



## How do university administrators respond to incidents of hate speech on campus?

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### What is the issue?

In the wake of the 2016 presidential election, college campuses experienced a rise in hate speech: expressive communication used to threaten, demean, abuse, and ultimately provoke hatred against minoritized populations. These incidents harm students of color and other marginalized populations.

While university administrators cannot censor or prevent these incidents from happening, how they respond remains politically contested. Political actors, for example, invoke the First Amendment to frame university responses as overreach that tramples individual liberties and conservative viewpoints rather than as efforts to promote racial inclusion. In this political environment, colleges face profound challenges for promoting racial inclusion.

We asked: How do university administrators negotiate and institutionalize principles of open expression and inclusion as they respond to hate speech incidents amid external pressures and constraints?

### What have we learned?

The study revealed an under-explored, but prevalent dynamic undermining racial equity and inclusion in education: how administrators' perceptions of the legal environment, including advocacy organizations that threaten litigation or legislators that propose restrictive bills, shape their actions to undermine racial inclusion. We termed this dynamic "repressive legalism."

In the aftermath of hate speech, many students of color felt unsafe and unable to focus on academics. They wanted administrators to openly acknowledge this harm and to help the campus community to connect these incidents to systemic racism. Students believed these legally permitted administrative responses would help restore their sense of safety. Many administrators saw the value in these responses, but were concerned that advocacy organizations or a conservative legislature would deem them as not "neutral" and as "chilling" the speech of alleged perpetrators of hate speech. Concerned about the threat of lawsuits or restrictive legislation, they did not engage in these lawful responses. Administrators' acquiescence to these coercive pressures—at the cost of inclusion-promoting responses and their professional judgment—represents "repressive legalism."

## Who should know and what should they do?

Researchers, educators, and practitioners across K-16 education sectors can use the concept of repressive legalism to illuminate areas where external coercive pressures from the legal environment shape perceptions and unnecessarily constrain actions that promote inclusion.

Civil Rights groups and education and policy organizations should build coalitions with education professionals and help provide cover from external political pressures. These organizations should issue their own messaging and legal guidance to counteract the effects of repressive legalism and ensure university administrators are equipped with the knowledge to act in the best interests of their students and institutional mission.

To advance the mission of higher education, in the aftermath of hate speech-related incidents, university administrators should center the physical, emotional, and academic needs of students of color and others who are harmed. Universities should advance educational initiatives and curricula that focus on improving understandings of social oppression for campus communities, including the extended and violent history of White supremacy in the U.S. and its relationship to higher education and hate speech.

## Limitations/Caveats

This study took place at a public university that faced legal challenges and a conservative legislature. This context provided fertile ground for exploring the research questions but may limit the portability of findings to other public institutions with different contexts or at private colleges. Future research should examine how the dynamic of repressive legalism may manifest in other contexts and in relation to other educational topics.

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Figure. The concept of repressive legalism draws attention to how external actors leverage the law – in this study, the threat of lawsuits under the First Amendment or the threat of restrictive legislation – to shape educational policy and practice on racial equity and inclusion through the actions of education professionals who succumb to these pressures.



## Explore more about this project

Garces, L. M., Johnson, B., Ambriz, E., & Bradley, D. (2021). Repressive legalism: Understanding how university administrators' responses to hateful incidents on campus relate to inclusion policy. *American Educational Research Journal*. <https://doi.org/10.3102/00028312211027586>

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## Explore more about this topic

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