned his or her place here.

Martin Luther King Jr. told us: “The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.” Let’s stand together to tell the state and the nation that the University of Michigan embraces ... promotes ... wants ... and believes in diversity.

Let’s stand together to say we value all those on our campus who make this such a remarkable institution.

Let’s stand together to say: We are Michigan and we are diversity.

<http://www.umich.edu/pres/speeches/061103div.html>

## University of Maryland President C. D. Mote Jr. Responds to the Diversity Panel Recommendations

*October 31, 2000*

On behalf of the entire University I thank Dr. Claire Moses and Dr. Raymond Johnson for chairing the Diversity Panel and presenting such a comprehensive and thoughtful report. I also express my sincere gratitude to all of the panel members for their hard work and long hours committed to this endeavor. When the report was completed, we disseminated it widely and requested comments. I especially appreciate the many thoughtful comments we have received from individuals and groups across the campus that have helped guide my response.

I begin by reconfirming that promoting diversity and community at the University of Maryland remains one of our highest priorities, both for this administration and for me personally. We will continue to do all that we can to make this university safe and welcoming for all members of our community. There is no tolerance for hate or bigotry on this campus, and they will be confronted. I will use every mechanism at my disposal to suppress them with a maximum effort. As we continue to be recognized nationally for our excellent academic programs, faculty, staff, and students, we remain committed to developing and promoting high quality programs and scholarship on diversity. As stated in the panel’s report “diversity and excellence are mutually reinforcing.” My goal is that the University of Maryland will be one of the very best and most diverse public institutions in the country.

Ours is a long-term goal, and the report put forth many important recommendations that will bear fruit in the future. In the short term, however, we can implement many of the recommendations by immediate action. Working with the vice-presidents, I have identified initiatives for immediate implementation in three areas: 1) development of a University response protocol to deal with hate-crime incidents and other emergencies; 2) improved coordination and communication of diversity-related activities; and 3) increased efforts to strengthen our recruitment and retention of minority faculty, administration and students and to highlight diversity research. I have asked appropriate members of my administration to begin implementation of the activities listed in this document. I will update members of the campus community on our progress from time-to-time as we begin to implement these initiatives.

Finally, I will also use every opportunity in my work on campus, with Regents, with legislators and in hiring and recruitment of staff to promote and emphasize our commitment to diversity. Again, I thank the diversity panel members for their fine and exhaustive efforts. While much remains to be accomplished, their recommendations will certainly result in a better, more coordinated and well publicized program. As we work on building a just and inclusive community, I welcome your comments.

[http://www.president.umd.edu/statement\\_divrsp.html](http://www.president.umd.edu/statement_divrsp.html)

# Addressing Current Events

## ■ Statement by Columbia University President Lee C. Bollinger on the British University and College Union Boycott Against Israeli Academic Institutions

*June 12, 2007*

As a citizen, I am profoundly disturbed by the recent vote by Britain's new University and College Union to advance a boycott against Israeli academic institutions. As a university professor and president, I find this idea utterly antithetical to the fundamental values of the academy, where we will not hold intellectual exchange hostage to the political disagreements of the moment. In seeking to quarantine Israeli universities and scholars this vote threatens every university committed to fostering scholarly and cultural exchanges that lead to enlightenment, empathy, and a much-needed international marketplace of ideas.

At Columbia I am proud to say that we embrace Israeli scholars and universities that the UCU is now all too eager to isolate — as we embrace scholars from many countries regardless of divergent views on their governments' policies. Therefore, if the British UCU is intent on pursuing its deeply misguided policy, then it should add Columbia to its boycott list, for we do not intend to draw distinctions between our mission and that of the universities you are seeking to punish. Boycott us, then, for we gladly stand together with our many colleagues in British, American and Israeli universities against such intellectually shoddy and politically biased attempts to hijack the central mission of higher education.

<http://www.columbia.edu/cu/news/07/06/boycott.html>

## ■ Statement from Bucknell University President Brian C. Mitchell Regarding the Crisis in Burma

*September 28, 2007*

In the last three days, non-violent demonstrations by Buddhist monks and nuns and common people in various locations throughout the nation of Burma have been met with violent attacks by the military regime and police. After a week of increasingly large public demonstrations against the government's fuel price increases, the regime has chosen a repressive crack-down. Given Bucknell University's historic relationship with Burma, I must affirm the university community's concern about what is happening and its implications for the future of the nation. (Burma is also known as Myanmar, as renamed by the military government in 1989.)

In 2008, Bucknell will celebrate the 150th anniversary of the arrival of Maung Shaw Loo, Bucknell's first international student and the first student from Burma to enroll in a U.S. university. Our relationship dates back even further, to Eugenio Kinkaid, a founding trustee and fundraiser for the university, who was also a Baptist missionary in Burma. The Burma-Bucknell tie has continued through the decades with a number of students from Burma graduating from Bucknell, and led up to a series of annual "Burma-Bucknell Weekends" from 1948-1965, when Burmese students from across the Eastern U.S. visited here to participate in a major program bringing Burmese and international leaders to campus. In recent years, the creation of the Shaw Loo Memorial and Win scholarships have given more students from Burma the opportunity to study at Bucknell and will continue to do so in future years.

On behalf of the university, I must declare our deep concern for the safety of our students' families, and our many alumni and friends in Burma, and our hope that the international community, in keeping with its commitment to the principles of human rights, will do whatever is appropriate to press the military government to cease its attacks on and arrests of monks, nuns, demonstrators and democracy activists. We trust that this crisis might open the door for peaceful negotiation on the demonstrators' demands for relief from extreme poverty, a more open society, and a genuinely humane future for Burma.

<http://www.bucknell.edu/x38286.xml>

## University of Western Ontario President Paul Davenport Looks to Maintain a Respectful Community

*March 21, 2003*

The outbreak of war in the Middle East carries with it two distinct dangers for those of us on Western's campus. For those with loved ones in the area there is a special danger, and our thoughts and prayers go out to all in our community who find themselves in that terrible situation.

A second sort of danger concerns the environment of respect and tolerance which is critical to the free speech and free enquiry of a university campus. Western students, staff, and faculty have worked hard to maintain a climate of mutual respect in our community during a period of growing international tensions. We have been able to express and listen to strongly divergent opinions on issues we feel passionately about while maintaining a campus environment where all may feel safe, secure, and respected.

At this time of international conflict, we must redouble our efforts to preserve that environment of safety and tolerance, in which even sharp disagreement over political and social issues must never involve bigotry or discrimination against racial or religious groups. We may take some pride in the environment of tolerance and respect on our campus; let us work together to preserve that environment, so important to the teaching and research of a great university.

[http://communications.uwo.ca/western\\_news/story.html?listing\\_id=6761](http://communications.uwo.ca/western_news/story.html?listing_id=6761)

# Changing Campus Culture

## University of Colorado-Boulder Chancellor Richard L. Byyny Stands Firm Against Bigotry

*November 16, 2002*

In recent months, we have observed a disturbing number of acts of hatred and bigotry on university campuses—places where tolerance and civility should be especially valued.

I'm sad to say, the University of Colorado at Boulder is no exception.

Harsh words flying outside a public address. Swastikas scrawled on a Jewish Sukkah. Homophobic phone calls. Anti-Semitic fliers posted in the cover of darkness. We see the verbal signs on sidewalks, posters, bulletin boards and in classrooms, conversation, bathrooms and sporting events. These sorry episodes diminish us all.

So we see the news reports and ask: What is happening? What is the source of this hatred? Why is it happening now?

I'm not sure there are any simple answers. Perhaps this is nothing new - maybe we're just more sensitive in these post-9/11 days. Perhaps the terrorist attacks themselves have fed feelings of isolation and a sense of being targeted—leading to lack of tolerance. Or is there something else that is fundamentally bothering us as human beings?

I don't know all the answers. I just know that our campus, at least, must persevere in fostering a climate where differences—of ideas, opinions, cultures, religions, races, genders, sexual orientation—can co-exist without intimidation or acts of bigotry.

The power of our university is found in the depth of our commitment to the principles of learning—including inquiry and education—and equity. We encourage individuals and groups to participate in educational forums and to share in the process of learning. Our success depends on a culture and atmosphere of respect, openness, intellectual honesty, and tolerance for the ideas and opinions of others—even when we disagree or feel offended by those ideas. All of us need an environment free of discrimination and bigotry in which to learn and live.

Universities have a unique opportunity to teach—by example and by words—the value of tolerance and civility. Indeed, we have a responsibility to our students to help them learn how to be contributing members of society. We must emphasize the lessons of history and commitment to social justice and equal opportunity. We must reach out to those students who come to campus unprepared to accept people of different backgrounds. We must help faculty and staff learn to accept people different from themselves. And we must help everyone understand the devastation felt by those targeted by hate crimes.

At this university, we are committed to support the expression of ideas and opinions in an appropriate, collegial and civil manner. As American citizens and members of a campus community, we support the constitutional right of free speech.

But free expression should not be used as an excuse for bigotry, intolerance or hateful incidents on our college campuses. Across the country, these incidents raise concerns and passions, sometimes pitting academic freedom against a university's need to prevent hostility based on racial, ethnic, gender and

other forms of discrimination.

The incidents vary in origin and in their targets. African-Americans, Hispanics, Asians, international students, gays and lesbians have long been targets of bigotry. Today we see a rise in bigotry towards Jews and Muslims, Israeli supporters and Palestinian supporters. Some overtly hateful episodes are provoked by the outside community and fed by media coverage. We hear of racial, religious, ethnic and homophobic slurs or cross burnings, defacement of property, intimidation, and violence across the nation. Based on discrimination and bias, these incidents undermine the foundation of our campus communities.

Now, more than ever before, we must reaffirm our commitment to tolerance, civility and respect on the Boulder campus. That commitment must be backed by university policies that offer avenues for taking appropriate action whenever they are violated. Such policies include the University Code of Conduct, Campus Violence Policy and the Nondiscrimination Policy. Information on CU-Boulder policies is available on the campus web site at [www.colorado.edu/policies](http://www.colorado.edu/policies).

And, more than ever before, we must ensure that every member of the campus community knows what resources are available to help when episodes of hatred affect our campus. Those resources include: the CU Police Department, (303) 492-6666; the Victim Assistance Office, (303) 492-8855; the Counseling and Psychological Services, (303) 492-6766; the Dean of Students, (303) 492-8476; and Office of Diversity and Equity, (303) 735-1332, among others. There are people standing ready to help, should the need arise; call on them.

We also must be proactive in developing a campus environment that welcomes differing ideas, opinions and perspectives. For example, our “Building Community Campaign” aims to foster such an environment at CU-Boulder.

Indeed, I call on the entire Boulder campus and surrounding community to stand firm against bigotry and hatred. Only by working together - persistently and cooperatively—can we hope to eliminate these insidious attacks on our living and learning environment.

<http://www.colorado.edu/StaffCouncil/cec.htm>

## University of Oregon President Dave Frohnmayer Focuses on Diversity

*April 20, 2000*

Almost a year has passed since I met in the lobby of Johnson Hall with a group of students who were deeply concerned about an act of intolerance and racism on our campus. We agreed that we, as a University, needed to sharpen our focus on our agenda to diversify our institution, and we established the framework for the important work for which you provided leadership throughout last summer.

Because many of you have graduated and gone on to other pursuits, I want to take this opportunity to update you on our progress and to identify further challenges for our work together. Increased diversity and tolerance on our campus continues to be a central agenda for us. This centrality is underscored by the articulate vision of speakers such as Edward Olmos, Bobby Seal, Tim Wise, and Frances Fox Piven that our institution invited here this spring.

In the past eleven months we have been working hard. This work began with the productive ten weeks that you labored on our behalf and has continued as the agenda permeates our University. I would like to list some of the areas of success and then convey some of my sense of “next steps.”

- In the fall we reintroduced and opened a search for the position of “Chief Student Affairs Officer” and selected Dr. Anne Leavitt to head our efforts in that area.
- In the fall, the Steering Committee for Diversity continued to meet and reviewed the report you provided, and we assigned implementation of tasks to appropriate offices and units.
- Our three-day fall orientation program for new faculty included sessions each day on supporting campus diversity designed by Carla Gary and others.
- In October we sent a team of administrators (Dave Hubin, Anne Leavitt and Carla Gary) and students (Hong Tran and Mitra Anoushiravani) to the ACE conference in Albuquerque, New Mexico, on “Educating All of One Nation.” There these leaders gathered insights and perspectives on directions that other campuses have been pursuing.
- We then established the Administrative Team for Diversity led jointly by continuing student interns, MCC and ASUO student leaders, and by Carla Gary, Anne Leavitt, and Dave Hubin.
- We continued the position of Coordinating Intern in order to give focus to your work and in December hired Jay Breslow to fill that position. Jay then joined the Administrative Team for Diversity.
- We used the videotape that you, with leadership from Nathan Batchelder, produced. In fact, in September, Carla Gary showed the videotape to all deans and department heads in an afternoon retreat devoted to diversity on our campus. We have shown the tape and conducted discussions in many departments and can thank the work of John Riordan for focusing us on awareness-building opportunities for our faculty and staff.
- We strengthened our emphasis on diversity and tolerance themes within our plans for new faculty and our new student orientation programs for 2000-2001. Here we can point to the work of Huy Ong who set in place the foundations for that improvement.
- We have launched the Bias Response team that Jessie Wolfsy so effectively researched and then proposed. With Anne Leavitt’s leadership and Gwen Tistadt’s coordination, we now have that team in place.
- The ASUO has funded a position for full-time director of the Multicultural Center, as recommended by Jessica Billingslea. We are currently engaged in a broad regional search to fill the position.
- The University Senate and the ASUO Senate have both recommended to me the introduction of a policy stating the University of Oregon Affirmation of Community Values. This policy is modeled after the language proposed for a pledge of respect. I officially approved this last week, immediately after the University Senate meeting, and it is being promulgated to all department heads and units this week.
- We continued the work of Jason Mak by hiring him as an intern in our Office of Student Academic Affairs. From that position, Jason has developed almost singlehandedly our new diversity website. I encourage you to look at it now and regularly in the future to keep up to date on our progress. Jason’s work will be continued with a new position in our Office of Multicultural Affairs as that unit takes leadership on diversity matters.

- We have had a very good year in recruiting new students of color. Here, too, Jason's work during the summer and his continuing work with Jim Buch have been pivotal. Most recent reports are that applications and acceptances for all groups of students of color are running at about 150% of last year's figures.
- We have also had a productive year in recruiting faculty of color. Provost John Moseley has reported to the President's Council on Race (that now meets twice a term) that we have four offers accepted.
- Our faculty leadership in the Faculty Advisory Council has continued its focus on diversity and community. In fact, with the leadership of David Frank, we have hired two interns to work specifically on the development of a diversity institute. For bringing this possibility into focus during last summer, we owe gratitude to Spencer Hamlin.
- In early June, Executive Assistant President Dave Hubin will join a group of students (including Jay Breslow, Mario Sifuentez and Jason Mak) leading a session at the National Convention on Race and Ethnicity to report nationally on our progress. I might add that the University is sending a remarkably strong team of eight administrators and three students to this important national meeting. In addition, the student leadership itself, your descendents in this work, is arranging to send perhaps another eight to ten students. It will not surprise me if we have one of the largest delegations at this meeting.
- We have reinstated regular meetings of the President's Council on Race and have hopes that this group will be a renewed resource for our administration in issues of race and ethnicity.

I will also update you on some events for these next two months. In late May, I assemble formally my President's Advisory Board for the University of Oregon Native American Initiative. This Board, consisting of the chairs of all nine federally recognized tribes of Oregon, as well as national leaders on Native issues, will provide even sharper focus to our work with Native peoples and will guide us in our efforts to build the new Many Nations Longhouse. (By the way, we now have a very large anonymous challenge gift that gives momentum to our fundraising efforts for that project.)

In June, we close the year with Marian Wright Edelman as our commencement speaker and as the recipient of our fourth honorary doctorate in the last fifty years. Ms. Edelman's civil rights work and her leadership of the Children's Defense Fund make her an ideal recipient and a wonderful focus of our commencement gathering.

In late June, the Office of Multicultural Affairs will move to new space on the first floor of Oregon Hall, resulting in greater visibility and outreach from this office for all students learning about and supporting diversity and multiculturalism.

I am proud of the work that you did and the follow-up that we have put in place. I am simultaneously reminded of how far we have to go. As Christopher Edley stated in his remarks to the American Council on Education last November, "Working on diversity is not rocket science....It is much harder." It is, indeed, hard work because it involves social change, but together we are making progress; therefore, I thank you.

Please feel free to contact me directly at any time to keep in touch with our continuing work. I wish each of you individually in whatever pursuits you are now engaged the very best.

<http://president.uoregon.edu/DiversityandCommunity/diversity%20intern%20update%20html.htm>

## Sarah Lawrence College President Michele T. Myers Calls for a Teach-In

*April 8, 2004*

I would like to tell you why I think this teach-in is important.

Most students, faculty, and staff at Sarah Lawrence, cherish the core values this institution stands for: free expression, respect for individual differences, the right to question everything but the dignity and worth of others, a commitment to truth. It is painful when individual or collective acts (and sometimes lack of action) fall short of these ideals.

It is painful for any of us to feel excluded, barely tolerated, diminished on the basis of stereotypes, hated for things over which we have no control. It is painful to be challenged daily in subtle and not so subtle ways by those who question our right to belong here. It is painful to feel ridiculed because of the strength of our religious beliefs, or for political beliefs that do not fit the “liberal” norms of this community. It is painful to be labeled racist simply because of our color.

Issues of racism, bias, bigotry, and exclusion are issues that concern us all. These issues never die, and they are alive today, here at Sarah Lawrence, in the United States, and all over the world. It is our collective responsibility to engage in talks with one another, to develop strategies, and ultimately to take action to make our campus diverse, safe and welcoming to all, and to promote ongoing real discussion about difficult issues. And not just for one day. What has been missing for too long is precisely a way to engage one another around issues of racism beyond politically correct statements meant to pacify and avoid conflict-laden conversations. If we end up avoiding these conversations because we are afraid to say the wrong thing or show insensitivity, we miss a chance to learn and understand something fundamental about our humanity. We must not let fear stop us from a real ongoing engagement with each other.

This is why I have called for a teach-in day on April 8, when we can leave behind our normal obligations and spend time engaging ourselves in conversations about these issues. I ask only that you come ready to listen, talk, take some risk, and commit yourself to continuing the process when the day is over.

I am moved by the response we are getting from faculty, students and staff and by the willingness of so many to participate in the effort. I know that as people of good will we will be honest in what we say, creative in developing personal and institutional strategies to combat racism, bias, bigotry, and exclusion at Sarah Lawrence, and committed to action.

[http://www.sl.c.edu/teach-in/Message\\_from\\_President\\_Myers.php](http://www.sl.c.edu/teach-in/Message_from_President_Myers.php)



# Appendix B

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## The Anti-Defamation League's A Campus Of Difference™ Program



# A Campus Of Difference™

The campus community, in order to remain healthy and productive, must create an environment that will allow students, staff, faculty and administration to grow and advance on both a professional and personal level. A CAMPUS OF DIFFERENCE™, a program of the Anti-Defamation League's A WORLD OF DIFFERENCE® Institute, is a market leader in the development and delivery of diversity education resources and anti-bias training. A CAMPUS OF DIFFERENCE™ program addresses diversity issues on today's college and university campuses and helps to create a community where differences are valued and everyone feels respected. Through workshops and trainings, participants increase their self-awareness and learn to celebrate diversity on campus.

A CAMPUS OF DIFFERENCE™ programs provide practical, hands-on workshops to help individuals challenge prejudice and discrimination, to foster intergroup understanding and to equip students, faculty, staff and administrators to live and work successfully and civilly in a diverse world. The training sessions are customized to meet specific goals and organizational needs and help to enable campus community members to build a stronger community and make proactive and positive changes. The program not only incorporates the campus's values, needs and educational mission, but also promotes the best practices needed for administrative, teaching and student success.

## **Goals of A CAMPUS OF DIFFERENCE™**

Many colleges and university campuses recognize that cultural diversity is an important issue facing their community. Campus leaders need to take a proactive role in teaching that diversity enriches the educational experience. We learn from those whose experiences, beliefs and perspectives are different from our own, and all students benefit from a richly diverse intellectual and social environment. The A CAMPUS OF DIFFERENCE™ training program can provide students, staff, faculty and administrators with knowledge and skills needed to effectively interact in a culturally diverse campus environment.

## **The workshops allow participants to:**

- examine the concepts of stereotyping and making assumptions;
- assess their perceptions about themselves and others with regard to differences;
- explore the idea of culture;
- experience interaction with people from different cultures in an effort to examine appropriate behaviors and attitudes;
- discuss issues related to discrimination and bigotry on campus;
- assist faculty, staff, administrators and students to be a part of the solution to campus problems;
- explore how diversity on campus enhances the environment and how diversity awareness can translate into a more productive campus environment and a higher level of satisfaction among faculty, staff and students; and
- prepare to integrate the concepts of the program into the campus community.

# Why A Campus Of Difference™?

## **The Importance of Having an Ongoing Campus Diversity Initiative**

College campuses across the country are experiencing dramatic and exciting changes consistent with the demographic shifts in the U.S. population. The emergence of student organizations reflects the ever changing landscape of our country. Groups representing gender-based issues; students of every ethnic background; students facing physical challenges; gay, lesbian, bisexual and transgender students; and students with religious involvement are bringing visibility and voice to the needs and wants of the campus community. The campus mosaic continues to grow in size, shape and color, creating a myriad of opportunities in education and development for all students.

Unfortunately, college and university campuses continue to experience growing pains. The consistent problems of decreased enrollment from students of color; dismal results in the attempts to recruit and retain a culturally diverse faculty and staff; continuing student segregation based on group membership on campus; the increasingly frequent appearance of controversial speakers on campus; a lack of adequate facility renovation to make the campus accessible to all students; and the escalation of reported bias incidents and hate crimes are just a few of the many challenges requiring immediate and substantive attention from all members of the campus community. Further complicating and confounding these problems is that major financial constraints dictate the identification of cross-departmental and cross-institutional programs.

For the campus to become a truly inclusive community, the challenge of optimizing opportunities for growth and qualitatively addressing the difficult issues must be part of an ongoing strategic plan. Diversity education can provide the campus community with a positive approach to effectively dealing with these issues and can provide students, faculty, staff and administrators with the opportunity to negotiate and discuss proactive alternatives before a crisis. In order for the campus to become a cohesive community, addressing these difficult issues must be part of a campus strategic plan. Campuses today must engage in multifaceted approaches that involve learning in and out of the classroom. This effort requires unprecedented cooperation from all members of the faculty, staff and administration as well as careful understanding and sensitivity to the needs of all students. In short, campus community members need to work together.

Students benefit in countless ways from living and learning with peers whose perspectives and experiences differ from their own. Diversity exists when people in a group of two or more see themselves as being different from one another. A diverse educational environment challenges all students to explore ideas, perspectives and experiences, to see issues from various points of view, to rethink their own premises, and to achieve the kind of understanding that comes only from testing their own hypotheses against those of people with other or differing views. A diverse environment can also create opportunities for people from diverse backgrounds, with different life experiences, to come to know one another as more than passing acquaintances, and to develop mutual respect on which the health and prosperity of our college and university campuses depend.

# A Campus Of Difference™ Explores Strategies To Achieve:

## **Increased Staff and Student Initiatives, Camaraderie and Morale**

An enhanced feeling of understanding and trust, more open opportunities for dialogue about diversity issues, and the witnessing of organizational attitude change can increase faculty, staff and student initiatives, camaraderie, morale, as well as a solid commitment toward speaking out against and combating hate on campus.

## **Improved Opportunities for Recruitment and Promotion**

Improved “talent radar” will help to more effectively recruit, train, assign, evaluate, mentor/coach and promote the most qualified faculty, staff, administrators and students.

## **Better Cooperation, Increased Productivity and Decreased Absenteeism**

A campus environment that is conducive to good cooperation and communication can increase loyalty and help students to identify with the college community. This provides a sense of being part of a cohesive team, invested in the campus’s success.

## **Better Student Relations and Improved Campus Loyalty**

Increased student-to-student, student-to-faculty/administrator, faculty-to-faculty/administrator sensitivity can translate into better relationships among students, faculty, staff and administrators. Policies and practices, which focus on the value of diversity, can lead to increased loyalty.

# Appendix C

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## Campus Security Hate Crimes Training

ADL staff, drawing on expertise from its Civil Rights, Education and Community Service divisions, has created a four-hour hate crime training program for campus and university security professionals that addresses hate-motivated behavior in the college community. This training seminar is designed to offer instruction on the special nature of hate crime, the legal and constitutional framework in which federal and state hate crime statutes operate, and how to perform investigative and enforcement duties in a way that reassures the victims and helps alleviate campus tensions and fear.

Program elements include:

- The importance of hate crime training for campus police
- Elements of a hate crime
- Differentiating between a hate crime and a hate incident
- Differentiating between free speech and unlawful acts of intimidation and threats
- The importance of reporting hate crimes
- Hate crime indicators: factors to consider
- The impact of hate crimes on the college community
- Victim assistance
- Strategies for collaborative partnerships between the police and community relations when a hate crime occurs on campus

Instructors with legal and community education expertise use lecture, whole- and small-group exercises, case examples and scenarios to enhance learning and to promote discussion.

For more information about this program, please visit [www.adl.org/LEARN](http://www.adl.org/LEARN).



# Appendix D

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## **Examples of College Policies**

Appendix D provides examples of college policies that focus on diversity, discrimination and harassment. These examples provide policies that exist in both an academic and nonacademic setting. They are organized by size of the institution.



# Small Schools

## Bates College

Lewiston, ME

Total Enrollment 1,700

### The College Nondiscrimination and Sexual Harassment Policy

#### A. Policies

1. **Nondiscrimination.** Bates College does not discriminate on the basis of race, color, national or ethnic origin, religion, sex, sexual orientation, marital or parental status, age, or disability, in the recruitment and admission of its students, in the administration of its educational policies and programs, or in the recruitment and employment of its faculty and staff.

To aid the Director of Affirmative Action in this charge, an Advisory Committee on Affirmative Action is appointed annually by the President. It is the members' responsibility to assess continually the status of their respective areas in regard to compliance. Members of the Bates community are encouraged to report instances of alleged discrimination to the Director of Affirmative Action.

2. **Bates College Sexual Harassment Policy.** Within our academic setting, a state of trust and openness among persons is the necessary condition for intellectual inquiry and hence academic excellence. Associations between faculty, students and staff must reflect the mutual respect for one another which is essential to the free exchange of ideas. Harassment, including sexual harassment, destroys trust and openness. When any member of the Bates community denigrates another member through unwanted sexual advances or sexual allusions, or through unwarranted references to sexuality or sexual activity, these bonds of trust and openness are broken.

Harassment, including sexual harassment, is especially serious when it involves a relationship of authority within which academic or other rewards may be experienced or perceived as related to the harassment. Among such situations are those relationships between faculty and students or between senior and junior faculty. When the imposition of unwanted sexual attention is accompanied by the promise of academic or employment rewards or reprisals, the harm can be very great. If harassment occurs between persons, one of whom has any kind of supervisory, evaluative, or other authoritative responsibility in regard to the other, it is intimidation and coercive abuse of power.

Sexual harassment is one form of illegal sex discrimination, as defined by Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and Section 4572 of the Maine Human Rights Act, and the regulations of both the Equal Employment Opportunity Commission and the Maine Human Rights Commission. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic advancement or employment;
- b. submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individuals;
- c. such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive working or learning environment.

The state of trust which is so essential to academic work in the College is important to the associations between faculty and students; such trust also is important among non-academic staff and employees. Sexual harassment within these associations prevents or impairs the harassed person's full enjoyment of occupational or educational benefits and opportunities. It interferes with an individual's work performance and creates an offensive working environment. The employment regulations of the Maine Human Rights Commission give support to the College's policy against harassment and provide legal protection for all employees.

Whereas, it has been and is the policy of Bates College that sexual harassment has no place and will not be tolerated in this College; and whereas, the Federal Equal Employment Opportunity Commission has declared that sexual harassment constitutes illegal discrimination under Title VII of the Civil Rights Act of 1964. Now therefore, the President and Trustees of Bates College restates its policy that sexual harassment not be tolerated and hereby directs the President to see that appropriate steps are taken to communicate that Board's intent, as expressed in this policy to the College's faculty, staff, and students. The President shall advise the faculty, staff, and students that there are in effect adequate grievance procedures to facilitate prompt reporting of specific acts of sexual harassment at Bates, and urge the members of the College to report such acts so that appropriate action may be taken.

Bates College denounces the use of violence directed against any individual or group. We, the College community, regard sexual assault as a violent crime, a particularly heinous form of sexual harassment, whether committed by a stranger or an acquaintance on or off campus. We condemn the commission of sexual assaults and believe persons charged with such offenses should be dealt with promptly and fairly through the courts and our own judicial systems. Moreover, we rededicate ourselves to eradicating hostile settings in which our ability to work, study, live, and learn together is inhibited. Finally, we pledge assistance through the various departments of the College in aiding survivors of assault to determine how best they may regain control over their circumstances.

When offensive conduct against persons, including but not limited to assault, may occur, for which the offender may be charged within the criminal justice system for violating the criminal statutes of the State of Maine, or the United States, victims may also elect to seek redress through the College's disciplinary procedures. All members of the community are expected to conform their conduct to the requirements of the law and to the standards of the College community.

As a guide to the community, relevant provisions of the criminal law and descriptive definitions of conduct and consent will be provided in published form to all students, faculty, and staff annually. These provisions and definitions will serve to assist the College community in identifying unacceptable behavior and to provide a basis for consistent interpretation and judgment.

3. **Community Relations Council.** Bates College expects all members of the community to provide a supportive environment that fosters communication about questions of discrimination, including harassment. As evidence of that conviction, the College has established a Community Relations Council (hereinafter Council) selected with an attempt to assure broad representation of men, women, and minorities, from the constituencies of faculty members, administrative staff, and administrative support staff. Students, particularly those serving as junior advisors and resident coordinators, will serve as a communication link to the work of the Council. However, because of liability concerns, students are not asked to serve as members. The Director of Affirmative Action serves as an ex officio member of the Council.

Members of the Council are chosen initially by the President, for staggered terms, and thereafter appointed by the President from names suggested by the Council, on the basis of expressed interest in issues of discrimination, including sexual harassment, as well as their sensitivity, approachability, and mediation skills. Except for the initial appointment by the President, terms of membership are for three years with reappointment possible. The Chairperson is elected by the membership of the Council.

The primary functions of the Council are to sensitize the College community to the discriminatory aspects of harassment, to provide an informal resource to guide individuals to the available action steps they may wish to consider, both within and outside the College, and to develop techniques and resources for the informal resolution of incidents of discrimination. Training and the development of mediation and facilitation skills are expected for Council members.

Contact with a member of the Council is held in confidence. When members of the College community seek advice by contacting a member of the Council, said contact does not constitute a complaint. A matter must be brought to the attention of the Office of Affirmative Action for it to be a complaint. The Director of Affirmative Action serves as the College's officer of responsibility for all complaints of discrimination.

*Taken from the Bates College Student Handbook 2007–2008*

## Beloit College

Beloit, WI

Total Enrollment 1,200

Beloit students are expected to treat other members of the community with courtesy, to respect their rights and needs, to maintain the highest standards of honesty and integrity in all aspects of their lives, and to contribute to the College. To carry out its educational mission, and to provide an atmosphere conducive to the building of community and personal growth, the College requires a community free from physical and emotional violence, threats, intimidation; protective of free inquiry and expression; respectful of the rights of others; open to change; supportive of democratic and lawful procedures; and dedicated to the rational and orderly approach to the resolution of human problems. Personal idealism, social responsibility and service to others are among the educational aims of Beloit College. Self regulation is the norm, and College disciplinary action the exception.

### **POLICY ON PERSONAL HARASSMENT**

#### **a. Statement**

Beloit College seeks to maintain the campus as a place of work and study for faculty, staff, and students that fosters an atmosphere conducive to the building of community and personal growth. Personal harassment of students or employees subverts this goal of the College and is against College policy.

Personal harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship, or any other characteristic protected by law. Personal harassment includes any kind of nonverbal, verbal or physical conduct involving either intimidation or promise of reward where:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement; or submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting that individual; or
- such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or demeaning educational or employment environment.
- Any retaliation against a person who reports alleged harassment, or against a witness or other participant in an investigation, is strictly prohibited and will be considered a violation of this policy. It is also a violation of this policy to make a false accusation of harassment or knowingly provide false information pertaining to a harassment complaint.

### **OFF-CAMPUS BEHAVIOR**

A Beloit College student is expected to obey all local, state and federal, international and foreign country laws while on campus or off. Although a student's off-campus conduct ordinarily will not affect his/her college status, there may be occasions in which off-campus conduct is so destructive to the College or of such a nature as to indicate to the community that College disciplinary action must be taken. Even if civil/criminal action is pending, the College may take action if this appears to best serve the interests of the College and the students.

### **VIOLATIONS OF CIVIL/CRIMINAL, INTERNATIONAL OR FOREIGN COUNTRY LAW**

The College or the aggrieved party always has recourse to the civil authorities (U.S. or abroad) for violations of civil/criminal law. As a part of the larger community, students accept full responsibility for their own actions under federal, state, and local laws (U.S. or abroad). While affording reasonable advice to its members in difficulties with the law, the College provides no immunity from the consequences of illegal acts. The College does not provide legal counsel for its students.

Offenses of such seriousness that they would normally be considered felony offenses will often be handled in civil courts. Examples of kinds of cases in this category include but are not limited to:

- Forcible interference with the educational processes of the College.
- Assault, rape/sexual assault, sexual misconduct, sexual abuse, hate crimes as defined under Wisconsin law.
- Theft and aggravated criminal damage to property.
- Willful or negligent actions that endanger the health and safety of other persons on, or off, campus.
- Use of explosives or firearms on, or off, campus property.
- Arson.
- Misuse of the College telephones, telephone fraud, and computer network misuse.
- Breaking into and entering College buildings.
- Drug and alcohol violations.
- Tampering with fire safety equipment.

Some cases may be violations of both College regulations and civil law (U.S. or abroad). In these instances, including the ten listed above, the College reserves the right to hear the case on campus even though civil authorities may also have jurisdiction.

### **ON-CAMPUS BEHAVIOR**

A Beloit College student is expected to conduct herself/himself with due regard for the rights and sensibilities of other members of the College community. A student may not behave in a manner that denies or interferes with another member's expression of convictions, right to academic freedom, or the performance of the duties or functions of others.

#### **Anti-Discrimination Statement**

It is the policy of Beloit College, in administration of its educational policies and programs, financial aid program, employment policies, or other college-administered activities, not to discriminate against students, applicants for admission, or employees on the basis of sex, race, color, religion, national origin, ancestry, age, sexual orientation or physical or mental disabilities unrelated to institutional jobs, programs, or activities. Beloit College is a Title IX institution.

### **INTERFRATERNAL PANHELLENIC COUNCIL (IFPC) HAZING POLICY**

Beloit College prohibits hazing in any form, including acts that cause physical, mental, or emotional harm. The IFPC hazing policy, listed below, sets the primary hazing guidelines of the college. Greek members and/or organizations suspected of hazing may have their behaviors investigated and reviewed by the IFPC Judicial Board, following the guidelines set forth in the IFPC constitution and policy below. The Associate Dean of Student Life/Director of Residential Life or Dean of Students withholds the right to investigate and impose sanctions in hazing cases, whether they are heard by the IFPC J-Board or not.

The IFPC may not probe into the internal affairs of any member organization, specifically pledge training programs, initiation rites, and all other activities unique to a member house, unless the member Greek organization is suspected of hazing. Hazing in any form, shall not be permitted. It is against Beloit College policy for any fraternity or sorority to put any pledge through hazing activities. Hazing is defined as an in-group persecuting or harassing an out-group with meaningless, humiliating, and difficult tasks, voluntary or compulsory, for what appears to the out-group as being necessary for inclusion within the established in-group; or to curry favor from those of perceived authority.

Non-Greek organizations or individuals suspected of hazing will follow the normal judicial investigation process.

In an effort to more clearly explain the concept of hazing, IFPC has proposed that the following behaviors and activities would constitute hazing on this campus. It is important to note the social pressure can constitute forced or requisite participation, even if the activity is claimed to be voluntary.

- a) Actions that recklessly or intentionally endanger the physical and mental health or safety of students.
- b) Forced or required consumption of any food, liquor, drug, beverage, water or any other substance.
- c) Forced or required participation in physical activities, such as calisthenics, exercises, or so-called games.
- d) Forced exposure to the weather.
- e) Excessive fatigue resulting from sleep deprivation, physical activities, or exercise.
- f) Assignment of activities that would be illegal or unlawful, or might be morally offensive to individual pledges.
- g) Physical brutality, including paddling, striking with fists, open hands, or objects, and branding.
- h) Kidnapping against a person's will, and forced transportation or stranding of individuals.
- i) Verbal abuse, including "line-ups" and berating of individuals.
- j) Forced or required conduct that could embarrass or adversely affect the dignity of the individual, including the performance of public stunts and activities.

- k) The intentional creation of clean-up work or labor for pledges by active members or alumni.
- l) Denial of sufficient time to study.
- m) Forced or required nudity or lewd behavior.
- n) It is important to note that an active member participating in any of these activities in addition to the inductees does not mean that the activity is not hazing. Pledges and actives should also be aware that according to federal hazing laws, even the person being hazed can lose all financial aid, regardless of consent or voluntary participation.

All pledges must sign this after they read and understand this document. Actives must inform pledges that all events are optional and that they can opt-out at anytime without suffering any consequences, physical or social. Pledges should consult the dean or associate dean if they have questions regarding this policy, or any activity.

#### **DEMONSTRATIONS POLICY**

Students are encouraged to express their opinions and beliefs on wide ranging subjects and issues in an orderly fashion which does not disrupt the operations and essential functions of the College, endanger the safety of individuals, or destroy property. In any public demonstration organizers or student speakers may not speak for the College as a whole, only for themselves.

The College will make every attempt to deal with disruptive demonstrations first with reason and persuasion. Civil authorities will be called only after reason and persuasion fail, and the appropriate College officials deem such action is necessary to protect the safety of individuals, campus property, and the legitimate operations of the College. Members of the College community must take responsibility for their expressions, both public and private. No person(s) has the right to disrupt another's speech or presentation.

#### **DISABILITIES POLICY**

The terms used within the Disability Policy such as "qualified individual with a disability", "undue burden", "direct threat", "reasonable accommodation", and "essential functions" are as defined in the Americans with Disabilities Act and its regulations.

It is the College's policy not to discriminate against any student or applicant because of such individual's disability in the admission or access to the College's programs, services or activities. Consistent with this policy of nondiscrimination, Beloit College is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. Beloit College will provide accommodations to students who have made the College aware of their disability to enable them to participate in and benefit from the College's programs, services, and activities, provided that such accommodations would not fundamentally alter the nature or operation of the College's programs, services, or activities; cause undue burden to the College; or pose a direct threat to the health or safety of others.

Students who believe they need accommodations to participate in the College's programs or services should contact the Director of the Learning Support Services Center (LSSC). The individual will be required to provide current documentation (as determined appropriate for the disability) by a qualified, licensed professional of the nature of the disability and requested accommodation(s). Accommodations will be determined on an individual basis each semester after the appropriate documentation has been

reviewed and conversations between the student and the Director of the LSSC have occurred. In order to obtain accommodations throughout their College experience, students must meet with the Director of the LSSC each semester to reevaluate accommodation(s). Students have the choice of whether or not they utilize their individualized accommodations.

The Learning Support Services Center will protect students' privacy rights by maintaining a confidential file for each student. Disability-related information will be shared only when written permission is given by the student to release such information in order to provide appropriate support services or in case of emergency.

If a student with a disability believes he or she has been discriminated against, or if he or she is dissatisfied with the determined accommodation or the implementation of such accommodation, she or he is encouraged to discuss the situation with the Director of the LSSC. If a satisfactory agreement cannot be reached through the Director of the LSSC, the individual with a disability may contact a member of the Accommodations Appeals Committee. For a list of Committee members, please contact the Office of the Dean of the College at (609) 363-2667.

#### **PROGRAM PRESENTATION POLICY**

Free inquiry and free expression are essential attributes of the community of scholars. Therefore, recognized student groups are allowed to invite and to present any speaker, performer, or dramatic or musical group of their own choosing, provided they follow regular procedures for scheduling facilities and placing the event on the calendar. Scheduling of events shall follow the guidelines presented in the "Presenting Successful Events at Beloit College" booklet published by the Office of Public Affairs. The appearance of such guests implies neither approval nor objection to the views expressed by either the students or other members of the College. Unless sponsored by a recognized campus group adhering to the above-mentioned booklet, outside speakers, demonstrators, and performers are prohibited from using College property to convey their message.

In addition to the "Presenting Successful Events at Beloit College" sponsors must adhere to the following policies:

- a. Even if no financial obligation is incurred for an event, a sponsor is required to schedule the event on the Master Calendar in Office of Public Affairs before booking the speaker or performer.
- b. Sponsors of events should be prepared to verify availability of necessary funds before an event is booked. A College account number is usually required to cover any expenses.
- c. All publicity distributed beyond campus, including news releases, posters, mailers, and flyers must be channeled through the Office of Public Affairs.
- d. No solicitations for funding from off-campus individuals, businesses, or groups should be undertaken without first receiving the approval of the Development Office.

All purchasing of off-campus printing services, including typesetting and printing, should be done with the assistance of Public Affairs.

*Taken from the Beloit College Student Handbook 2006–2007*

<http://www.beloit.edu/~stuaff/Handbook/>

# Pomona College

Claremont, CA

Total Enrollment 1,520

## **HATE CRIMES AND BIAS-RELATED INCIDENTS PROTOCOL**

### **What is a Hate Crime?**

A hate crime is a criminal act that is committed against the person or property of another because of the other person's actual or perceived race, color, religion, ancestry, national origin, disability, gender or sexual orientation.

Hate crimes also include any such crimes committed against the property of a public agency or private institution - including educational facilities and advocacy groups—because the property of the agency or institution is identified or associated with a person or group of an identifiable race, color, religion, ancestry, national origin, disability, gender or sexual orientation.

Some hate crimes may violate California and/or federal law, and the conduct underlying them may violate Pomona College's policies, including provisions of the Student Code and the Harassment and Discrimination Policy.

### **What is a Bias-Related Incident?**

Bias-related incidents are expressions of hostility against another individual (or group) because of the other person's (or group's) race, color, religion, ancestry, national origin, disability, gender or sexual orientation, or because the perpetrator perceives that the other person (or group) has one or more of these characteristics. Depending on the circumstances, a bias-related incident may not be a crime, and may be protected speech. The conduct underlying some bias-related incidents may violate the College's policies, including provisions of the Student Code and the Harassment and Discrimination Policy.

### **How Do Free Speech Requirements Impact Bias-Related Incidents/Hate Crimes?**

Free Speech requirements protect many forms of "hateful" and intolerant speech and expressive conduct, including that which occurs during such common College activities as debates, speeches, arguments, conversations, classroom discussions, lectures, distribution of flyers and displaying of posters. In certain contexts, courts have found speech and expressive conduct to be protected that many in our community would find repugnant, including such things as display of the confederate flag, nazi symbols, cross burning, and flag burning. Such speech and expressive conduct, however, may be inconsistent with the College's community values and it may present an opportunity for open dialogue, debate and better understanding of the scope of protected speech and the role of tolerance in a community.

## **GUIDELINES FOR RESPONDING TO HATE CRIMES AND BIAS-RELATED INCIDENTS**

These guidelines do not alter any College policies—such as the Student Code and Harassment and Discrimination Policy and are designed to address incidents that violate such policies as well as those which do not. It envisions instances of protected (but hateful or intolerant) speech that may generate harm requiring intervention without discipline. Bias-related incidents need to be addressed because they harm individuals, undermine civility and understanding in the Pomona community, or impede the educational process. Public discussion and education can promote awareness of prejudice and examination of the values that underlie the Pomona community.

### **What Should a Student Do If She or He Has Been the Target of a Hate Crime or a Bias-Related Incident?**

All hate crimes and bias-related incidents should be reported to the Office of Student Affairs immediately. If the incident occurs after normal business hours or on the weekend, the student should contact her or his RA and the RA will contact the Dean of Students and the On-Call Dean on the student's behalf. In appropriate circumstances, the incident should also be reported to campus security and law enforcement agencies. Students who have been the target of such an incident can also get support and assistance from the Office of Campus Life, Monsour Counseling Center, Office of Black Student Affairs, Asian American Resource Center, Chicano/Latino Student Affairs, Queer Resource Center, Women's Union, the Chaplaincy, and from his or her RA.

Although hateful messages on such things as flyers, posters, e-mail, answering machines, dry erase boards and graffiti are often obnoxious or worse, it is helpful to preserve them as evidence, and not to disturb or remove anything that could help identify the source and/or targets or other affected persons.

### **How Will Pomona College Respond in Such Cases?**

The College believes it is important to respond to a hate crime or bias-related incident with concern for the student who has been targeted and the community as a whole.

If a particular student has been targeted, the Dean will assist the student in documenting the event and will explain the options for addressing what has occurred. If the incident is a crime, the student will be assisted in contacting the police. If the incident involves the violation of a College policy, the procedures for investigation and resolution under that policy will be undertaken.

A wide range of assistance is available to students who are targeted. The Dean will assist with referrals to the counseling center, the chaplain or the head of the relevant ethnic/cultural center. The Office of Student Affairs will try to ensure that the affected student feels safe in his or her residential environment and will, if appropriate, adjust campus housing, and change course schedules. The Dean will also offer help documenting the event (i.e. taking photos of dry erase boards or items placed on the student's door); help in talking with/filing a complaint with Campus Safety and/or the police; advice about initiating disciplinary action against the offender; assistance in arranging counseling or other forms of support, including the campus escort service or help in initiating mediation between the affected student and the offender.

When hate crimes and bias-related incidents occur on campus, they can strain the fabric of the community. The Office of Student Affairs will consider what sort of communication about the incident is appropriate, taking into account various interests such as personal safety and confidentiality.

In some cases, public discussion about the incident can serve to educate the community and promote awareness of prejudice. Programs that address bias-related incidents can change a hateful incident into an opportunity for increased understanding and personal growth. The targeted student may elect to participate in such a College-sponsored discussion of the incident. In some cases, the Office of Student Affairs may, in collaboration with other offices on campus and with students to offer programs that include one or more of the following: residence hall discussions, open forums, panels, films, speakers and other educational programming. Among other things, these events may serve to help the community understand and address what has occurred. The RA staff within each residence hall also will be prepared to provide leadership in responding to such events.

### **What Guidelines Will Govern the College's Response? (Incident Response Team)**

The College has established an Incident Response Team (IRT) to address issues relating to hate crimes and bias-related incidents. The IRT is composed of the Dean of Students, and one or two staff members in Student Affairs, one or two members of the faculty and student representatives chosen from the campus community. All members of the IRT must be Pomona faculty, students or staff.

Student members of the IRT will be selected from among the following groups: Pan African Student Association (PASA), Asian American Mentor Program (AAMP), CLSA Liaisons, the Women's Union, the QRC and/or at large students. Representatives from other organizations may be invited to participate in the IRC if hate crimes or bias related incidents occur on campus that affect their members. The Dean of Students, a Student Affairs Staff member and two students selected from IRT may function each year as a steering committee. The steering committee will respond to hate incidents, work on publicity, plan events, and schedule meetings of the full IRT as required. Campus Safety may work with the IRT in order to improve communication about incidents. The Claremont Police Department may also be invited for discussion of campus hate and bias-related incidents and maybe asked to meet with the IRT from time to time.

When a hate crime or a bias-related incident is reported to the Office of Student Affairs, the Dean of Students will inform the President, the Director of Campus Safety, the Academic Vice President and the IRT. However, a student may request a confidential conversation with the Dean, in which case the IRT and other offices will not receive a report of the case. A student may also ask an RA, Mentor, or Sponsor to report an incident to the Dean or the IRT on her or his behalf.

### **GOALS OF THE INCIDENT RESPONSE TEAM**

The IRT will meet periodically to:

- a) Develop recommendations to help the Dean of Students determine when and how the community should be informed of a hate crime or bias-related incident that has occurred at Pomona, recognizing that in every case the Dean will need to make that determination according the circumstances of the case. For example, in some cases a senior officer of the College may write to all faculty, students and staff. In other cases, a communication from the IRT itself may be appropriate. In still other cases, the Dean may determine that no communication is necessary or appropriate.
- b) Discuss the types of effective programming that might be undertaken in response to hate crimes and bias-related incidents after they occur.
- c) Undertake education of the community about hate crimes and bias-related incidents, so that students have access to information about the issues and how incidents can be reported. For example, the IRT may be asked to advise on a poster or a sticker that can be visible on campus and on a more detailed pamphlet discussing hate crimes and bias-related incidents.
- d) When an incident occurs, the full team or the Steering Committee will gather to review what has occurred and to make recommendations to the Dean of Students about the necessity and the nature of a public response, on the information that will be released in a public statement, and on effective educational programming.

- e) The recommendation of the IRT will govern the College's response to the incident. However, the Dean of Students may decline to follow the IRT's recommendations when, in the Dean's judgment, the action proposed is inappropriate or harmful.
- f) If a majority of the IRT disagrees with the Dean's decision, that decision may be appealed to the Vice President and Dean of the College, whose decision in the matter will be final.

Members of the IRT are required to keep strictly confidential all information about incidents on campus that they obtain as a result of their participation in the IRT, and to publicly discuss only such information that has already been made publicly available by the Office of Student Affairs.

*Taken from the Pomona College Student Handbook 2008–09: Hate Crimes & Bias-Related Incidents Protocol*

<http://www.pomona.edu/studentaffairs/policies/HateCrimes.pdf>

# Medium Schools

## Dartmouth College

Hanover, NH

Total Enrollment 5,700

### **PRINCIPLES OF THE DARTMOUTH COMMUNITY**

In June of 1980, the Board of Trustees endorsed the following “Principle of Community” for Dartmouth College:

**The life and work of a Dartmouth student should be based on integrity, responsibility and consideration. In all activities each student is expected to be sensitive to and respectful of the rights and interests of others and to be personally honest. He or she should be appreciative of the diversity of the community as providing an opportunity for learning and moral growth.**

This statement provides a basis for interaction between and among all members of the College, and each of us is expected to be mindful of it in pursuing our own interests as members of this community.

Because the Principle of Community is a statement of aspirations and values and not a promulgation of rules, it cannot be the basis of a disciplinary hearing. It should be understood in the context of the Principle of Freedom of Expression and Dissent (below) as well as Dartmouth’s Standard of Conduct, which prohibit behaviors such as threats, harassment, disorderly conduct, coercion, hazing, and causing physical harm. As stated in the preamble to the Standard of Conduct, other behaviors that are not violations, but are nonetheless rude, disrespectful, intolerant, obnoxious or offensive, are still taken seriously by the College. The many effective responses to redress the negative impact on individuals and the community may include expressions of disapproval in the exchange of different ideas through free and open discussion and debate.

### **Freedom of Expression and Dissent**

Freedom of expression and dissent is protected by College regulations. Dartmouth College prizes and defends the right of free speech and the freedom of the individual to make his or her own disclosures, while at the same time recognizing that such freedom exists in the context of the law and in responsibility for one’s actions. The exercise of these rights must not deny the same rights to any other individual. The College therefore both fosters and protects the rights of individuals to express dissent.

Protest or demonstration shall not be discouraged so long as neither force nor the threat of force is used, and so long as the orderly processes of the College are not deliberately obstructed. Membership in the Dartmouth community carries with it, as a necessary condition, the agreement to honor and abide by this policy.

### **The Academic Honor Principle**

Fundamental to the principle of independent learning are the requirements of honesty and integrity in the performance of academic assignments, both in the classroom and outside. Dartmouth operates on the principle of academic honor, without proctoring of examinations. Any student who submits work which is not his or her own, or who commits other acts of academic dishonesty, violates the purposes of the College and is subject to disciplinary actions, up to and including suspension or separation.

### **Equal Opportunity**

Dartmouth College is committed to the principle of equal opportunity for all its students, faculty, employees, and applicants for admission and employment. For that reason Dartmouth does not discriminate on the basis of race, color, religion, sex, age, sexual orientation, gender identity or expression, national origin, disability, military or veteran status in its programs, organizations, and conditions of employment and admission. (Dartmouth College refers to the entire institution, including the professional schools, graduate programs, and auxiliary activities.)

## **DARTMOUTH COMMUNITY STANDARDS OF CONDUCT**

### **Preamble**

Students and student organizations at Dartmouth College accept membership in an academic community dedicated to the pursuit of intellectual and personal growth. Dartmouth seeks to provide educational opportunities of excellence, both in and outside the classroom, to assist students to develop critical thinking, integrity, judgment, appreciation of cultural and ethnic diversity, as well as social and ethical values necessary for community life. Dartmouth College expects its students and student organizations to conduct themselves in a manner which is consistent with the institutional community's pursuit of its educational objectives. The integrity of the Dartmouth community depends upon students' and student organizations' acceptance of individual responsibility and respect for the rights of others. All Dartmouth students and student organizations must abide by College policies.

The College has developed a set of Standards of Conduct which govern the behavior and activities of individual students and student organizations on or off campus. Violation of the Standards set forth below may subject individuals or recognized organizations to disciplinary action. Changes in the enumeration or definition of these Standards may take place from time to time and such changes take effect upon appropriate notice to the Dartmouth community by the Dean of the College. Students and recognized organizations have an obligation to obey the rules and regulations governing disciplinary proceedings of the COS, the Dean of the College, and other College authorities having disciplinary responsibility. Further, individuals and recognized organizations are obligated to obey the decisions of the COS, the Dean of the College, and the Class Deans and to meet, on request, with the deans, the Director or Assistant Director of Undergraduate Judicial Affairs, and other College officials in the course of an investigation.

Dartmouth's undergraduate disciplinary system is not intended to address every social ill or every grievance one member of the community may have against another. There are many behaviors that most members of the community would find rude, disrespectful or obnoxious that violate no College regulation and are, therefore, not adjudicable under the disciplinary system. The fact that many behaviors are not adjudicable does not mean that the College does not take them seriously or fails to appreciate their negative impact on individuals or on the community. For example, the College has developed the "Principle of Community" which in itself is not adjudicable. In this context, there are responses which are more effective and more in keeping with the aspirations of an academic community: expressions of disapproval in the exchange of different ideas through free and open discussion and debate.

Nevertheless, the College has established community standards of conduct which are adjudicable. The purpose of these standards and the system for implementing them is not simply to prohibit misbehavior and to punish violations of regulations. All communities, including academic communities like Dartmouth, have the need to articulate standards of conduct; to educate people about behavior and traits of character that the community wishes to promote or discourage; to protect members of the community from unwarranted interference or harm; to hold individuals and groups responsible for

their actions and the consequences of their behavior; and to cultivate in an environment conducive to the achievement of the community's purposes, in this case, the purpose of learning. In other words, codes or standards of conduct and disciplinary systems exist to preserve and enforce the values of the community.

Students should recognize that student membership in the Dartmouth community is a privilege, and that certain types of misbehavior will result in temporary or, where appropriate, permanent revocation of membership. Students who have disciplinary cases pending are not eligible for a degree until the case has been resolved and the student has been restored to good standing. In any case in which penalties are imposed, the case is not resolved until the suspension, period of probation, or other penalty has been completed. Additionally, some disciplinary infractions may result in the revocation of certain student privileges, such as driving College vehicles for college-sponsored activities.

#### **Standard I**

Students and student organizations must not engage in behavior which causes or threatens physical harm to another person or which would reasonably be expected to cause physical harm to another person "consensual" or not. Examples of such behavior include but are not limited to: Conduct which places another in reasonable fear for his or her safety or in danger of bodily harm; use or threat of physical violence or injurious conduct (whether directed at another, at oneself, or at an object); hazing (See: Hazing).

#### **Standard II**

Students and student organizations must not engage in behavior that threatens the safety, security or functioning of the College, the safety and security of its members, or the safety and security of others. Examples of such behavior include, but are not limited to:

- Disorderly conduct. The College requires orderly conduct of all students while in Hanover and its environs, as well as at any College-related function or activity, whether in Hanover or elsewhere (including, for example, students on off-campus programs or players and spectators at "away" athletic contests).
- Coercion, harassment or hazing. Harassment is defined as abusive behavior or conduct that is targeted at an individual or group and is ordinarily repeated (See also: Hazing).
- Any disruption of the orderly processes of the College (See also: Standard VIII).
- Operating a motor vehicle while under the influence of alcohol or other drugs (See: Alcohol Laws of the State of New Hampshire).
- Knowingly providing false information or making misrepresentations to any College officer, College committee, duly-recognized College organization, or member of the College community acting on behalf of the College; or in any way misrepresenting to any individual or agency their status at or relationship with the College (e.g., enrolled, graduated, authorized to represent, etc.). Students are obligated to provide College personnel with accurate identification upon request. Also, students may not forge, alter, or use or possess without authorization College documents, records, billing numbers, or instruments of identification. Students may not possess any falsified instrument of identification (The prohibition on false statements or information includes statements or information provided during the admissions process. See: Misrepresentations in Admissions Procedures).

- Students must comply with the College policy on weapons (including prohibition against possession or use of conventional firearms, air guns, gas-powered guns, or any slingshot device) (see: Weapons, Firearms, Fireworks, and Projectiles) and are prohibited from possessing, storing, or using fireworks or other explosives. Tampering or interference with, as well as destruction or misuse of, fire safety, fire prevention, or other emergency equipment is also prohibited.
- Tampering with locks to College buildings, unauthorized possession or use of College keys or access cards, and the alteration or duplication of College keys or access cards are prohibited under this standard as is the unauthorized entry or presence in private rooms, offices, or other restricted areas including campus construction sites. This standard applies to sporting events as well, where unauthorized presence in reserved, restricted, recognized and/or posted areas, or on athletic playing surfaces, tracks, or sidelines is prohibited.
- Misappropriation of or negligent or intentional damage to personal or College property.
- In general, any conduct which interferes with the College's responsibility to protect the health and safety of its members or visitors, to protect College property or the property of others, to carry out its functions, or to provide its members and others with services would also be in violation of this standard.

### **Standard III**

Students and student organizations are prohibited from engaging in sexual abuse of any kind. (See: Sexual Abuse) Sexual abuse includes, but is not limited to: conduct of a sexual nature which reasonably would be expected to have the effect of threatening or intimidating the person at whom such conduct is directed; intentional physical contact with an intimate part of the body of another person without that person's consent; sexual intercourse when such contact is achieved without consent; through physical force, coercion, or threat, or in situations in which the victim is unable to give consent because of physical or mental incapacitation by reason of drug or alcohol consumption, sleep, or unconsciousness.

### **Standard IV**

Students and student organizations shall abide by the College's Student Alcohol and Drug Policies. (See: Student Alcohol Policy, and Student Drug Policy.)

### **Standard V**

Students and student organizations shall abide by the Academic Honor Principle. (See: Academic Honor Principle.) The wide spectrum of behaviors encompassed by this standard, and cases of repeated violations, will incur the most serious sanctions the College can impose, up to and including separation.

### **Standard VI**

Students and student organizations are subject to disciplinary action for violation of the laws of any jurisdiction, whether local, state, federal, or foreign.

Evidence of a conviction in a court or administrative proceeding, or written admission of a violation of this standard shall be conclusive as to a violation of law. Pendency of an appeal of a conviction shall not affect the application of this standard.

### **Standard VII**

Students and student organizations must abide by College policies, rules, and regulations. These include, but are not limited to, those policies, rules, or regulations published in the undergraduate Student Handbook or any other official College publications, as well as the operating regulations (both written and oral) of academic and non-academic offices, centers, classrooms, laboratories, and departments of the College. Failure to comply with the terms of a disciplinary sanction is also a violation of this standard (See: Rules and Regulations for a partial listing).

**Standard VIII**

Students and student organizations must not intentionally disrupt, interfere with, or obstruct teaching, research, or College administration. Actions among those considered to constitute intentional disruption of the orderly processes of the College include, but are not limited to, the following:

- the unauthorized entry into, or occupation of a private office, work area, or a closed and/or posted College building;
- the failure to maintain clear passage into, out of, or to any part of a College building or passageway;
- conduct that interferes with normal activities or movements in a building, including the failure to vacate a building or office at its normal closing time (the presence of College employees or other authorized individuals in a building or office after hours does not alter the normal closing time);
- conduct that restricts or prevents College employees from performing their duties; or
- conduct (including by way of example, obstruction, noise, or the display of banners or objects) that prevents or disrupts the effective carrying out of a College function or approved activity, such as classes, lectures, meetings, interviews, ceremonies, and public events.
- Interference with fair and equal access to the computing and library resources of the College is also prohibited by this standard.

*Taken from the Dartmouth College Student Handbook 2008–09*

<http://www.dartmouth.edu/~deancoll/documents/DartmouthCollegeStudentHandbook2008-2009.pdf>

# University of California, Santa Cruz

Santa Cruz, CA

Total Enrollment 15,000

## **POLICY ON NONDISCRIMINATION**

The university is committed to a policy against legally impermissible, arbitrary, or unreasonable discriminatory practices. All groups operating under the authority of the Regents, including administration, faculty, student governments, university-owned residence halls, and programs sponsored by the university or any campus, are governed by this policy of nondiscrimination. The intent of the university's policy on nondiscrimination is to reflect fully the spirit of the law. In carrying out this Policy, the university also shall be sensitive to the existence of past and continuing societal discrimination. (See also Sections 140.00, 150.00 and 160.00, Appendix C, Appendix F, Appendix H and Appendix M.)

## **POLICY ON SPEECH AND ADVOCACY**

The university is committed to assuring that all persons may exercise the constitutionally protected rights of free expression, speech, assembly, and worship.

It is the responsibility of the chancellor to assure an ongoing opportunity for the expression of a variety of viewpoints. The time, place, and manner of exercising the constitutionally protected rights of free expression, speech, assembly, and worship are subject to campus regulations that shall provide for non-interference with university functions and reasonable protection to persons against practices that would make them involuntary audiences or place them in reasonable fear, as determined by the university, for their personal safety

## **CODE OF STUDENT CONDUCT**

### **Student Conduct**

Students are members of both society and the university community, with attendant rights and responsibilities. Students are expected to comply with all laws and with university policies and campus regulations. The standards of conduct below apply to students as the term 'student' is defined in Section 14.40 of these Policies. They also apply to:

- a) applicants who become students, for offenses committed as part of the application process;
- b) applicants who become students, for offenses committed on campus and/or while participating in University-related events or activities that take place following a student's submittal of the application through his or her official enrollment; and
- c) former students for offenses committed while a student.

### **Grounds for discipline**

The use of "fighting words" by students to harass any person(s) on university property, on other property to which these policies apply as defined in campus implementing regulations, or in connection with official university functions or university-sponsored programs;

"Fighting words" are those personally abusive epithets which, when directly addressed to any ordinary person are, in the context used and as a matter of common knowledge, inherently likely to provoke

a violent reaction whether or not they actually do so. Such words include, but are not limited to, those terms widely recognized to be derogatory references to race, ethnicity, religion, gender, sexual orientation, disability, and other personal characteristics. “Fighting words” constitute “harassment” when the circumstances of their utterance create a hostile and intimidating environment which the student uttering them should reasonably know will interfere with the victim’s ability to pursue effectively his or her education or otherwise to participate fully in university programs and activities; Hazing or any method of initiation or pre-initiation into a campus organization or any activity engaged in by the organization or members of the organization which causes or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any student or other person (See Appendix E);

### **GUIDELINES APPLYING TO NONDISCRIMINATION ON THE BASIS OF DISABILITY**

In compliance with the federal Rehabilitation Act of 1973, as amended (Public Law 93-112) and the Americans with Disabilities Act of 1990 (Public Law 101-336 and the California Fair Employment and Housing Act (FEHA)), University of California policy prohibits unlawful discrimination on the basis of disability in its programs, services, and activities. The Guidelines are designed to be consistent with the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the FEHA. However, it is possible that these statutes may be amended in the future and, in such instances, the most current applicable laws shall represent university policy as it applies to nondiscrimination on the basis of disability.

### **APPENDIX E**

#### **UNIVERSITY OF CALIFORNIA POLICY ON HAZING**

The state of California and the University of California have expressly and repeatedly asserted their opposition to hazing and pre-initiation activities, which do not contribute to the positive development and welfare of members, associate members or prospective members of any organization. Any party who participates in hazing or being hazed will be held accountable under these policies. Exceptions will be made for those individuals who are victims of hazing and report the incident to Student Judicial Affairs. The following is from the Education Code of the state of California and applies to UC Santa Cruz.

#### **EDUCATION CODE 32050**

As used in this article, “hazing” includes any method of initiation or pre-initiation into a student organization or any pastime or amusement engaged in with respect to such an organization which causes, or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in physical harm or mental harm, to any student or other person attending any school, community college, college, university or other educational institutions in this state; but the term “hazing” does not include customary athletic events or other similar contests or competitions.

#### **EDUCATION CODE 32051**

No student, or other person in attendance at any public, private, parochial, or military school, community college, college, or other educational institution, shall conspire to engage in hazing, participate in hazing, or commit any act that causes or is likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any fellow student or person attending the institution. The violation of this section is a misdemeanor, punishable by a fine of not less than fifty dollars (\$50), or more than five thousand dollars (\$5000), or imprisonment in the county jail for not more than one year, or both.

#### **EDUCATION CODE 32052**

Any person who participates in the hazing of another, or any corporation or association which knowingly permits hazing to be conducted by its members or by others subject to its direction or control, shall

forfeit any entitlement to public funds, scholarships, or awards which are enjoyed by him, by her, or by it and shall be deprived of any sanction or approval granted by any public educational institution or agency.

## **APPENDIX H**

### **UCSC POLICY ON SEXUAL ORIENTATION HARASSMENT/ DISCRIMINATION**

Students, faculty, administrators, and staff who are or who are perceived to be gay, lesbian, transsexual, or bisexual are to be free from harassment or legally impermissible, arbitrary, or unreasonable discrimination related to their sexual orientation or gender identity. The strength of the campus community lies in its open dialogue between persons and groups of differing views. No one is asked personally to embrace a particular identity; what is asked is a thoughtful and reasoned approach to differences.

Therefore, the practice or display of legally impermissible, arbitrary, or unreasonable discriminatory practices against any person or group based on sexual orientation as prohibited by the Regents of the University of California will not be tolerated on the UCSC campus. In addition, harassment, as defined in Section 102.11, is a violation of university policy and campus regulations.

## **APPENDIX I**

### **UCSC GUIDELINES FOR SPEAKERS AND PUBLIC EVENTS: FOR STUDENTS AND CAMPUS ORGANIZATIONS**

The university has a special interest in promoting the free exchange of ideas, including those that promote vigorous debate. Therefore, when inviting speakers, especially those who are likely to produce controversy, plans must be developed to ensure that the speaker is accorded the right to express her or his views, even if members of the audience disagree with the speaker or find the views offensive. Such plans should also provide opportunities for individuals and groups who disagree with the speaker to register their opposition. In no case may there be physical violence or threats of force, violence, or intimidation. The rights of the dissenter(s) should be respected, as much as the rights of the speaker. However, the speaker is entitled to communicate her or his message to the audience during her or his allotted time, and the audience is entitled to hear the message and see the speaker during that time. The dissenter(s) must not substantially interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker.

#### **Before the Event**

- a) If possible, to ensure an exchange of ideas, groups most likely to be offended by the views of the speaker should be informed of the event by the student or student organization sponsoring the event prior to issuing the invitation to the speaker. Opposing groups may want to stage an event of their own in order to provide countering information or views. This is a recommendation only and should not be interpreted as a restriction on speakers or topics.
- b) Guidelines for the event must be in place. This includes, but is not limited to, assigning individuals to be responsible for various aspects of the event and providing adequate staff or student monitors. (Student Activities, OPERS, Student Media, or the University Events Office can assist students in planning events.) University policies must be followed.
- c) If it is anticipated that there may be some sort of disruption, University Police and other campus officials are to be notified. This will enable them to plan the campus response and to assign responsibility for carrying out this response.

## **EXAMPLES OF EXPRESSIONS OF DISSENT/PROTEST**

### **Permitted:**

- a) Letters to the newspaper, groups, individuals, etc.
- b) Picketing and literature - picketing in an orderly way or distributing literature outside the meeting is acceptable unless it impedes access to the building or the meeting, or impedes pedestrian or vehicular traffic outside the building. Distributing literature inside an open meeting is acceptable before the meeting is called to order and after the meeting is adjourned as long as it does not interfere with ingress or egress, the speaker's right to communicate, or the audience's right to hear and see the speaker.
- c) Noise - clapping, heckling, or responding vocally to the speaker spontaneously and temporarily, inside or outside the meeting is generally acceptable. However, any behavior which has the effect of interrupting the speaker's ability to present the speaker's views will not be tolerated. When such interruptions do not cease when the chair/convenor or appropriate university official requests that such interruptions cease, the failure to cease is a student conduct violation, and will be processed pursuant to Section 102.16.

### **Not Permitted:**

- a) Disruption, including using force or violence - using force or violence, such as defacing a sign or assaulting a speaker or member of the audience, is never permitted. The content of the speech, even parts deemed defamatory or insulting, does not entitle any member of the audience to engage in disruption, force, or violence. When untruthful and defamatory speech may give rise to civil liability, it is neither a justification nor an excuse for disruption, force, or violence, and may not be considered as a mitigating factor in any subsequent proceeding against offenders. Nor are racial insults or other "fighting words" a valid ground for disruption or physical attack, particularly from a voluntary audience that was invited but in no way compelled to be present.
- b) If speech advocates immediate and serious illegal action and there is a real possibility of danger and/or the development of an uncontrollable situation, or if previously established time, place, and manner guidelines are not being followed, appropriate action, such as asking for order, removing the offenders, or closing down the event, will be taken by an authorized university official or law enforcement officer.

### **Sanctions:**

Sanctions for violation of these guidelines may range from expulsion from the meeting to campus disciplinary action, to arrest, or other legal action.

*Taken from the University of California, Santa Cruz Policies & Regulations Applying to Campus Activities, Organizations, and Students 2006–2007*

[http://www2.ucsc.edu/judicial/handbook06-07/handbook\\_06.pdf](http://www2.ucsc.edu/judicial/handbook06-07/handbook_06.pdf)

# Stanford University

Palo Alto, CA

Total Enrollment 15,320

## **CAMPUS DISRUPTIONS**

The Policy on Campus Disruptions was promulgated in 1967, and states that:

**Because the rights of free speech and peaceable assembly are fundamental to the democratic process, Stanford firmly supports the rights of all members of the University community to express their views or to protest against actions and opinions with which they disagree. All members of the University also share a concurrent obligation to maintain on the campus an atmosphere conducive to scholarly pursuits; to preserve the dignity and seriousness of University ceremonies and public exercises; and to respect the rights of all individuals.**

The following regulations are intended to reconcile these objectives:

It is a violation of University policy for a member of the faculty, staff, or student body to:

- Prevent or disrupt the effective carrying out of a University function or approved activity, such as lectures, meetings, interviews, ceremonies, the conduct of University business in a University office and public events.
- Obstruct the legitimate movement of any person about the campus or in any University building or facility.

Members of the faculty, staff, and student body have an obligation to leave a University building or facility when asked to do so in the furtherance of the above regulations by a member of the University community acting in an official role and identifying himself as such; members of the faculty, staff, and student body also have an obligation to identify themselves when requested to do so by such a member of the University community who has reasonable grounds to believe that the person(s) has violated section (1) or (2) of this policy and who has so informed the person(s).

The policy has been applied to the following actions: refusal to leave a building which has been declared closed; obstructing the passage into or out of buildings by sitting in front of doorways; preventing University employees from entering their workplace; preventing members of a class from hearing a lecture or taking an examination, or preventing the instructor from giving a lecture, by means of shouts, interruptions, or chants; refusing to leave a closed meeting when unauthorized to attend; and intruding upon or refusing to leave a private interview.

It should be understood that while the above are examples of extraordinarily disruptive behavior, the application of the Policy also takes situational factors into consideration. Thus, for example, conduct appropriate at a political rally might constitute a violation of the Policy on Campus Disruption if it occurred within a classroom.

There is no “ordinary” penalty which attaches to violations of the Policy on Campus Disruption. In the past, infractions have led to penalties ranging from censure to expulsion. In each case, the gravity of the offense and the prior conduct of the student are considered; however, the more serious the offense, the less it matters that a student has otherwise not done wrong.

*Taken from the Stanford University Office of Judicial Affairs*

<http://www.stanford.edu/dept/vpsa/judicialaffairs/guiding/other.disruptions.htm>

**STATEMENT OF NONDISCRIMINATORY POLICY**

Stanford University admits students of either sex and any race, color, religion, sexual orientation, or national and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the University. Consistent with its obligations under the law, it prohibits discrimination, including harassment, against students on the basis of sex, race, age, color, disability, religion, sexual orientation, gender identity, national and ethnic origin, and any other characteristic protected by applicable law in the administration of its educational policies, admissions policies, scholarships and loan programs, and athletic and other University-administered programs.

*Taken from the Stanford University Office of Graduate Admissions*

<http://gradadmissions.stanford.edu/quicklinks/policies.html>

# Large Schools

## University of Pennsylvania

Philadelphia, PA

Total Enrollment 23,980

### **GUIDELINES ON OPEN EXPRESSION**

#### **I. Principles**

- A. The University of Pennsylvania, as a community of scholars, affirms, supports and cherishes the concepts of freedom of thought, inquiry, speech, and lawful assembly. The freedom to experiment, to present and examine alternative data and theories; the freedom to hear, express, and debate various views; and the freedom to voice criticism of existing practices and values are fundamental rights that must be upheld and practiced by the University in a free society.
- B. Recognizing that the educational processes can include meetings, demonstrations, and other forms of collective expression, the University affirms the right of members of the University community to assemble and demonstrate peaceably in University locations within the limits of these Guidelines and undertakes to ensure that such rights shall not be infringed. In keeping with the rights outlined in I.A. above, the University affirms that the substance or the nature of the views expressed is not an appropriate basis for any restriction upon or encouragement of an assembly or a demonstration. The University also affirms the right of others to pursue their normal activities within the University and to be protected from physical injury or property damage. The University shall attempt to ensure that, at any meeting, event or demonstration likely to be attended by non-University law enforcement authorities, the rights provided by these Guidelines are not infringed.
- C. The University shall be vigilant to ensure the continuing openness and effectiveness of channels of communication among members of the University community on questions of common interest. To further this purpose, a Committee on Open Expression has been established as a standing Committee of the University Council. The Committee on Open Expression has as its major tasks: participating in the resolution of conflicts that may arise from incidents or disturbances implicating these Guidelines; mediating among the parties to prevent conflicts and violations of these Guidelines; interpreting these Guidelines; advising administrative officers when appropriate; and recommending policies and procedures for the improvement of all levels of communication.
- D. In case of conflict between the principles of the Guidelines on Open Expression and other University policies, the principles of the Guidelines shall take precedence.

#### **II. Definitions**

- A. A. For the purposes of these guidelines, the “University community” shall mean the following individuals:
  - 1. Persons who are registered as students or who are on an unexpired official leave of absence.
  - 2. All persons who are employed by the University.
  - 3. Trustees and associate trustees of the University and members of Boards of Overseers or other bodies advisory to the University.

- B. For the purposes of these Guidelines, “meeting” and “event” designate a gathering of persons in a University location previously reserved for that purpose. Unless designated as public, meetings are considered to be private. Events are considered to be public. “Demonstration” designates the presence of one or more persons in a University location with the intent to express a particular point of view in a manner that attracts attention, as in protest, rallies, sit-ins, vigils, or similar forms of expression. “University location” designates:
1. The campus of the University;
  2. Any location owned, leased or used by the University, when used by members of the University community; and
  3. Areas immediately adjacent thereto.

### **III. Standards**

- A. The University, through the President, the Provost, and the Vice Provost for University Life, shall act to encourage and facilitate free and open expression within these Guidelines.
1. The University shall publish these Guidelines at least once each academic year in a manner that brings them to the attention of members of the University community. The University shall publish the rules adopted pursuant to IV.B.1 by the Committee on Open Expression at least once each academic year in a manner that brings them to the attention of members of the University community.
  2. The University shall establish standards for the scheduling of meetings and events. This shall involve:
    - a. Publishing policies and procedures whereby members of the University community, upon suitable request, can reserve and use designated spaces within University buildings for public or private meetings or events;
    - b. Publishing policies and procedures whereby members of the University community, upon suitable request, can reserve and use designated outdoor spaces on the University campus for public meetings or events;
    - c. Publishing policies and procedures that specifically address requests involving groups composed entirely or predominantly of persons who are not members of the University community (see Section VI);
    - d. Consulting with the Committee on Open Expression with regard to the substance of the policies and procedures and the manner of their publication; and, if practicable, consulting with the Committee on Open Expression before denying a request for use of a room, facility, or space by an organization recognized by the University for a reason other than prior assignment of the room, facility, or space. In any event, any such denial must be reported promptly to the Committee.
- B. Each member of the University community is expected to know and follow the Guidelines on Open Expression. A person whose conduct violates the following Standards may be held accountable for that conduct, whether or not the Vice Provost or delegate has given an instruction regarding the conduct in question. Any member of the University community who

is in doubt as to the propriety of planned conduct may obtain an advisory opinion from the Committee on Open Expression in advance of the event.

1. Individuals or groups violate these Guidelines if:
  - a. They interfere unreasonably with the activities of other persons. The time of day, size, noise level,\* and general tenor of a meeting, event or demonstration are factors that may be considered in determining whether conduct is reasonable;
  - b. They cause injury to persons or property or threaten to cause such injury;
  - c. They hold meetings, events or demonstrations under circumstances where health or safety is endangered; or
  - d. They knowingly interfere with unimpeded movement in a University location.
2. Individuals or groups violate these Guidelines if they hold a demonstration in the following locations:
  - a. Private offices, research laboratories and associated facilities, and computer centers; or
  - b. Offices, museums, libraries, and other facilities that normally contain valuable or sensitive materials, collections, equipment, records protected by law or by existing University policy such as educational records, student-related or personnel-related records, or financial records; or
  - c. Classrooms, seminar rooms, auditoriums or meeting rooms in which classes or private meetings are being held or are immediately scheduled; or
  - d. Hospitals, emergency facilities, communication systems, utilities, or other facilities or services vital to the continued functioning of the University.
3.
  - a. Individuals or groups violate these Guidelines if they continue to engage in conduct after the Vice Provost for University Life or delegate has declared that the conduct is in violation of the Guidelines and has instructed the participants to modify or terminate their behavior. Prompt compliance with the instructions shall be a mitigating factor in any disciplinary proceedings based upon the immediate conduct to which the instructions refer, unless the violators are found to have caused or intended to cause injury to person or property or to have demonstrated willfully in an impermissible location.

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\* An "unreasonable noise level" is defined as sound above 85 decibels measured by a calibrated sound-level meter at an "A" weighting on "slow" response ten feet away from and directly in front of the source, amplifier or loudspeaker when the latter is within 50 feet of a building.

- b. If the individuals or groups refuse to comply with the Vice Provost's or delegate's order, they may challenge the appropriateness of the order to the judicial system. If the judiciary finds that the conduct was protected by the Guidelines, all charges shall be dismissed.
- c. Individuals or groups complying with the Vice Provost's or delegate's order may request that the Committee on Open Expression determine if the Guidelines were properly interpreted and applied to their conduct.

#### **IV. Committee on Open Expression**

##### **A. Composition**

1. The Committee on Open Expression consists of thirteen members: five students, five faculty members, two representatives of the administration, and one A3 representative.
2. Members of the Committee are appointed by the steering committee in the following manner:
  - a. Student members shall be nominated from undergraduate students, graduate students, and graduate professional students through existing mechanisms for each student body. Undergraduate and graduate and professional students shall rotate majority representation each year. Three undergraduate and two graduate and professional student members shall alternate with two undergraduate and three graduate and professional students every other year.
  - b. Faculty members shall be nominated by the Senate Executive Committee.
  - c. The administration members shall be nominated by the President.
  - d. The A3 representative shall be nominated by the A3 Assembly.
  - e. Each member shall be selected for a term of one year beginning the day after Labor Day each year. Any individual may not serve for more than two consecutive terms. Before Commencement, the Committee shall inform the Vice Provost and the University community which of its members will be available during the summer for mediation and advising.
  - f. Vacancies shall be filled for the unexpired term by the appropriate nominating body or persons.
3. The chair of the Committee shall be selected by the steering committee from among the members of the Committee on Open Expression.

##### **B. Jurisdiction**

The Committee has competence to act in issues and controversies involving open expression in accordance with these Guidelines. The Committee's responsibilities are the following:

1. Issuing rules to interpret or give more specific meaning to the Guidelines. Before adopting a rule, the Committee must hold an open hearing on the proposed rule and receive the views of individuals or groups. An affirmative vote of eight members is required for adoption, modification or rescission of a rule to be effective.

2. Recommending to the University Council proposals to amend or repeal the Guidelines. An affirmative vote of seven members is required to make such recommendations.
  3. Giving advisory opinions interpreting the Guidelines at the request of a member of the University community for the purpose of advising that person or the University community. Such advice is provided to guide future action. If the Committee does not give a requested opinion, it must indicate its reasons for not doing so. The Committee must respond to such requests as soon as feasible but in any event not later than within one month of the receipt by the Chair of the Committee.
  4. Giving advisory opinions interpreting the Guidelines at the request of administrative officials with responsibilities affecting freedom of expression and communication. Such advice is provided for the purpose of guiding future action.
  5. Mediating in situations that involve possible violations of the Guidelines. Those Committee members available at the time may act on behalf of the Committee. In carrying out the mediation function, the Committee or those members present may advise the responsible administrative officials and any other person with respect to the implementation of the Guidelines. Those Committee members who have acted on behalf of the Committee must report on their activities to the full Committee.
  6. Reviewing the following administrative decisions for the purpose of providing advice on future actions.
    - a. At the discretion of the Committee, administrative decisions involving these Guidelines made without consultation with the full Committee.
    - b. All instructions by the Vice Provost or delegate to modify or terminate behavior under Section III.B.3 of these Guidelines.
  7. Investigating incidents involving the application of these Guidelines to aid the Committee in its functions of rulemaking, recommending changes in the Guidelines or issuing advisory opinions. Such functions provide guidance to the University community for future action. The results of Committee investigations for these purposes shall not be a part of the initiation, consideration or disposition of disciplinary proceedings, if any, arising from the incidents.
  8. Adopting procedures for the functions of the Committee, varied to suit its several functions, consistent with these Guidelines. Procedures that are not wholly matters of internal Committee practice must be made public in advance of implementation. Except as otherwise provided, the Committee may determine its own voting procedures.
  9. Submitting an annual report to the Council and the University on the status of the Committee's work in the University journal of record.
- C. Procedures
1. Except as provided with respect to the mediation function in Section IV.B.5, seven members of the Committee constitute a quorum.
  2. The Committee can authorize subcommittees, selected from its own members, to act for the Committee in any matter except the issuance of rules interpreting or implementing the Guidelines or the making of recommendations to amend or repeal the Guidelines.
  3. The Committee shall respect the privacy of individuals as its general policy and shall maintain the right to declare the confidentiality of its proceedings.

- a. If a person appearing before the Committee requests that his or her testimony or information be kept confidential, the Committee shall consider such a request. The Committee then shall determine whether to honor that request and shall inform that person of its decision before testimony is given.
- b. Minutes of particular Committee meetings may be declared confidential by the Committee or be so declared at the discretion of the chair subject to review by the Committee.
- c. All Committee documents containing confidential material, as determined by the chair, shall be clearly marked “confidential” and shall carry a warning against unauthorized disclosure.

**V. Responsibilities for Enforcement**

- A. A. It is the responsibility of the Vice Provost for University Life (hereafter referred to simply as the “Vice Provost”) to protect and maintain the right of open expression under these Guidelines.
- B. Observation of meetings, events or demonstrations, when deemed necessary by the Vice Provost to protect and maintain open expression, shall be the responsibility of the Vice Provost, who may delegate such responsibility. This delegate shall have full authority to act in the name of the Vice Provost under these Guidelines.
  - 1. The observer (Vice Provost or delegate) shall identify himself or herself to those responsible for the meeting or event or to the leaders of the demonstration.
  - 2. The Vice Provost shall attempt to inform the chair of the Committee on Open Expression of meetings, events or demonstrations to which an observer will be sent. The chair may designate a member or members of the Committee to accompany and advise the observer. Such a Committee representative shall also be identified to those responsible for the meeting or event or to the leaders of the demonstration.
  - 3. Except in emergencies, the Vice Provost’s authority under these Guidelines shall not be delegated to employees of the University’s Department of Public Safety. The role of public safety personnel at a meeting, event or demonstration is defined below, in Section V.C.3.
  - 4. Any observer or Committee representative who attends a meeting, event or demonstration shall respect the privacy of those involved. If there has been no violation of these Guidelines, other University regulations, or applicable laws, an observer, committee representative, or public safety employee who attends a meeting, event or demonstration shall not report on the presence of any person at such meeting, event or demonstration.
- C. The Vice Provost or delegate is responsible for enforcing Section III.B. and may instruct anyone whose behavior is violating or threatens to violate these Guidelines to modify or terminate such behavior. The instruction shall include notice that failure or refusal to comply is a further violation according to Section III.B. of these Guidelines. However, an instruction or warning by the Vice Provost or delegate is not a prerequisite for a finding that a violation has occurred.
  - 1. When the Vice Provost or delegate declares that an individual or a group has violated the Guidelines, he or she may request to examine their University identification.
    - a. Failure to comply with this request is in violation of the Guidelines.
    - b. In the event that any person(s) are deemed by the Vice Provost or delegate, in consultation with available members of the Committee on Open Expression, to have violated the Guidelines and

such person(s) refuse to show University or other identification, the Vice Provost or delegate shall if practicable inquire of other individuals present as to the identity of the claimed violator(s). Identification by two other individuals shall suffice to establish identity. Should it not be possible to establish identity in this way, the Vice Provost or delegate may direct that photographs be taken of the participant(s) in the claimed violation. The Vice Provost or delegate must warn the individual(s) that their photographs will be taken unless identification is presented. Photographs and videotapes obtained without such warning may not be used as evidence in disciplinary proceedings. It is preferred that a member of the Committee on Open Expression take any such photographs; however, if no such person is able or willing to do so, another member of the University community may be requested to do so. As soon as safely practicable, all such photographs shall be turned over to the Vice Provost or delegate. Any photographs taken (including videotapes and negatives) shall be used solely by the Office of Student Conduct for the purpose of investigation of alleged violations and possible identification of alleged violators of these Guidelines. If it is determined that no violation has occurred, the Vice Provost or delegate shall destroy the photographs. If a violation is found to have occurred, after identification has been made and the case has been adjudicated, the Vice Provost or delegate shall destroy the photographs. None of the photographs shall be published. After each incident at which photographs are taken, the Committee on Open Expression shall report on the incident to the University Council, via the chair of the University Council Steering Committee, regarding what happened in the incident, which individuals saw the photographs, and the disposition of the photographs.

2. In carrying out this responsibility for safeguarding the right of open expression, the Vice Provost shall obtain the advice and recommendation of the representatives of the Committee on Open Expression whenever feasible.
3. The Vice Provost or delegate may request members of the University Police to attend meetings, events or demonstrations to help protect the open expression of those involved.
  - a. Any person acting as an agent of the Division of Public Safety who attends a meeting, event or demonstration in a University location shall be clearly identifiable as such and in normal duty uniform. (Arms may be carried if they are part of “normal duty uniform.”)
  - b. Public Safety personnel also may attend meetings, events or demonstrations when requested to do so by the person or group responsible for the event, when prominent public figures are involved, or when the Commissioner of Public Safety or delegate determines that there exists an imminent danger of violence at the event.
4. Terminating a meeting, event or demonstration by force is a most serious step, as this action may exacerbate existing tensions and may lead to personal injury and property damage.
  - a. Avoidance of injury to persons by the continuation of a meeting, event or demonstration is a key factor in determining whether it should be forcibly terminated. Property damage and significant interference with educational processes are also factors to be considered and may be of sufficient magnitude to warrant forcible termination.
  - b. Whenever possible, the Vice Provost or delegate should consult with the Committee on Open Expression before seeking a court injunction against those involved in a meeting, event or demonstration or calling for police action.
  - c. The Vice Provost or delegate shall inform those involved that he or she intends to seek an injunction or call for police intervention before he or she does so.

- d. When a meeting, event or demonstration is forcibly terminated, a full statement of the circumstances leading to the incident shall be publicized by the Vice Provost within the University.
- D.
  1. Cases involving undergraduate students are referred to the Office of Student Conduct who investigates the event and decides what disciplinary proceedings, if any, to pursue.
  2. Cases involving graduate or professional students are referred to the Office of Student Conduct or to the established disciplinary body of the school in which the student is enrolled.
  3. Cases involving faculty are referred to the appropriate Dean or to the Provost.
  4. Cases involving University staff or administrators are referred to that individual's supervisor or any other person with supervisory responsibility over that individual.
  5. Cases involving trustees and associate trustees of the University and members of the Boards of Overseers or other bodies advisory to the University are referred to the Executive Committee of the Trustees.
- E. The Division of Public Safety shall not collect or maintain information about members of the University community,\* except in connection with alleged crimes, violations of University regulations, or as specifically authorized in writing by the President.† This regulation shall not affect personnel information concerning current, past or prospective employees of the Division of Public Safety.

#### **VI. Non-University Persons**

These Guidelines address themselves explicitly to forms of individual and collective expression in a University location by members of the University community. The extent to which the privileges and obligations of these Guidelines may be made applicable in particular circumstances to individuals who are not members of the University community shall be determined by the Vice Provost or delegate. Participants in meetings, events and demonstrations in a University location are required to comply with the instructions of the Vice Provost or delegate. (See III.A.2.c.)

*Taken from the Office of the President, Revised, 1993 Footnotes to V.E added 4/99*

<http://www.vpul.upenn.edu/osl/openexp.html>

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\* Videotaped or closed circuit television information collected by posted, fixed location cameras is excluded, as long as it is in conformance with the rules of the CCTV policy as of January 13, 1999.

† to Public Safety and the Open Expression Committee.

# University of Maryland, College Park

College Park, MD

Total Enrollment 36,014

## **HUMAN RELATIONS CODE**

- A. The University of Maryland, College Park affirms its commitments to a policy of eliminating discrimination on the basis of race, color, creed, sex, sexual orientation, marital status, personal appearance, age, national origin, political affiliation, physical or mental disability, or on the basis of the exercise of rights secured by the First Amendment of the United States Constitution. The code is established to prevent or eradicate such discrimination in accordance with due process within the Campus community. In doing so, the Campus recognizes that it must strive actively and creatively to build a community in which opportunity is equalized.
- B. Accordingly, the College Park Senate of the University of Maryland establishes this Human Relations Code to:
  1. prohibit discrimination as defined in this document within the Campus community both by educational programs and, to the extent specified herein, by a formal grievance procedure;
  2. establish the responsibilities of the Senate Human Relations Committee;
  3. establish the responsibilities of the Office of Human Relations Programs in connection with this Code;
  4. establish mediation and grievance vehicles within the units and colleges of the Campus, in conformity with the Campus Affirmative Action Plan;
  5. establish the responsibilities of Equal Education and Employment Opportunity (EEEEO) Officers.
- C. Every effort will be made to make students and potential students, employees and potential employees, faculty members and potential faculty members aware of the opportunities that the Campus provides for every individual to develop and utilize his or her talents and skills. It is the intent of the Campus to enhance among its students and employees respect by each person for that person's own race, ethnic background, sex, or sexual orientation of other individuals.
- D. Development of a positive and productive atmosphere of human relations on the Campus shall be encouraged through effective dialogue and broadening of communication channels. The Senate Human Relations Committee and the Office of Human Relations Programs shall provide support and assistance, as authorized, to any individual or group deemed by them to have a positive probable impact in working toward increased understanding among all individuals and groups on the Campus.
- E. The Senate Human Relations Committee shall advise the Office of Human Relations Programs in recommending policies which fulfill the provisions of this Code. In particular:
  1. The Senate Human Relations Committee shall be a general standing committee of the College Park Senate.
  2. The purpose of the Senate Human Relations Committee shall be to foster better human relations among all individuals and groups on the Campus, to advise in the development of positive and creative human relations programs, to advise in the prevention and eradication of all forms of discrimination prohibited by this Code, and to make regular assessments of the state of human relations within the purview of this Campus.

3. The functions of the Senate Human Relations Committee may include but are not limited to: requesting the Office of Human Relations Programs to conduct investigations of complaints of discrimination because of race, color, creed, sex, sexual orientation, marital status, personal appearance, age, national origin, political affiliation, physical or mental disability, or on the basis of the exercise of rights secured by the First Amendment of the United States Constitution; providing an “open forum” for effective dialogue among all segments of the Campus community; recommending to appropriate Campus bodies educational programs and activities to promote equal rights and understanding; periodically reviewing such programs and activities; initiating studies of Campus-sponsored or recognized programs and activities to determine how improvements can be made in respect to human relations; continually reviewing progress toward these ends and making such further recommendations as experience may show to be needed; and participating to the extent set forth herein in formal human relations grievance actions.
- F. There shall be an Office of Human Relations Programs directly responsible to the President. This Office shall plan, develop, give direction to and coordinate the overall Campus effort to prevent and eliminate discrimination based on race, color, creed, sex, sexual orientation, marital status, personal appearance, age, national origin, political affiliation, physical or mental disability, or on the basis of the exercise of rights secured by the First Amendment of the United States Constitution, in all areas of Campus life (this overall effort is referred to herein as the Human Relations Program). The Office shall represent, and have direct access to, the President, and shall cooperate with the Senate Human Relations Committee on substantive matters concerning human relations. The Office shall assist and coordinate the human relations activities of the Equal Education and Employment Opportunity (EEEE) Officers and the Equity Administrators representing the various units of the Campus. The duties and responsibilities of the Office of Human Relations Programs shall include but not be limited to the following: working with the Vice Presidents, Deans, Directors and Department Chairs to ensure full compliance, in spirit as well as in letter, with laws relating to discrimination and with the Campus Human Relations Code; advising Campus officers in their effort to assist personnel to recognize and take advantage of career opportunities within the Campus; working with appropriate offices in the surrounding community on such issues as off-campus housing practices affecting Campus students and employees, transportation, etc.; recommending to the Off-Campus Housing Office removal from or reinstatement upon lists of off-campus housing, so as to ensure that listed housing is available on a nondiscriminatory basis. (N.B. any final action taken by the University shall be preceded by proper notice to the property owner involved, and an opportunity to be heard); conducting reviews of compliance with the Campus Affirmative Action Plan; initiating and carrying out programs for the elimination and prevention of racism and sexism on Campus; distributing this Code and informing the Campus community of the interpretations of its provisions; sending periodic reports to the President and to the Senate Human Relations Committee concerning the Human Relations Programs; and participating to the extent set forth herein in formal human relations grievance actions.
- G. For each of the units and college of the Campus, the Office of Administrative Affairs, the Office of University Advancement, and the Office of Student Affairs, there shall be an Equity Administrator, who is designated in accordance with the Affirmative Action Plan and who has the duties specified by the Campus Affirmative Action Plan and like duties with respect to the forms of discrimination prohibited by this Code.

*Taken from the University of Maryland Human Relations Code*

<http://www.ohrp.umd.edu/compliance/hrc/article1.html>

# Pennsylvania State University

University Park, PA

Total Enrollment 43,252

## **CONDUCT**

The Pennsylvania State University is dedicated to maintaining a scholarly community that promotes intellectual inquiry and encourages the expression of diverse views and opinions. When students accept admission to Penn State, they accept the rights and responsibilities of membership in the academic and social environments of that community. Students are expected to support its essential values and to maintain a high standard of conduct that may exceed federal, state, or local requirements. These values include the following:

- A. Personal and academic integrity;
- B. Respect for the dignity of all persons and a willingness to learn from the differences in people, ideas, and opinions;
- C. Respect for the rights, property, and safety of others;
- D. Concern for others and their feelings and their need for conditions that support an environment in which they can work, grow, and succeed at Penn State.

## **CODE OF CONDUCT**

The Code of Conduct describes behaviors that are inconsistent with the essential values of the University community. Intentionally attempting or assisting in these behaviors may be considered as serious as engaging in the behavior. A person commits an attempt when, with intent to commit a specific violation of the Code of Conduct, he/she performs any act that constitutes a substantial step toward the commission of that violation. Many Code items are supported by University Policy Statements. The Code of Conduct Charge Codes can be found within the Judicial Affairs Reference and Training Manual at <http://www.sa.psu.edu/ja>.

## **POLICY STATEMENT ON FREE EXPRESSION AND DISRUPTION**

- A. As an academic community, The Pennsylvania State University is committed to the protection and preservation of the free search for truth; the freedom of thought, inquiry, and speech; and the freedom to hear, examine, and debate alternative theories, data, and views. These are fundamental rights, which must be practiced, protected, and promoted by the University.
- B. It is essential in the University that channels of communication be open, effective, and accessible to all members of the academic community.
- C. The University recognizes, respects and protects all peaceful, non-obstructive expressions of dissent, whether individual or collective, that are within the law, that are within University regulations and that do not interfere with the regular and essential operation of the University. The regular and essential operation of the University is construed to include, but is not limited to, the operation of its offices, classrooms, laboratories, and research facilities and the right of access to these and any other physical accommodations used in the performance of the teaching, research, and administrative functions and related adjunct activities of the University.
- D. Disruption is an action or combination of actions by an individual or a group that unreasonably interferes with, hinders, obstructs, or prevents the regular and essential operation of the University or infringes upon the rights of others to freely participate in its programs and services.

- E. It is the responsibility of University officials to initiate action to restrain or prohibit behavior that threatens the purposes or the property of the University or the rights, freedoms, privileges, and safety of the personnel of the academic community.

## **POLICY STATEMENT ON INTOLERANCE**

### **Purpose:**

The University is committed to creating an educational environment which is free from intolerance directed toward individuals or groups and strives to create and maintain an environment that fosters respect for others. As an educational institution, the University has a mandate to address problems of a society deeply ingrained with bias and prejudice. Toward that end, the University provides educational programs and activities to create an environment in which diversity and understanding of other cultures are valued. Acts of intolerance violate the principles upon which American society is built and serve to destroy the fabric of the society we share. Such actions not only do untold and unjust harm to the dignity, safety and well-being of those who experience this pernicious kind of discrimination but also threaten the reputation of the University and impede the realization of the University's educational mission.

### **Definition:**

An act of intolerance refers to conduct that is in violation of a University policy, rule or regulation and is motivated by discriminatory bias against or hatred toward other individuals or groups based on characteristics such as age, ancestry, color, disability or handicap, national origin, political belief, race, religious creed, sex, sexual orientation, gender identity or veteran status.

### **Policy:**

The Pennsylvania State University is committed to preventing and eliminating acts of intolerance by faculty, staff and students, and encourages anyone in the University community to report concerns and complaints about acts of intolerance to the Affirmative Action Office or the Office of the Vice Provost for Educational Equity, and in cases involving students, reports also may be made to the Office of Judicial Affairs. If any violation of University policy, rule or regulation is motivated by discriminatory bias against or hatred toward an individual or group based on characteristics such as age, ancestry, color, disability or handicap, national origin, political belief, race, religious creed, sex, sexual orientation, gender identity or veteran status, the sanction will be increased in severity and may include termination or expulsion from the University.

The University prohibits retaliation against anyone who files a complaint and/or participates in an investigation involving alleged acts of intolerance. Retaliation constitutes a separate violation and may result in a sanction independent of the outcome of a complaint.

### **Expression of Opinion:**

The expression of diverse views and opinions is encouraged in the University community. Further, the First Amendment of the United States' Constitution assures the right of free expression. In a community which recognizes the rights of its members to hold divergent views and to express those views, sometimes ideas are expressed which are contrary to University values and objectives. Nevertheless, the University cannot impose disciplinary sanctions upon such expression when it is otherwise in compliance with University regulations.

### **POLICY STATEMENT ON NONDISCRIMINATION\***

The Pennsylvania State University is committed to the policy that all persons shall have equal access to programs, facilities, admission and employment without regard to personal characteristics not related to ability, performance or qualifications as determined by University policy or by state or federal authorities. The Pennsylvania State University does not discriminate against any person because of age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, gender identity or veteran status. Direct all inquiries regarding the non-discrimination policy to the Affirmative Action Director, The Pennsylvania State University, 201 Willard Building, University Park PA 16802-2801; Tel. (814) 863-0471

### **SCHEDULING AND USE OF UNIVERSITY FACILITIES AND TIME, PLACE AND MANNER OF PUBLIC EXPRESSION†**

The following regulations provide the basis for authorization for use of University grounds and facilities and establish procedures for such authorized uses. The rights, obligations, and liabilities of authorized users and of other persons seeking to use the campus are defined below. While on University property, persons who are not students or employees of the University are required to adhere to the standards of conduct applicable to members of the University community and to abide by University policies and regulations. The University may require student, staff, or faculty identification for admission to events scheduled in University facilities. The purpose of these regulations is to facilitate the effective use and enjoyment of the facilities of the campus as an educational institution, and to ensure the right of free expression and advocacy.

Orderly procedures are necessary to promote use of facilities and free expression and advocacy, in order to conserve and protect facilities for educational use, and to minimize potential conflict between the right of free expression and the rights of others. Further, these regulations exist to prevent possible interference with University functions and responsibilities as an educational institution. The word “commercial” as used in the following regulations means any activity or event that results in a personal financial gain to the peddler or organization provided that contact between a peddler and a student shall not be deemed commercial if such contact was invited by the individual student involved.

*Taken from the Penn State Student Guide To General University Policies And Rules, 2008-2009*

<http://www.sa.psu.edu/ja/pdf/policiesrules.pdf>

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\* University Policy Manual, AD-42

† University Policy Manual, AD-1, AD-2, AD-15, AD-21, AD-26, AD-27, AD-51, AD-62

# ENDNOTES

1. U.S. Department of Justice — Federal Bureau of Investigation, *Hate Crime Statistics 2007*, October 2008 (<http://www.fbi.gov/ucr/hc2007/index.html>).
2. U.S. Department of Justice — Federal Bureau of Investigation, *Hate Crime Statistics 2007*, October 2008 (<http://www.fbi.gov/ucr/hc2007/index.html>).
3. J. Lesage, A. Ferber, D. Stoors, and D. Wong, *Making a difference: University students of color speak out* (Lanham, MD: Rowman & Littlefield Publishers, 2002), 154.
4. *Baker v. California Land Title Co.*, 349 F. Supp. 235, 238,239 (D.C. Cal. 1972); *Black's Law Dictionary* at 467. Federal statutes prohibit discrimination in employment, voting rights, housing, extension of credit, public education, and access to public facilities.
5. See *Chaplinsky v. United States*, 315 U.S. 568 (1942); *Gooding v. Wilson*, 405 U.S. 518 (1971). Fighting words doctrine applies only to face-to-face confrontations, not to speeches or actions directed to a group of people. *Gooding*, 405 U.S. at 518. Profanities alone do not constitute “fighting words.” The standard test is whether a reasonable person would understand the words as provoking a fight. *Chaplinsky*, 315 U.S. at 56; *The UVM Post, Inc. v. Board of Regents of Univ. of Wisc.*, 774 F. Supp. 1163, 1170 (E.D. Wisc. 1991). Fighting words are categorically excluded from First Amendment protection. Using fighting words is a misdemeanor in many states.
6. *Black's Law Dictionary* at 717. The standard is objective: what a reasonable person would find abusive and offensive.
7. *Davidson v. Santa Barbara High Sch. Dist.*, 48 F. Supp. 2d1225, 1230 (D.C.Ca. 1998) (finding a racially hostile environment where student was subjected to long-accepted and tolerated racial harassment); *Monteiro*, 158 F.3d at 1033 (a racially hostile environment may exist at a high school where racial slurs were repeatedly directed at students, racist graffiti was scrawled about the school, and the school district refused to address students complaints or to make any effort to halt the racist conduct).
8. See Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, 59 Fed. Reg. 11448, 11449 (March 10, 1994).
9. *Black's Law Dictionary* at 821–22.
10. *Black's Law Dictionary* at 1480. A “threat” is an avowed present determination, or an intent to injure presently or in the future.
11. Jack Levin and Jack McDevitt, *Hate Crimes: The Rising Tide of Bigotry and Bloodshed* (New York: Plenum Press, 1993), *supra* note 6, at 11 (discussing a study of 452 hate crimes in the Boston area).
12. *Avins v. Rutgers*, 385 F.2d 151, 153 (3rd Cir., 1967).
13. *Keyishian v. Board of Regents of University of State of NY.*, 385 U.S. 589 (1967).
14. Stated by Justice Felix Frankfurter in *Sweezy v. New Hampshire* (354 U.S. 234 [1957]) and Justice Lewis Powell in *Regents of the University of California v. Bakke* (438 U.S. 265 [1978]).
15. American Association of University Professors, *1940 Statement of Principles on Academic Freedom and Tenure* (<http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm>).
16. The American Council of Trustees and Alumni by Center for Survey Research and Analysis at the University of Connecticut, *Politics in the Classroom: A Survey of Students at the Top 50 Colleges and Universities*. November 2004. p. 6, 12.
17. Kelly Woessner and Matthew C. Woessner, “My Professor Is a Partisan Hack: How Perceptions of a Professor’s Political Views Affect Student Course Evaluations. PS: Political Science & Politics.” July 2006. P. 499.
18. American Council on Education. Statement on Academic Rights and Responsibilities (<http://www.acenet.edu/AM/Template.cfm?Section=Search&template=/CM/ContentDisplay.cfm&ContentID=10672>).

19. Kevin MacDonald, *The Culture of Critique: An Evolutionary Analysis of Jewish Involvement in Twentieth Century Intellectual and Political Movements* (Westport: Praeger, 1998), p. 291.
20. See *Saunders*, 417 F.2d at 1130; cf. *Chaplinsky v. United States*, 315 U.S. 568, 572 (1942) (holding that “fighting words” are not protected speech under the First Amendment).
21. See *Saunders*, 417 F.2d at 1130; see also *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969) (forbidding the state to regulate speech that advocates the use of violence or lawlessness, unless such advocacy is directed to inciting or producing imminent lawless action and is likely to incite such action).
22. *Monteiro v. Temple Union High Sch. Dist.*, 158 F.3d at 1033.
23. *Monteiro*, 158 F.3d at 1033.
24. 42 U.S.C. § 2000d-7; *Young v. Pierce*, 544 F. Supp. 1010, 1015 (E.D. Tex. 1982).
25. U.S. Department of Justice — Federal Bureau of Investigation, Hate Crime Statistics 2006, November 2007 (<http://www.fbi.gov/ucr/hc2006/incidents.html>).
26. U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Crime Reporting*, Washington, D.C., 2005.
27. For example, California’s “Leonard Law” prohibits secular private secondary schools from violating students’ First Amendment Rights. Cal. Educ. Code § 48950 (*Deering* 2000). However, this statute does not apply to any private secondary school that is controlled by a religious organization.
28. California Fair Employment and Housing Act (FEHA), Government Code section 12900, et seq. and Title VII of the Civil Rights Act of 1964 (as amended in 1991 to include the American employees of U.S. companies abroad).
29. 42 USC 1981, 42 USC 2000d, the Unruh Civil Rights Act (Civ. Code, §51) or California Education Code sections 200 et seq., 66252 and 66030.
30. “Suggested Steps to Make Campuses More Trans-Inclusive.” *Journal of Gay & Lesbian Issues in Education*, 3(1): 89–94(6).

