Bipartisan Policy Center | The Council of Independent Colleges

CAMPUS FREE EXPRESSION:

A New Roadmap for Student Affairs

ACADEMIC LEADERS TASK FORCE ON CAMPUS FREE EXPRESSION

2024 Roadmaps for Presidents, Trustees, Faculty, and Student Affairs Administrators | July 2024

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In July 2024, with the full support of the Bipartisan Policy Center, the task force migrated to the Council of Independent Colleges, under whose auspices its 2021 report and 2024 reports *Campus Free Expression: A New Roadmap for Presidents*; *Campus Free Expression: A New Roadmap for Trustees*; *Campus Free Expression: A New Roadmap for Faculty*; and *Campus Free Expression: A New Roadmap for Student Affairs* are now made available.

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DISCLAIMER

This report is the product of BPC's Academic Leaders Task Force on Campus Free Expression. The findings and recommendations expressed herein are those solely of the task force, although no member may be satisfied with every individual recommendation in the report. The contents of this report do not necessarily represent the views or opinions of BPC's founders or its board of directors, nor the views or opinions of any organization associated with individual members of the task force. In addition, the views expressed herein do not necessarily reflect the views or opinions of the Council of Independent Colleges, its board, or its members.

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Letter from the Co-Chairs

In 2021, the Bipartisan Policy Center's Academic Leaders Task Force on Campus Free Expression published its consensus report, *Campus Free Expression: A New Roadmap*. Its recommendations have been adopted by the University of Wisconsin System, the Virginia Council of Presidents—representing all of Virginia's public higher education institutions—and many colleges and universities, both public and private.

We remain deeply concerned about the erosion of a robust and respectful culture of free expression, academic freedom, and open inquiry.

Since the release of the task force's report, pressures on campus culture have increased. High school students' isolation during the COVID-19 pandemic has rendered them less prepared for conversation with people whose views differ from theirs. Political polarization has intensified, undermining the norms of civil discourse. Confidence in higher education has plummeted, paving the way for legislative and executive interference in academic freedom, freedom of expression, and campus governance. In this atmosphere, supercharged by the politics of the Israel-Hamas conflict, colleges have struggled to uphold free expression and academic freedom while maintaining a respectful learning environment for all.

As former governors—one of whom has spent a decade as a faculty member—we believe that governors and legislators have essential oversight roles in public higher education, but that intrusive government regulation of curricular standards and faculty speech compromises the ability of higher education institutions to fulfill their academic and civic missions. At the same time, college leaders—from the president's office on down—must recommit to fostering a robust free expression culture.

To meet this moment, we have reconvened the task force. Although the task force affirms its 2021 report, it is publishing four reports with updated guidance and tabletop exercises for presidents, trustees, faculty, and student affairs leaders.

Colleges and universities must prepare Generation Z for rigorous and civil debate about difficult issues across the political spectrum and serve as forums for scholars and students who ask provocative questions and stress test answers. We believe that these recommendations, especially when adopted as part of a campus-wide strategy, can do much to support the work of higher education leaders to sustain a culture of open inquiry and restore confidence in our higher education institutions.

Jim Douglas
Co-Chair

Chris Gregoire
Co-Chair

Executive Summary

Academic freedom and free expression are central to the work of higher education. Yet these two core principles are under great stress. Sometimes, the stress is direct. Well-intended attempts to foster diversity and inclusion and to prevent discriminatory harassment can move administrators to over-regulate speech and association. Or government actors exercise their oversight role in such a way as to suggest that universities that act on disfavored views of equality will be punished. Sometimes the stress is indirect, a matter of culture rather than regulation. Discussions are chilled by the fear of a censorious minority, on or off campus, left wing or right wing, that can make one's life miserable and impose high costs on speakers. Increasing ideological uniformity on campus further constrains free inquiry and expression by faculty and students alike.

Because the pursuit of knowledge proceeds in many modes, we refer to free expression, not free speech. Speech may be the preeminent mode of inquiry on a college campus, whether it proceeds in the language of mathematics or the language of literary analysis. However, visual art, theatrical performance, nonverbal protest, and much more are also important modes of expression.

More broadly, faculty, student, and staff speech is constrained in a polarized environment in which different factions are powerful enough to punish it. Evidence is ample that the intellectual climate on many college campuses impairs discussion of matters about which people passionately disagree. Student affairs leaders and staff, who are negotiating this difficult environment amid falling trust in higher education, have an essential role to play in protecting academic freedom and free expression.

The chilling of campus speech is having an impact beyond campus borders. Rather than alleviating the political polarization in our nation today, the inhibition of campus speech is degrading the civic mission of higher education, carried out not only by faculty members but also by student affairs staff. That mission is to maintain our pluralistic democracy by preparing students for civic participation as independent thinkers who can tolerate contrary viewpoints and work constructively with those with whom they have principled disagreements.

In the modern university, student affairs administrators have become mediators between the institution, students, and other stakeholders. Student affairs staff regularly interact with students and are often the first to receive complaints when they are distressed by campus speech. Student affairs administrators are uniquely well positioned to explicate and foster reflection about the university's approach to academic freedom and free expression. To do so, they must act not only as emergencies arise but consistently to support a healthy culture of academic freedom and free expression. The character and means of maintaining such a culture will vary according to the missions

and histories of different campus communities. Nevertheless, student affairs leaders should not only affirm academic freedom and free expression but also actively support the rigorous exercise of these freedoms by fostering an environment that encourages robust yet respectful intellectual exchange so that students may draw their own conclusions.

Student affairs leaders and staff must take on four challenges.

First, they must acknowledge the potential tension between upholding free expression and maintaining an inclusive and respectful learning environment for all. Every student affairs administrator who understands students' stage of development and the anxiety-ridden society they live in knows that permissible speech can cause people to feel hurt or excluded from a community. While some expression may be hurtful, freedom of expression remains an essential condition of the genuine inclusiveness that characterizes communities of teachers and learners. It also remains essential to higher education's academic and civic missions.

Second, student affairs leaders and staff should champion a diversity of viewpoints on campus. Introducing students to a wide range of perspectives, while giving them the tools to listen carefully and to distinguish between stronger and weaker arguments, is at the heart of teaching. It is also essential preparation for the rigors of citizenship in a diverse society. The co-curricular programming over which student affairs leaders and staff preside should be designed to prepare students to confront complex questions that cause reasonable people to disagree.

Third, student affairs leaders and staff should support strong policies for the protection of academic freedom and free expression and the consistent application of these policies to unorthodox and unconventional views, including those disfavored by most faculty and administrators. Student affairs programming should include an orientation for students and student affairs staff themselves on the college's policies regarding academic freedom and free expression and the reasoning behind them.

Fourth, student affairs leaders and staff should make the skills and dispositions necessary for academic and civic discourse a central aim of the collegiate experience. Absent such skills and dispositions, formal protections for free expression and academic freedom, though necessary, are insufficient to create a culture of open inquiry and respectful, productive debate on campus and in the nation. Matriculating students benefit from coaching and instruction in these skills and dispositions, for want of which our national discourse suffers. Our aim should be to graduate students who raise the bar for serious discourse. Student affairs leaders and staff should attend to how their co-curricular programs and events can support and reinforce that aim. At the same time, the culture of academic freedom and free expression is not just for

students. Student affairs leaders and staff can do more to consider and adhere to the norms that characterize that culture.

Student affairs staff face considerable challenges in preserving free expression and academic freedom. Although no college's staff is responsible for curing the ills of higher education nationally, this moment presents significant opportunities for staff to make a positive impact at their own institution.

In this guide, we first examine the role of student affairs administrators and explain the nature and importance of the twin values of free expression and academic freedom. Next, we survey some important changes in our social, political, and campus landscapes. Finally, we present a roadmap with recommendations for student affairs administrators seeking to invigorate a culture of robust yet respectful inquiry on their campuses.

Free Expression and Academic Freedom: A Changing Landscape

The role of student affairs staff

Early in the 20th century, a new field in higher education, "personnel technique," arose to address a wide range of concerns that now fall under the heading of "student affairs." Insofar as colleges were responsible for the "whole student," up to this point in time, faculty had the lion's share of responsibility for not only the intellectual but also the spiritual and moral dimensions of education and the character of the college community. But the faculty's role became more specialized with the development of research universities, and higher education leaders thought that the expansion and increasing complexity of universities required specialized, dedicated support staff. So, colleges and universities began to develop new student support systems. Yale University, the historian Julie Reuben observes, "created the position of the dean of students in 1919." Several universities, including the University of Chicago and the University of Michigan, first instituted now-familiar freshman orientations in the 1920s.[1]

The role of the new officers and staff was connected to an idea about colleges and universities that is now commonplace—that much of their formative work occurs outside the classroom. Reuben says that "moral guidance," which had been an explicit mission of the 19th-century college but fit uneasily with the modern research university, was eventually assigned in large part to student affairs. Today, however uncomfortable 21st-century staff may sometimes be with the role of moral guide, they work with students to further their understanding of how to live and work together in residence halls, clubs, and other spaces and associations. At the same time, student affairs officers and staff deal with a dizzying array of matters, from student conduct boards to Title IX compliance to residence hall programming to diversity and inclusion, many of which touch on academic freedom and freedom of expression on campus.

More than almost anyone else at a college or university, student affairs staff do work that overlaps with the work of faculty, managing an out-of-the-classroom curriculum that can reinforce what faculty do in the classroom and, in that way, support the higher education mission. That includes the civic mission of preparing students for civic participation as independent thinkers who can listen respectfully to contrary viewpoints and work constructively with those with whom they have principled disagreements. And it includes the academic

mission, insofar as student affairs leaders and staff help students understand the special character of and the standards that govern an academic community. They will often be those to whom students turn when they are perplexed or offended by the degree to which their community permits the circulation of ideas that they consider offensive or harmful.

The National Association of Student Personnel Administrators (NASPA), the leading organization for student affairs professionals, recently reaffirmed its commitment to the "right of free speech and the well-established "marketplace of ideas," as "the foundation upon which campuses manage speakers, art exhibits, protests, entertainment, and countless other activities on today's college campus." But student affairs staff and officers also work to establish and maintain a "respectful, caring, and safe campus."[2] Pursuing the latter aim in a manner consistent with academic freedom and freedom of expression is a challenging and essential part of student affairs work.

For example, in 2022, the Southern Illinois University (SIU) System fielded a survey about the free expression climate that yielded some disappointing results. During a November 2022 public conversation, the system's chief diversity officer, Sheila Caldwell, described some of those results. "Less than 40% of students, faculty, and staff felt like they [could] express political views"; "less than 50% felt they could express religious views on campus." She also shared some of the accompanying comments, including one by a white, Catholic student who felt that he has "not had the same opportunities presented to [him] at SIU as "those presented to people of color." This student added, "I am afraid even to express my opinions and thoughts because of what others will think and the lack of support this institution . . . [has] given me and many others."[3]

Caldwell did not share those findings as a preface to ridiculing white fragility or decrying right-wing propaganda but to observe that, in terms of inclusion and belonging, they represented a failure. The conversation in question was with Michelle Deutchman, executive director of the University of California's National Center for Free Speech and Civic Engagement, who had been brought in to discuss how universities could pursue diversity, equity, and inclusion (DEI) objectives without undermining free speech and freedom of thought. "We are not here to tell students what to think," Caldwell said, "but how to think well." Caldwell's participation in the event sent a message to the university community that, as she put it, "free speech is not a joke" but is central to the mission that student affairs officers pursue jointly with faculty, trustees, and other administrators.

At the University of Wisconsin, Superior, in June 2022, right-wing author Matt Walsh came to campus to deliver a lecture titled "The Left's War on Reality." Before he arrived, students who wanted the lecture moved off campus met with administrators at the university's Gender Equity Resource Center. While right-affiliated media made much of selective leaked video of the meeting, what the video actually showed was administrators explaining that the event could not

be moved and counseling the students, in response to their questions, about how to protest Walsh in a responsible way. Afterward, Walsh spoke without incident, and a protest occurred outside the venue.[4] Student affairs staff and administration, although they may receive no thanks for their handling of these controversies, are often responsible for the blowups that did not happen, the successes in honoring free speech, and the peaceful protests that generate no headlines.

Why is academic freedom a core higher education value?

In 1915, the American Association of University Professors (AAUP) enumerated the freedoms that all higher education institutions need to serve their unique role in securing the common good. Colleges and universities are "intellectual experiment stations" that give scholars and students room to pursue arguments and evidence where they lead. In so doing, they foster the advancement and transmission of knowledge, teach students "to think for themselves," and "provide them access to those materials which they need if they are to think intelligently."[5]

In 1940, the American Association of Colleges joined the AAUP in issuing a "Statement of Principles on Academic Freedom and Tenure," brief enough for "framing in every academic board room" but consistent enough with the principles of 1915 to secure universities as homes for the "free search for truth and its free exposition."[6] Colleges and universities have widely adopted the 1940 statement, and it has survived the dramatic challenges and changes higher education has undergone in the subsequent eight decades, not only because it issued from both faculty and administrators but also because it has proven itself. As the historian Walter Metzger has argued, the 1940 statement "serves the enduring interests of the academic profession and the academic enterprise, not to perfection, but better than anything else in existence or readily imaginable."[7]

Universities and colleges must foster freedom of research to support the free search for truth and its exposition. Freedom of research also places trust in scholars, who are guided by "their own scientific conscience," rather than by donors, bosses, or popular demand.[8]

Universities and colleges must foster freedom in teaching and learning. For students to benefit from the expertise of their teachers and to become independent thinkers, classrooms, laboratories, and supervised research projects must be places where they can pursue inquiries and share knowledge freely. Free students, and not just free teachers, contribute to such inquiries. For that reason, the AAUP recognized as early as 1915 that academic freedom applies to "the freedom . . . of the student" to learn.[9] In the classroom, as a more recent AAUP-endorsed statement explains, students have the freedom

"to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion." And their work should be "evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards."[10]

In addition, universities and colleges foster freedom of extramural speech, which protects faculty when they speak to matters of public concern, and freedom of intramural speech, which protects faculty when they criticize institutional policies. The former freedom preserves colleges and universities as protectors of free inquiry into and exposition of unconventional and unpopular opinions and results. The latter freedom preserves the faculty's role in shared governance.[11]

Regulations found in handbooks, regarding tenure, promotion, and disciplinary action, can protect academic freedom. But for such regulations to successfully foster the free exchange and disciplined scrutiny of ideas, a campus ethos of academic freedom is essential.

Why is freedom of expression a core higher education value?

Academic freedom alone is insufficient to the task of shaping students to be independent thinkers. Such independence requires that students experiment with and encounter ideas outside of supervised and structured classroom conversations. Free expression—academic freedom's wilder cousin—denotes the freedom characteristic of democratic public squares, in which authorities, for the most part, withdraw, and the participants determine the character and content of conversation.

A college is not a democratic public square. However, college students gather not only in classrooms and other areas reserved for formal learning but also in spaces, such as coffee shops and quadrangles, in which they can hold more-freewheeling conversations. Students not only register for courses but also join clubs, which may be authorized to invite speakers. Other students might assemble to protest those same speakers. If the campuses on which these activities take place are to support rather than undermine the truth-seeking mission of the university and are to help their students learn to think outside of a structured and curated environment, they should be, for the most part, open forums for debate. In 1974, following controversies over student-initiated speaking invitations to the segregationist George Wallace and the "race scientist" William Shockley, Yale University President Kingman Brewster appointed a Committee on Free Expression to "examine the condition of free expression, peaceful dissent, mutual respect and tolerance at Yale." The Woodward Report, named for the committee's chair, the historian C. Vann Woodward, advocated "unfettered freedom, the right to think the unthinkable, discuss the unmentionable, and challenge the

unchallengeable."[12] In the context of higher education, free expression is valuable primarily as an essential condition for the truth-seeking mission of the university.

Free expression also serves the civic mission of colleges and universities. That mission requires them to cultivate not only thinkers with habits suitable for an intellectual community but also citizens with habits suitable for a democratic public square, where they will encounter an array of views and values and where the First Amendment is the operative standard. Although free expression alone cannot yield civic mindedness, the open and reasonable exchange of diverse views secured by free expression enables the learning community to model the discursive virtues—from the courage to scrutinize one's own views to the self-restraint to hear others out—that are required for citizenship in a pluralistic society.

What is the difference between academic freedom and free expression?

Free expression is often understood in First Amendment terms. The First Amendment sharply limits how state agents, including public universities, can regulate speech. Yet because most Americans see free expression as a foundational right and indispensable to open, robust inquiry, some free speech advocates argue that private universities, although they are not state agents, should voluntarily abide the First Amendment.[13] Unlike academic freedom, which applies primarily to faculty and, to a lesser degree, to students, free expression, understood in First Amendment terms, applies to the entire campus community.

Academic freedom diverges from freedom of expression in other respects. The First Amendment, with some exceptions, allows faculty to publish and distribute ideas without fear of state censorship or punishment. But to publish in a scholarly journal, faculty must meet the standards of their academic peers. Such standards, though they differ between fields, distinguish good from poor research within a discipline. Similarly, although a professor is entitled to shout in a public park, "The world is flat!" he or she is not entitled to teach it in an astronomy course, or a student to write it on an exam without penalty. Academic freedom does not shield teachers or students from the consequences of their own ignorance or incompetence. Nor does academic freedom protect the professor who, when assigned to teach a class on electrical engineering, teaches socialism or libertarianism instead.

A few words on the First Amendment. When many people think about protecting free expression, they think of the First Amendment. The First Amendment does indeed protect essential freedoms of expression in our society from government interference.

However, as a task force, our focus has been on values, the collegiate mission, and campus ethos, not the law. In the public square, the First Amendment rightly protects expression that is vile, hateful, deliberately provocative, poorly argued, or even patently untrue. When we choose to join a campus community—whether by accepting an offer to matriculate as a student, or to accept an offer to be a faculty member, staff member, administrator, or trustee—we choose to join a community of teaching, learning, and scholarship. As members of campus communities, we should choose to speak and to act in ways that inform, that question, that meet disciplinary standards of evidence, that are truthful or offered in pursuit of the truth, and that affirm the opportunities of others in the community to do the same. The content of the First Amendment includes limited guidance for these value-laden choices about how to speak and act.

However, for two reasons, the First Amendment is essential to campus free expression considerations. Most obviously, the First Amendment is legally binding on public higher education institutions (and on private institutions in California). As we have seen in recent years when provocateurs have used the First Amendment to access public campuses, this right can be used as a cudgel to require accommodation of expression that seeks to give the imprimatur of a campus setting to ideas that in fact undermine the campus ethos. Public institutions must be ready when the First Amendment requires them to accommodate such expression.

Additionally, the First Amendment is important because among the purposes of higher education is preparing graduates to enter a public square where the amendment will be the operative standard. We need to cultivate the inner strength and intellectual clarity in our students to be ready to make thoughtful contributions to our civic affairs and to counter ideas with which they disagree or find deeply offensive.

Academic freedom does not guarantee individual faculty members that their speech will not cost them professionally. Rather, it guarantees that costs will be imposed primarily by peers properly applying relevant scholarly and professional standards and, where sanctions are concerned, standards of due process.

Yet free expression is in other ways more protected in academic settings than it is elsewhere. A private employer's right to fire someone for expressing opinions that provoke unwanted controversy is undisturbed by the First Amendment and only sometimes disturbed by other legal protections. In contrast, the principles of academic freedom imply that even nontenured professors at private colleges should not be sanctioned merely because their research, teaching, or extramural speech has generated protests or bad press.

These differences mean that faculty sometimes have freedoms that students do not, and, other times, that students have freedoms that faculty do not. In the classroom, teachers have the freedom to decide which books and topics to discuss, and when to cut off discussion. A student can make a suggestion, but the faculty member has the freedom, because of his or her role in the college's teaching mission, to make the final call. On the other hand, students are often asked in the classroom to express and defend their views on political, social, or cultural controversies, while faculty members' expression should be tempered by the responsibility to "set forth justly, without suppression or innuendo, the divergent opinions of other investigators" and to make space for students to think for themselves.[14]

New academic freedom and free expression challenges

Student affairs leaders and staff confront changes in the social, civic, and political landscape and on campus. These changes include three sets of trends that colleges and universities cannot directly affect but that influence the climate in which they cultivate free expression and open inquiry. Some of these trends are recent developments, but others represent long-term issues that have become increasingly difficult to navigate.

Changing patterns of adolescent experience

Campuses are more diverse than ever, but many Generation Z students are less prepared than students of earlier generations for the disagreements, at times upsetting, that arise in intellectually and otherwise diverse communities. Today's adolescents are growing up in increasingly homogeneous neighborhoods, where they may know few whose viewpoints, news sources, socioeconomic status, and race differ from their own.[15] The COVID-19 pandemic exacerbated this inexperience in dealing with disagreement because of diminished opportunities for in-person conversation.

In part due to the influence of social media and the movement from a play-based childhood to a phone-based childhood, Generation Z spent an hour less per day on face-to-face socializing in high school than Generation X did; students, as a result, are less practiced in even friendly social interactions.[16] Face time with friends has continued to decline since the pandemic ended.[17] Mental health issues increased markedly during the pandemic, and more high school students report that they are "not mentally ready" for college.[18] Restricted social interactions during the pandemic have left students less prepared than their predecessors for the demanding conversations in which faculty want them to engage.

At the same time, many parents of Generation Z students have curated their children's social, academic, and extracurricular experiences, intervening when their children's interactions become contentious or challenging, thus rendering them less prepared for life in college and beyond.[19] Such interventions, however, do not seem to have done much for students' emotional health. Even before COVID, the percentage of students who reported "above average" or better emotional health had plummeted from 63.5% in 1985 to 51% in 2015 and 41.4% in 2019.[20] The Healthy Mind survey in 2023 found more students reporting anxiety, depression, and suicidal ideation than at any point in its 15-year history.[21] It is hard to say how actual and perceived increases in campus mental health challenges influence the classroom. But insofar as the worry that speech is harmful is founded in the worry that it causes or exacerbates trauma, justifiable concerns about student mental health can lead to unjustifiable monitoring of and restrictions on both classroom and extramural speech.

Social media

Social media destabilizes the climate for open exchange. Today's students inhabit a physical campus and a virtual campus. Social media sometimes nudges people into think-alike groups, often rewards hyperbole and outrage, and rarely supports nuanced academic reasoning. Social media undermines the integrity of classroom experiences, as students wonder whether their classroom comments might be shared on social media.[22]

As social media becomes increasingly toxic, Generation Z has begun retreating from political engagement online. Only one-third of students find that the dialogue on social media is civil, and only 21% of students regularly share news links on social media, down from 43% in 2017.[23] Students are increasingly uncomfortable expressing an unpopular opinion to fellow students on a social media account tied to their names.[24]

> **"We were in an era when rational dialogue and debate had been abandoned for the high of in-your-face confrontation, with social media as an accelerant."[25]**
>
> **Walter Kimbrough, former president of Dillard University**

Student affairs staff also have to worry that a seemingly local controversy will go viral on social media. As mentioned above, when Matt Walsh spoke at the University of Wisconsin, outlets such as *Campus Reform* and the *Daily Wire*, the latter of which has more than 3.5 million Facebook followers, reported with suspicion about a leaked video of a meeting between staff and student protesters.[26]

Affective polarization

As a country, we are riven by affective polarization and divisive stereotypes about our political opposites.[27] Too often, today's conservatives and liberals think that those with different political viewpoints are bad people with the wrong values. Polarization off campus makes its way onto campus. A survey of undergraduates at a flagship state university found, as is likely true on campuses nationwide, that conservative and liberal students hold divisive stereotypes about each other.[28] Another recent survey suggested that higher education might increase the "perception gap," the tendency to overestimate how many of one's political opposites hold extreme views.[29]

Differences, even irreconcilable differences, are inevitable, but affective polarization supercharges them and makes it hard to live with, much less learn from, those with whom we passionately disagree.

* * *

As a result of these trends in the wider culture, students arrive on campus ill-equipped to sustain healthy dialogue and connection. Although colleges and universities cannot solve these problems, they can address five on-campus trends more directly.

Doubts that free expression, academic freedom, and diversity, equity, and inclusion are compatible commitments

Free expression has become more controversial in recent years. Its central importance to a free society is no longer taken as self-evident. Some observers worry that robust protections for free expression are incompatible with commitments to diversity, equity, and inclusion. Some argue that free expression is a tool of oppression, or that it can inflict psychological

Within a university community, *respectful* disagreement is not a rupture in the community, but a sign that the community is carrying out its core purposes. Universities are places where criticisms of and challenges to our most fundamental social, civic, and political institutions and norms should be proposed and debated. Universities must welcome—indeed, encourage—dissent rather than conformity. The conversations and disputes we encounter in a university should unsettle our most basic presuppositions.

and physiological harm.[30] Similarly, academic freedom is suspected in some quarters of putting a weapon in the hands of right-wing conflict entrepreneurs to seize respectable podiums, from which they can spread prejudice.[31] Faced with a perceived trade-off between free expression and inclusion, many assign a higher value to inclusion than free expression.

A majority of students, for example, doubt that commitments to diversity and inclusion are compatible with free expression. According to one major survey, 66% of undergraduates said free speech rights conflict with diversity and inclusion.[32] Colleges and universities can find themselves facing cross pressures from advocates for free speech and advocates for diversity.

There are reasons to credit the view that free expression, academic freedom, and diversity, equity, and inclusion (DEI) are at odds: Members of historically underrepresented groups often report that they do not feel fully accepted or included in the campus community, and that they face an additional burden of having to raise or respond to issues or campus incidents that make them feel marginalized.[33] Scholarly discussions on issues such as race, gender, and class, even if they are conducted with decorum and held to high academic standards, can raise ideas and elicit responses that will be uncomfortable to some and challenge the inclusive character of the campus community. The pushback against DEI efforts, especially by some state legislatures, has renewed concerns about securing and expanding the gains made by universities in creating more diverse and inclusive campuses.

At the same time, defenders of free expression and academic freedom have understandably criticized some DEI efforts for ignoring viewpoint diversity, equating the discomfort or stress of offensive expression with harm or violence, and enforcing an orthodoxy about the amelioration of historic and ongoing injustices. Colleges and universities have a vital interest in mitigating the effects of such injustices and fostering a diverse and inclusive learning environment, but institutions undermine their academic mission and their credibility when they suppress disagreement on the best means to achieve such goals.[34]

The task force believes that free expression and academic freedom well understood are compatible with diversity and inclusion commitments well understood. To aim at an inclusive campus that honors academic freedom and free expression, one must answer the question, "Inclusion in what?"[35] At colleges and universities, the answer is, "Inclusion in a community of inquiry." To be included in such a community is to be accepted, whatever

one's background, as entitled to pose questions, to make and scrutinize arguments, and to participate in the work of teaching, learning, and advancing the community's knowledge. Identity cannot be grounds for exclusion. It also cannot, by itself, be grounds for demanding the exclusion of certain questions or claims from consideration.

The task force believes that free expression and academic freedom are essential to an inclusive campus. It is through discourse that we can examine, discuss, and ultimately understand others' experiences, viewpoints, and opinions. While profound disagreements and differences might remain, through respectful, serious conversations the campus can become an inclusive community of learners and knowledge-seekers. There are no simple answers or strategies addressing the perceived tension that pits academic freedom and freedom of expression against diversity, equity, and inclusion. Campuses will need to take some risks, to learn from trial and error, and to engage the community actively.[36]

Decreasing campus viewpoint diversity

Although campuses have become more diverse in many ways, they have become less diverse ideologically. Universities have historically leaned left; as forums critiquing our social, civic, and political institutions and norms, it would be surprising if universities had a predominantly conservative ethos.[37] Yet colleges and university faculty are considerably more liberal now than they were a few decades ago. Since the Higher Education Research Institute began to track partisan affiliation in 1989, the ratio of liberals to conservatives has more than doubled.[38]

However, a climate of conformity compromises the civic mission of higher education. Among student affairs leaders and staff, it can contribute to the perception that the institution favors students with progressive views. That perception, sociologists Amy Binder and Jeffrey Kidder have argued recently, is at least partly true. "In addition to feeling ideologically aligned with a variety of people at their schools," they observe, "progressive students are connected to their universities through multiple institutional spaces that support their identities and worldviews."[39] The same is not true of conservative students.

To prepare students for civic life in our pluralistic democracy, in which conservatives, liberals, and moderates each represent at least a quarter of the American populace, campuses should create opportunities for students to learn about and converse with others across the political spectrum.[40]

> **"A commitment to free expression must be built on a foundation of inclusion and equity. Diversity is a necessary condition for the coexistence of different ideas and perspectives, and inclusion is a necessary condition for every member of our community to feel welcomed, affirmed, and respected. In the context of freedom of expression, equity means that we develop, sustain, and uphold a clear set of community values, standards, and expectations, such that a commitment to freedom of expression, and to diversity, equity and inclusion, extends to and is lived by, all members of the community—students, faculty, staff, board members. In a community marked by true inclusion and equity, even fierce debates about a range of differences of opinions and perspectives are not experienced as personal attacks on one's very humanity and sense of well-being and belonging."[41]**
>
> **Lori White, president of DePauw University**

A censorious minority

Surveys of undergraduates find that a significant minority is willing to shut down speech. In a recent survey of undergraduates in the University of Wisconsin system, 30% of respondents reported feeling "quite a bit" or "a great deal" that "expressing views that you find offensive can be seen as an act of violence toward vulnerable people." Nearly a third agreed that "if a student says something in class that some students feel causes harm to certain groups of people . . .the instructor should stop that student from talking."[42] In a national survey of undergraduates, 13% said that it is always or sometimes acceptable to use "violence to stop a speech, protest, or rally"; 39% said it is always or sometimes acceptable to engage in "shouting down speakers or trying to prevent them from talking."[43] In yet another survey, 1 out of 5 students admits they have "called out, punished, or 'canceled' someone" for expressing views they found offensive.[44]

Surveys of faculty find a significant minority willing to discriminate against their political opposites in hiring, symposia invitations, grant decisions, and paper reviews, and that faculty and departmental culture can stifle open debate.[45] Shout-downs of campus speakers, calls to dismiss faculty for controversial research or extramural expression, and social media frenzies over controversial expression by students or faculty, while driven by a campus minority, curb open inquiry and academic discourse for all.

Academic and expressive freedoms must be defended vigorously to prevent a vocal and censorious minority from disrupting everyone else's opportunity to benefit fully from the free exchange of ideas.

Widespread self-censorship

One national survey found that 65% of students agreed that "the climate on my campus prevents some people from saying things they believe because others might find them offensive." The percentage of students with that perception has risen in recent years, it noted.[46] The survey at a flagship university mentioned above also found that students across the political spectrum self-censor, and a substantial percentage reported doing so on multiple occasions in a single course.[47] Faculty also self-censor in the classroom, in their choice of research topics, and around their faculty colleagues.[48]

To address self-censorship and the stifling of debate inside and outside the classroom, student affairs leaders and staff must assist students in developing skills for spirited, productive discourse in an atmosphere of humility, grace, patience, and mutual respect.

Cross-pressured campuses

Campuses have long been sites of protest movements seeking to compel universities to declare themselves on the right side, typically understood as the left side, of various issues, from the Israel-Hamas conflict to police shootings. Such movements have sometimes been supported by faculty and, in recent years, by equity-focused administrative units. After George Floyd's killing in 2020, internal pressure on colleges and universities to declare themselves for social justice intensified.[49] On the other hand, campuses face counterpressure, sometimes backed by executive and legislative actions and right-wing media, for universities to butt out or to publicly distance themselves from disfavored progressive views.

Student affairs offices are confronting these pressures amid cratering confidence in colleges and universities. Less than a decade ago, majorities of Republicans and Democrats had, according to Gallup, "a great deal" or "quite a lot" of confidence in higher education. Today, student-facing administrators and staff find themselves under scrutiny in an atmosphere in which confidence is down in every subgroup Gallup considers, including Republicans, Democrats, people with no college degree, people with postgraduate degrees, younger people, and older people.[50]

One should not jump to conclusions regarding the reasons for this steep, recent decline in confidence, but it potentially leaves colleges—particularly those also confronting financial and enrollment challenges—caught between left-wing

protesters, who can generate bad publicity or impede operations, and right-wing legislators who seek in a variety of ways to put colleges and universities under new constraints, some of which undermine academic freedom and free expression on campus.[51]

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These are the features of the social, civil, and political landscape that make a new roadmap for student affairs leaders and staff necessary. Although the core principles of academic freedom and free expression remain unchanged, these trends require student affairs administrators to find new approaches to advancing these principles on their campuses.

Roadmap for Student Affairs Leaders and Staff

Leadership on academic freedom and free expression is not confined to top university leaders but depends on creating an institutional environment in which the virtues of intellectual clarity and rigor, empathy, respect, and humility are continually fostered in the life of the university. Trust among the community is essential; within any university community, controversial expression will provoke strong and divergent responses among stakeholders, testing the community but also creating opportunities to affirm a strong commitment to free expression and open inquiry. A few elements of the roadmap are relevant to crisis management. But regular attentiveness to the health of a campus's culture of free expression, which goes beyond the issuing of well-crafted and thoughtful policy statements and resolutions, can build the trust that enables a community to confront difficult cases. To that end, we present a roadmap on academic freedom and free expression that honors the norms of shared governance. Each element of the campus community—trustees, administrators, faculty, students—has an essential role in fostering a free expression culture; and they must work jointly to uphold the university's academic and civic missions.

Protect students from discrimination while promoting a healthy free expression culture

Student affairs leaders and staff are often those to whom students turn first about free expression issues. Staff are well situated to support matriculating students, many of whom are entering a more demographically diverse community than before and where they can try out almost any idea. For students, this opportunity is often both exhilarating and exhausting.

It is understandable that colleges and universities, with student, staff, and faculty bodies often animated by culture wars over race and gender, have tried to manage these tensions with policies limiting offensive expression that go beyond what is outlawed by the Civil Rights Act of 1964. In the 1990s, many colleges and universities adopted speech codes that, at public institutions, could not survive First Amendment scrutiny.[52] Today, over 450 public and private colleges and universities state that they have bias reporting systems—most often employed by bias response teams (BRTs)—to respond to offensive expression that does not rise to the level of discrimination, harassment, threat, or a hate crime but which nonetheless creates significant discomfort and distress for individuals.[53] Although BRTs usually lack the sanctioning power that administrators exercised under the old speech codes, BRTs are

subject to some of the same criticisms: that they rely on overbroad definitions of bias that include merely controversial speech, and that even investigations culminating only in conversations with college authorities can chill speech.[54] For these reasons, BRTs have been the subject of litigation, with mixed rulings from federal appellate courts.[55] As bias response policies have faced growing legal scrutiny, some universities disbanded BRTs and shifted their approach to improving the campus climate for free expression.[56]

Campus leaders, including student affairs staff, should be concerned not only with protecting students from discriminatory harassment but with shaping a culture in which cruel and thoughtless speech, even when it falls short of discriminatory harassment or a conduct code violation, is discouraged.[57]

Students who experience overwhelming stress or discomfort should have appropriate support, and colleges and universities should ensure that students know where they can go to discuss their concerns. Student affairs leaders and staff play an important role in conveying information about on-campus resources. They should also educate students about ways to respond to speech and expression that they find offensive but that are consistent with campus policies.

Attending to students' mental health supports a culture of free expression. An additional complicating factor in fostering a free expression culture is the mental health of the student body. Mental health issues can undermine students' ability to express their own thinking confidently and to dispute ideas with which they disagree or find offensive. Students sometimes report that they feel anxious or unsafe because of expression they encounter on campus. As educators, our responsibility is not to make ideas safe for students but to prepare students to feel safe enough to confront ideas with which they disagree. It is important to address students' mental health concerns and to assure them that they can develop the resiliency to confront and dispute ideas that they find wrong or even heinous. Many colleges and universities have substantially expanded their mental health counseling resources in recent years, and many may need to integrate the leadership of campus counseling services with the leadership teams overseeing free expression policy.

In addition, student affairs administrators can foster a healthy campus culture by educating students about the institution's policies on major events and protests, as well as its rules on expression regarding time, place, and manner. Students arrive not understanding why colleges permit, and may be legally obligated to permit, expressive that is offensive.[58] Student affairs leaders should

draw on the university's mission and values as they teach students that the purpose of these policies is to create a respectful learning environment in which everyone can enjoy the benefits of civil dialogue and open inquiry.

Colleges should, through surveys, focus groups, and more-informal ways of hearing from students, faculty, and staff, be alert to the influence of actual or perceived invidious prejudice on campus.[59] But colleges and universities lose an opportunity for meaningful dialogue if they view the expression of viewpoints that many see as deeply offensive as problematic in itself. The promise of bringing students with different backgrounds and life experiences together is that they will learn from each other. Attempts to confront invidious bias should therefore attend to the academic freedom and free expression culture that makes such learning possible.

Make campus free expression a focus of first-year orientation and at subsequent touchpoints during the first year (and beyond)

First-year orientation is a not-to-be-missed opportunity to signal to incoming students the importance that universities place on free expression and open inquiry, and the skills and dispositions that support these principles.[60] Regarding orientation models, task force members recommend the First Amendment Watch at New York University's campus speech modules and the Free Speech Project at Georgetown University's orientation modules.[61]

Although orientation introduces free expression and open inquiry to students, it takes extended focus throughout the first year in common reading and first-year experience programs to build conversation skills that will be essential to students' collegiate experience and preparation for civic life.[62] Students will encounter ideas that they find surprising or offensive, and they will need to be supported with strategies that will serve them well, including simple verbal strategies such as "help me understand why you see it that way." They need to develop empathy to listen to others, even when speakers express opposition to their ideas; to be respectful and be committed to disagreeing with others' arguments without impugning them as individuals; and to develop humility to give up a long-held position if it does not stand up to scrutiny. They also need to persevere when it is difficult to see the next step in the argument or project; to have the courage to make an argument when they know others will disagree; and, in practical matters, to show willingness to compromise and work constructively with those with whom they have principled disagreements.

To build these skills and habits of mind, task force members recommend the Constructive Dialogue Institute resources, the Heterodox Academy All Minus One module, and the Better Arguments Project approach.[63] Because many students doubt that free expression is compatible with commitments to diversity and inclusion, first-year programming can teach them about the ways

in which free expression has advanced the interests of underrepresented and minority communities, from the women's suffrage and civil rights movements to the #MeToo and racial justice moments of recent years.

Make campus free expression and academic freedom policies and philosophy a part of student affairs staff orientation and ongoing education

If student affairs staff are to communicate the core higher education values of academic freedom and free expression and are to help students negotiate school policies concerning those matters, they have to know something about them. Orientation for new student affairs staff is an opportunity to introduce these arriving members to the university's approach to fostering a free expression culture and to inform them about its policies and programs on academic freedom and free expression. Student affairs staff, especially at public institutions, should also receive education about the First Amendment. In addition, orientation is an opportunity to introduce student affairs staff to other community members, such as faculty and university counsel, who have knowledge of and a stake in those values and policies. Free expression and academic freedom policies should be available in the employee handbook.

Let students know their rights to express opinions and protest are supported, and provide guidelines for that expression

Although student affairs administrators play a crucial role in helping students work across their differences, a public airing of disagreements will inevitably occur at times. Students and other members of the campus community should be encouraged to participate in expressive activities as part of their collegiate experience and as preparation for engaged citizenship in the public square. Student affairs staff should help students find their own voices rather than weigh in on matters themselves. Indeed, when administrators appear to endorse students' messages, the school may run legal risks, as happened when Oberlin College had to pay a multi-million dollar judgment after staff assisted a student protest.[64]

Student affairs staff should also clearly explain that expressive activities must not infringe upon the expressive rights of others or hinder other students from receiving the benefits of their college education. Administrators should provide students with clear, easy-to-reference guidelines for holding protests and counterprotests, inviting speakers, planning alternative events, distributing

literature, chalking, and holding sit-ins (or "camping"). Guidelines should be detailed: For example, that students can post literature on certain bulletin boards or distribute it but cannot leave the material unattended; that they can amplify sound but only under a certain level; and that they can hold up placards during a speech if the signs do not exceed a specified size. Staff should also issue guidance about respecting others' expression—for example, not using the heckler's veto or vandalizing others' tables, signs, or chalking. The guidance should be easy to find in student handbooks and on the college website.[65]

Encourage students to exercise and respect associational and religious freedoms in clubs, student government, and other campus groups

Student clubs and organizations have been a source of controversy on account of exclusive qualifications that some clubs require for membership (e.g., denominational religious affiliation or sexual orientation). Disagreements about all-comers policies—whether a student group can limit its membership or leadership roles or exclude those with certain characteristics—have led to legal action and court cases.[66]

Aside from legal restrictions under Title IX and other civil rights laws, we believe colleges and universities should allow maximum latitude for students to enjoy the fellowship of those who share a faith, identity, or social and political ideas. When students associate with like-minded peers, they create a space that bolsters their resilience for the intellectual rough-and-tumble of the classroom and the quad—places where others might question their ideas or creeds and where they will study, work, and play alongside those whose experiences and identities might be very different from their own. Student affairs staff should work with student groups as well as student governments—which on many campuses have a role in conferring formal recognition upon and overseeing student groups—in educating their leaders about how to respect the expressive freedoms of student organizations.

Make students and student leaders partners in free expression programming

Leaders of student organizations, such as BridgeUSA chapters, are important partners for student affairs staff in leading discussions and events for their student peers about free expression and open exchange. Students themselves must be engaged in fostering a campus culture of robust free expression.

In this work of engagement, student affairs staff, alive to the likelihood that the students they hear from are not a representative sample of the students they are responsible for serving, should cast a wide net. Insofar as student affairs staff

play a role in campus associational life, they should encourage students whose interests or views are not served by an existing club to work alongside existing organizations or to form new ones.

Student affairs leaders play a key role in fostering a free expression culture. DePauw University was notified in fall 2021 by Campus Ministry USA, a group that practices what it terms "confrontational evangelism," that a preacher from the group planned a campus visit. Visits by preachers from this group had led to confrontations in the past at DePauw and other campuses. In advance of the visit, the vice president of student affairs sent a note to students, reminding them that even uninvited speakers have a right to speak on public streets running through campus. The student government organized a protest that included T-shirts and buttons with the message "share love, not hate" and free tacos and ice cream. Student affairs staff, the Demonstration Response Team, and other staff worked with student leaders to ensure that this was an occasion to affirm campus commitments to free expression, diversity, and inclusion.

Partner with faculty

For the co-curricular programs and events managed by student affairs staff to complement the pedagogical work of faculty in classrooms and labs, and for both to support a culture of free expression, faculty and student affairs staff should work together. At many institutions, student affairs administrators and faculty seldom interact. Sustained and serious collaboration is rare, as each group does its own work without understanding the perspectives of the other.[67] This disconnect impoverishes the learning experience of students and, perversely, undermines the respective efforts of faculty and staff to sustain a healthy campus culture of free expression.

Although they have different vocations, student affairs administrators and faculty share in their service to the institution's civic and academic missions. To bolster student capacity for critical thought and civil discourse and to help students navigate fraught cultural clashes, faculty and student affairs administrators should meet regularly to discuss their overlapping and common work and to collaborate with each other.[68] This joint labor will build trust and position student affairs administrators and faculty to effectively handle challenges when they arise.

Be ready to act with confidence, clarity, and due speed when the inevitable campus free expression controversy occurs

Controversy is inevitable in an academic community that encourages intellectually lively classrooms and is at the forefront of new scholarship. On social media, controversial expression is often filtered through a narrow ideological prism and can go viral, attracting regional and even national attention. For campus leaders, social media also compresses the time frame for deciding on a response. A persistent trait of incidents involving campus speech that generate national headlines is that administrators, staff, and faculty are reacting to sudden controversies, often leading to hasty or ad hoc decisions; these headline-generating events have an outsized impact on shaping unfavorable public impressions of a particular campus and of higher education more generally. But while controversy is inevitable, crisis is not.

The key is preparation. The prior use of case studies and tabletop exercises can help avoid hasty and reactive decision-making; such exercises can help to identify what response (if any) is required, which stakeholder groups should be involved, what decision points must be reached, and who should hold authority to make those decisions. Particularly in an atmosphere in which both speech advocacy organizations and, in some cases, state legislators, are keeping a close eye on colleges and threatening lawsuits or other sanctions, consultation with the college or university's attorney should be part of this preparation. Examples of tabletop exercises can be found in Appendix II.

Decisions at key moments send important messages about the university's commitment to free expression and dissent; however, reacting with unreflective appeals to free speech rights can be seen as dismissing the valid concerns of affected groups on campus. Student affairs staff are well situated to strike the required balance.

Appendix I: Statements on Campus Free Expression

The University of Maryland, the University of Richmond, DePauw University, and the University of Southern Indiana adopted freedom of expression statements in recent years. They are four of the more than 100 colleges and universities that have done so, beginning with the University of Chicago's approval of the Chicago Principles in 2015.[69]

The University of Maryland's Statement on University Values and Statement of Free Speech Values were adopted in 2018 after approval of the university's president and the University Senate. These statements were among the recommendations of the President/Senate Inclusion and Respect Task Force, which was co-chaired by the senior associate vice president of student affairs and a dean. In the course of its work, the President/Senate Inclusion and Respect Task Force held three public forums, invited comment through an online form, and consulted with numerous campus constituencies, and more broadly, with faculty, staff, students, and administrators.[70]

The University of Richmond's Statement on Free Expression was adopted by its board of trustees in 2020. The president appointed a University Task Force on Free Expression, following a 2019 campus speaker series on free expression and civil disagreement. The task force drafted a statement, which was presented for comment at forums for faculty, staff, and students; campus members could also submit comments through an online form. After receiving feedback, the task force revised its draft. The board of trustees then approved the statement.[71]

DePauw University developed its Statement on Freedom of Expression through a collaborative, community-driven process. The president requested the Student Academic Life Committee of the faculty to seek input from students, faculty, staff, and alumni through open governance forums and written feedback. A committee then drafted the statement, which was reviewed, refined, and endorsed by students, faculty, and staff governance bodies and the board of trustees before publication in May 2022. This inclusive approach ensured that the final document reflected the university's commitment to protecting free expression while upholding core institutional principles of respect and inclusion.[72]

The University of Southern Indiana's Statement on Freedom of Expression was adopted in 2016 by the president following a recommendation by a cross-functional and collaborative committee of university leaders. The committee reviewed existing university and peer policies, discussed the needs of the campus community, consulted with President's Council and Faculty Senate, among others, and largely adopted the "Chicago Principles" published by the University of Chicago the previous year.[73]

These statements, and the task forces and deliberative processes that led to their adoption, are offered as examples for those whose campuses are considering issuing a free expression statement.

Appendix II: Tabletop Exercises

College campuses are places where the most fundamental questions are asked and the most settled opinions are challenged. Disagreement among community members is inevitable and even desirable. However, controversial expression can erupt into crisis, disrupting the research, teaching, and civic activities of a campus community.

Tabletop exercises—discussions of hypothetical dilemmas and controversies—are invaluable opportunities for leadership teams, trustees, faculty, and staff to prepare for inevitable free expression controversies. Such exercises allow teams to anticipate issues that may present themselves, to weigh alternative responses and key decision points, to identify responsible offices and stakeholders, and to formulate messages. The use of tabletop exercises can help to create a decision-making process that, when an actual controversy arises, will be seen as fair even by those who disagree with the outcome. Tabletop exercises also allow leaders to identify pathways and programs to better prepare the campus community for controversial expression.

Tabletop exercises may be included as components of annual retreats and standing meetings; orientation programs for administrators, trustees, staff, and faculty; and meetings focused on free expression.

Below, we offer a sample of such exercises. We offer these scenarios without questions or suggested responses to leave your conversations as open-ended and wide-ranging as possible.

Calls for university to issue a statement

Some among the university's Iranian students, faculty, and staff are upset about the 2022 death of Mahsa Amini in the custody of the Iranian morality police and the deaths of scores of protesters. Iranian internet blackouts mean many are unable to contact family members, heightening their anxiety.

Two days after the report of Amini's death, the Office of International Students and Scholars contacted all Iranian students and visiting research fellows, offering support. That office hosted gatherings and connected many campus members with student counseling services and the employee assistance program. Deans offered accommodations on course assignments and deadlines to Iranian students.

Some said that the university should go beyond offers of support. Several professors, including those from Iran and engineering professors who have collaborated with scholars at Iranian universities, met with the president. They said the university must issue a public statement supporting the protesters. They called this a matter of principle and said the university should stand up for human rights, free speech, and academic freedom; they pointed to accounts describing Sharif University in Tehran as a "war zone," to authorities closing universities in Kurdish regions, and to student protesters being detained and killed.

In contrast, no statement was issued in support of the Hong Kong student protesters in 2019, despite calls for the president to do so. Before declining to act, the president's Cabinet had met to discuss possible courses of action.

Building name controversy

A state university's School of Public Policy is named after a 19th-century politician and speaker of the state assembly. Having grown up in a wealthy, slave-owning family, he backed the Confederacy during the Civil War. After the war he publicly supported the ratification of the 13th, 14th, and 15th Amendments to the Constitution and became a university trustee. As a trustee he made a large donation that doubled the university's faculty, resources, and student body. His descendants feature a long list of prolific donors to the school, including two currently enrolled students whose parents continue to give money. All living descendants have disavowed their family's ties to slavery.

The university's Center for Students of Color recently published an article in the school newspaper tracing the family's background and requesting that the School of Public Policy's name be changed. According to the article, keeping the current name would be a "slap in the face to students of color, in effect celebrating a time when the university endorsed the oppression and marginalization of minorities." Students, joined by some professors and alumni, are now organizing protests on campus demanding that the university change the name. Others respond that the school does not honor the politician's ties to slavery, but rather his transformation of the university's size and impact.

The president of the university announces that he has formed a commission to explore a range of solutions. The donor's heirs have announced that they will sue for the return of the donation, with interest (totaling $36 million) should the university change the building's name. Yet the protesters continue to demand the building be renamed, arguing, "Compromise is insufficient."

Faculty opinion piece

The director of graduate studies in the department of women's, gender, and sexuality studies who is a tenured professor published an article on a gender-critical feminist website, writing:

> A person cannot change their sex; that is a fact. We are allowing children to be mutilated in gender-affirming surgeries that are not backed by science…While those most directly harmed by gender-affirming surgeries are the patients themselves, among the other victims are female student-athletes, denied the opportunity to compete on a level playing field, thanks to President Biden's Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.

A leading women's, gender, and sexuality studies scholar from another university tweeted, "These claims are not supported by any scholarship on gender and sexuality." To show her support of the professor, the state legislator in whose district the campus is located tweeted, "I thought all professors were Woke, but we can be proud of a local professor who has common sense."

Several hundred students, as well as a few dozen faculty and staff, signed a petition demanding the president condemn the professor. The student newspaper published an editorial calling for the professor's firing.

A majority, but not all, of the graduate students in the department sent a letter to the provost and the dean of graduate studies, insisting on the appointment of a new graduate studies director and a guarantee that the professor will not teach any required classes.

Controversial clothing

A group of about two dozen students at a private university has begun the weekly practice of wearing T-shirts featuring a Confederate flag. The university has a student dress code that prohibits "clothing and accessories with obscene or offensive language or images" but does not forbid clothing with political or religious messages.

Over three weeks, several dozen students filed reports on the university's Bias Response portal. In the reports, the students stated that seeing the Confederate flag shirts in dorms, meeting spaces, and classrooms was troubling and offensive. Others—especially some Black students—expressed anxiety and emotional distress. Several faculty members have reported that the regular presence of students wearing these shirts in their classes has begun to create significant tensions and distractions in the classroom that undermine the learning environment.

The student newspaper ran several articles, featuring reporting based on interviews from students on all sides of the issue. Some students called the shirts racist and deeply offensive and said they should be banned. The flag-wearing students countered that, in the past, students had occasionally sported the Confederate flag, and said they decided to regularly coordinate their attire to better express their identity and solidarity with their Southern heritage. They denied charges that the flag was racist and defended their free expression rights, noting that Black Lives Matter shirts and clothing with other controversial messages have not been banned.

Meanwhile, photos and videos of the flag-wearing students have begun flying around social media, and local news outlets have begun covering the controversy, further heightening tensions.

Student organization applies for official status

At a public college, an unofficial student group has applied to become a registered student organization (RSO), but the administration is reluctant to grant it official status. The student group is faith-based and requires student leaders to affirm the organization's statement of faith, which includes traditional moral teachings on human sexuality.

The university requires all RSOs to sign a nondiscrimination statement that stipulates that both membership and leadership must be open to all students. The organization says that it would allow all students to join, but that it would not make all members eligible to hold officer positions. The students argued that their First Amendment rights required the university to respect their religiously mandated leadership structure. Furthermore, they pointed to other RSOs on campus that, in practice, have limited eligibility for leadership. More than a dozen activist and affinity groups employ sex, race, or ideology criteria for leadership.

Desiring to foster a welcoming environment for all students, the administration is concerned about the organization's exclusionary practices and unwillingness to fully comply with the all-comers policy. Citing similar reasons, the leaders of the Student Government Organization, which has a discretionary role in doling out additional funds to RSOs, said they would never allocate funds to the new group should it receive official status. Several concerned students have already protested the potential approval of the organization on social media.

Controversial speaker invited by student organization

An undergraduate student organization at a public university has invited a controversial speaker to campus to give a talk criticizing the view that biological sex is a social construct and is not fixed at birth. The speaker has been known to argue that "transgender ideology" causes real harm to both adults and children.

The talk was widely publicized on campus. A week before the event, the student-run newspaper published an open letter signed by 300 students and faculty calling on the school to override the student club and disinvite the speaker. They argued that the invitation legitimized transphobia and said that the need to foster a welcoming environment was more important than permitting offensive free speech. The Student Government Association passed a resolution condemning the invitation, and some delegates vowed they would seek to cut the funding for the student club during the next budget cycle.

The school decided to let the lecture proceed as planned. On the day of the talk, the Office of the President sent out a school-wide email reminding the community of the schools' commitment to both free expression and inclusion and noting that disruptive behavior runs contrary to these values. Roughly 15 minutes into the talk, student activists came in with signs and bullhorns, causing chaos in the lecture hall. Some yelled verbal threats, and the environment became extremely tense. The administrators present were unable to get control of the situation and had to escort the speaker off campus.

Bias response team

In a history course on the American West, a professor assigned a selection of primary sources in a unit on the experiences of Native Americans. The sources include both indigenous and white authors. The author of one of these texts frequently referred to Native Americans as "savages," even though the author advocated for negotiating and honoring treaties that featured relatively favorable terms for Native tribes.

In an exchange between the professor and another student during a class discussion, both the professor and the student referred to the language of the historic texts. A second student enrolled in the course filed a report with the university's Campus Climate Response Team, claiming: "The professor did not clarify in the course of the class discussion that indigenous peoples are not savages" and the fellow student "used the term 'savage' even when not referring to the historic text." The student's report concluded that both were "tolerant of racism and bigotry."

The Campus Climate Response Team notified the reporting student that it had received the report and would take appropriate action to address the situation. The professor became aware of the complaint when he received a message from the associate dean of academic life that the report had been added to his personnel file but that no disciplinary action would occur. Meanwhile, the student who used the term "savage" was notified of the report and was asked to complete a short online training module on cultural and historic awareness.

Mandatory DEI training for students

As colleges and universities work to ensure that their campuses are welcoming and inclusive, a public university is using online training modules to bring students up to speed on university policies and its expectations. The university's training modules are mandatory for students, and they must answer all questions correctly before they receive credit.

One section of the training involves questions regarding gender identity and expectations of how students and faculty should address members of the campus community. One question reads: "Another student has requested that you use she/her pronouns when addressing her. What is the appropriate response?" Respondents cannot continue to the next question until they have selected the answer affirming that the only appropriate course of action is to use the pronouns requested by the student.

One student, citing her religious beliefs, refuses to select the correct answer to the aforementioned question because she "does not believe that people can change their gender." Because of her refusal, she failed to complete the training module, and an administrator has informed her that she will be unable to enroll in classes the upcoming fall. The student says that she will complete the training module if the university allows her to select a different answer to that question. She believes that the university is compelling her to express a particular opinion with which she does not agree.

Endnotes

1 J. Reuben, *The Making of the Modern University: Intellectual Transformation and the Marginalization of Morality*, (Chicago and London: University of Chicago Press, 1996), 254. We have relied, more broadly, on chapter. 8, "Administrative Order," 230-65.

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