

LET THERE BE LIGHT: Freedom of Expression on Campus

A Student Affairs Toolkit

UC SANTA BARBARA

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At times this past year it has been challenging, in liberal spaces, to identify myself as a University of California Free Speech Fellow. This is arguably because in the past few years conservatives have co-opted and weaponized the concept of “free speech” to the point where merely mentioning the phrase can conjure up images of White nationalists such as Richard Spencer, Ben Shapiro and Milo Yiannopolous forcing their way onto college campuses to spew their hatred, and suing if they don’t get their way. The actual exercise of free speech rights, such as the freedom of assembly, is imbued with power relations, just as it always has been. While it is true that minorities have benefited greatly from First Amendment protections, it has never benefited them to the same extent that it protects Whites.¹ It is no surprise that mostly White and male conservative assault-rifle-toting protesters were recently able to force their way into the Michigan capitol building while the state legislature was voting on whether or not to temporarily close down businesses because of the Coronavirus pandemic. These anti-shutdown protesters were able to clutch their AR-15 rifles to their chests and scream in the faces of the police to the point where their spittle was landing on the officers’ noses. And yet things barely got physical. Few arrests were made. This provides a stark contrast to the way that police in some cities have injured Black Lives Matter (BLM) protesters, including when the President Trump used the police and military to clear Lafayette Park in DC, prior to the mandated curfew, so that he could do a photo-op in front of a church while holding a Bible. Similarly, Trump has ordered the use of federal agents, through the Department of Homeland Security, to round up BLM protesters in Portland, Oregon, and other cities “run by very liberal Democrats.” Federal law enforcement officers in Army uniforms with no badges and only a patch that says “police,” are grabbing individuals off the street and throwing them in unmarked vans to interrogate them at undisclosed locations.²

It is often said that university campus environments are a microcosm of our larger society, and as such, what plays out on the national stage is often reflected in the classrooms, the dorms, the dining halls, the libraries, and on the campus plazas. Therefore, it is not surprising that in the last five years as the country has seen an exponential increase in political divisiveness, hate crimes, and increased contestation over “free speech rights,”

¹ Charles Lawrence III, “If he Hollers let him go: Regulating Racist Speech on Campus” in *Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment* (Boulder, CO: Westview Press, 1993), 76.

² Evan Perez and Geneva Sands, “Trump Administration preparing to send Federal Agents to Chicago,” *CNN*, July 20, 2020, <https://www.cnn.com/2020/07/20/politics/trump-administration-federal-agents-chicago/index.html>

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these same debates are raging on college campuses as well. One of the most obvious displays of hate at a university was in 2017 when neo-Nazis and other White supremacists marched across the University of Virginia, Charlottesville campus with tiki torches blazing as they shouted “Jews will not replace us!” The next day Heather Heyer was murdered and many others were injured when a White supremacist intentionally plowed his car into peaceful protesters. Two police officers who were responding to the scene also lost their lives in a helicopter crash. The daily existence of White supremacy and other forms of discrimination and oppression on college campuses is more subtle than the display that took place at the Unite the Right march and rally in Charlottesville, but it is still insidious, hurtful, and dangerous. We must ask ourselves: free speech yes -- but at whose expense?

Even before the outbreak of Coronavirus, the past few years have been incredibly challenging for many college administrators across the nation, and student affairs staff in particular. In the current political climate, many public universities have become soft targets for those who feel emboldened to intimidate students from racial, religious, or sexual minority groups in an attempt to negatively impact campus diversity initiatives. Hateful speech on campus is most often legally protected, even if it goes against university values and the values of the student affairs profession.³ This toolkit will discuss how my campus, University of California, Santa Barbara, and other universities have responded to intolerant and offensive speech, and countered divisive national rhetoric. These practices include taking proactive steps such as alternative programming to provide counter-narratives, messaging campaigns, faculty engagement, student resources, and opportunities for dialogue between administrators, concerned students, and students coordinating controversial programs. These responses have often involved collaboration between student activists, faculty, student affairs administrators, and other stakeholders. It is my hope that this piece may be helpful to a range of people who are interested in this topic, and student affairs staff and administrators in particular, since it has become increasingly necessary for university leaders to share resources and build networks to help balance demands for freedom of speech and the promises of equal educational opportunities.

The topics covered in this toolkit are divided into the following sections and sub-sections:

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- [Theories of the First Amendment](#)
- [Normative Whiteness and Contestations Over Campus Space](#)
- [Definitions of Key Terms](#)

³ Brandi Hephner LaBanc, Frank Fernandez, Neal Hutchens, and Kerry Brian Melear, *The Contested Campus: Aligning Professional Values, Social Justice, and Free Speech* (Washington DC: NASPA, 2020), 90.

- [When Sidewalk Chalk is Used to Spread Hate: #TheChalkening](#)
- [Using Town Halls to Address Free Speech Community Controversies](#)
- [Speaking Out: Hearing From Campus Leaders](#)

Examples of Proactive Steps to Improve Campus Climate

- [Campus Community Council \(CCC\)](#)
- [Alternative Programming to Provide Counter-Narratives: “Resilient Love in a Time of Hate” Series](#)
- [Diversity, Equity, and Inclusion Online Module](#)
- [Freedom of Expression and Campus Climate Workshop](#)

Here Come the Haters: When Intentionally Provocative Speakers Come to Your Campus

- [“Feminism is Cancer,” Talk at UCSB by Milo Yiannopolous on May 26, 2016](#)
- [Efforts by the UCSB College Republicans to Secure Funding and Bring Ben Shapiro to UCSB to Give a Talk](#)
- [Counter-Narrative: “An Evening with Tim Wise a White Anti-Racist Advocate” on January 25, 2017 at UCSB](#)
- [Student Responses to Ben Shapiro’s Talk “Prejudices, Lies, and Divided People: The Legacy of #BlackLivesMatter” at UCSB on February 21, 2017](#)

Say What?! Social Media Controversies and Cyberbullying

- [Responding to Doxing](#)

Artivism: Freedom of Expression, Public Art, and Activism on Campus

- [Mapping Dissent April 2017 at UCSB](#)
- [Students for Justice In Palestine’s \(SJP\) Anti-Oppression and Pro-Divestment Wall at UCSB May 2017](#)
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Unlearning and Opportunities to Engage in Conversation Across Difference

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- [Use of Police at Student Protests and Demonstrations](#)
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- [UC-Wide Work Stoppage in Support of the COLA Movement](#)

Leading with Compassion

As a graduate student in Public History at UC Santa Barbara I have worked as student-staff for the Division of Student Affairs at my campus for the past four years. Some of the projects I have worked on have focused on free speech, campus climate, crisis response and mental health services. I have had the opportunity to work closely with our Vice Chancellor of Student Affairs, Assistant Vice Chancellor of Student Affairs and Dean of Students, Director of Counseling & Psychological Services, Multi-Cultural Center Director, and a large number of undergraduate and graduate students, many of whom have been student leaders on our campus. I have had a foot in student affairs work and a foot in student activism since I attended UC Santa Cruz as an undergraduate student twenty years ago. As a student activist at UCSC I helped found the Queer Resource Center and established free and anonymous HIV testing, I worked as student-staff in a number of student affairs positions, and my Senior year I worked closely with the Chancellor, through the Chancellor's Undergraduate Internship Program (CUIP). Being able to engage with my fellow students in activism that often pushed and challenged our administration, while also helping support our Chancellor and other administrators in the work that they were doing with students provided me with a unique perspective. In some ways the past four years have been similar as I have been working closely with high level administrators at UCSB, while also pushing for change as a graduate student activist myself.

This piece represents my personal reflections based on these experiences, as well as research I have conducted through interviews and informal conversations with administrators and student activists from 4-year public and private universities. In addition to books, articles, websites, and guides, I also draw from sessions I have participated in and observed at several NASPA student affairs conferences, the National Conference on Race and Ethnicity in Higher Education (NCORE) annual conference, and both of the #SpeechMatters Conferences in Washington DC that the UC Center for Free Speech and Civic Engagement has sponsored for the past two years. I have been engaged in social justice work, and anti-racism advocacy for several decades, and I still have much to learn. I have tried to apply that lens and approach to this work. I am a liberal White cis-gendered middle-aged lesbian, who was raised in a middle-class household in a small town that was a majority White, and has lived in coastal California her entire life. My background affects my perspectives on the topic of free

speech, and how I have experienced these issues on my campus, and in the wider world. As a graduate student these are my views, and my views alone.

Background Information on the University of California, Santa Barbara

In terms of intentionally provocative Right-wing speakers on the college circuit, UCSB was popular in 2016 and 2017. Milo Yiannopoulos gave a lecture for his “Feminism is Cancer” tour, David Horowitz came to spread his anti-Muslim rhetoric, and then we had a visit by Ben Shapiro for his talk criticizing the Black Lives Matter Movement.⁴ I will be sharing details about how things unfolded and how our campus responded in a variety of ways. Since I will be discussing a number of challenging incidents that we have experienced at UCSB, situated against the backdrop of incidents from across the nation, this section provides background information on my university in terms of demographics, and campus history. Each college and university has its own unique culture, and system of governance, and the “solutions” to the challenges on your campus, reside on your own campus. There is no one-size-fits all approach. However, it is my hope that hearing about the experiences of our campus regarding some of these issues, may prove fruitful in thinking about different ways of possibly preparing for and responding to situations as they may arise.



UC Santa Barbara campus, Storke Tower and Arts Buildings reflected in Campus Lagoon. *Photograph credit: Melissa J. Barthelemy*

UC Santa Barbara is a 4-year public Research I university located in Southern California, about 90 miles north of Los Angeles. The campus is located on a 408 acre parcel of land on a mesa overlooking the Pacific Ocean on

⁴ The Southern Poverty Law Center identifies David Horowitz and Milo Yiannopoulos as proponents as Alt-Right extremists, and their Hate Watch program describes the prejudicial comments that Ben Shapiro makes against Blacks, GLBTQ+ people, etc.

<https://www.splcenter.org/fighting-hate/extremist-files/individual/david-horowitz>

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two sides. It is situated on the traditional, ancestral and unceded territory of the Chumash people. The land it resides on had formerly been a Marine Air Base in World War II and was obtained through the War Assets Board to house the campus.⁵ It is one of 10 UC campuses, and the second most diverse school in the UC system. According to the 2019-2020 Campus Profile there are currently 23,000 undergraduates and we are just shy of 3,000 graduate students. The undergraduate student population is 29% Chicano/Latino, 28% Asian/Pacific Islander, 35% White, 5% Black/African American and 1% American Indian/Alaskan. Graduate students are less diverse in ethnicity, though 31% are international students. The graduate student population is 60% White, 14% Chicano/Latino, 16% Asian/Pacific Islander, 4% Black/African American, and 1% Native American. UCSB's international students come from 79 different countries/regions. The largest percentage is from China at 75%. In terms of gender identity 53% of undergraduates and graduate students are female and 46% are male.⁶ In 2015 UCSB was designated both a Hispanic-Serving Institution (HSI) and an Asian American Native Pacific Islander-Serving Institution (AANAPISI) by the US Department of Education, reflecting the campus's undergraduate enrollment of Latinx/Chicanx, Asian American, and Pacific Islander students.⁷ UCSB also has one of the largest enrollments of Native American students in the UC system. Over 40% of UCSB undergraduate students will be the first in their family to graduate from a four year college. A significant fraction of UCSB faculty were also once first generation students.⁸

According to a recent article in the Los Angeles Times, "Latinos are the leading group of prospective freshmen accepted into the University of California for fall 2020, part of the system's largest and most diverse first-year class ever admitted." According to preliminary data, Latinos made up 36% of the 79,953 California students offered admission. Asians made up 35%, Whites 21% and Black students 5%. The rest were American Indians, Pacific Islanders or those who declined to state their race or ethnicity. About 44% of admitted students were low-income while 45% were the first in their families to attend a four-year university." President Napolitano remarked that "UC continues to see increased admissions of underrepresented students as we seek to educate a diverse student body of future leaders."⁹

UC's diversity was negatively impacted after the passage of California's Proposition 209 in 1996 which prohibited Affirmative Action, banning the consideration of race and gender in admissions decisions. This legislation was passed as conservatism clashed with student activism throughout the late 1980's and 1990's, when "left-wing political pushes towards multiculturalism, anti-racism, and anti-sexism at the University of

⁵ "World War II and the Goleta Mesa Campus," UCSB Art, Design & Architecture Museum website, accessed on July 5, 2020, <http://www.adc-exhibits.museum.ucsb.edu/exhibits/show/ucsbcampusarchitecture/world-war-ii-and-the-goleta-me>

⁶ "2019-2020 Campus Profile," UCSB Institutional Research, Planning & Assessment website, January 2020, http://bap.ucsb.edu/institutional_research/campus_profiles/campus_profiles.2019.20.pdf

⁷ "Minority Serving Institution," UCSB Diversity, Equity, and Inclusion website, accessed July 15, 2020, <https://diversity.ucsb.edu/about/minority-serving-institution>

⁸ "UC Santa Barbara First-Gen Faculty," UCSB First Generation Faculty website, accessed July 15, 2020, <https://www.firstgen.ucsb.edu>

⁹ Teresa Watanabe, "For the first time, Latinos are the largest group of Californians admitted to UC," *The Los Angeles Times*, July 16, 2020, <https://www.latimes.com/california/story/2020-07-16/latinos-uc-berkeley-diverse-class-history>

California met with resistance from the political right.”¹⁰ It has taken time for the UC to restore a more diverse student body, and it has not been able to fully reflect California’s full diversity. For two decades UC has sought to increase diversity while keeping admissions race-neutral. “The percentage of American Indian, Black and Latino students fell from about 20% of all admitted freshmen in 1994 to 15.6% in 1998; their share climbed to 29% last fall.” According to a recent article in the Los Angeles Times, “UC Berkeley has a poor reputation among Black students. It’s trying to change that.” The article says that UC Berkeley is known for having the worst campus climate for Black students in the University of California system. This has to do with the small number of Black students and faculty on campus, as well as a lack of necessary resources, and instances of anti-Blackness. As a result of Prop 209, at UC Berkeley Black student numbers plummeted from a high of 7.4% of all undergraduates in 1989 to a low of 3.2% in 2016.¹¹ On June 15, 2020 the UC Regents voted unanimously to endorse ACA 5, and the effort to repeal Proposition 209.¹² It is encouraging that even with Prop 209 in effect, UC Berkeley and other campuses in California have been recently devoting more resources to improving campus climate for Black students and other marginalized student populations, though the financial set-backs of Coronavirus may threaten to potentially roll back some of these advances.

UCSB has a long history of political activism. One of the most well-known events was when the Black Students’ Union (BSU) took over the UCSB Computer Science Building in 1968 threatening to dump buckets of water to destroy the main computers that UCSB depended upon. They were demanding a Black Studies curriculum, and because the demand was similar to other ones being made around the country, the university eventually consented. In retaliation police began arresting Black student activists on trumped up and unusual charges, such as failure to pay their rent on time. A year later anti-war protesters left a bomb at the Faculty Club that detonated, killing a custodian named Dover O. Sharpe. Another incident that made news around the nation was in the Fall of 1969 when the Bank of America that was located just a block from campus was burned to the ground during what came to be known as the Isla Vista Riots. When the bank was rebuilt the following year, people again set it on fire. In the confusion, a UCSB student named Kevin P. Moran was shot and killed by a policeman while he had actually been trying to put out the fire.¹³ Students also successfully demanded the creation of a MultiCultural Center at UCSB in 1988, which has provided our campus with incredible programming for the past 32 years. In 2019, after a 50-year struggle the Black Student Union was able to secure some of its longstanding demands to help support the success of the Black student community, such as the

¹⁰ Jamaal Justin Muwwakkil, “It’s Very Isolating”: Discourse Strategies of Conservative Student Groups on a Liberal University Campus, University of California, Santa Barbara masters thesis, June 2019, 6.

¹¹ Teresa Watanabe, “UC Berkeley has poor Reputation Among Black Students. Its Trying to Change that,” *Los Angeles Times*, July 20, 2020, <https://www.latimes.com/california/story/2020-07-20/heres-how-uc-berkeley-is-repairing-its-reputation-as-the-worst-uc-campus-for-black-students>

¹² “UC Board of Regents unanimously endorses ACA 5, repeal of Prop. 209,” University of California Office of the President website, accessed July 15, 2020, <https://www.universityofcalifornia.edu/press-room/uc-board-regents-endorses-aca-5-repeal-prop-209>

¹³ Carmen Lodise and Friends, *Isla Vista A Citizen’s History* (Isla Vista, CA: CreateSpace Publishing, 2009), 21.

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creation of an Office of Black Student Development at UCSB.¹⁴ At UCSB, as with many universities across the nation, many of the gains of marginalized students have come after decades of protest.

Our campus has been directly impacted by hate-fueled violence, the most high profile of which was the murders and injuries that occurred on May 23, 2014 in the neighboring business, residential, and educational district called Isla Vista. The incident which has often been referred to as the Isla Vista Rampage, or the softer phrase we use most often on our campus, the Isla Vista Tragedy, resulted in the deaths of six UCSB students and the injuries of 14 individuals just blocks from the edge of our campus. Elliot Rodger, a disturbed 22-year old male, who was not affiliated with our campus, used knives, a gun, and his vehicle as a weapon to exact what he termed to be “revenge” on our community. He claimed that women had rebuked his sexual advances and he targeted a UCSB sorority, but when he couldn’t gain entry he went on a rampage in which he randomly targeted people on the streets. He left behind a 107,000 word manifesto in which he expressed misogynistic and racist views.¹⁵ As a result of what he wrote and said in a series of videos he recorded and posted to YouTube before the rampage, the Southern Poverty Law Center [SPLC] has claimed that he was the first Alt-Right killer and that he began the Incel rebellion.¹⁶ According to the SPLC, the phrase “Alt-right refers to the Alternative Right, a set of far-right ideologies, groups and individuals whose core belief is that “white identity” is under attack by multicultural forces using “political correctness” and “social justice” to undermine white people and “their” civilization. The Alternative Right is characterized by heavy use of social media and online memes. Alt-righters eschew “establishment” conservatism, skew young, and embrace White ethnonationalism as a fundamental value.” Richard Bertrand Spencer is the most well-known extremist associated with this movement.¹⁷ The Incel Rebellion refers to the term “involuntary celibate” a label men use to describe their inability to find a sexual partner despite wanting one, and who are part of an online male supremacist ecosystem that denigrates and dehumanizes women, often advocating physical and sexual violence against them.¹⁸

Sadly, Elliot Rodger’s manifesto and killings have sparked a copycat phenomenon with more than four mass shooters citing him as an inspiration before undertaking their own murderous rampages. In the aftermath of the Isla Vista Tragedy UCSB saw its campus police force increase greatly both in the number of officers and the equipment used to police the campus and community. Many students, faculty, and community members have claimed that this police presence is excessive, and demands for defunding the police have grown louder in the

¹⁴ Sofia Mejias Pascoe, “Multiple BSU Demands Fulfilled,” *The Daily Nexus*, March 7, 2019, <http://daily nexus.com/PrintEditions/03-2019/03-07-19.pdf>

¹⁵ “Killer who Committed Massacre in Isla Vista was part of Alt-right, New Research Shows,” *The Los Angeles Times*, February 6, 2018, <https://www.latimes.com/local/lanow/la-me-isle-vista-massacre-alt-right-20180206-story.html>

¹⁶ Keegan Hanks and Alex Amend, “The Alt-Right is Killing People,” Southern Poverty Law Center website, February 5, 2018, <https://www.splcenter.org/20180205/alt-right-killing-people#california>

¹⁷ “Alt-Right,” Southern Poverty Law Center Website, accessed July 15, 2020, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/alt-right>

¹⁸ Rachel Janik, “I Laugh at the Death of Normies’—How Incels are Celebrating the Toronto Mass Killing,” Southern Poverty Law Center website, April 24, 2018, <https://www.splcenter.org/hatewatch/2018/04/24/i-laugh-death-normies-how-incels-are-celebrating-toronto-mass-killing>

wake of George Floyd’s killing. According to two separate research studies conducted at UCSB, there was a high rate of PTSD among students and other campus members in the year following this tragedy. Other research has said that it often takes up to 8 years for a university to heal in the wake of a mass shooting. I believe that the hypervigilance that some of us still experience contributes to increased sensitivity to incidents of hate within the community, some of which are protected under existing free speech laws. It was only a year after the Isla Vista Tragedy, in 2015, when the United States Presidential election started ramping up political divisiveness on our campus, as was the case with many universities and colleges throughout the nation.

This past has influenced some of the structures and policies that still remain today and continue to influence the way our campus handles issues of freedom of expression. UCSB is considered to be one of the most politically active campuses in the UC system with a high percentage of registered students voters, very active student governments (Associated Students and the Graduate Student Association), and robust activism and volunteerism both on and off campus. Our university prides itself on its support of freedom of expression, being open to a diverse range of viewpoints, and serving as a welcoming environment for speakers, including those who are considered to be extremely controversial.

Free Speech Yes -- But at Whose Expense? The Disproportionate Impacts of Free Speech on Marginalized Communities

One of my main concerns about free speech controversies as they’ve been playing out on college campuses is that frequently student activists must use the language of emotion in order to try to get an institution to bend towards the arc of justice. People most often need to feel something emotionally -- fear, pain, concern, outrage – something, in order to take action. This takes a disproportionate toll on those students who are in situations of marginalization and vulnerability, and that is why what appears as simply “free speech,” on the surface is predicated on a model that perpetuates White as a natural and unmarked social identity while demarking all others. When there is a free speech community controversy on a campus, peers from a minority group that has been impacted are often called upon to articulate their own experiences with the hateful speech in deeply personal terms in an effort to awaken racial consciousness in students from the majority, who are most often White. Thus, Students of Color, and students from other marginalized groups as well, often first experience the hateful words and actions, then they are called upon to educate others about why the incident was offensive, and then they ultimately help plan and execute a community response to the incident.

¹⁹ I am extremely worried about the burden this places on students who are already in a vulnerable position on campus, and how such experiences may negatively impact their life academically, emotionally, mentally, and physically. I am not advocating for “censorship,” of free speech, I am advocating for more honesty regarding the impact of who experiences the brunt of the burden. Because treating speech as an abstract concept, as though language is devoid of the corporeal realities of lived experiences, in the bodies that we all inhabit, is disingenuous at best, and dangerous at worst. Clearly, some of our bodies are monitored, policed, and disciplined more than others, and speech is an act that plays a role in this process. One need look no further than Trump’s ugly rhetoric as an example of the legitimization of expressions of racism, homophobia, sexism,

¹⁹ LaBanc, *The Contested Campus*, 188. For a discussion of racial consciousness and student developmental theory in regards to free speech community controversies, see page 188.

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xenophobia, and other forms of discrimination, and that these words are connected to an increase in hate crimes against marginalized groups. Research has shown that problematic speech can create hostile campus climates and inhibit the success of students.²⁰ Diverse students are often assured that they will find a welcoming educational environment where they can study, learn, and graduate, but frequently campus climates do not fulfill those expectations, nor do they live up to those assurances.

Student demographics at college campuses have shifted tremendously over the past five years. “In 1976, there were 9.4 million undergraduates enrolled in U.S. colleges and universities – 7.7 million of them were white. Forty years later, in 2016, 7.7 million of the nation’s 17 million undergraduates were students of color.” Demographics predict that the number of students of color entering colleges will be increasing, however White students are predicted to continue to comprise the single largest racial group at most universities for many years to come. As mentioned previously, an exception is within the University of California system whose 285,000 students are now majority non-White, with only 27% of the total student body identifying as White.²¹ Studies have consistently shown that in the past century Students of Color have not been well served on predominantly White campuses. According to USC Professor Shaun R. Harper, Students of Color who have participated in studies have indicated that “they feel isolated in residence halls, classrooms, and elsewhere on their campuses; they experience racism, microaggressions, oneliness, and other forms of racial stress in college; there are too few culturally affirming spaces and activities at their institutions; and they live and learn in environments where very little educationally purposeful interaction occurs between peers from different racial and ethnic groups.” Harper argues that this “browning of America, and on college campuses” complicates the jobs of student affairs administrators, and that they need to be better prepared to meet the challenges of “improving the experiences of students of color, while more responsibly preparing white collegians for citizenship in a racially diverse democracy.”²²

As campus demographics have changed with more women, People of Color, LGBTQ+ folks, disabled, first-generation, and undocumented students enrolling in universities across the nation there have been increasing demands to end a culture of normative Whiteness and systems of oppressions on college campuses. Students are not willing to stay silent in the face of injustices. In particular, students have increasingly demanded campus action against microaggressions, intolerant, and offensive speech. In *Free Speech on Campus* authors Howard Gillman, PhD and Erwin Chemerinsky, JD, argue that some of these shifts can be attributed to the fact that with these changing demographics there are more students on campus who can attest to the harms they and their loved ones have experienced from hateful and intolerance speech, and they have experienced years of anti-bullying programs during their K-12 educational journey. They have less tolerance for hate because they have been taught that it has no place in their schools. Therefore, when college

²⁰ LaBanc et al, *The Contested Campus*, p. 94-95.

²¹ Teresa Watanabe, “Michael V. Drake named new UC president, first Black leader in System’s 152-year history,” Los Angeles Times, July 7, 2020, <https://www.latimes.com/california/story/2020-07-07/michael-v-drake-is-expected-to-be-named-uc-president-first-black-leader-in-systems-152-year-history>; Christopher Newfeld, “When Are Access and Inclusion Also Racist?” Remaking the University, June 28, 2020 <https://utotherescue.blogspot.com/2020/07/ucs-next-president-few-necessities.html>

²² Shaun R. Harper “Shifting Racial Demographics on College Campuses,” *Leadership Exchange: Solutions for Student Affairs Management*, 2019, 56.

administrators do not silence the speech that students find offensive, students frequently get angry at the administrators for contributing to what they allege is a hostile learning environment. Frequently students, staff, and faculty do not understand that what we can often point to as “hate speech” through a common sense understanding of the term, is not legally prohibited speech on a college campus, because hate speech itself is not a recognized category under the law. Simply put, the First Amendment contains no exception for hate speech.²³

Theories of the First Amendment

The central thesis of Gillman and Chemerinsky’s book is that “all ideas and views should be able to be expressed on college campuses, no matter how offensive or uncomfortable they make people feel.”²⁴ And that it is incumbent on colleges to take steps to help build inclusive campuses where students feel protected. Their primary solution is to increase speech rather than censor it. They assert that “‘More speech’ cannot undo the hurt caused by hateful speech. But a willingness of members of the campus community to speak out on behalf of the university’s core values, and to condemn speech that is inimical to them, is an important component of how campuses should deal with offensive expression. Rather than be tempted toward censorship, campus leaders should focus on the strategies premised on more speech.”²⁵

According to Chemerinsky and Gillman, there are a wide range of activities that campuses can (and must) do to protect student well-being and promote an inclusive environment. For example, campuses can:

- Protect the rights of all students to engage in meaningful protest and to distribute materials that get their message out;
- Punish speech that constitutes “true threats” or that meets the definition of harassment under federal anti-discrimination law;
- Prevent disruptions of university activities;
- Ensure that campus dormitories are safe spaces of repose, short of imposing content-based restrictions on speech;
- Prevent discrimination by official campus organizations;
- Allow faculty to use trigger warnings when they deem it appropriate in light of their best pedagogical judgement;
- Sensitize the campus community to the harms caused by microaggressions and the effects of implicit bias;

²³ Erwin Chemerinsky and Howard Gillman, *Free Speech on Campus* (New Haven, CT: Yale University Press, 2017), 155.

²⁴ Chemerinsky and Gillman, *Free Speech on Campus*, 19.

²⁵ Chemerinsky and Gillman, *Free Speech on Campus*, 149.

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- Ensure that learning environments are safe for the civil expression of ideas;
- Require institution-wide training on the obligation to create inclusive workplace and educational environments;
- Establish clear reporting requirements so that incidents of discriminatory practices can be quickly investigated and addressed;
- Establish clear and effective grievance procedures for those who believe the institution is not taking seriously its legal obligations to create nondiscriminatory workplace and learning environments;
- Prohibit retaliation against any person who complains about discriminatory workplace and learning environments;
- Promulgate clear and powerful principles of community, stressing the importance of an inclusive environment and condemning hateful or stigmatizing speech;
- Encourage faculty and students to research and learn about the harms associated with intolerance and structural discrimination, including through the creation of appropriate academic departments, the establishment of educational requirements on diversity and structural inequality, the publication of research, and the sponsoring of academic symposia;
- Organize co-curricular activities that celebrate cultural diversity and provide victims of hateful and bullying acts the opportunity to be heard;
- Emphasize how the campus's scholarly mission is best accomplished when people of diverse backgrounds and perspectives work together in an environment of mutual respect and constructive engagement; and
- Speak out to condemn egregious acts of intolerance as a way of demonstrating the power of “more speech” rather than enforced silence.



UCSB students hold a large “Fight Trump” banner during the “National Student Walkout Against Bigotry & Hate” protesting the inauguration of President-elect Donald Trump. Nearly 500 UCSB students, staff, and faculty participated in the march on January 20, 2020. Photo by Melissa J. Barthelemy

I wanted to begin with this overview of some of the most important suggestions from *Free Speech on Campus* because I think the book is incredibly helpful for student affairs, and other university administrators, who are grappling with issues of free speech, campus climate and diversity, equity, and inclusion (DEI). Additionally, Gillman and Chemerinsky are the National Advisory Board Co-Chairs for the UC National Center for Free Speech and Civic Engagement therefore they are instrumental to the work I have been doing as a Fellow. They were tapped by then UC President Janet Napolitano to form and help lead the Center. Erwin Chemerinsky is the Dean of the UC Berkeley School of Law and Howard Gillman is the Chancellor of UC Irvine. At the recommendation of student affairs staff at UCSB I read *Free Speech on Campus* and that is actually what helped lead me to finding out about the work of the Center. I will be building off of the list of their recommendations above with concrete examples, but before I do I would be remiss if I didn't mention a different strand of legal thought on the subject of freedom of expression on college campuses that is also helpful to be aware of.

Whereas Gillman and Chemerinsky characterize themselves as “strong free speech advocates” and take a more absolutist perspective on the issue, there are other legal scholars who argue for a different interpretation of the First Amendment. For instance, an influential group of scholars who are known as critical race theorists began in the 1980's and 1990's to propose different ways in which hate speech could potentially be regulated. *Words that Wound: Critical Race Theory, Assaultive Speech, and the First Amendment* is a landmark book that was published in 1993 featuring pieces by critical race theorists Mari Matsuda, Charles R. Lawrence III, Richard

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Delgado, and Kimberle Williams Crenshaw.²⁶ Matsuda advanced an argument that formal criminal and administrative actions should be used to respond to hate speech because the entire population is not equally affected by such speech, but rather the impact is imposed on specific groups who are already in vulnerable positions. She used examples of those who had been victimized by hate speech to argue that there needed to be a legal response that addressed the structural reality of racism in America; she asserted that racist comments cannot be disentangled from the operation of White supremacy. Matsuda advocated for a narrowly tailored definition of racist hate messages that could be restricted with First Amendment values.

Also, in *Words that Wound*, Lawrence focused on the need to enact hate speech regulations on college campuses, because he saw hate speech as similar to fighting words, and was concerned about racial violence in the university environment. He claimed that courts should look to the Equal Protection clause as interpreted in the case *Brown v. Board of Education* in balancing the interests between free speech and equality, in a way that grounds a racial point of view. These arguments have not been successful in altering how the First Amendment is applied on public college campuses. Critical race theorists convinced some universities to regulate hate speech through the creation of codes, but these were struck down by the courts. Some legal scholars think the debate is still far from over.²⁷ Another important book, *Must We Defend Nazis? Why the First Amendment Should not Protect Hate Speech and White Supremacy* was written by critical race theorists Richard Delgado and Jean Stefancic and was published in 1997. Delgado and Stefancic argue that the law is not written to protect the interests or values of those with less power. They assert that discriminatory speech does not advance self-fulfillment because it is more focused on harming others, and it does not advance the pursuit of truth. They assert that hateful or demeaning speech are ways to shut down conversation rather than encourage civic engagement or a meaningful discussion about differences.²⁸

²⁶ Lawrence, *Words that Wound*

²⁷ Gamelyn F. Oduardo-Sierra, "Please Protest Here: A Critical Analysis of the Public Forum Doctrine and Other Limits to Speech," *Selected Works 2018-2019 Fellows Program*, 88.

²⁸ Richard Delgado and Jean Stefancic, *Must We Defend Nazis? Why the First Amendment Should not Protect Hate Speech and White Supremacy*, (New York: New York University Press, 1997).



UCSB student rolls up sleeping pad during 72-hour long sit-in demonstration at Cheadle Hall administration building. Chancellor Yang agreed to endorse the issue of Fossil Free divestment, making him the first UC Chancellor to do so on May 12, 2017. *Photo credit: Melissa J. Barthelemy*

Normative Whiteness and Contestations Over Campus Space

Key Recommendations:

- Administrators need to create the conditions under which all students can thrive, and that relates directly to campus climate and improving what many students perceive to be a hostile learning environment.
- Campus administrators need to be vocal about condemning hate, by directly naming it with specificity.
- Administrators need to provide avenues for open and honest conversations about race and other issues of difference, by allocating resources and utilizing skilled facilitators.

In *White Guys on Campus: Racism, White Immunity, and the Myth of "Post-Racial" Higher Education*, University of Arizona Professor Nolan L. Cabrera argues that it is imperative that institutions disrupt the cultural hegemony of Whiteness on their campuses. Cabrera and other scholars have persuasively argued that in higher education "institutions and social policies are generally created and guided by a White supremacist logic. That is, systemic racism is so ingrained in contemporary society that color-blind or "race-neutral" approaches serve only to reify racial inequality. Systemic racism is present, neutrality is not an option, and institutional leaders have to ask themselves if they want to be part of the solution or part of the problem."²⁹ Colleges and universities have long served as "social sorting mechanisms, disproportionately allocating their social benefits to those already advantaged by society."³⁰ Therefore, I would argue that merely providing access and support services to students from underrepresented and under-resourced communities is not enough. We need to create the conditions under which all students can thrive, and that relates directly to campus climate and improving what many students perceive to be a hostile learning environment. Campus administrators need to be vocal about condemning hate, by directly naming it with specificity. They need to provide avenues for open and honest conversations about race and other issues of difference, by allocating resources and utilizing skilled facilitators. There is so much to be done to more fully realize the aspiration of "equal education." The work of Cabrera and other scholars who have studied issues of racism on college campuses through the lens of critical race theory and Whiteness studies can provide useful tools to help think about some of the contemporary free speech community controversies student affairs administrators have been responding to in higher education environments. As Angela Y. Davis, PhD has famously said, "In a racist society, it is not enough to be non-racist, we must be anti-racist."

Controversies over speech and the utilization of public space on college campuses often revolve around claims to power, authority and ownership. The landscape of student activism on college campuses today across the

²⁹ Nolan L. Cabrera, *White Guys on Campus: Racism, White Immunity, and the Myth of "Post-Racial" Higher Education* (New Brunswick, NJ): Rutgers University Press, 2019), 153.

³⁰ Cabrera, *White Guys on Campus*, 149.

country shows that students are exercising their right to free speech by advocating for a wide range of causes, of course not all of which explicitly touch on hot button issues like race, ethnicity, religion, sexual orientation, gender identity, and so on. However, how this activism plays out on a college campus often does bring up these other underlying issues around difference, because everything is imbued with issues of power relations and privilege. It is like the air we breathe, it is all around us. “Race and racism inform almost every facet of contemporary life, inequitably structuring access, opportunity and success in favor of White people.”³¹ Ever since Donald Trump announced that he was running for President of the United States there has been a surge in extremely high profile free speech community controversies of a certain brand, such as far-Right conservative speakers who are brought to campus to provoke, offend, and antagonize minoritized communities. That is just one type of free speech issue, but it is one that has been extremely challenging for campuses to contend with and it has accordingly received a lot of attention.

Definitions of Key Terms

I would like to offer some definitions that best describe these key terms as I am using them. I am thankful to the people and organizations who created these particular definitions.

Racist:

One who is supporting a racist policy through their actions or inaction or expressing a racist idea.³²

Antiracist:

One who is supporting an antiracist policy that reduces racial inequality through their actions, or is expressing an antiracist idea that racial groups are equals and non needs developing.³³

Structural Racism:

The overarching system of racial bias across institutions and society. These systems give privileges to White people resulting in disadvantages to People of Color.³⁴

Majority:

I do not use this term to refer to numbers but rather to influence. Therefore, I use minority to mean having less systemic influence than the majority. In contemporary context, this means that the majority is defined by Whiteness, heterosexuality, masculinity, Christianity, and ability, among many other -isms in society.³⁵ I also use the word minoritized to highlight the social oppression and power relationship that minoritizes individuals.

³¹ Cabrera, *White Guys on Campus*, 82.

³² Ibram Kendi, *Stamped From the Beginning: The Definitive History of Racist Ideas in America* (New York: Bold Type Books, 2016).

³³ Ibram Kendi, *How to Be an Antiracist* (New York: Penguin Random House, 2019).

³⁴ “Being Antiracist,” Smithsonian National Museum of African American History & Culture website, accessed on July 5, 2020, <https://nmaahc.si.edu/learn/talking-about-race/topics/being-antiracist>

³⁵ Cabrera, *White Guys on Campus*, 122.

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Diversity:

Existence of individual and social differences that contribute to identity. All the ways in which people differ, encompassing the different characteristics that make one individual or group different from another. While diversity is often used in reference to race, ethnicity, and gender, I embrace a broader definition of diversity that also includes age, national origin, religious, disability, sexual orientation, gender expression, socioeconomic status, education, marital status, language, and physical appearance. My definition also includes diversity of thought: ideas, perspectives, and values. I also recognize that individuals affiliate with multiple identities.³⁶

Inclusion:

The act of creating environments in which any individual or group can be and feel welcomed, respected, and valued to fully participate. An inclusive and welcoming climate embraces differences and offers respect in words and actions for all people. It is important to note that while an inclusive group is by definition diverse, a diverse group isn't always inclusive. Increasingly, recognition of unconscious or 'implicit' bias helps organizations to be deliberate about issues of inclusivity. Providing access to resources and opportunities is also an important aspect of inclusion.³⁷

Equity:

The fair treatment, access, opportunity, and advancement for all people, while at the same time striving to identify and eliminate barriers that have prevented the full participation of some groups. Equity involves making diversity and inclusion central to increasing justice and fairness within the procedures and processes of institutions or systems, as well as in their distribution of resources. Tackling equity issues requires an understanding of the root causes of outcome disparities within our society.³⁸

Racial Equity:

What a genuinely non-racist society would look like, where the distribution of society's benefits and burdens would not be skewed by race, and individuals would be no more or less likely to experience them due to the color of their skin.³⁹

³⁶ Monisha Kapila, Ericka Hines, and Martha Searby, "Why Diversity, Equity, and Inclusion Matter," *Independent Sector*, October 6, 2016, <https://independentsector.org/resource/why-diversity-equity-and-inclusion-matter/>

³⁷ Kapila et al, "Why Diversity, Equity, and Inclusion Matter"

³⁸ Kapila et al, "Why Diversity, Equity, and Inclusion Matter"

³⁹ Kapila et al, "Why Diversity, Equity, and Inclusion Matter"

When Sidewalk Chalk is Used to Spread Hate: #TheChalkening

Key Recommendations:

- Consider enacting content neutral policies that prohibit all chalking regardless of the message.
- Students often demand “transparency” when they want to know what disciplinary actions have been taken against students who engage in hateful actions that violate campus policies. It is important to reassure such students that action has been taken, even if you cannot provide specifics.
- Administrators should empathize with students by letting them know when they are also frustrated by their inability to prevent hateful activities on campus, and their inability to provide the transparency that students demand. Explain to students the legal and policy parameters within which administrators must operate.

A major controversy around speech and expression on our campus occurred during the last week of March 2016, when some students used chalk to write discriminatory messages on the ground, and sharpie markers to write permanent messages on campus buildings. The messages appeared to be promoting Trump, and included negative remarks against Muslims, Chicano/as, Asian Americans, Blacks, women, and the LGBTQ+ community. They purposefully wrote the messages on specific physical areas of the campus to antagonize particular groups. There is a large outdoor photo mural on our campus that depicts the Black Student Union takeover of our North Hall building in 1968, and on the ground underneath the photo murals students chaked “Obama is a Muslim,” and “Muhammad fucked children.” Near South Hall which holds the Department of Chicana and Chicano Studies they wrote “Trump build the wall 2016 but keep the tacos,” and outside the Asian American Resource Center was the phrase “Currency is devalued.” Near our Multicultural Center and Student Resource Building they wrote: “The wall just got ten feet taller,” “Torture Muslims,” “Sodomy = AIDS! Repent!” and “The Hunting Ground is Full of Lies 1 in 4 Women Are Not Raped,” and “there are only two genders.” Clearly, these messages were not all political endorsements, and instead were intended to provoke, taunt, and create fear. Timothy Irvine the Vice President of the Graduate Student Association at the time said that these messages “severely damage the [campus] climate,” and “undermine the administration’s efforts to make religious and racial minority students feel welcome.” Nihal Hakim a member of the Muslim Student Association said that he “didn’t want people to focus too much on the chalking because giving it too much attention is giving them exactly what they want.” He said he wanted UCSB to hold workshops in response to the chalk, addressing how students can have a meaningful dialogue when they disagree, because “Rather than anonymous chalk on the ground, we need to face each other.”⁴⁰

The chalk and sharpie ink messages appeared on the campus over the course of several days and UCSB maintenance staff washed many of the messages away as quickly as they could. Chalking sidewalks is a

⁴⁰ Nicholas Bogel-Burroughs, “Controversial Trump Markings Surface Around Campus,” *The Daily Nexus*, April 1, 2016, <http://dailynexus.com/PrintEditions/04-2016/04-01-2016.pdf>

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violation of the UCSB posting policy and can result in a maximum fine of \$20 for a first time offense. This is a content neutral policy, meaning it does not matter what the content of the actual message is – all chalking is prohibited. This made it easier to enforce the policy in this instance, and our Dean of Students has said that it has helped many other times as well. She has encouraged other universities to enact similar content neutral policies. All student organization leaders go through an orientation training where they learn that all chalking is prohibited, and this policy is well known by students on campus. UCSB administrators conducted a police investigation and eventually found out which students had done the chalking and there were consequences for their actions, in terms of property damage and violations of the student code of conduct. Since these were student conduct charges, the administration had to keep the information private in terms of the identity of the individuals.

This was upsetting to students who were hurt, angry, and wanted “transparency” about whether the people who had done the graffiti would be held accountable. When such information is not forthcoming, students often think that nothing is being done. It is important to reassure students that action has been taken, even if you cannot provide specifics. Also, saying that you understand why people may find that frustrating is helpful. Our Dean of Students always emphasizes to students that identifying specific student organizations is rarely helpful anyway, because usually it is only a small number of individuals within an organization who engage in behavior that warrants disciplinary action. Essentially, it is unfair to the other members to condemn an entire group for what specific individuals do. Nevertheless, I got the sense that it was widely believed on campus that students from the UCSB College Republicans and Young Americans for Liberty were the ones who had done the chalking. This incident definitely increased the anger and frustration that some student organizations held towards the College Republicans and Young Americans for Liberty.

Our campus was not unique in experiencing these chalkings in April 2016. The students who had engaged in this behavior at UCSB were inspired by others around the nation. A month earlier at Emory University chalk messages said “Trump” or “Trump 2016.” Students there complained and said the chalk messages made them feel unsafe. In response the director of social media operations for the Trump campaign tweeted about this and then conservative students began writing these inflammatory chalk messages on their own campuses, arguably as retaliation. University of Kansas, University of Tennessee-Chatanooga, and University Michigan, and UC San Diego also reported chalkings, some of which included messages like “abortion is murder,” “deport them all,” “fuck Mexicans,” and “Mexico will pay.”⁴¹ At the University of Michigan there were Islamophobic messages such as #StopIslam, along with pro-Trump chalkings. The University of Michigan didn’t have a content neutral policy that prohibits all chalking. According to an article from Inside Higher Ed “The university left the messages alone, despite unhappy students, because chalk messages are permitted on campus and these did not constitute a direct threat...campus police had been called, but they reported no criminal activity.” As a result, the students took it upon themselves to wash off the messages.⁴² At DePaul University these

⁴¹ Jennifer Kabbany, “Provocative Chalk Messages at UC Santa Barbara Prompt Administration Crackdown, Police Probe,” *The College Fix*, April 1, 2016, <https://www.thecollegefix.com/provocative-chalk-messages-uc-santa-barbara-prompt-administration-crackdown-police-probe/>

⁴² Josh Logue, “Messages that aren’t Easily Erased,” *Inside Higher Ed*, April 15, 2016, <https://www.insidehighered.com/news/2016/04/15/pro-trump-chalkings-inflame-many-campususes>

markings also occurred, and their College Republicans claimed responsibility for them as part of a campus movement known on Twitter as #TheChalkening. The Vice President for Student Affairs at DePaul said “many students, faculty and staff found the chalk messages offensive, hurtful and divisive.”⁴³ These incidents illustrate how social media has impacted student organizing across the nation with groups of students influencing, and even egging each other on.

Frequently when such incidents of hate occur, students want to take action in response. At UCSB the Black Student Union published a response to the chalking in its newsletter *Blackwatch*, *El Congreso* sent a letter to our Chancellor, a student led an effort to try to create a diversity scholarship,⁴⁴ and students focused aspects of their second Million Student March on responding to the controversial chalk writings. During the March they stopped at various locations where there were chalkings targeting specific communities and had speakers from those communities address the crowd, and participants wrote positive messages on chalkboard walls. Rather than addressing political ideologies, event organizers sought to “help students who felt ‘attacked’” so they could “uplift themselves.”⁴⁵

Using Town Halls to Address Free Speech Community Controversies

Key Recommendations:

- Town halls are often an extremely helpful way to address these situations by bringing students and other campus community members together in dialogue.
- Establishing clear community ground rules, a speakers list, and clarifying who will be serving as facilitators, and in what capacity, are all important considerations in planning a successful town hall.
- Expressing gratitude such as thanking students for taking time out of their busy schedules to attend meetings, such as town halls, is really important, especially considering that within the free speech context it is often marginalized students who are disproportionately impacted and may be in greater attendance at town halls.
- An administrator can always acknowledge the time and energy that students are spending on something that is personally meaningful to them, irrespective of whether they agree with the cause or even the student’s tactics.

In terms of an administrative response to the chalk messages, our Vice Chancellor of Student Affairs sent an email to all students condemning the hateful messages and organized “A Town Hall Community Forum and

⁴³ Peter Maxwell-Lynn, “Trump Chalking by College Republicans is a ‘Hate Crime,’ Black Students Claim,” *The College Fix*, April 15, 2016, <https://www.thecollegefix.com/trump-chalking-college-republicans-hate-crime-black-students-claim/>

⁴⁴ Madeleine Lee, “Controversial Chalk Inspires New Scholarship,” *The Bottom Line*, May 3, 2016, <https://thebottomline.as.ucsb.edu/2016/05/controversial-chalk-inspires-new-scholarship>

⁴⁵ Nicholas Bogel-Burroughs, “Second Million Student March to Address Controversial Chalk,” *The Daily Nexus*, April 14, 2016, <http://dailynexus.com/PrintEditions/04-2016/04-14-2016.pdf>

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Dialogue.” On the Facebook page for the event, it was described as “an open discussion about our expectations for our campus community. In light of recent divisive chalkings at UCSB, this space will allow for open dialogue in small groups along with the opportunity for individual expression.” It was held on April 7, 2016, within a week of the chalk incidents, and it lasted 90 minutes. The chalkings also came up as a topic during other events and meetings during the week. Town halls are often an extremely helpful way to address these situations by bringing students and other campus community members together in dialogue. When I was interviewing student affairs administrators for this project, a number of them mentioned the importance of town halls. They said that it is important to involve team members who play roles on campus that relate to the incident or situation the town hall is responding to, such as their professional job positions, and also their involvement in communities that may have been particularly impacted. They also stressed the importance of pulling in staff members who have a demeanor and communication skills that will help facilitate a productive dialogue. Establishing clear community ground rules, a speakers list, and clarifying who will be serving as facilitators, and in what capacity, were all mentioned as important considerations in planning a successful town hall. One organization to be aware of is AORTA, the Anti-Oppression Resource & Training Alliance. AORTA is a worker-owned cooperative focused on strengthening movements for social justice and a solidarity economy. They provide workshops, trainings, and consulting services. There are a number of free resources available on their website. In particular they have created an Anti-Oppressive Facilitation for Democratic Process: Making Meetings Awesome For Everyone ⁴⁶handout.

Personally, I find town halls to be extremely helpful in general. At the same time I want to acknowledge there has been a lot of talk recently in the profession of “town hall fatigue,” because there are so many town halls, and students often feel like there is a lot of talk, but not enough action. Frequently students demand open communication and transparency, and when there are limitations based on law and policy as to what administrators can divulge in these public spaces, students often get frustrated. In these moments it can be incredibly important for administrators to empathize with students and validate their emotions by using empowerment language to say things such as “I hear you,” and “we see how frustrated you are, it is frustrating for us too.” As a student activist myself, I think expressions of gratitude from administrators can go a long way. It is important for administrators to acknowledge that students are most often in these meetings out of care and concern, rather than in any employment capacity. Therefore, thanking students for taking time out of their busy schedules to attend meetings, such as town halls, is really important, especially considering that within the free speech context it is often marginalized students who are disproportionately impacted and may be in greater attendance at town halls. Even if a student, or student organization is engaging in activities that an administrator might not agree with or even find offensive, the students are still spending their time on these activities most likely because they think that it will improve the university from their perspective. An administrator can always acknowledge the time and energy that students are spending on something that is personally meaningful to them, irrespective of whether they agree with the cause or even the tactics.

⁴⁶ “Anti-Oppressive Facilitation for Democratic Process,” AORTA website, accessed on July 5, 2020, https://aorta.coop/portfolio_page/anti-oppressive-facilitation/



During a previously scheduled town hall meeting between students and administrators regarding Sexual Violence and Sexual Assault, and the status of demands made by Students Against Sexual Assault (SASA) a UCSB student organization, the topic of the chalkings that had recently occurred also came up. Administrators had to be nimble and discuss both topics during the meeting, as two students with MAGA attire and holding an American flag (top right corner of this photograph) stood behind them and briefly exchanged insults with other students in the room. During the meeting, members of the College Republicans and YAL expressed concerns regarding the evidentiary burden of proof in university sexual misconduct adjudications, claiming that it discriminated against those accused of committing a sexual assault. *March 2016, Photo credit: Melissa J. Barthelemy*

Speaking Out: Hearing from Campus Leaders

Key Recommendations:

- One of the most powerful tools that administrators have in responding to hate on their campus and in the wider world is the use of their voice. They should speak out to condemn egregious acts of intolerance as a way of demonstrating the power of “more speech” rather than enforced silence.
- Use specific language that names the particular groups being targeted by hateful, intolerant or offensive acts, and describe the incidents.

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- Provide as many details as possible regarding the response of the institution and the division.
- Explain reporting procedures so that incidents of discriminatory practices can be quickly investigated and addressed.
- Provide information regarding campus and community resources that are available to students and other members of the university.
- Promulgate clear and powerful principles of community, stressing the importance of an inclusive environment and condemning hateful or stigmatizing speech.
- Sometimes it is difficult for students to understand that honor codes and creeds are a value statement of behavioral expectations rather than enforceable law. Administrators should remind students of this distinction in the wake of free speech community controversies on campus.

It is important that campus leaders be free to speak in their own right, to assert, and affirm their institutional values.⁴⁷ That can be achieved during public meetings, as well as in university-wide correspondences, or messages that are sent only to the student body. An important aspect of the administration's response to the hateful chalk messages at UCSB was a letter that VCSA Klawunn wrote and emailed to all students.⁴⁸ In the letter she described what had occurred and what policies were violated. She said

“Some of the messages constitute political endorsements, while others contain offensive, ignorant and hateful statements that target, provoke and divide our community...The sexism, racism, homophobia, transphobia, and intolerance contained in these messages are inconsistent with our core values and our commitment to maintain an inclusive and safe learning environment for every member of the UCSB community. These actions undermine our sense of community and our commitment to diversity. Such hateful messages have no place in our university. Our students, staff, and faculty take pride in our collective efforts to create an atmosphere of inclusiveness. These messages degrade and distract our community and isolate those groups who are targeted.”

One reason I think this statement is so powerful is the specificity of her language in naming how hurtful the statements were by saying they are “offensive, ignorant and hateful,” and then also listing the types of prejudices they invoked “sexism, racism, homophobia, transphobia, and intolerance.” In these moments, it matters a lot to students to see the discrimination actually called out for what it is – the particular groups that are being targeted. I think this is an important takeaway in general, and it is something that has been especially emphasized as of late in regards to specifically naming anti-Black racism in the wake of the police killing of George Floyd. Activists and scholars are repeatedly calling for specificity in relation to naming the type of violence that occurs and the group that is impacted. For example, social justice activists have said that it is not okay to say “George Floyd died,” when in actuality “George Floyd, a Black man, was killed at the hands

⁴⁷ “Diversity & Inclusion,” PEN America website, accessed July 20, 2020, <https://campusfreespeechguide.pen.org/issue/diversity-and-inclusion/>

⁴⁸ Margaret Klawunn, “Letter to Students,” UCSB Student Affairs website, accessed on July 5, 2020, <https://www.sa.ucsb.edu/docs/default-source/default-document-library/community-message-letter-campus-climate-concerns-april-1-2016.pdf>

of White police officers.” And it is not enough to say “People of Color are killed at a disproportionately higher rate than Whites because of racism,” because while that is true, it lacks specificity. In particular, people are talking about Blacks being killed at a higher rate and it is because of anti-Blackness.⁴⁹ This is a really important lesson for administrators to keep in mind when they are issuing statements in response to acts of discrimination and other bias incidents. Additionally, in the letter Dr. Klawunn also says the chalk statements were intended to “target, provoke, and divide our community.” It is important for administrators to name the intent and serious impact of these acts of intolerance.

Dr. Klawunn’s letter went on to discuss the impacts of these messages, that an investigation was being conducted, which policies were violated, where students can get additional support services and resources, and she quoted UCSB’s Principles of Community. They state,

“The community requires the respectful exchange of ideas. People should be passionate about what they believe and how they express that belief, but they must also be civil in both word and deed. This principle is particularly important when a community encompasses people who have different backgrounds, worldviews, etc. This is not about political correctness; it is about basic respect – about how people treat one another, not about what people think or believe.”

Relying on Principles of Community

VCSA Klawunn went on to say “UCSB’s campus policies protect and uphold freedom of speech. These rights also come with the responsibility to engage with one another civilly and respectfully, and in ways that support our community.” I imagine some might take issue with this letter, arguing that it could chill free speech, but I take the letter to largely be about community responsibilities and an appeal to values. Sometimes it is difficult for students to understand that honor codes and creeds, such as our UCSB’s Principles of Community, are a value statement of behavioral expectations rather than enforceable law. This is discussed at student orientations, but administrators should expect to have to remind students of this distinction in the wake of free speech community controversies on campus.

When referring to institutional creeds and value statements, sometimes it is important to clarify that they are not an extension of student codes of conduct. “Creeds and values statements are voluntary in nature. By expressly stating that commitment to the creed or statement of core value is voluntary, the institution is reminding students that they chose to be a part of a community – this concept enhances the opportunity for educational interventions.”⁵⁰ Some scholars and practitioners have suggested that universities should consider extending academic freedom and autonomy protections to student affairs professionals. Since such campus policies are not currently in existence, these creeds can help provide an additional avenue for student affairs administrators to challenge problematic situations and offensive speech. Being able to invoke creeds within

⁴⁹ Constance Grady, “Why the Term ‘BIOPIC’ is so Complicated, Explained by Linguists,” *Vox*, June 30, 2020, <https://www.vox.com/2020/6/30/21300294/bipoc-what-does-it-mean-critical-race-linguistics-jonathan-rosa-deandra-miles-hercules>

⁵⁰ LaBanc et al, *The Contested Campus*, 96.

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such letters to the campus community is a good way to lessen personal risk by reiterating the institution's values as opposed to sounding like they are issuing a personal statement about their thoughts and feelings.⁵¹

All of this is in keeping with Chemerinsky and Gillman's recommendations of combating hateful and offensive speech, with "more speech." It is important for administrators to find their own voice, and use it to help build trust, openness, honesty, and compassion, while having the courage to name with specificity the hate and violence that has affected the community. It is important to name the impacts, and provide concrete information about future steps that will be taken to address the situation. Occasionally, when it is appropriate, our VCSA will have impacted communities read a draft of the letter she is working on to address a particular incident; it might be fellow administrators, faculty, staff, students or community members whom she reaches out to. I can see how it would be very helpful to get an extra set of eyes on a draft when it is addressing sensitive topics that disproportionately impact particular groups. "By acknowledging and addressing legitimate concerns regarding racism and bigotry in the context of free speech debates, universities can help ensure that the defense of freedom of expression is not misconstrued as a cause that is at odds with movements for social justice." Additionally, our Assistant Vice Chancellor and Dean of Students has a monthly Dean of Student Life Newsletter that she emails directly to students in which she expresses her personal views on issues affecting our campus, the nation and the world, such as the killing of George Floyd and Black Lives Matter protests demanding change. The newsletter provides an opportunity for her to speak directly to students on issues that matter to her and to students. As a student, I find it helpful to hear announcements in her newsletter about upcoming deadlines, events, and activities, as well as being able to hear from her in a way that is personal, authentic, and heartfelt.

An additional thing the UCSB Student Affairs Division did in the wake of the chalkings was create a large informational flier that was widely distributed all over campus. It was hung within academic departments, classrooms, resource centers, and offices. In large letters at the top it has a quote by author Maya Angelou "HATE -- It has caused a lot of problems in this world, but has not solved one yet."⁵² The flier provided information about who to contact if you have witnessed or have been a target of a hate-or bias-motivated incident. Even in this digital era, I think physical fliers can be really helpful because it makes a statement to have such a flier on a wall or bulletin board – it claims physical space with a powerful message.

Working with Faculty

Student affairs administrators often work with faculty in the wake of situations like this – especially faculty from Ethnic Studies programs, Womens' studies, and other allied disciplines. Academic units often seek to respond in the wake of such incidents as well. For instance, the Department of Chicana and Chicano Studies issued a statement saying the chalk messages were purposefully left at "spaces that students of color, queer students, Muslim and Middle Eastern students, undocumented students and women consider to be "safe." It goes on to say that "words can and often do wound, sometimes sparking long-term damage." The Department claims that these messages "were not a healthy exercise in free speech. They were designed to intimidate,

⁵¹ LaBanc et al, *The Contested Campus*, 96.

⁵² "Bias Incident Response," UCSB Assistant Vice Chancellor/Dean of Student Life website, accessed on July 5, 2020, <http://studentlife.sa.ucsb.edu/bias>

frighten, and harass these students. One could reasonably argue that such charged rhetoric constitutes ‘hate speech’ and in fact discourages open dialogue rather than promotes it.”⁵³

No Exception for Hate Speech

As mentioned previously, even though hate speech is deplorable and typically prejudicial towards groups of people based on their identity, hate speech is nevertheless protected speech in the United States.⁵⁴ That is, the First Amendment contains no exception for hate speech; it is not defined by law. Student affairs administrators frequently have to explain this concept to angry campus stakeholders since there is often an assumption that it violates the law because such language can be so shocking, offensive and feel so amoral. Administrators have to carefully navigate the legal terrain while trying to maintain a healthy campus climate that values diversity, equity, and inclusion. I would assume every college and university in the country has a section of their university website dedicated to explaining First Amendment law and campus policies around student protest and demonstrations. One that I came across that I found to be very straightforward and accessible for students is the Freedom of Speech website located at California State University Long Beach (CSULB). In particular, I recommend the FAQ section, which was a team effort between the CSULB Division of Student Affairs and the Center for First Amendment Studies which is located in the university’s Department of Communication Studies. In the FAQ section there are a dozen questions, including “What is “hate speech”? Is it illegal?” It is my personal opinion that their explanation is exemplary in its detail and accessibility to the general public.⁵⁵ Similarly, UCLA has a Free Speech on Campus Guide that is both detailed and highly accessible for students. There is a helpful subsection on the web page that asks “what are the costs?”⁵⁶ Also helpful is the ACLU’s Explainer on Campus Speech.⁵⁷

⁵³ “Statement in Response to Campus Chalk Writings,” University of California, Santa Barbara Department of Chicana and Chicano Studies website, accessed on July 5, 2020 <https://www.chicst.ucsb.edu/news/announcement/287>

⁵⁴ LaBanc et al, *The Contested Campus*, 186.

⁵⁵ “Freedom of Speech FAQ,” California State University, Long Beach website, accessed on July 5, 2020, <http://web.csulb.edu/divisions/students/freespeech/faq.html>

⁵⁶ “Free Speech at UCLA,” UCLA website, accessed July 15, 2020, <https://equity.ucla.edu/know/freedom-of-speech/free-speech-faq/#costs>

⁵⁷ “Speech on Campus,” ACLU website, accessed July 15, 2020, <https://www.aclu.org/other/speech-campus>

Examples of Proactive Steps to Improve Campus Climate

Campus Community Council (CCC)

One thing that has been helpful during this charged political climate is that a Campus Community Council (CCC) was started in 2015 by Vice Chancellor of Student Affairs Margaret Klawunn and Assistant Vice Chancellor of Student Affairs and Dean of Students Katya Armistead to promote an inclusive and respectful campus community at UCSB through proactive education, dialogue, and responsive action to climate or bias-related incidents as well as to concerns about local, national, and international events.

The goals of the Campus Community Council are:

- To bring together individuals who are committed to working toward an inclusive campus;
- To track bias incidents to raise awareness and address needs;
- To design proactive educational efforts to address bias;
- To develop strategies for timely and meaningful responses to campus climate concerns.

The intent for the CCC has been to evaluate trends affecting the campus climate and to initiate proactive education rather than responding solely in reaction to every incident. The Council meetings promote regular conversation among those who are working with and responding to student concerns across the campus, and members are closely attuned to student needs and aware of incidents. The CCC consists of student affairs administrators, representatives from the UC Police Department, faculty, and student representatives who were nominated by the student government. It has been a helpful way for the administration to be aware of what events, activities, and incidents have occurred or will be occurring that they should be aware of.⁵⁸ In creating the CCC, UCSB studied models at other campuses such as the Student Council on Campus Climate at UC Davis.

Alternative Programming to Provide Counter-Narratives: “Resilient Love in a Time of Hate” Series

In following the guidance of legal scholars such as Chemerinsky and Gillman, as outlined in their book *Free Speech on Campus*, student affairs sought to find opportunities to create “more speech” at UCSB. In order to turn reactive steps into proactive efforts for an inclusive campus environment, one idea that student affairs administrators and faculty developed was an ideological framework called “Resilient Love in a Time of Hate.”

This series provided a counter-narrative to the speakers who came to campus to espouse hate, and it was also vital on its own, independent of that. It exemplified the idea of returning hate with love. The series asked, ‘how can we respond ethically and honorably to hate and violence?’ It was designed to bring the campus community together in a way that promotes dialogue to find creative, positive responses to the divisiveness of the current political moment. Featuring visiting artists and academics, it sought to promote conversation and creative

⁵⁸ “Mission and Goals,” University of California, Santa Barbara Student Affairs Campus Community Council 2015-2016 Report, accessed on July 5, 2020, <http://www.sa.ucsb.edu/docs/default-source/academic-initiatives/sa-ar-15-16.pdf>

work that would forge a love-driven response to hate, hurt, and fear.⁵⁹ The series lasted for three years, and all events were open to students, staff, faculty, and community members. The series was so widespread with multi-prong efforts including lectures, training sessions, town halls, and teach-ins, that it is estimated that over 8,000 people attended the events. Additionally, this message of love and compassion was spread as events were advertised widely via email, newspaper, radio, fliers, and signs on campus and in the community.

This effort furthered the belief that programming and marketing efforts that focus on celebrating diversity, activism, civic engagement, and self-care should always be a top priority as a reflection of the university's core values, and not only seen as a necessary reaction to speech acts that attack and demean. It was beautiful to see how many stakeholders were involved and how it strengthened relationships between faculty, staff, students, and community members. In an interview back in 2016, Vice Chancellor of Student Affairs Margaret Klawunn said

“We were inspired to create the series because last spring we had a number of contentious debates on campus that tested our capacity for civil dialogue when feelings were running strong. Given the tough events of the summer for our nation, including gun violence and tense police/community relations as well as this historically uncivil presidential campaign, it seemed like it would be helpful to start the fall quarter with an event that would begin discussion on campus in a positive way. We want to take on the hard issues but set the bar for engaging each other with compassion and openness.”⁶⁰

The series included speakers such as: poetry artist and activist Sunni Patterson; law professor Kimberle Crenshaw; Alicia Garza and Patrisse Cullors two of the founders of the Black Lives Movement; educator Rev. Dr. Jamie Washington; poet Nikkita Oliver; Chican@ rock band Quetzal; breakbeat poets Idris Goodwin and Kevin Coval; performance artist Sharon Bridforth; White anti-racist advocates Tim Wise, Chris Crass, and Jordana Peacock; Free-Dem Foundations leaders Robert Jones, Jerome Moran, and Daniel Rideau; Associate Dean Tricia Rose; Professor George Lipsitz and numerous other faculty and graduate students from UCSB and around the nation.

⁵⁹ Series advertisement, language adapted to be in the past tense.

⁶⁰ Jim Logan, “Civil Engagement,” *The Current*, September 30, 2016, <https://www.news.ucsb.edu/2016/017190/civil-engagement>



Kimberle Crenshaw, JD, posing with two dozen students and faculty from California Polytechnic State University San Luis Obispo in 2018 after Crenshaw's talk "Say Her Name: Why Intersectionality Can't Wait," as part of UCSB's *Living Lives of Resilient Love in a Time of Hate* series. The professor who organized the field trip told me that she wanted to take these students to this event because of a recent high profile incident involving White fraternity members at the school wearing black face, and dressing as gang members for a party.⁶¹
Photo credit: Melissa J. Barthelemy

Diversity, Equity and Inclusion Online Module

For more than a decade UCSB students had been demanding mandatory diversity trainings for students, staff, and faculty. This is something the Student Affairs Division had also been wanting to make happen. Several years ago UCSB partnered with UC Davis and UC Santa Cruz to contract with the educational company Everfi to create an online module for all incoming undergraduate students focused on Diversity, Equity and Inclusion.⁶²

⁶¹ Hailey Branson-Potts, "After Blackface Incident, Minority Students at Cal Poly San Luis Obispo say they don't Feel Welcome," *Los Angeles Times*, April 28, 2018, <https://www.latimes.com/local/lanow/la-me-ln-cal-poly-racism-20180425-story.html>

⁶² "Diversity, Equity, and Inclusion Initiatives," UCSB Assistant Vice Chancellor/Dean of Students website, accessed on July 5, 2020, <http://studentlife.sa.ucsb.edu/equity/initiatives>

Last year, at UCSB 7,832 first year, transfer and Education Abroad Program students completed the module. It was created with extensive engagement with each of the UC campuses and subject matter experts worldwide, and is designed to be a brief orientation to a lifetime of learning about, engaging with, and respectfully discussing identities.

I am extremely impressed with the module because it discusses identity from an intersectional perspective, and it is quite nuanced in its treatment of microaggressions, exclusion, and bias. It also lets students know how to report incidents of bias and how to get support. Other UC campuses, such as UCLA, have begun using the module for their students as well. This past year at UCLA it was made optional for incoming students, as a pilot program, and 90% of students completed it. One UCLA student from the Afrikan Student Union said that she would like to see the training be made mandatory and that she hopes it will create further discourse about diversity at UCLA.⁶³ This is one example of how online spaces can be used to contribute to productive conversation about speech and the potential impact of our voices on others in a way that addresses the goals of equity and inclusion. The goal is a campus climate where all students can feel valued and supported.

Freedom of Expression and Campus Climate Workshop

At UCSB, there are also numerous in-person workshops and trainings that compliment this online module. In particular, the Office of the Dean of Students and Student Engagement & Leadership (SEAL Office) have a 90 minute long Freedom of Expression and Campus Climate Workshop that covers federal and state law, campus policies, civil discourse, and effective communication skills. The goals are for students to: consider the role of speech on campus and in society; improve understanding of the campus' response to controversial events, protests and protected speech; and explore how staff can support students who have concerns about speech and events they are not comfortable with on campus.

There is an interactive component where students discuss world events that are divisive, and then they have the students consider their listening, speaking and non-verbal communication behavioral patterns as part of their reflections after the exercise. Then they ask student participants the following questions: "What do you think the campus climate will be like this fall? What makes a 'positive' campus climate? As staff members, "How can we contribute to a positive campus climate?" Next is a discussion of students' individual response options in terms of contending with controversial speakers on campus -- intentional avoidance, engagement, and protest. During the second portion of the workshop they have students think about their roles on campus as students, as department/university representatives, and where they and their peers can access resources and self-care. The Office of the Dean of Students and SEAL also created a short informational video on Free Expression and Campus Climate that they share with students during orientation and at other key moments during the year.

A helpful resource that was recently published online is the NASPA - Student Affairs Administrators in Higher Education Free Speech and Deliberative Dialogue on Campus Issue Guide. It was produced in partnership with the Kettering Foundation to help address how colleges and universities can foster inclusive campus

⁶³ Justin Jung, "UCLA Introduces Online Module for Equity, Diversity, and Inclusion," *The Daily Bruin*, February 4, 2020, <https://dailybruin.com/2020/02/05/ucla-introduces-online-module-for-equity-diversity-and-inclusion>

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communities. According to NASPA, the guide is “available for free to anyone with an interest in free speech on campus and how to encourage civil discourse among those with divergent perspectives” and “it includes valuable suggestions for guiding groups through a deliberate dialogue forum on a controversial topic.”⁶⁴

Here Come the Haters: When Intentionally Provocative Speakers Come to Your Campus

Key Recommendations:

- Administrators should exercise their rights to speak as private citizens to challenge hateful and degrading speech. They should emphasize that the speaker’s demeaning, offensive or hurtful speech contradicts institutional values.
- When an intentionally provocative speaker is trying to organize a talk on campus, consider creating a University web-page that explains the university’s obligation to allow free speech, and provide informational resources and a section for frequently asked questions. This will help promote transparency and will provide an avenue for key campus leaders to take a collective stance against hate.
- During controversial free speech flashpoints the University needs to marshal resources, sponsor counter programming, expand access to mental health resources, and help foster a healthy campus climate by speaking out forcefully against hate.
- In regards to mental health impacts, intentionally provocative speakers who espouse hate often inflict a community based harm that extends beyond individually based harms. To only recommend individual counseling sessions in response, can potentially pathologize a symptom that is actually shared by many because of the circumstances. For many people it can be helpful to be in community with others. Therefore, it is worthwhile to consider other therapeutic modalities such as yoga, a drum circle, a meditation class, art, or group therapy. It is important for counselors to connect with groups of students who have been directly targeted or disproportionately impacted.
- Even public universities may place some limits on outside speakers, and find ways to limit security costs without running afoul of the law. There is a wide range in how universities are handling these situations. Even within the UC system there is substantial variation. What is essential is that university major events policies regarding security fees be viewpoint neutral.

In *Contested Campus: Aligning Professional Values, Social Justice, and Free Speech* the authors provide some suggestions for what administrators can do when intentionally provocative speakers are planning to come to their campus. Campuses have controversial speakers all of the time who represent a wide spectrum of political viewpoints. What I am referring to as “intentionally provocative speakers,” is the idea that some speakers come to campuses specifically to provoke, offend, and bait marginalized student populations. In their “Campus Free Speech Guide” PEN America refers to such individuals as “incendiary provocateurs.” PEN

⁶⁴ “NASPA Launches Guide on Free Speech and Deliberative Dialogue on Campus,” NASPA website, May 22, 2020, <https://www.naspa.org/press/naspa-launches-guide-on-free-speech-and-deliberative-dialogue-on-campus>

America has a helpful section of their “Campus Free Speech Guide” that focuses on hateful expression and invited speakers.⁶⁵ According to the former Director of the American Civil Liberties Union (ACLU), these speakers “deliberately seek to provoke attempts to censor them. This gets them media attention that they would not have had otherwise. They also gain sympathy because people see them as free-speech martyrs.”⁶⁶

The authors of *Contested Campus* say that there are a number of things campus officials can do:

“When an on-campus speaker is offensive or controversial – but the speech is legally protected – administrators still have agency over what types of actions they take to advance the institution’s values. Individual professionals may exercise their rights to speak as private citizens to challenge hateful and degrading speech. As groups, college and university leaders may engage in institutional speech to challenge a speaker’s ideas that are demeaning, offensive, or hurtful to others. Specifically, staff and administrators may point out when speech contradicts institutional values related to diversity, global awareness, equity, or inclusion.”

When the University of Michigan thought that they were going to have to let White nationalist Richard Spencer speak on their campus, they created a webpage to disseminate institutional speech. This webpage included statements by the university president and members of the Board of Regents about university values and how despite the university’s obligation to allow free speech – Spencer’s views were contrary to these values. The webpage also included resources and frequently asked questions to promote transparency about the process of responding to Spencer’s request to speak on campus⁶⁷

Last year a UC Free Speech Fellow, William MacKinnon Morrow, interviewed one of the leaders of the UCSB College Republicans from 2016 when the organization brought Milo Yiannopoulos and Ben Shapiro to campus, and asked her what the motivation was to do so. She said that they purposefully engaged in speech that would “provoke” to get attention, increase their membership, and because there was “a feeling that the concerns they had brought forward to the University Administration about the harassment of some of their members were being ignored.”⁶⁸ They felt like nothing would change “if this club did not exist and did not make itself heard.” They considered their efforts to be successful because the student organization’s membership grew considerably and their members felt that their club was being given more attention by the University administration. She attributed the growth of the club to the attention brought by hosting Milo Yiannopolous and Ben Shapiro as speakers, and the vocal opposition that resulted. The visits to the UCSB campus by both of

⁶⁵ “Campus Free Speech Guide: Hateful Expression,” PEN America website, accessed July 15, 2020, <https://campusfreespeechguide.pen.org/role/student/#hateful-expression>

⁶⁶ Nadine Strossen, “Minorities Suffer the Most from Hate-Speech Laws,” *Spiked*, December 14, 2018, <https://www.spiked-online.com/2018/12/14/minorities-suffer-the-most-from-hate-speech-laws/>

⁶⁷ LaBanc et al, *The Contested Campus*, 96.

⁶⁸ William MacKinnon Morrow, “Students Speak Up: Perspectives of Free Speech Among Student Leaders in the University of California System,” *Selected Works 2018-2019 Fellows Program*, 78. Available at <https://freespeechcenter.universityofcalifornia.edu/fellows-18-19/>

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these speakers were controversial by the standards of our university, but paled in comparison to places like UC Berkeley where there were large protests in response.

“Feminism in Cancer,” talk at UCSB by Milo Yiannopolous on May 26, 2016

One of the main reasons the visit by Yiannopolous was upsetting to some students was actually the behavior of College Republicans and Young American for Liberty beforehand as they were advertising the event. On May 22, 2016 members of Young American for Liberty (YAL), a registered student organization at UCSB, unfurled a large banner on the tunnel above the main bike path on our campus that said “Feminism Is Cancer.” This was the title of the lecture that Yiannopolous would be giving at UCSB as part of his “Dangerous Faggot Tour.” They held the banner for two hours and shouted at bicyclists and pedestrians passing underneath. I was passing by on my return from lunch off campus, and I heard them shouting at students, such as “Hey, you look like a lesbian! You are probably a feminist. Come see Milo!” To another student they said “You look like a liberal. Are you gay? You need to hear Milo!” When a Black student walked under the bridge they said “You look like a social justice snowflake!” I was really shocked by how they were baiting students with taunts, and have never seen anything like that before in my life. Some of the YAL organizers said they thought “the majority of feminists at UCSB are propagating false rape statistics and infringing on men’s due process rights,” and that was one reason they wanted to bring Yiannopolous to campus. A group of students who were LGBTQ+ gathered underneath and began yelling back at the YAL members and soon there was a shouting contest between the two groups regarding abortion, rape statistics and the definition of feminism. One YAL member defended the insults they were hurling at people passing underneath by saying Yiannopolous is a “provocateur,” therefore “it makes sense that the event’s advertisements would be as provocative as the event.”⁶⁹ Eventually the students who were in a shouting contest with the YAL members, increased exponentially in numbers and made their own homemade signs to hold up in response. Outnumbered, the YAL students eventually left and the LGBTQ+ students hung up signs on the bridge that were supportive of trans folks and feminists. One poster had a photograph of Laverne Cox, an American actress and LGBTQ+ advocate, with a quote that said “We are not what other people say we are. We are who we know ourselves to be, and we are what we love.” Other posters said “Patriarchy is Cancer!” and “Women’s Rights are Human Rights!”

⁶⁹ Nicholas Bogel-Burroughs, “‘Feminism is Cancer’ Banner Leads to Heated Discussions,” *The Daily Nexus*, May 24, 2016, <https://dailynexus.com/2016-05-24/feminism-is-cancer-banner-leads-to-heated-discussions/>



Members of the UCSB Young Americans for Liberty (YAL) student organization promote "Feminism in Cancer," talk by Milo Yiannopolous by holding banner and shouting at people passing underneath bridge on May 22, 2016. *Photo credit: Melissa J. Barthelemy*

When Yiannopolous came to UCSB our large event center reached its maximum capacity, and hundreds of students who wanted to attend were turned away. There were administrators and police on scene, but no protesters. Administrators took this as an example of how supportive our campus is of free speech rights, which it is, but some other people on campus were upset about having Yiannopolous speak on campus, and thought more should have been done in response. I was one of those people. I don't remember all of the details, but I don't think there was counter-programming that night that students could have gone to instead. Students shouldn't have to take on the onus of the labor of organizing and raising funds for alternative events. During controversial free speech flashpoints the University needs to marshal resources, sponsor counter programming, expand access to mental health resources, and help foster a healthy campus climate by

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speaking out forcefully against hate. I remember that it also felt like it took too long for a statement to be issued by the administration and there were a lot of people I knew who were complaining to me about this delay. We were especially worried about the mental health impacts on students since Yiannopolous had made sexist, racist, xenophobic, homophobic and transphobic comments, had made fun of people with depression and those who engaged in self-harm such as “cutting,” and had laughed about suicidal behavior. During this time period I was serving as an intern to the Director of CAPS (Counseling and Psychological Services) working on special projects. At that time I was not as familiar with free speech matters on our campus, nor had I been working closely with our Vice Chancellor of Student Affairs. I will say, as a student, when you are really upset about something, even just days can feel like an eternity. I now have a much better understanding of the competing priorities that VCSAs and their executive leadership team members have to balance, and the constraints they are operating within. In retrospect, the administration did act quickly, but for students who are impacted, it never feels like this action is quick, or sufficient, enough. It puts immense pressure on administrators to respond quickly, carefully, and within the bounds of the law. As Cabrera has written,

“Racial justice has to be articulated as an institutional value, and then a series of mutually supportive initiatives need to be enacted concurrently to truly change the campus culture of colleges and universities, disrupting what Gusa (2010) refers to as the White institutional presence....institutions of higher education need to be prepared to act quickly based on the ever-changing racial terrain of contemporary American society in order to be part of disrupting White supremacy.”⁷⁰

Nine months after Yiannopolous spoke at UCSB, the campus newspaper reported that Dominick DiCesare, YAL President, said he wasn't interested in bringing Yiannopolous back the next year because “I'm not trying to provoke anybody. He [Yiannopolous] made his point on this campus, and it responded with incredible peace. They showed me they can have their disagreements and still be peaceful.”⁷¹ At the national level many conservative organizations tell the leaders of YAL, the College Republicans, and Turning Point USA that anytime they try to do any events featuring conservative speakers, especially of the intentionally provocative variety, they either won't get their event funded or it will be shut down. In some instances, when a campus has no confrontation or protest, it actually undermines the credibility of what conservative organizations are telling them at the national level. Similarly, one administrator I interviewed said that students reached out to her to begin a campus chapter of Turning Point USA but they had a falling out with the national organization because it had told them that the Office of Student Life on their campus was being extremely helpful and accommodating, and that it simply wasn't true that they were being discriminated against as conservative students. Ultimately, the students told the administrators that they felt like they were being used as “pawns” for the national Turning Point USA and weren't willing to say that administrators were treating them poorly, when they weren't. Therefore, they withdrew their application to become a registered student organization and decided they didn't want anything to do with the national organization. As our Assistant Vice Chancellor and Dean of Students at UCSB often says, “A Dean of Students must be the Dean of ALL students,” regardless of their viewpoints and behavior. Treating every organization in an equitable manner is really important legally,

⁷⁰ Cabrera, *White Guys on Campus*, 58.

⁷¹ Shomik Mukherjee, “UCSB Free Speech Activists: ‘Even Nazis Deserve Free Speech,’” *The Bottom Line*, February 7, 2017, <https://thebottomline.as.ucsb.edu/2017/02/ucsb-free-speech-activists-even-nazis-deserve-free-speech>

and also from the standpoint of professional ethics. Establishing a clear line of communication makes it easier to navigate expressive activity and other issues later on.

When a hate-filled speaker like Yiannopoulos comes to your campus to speak at a large event like this one, it is important to recognize that the mental and emotional impacts can have a ripple effect throughout your entire campus community and beyond. Among some groups, there may be widespread shock, grief, anger, fear, and sadness. It can be more productive to treat these situations as a community based harm, rather than an individual harm. To only recommend individual counseling sessions in response, can potentially pathologize a symptom that is actually shared by many because of the circumstances. For many people it can be helpful to be in community with others. Therefore, it is worthwhile to consider other therapeutic modalities such as yoga, a drum circle, a meditation class, art, or group therapy. I realize my coastal California ways might be showing, since each geographical region has a different campus culture. But, those are some of the things that our campus and other UC's have found to be helpful in the wake of community harm. An especially important outlet for our campus has also been informal conversations at our MultiCultural Center where people sit in a large circle and have a discussion about what they are thinking and feeling, in a way that is very supportive. These meetings at the MultiCultural Center tend to attract students, faculty, staff, and administrators. They have been incredibly important spaces for me personally, both as a student and as a co-facilitator.

In response to the “Feminism is Cancer,” talk that Yiannopoulos gave, students wrote pieces in our student newspaper to show their disapproval. One student said “Yiannopoulos praised the UCSB audience for its civility, but you could tell he was a little put out by not having a disruption.”⁷² I agree. Yiannopoulos doesn't come to campuses to convey his original research, or elucidate a complex theory, he is there purely to evoke a strong reaction in terms of protest, hoping people will try to shut down his event in order to garner media attention. That way, conservatives can claim that university campuses are hotbeds of liberalism, where conservative voices are silenced and the First Amendment is threatened. This is how conservative students claim they are the victims, and that they are the ones being discriminated against. It essentially comes down to baiting and recycling tired clichés of reverse racism and censorship. The hate that speakers like Yiannopoulos, Spencer, Shapiro, and Horowitz peddle on campuses is nothing new or innovative. We have had White supremacy and other forms of prejudice and discrimination for a long time, they use them as a tactics to promote themselves and their agendas, but they didn't invent them.

There is an opinion piece from *The Observer* that was published three years ago and is incredibly helpful for student affairs administrators to be aware of. It is called “I Helped Create the Milo Trolling Playbook. You should Stop Playing Right Into It.”⁷³ It was written by Ryan Holiday, who has helped run low-budget marketing campaigns that depend on provocation to generate controversy -- which exponentially increases media attention -- and fuels sales. He says that Yiannopoulos and other provocateur speakers who descend on college campuses are essentially using the same playbook. Ryan claims that they have used his 2012 book *Trust*

⁷² Gabriel Lazo, “Milo Yiannopoulos is Cancer,” *The Daily Nexus*, June 1, 2016, <https://dailynexus.com/2016-06-01/milo-yiannopoulos-is-cancer/>

⁷³ Ryan Holiday, “I Helped Create the Milo Trolling Playbook—Stop Playing Right into It,” *Observer*, February 7, 2017, <https://observer.com/2017/02/i-helped-create-the-milo-trolling-playbook-you-should-stop-playing-right-into-it/>

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Me, I'm Lying to come up with similar media strategies that use baiting, deceit, and deception to generate attention. He contends that people are “playing completely into their hands” by protesting provocative speakers like Yiannopolous, Spencer, Shapiro, and Horowitz because that is how they manipulate the media. Without controversy they are nothing. They “leverage the dismissals, anger, mockery, and contempt of the population at large as proof of their credibility. Someone like Milo or Mike Cernovich doesn’t care that you hate them – they like it. It’s proof to their followers that they are doing something subversive and meaningful. It gives their followers something to talk about. It imbues the whole movement with a sense of urgency and action – it creates purpose and meaning.” This article can be an important entry point for conversations with those who want to protest, and even shut down events. There are advantages and disadvantages to these approaches and it is important to discuss them with concerned students and other campus stakeholders.

Another student writing in our school newspaper said “While Milo himself is more infamous for creating spectacles than discussions, hate speech is protected under the First Amendment. Optimistically, in the future, Young Americans for Liberty, and similar groups, will choose to promote more of what they preach and facilitate a dialogue, rather than inviting the brash entertainment that is Milo Yiannopoulos.”⁷⁴ This echoes what critical race theorists have said for decades about hateful and demeaning speech doing nothing to directly promote civic engagement or productive dialogue. When speech or expression targets racial or ethnic minorities it deters meaningful dialogue across groups, it stops conversation about difference rather than fostering it.⁷⁵ Critics of critical race legal analysis have claimed that “tough love” will prepare students for the real world, and that exposing students to hateful speech can actually teach tolerance. Critical race theorist Mari Matsuda criticized this tolerance argument “because it suggests that minority groups that historically have had less power should bear the burden of tolerating the offensive speech and expression of the majority.”⁷⁶ She encouraged people to shift from considering problematic speech through the rights of the speaker to instead consider the expression from the viewpoint of those in the audience who are targeted. Her work can encourage us to think more deeply about the obligation to protect the dignity, equality, and morality of groups that are often targeted by hateful speech on college campuses.

Instead of protesting when Yiannopolous gave his talk at UCSB, it seemed like most people who were not supportive just tried to ignore it. As forms of resistance, a small number of students purposefully took up seats but then left as the event began, and some students asked critical questions during the Q&A. Many people seemed to be dismayed that he was coming to speak, but supported his right, and YAL’s right, to have him do so. This provides a stark contrast from the situation at UC Berkeley 10 months later when there was a large protest on campus that turned violent and destructive, preventing Yiannopolous from speaking. William MacKinnon Morrow had been the president of the undergraduate student government at that time, and he described the situation in an essay he wrote last year as a UC Free Speech Fellow. He said “That evening, the antagonistic and outlandish provocateur, Milo Yiannapolous, was set to speak on Berkeley’s campus about his views on immigration in a thinly-veiled attempt to incite outrage and draw media attention,” and the night

⁷⁴ Teni Adedeji, “Feminism is Cancer’ is Cancerous to Discussion,” *The Bottom Line*, February 17, 2016, <https://thebottomline.as.ucsb.edu/2016/02/feminism-is-cancer-is-cancerous-to-discussion>

⁷⁵ Delgado and Stefancic, *Must We Defend Nazis?*

⁷⁶ LaBanc et al, *The Contested Campus*, 92.

devolved into chaos that led to “serious injuries to multiple students, significant damage to campus property, a national media frenzy, and even a critical tweet from the President of the United States threatening the distribution of federal funds to the University.”⁷⁷ Morrow says that he was just relieved that no one had been shot, as had happened a few weeks earlier at an event planned at the University of Washington when supporters of Yiannopolous shot and wounded a protester.⁷⁸ At the University of Washington, Yiannopolous was still able to deliver his talk because the shooting occurred outside after he had already begun speaking. In January 2017, Yiannopolous had tried to speak at UC Davis, but the UC Davis College Republicans cancelled the event because of safety concerns, due to protests in front of the building.⁷⁹ Student leaders from UC Berkeley have stressed that one reason student and community activists were so angered by Yiannopolous coming to speak was that there was a rumor that he was going to publicly “out” both transgender and undocumented students.⁸⁰ Sometimes it is difficult for the general public to understand how much the intense reactions of student protesters have to do with the fear and anxiety that these speakers arouse in others, because they target marginalized and vulnerable student populations in deeply personal ways.

In addition to concerns about safety, destruction to property, and a negative impact on campus climate, universities also have to worry about the exorbitant security costs associated with intentionally provocative speakers coming to campus. University of Washington spent \$75,000 in police overtime costs when Yiannopolous spoke at UW in January 2017.⁸¹ The University of Florida estimated that it paid more than half a million dollars for security costs when Richard Spencer delivered a speech there in October 2017. UC Berkeley said it spent \$1.4 million for increased security at a series of speaking events in 2017, including when Yiannopolous tried to speak on campus.⁸² Then between August 27 to September 27 in 2018, in just one month, the campus spent close to \$4 million on free speech events. These costs included “security fees and other expenses for three events: counter protests held in response to the “alt-right” rally held on August 27; conservative speaker Ben Shapiro’s appearance September 14; and events related to the ultimately cancelled “Free speech Week,” which featured a brief appearance from Yiannopolous and the Patriot Prayer rally that followed on September 26.”⁸³ These are hefty sums, especially considering UC Berkeley’s serious budget deficit. Universities have struggled with figuring out how to deal with these high security expenses, all while trying to justify increasing tuition costs for students. Colleges are in a difficult position as they try to balance free speech rights and the security of the campus environment. Some have attempted to prohibit such

⁷⁷ Morrow, “Students Speak Up: Perspectives of Free Speech Among Student Leaders in the University of California System,” 78.

⁷⁸ Daniel Gilbert, “Milo Yiannopoulos at UW: A Speech, a Shooting and \$75,000 in Police Overtime,” *The Seattle Times*, March 27, 2017, <https://www.seattletimes.com/seattle-news/crime/milo-yiannopoulos-at-uw-a-speech-a-shooting-and-75000-in-police-overtime/>

⁷⁹ Dalila-Johari Paul, “Protesters shut down Milo Yiannopoulos Event at UC Davis,” CNN, January 4, 2017, <https://www.cnn.com/2017/01/14/us/milo-yiannopoulos-uc-davis-speech-canceled/>

⁸⁰ Morrow, “Students Speak Up: Perspectives of Free Speech Among Student Leaders in the University of California System.”

⁸¹ Paul, “Protesters shut down Milo Yiannopoulos Event at UC Davis.”

⁸² LaBanc et al, *The Contested Campus*, 98.

⁸³ Ashley Wong, “UC Berkeley Spent \$4 Million on ‘Free Speech’ Events Last Year,” *The Daily Californian*, February 4, 2018, <https://www.dailycal.org/2018/02/04/uc-berkeley-split-4m-cost-free-speech-events-uc-office-president/>

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speakers from coming to their campus citing safety concerns, as well as the prohibitive financial impacts of increased security. In return, universities have been sued by speakers who claim that their rights to freedom of expression are being violated -- and those speakers have been successful in their lawsuits.

For instance, in the spring of 2017 Auburn University received a request for on-campus space to host Richard Spencer, who was at the time the president of the National Policy Institute, a White supremacist think tank. The request was from a student from another southeastern university who wanted to serve as the event host at Auburn University. At that time, Auburn policy allowed outside reservations without a campus sponsor. This was so that the university had an additional revenue stream, especially during school breaks when there weren't students and community members present on campus. Since then they have amended their policy, as have other universities, by now requiring an on-campus sponsor, to make it more difficult for speakers espousing hate to reserve campus space through university non-affiliates.⁸⁴ Such campuses have decided that the additional revenue that might be generated are not worth the risks of reputational damage and harm to the campus community. Auburn University denied the request to have Richard Spencer speak on campus. He sued the University, claiming that his right to speech had been violated, and he was successful. As part of the settlement Auburn University had to pay Spencer's legal fees, totaling \$28,000 and they had to host his event.⁸⁵ In December 2018 UC Berkeley settled a lawsuit by the UC Berkeley College Republicans that challenged the University's "unfairly restrictive policies towards conservative speakers." As part of the settlement, the University agreed to amend its major events policies regarding charging security fees for a variety of activities, including lectures and speeches. It also paid \$70,000 in legal costs to the UC Berkeley College Republicans and Tennessee-based Young America's Foundation.⁸⁶

It is still possible for universities to place some limits on outside speakers, and find ways to limit security costs without running afoul of the law. There is a wide range in how universities are handling these situations. Even within the UC system there is substantial variation. At UC Irvine any costs associated with security are paid by the campus, and not charged to the sponsoring organization. UCLA recently developed a policy that sets aside a university fund of \$100k a year to cover special security costs on a first come-first served basis, and once that money runs out the university no longer allows major events by certain sponsors for the remainder of the year. The fund is then replenished the next year.⁸⁷ What is essential is that university major events policies regarding security fees be viewpoint neutral. College Republicans can't be charged more for their events just because anticipated security costs are higher due to more people wanting to protest their controversial speakers. In some cases, based on state statutes, the institution may be required to pay for the increased

⁸⁴ Jeremy Bauer-Wolf, "Reclaiming Their Campuses," *Inside Higher Ed*, March 21, 2018, <https://www.insidehighered.com/news/2018/03/21/colleges-changing-their-policies-after-visits-controversial-speakers>

⁸⁵ LaBanc et al, *The Contested Campus*, 107.

⁸⁶ Johnathan Stempel, "UC Berkeley Settles Lawsuit over Treatment of Conservative Speakers," *Reuters*, December 3, 2018, <https://www.reuters.com/article/us-california-lawsuit-ucberkeley/uc-berkeley-settles-lawsuit-over-treatment-of-conservative-speakers-idUSKBN1O22K4>

⁸⁷ Howard Gillman, "#SpeechMatters2020 Conference" Lightning Talk

security costs. It is essential that university staff be familiar with these policies and apply them in a way that is consistent in order to ensure fairness.

Efforts by the UCSB College Republicans to Secure Funding and Bring Ben Shapiro to UCSB to Give a Talk

When UCSB College Republicans' announced that they were bringing Ben Shapiro to campus to give his talk "Prejudices, Lies, and Divided People: The Legacy of #BlackLivesMatter" it ignited controversy and backlash. On October 31, 2016 they had submitted a request for \$5,000 in funding from the Associated Students (undergraduate student government) Finance & Business Committee for security, room booking fee, and a portion of Shapiro's honorarium. The funding request was approved with 7 voting in favor and 5 abstaining. To be official the requests must be approved by both ASF&B and the AS Senate. It is unclear whether it was a clerical error on the part of ASF&B or the College Republicans, but the information entered into the record was that the talk would be called "Prejudices, Lies, and Divided People: The Legacy of #BlackLives." Leaving out the word "Matter," made it sound as though Shapiro's talk would be about Black people rather than about the Black Lives Matter (BLM) Movement. On their Facebook group page the UCSB College Republicans said it was "extremely careless and irresponsible" of the ASF&B to incorrectly represent the title of the event in their published report on the event, and went on to say "Perhaps this was an honest mistake; perhaps it was done intentionally to rile up additional anger against our event and against our organization."⁸⁸ The Black Student Union (BSU) objected to the idea of AS using student funds to host a speaker who would be spreading a message of anti-Blackness and hate. In past renditions of the talk that Shapiro would be giving he had said that the Black Lives Matter movement "lacked values," "act[ed] as a source of violence" and used inaccurate statistics to support assertions of inequality in Black communities.⁸⁹ BSU organized a "Senate BLACKout," to take place at the Senate meeting to protest ASF&B's vote to fund the event, and demanding that Senate nullify ASF&B's decision. On a campus where only 4% of the student population is Black, BSU claimed that Shapiro's talk would further marginalize Black students, causing them to feel unwelcome and unsafe.

Members of BSU claimed that AS Senate could deny organizations funding, not based on content of the message of the speaker, but on the grounds that "the event can or is shown to bring about harm or attack members of the student body." BSU said that Shapiro's talk would impose sociological and emotional trauma upon marginalized communities. In a letter to the AS Senators, BSU members and other individuals asked that they deny the funding request based on the AS Legal Code, Article II – The Student Bill of Rights Section G" which states that "All students shall have the right to be free from discrimination and harassment on the basis of race, gender, sexuality, ethnicity, religion, national origin, disability, sexual orientation, status within or outside the university, or political belief in all activities sponsored or conducted by the University, its affiliates, ASUCSB, or campus student groups." They said that the Article also guaranteed students the right to freedom and expression, and that "When the two conflict, it is up to the elected members of the senate, to make a

⁸⁸ UCSB College Republicans Facebook post, accessed on July 5, 2020, <https://www.facebook.com/ucsbcrr/posts/official-statementconcerning-recent-affairsin-order-to-promote-and-engage-in-a-m/317380321966436>

⁸⁹ Brandon Chen and Tamari Dzotsenidze, "A.S. Finance Committee to fund \$5,000 for College Republicans Event featuring Ben Shapiro," *The Daily Nexus*, November 2, 2016, <https://dailynexus.com/2016-11-02/a-s-to-fund-college-republicans-event-featuring-ben-shapiro/>

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decision that most accurately represents the interests, values, and beliefs of the student body you serve.” They provided a handful of examples of Shapiro making transphobic, homophobic, and anti-Black comments during speaking engagements, on social media, and in articles he had written.⁹⁰ One part of the letter said “Hidden behind the guise of ‘creat[ing] awareness and bringing truth to serious issues in our community,’ this event is a poorly masked attempt, using the defense of free speech, to antagonize Black students and further a highly disputatious agenda.” Students took turns reading this letter aloud during the AS Senate Meeting. The AS Senate Meeting was extremely contentious. Senators had asked members of the College Republicans to stop filming the meeting, most likely because they did not want to be doxed online. The College Republicans refused and members of the Black Student Union unsuccessfully tried to prevent them from continuing to film. Tensions escalated during the six hour long meeting. At one point one of the College Republican members who was White almost got into a physical confrontation with one of the AS Senators who is Black. Administrators and four UC Police Department officers broke up the crowd.⁹¹ The vote was postponed for the following week.

The next week at the AS Senate Meeting there was a lengthy public comment portion and eventually a vote regarding funding for the Ben Shapiro event. Numerous students from the Black Student Union, the College Republicans and other students spoke during the public comment portion. I was shocked by the racism, anti-Blackness, intolerance, and race baiting that I witnessed on the part of some of the College Republicans who spoke. I can understand why the College Republicans would be angry about the misreporting of the name of their event, the fact that ASF&B approved the funding, only to have it called into question at the next meeting when things turned contentious, and then to have the vote delayed, thus jeopardizing the timeline for their event. Those are all frustrating things. I believe it is true when they allege that far more liberal events are funded than conservative events at UCSB, though I don’t think nearly as many conservative events are proposed, which explains much of this. But, none of that frustration excuses some of the comments that were made at the Senate meeting by some of the individual members. There were Black students from BSU who spoke about how difficult it was to be a Black student on the UCSB campus, when there are so few people that look like them, and that having Shapiro speak at our largest lecture hall would increase their anxiety and concerns about their safety. Students from the College Republicans would intentionally laugh loudly at them, and mocked them for being sensitive “snowflakes” when they spoke during the public comment portions. They repeatedly used a quote from Ben Shapiro, “Facts don’t care about your feelings.”

During the public comments portion several of the students from College Republicans who appeared to be White, said that they wanted to learn more about issues of race, but that Students of Color didn’t want to speak with them about race. However, as they continued speaking it became clear that they hadn’t actually tried to engage in those conversations because they felt uncomfortable, and they had instead assumed Students of Color wouldn’t want to speak with them about matters of race. This is similar to Cabrera’s finding from his research study that showed White males “felt racially oppressed from a variety of sources, including

⁹⁰ Kayla Schierbecker, “Video- UC Santa Barbara Dean Tries to Stop Students from Filming Ben Shapiro Funding Debate,” *The College Fix*, November 9, 2016, <https://www.thecollegefix.com/uc-santa-barbara-dean-tries-stop-students-filming-ben-shapiro-funding-debate/>

⁹¹ Madeleine Lee, “A.S. Senate Approves Funding for Ben Shapiro Talk Amid Protests,” *The Bottom Line*, November 3, 2016, <https://thebottomline.as.ucsb.edu/2016/11/a-s-senate-approves-funding-for-ben-shapiro-talk-amid-protests>

political correctness, racial minorities assuming they were going to be racist, and race-conscious social policies, in particular affirmative action.”⁹² Carbera has also found that “White guys tended to view People of Color as overly sensitive on issues of race,” when in fact they often displayed fragile emotional states themselves.⁹³ In unfounded claims of reverse racism, White male students allege that it is Students of Color who “make race an issue,” by having separate spaces on campus that are focused on cultural support, such as MultiCultural Centers and Cultural Resource Centers. They are essentially trying to promote a race-blind argument when they say “this is just speech,” and that Shapiro’s talk “is about a movement, not a people.” What I witnessed in the AS Senate meeting in terms of the behavior of some of the students, seemed to reflect Cabrera’s finding that “the underlying irony was that these White guys tended to see People of Color as overly sensitive on issues of race when in fact they were the ones being emotionally uncomfortable and sometimes angry about issues of race.”⁹⁴

UCSB College Republicans also claimed that their student organization couldn’t possibly be racist because their board was all Latino/a. This is something that they frequently said, and it got promoted by conservative news media outlets, such as *The College Fix* which poked fun at the idea that the “‘All Hispanic’ executive board [was] accused of racism, white supremacy.”⁹⁵ In one of these articles the President of the College Republicans was quoted as having told an AS senator at the meeting “I do find it ironic that these accusations of racism and white supremacy are thrown at an elected [CR] executive board that is all Hispanic.” His response was in reaction to the senator’s comments about the College Republicans perpetuating “anti-blackness and racism” on social media.⁹⁶ College Republicans seemed to be unfamiliar with the concept of inter-minority racism. Some individuals who are members of a minority group uphold White supremacy in what has been termed multiracial White supremacy.⁹⁷ Based on their comments, some of the Latino/a members who were leaders of the College Republicans engaged in anti-Black racism and it is important to name it for what it is. Additionally, Education Justice Coordinator Donna K. Bivens has written, “Just as racism results in the system of structural advantage called white privilege for white people and their communities, internalized racism results in the system of structural disadvantage called internalized racism for peoples and communities of color.”⁹⁸

Between 2015-2017 UCSB College Republicans always described themselves as the victims of prejudice from their fellow students and the university administration. On their Facebook group page they wrote “who are these angry leftists protesting, exactly? What revolution are they fighting? How are they “oppressed” at UCSB when they are the political majority, the side that 90% of this campus supports and agrees with? How are they

⁹² Cabrera, *White Guys on Campus*, 52.

⁹³ Cabrera, *White Guys on Campus*, 52.

⁹⁴ Cabrera, *White Guys on Campus*, 148.

⁹⁵ Kayla Schierbecker, “Video- UC Santa Barbara Dean Tries to Stop Students from Filming Ben Shapiro Funding Debate.”

⁹⁶ Kayla Schierbecker, “Video- UC Santa Barbara Dean Tries to Stop Students from Filming Ben Shapiro Funding Debate.”

⁹⁷ Lydia Lum, “NCORE Conference: Scholar Offers Perspectives on Inter-Minority Racism,” *Diverse Issues in Higher Education*, June 6, 2011, <https://diverseeducation.com/article/15778/>

⁹⁸ Donna K. Bivens, “What is Internalized Racism?” *Flipping the Script: White Privilege and Community Building*, https://www.racialequitytools.org/resourcefiles/What_is_Internalized_Racism.pdf

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“rebell[ing]” against some “oppressive” College Republican establishment when they are the establishment, and we are the political minority?” They later say “Stop throwing your weight around and trying to pick on the “minority,” which you self-righteously claim to defend, by trying to shut down our events.”⁹⁹ In his Master’s Thesis “It’s Very Isolating”: Discourse Strategies of Conservative Student Groups on a Liberal University Campus,” UCSB PhD Candidate in Linguistics, Jamaal Muwwakkil studied conservative political identity formation at the University of California. He argues that bigoted students are empowered by discursive strategies and an ideology of “free speech” being constrained by liberals. He says that conservative groups coalesce “around a shared sense of victimization centered around a highly selective and limited version of ‘free speech.’”¹⁰⁰ Conservative students bond through commiseration about their “perceived persecution related to their exercise of ‘free speech’” and conservative student clubs function as “safe spaces where bonding and resistance strategies” are developed. Muwwakkil claims that these bigots maintain plausible deniability by utilizing discursive strategies to obfuscate their bigotry.¹⁰¹ Thus, “the conservative focus on ‘free speech’ conflates freedom of expression with freedom from the social consequences for that expression. This constrained sense of ‘free speech’ entails not suffering social stigma for having voiced potentially reprehensible ideas, so that ‘freedom of speech’ is in effect freedom from the negative consequences of speech.”¹⁰²

At the end of this lengthy meeting the AS Senate did approve the fee request. Because of the delays, the College Republicans rescheduled Shapiro to speak in late February 2017. Many students were angered by this outcome and were asking the administration if anything could be done. One thing that the AS Executive Director and VCSA suggested to students was that they could demand their portion of the student fee money allocated to the event, be refunded directly to them. It ended up being such an incredibly small amount of money, that it didn’t seem like many students decided to go to the trouble of asking for a refund. This was nevertheless one creative solution, based on policy, that allowed students the option of not having any of their student fees be used by the College Republicans for costs associated with Ben Shapiro’s talk.

Meetings were organized with members of the BSU, administrators, and other concerned campus community members, to find out what other things could be done to address the situation. Many of us wanted to help mitigate some of the hurt and harm that students were experiencing. One thing that happened as a response was t-shirts were created with the message “#HateFreeUCSB,” and “Exclusion is Ignorance,” on the back and “Respect is Not Radical,” and “#iheartUCSB” on the front. They were given out for free by the Associated Students government. They were so popular that all of the shirts were picked up within a few short hours. Many more were made and eventually sold for \$10 each because the demand was so high. Many people -- staff, students, and faculty wore these shirts on campus, especially on days that were particularly significant or symbolic. This was during the same time that the Trump administration had been making xenophobic and

⁹⁹ UCSB College Republicans Facebook post, accessed on July 5, 2020 <https://www.facebook.com/ucsbcpr/posts/official-statementconcerning-recent-affairsin-order-to-promote-and-engage-in-a-m/317380321966436>

¹⁰⁰ Muwwakkil, “It’s Very Isolating,” 44.

¹⁰¹ Muwwakkil, “It’s Very Isolating,” iv.

¹⁰² Muwwakkil, “It’s Very Isolating,” 45.

anti-immigrant comments towards Muslims and Mexican Americans. I found it to be a conversation starter with a number of students who approached me to speak, just based on the fact that we were wearing these same shirts. We spoke about how it felt good to be in solidarity with each other. This is one simple tactic that university administrators can consider suggesting to activists on their campus who want to do something “visible” and unifying. It allows people to take a stand both individually, and collectively, and can feel quite powerful. Of course, on the flip side, a small number of students got upset with these shirts and said that “hate won’t go away just because you are wearing a shirt.” They thought it minimized the significance of the harm they were experiencing, and that it was a hollow gesture. As with anything, there will always be disagreements over tactics, but it is helpful to have options to present people with.



UCSB staff and students listening to speakers at the Eternal Flame on Martin Luther King, Jr. Day, 2016. The Eternal Flame was a gift from the UCSB class of 1968. These t-shirts say “#HateFreeUCSB,” and “Exclusion is Ignorance,” on the back and “Respect is Not Radical,” and “#iheartUCSB,” on the front. Wearing these shirts provided a visible and unifying response to hate on campus, and helped people to take a stance both individually and collectively. *Photograph credit: Melissa J. Barthelemy*

Counter-Narrative: “An Evening with Tim Wise a White Anti-Racist Advocate” Talk at UCSB on January 25, 2017

Key Recommendations:

- One way to respond to intentionally provocative speakers who are coming to campus to espouse hate and intolerance, is to engage in “more speech,” by hosting speakers who will provide a counter-narrative that upholds institutional values concerning diversity, equity, and inclusion.
- Administrators, faculty, staff and students all have important roles to play in managing controversial speakers, responding to intolerant and offensive speech, and countering divisive national rhetoric. They should forge collaborative partnerships and engage in proactive actions such as creating alternative programming to provide counter-narratives, marketing campaigns, faculty engagement, student resources, and providing opportunities for dialogue between administrators, concerned students, and students coordinating controversial programs.
- Having students and faculty take the lead on organizing alternative programming can be “safer” for administrators in terms of the politics of the situation, but it is important that administrators also take some personal and professional risks in defending institutional values. Administrators must be visible in response efforts -- the campus community needs to see and hear from its leaders.
- Students need to be supported emotionally and logistically in terms of the administration helping provide labor and financial resources. Community free speech controversies require a community based response.

In reaction to the hateful comments made during the AS meeting, and the negative impact on campus climate, I felt like something needed to be done on a larger public scale. I get occasional emails from Speak Out – The Institute for Democratic Education and Culture, which is “a non-profit organization that educates, inspires and empowers young people to become activists for social justice.”¹⁰³ This is an organization that I highly recommend because of its fantastic speakers. In one of their emails I saw that well-known anti-racism advocate Wise was going to be in Southern California and that we could possibly book him for an event on our campus at a lower cost because he would already be in the area. Wise is a prominent author, educator and White anti-racist advocate who has spent the past 28 years speaking on over 1000 college and high school campuses, at hundreds of conferences, and to community groups across the nation. He is the author of seven books, including his highly-acclaimed memoir, *White Like Me: Reflections on Race from a Privileged Son*.

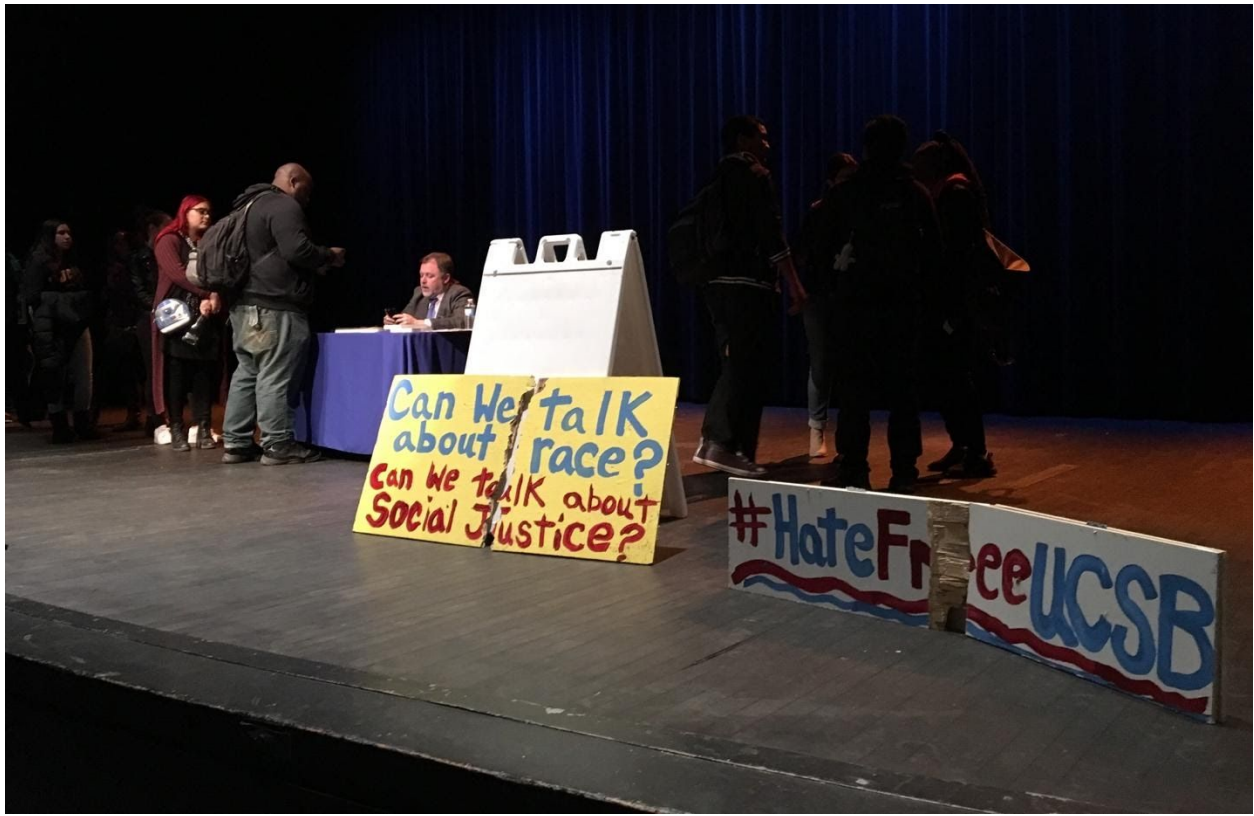
I contacted two of my friends from the Black Student Union and asked if they would want to work with me to bring Tim Wise to campus, and they both said yes. At the time Samantha Sanchez was an undergraduate student, and Aaron Jones was a staff member working with Associated Students and a graduate student in Education. We all thought that in this instance it would be good to bring someone like Tim Wise who would draw a large crowd. Wise identifies as a White straight cis-gendered male and anti-racist advocate. We believed that his visit would likely bring in an audience that would have more White students in attendance

¹⁰³ “Mission and Programs,” SpeakOutNow.org website, accessed on July 5, 2020, <https://www.speakoutnow.org/about>

than at many of the other events during the year that feature People of Color as speakers on topics of anti-racism. Research has shown that people are more likely to trust someone of their own racial group on matters of race. There are people who have critiques of Wise for a number of reasons, including those who allege that the speaker fees he collects should instead go to People of Color who can speak to the topics of anti-racism advocacy and social justice. Based on what was going on our campus at the moment, we thought that having a White man who has dedicated his life to anti-racism work and social justice advocacy would provide a positive counterbalance. He was very accommodating and willing to speak at a reduced cost, and meet with students for dinner afterwards. We were able to get funding for the event through the student government, and received permission to include the event as part of the *Resilient Love in a Time of Hate Series*, and marketed the event accordingly.

We only had three weeks to secure funding, organize and advertise the event. In order to get the word out we used some unusual methods in addition to the usual approach of social media, email, radio, fliers, and newspaper announcements. We repurposed huge wooden sandwich sign boards that were double-sided, six feet tall and four feet wide, and attached to them huge color posters that were professionally printed with the same information as the event flier. These were left at prominent locations on campus. We also painted large wooden garden stakes a bright royal blue color, and stapled laminated fliers onto the wooden stakes, and drove them into the ground all over campus at busy locations. On all of these wooden advertisements, we prominently painted “#HateFreeUCSB” in yellow, to take a stand against hatred on campus. In moments like this, I think it is important to take a loud stance, and physical signage can be highly effective -- even in this digital era. Of course, it is always easier when student activists and faculty are the ones taking the public risks, rather than administrators. Personally, I felt more comfortable that Aaron was also a graduate student at the time, because it meant that all three of us were students. Universities are unusual in that there is a hierarchy in which students often feel like they have less power than high level administrators, and yet students have the most expansive ability to exercise their voice with minimal risk, as compared to career staff. There was so much intense emotion on campus during this time period that someone kicked in our wooden signs. One of the large signs had said “Can We Talk about Race? Can We Talk about Social Justice?” Another sign had said “HateFreeUCSB.” I was going to throw the wooden signs away after they were damaged, but Aaron told me to bring them to the event. He displayed them on the stage next to the podium by using a plastic sandwich board to prop them upright so that everyone could see them. During the introductory remarks Aaron said, “look at these signs that were kicked in, this is an indication that we still have much work to do in this community, and this is why we need events like this.” Aaron, Sam and I each made brief remarks and then introduced the Vice Chancellor of Student Affairs who then introduced Tim Wise. For us it was important to have our VCSA speak at this event, because administrators often support events from behind the scenes, but it is crucial for students to see and hear from them during heated times for the campus.¹⁰⁴

¹⁰⁴ Arturo Samaniego, “Noted Anti-Racist Activist Tim Wise Speaks at Campbell Hall,” *The Bottom Line*, January 29, 2017, <https://thebottomline.as.ucsb.edu/2017/01/noted-anti-racist-activist-tim-wise-speaks-at-campbell-hall>



Tim Wise speaking with students after the lecture “An Evening with Time Wise a White Anti-Racist Advocate,” on January 25, 2017 at Campbell Hall, UCSB. Kicked in wooden signs appear in the foreground. *Photo credit: Melissa J. Barthelemy*

In advance of Wise coming to speak we secured funding from the student government to have 2,000 stickers with the phrase #HateFreeUCSB printed on them. We gave these stickers out to attendees as they entered the large auditorium. I was incredibly moved by the fact that some students sat outside the locked building for 90 minutes before the doors even opened, because they knew it would be a full house. We ended up having close to one thousand people attend the event. Afterwards Wise said that it was the largest group at a university he had ever spoken to and that he had feared the talk wouldn't be well attended because we only had three weeks to advertise it. This is testament to the fact that counter-narratives about messages of social justice and anti-racism advocacy can be a profound way to respond to hateful speakers by generating “more speech.” Students are eager to hear these messages, just as they are often eager to do something positive in times of challenge, such as when incendiary provocateurs come to peddle hate. It is important for administrators and staff to help facilitate opportunities for students to take action in a way that is supported, and to do so in a timely fashion. I was surprised that Wise's talk was much more politically divisive and critical of President Trump than I had anticipated. In terms of lessons learned, next time I would be more persistent about getting specific details about the exact content of the talk. I also want to mention that I noticed and appreciated that many of the leaders of the College Republicans and Young Americans for Liberty attended the event, were respectful, and asked Wise thoughtful questions during the Q&A.

Student Responses to Ben Shapiro’s Talk “Prejudices, Lies, and Divided People: The Legacy of #BlackLivesMatter” at UCSB on February 21, 2017

Key Recommendations:

- When planning counter-programming efforts, prioritize organizing co-curricular activities that celebrate cultural diversity and provide victims of hateful and bullying acts the opportunity to be heard. When Ben Shapiro spoke at UCSB the counter-programming event that was organized for that evening was called “Yes We CAN: Cultural Appreciation Night.” EOP student interns hosted this event during the same time as the Shapiro event, so that students had an alternative event they could attend.
- Be bold and vocal in condemning hateful or stigmatizing speech. At UCSB we created and distributed #HateFreeUCSB stickers and shirts, placed signage around campus, and had large fliers made with a quote by Maya Angelou that denounced hate, and provided details on how to report discrimination and bias.
- Simple acts can produce meaningful results, and while you can’t control the behavior of other individuals, you can control how you decide to respond to acts of intolerance on your campus.
- Administrators need to work closely with impacted communities to find out how they can better support them, and work towards creating an environment that lives up to the ideals of equal educational opportunities.

A month after our event featuring Tim Wise, Ben Shapiro came to speak at UCSB. In the weeks before Shapiro’s talk, the Young American for Liberties (YAL) tried to draw additional attention to the topic of free speech on campus. On February 7, 2017 a small handful of YAL members held signs in front of the UCSB Library that said: “Even Nazis Deserve Free Speech,” “Viewpoint diversity is the most important type of diversity in a university,” and “Islam is the enemy of the gay community.” The YAL members said they were upset that a few days before there was a riot at UC Berkeley that prevented Yiannopoulos from speaking there, and they were also angry that White nationalist spokesman Richard Spencer had been hit by an unidentified person several weeks before, as seen in a video of the incident that went viral. They said they were protesting against free speech censorship on liberal campuses. A crowd of 20 to 30 UCSB students gathered in front of the Library to counter-protest against YAL.

One of the students who was counter-protesting told student reporters that they thought it was wrong to use inflammatory tactics to incite a response from people because “the idea of normalizing hate and putting down another group may help people decide to act on that. Hate crimes and anti-Semitism have been up since the election. It’s a daily reminder that as much as we can think we’ve moved forward, we haven’t. It’s horrifying.”¹⁰⁵

¹⁰⁵ Shomik Mukherjee, “UCSB Free Speech Activists: ‘Even Nazis Deserve Free Speech.’”

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Concerned about the rancor on campus, and with Ben Shapiro's upcoming visit, I reached out to Samantha Sanchez, the undergraduate student who had organized Tim Wise's visit with me. We both had a feeling that the College Republicans would again stand atop our busiest tunnel on campus with a banner to promote their event while hurling insults at people passing below. We wanted to provide an alternative, and do something positive that would make us feel good on the day Shapiro was coming to speak. So, we set-up a canopy in the rain and gave out stickers that said #HateFreeUCSB. We had fliers that were announcing counter-programming that was happening that evening, and the flier with the quote by Maya Angelou denouncing hate, and explaining how to report discrimination and bias. Shortly after we set-up and began giving out the free stickers, some of the leaders from the College Republicans took their positions on the bridge and unfurled a banner that said "Facts Don't Care About Your Feelings," a famous quote from Ben Shapiro. I don't know what they yelled at people passing under the bridge but over the course of several hours we had a handful of students show up crying after they passed underneath, asking us for hugs as well as stickers. Quite a few students expressed how appreciative they were that we were there. Several players from the women's basketball team showed up to take stickers back for the whole team. It was especially meaningful to them because they had been taking a knee before games, in solidarity with athletes like Colin Kaepernick who had been protesting police killings of unarmed Black people. We also had staff, administrators and faculty all come by to get stickers. It was one of the simplest and most enjoyable actions on campus I have been a part of because it was a powerful act at an important moment.



Community activist Tiffany Thomas (center) with two UCSB Basketball team players who came by our booth to pick up #HateFreeUCSB stickers on February 21, 2017. *Photo credit: Melissa J. Barthelemy*

One student asked us why we weren't confronting the College Republicans on the bridge which was about 150 feet away from us. We explained that we didn't have anything to do with what they were doing. We said that we had these stickers left from an event and just wanted to give them out. At one point one of the leaders from

College Republicans, one of the students who tended to get the most aggressive in these sorts of situations, did approach us, along with three other male students who were with him. He looked at us and angrily said “You are doing this because Ben Shapiro is coming tonight!” We gave him a puzzled look. Frustrated, he tried to engage us by quoting Ben Shapiro and spouting out statistics. I looked at him blankly and said “gee, we didn’t come here to debate you. We don’t even know what you are talking about. If you don’t mind we would like to focus on giving out stickers.” He said “Why are you giving out these stickers?!” Another student said “We think our campus should try to be hate free. Who would object to that?” Those of us giving out stickers were smiling, laughing, and hugging other students during all of this exchange. It was obvious that we weren’t intimidated, or willing to engage in a debate with them. I don’t think they could handle our happiness so they went back to their post on the bridge and resumed yelling at students passing underneath. Simple acts can produce meaningful results, and while you can’t control the behavior of other individuals, you can control how you decide to respond to acts of intolerance on your campus.



UCSB student Samantha Sanchez and community activist Tiffany Thomas handing out #HateFreeUCSB stickers on February 21, 2017.
Photo credit: Melissa J. Barthelemy

There is another reason why I wanted to organize this sticker give-away action. In the days leading up to Ben Shapiro’s visit I had been contacted by friends from two different social justice oriented organizations who wanted me to work with them to organize a protest. One was my friend who heads the local chapter of SURJ (Showing Up for Racial Justice) which is a national network of groups and individuals organizing and taking

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action for racial justice. This organization is located off-campus and not affiliated with the university.¹⁰⁶ The other friend was the president of the Student Activist Network, a registered student organization at UCSB that facilitates coalitional work among social justice organizations on and off campus. My friend from SURJ told me that they were hoping to organize at least 300 people with signs and banners to stand outside of our large auditorium to protest Shapiro's hateful messages. I told them that there are always advantages and disadvantages to any protest and I would never tell someone that they shouldn't protest. It was just that in this particular situation I felt like a protest is exactly what Shapiro would want in order to gain media attention. I sent them an electronic copy of the opinion piece mentioned earlier "I helped create the Milo trolling playbook. You should stop playing right into it." They both read the piece and said that they could see where I was coming from, and they agreed that it might be better to deprive him of the publicity. Protesting controversial speakers often increases safety risks, requires campus police and additional staffing, risks reputational damage to the institution, and allows the speaker to gain more followers on social media by increasing their individual relevance. I suggested that they instead support the counter-programming that the students were organizing, which they and their organizational members did. Personally, I had three primary motivations for trying to steer individuals and organizations away from protesting. First and foremost I was concerned about the safety of the campus community. Second, I feared that Shapiro would end up being able to claim that he was a "victim" of free speech censorship on a liberal campus and use that claim of "martyrdom" to increase his following. Lastly, as much as I may personally disagree with Shapiro's message, it was important that he be able to give his talk. It is undeniable that the College Republicans and Young Americans for Liberty had put tremendous effort into bringing Shapiro to campus and it was not only their legal right, but also their right as students to be able to hear their speaker.

There were no protests or disruptions at the Ben Shapiro event. One news article said "many expected Tuesday night's event to result in protests and potentially violence."¹⁰⁷ Shapiro was noticeably thrown off by the lack of protest. Several times during his opening remarks he said that there are normally protesters at his talks, and he began describing other campuses where people had protested his appearance. He gave numbers and details. It was sad listening to him describe places where people had protested him, as if those were victories. Most likely it was the controversies over the funding for the event that made him think people would protest.

Similarly to the Yiannopolous and Wise events, Shapiro's talk filled the auditorium to capacity and about 50 people had to be turned away. One noticeable difference was that the audience had many more middle-aged adults. I was told by a staff person that a lot of the people in the audience were likely not affiliated with the university, and had taken buses from their churches in other cities to attend the event. It sounded like the buses were parked right outside.

The counter-programming event that evening was called "Yes We CAN: Cultural Appreciation Night." The EOP student interns came up with the idea of having this event during the same time as the Shapiro event, so that students had an alternative event they could attend. It was held in the Student Resource Building and was

¹⁰⁶ "Home Page," Showing UP for Racial Justice website, accessed on July 5, 2020, <https://www.showingupforracialjustice.org/>

¹⁰⁷ Josh Zitser, "Everything that Happened when Former Breitbart Editor Ben Shapiro came to UCSB," *The Tab*, February 22, 2017, <https://thetab.com/us/ucsb/2017/02/22/ben-shapiro-came-to-ucsb-2583>

hosted by the Cultural Resource Centers. Each Center stayed open late and had food specific to that culture, live music, and arts activities. It was an incredibly successful event. Members of the Student Activist Network attended this event instead of protesting Shapiro's talk. They had also helped with giving out the "HateFreeUCSB stickers earlier in the day. At the Shapiro event, many of the administrators, and student activists like myself, wore the #HateFreeUCSB t-shirts to be in solidarity with each other, and to indicate that the talk did not reflect our campus, or personal values. Symbols such as shirts, hats, bracelets, and stickers can serve as a powerful sign to students from impacted communities that their needs and concerns are being heard. This is a creative way of providing "more speech" in an environment where one cannot be disruptive through spoken speech. Of course these symbols, while important, are not the large scale change that needs to happen on university campuses to confront the legacies of White supremacy, privilege and intolerance. What matters most is that administrators work closely with impacted communities to find out how they can better support them, and work towards creating an environment that lives up to the ideals of equal educational opportunities.

Say What?! Social Media Controversies and Cyberbullying

Key Recommendations:

- Create opportunities to bring problematic online behavior between students, or student groups, into an in-person setting.
- Everything is contextual, so administrators have to make decisions that work for their campus environment and based on the particularities of the social media incident that they are responding to.
- In terms of response, preliminary statements from campus leadership can serve as a helpful intermediary step to: let the campus community know that the administration is also concerned about an incident, that they are working on a response, and to remind everyone of what resources are available on campus to support students. Administrators can then follow up with more detailed messaging and action as things develop further, and once more resources have been marshalled for the response, which may include such actions as town hall meetings.

One of the most difficult things facing colleges and universities today is trying to navigate free speech issues that occur online, and specifically via social media. The technology and behavior evolves at a faster pace than policies can keep up with, and administrators are constantly having to react to things that happen very quickly online. The recent Zoombombings by White supremacists is one example of this unanticipated behavior, as classes and meetings were forced to move online due to the Coronavirus and physical distancing mandates. Over the course of the past couple of decades campus life has been increasingly moving on-line, for academic, employment, and social purposes – and now the pace of this change has been dramatically increased. In 2016-2017 UCSB the College Republicans and the Black Student Union had heated arguments online, as well as in person, regarding Ben Shapiro's upcoming visit to UCSB. I remember hearing about, and observing, insulting messages being posted on the Facebook group pages that they had created for their respective student organizations. Ethnic and racial minorities are often harassed and targeted by online stereotyping.

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Compared with White students, Black students tend to experience more racial discrimination in online forums. Additionally, Black students who experience online discrimination tend to have poorer perceptions of campus racial climate. This is especially concerning given the other hardships that Black students are regularly facing on campus, which contribute to lower persistence rates.¹⁰⁸

People often view online speech or expression as inherently different from face-to-face interactions. They feel that they have more anonymity behind a computer or cell phone screen, and are frequently willing to say more hurtful things online, than what they would ever say in person. This is called “the online disinhibition effect.” Researchers have attributed this behavior to such factors as: invisibility, dissociative anonymity, asynchronicity, and minimization of authority.¹⁰⁹ One of the recommendations for student affairs professionals is that they create opportunities to bring problematic online behavior between students, or student groups, into an in-person setting. At such a meeting staff can facilitate a conversation about honor codes and behavioral expectations, as well as asking students to consider the impact their online posts can have on their peers. It is more difficult to have in-person conversations right now because of the COVID pandemic and the switch to remote learning. Having students speak with staff via Zoom is one alternative, though it is important to check those security settings to make sure your conversations are private, so that you don’t get Zoombombed! It is important to educate students about their rights and responsibilities in exercising their free speech in online contexts. Students should be encouraged to think about the fact that in many instances they may have a right to say something but that doesn’t mean that they should, in terms of thinking about empathy and appeals to morality. Impact must be considered at both the individual and institutional level. It is important for administrators to make statements that reject hurtful online speech because it conflicts with institutional values, and it is equally important that institutions connect those who have been targeted by hateful speech with support resources and opportunities to engage in collective responses.

In the case of the Black Student Union, there were a handful of undergraduate students from the organization who told me they didn’t feel safe on campus because some of the College Republican students were so angry that they had tried to have funding cancelled for the Ben Shapiro event. They told me that these students from the College Republicans were saying horrible things to them and about them online, and especially on Facebook. They also said that some of the members seemed to know the schedules of the BSU leaders and were following them around on campus in order to intimidate them. One student told me that when she got out of class there was a student from College Republicans who would follow her to her next class, and then a different student would follow her from that class to her on-campus job. She said that she didn’t know the names of these students, and that it wasn’t just one individual, it was several. I encouraged her, and her student organization members, to let the Student Affairs Division know, but it appeared that these actions did not rise to the level of harassment, and it was hard to prove that they were actually following the BSU students around in an effort to intimidate them. Nevertheless, these students were naturally anxious and concerned for their individual safety and that of their fellow organization members. It was clear that this behavior was negatively impacting their lives and their studies. An additional challenge for these students was the

¹⁰⁸ LaBanc, *The Contested Campus*, 116.

¹⁰⁹ LaBanc, *The Contested Campus*, 118.

unwanted negative attention from across the nation that they received from conservatives off campus who read articles from conservative news outlets such as *The College Fix*, and even watched videos of the Senate vote where BSU members had spoken out. These articles can be shared so easily via social media that it doesn't take long for footage to go viral encouraging followers from outside the campus to target administrators and liberal students. This can make students and campus officials feel like their actions are under a magnifying glass, and sometimes subject them to doxing.¹¹⁰

One of the main challenges with social media is the pace. Images and stories can go viral almost instantaneously and can be seen around the world at the lift of a fingertip. It is sudden, unpredictable, and campuses are often expected to have an immediate response. This impatience puts pressure on a situation that is already anxiety producing for many administrators. Because of this increased scrutiny, there is tremendous pressure to "get it right." Everything is contextual, so administrators have to make decisions that work for their campus environment and based on the particularities of the incident that they are responding to. In the case of our campus we have found preliminary statements from our Vice Chancellor of Student Affairs and our Assistant Vice Chancellor of Student Affairs and Dean of Students, to be helpful as an intermediary step to: let the campus community know that they are also concerned about an incident, and that they are working on a response, and to remind everyone of what resources are available on campus to support them. They then follow up with more detailed messaging and action as things develop further, and once more resources have been marshalled for the response, which may include such things as town hall meetings.

A month before Milo Yiannapolous was coming to speak at UCSB our campus experienced a high-profile incident in which a controversial photograph taken at our university went viral. A conservative writer and self-proclaimed "professional truth sayer" named Matt Walsh was invited by the UCSB College Republicans to speak at an event called "An Encroachment on Liberty: How the Left Exploits Transgender Laws." There were 70 students in the audience, including students from the College Republicans and Young Americans for Liberty chapters at other UC campuses. During the event there were no disruptions of the speaker but flyers reading "Keep Bigotry Where It Belongs" with images of YAL's flyers submerged in a toilet, were placed in several rows of the event space as a sign of silent protest. Several police officers and five student workers from the Community Service Organization (CSO) stood out front the event to provide security.¹¹¹ After the event students from the UC Los Angeles and UC San Diego College Republicans posed for a photograph with signs that said: "Get your agenda out of my restroom!" "There are only two genders!" and "Transgenderism is a mental disorder!" There was public outcry, especially on some of the UC campuses, as many people condemned the signs as discriminatory and hateful. One of the students who posed in the photograph and posted it online, said that she had received death threats. University police and university administrators at UCLA were notified in order to help protect the security of the students.¹¹² Some individuals wanted the

¹¹⁰ Justin Jung, "UCLA Introduces Online Module for Equity, Diversity, and Inclusion"

¹¹¹ Madeleine Lee, "Matt Walsh Event Targets Transgenderism," *The Bottom Line*, May 8, 2016, <https://thebottomline.as.ucsb.edu/2016/05/matt-walsh-details-flaws-of-transgenderism>

¹¹² Janice Shiao, "Student Photo Protests Transgender Identity, Raises Free Speech Debate," *Daily Bruin*, May 11, 2016, <https://dailybruin.com/2016/05/11/student-photo-protests-transgender-identity-raises-free-speech-debate>

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students in the photograph to be admonished by campus administrators for their behavior, but the photograph and the signs they were holding are protected under the First Amendment.

There have been quite a few attention grabbing transphobic events and activities that conservative members of the student population at UCSB have engaged in – especially during the past four years, but it is important to recognize that this behavior is not confined to a particular political viewpoint or political party affiliation. Another high-profile incident involved a UCSB PhD Candidate in Feminist Studies named Laura Tanner and occurred during the 2019 school year. Tanner describes herself online as a “radical feminist,” or what some would call a “gender-critical feminist.” Tanner has an account @saltyfemst, which includes her name and image, and on it she posted dozens of transphobic tweets such as: “It’s not possible to be born in the wrong body,” “so called trans women will never be anything but men,” and “Genital cutting of any kind does not change one’s sex and can never make a man into a woman.”¹¹³ Tanner had taught as a teaching assistant for an introductory LGBTQ+ studies course and once the tweets were discovered and made public among the student body, students began demanding that she be fired, claiming that her beliefs interfered with her ability to teach. In order to draw attention to the issue, two undergraduate students organized a demonstration against Tanner, and to support the transgender community on campus. One of those students said in an interview with reporters, that she knew Tanner was “protected by her First Amendment on Twitter,” and that students were “also showing our First Amendment [rights] on campus by advocating for our community here and spreading awareness.” Twenty graduate students from the Feminist Studies Department and more than 400 alumni released two open letters – the first demanding that the university protect its students, and the second emphasizing the Feminist Studies Department’s commitment to transgender and genderqueer students. In response Tanner defended her legal right to share her views on social media and accused the students of a smear campaign intended to incite violence, perpetuate lies about her teaching, and harass her based on her race and sexuality. A Title IX investigation occurred to see if there were any campus policy violations, but the university did not release details of the investigation due to confidentiality requirements that govern employees and students.¹¹⁴ The intersections of free speech, academic freedom, and social media in the university environment are a rapidly evolving area of law and policy.

Doxing

Key Recommendations:

- One way that we have responded on our campus to doxing is that the Vice Chancellor of Student Affairs or members of her staff have offered to write students a letter of recommendation, or provide them with a form letter. The form letter says the student was doxed, and that from an institutional perspective this is seen as an unfair characterization of their activism.

¹¹³ Evelyn Spence, “UCSB Teaching Assistant Under Fire from Colleagues, Students for Transphobic Tweets,” *The Daily Nexus*, July 2, 2019, <https://dailynexus.com/2019-07-02/ucsb-teaching-assistant-under-fire-from-colleagues-students-for-transphobic-tweets/>

¹¹⁴ Colleen Flaherty, “The Trans Divide,” *Inside Higher Ed*, July 19, 2019, <https://www.insidehighered.com/news/2019/07/19/divide-over-scholarly-debate-over-gender-identity-rages>

- At an event where administrators anticipate that doxing may occur, such as during a contentious student government meeting, staff should make an announcement about what doxing is and what resources are available to support students who may be doxed. Including information and resources on responding to doxing on university websites is also important.

One especially concerning aspect of cyberbullying is doxing. Doxing is the act of publishing private information and identifying information about an individual online with intent to harm. It is done in order to shame someone, encourage other online users to intimidate someone, or put the person being doxed in actual danger. It comes from the abbreviated form of the word documents, and is a type of online harassment used to exact revenge and to destroy the privacy of individuals by making their personal information public, including addresses, email accounts, phone numbers, social media accounts, social security, credit card information, or compromising photos or videos.

In a university setting, any member of the institution may be affected by doxing, whether they be administrator, professor, student or staff. They may be the target of such behavior, or they may be the one engaging in the behavior themselves. There have been myriad incidents and cases involving doxing, it happens quite frequently, and I will touch on just a few examples. It is important to be aware of the range of issues that may come up in relation to the topic of doxing.

There have been instances where a faculty member has doxed a graduate student for various reasons. One example of this is when Marquette University fired Professor John McAdams for doxing a PhD student in Philosophy named Cheryl Abbate because she allegedly prevented an undergraduate student in her classroom from saying things critical of marriage rights for same-sex couples. She said that this student's comments were not pertinent to what she had already planned in advance for the teaching lesson and discussion. The undergraduate student went to McAdams, because of the professor's conservative reputation on campus, to tell him that he was being silenced because of his viewpoint against same-sex marriage. McAdams then doxed the graduate student by providing her name and contact information, on his blog post. McAdams claimed that this blog post and all of his comments were an exercise of academic freedom and protected speech. The graduate student ended up receiving ruthless, hateful attacks from McAdams followers. Marquette University had already warned McAdams previously that he was not allowed to dox members of the university, because he had done this several times before. The University suspended McAdams for jeopardizing the safety of a student teacher, putting her directly in harm's way by publishing her name and contact information on his blog.¹¹⁵ As a result of being suspended without pay for seven semesters, McAdams sued the University and he won, with the court finding that he had to be reinstated because the university had breached its contract by engaging in activity protected by the contract's guarantee of academic freedom.¹¹⁶

¹¹⁵ "Facts About McAdams Case," Marquette University website, accessed July 15, 2020, <https://www.marquette.edu/mcadams-case-facts/myths-vs-facts.php>

¹¹⁶ Karen Herzog and Bruce Vielmetti, "Wisconsin Supreme Court Sides with Marquette Professor John McAdams in Free Speech Case," *Milwaukee Journal Sentinel*, July 9, 2018, <https://www.jsonline.com/story/news/education/2018/07/06/marquette-professor-john-mcadams-prevails-academic-freedom-case/759800002/>

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Increasingly, student affairs administrators are being called upon by faculty and students to help advise them on how they can respond to doxing.

More often these conflicts between professors and students have to do with viewpoints related to the particular subject matter the professor teaches and researches, or their political activism regarding a particular political cause. One well-known case regarding doxing involves Professor Rabab Abdulhadi, who teaches in the Arab and Muslim Ethnicities and Diasporas Studies Department at San Francisco State University (SFSU). I was able to hear Dr. Abdulhadi and a number of other panelists speak on the panel discussion “Academic Freedom for Whom? Islamophobia, Palestine, and Campus Politics” at a conference sponsored by the SFSU History Department in 2017. She and the other panelists said that there is a double standard in academia in which the academic freedom rights of professors who promote Justice in Palestine are not supported to the same degree as are academics who are pro-Israel. According to a website called “Support Professor Rababa Abdulhadi,” she has been “subjected to a relentless new McCarthyist and bullying campaign launched by a pro-Israel network that seeks to silence and intimidate her and dismantle the Arab and Muslim Ethnicities and Diaspora Studies and advocacy for Justice in Palestine at San Francisco State University.”¹¹⁷ During the panel Dr. Abdulhadi spoke about being doxed, receiving death threats, and being targeted by students on her own campus. She said that the SFSU was failing to protect her and her students, and she is currently suing the university due to what she alleges is “a systemic pattern of university discrimination against a Palestinian professor and the program she was explicitly hired to direct.”¹¹⁸

The Canary Mission has Abdulhadi’s profile listed as a professor whose actions they condemn, alleging that she supports terrorism and promotes antisemitism. On its website The Canary Mission says that it “documents people and groups that promote hatred of the USA, Israel and Jews. We investigate hatred across the North American political spectrum, including the far-right, far-left and anti-Israel activists.” The organization says that “every individual and organization has been carefully researched and sourced.”¹¹⁹ In 2018 students at UC Davis protested against The Canary Mission saying it is a “spying organization” that has doxed over 2,000 students and 500 professors for any critique of Israel. Some people criticize the organization for casting too wide of a net by grouping together those who criticize Israel with those who call for complete dissolution of Israel as a state and those who use anti-Semitic slurs. Students who are critical of the group say that “The Canary Mission equates any form of what is perceived as anti-Zionism, including support of the Boycott, Divestment and Sanctions movement, with anti-Semitism and racism.”¹²⁰

¹¹⁷ “About Dr. Rabab Abdulhadi,” Support Prof. Rabab Abdulhadi website, accessed July 15, 2020, <https://supportprofabdulhadi.org/about-dr-rabab-abdulhadi/>

¹¹⁸ “The International Campaign to Defend Professor Rabab Abdulhadi,” Support Prof. Rabab Abdulhadi website, August 22, 2019, <https://supportprofabdulhadi.org/2017/08/22/federal-judge-moves-forward-with-abdulhadi-lawsuit/>

¹¹⁹ “Because the World Should Know,” Canary Mission website, accessed July 15, 2020, <https://canarymission.org>

¹²⁰ Aaron Liss, “Canary Mission releases Personal Information of UC Davis students, faculty who criticize Israel,” *The California Aggie*, October 12, 2018, <https://theaggie.org/2018/10/12/canary-mission-releases-personal-information-of-uc-davis-students-faculty-who-criticize-israel/>

The Boycott, Divestment and Sanctions movement (BDS) has been a heated topic on college campuses across the country for years. BDS refers to the effort to have the UC system withdraw investments from companies that profit off of alleged human rights violations by the Israeli government against the Palestinian people. Within the UC system, UC Santa Barbara is the only undergraduate UC campus that has not voted to pass the resolution. In April 2019, the last time UCSB Associated Students voted on a resolution call there were 10 votes in favor and 14 against. The student government leaders decided to vote by secret ballot because “Both senators and their constituents expressed concern about students being doxxed.”¹²¹ During the public forum portion of the meeting members provided their opinions about divestment, and the AS leaders were being doxxed right as the meeting took place, which was causing anxiety in many students. UCSB Student Affairs administrators had anticipated that doxing might happen online during the meeting so they provided information to the AS Senators and those in attendance about the doxing resources available online through the Dean of Students Office.¹²²

Since doxing often involves spreading disinformation about an individual and/or a movement, it can negatively impact a person’s web presence, making it more difficult to get into graduate programs or obtain jobs. One way that we have responded on our campus to doxing in general is that the Vice Chancellor of Student Affairs or members of her staff have offered to write students a letter of recommendation, or provide them with a form letter. In situations where the VCSA has personally known the students and can attest to their qualifications she has avoided saying the name of the organization or individual who engaged in the doxing, and has just said “this student was doxxed because of their activism” and has spun it as a positive. For instance, she has said something along the lines of “this student has the aptitude and capacity to be successful as a graduate student” and how “they navigated a difficult situation with maturity and showed leadership.” If the affected student is someone who our VCSA does not know personally, a member of her team will meet with the student to review the circumstances. If warranted, the Division will help secure letters from other good recommenders and help provide guidance on the language used to describe the situation. Another option has been to provide a form letter that says the student was doxxed, and that from an institutional perspective this is seen as an unfair characterization of their activism.

One positive thing for administrators to be aware of is the court case *Dumpson v. Anglin* which potentially indicates an increasing willingness of courts to hold those accountable who engage in doxing and other online harassment of college students. Taylor Dumpson was the first African American female student body president of American University. Following her election in May 2017, Dumpson was the target of hate crimes based on her race and gender. On her first day in office, nooses were found hanging around campus with bananas tied to them, some of which had “AKA” written on them which referenced the Dumpson’s historically Black sorority. Others read “Harambe bait,” referencing a gorilla killed at the Cincinnati Zoo and making a racist and threatening comparison to African Americans. She was harassed on Twitter and Facebook.

¹²¹ Evelyn Spence, Sanya Kamidi, Simren Virma, and Jorge Mercado, “A.S. Senate Votes Against Divestment through Secret Ballot,” *The Daily Nexus*, April 11, 2019, <https://dailynexus.com/2019-04-11/a-s-senate-votes-against-divestment-through-secret-ballot/>

¹²² “Protecting yourself from Online Harassment and Doxing,” UCSB Student Affairs website, accessed July 15, 2020, <http://studentlife.sa.ucsb.edu/docs/default-source/campusclimateinclusion/ucsb-doxing-guide.pdf>

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Andrew Anglin, a known neo-Nazi posted Dumpson's personal information online and encouraged his followers to harass her. Anglin maintains a White supremacist website called the Daily Stormer. In response to Anglin's behavior, a number of his followers did target Dumpson with hateful messages, and out of fear she resigned as student body president. She sued Anglin and several other defendants claiming that she had suffered significant injuries and feared for her safety. She also claimed that the Defendant interfered with her ability to fully enjoy places of public accommodation and interfered with an equal opportunity to participate in her education.¹²³ In a landmark settlement the judge ruled that Neo-Nazis have no First Amendment right to harassment and Dumpson received a \$725,000 settlement.¹²⁴ The court also required the Defendant to provide a sincere apology; undergo anti-hate training and counseling for at least one year; undergo academic coursework on race and gender issues; perform 200 hours of community service related to racial justice or serving a minority community; renounce and publicly advocate against White supremacy, hate, and other forms of bigotry; and refrain from engaging in future hateful activities.¹²⁵ For those who are interested in hearing more about this court case, one of the lawyers who represented Dumpson was interviewed by UC Free Speech Fellow Dr. Andrea Brenner at the last #SpeechMatters Conference in Washington DC.¹²⁶

An important resource to also be aware of is the PEN America "Campus Free Speech Guide: Tips for Facing Online Harassment and Threats."¹²⁷ The guide has sections specific to students, faculty, and administrators. Among other things it discusses how individuals should: document the harassment or threats, assess their feelings about personal safety, provide notification to campus authorities, bolster their cyber security, and learn their rights. PEN America also has an online harassment field manual.¹²⁸ Other good sources include: a comprehensive guide to digital security available at Wired.com,¹²⁹ the materials found at iHeartMob which is a community working to help end online harassment,¹³⁰ and Cybersmile.org which is a multi-award winning anti-cyberbullying nonprofit organization committed to tackling all forms of digital abuse, harassment, and bullying online.¹³¹

¹²³ "Landmark Settlement in Dumpson vs. Ade," Lawyers Committee for Civil Rights under Law website, accessed July 15, 2020, <https://lawyerscommittee.org/landmark-settlement-in-dumpson-v-ade/>

¹²⁴ Karen Zraick, "Neo-Nazis have no First Amendment Right to Harassment, Judge Rules," The New York Times, November 15, 2018, <https://www.nytimes.com/2018/11/15/us/daily-stormer-anti-semitic-lawsuit.html>

¹²⁵ Stanley Augustin, "Landmark Settlement between Hate Incident Perpetrator and Survivor Announced in Dumpson vs. Ade," Lawyers Committee for Civil Rights Under Law website, December 18, 2018, <https://live-lawyers-committee-2020.pantheonsite.io/landmark-settlement-between-hate-incident-perpetrator-and-survivor-announced-in-dumpson-v-ade/>

¹²⁶ "#SpeechMatters2020 Conference Agenda," Session "Tackling Hate: Dumpson v. Anglin," University of California National Center for Free Speech and Civic Engagement, accessed July 5, 2020, <https://freespeechcenter.universityofcalifornia.edu/speech-matters-2020/>

¹²⁷ "Tips for Students facing Online Harassment and Threats," PEN America website, accessed July 15, 2020, <https://campusfreespeechguide.pen.org/resource/tips-for-students-facing-online-harassment-and-threats/>

¹²⁸ "Online Harassment Field Manual," PEN America website, accessed July 15, 2020, <https://onlineharassmentfieldmanual.pen.org>

¹²⁹ "The Wired Guide to Digital Security," Wired, accessed on July 15, 2020, <https://www.wired.com/2017/12/digital-security-guide/>

¹³⁰ "End Online Harassment," Heart Mob website, accessed on July 15, 2020, <https://iheartmob.org>

¹³¹ "Digital Wellbeing," The Cyber Smile website, accessed on July 15, 2020, <https://www.cybersmile.org>

Artivism: Freedom of Expression, Public Art and Activism on Campus

Key Recommendations:

- Faculty can play an important role in fostering freedom of expression on campus. It can be incredibly meaningful for students to work with their professors on projects outside of the classroom, and especially on ones that center their identities.
- Faculty engagement can be strategic because when it comes to edgy topics it can be easier to push the envelope when a professor with academic freedom is taking the lead on a project as opposed to administrators or students alone.

Freedom of expression covers far more than just free speech. Events like the protests at UC Berkeley that prevented Milo Yiannapolous from speaking tend to get the headlines and create a distorted view of what expressions of speech look like on college campuses on a daily basis. All kinds of expressive activities happen both inside and outside the classroom, that never draw media attention or controversy. Students tabling at a quad, handing out literature about their organization to people passing by is a daily feature of university life that almost never draws attention the way that incendiary provocateurs like Yiannapolous do. It can be important to educate people both on and off campus about the myriad ways in which university environments foster, support, and celebrate expression, in a way that goes smoothly and largely unnoticed by the outside media.

One area that is important to think about are the physical signs, political art statements, and performances students may do on campuses that fall under the umbrella of freedom of expression. Frequently, these projects draw a lot of interest, and may spark debate from students and other campus community members passing by. They are often bold projects that are intended to “make a statement.” One type of project is what has been more recently called “Artivism.” Artivism is a word combining art and activism. Artivism has its origins in a 1997 gathering between Chicano artists from East Los Angeles and the Zapatistas in Chiapas, Mexico to describe “artists” who promote political views and increase societal awareness through art. “Artivists” use many mediums to push for change including film, music, street art, spoken word, and social media.

Mapping Dissent April 2017 at UCSB

A creative activist project that I was able to assist with at UCSB was called *Mapping Dissent*, and it happened in April 2017, just three months after Ben Shapiro’s talk on campus. A Feminist Studies professor at UCSB, Dr. Jennifer Tyburczy, teamed up with Mexico-City based artist Lorena Wolffer and a team of over 30 students, staff and community members to bring the project to life. Wolffer and Tyburczy described Mapping Dissent as “a participatory cultural intervention centered on marking UC Santa Barbara with queer affective responses to the presidential election and its aftermath.”

Our project team collected resident’s testimonies that spoke to the situation of the country, we had the quotes printed on signs, and attached them to wooden stakes which we hammered into lawns on campus. We also

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hung some signs on concrete buildings and on metal railing, in places on campus where we had obtained permission in advance. We dressed in all-black and silently moved about campus as a collective group. We took up space, and disrupted the everyday both through our movements and through the placement of these signs on campus. After placing the signs we read the testimonies aloud at the base of our prominent tower on campus. One of the goals behind *Mapping Dissent* was to provide an opportunity for queer, transgender and non-binary community members to validate their emotions and foster LGBTQ+ community solidarity. A second goal was to increase dialogue with those who identify as heterosexual and cis-gendered, in order to foster empathy and understanding.¹³²

A particularly powerful testimony was written by a 20-year-old queer student named Jaime. They wrote: “November 8: The day I realized that we really hadn’t left the closet. The world had shoved us back in. Then set fire to it.” Another testimony by H.K., 26 art historian, said: “So much has changed. Nothing has changed. We are less safe than we have ever been in our lifetimes. We have never been safe before. We are rising to new resistances; we have always been resisting. This is Trump’s America. This is just America.” One of the rationales behind the project is the need for marginalized groups to have an outlet for their emotions, because frequently queer and trans people have their feelings called into question.

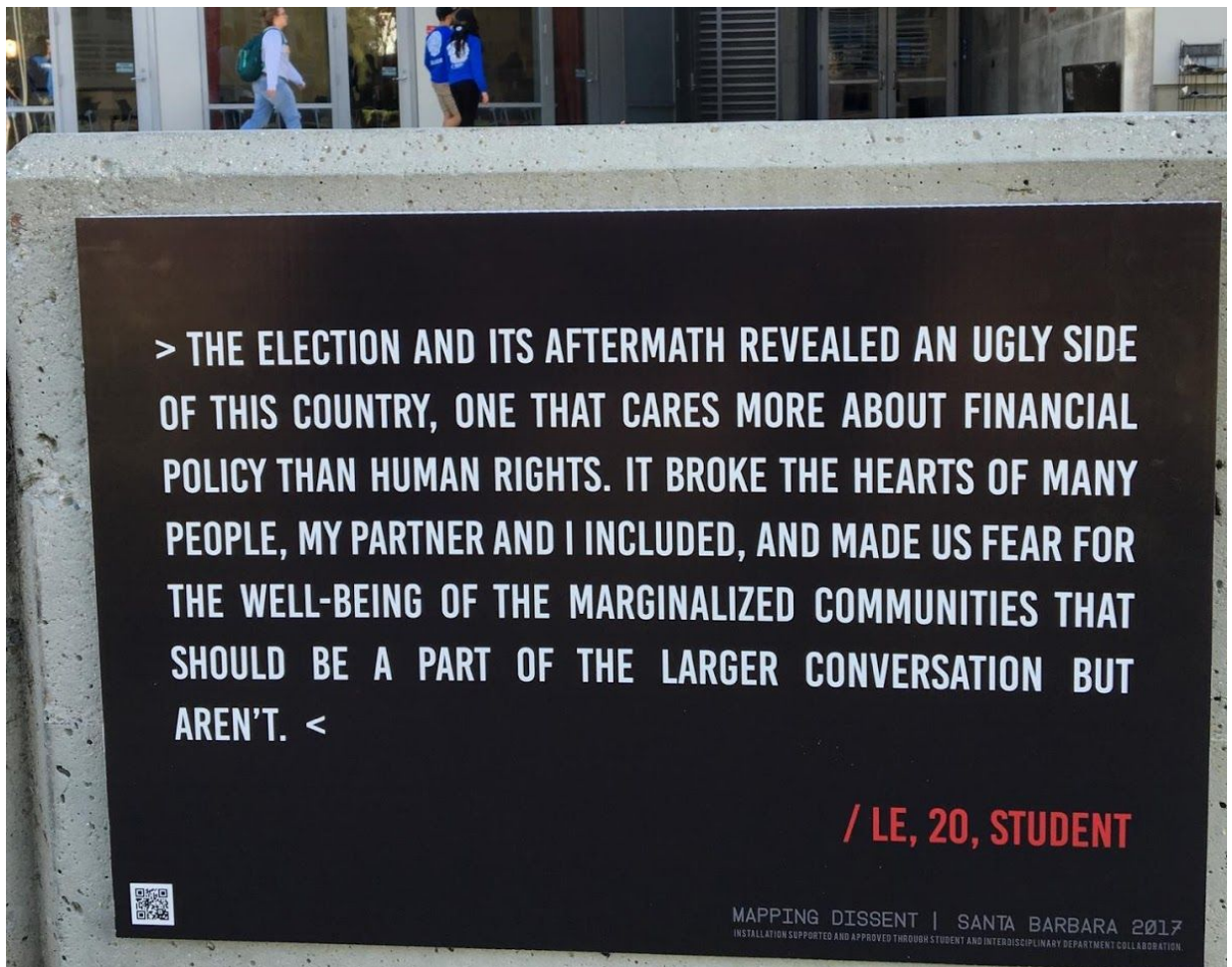
Faculty can play an important role in fostering freedom of expression on campus. It can be incredibly meaningful for students to work with their professors on projects like this outside of the classroom, and especially on ones that center their identities. I remember students who worked with me on the project saying that they found the project to be powerful, healing and personally transformative. As an installation coordinator for the project, I helped work as a liaison between our Assistant Vice Chancellor and Dean of Students, and Professor Tyburczy. The project represented a collaboration between the UCSB Feminist Studies Department, many other academic departments, the Interdisciplinary Humanities Center, and the Division of Student Affairs, with co-sponsoring units being the Resource Center for Sexual & Gender Diversity, and the MultiCultural Center.

Having a faculty member who had obtained a prestigious humanities grant for the project, certainly made it easier to marshal institutional support. There might have been some resistance if it had been a student organization undertaking the project. This is one of many reasons why faculty engagement can be strategic when it comes to projects like this one. One hiccup that we had along the way was that we initially wanted to use removable double stick tape to attach the signs to the buildings directly, but most campus units were unwilling to have the signs affixed to their actual buildings. Instead, we used a sledgehammer to drive stakes with the signs into the ground. One of my personal takeaways was that faculty and artists might struggle with the policies that student affairs administrators are required to enforce, which may seem bureaucratic. Therefore, it is important to have clear communication about the needs of each stakeholder early in the process. I also expected there to be some sort of backlash from conservative forces on campus but, as far as I know, that never happened.

¹³² Melissa Barthelemy, “Mapping Dissent: Queer and Trans resistance at UCSB,” National Council on Public History website, July 9, 2019, <https://ncph.org/history-at-work/queer-and-trans-resistance-at-ucsb/>



"Mapping Dissent" participants walking across UCSB campus holding testimonial signs and sledgehammers to pound signs into campus lawns on April 13, 2017. Photo credit: Bennett Barthelemy



Sign with testimony affixed to a concrete wall in front of the Student Resource Building on the UCSB campus. Photo credit: Melissa J. Barthelemy

Students for Justice in Palestine's Anti-Oppression and Pro-Divestment Wall at UCSB May 2017

As mentioned earlier, the Boycott, Divestment and Sanctions movement (BDS) has been an emotionally charged issue on the UCSB campus for many years. Nearly every Spring quarter UCSB's Students for Justice in Palestine (SJP) have brought an Anti-Oppression and Pro-Divestment Wall to the free speech zone in front of our library to raise awareness about the human rights violations that Israel has committed against Palestinians. The Wall is a series of wood panels that have been painted with statistics, quotations, and artwork including Israeli helicopters spraying blood on residential buildings below, with the words "Free Palestine" painted in the corner. The Wall has traveled to numerous college campuses and is a collective project that continues to be added to, and altered through the years. According to one SJP student activist the mural symbolizes "the very real apartheid wall that snakes amongst and between Palestine/Israel." At UCSB the Wall has been met through the years with strong reactions from Students Supporting Israel (SSI) and other student organizations. From my perspective, tensions seemed to increase when the Wall was on campus in May 2017. One student from SSI said it is important to have healthy criticism of Israeli policy but "there is nothing healthy about this grossly offensive wall SJP erected this week."¹³³ I overheard heated conversations among students standing at the Wall, and the SJP-sponsored BDS resolution came up as a divisive topic.

Pro-Israel Mural at UCSB May 2017

In response to SJP's Anti-Oppression Wall and the upcoming BDS vote, UCSB's Students Supporting Israel teamed up with Santa Barbara Hillel and Artists 4 Israel to create a large Pro-Israel mural during the "Israel Peace Week." It has the word Israel painted on the front in large letters, with a Gaucho peering over the top. The Gaucho is our school mascot. It is a racist caricature of a Gaucho, which is an Argentinian cowboy. This Pro-Israel Mural also featured symbols and palm trees and orange clouds to symbolize Israel. It was installed on the opposite side of the campus from the Pro-Divestment Wall. It was located directly across from our Student Resource Building in a lawn that was often used for student organizations to table and engage in free speech activities.

Twice the Pro-Israel Mural was vandalized with graffiti during the night with someone writing "Free Palestine" across the front. SJP denied any involvement with defacing the Mural and said on their Facebook page that they "firmly and unequivocally" condemned the acts of vandalism and the accusations that SJP was affiliated with the incident. SSI and Artists 4 Israel decided to repaint the sign with the message "Stop Hate," and the words "love" and "peace" written in Arabic, Hebrew and English. Students were invited to write their own messages of love and unity with markers on the back. Some students thought the "stop hate" message of the repainted mural was muddled with the additional comments. SSI and Artists 4 Israel had painted at the top "This mural was originally created by Pro-Israel Groups to express love, peace, unity. It was vandalized overnight by anti-Israel groups. Those who vandalized are likely the same who want 2 divide campus with a BDS vote. Stand up 4 tolerance & respect." Then below the phrases "Vote No BDS" and "No Hate" also appeared.¹³⁴ Some students took issue with the mural conflating acts of graffiti, anti-Semitism, and hate with the upcoming BDS vote.

¹³³ Bailee Abell, "Pro-Divestment wall in Arbor met with Opposing Views," *The Bottom Line*, May 2, 2017, <https://thebottomline.as.ucsb.edu/2017/05/pro-divestment-wall-in-arbor-met-with-opposing-views>

¹³⁴ Maura Fox, "Pro-Israel Mural Defaced amid Divestment Debate," *The Daily Nexus*, May 10, 2017, <https://dailynews.com/2017-05-10/pro-israel-mural-defaced-amid-divestment-debate/>



In May 2017, Students Supporting Israel, a registered UCSB student organization, Santa Barbara Hillel, and Artists 4 Israel painted this mural during Israel Peace Week. *Photo credit: Melissa J. Barthelemy*



In May 2017, after their mural had been defaced with graffiti twice, Students Supporting Israel at UCSB and Artists 4 Israel repainted their pro-Israel mural with the message "Stop Hate." *Photo credit: Melissa J. Barthelemy*

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In contrast to the examples of public art described above, activist projects can also bring diverse student organizations together to work on the same mural or project. Often students have partnered with esteemed artists, academic departments, and student affairs units. Some examples include the California State University Dominguez Hills Mural-Manifest Destiny, the UC Berkeley Cesar Chavez Student Center, and the UC Riverside Mundo Chicano/Latino Theme Hall.¹³⁵

UC Merced's Community Mural Project

Administrators and students at UC Merced told me that the Community Mural Project at their Multicultural Center was a deeply meaningful project for the student body and campus community. According to their website "The Community Mural Project is a 'for students by students' community project that centers students at the forefront of creating a visual representation and celebrates our history, values, and community by examining the past, present, and future."

This project is grounded in our values:

- Social Justice
- Education
- Coalition Building
- Collective Healing

The Community Mural Project at UC Merced was created in collaboration with Professor Richard Gomez and his semester-long class. Some of their goals were to understand that the process of the art project is the true measure of value, and is equally as important as the product; the role of art in community is to connect and communicate cultures, values, and voices; and that it is important to send the message that Art is for everyone, regardless of their status in society. It had taken several years to find a permanent space for the Multicultural Center at UC Merced and unveiling the mural was an important part of their opening ceremony. The Multicultural Center is located on the first floor of the library and is seen as an important space for students to "find others who share the same values and opportunities for authentic connections."¹³⁶

For students it was incredibly meaningful to be able to create this space with faculty, staff and administrators, and the mural represented a way of making it their own. Professor Gomez and his students also created murals on the walls of an outbuilding at a local park, and on the walls of several schools in the area. He said, "the only art they were seeing at school before was graffiti on the walls" and that he and his class "used spray

¹³⁵ "Mural Community Project: The Multicultural Center," University of California, Merced website, accessed on July 20, 2020, <https://studentlife.ucmerced.edu/program-areas/social-justice-initiatives/mural-community-project-multicultural-center>

¹³⁶ Kenneth Mashinchi, "New Multicultural Center Captures Past, Present, and Future of UC Merced," University of California, Merced website, June 13, 2019, <https://sfca.ucmerced.edu/news/2019/new-multicultural-center-captures-past-present-and-future-uc-merced>

paint to show the students what else they can do with a spray can.”¹³⁷ According to administrators and students at UC Merced, the Multicultural Center and its mural have provided an important backdrop for many meaningful events on campus.

A student who just graduated from UC Merced told me about an event he organized there last year called the “Spoken Experience” storytelling event. The event was presented by the Office of the Dean of Students and took inspiration from “The Moth,” a popular podcast, radio show and live performance event in which ordinary people share extraordinary experiences and realizations. The goal was to have members of the campus community connect with one another by having 10 people deliver five-minute long monologues reflecting on moments of enlightenment under the theme “Lessons.” In an interview, he said “When people stand in their truth and own that truth, it’s powerful. But when they share their truth, and allow others to discover it, that’s what builds community.”¹³⁸

Un-Learning and Opportunities to Engage in Conversation Across Difference

Key Recommendations:

- Educate students about the differences between expectations of administrators and faculty in regards to freedom of expression. When we involve faculty who are tenured and have the protections of Academic Freedom, they are frequently able to be much more “political” in their comments than administrators. Students often don’t grasp the difference between faculty and administrators; they don’t realize that Vice Presidents of Student Affairs serve at the discretion of the University President. This is one reason why students sometimes get angry that administrators are not as outspoken as their professors are.
- Cultivate spaces that encourage racial empathy. It is important to create spaces where people can talk openly and emotionally about their personal experiences. When discussing free speech issues and the topics of diversity, equity and inclusion as a nation, and within higher education, it is important to address and make room for the intensity of emotion related to this work.
- It is helpful when administrators in high level leadership positions can show their emotional vulnerability, because it gives their staff more “permission” to show and discuss their emotions in the workplace. It also lets students know these administrators are personally affected by things; that they care.
- When universities are making plans for how they can better support Students of Color and other marginalized students who are disproportionately affected by hate speech on campus, administrators need to also be thinking about minority staff and faculty who do tremendous amounts of unseen labor in responding to these campus crises. It is important to address burnout and racial battle fatigue in the workplace. All administrators need to think carefully and creatively about developing

¹³⁷ Lorena Anderson, “Artists Making their Marks on and off Campus,” *Newsroom*, September 1, 2017, <https://news.ucmerced.edu/news/2017/artists-making-their-marks-and-campus>

¹³⁸ Michelle Morgante, “Storytellers to share Personal Lessons in Inaugural ‘Spoken Experience’ Event,” *Newsroom*, November 13, 2019, <https://news.ucmerced.edu/news/2019/storytellers-share-personal-lessons-inaugural-spoken-experience-event>

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support networks, allocating labor in a more equitable fashion, and compensating staff who are doing essential emotional labor that often goes unseen.

At UC Santa Barbara one of the most successful and moving events I have ever attended was an event our MultiCultural Center organized called “The 2016 Election: The Day After.” The flier for the event said,

“What’s Next? Where Do We Go From Here? The 2016 presidential campaign has been extremely controversial and widely discussed. People of Color, women, queer folks, immigrants, and people with disabilities have been mocked, scorned, and attacked. Many people feel exhausted and overwhelmed by this election. Whatever happens on November 8th, history will be made. The United States could elect its first female president or it might elect a person who has limited political experience and a penchant for antagonizing nearly everyone. Regardless of who wins, much work will be left to do the day after the election. Come and share your views about the 2016 election and where we as a nation go from here.”¹³⁹

Initially the event was slated to be held in the MultiCultural Theater which holds 150 people, but because Trump won the election, which was not expected, they quickly relocated the event to our large event center, where they set up over 500 seats and it was still standing room only. It was supposed to go for 90 minutes but it went much longer. The MultiCultural Center on our campus is known for quickly creating spaces to talk and process through emotionally difficult things right after they happen, such as with Trump unexpectedly winning the election. This fast response is really important to students and the larger community. These responses don’t have to be complicated. Frequently at the MultiCultural Center we have everyone place their chairs in a circle and have two or three people co-facilitate the discussion. Events where everyone can speak to and listen to each other in a more organic fashion frequently provide an avenue that students are looking for, as opposed to only having panel discussions and highly structured conversations.

This particular event, “The 2016 Election: The Day After” featured a panel of professors as guest speakers: Dr. Eileen Boris from Feminist studies, Dr. Lisa Sun-Hee Park from Asian American Studies, Dr. Vilna Bashi Treitler from Black Studies, and Dr. Ralph Armbruster-Sandoval from Chicana/o Studies. Each professor gave a short, personal reaction to the election of Trump, and then they said they wanted to turn over the event to the students in the audience so that they could share their personal reactions. There were two standing microphones where students, staff, faculty, and community members lined up to share their thoughts and ask questions of the panelists. Students spoke about being fearful that their parents might be deported. A Latinx student said that he didn’t understand how his grandmother could vote for Trump knowing that members of her own family might face deportation. A Black student said that her boyfriend was White and that his family was racist towards her and things would probably just get worse under Trump. I remember she began crying as she was speaking into the microphone, and afterwards a White female student got up and began patting her back, and gave her a hug. It was an emotionally intense space where a lot of students shared deeply personal stories and concerns about a wide range of issues.

¹³⁹ Shawn Warner, “MCC Discussion today on Post Election Processing,” accessed on July 5, 2020, <http://www.gradpost.ucsb.edu/life/life-article/2016/11/09/mcc-discussion-today-on-post-election-processing>



“The 2016 Election: The Day After,” event hosted by the UCSB MultiCultural Center, students commenting and asking questions at standing microphones. *Photo credit: Melissa J. Barthelemy*

At one point a White male student who was a leader in the College Republicans student organization at UCSB, and was adorned in MAGA garb, got up and said that at the anti-Trump protest the night before he was there to celebrate Trump’s victory with an American flag and his MAGA gear on and another student came up from behind and punched him in the back really hard.¹⁴⁰ When he told this story he seemed shaken and sad rather than angry. It was something that stood out to me because I had seen this student’s behavior in many spaces on campus, and he was often very angry and confrontational with students he identified as being liberal. I started thinking about how hard it could be as a Trump supporter to be at this event where the vast majority of people were expressing shock, fear, and sadness over Trump’s election as President. If you were happy and excited that he had become President, this was clearly not the ideal venue to come to in order to celebrate that win. I began to empathize with this student in a way that I hadn’t before. One of the professors quickly said something to him along the lines of, “I am so sorry you were assaulted, violence is never justified, that was wrong.” She then talked about working with the administration to file a report, and other steps that could be taken. Sadly, when there are heightened tensions it is too easy for situations to escalate into violence. In general, for our campus, having Student Affairs partner with faculty from Ethnic Studies programs and other departments on campus has helped to provide a larger context to help people understand the times in which we are living. When we involve faculty who are tenured and have the protections of Academic Freedom, they

¹⁴⁰ Supriya Yelimeli, Cheryl Sun, Deepika Chandrashekar, “Over 1000 UC Santa Barbara Students Protest after Trump Elected President,” *The Daily Nexus*, November 9, 2016, <https://dailynexus.com/2016-11-09/over-1000-uc-santa-barbara-students-protest-in-ista-vista-after-trump-elected-president/>

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are frequently able to be much more “political” in their comments than administrators. Students often don’t grasp the difference between faculty and administrators; they don’t realize that Vice Presidents of Student Affairs serve at the discretion of the University President. This is one reason why students sometimes get angry that administrators are not as outspoken as their professors are. Educating students on this situation seems paramount to creating greater understanding around freedom of expression on campus.

In *White Guys on Campus: Racism, White Immunity, and the Myth of “Post-Racial” Higher Education*, Nolan L. Cabrera discussed the importance of cultivating racial empathy as a “pathway to understanding across racial lines – seeing one’s individual experience directly tied to all others in society.”¹⁴¹ Scholars have argued that “racial emotions are central to the perpetuation of racial inequality: Over time, white racist thought and action also involves a massive breakdown of positive emotions such as empathy, the human capacity to experience the feelings of members of an outgroup unlike your own.”¹⁴² It is important to note that empathy indicates a sense of a human connection to those harmed by racism, whereas sympathy is often associated with a patronizing view towards the target of the racism (i.e., “You poor thing!”).¹⁴³

An important part of this work is creating spaces where people can talk openly and emotionally about their personal experiences. One of the things that surprises me the most about the way we are currently talking about free speech issues and diversity, equity and inclusion work as a nation, and within higher education, is that we don’t always acknowledge and make enough room for the intensity of emotion related to this work. In the United States we are often taught that it is wrong to show your emotional vulnerability and to express negative emotions. To describe this cultural pattern, some scholars have coined the phrase toxic positivity.¹⁴⁴ Toxic positivity is the idea that we should focus only on positive emotions and the positive effects of life. In other words, instead of confiding in co-workers about how painful it is to experience acts of prejudice, we are often expected to put on a happy face, especially in a workplace environment like a university.

At the NASPA Student Affairs Law Conference in San Diego in December 2019, Dr. Kevin Kruger, the President of NASPA, gave a talk where he said that faculty and other administrators on campus sometimes jokingly refer to the student affairs folks as the “balloon people.”¹⁴⁵ He said this is because they are frequently seated at informational tables and other events with balloons, and also because they are often perceived as extroverted, high energy, and friendly. Within the student affairs profession I often hear people praise a co-worker as “upbeat,” “always smiling,” and “easy to get along with.” In thinking about Cabrera’s arguments around White normativity (and heteronormativity) in University environments, and the concept of toxic positivity, it is important to also make space for negative emotions in the workplace. It is helpful when administrators in high level leadership positions can show their emotional vulnerability, because it gives their staff more

¹⁴¹ Cabrera, *White Guys on Campus*, 142.

¹⁴² Cabrera, *White Guys on Campus*, 142.

¹⁴³ Cabrera, *White Guys on Campus*, 142.

¹⁴⁴ Brittany Wong, “What is Toxic Positivity? Why it’s OK not to be OK Right Now,” *HuffPost*, July 8, 2020, https://www.huffpost.com/entry/what-is-toxic-positivity-coronavirus_15f04bca0c5b67a80bbff7cd3

¹⁴⁵ Dr. Keven Kruger, Keynote Presentation, 2019 NASPA Student Affairs Law Conference, December 12-14, 2019, San Diego, California.

“permission” to show and discuss their emotions in the workplace. It also lets students know these administrators are personally affected by things; that they care.

When free speech controversies arise on campus and they involve conflicts over issues of race, sexuality, and other marginalized identities, frequently staff, graduate students, and faculty who are members of the affected communities end up doing lots of additional emotional labor, in working with the students who have been most affected. The diversity of student affairs staff at many colleges and universities often do not reflect the full diversity of the institution’s student population, in terms of campus demographics. In the highest leadership positions, such as the Vice President of Student Affairs level, statistically a majority of administrators are White and male.¹⁴⁶ When universities are making plans for how they can better support Students of Color and other marginalized students who are disproportionately affected by hate speech on campus, administrators need to also be thinking about minority staff and faculty who do tremendous amounts of unseen labor in responding to these campus crises. It is important to address burnout and racial battle fatigue in the workplace. All administrators need to think carefully and creatively about developing support networks, allocating labor in a more equitable fashion, and compensating staff who are doing essential emotional labor that often goes unseen.

Student Protests and Demonstrations As Discussed Through the Lens of the COLA (Cost of Living Adjustment) Movement at University of California Campuses

Use of Police at Student Protests and Demonstrations

Key Recommendations:

- For years students have spoken out against the use of police, especially to break up campus demonstrations, claiming that what might feel like “safety” and “security” to some, can be antagonizing and dangerous to communities of color, undocumented students, international students, LGBT+ students, and those from other marginalized communities that have historically faced discrimination at the hands of the police.
- When student affairs administrators are working with other university officials to determine whether a police response is needed to a situation, and if so, what that response might look like, they should keep in mind that police in general, and riot police in particular, can often exacerbate tensions.

Even before the recent world-wide BLM (Black Lives Matter) protests against the police killing of George Floyd, the presence of police on university campuses, and their use to break up non-violent student protests has been a hotly contested issue for years. One of the most high profile incidents within the UC system was the pepper spraying of UC Davis students during the Occupy Movement demonstration on campus in 2011. As student activists sat peacefully on the sidewalk, Lt. John Pike of the UC Davis Police Department (UCPD) sprayed them directly in the face with pepper spray. The video of the pepper spray incident became a viral video and the

¹⁴⁶ Dr. Lori S. White, Keynote Presentation, “We just can’t find ANY diverse candidates for THAT position: Ensuring Diversity in Hiring Processes and Practices,” 2019 NASPA Student Affairs Law Conference, December 12-14, 2019, San Diego, California.

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photograph became an internet meme seen around the world. The three dozen student demonstrators were collectively awarded a million dollars by UC Davis in a settlement from a federal lawsuit, with each pepper-sprayed student receiving \$30,000 individually.¹⁴⁷ This incident sparked a fierce public debate about the militarization of police and the behavior of university police officers on campus. Many students and faculty called for the resignation of Linda P.B. Katehi, who was the Chancellor of UC Davis at the time. Years later, in 2016, The Sacramento Bee reported that UC Davis had paid at least \$175,000 to public relations companies in order to clean up the “negative image” of the university, by using Google platforms to eliminate search results that reflected negatively on the university.¹⁴⁸ In April 2016 Chancellor Katehi was removed from her post as Chancellor and placed on administrative leave; using university funds to remove negative references online was cited as one of the reasons for her removal.

This incident at UC Davis illustrates how high stakes the issue of demonstrations on campus can be for university administrators. The rapid accessibility of social media also makes it easy for photos, videos, and memes to go viral around the world in a matter of days, if not hours, magnifying public relations nightmares for a campus. Given what occurred at UC Davis in 2011 and the sharp outcry against the use of militarized police to break up non-violent student protests, it was surprising and disheartening to witness what took place at UC Santa Cruz this past year when riot police were used to break up student demonstrations during the Wildcat Strikes for a COLA (Cost of Living Adjustment) for graduate student teaching assistants.

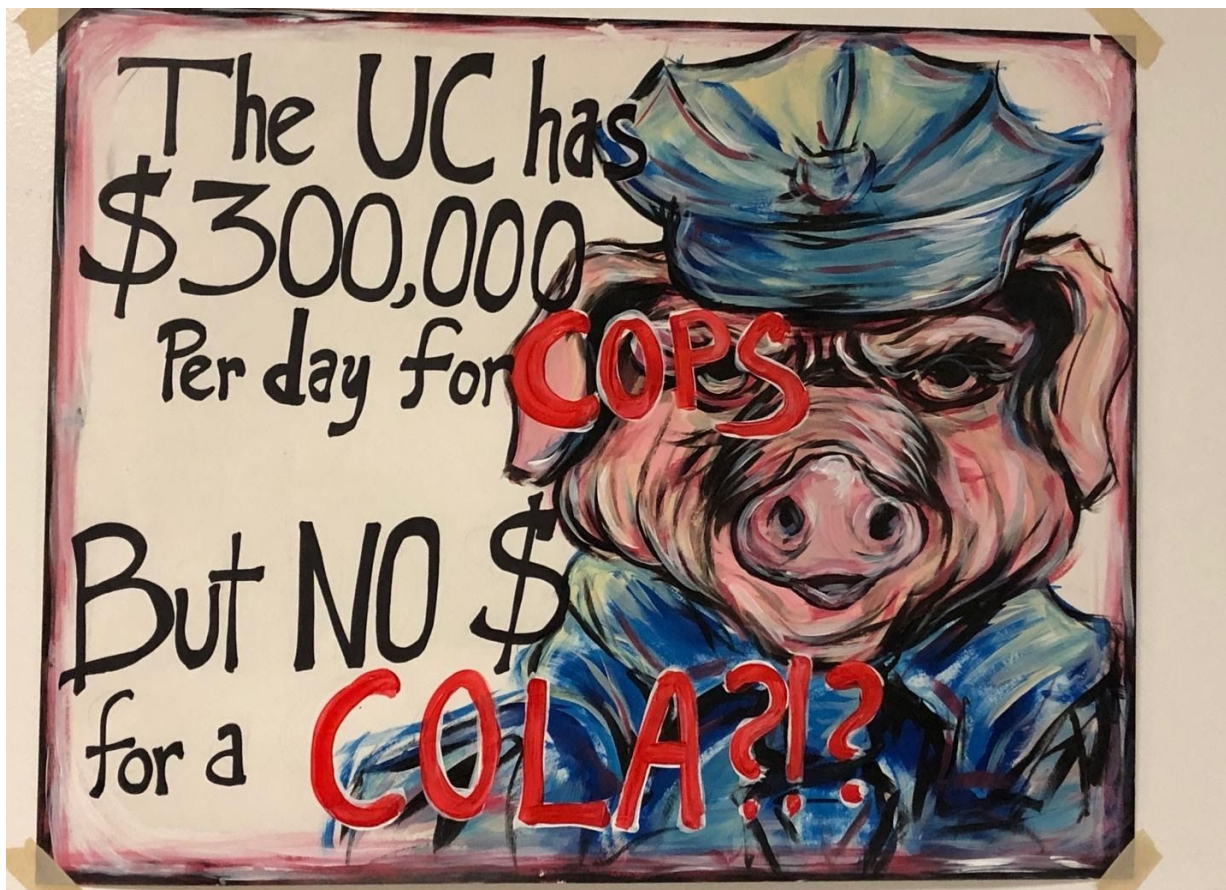
In September 2019 graduate students at UCSC began demanding better pay for their work as teaching assistants, due to the high cost of living in Santa Cruz, which has been exacerbated by the housing shortage and high rental costs in the area. This was a wildcat strike because it was not authorized by the graduate students’ union, United Auto Workers (UAW) Local 2865. This union represents over 19,000 academic student employees, including graduate student teaching assistants, across the UC system. In August 2018, UAW 2865 signed a collective bargaining agreement with the UC that was ratified by the majority of graduate workers across the system, but at UCSC 83% of union members voted against ratification because they had wanted a cost of living adjustment (COLA) included in the contract. Many student workers at UCSC felt the Union was no longer representing their interests, and decided to go on a wildcat strike demanding a \$1,412 per month Cost of Living Adjustment.

In December 2019, graduate student instructors and teaching assistants engaged in a “grading” strike by withholding over 12,000 fall-quarter grades for undergraduate students, which amounted to roughly 20% of all UCSC grades. On February 10, graduate student strikers and their supporters began demonstrating at the two entrances to UCSC, blocking the flow of traffic in and out of the campus. It was estimated that 350 graduate students participated along with hundreds of undergraduate student protesters, and sympathetic faculty who marched in solidarity and picketed alongside the graduate students. Additional protests blocking the entrances to the campus took place throughout the month and into March. The protests grew so large that

¹⁴⁷ Garofoli, Joe, “UC Davis Pepper Spray Officer Awarded \$38,000,” *SFGate.com*, October 23, 2013, <https://www.sfgate.com/politics/joegarofoli/article/UC-Davis-pepper-spray-officer-awarded-38-000-4920773.php>

¹⁴⁸ Sacramento Bee, “Read UC Davis’ Contracts to Repair Online Image,” *The Sacramento Bee*, April 13, 2016, <https://www.sacbee.com/news/local/education/article71674767.html>

they attracted national and international news coverage. Powerful photographs of faculty in their full regalia standing between police and student protesters appeared in numerous publications.¹⁴⁹ The city council in Santa Cruz voted to not allow the city police to be used to help the UCPD break up the protests, which had formed at the intersections where campus streets and the city streets met at the edge of the campus. The UCSC administration contracted - at a high cost - to bring riot police from Alameda County to break up the unlawful demonstrations that blocked the streets; there was a daily deployment of 50 to 100 riot-gear clad police at the cost of \$300k per day. COLA demonstrators allege that the officers used excessive force and UCSC denies this allegation. Seventeen UCSC students were arrested during the protests, most of whom were undergraduates. One of the rallying cries of the COLA Movement at UCSC soon became “Cops off campus!”



Protest poster hand drawn by UCSB COLA movement activists, hung in the main administration building at UCSB during sit-in. *Photo credit: Melissa J. Barthelemy*

For years students have spoken out against the use of police, especially to break up campus demonstrations, claiming that what might feel like “safety” and “security” to some, can be antagonizing and dangerous to communities of color, undocumented students, international students, LGBT+ students, and those from other

¹⁴⁹ Erika Mahoney and Audrey Garces, “Striking UC Santa Cruz Graduate Students hold Picket Lines After Police Arrest,” *KQED.org*, February 14, 2020, <https://www.kqed.org/news/11801554/striking-uc-santa-cruz-graduate-students-hold-picket-lines-after-police-arrest-17>

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marginalized communities that have historically faced discrimination at the hands of the police. The Black Lives Matter Movement has increased awareness that black and brown people are more likely to be profiled, harmed or killed during police encounters. As a microcosm of the larger world, students often allege that university police also discriminate against students, staff, and faculty of color. There has also been great concern about undocumented students and international students being arrested during protests, potentially facing legal charges, and disciplinary action by the university that might put their visas into jeopardy, result in loss of campus employment, or even deportation. The decision to use riot police against protesters at UC Santa Cruz was concerning for these reasons, and also because research has shown that paramilitary police responses actually escalate violence at protests.¹⁵⁰

Psychology Professor Jack Glaser from UC Berkeley, has been studying police practices for decades. He claims that racial prejudice is a fixture in many of the nation's 18,000 police agencies, and that these officers reflect the same racism and biases that all people carry as a result of the devastating history of White supremacy in America. When police are "clad with military body protection and armed with advanced weapons, they may see themselves more as warriors battling an enemy than as guardians protecting a community. They may become more aggressive." According to Glaser, the implicit biases that officers may harbor could partially explain why reactions to Black Lives Matter protests have seemed harsher than restrained police responses to recent protests by armed White right-wing groups in Ohio, Michigan, and Kentucky. He said that the data on race and policing makes it clear that "black people are treated with greater suspicion, disrespect and physical force." Rather than resorting to riot police using force, he recommends that officers keep a distance from protesters, speak in a calm voice, and not show up dressed for a combat zone.¹⁵¹ Amnesty International USA has also said that a militarized police force that acts aggressively endangers the lives of protesters by exacerbating a tense situation. The organization claims that when officers wear riot gear, it dehumanizes the officers and makes it more likely that the protesters will throw rocks and other items.¹⁵² When student affairs administrators are working with other university officials to determine whether a police response is needed to a situation, and if so, what that response might look like, they should keep in mind that police in general, and riot police in particular, can often exacerbate tensions.

Dr. Nick Mitchell, an associate professor in Feminist Studies, and the Critical Race and Ethnic Studies Program at UC Santa Cruz forcefully spoke out against the use of riot police to break up the COLA protests, the disciplinary actions being taken against strikers, and the disproportionate effect such actions may have on faculty and students of color. He wrote an Open Letter to Chancellor Cynthia Larive entitled "Why I'm

¹⁵⁰ Glen Martin, "The Riot Act: Evidence that a Paramilitary Police Response Actually Ramps Up Violence," *California Magazine*, August 25, 2014, <https://alumni.berkeley.edu/california-magazine/just-in/2014-08-25/riot-act-evidence-paramilitary-police-response-actually-ramps>

¹⁵¹ Edward Lempinen, "How Reforms could Target Police Racism and Brutality – and Build Trust," *Berkeley News*, June 9, 2020, <https://news.berkeley.edu/2020/06/09/how-reforms-could-target-police-racism-and-brutality-and-build-trust/>

¹⁵² Catherine E. Scholchet, "Action News Now," *CNN*, posted June 3, 2020, <https://www.actionnewsnow.com/content/national/570939372.html>

returning the Chancellor's Achievement Award for Diversity." It is a powerful letter and I suggest reading it in its entirety. In one poignant section he wrote,

"Today, along with this letter, I am returning the Chancellor's Achievement Award for Diversity. My reason for returning the award is simple: your administration's reckless and harmful response to the graduate workers' Cost of Living Adjustment (COLA) campaign raises grave concerns as to the way UC Santa Cruz values diversity. As one of a scarce few black faculty members at UCSC, witnessing this response has been disturbing, to say the least. If you only value diversity insofar as it smiles but sweep it aside when it expresses its grievances in public confrontation, your commitment to diversity is shallow and superficial at best. At worst it is exploitative and opportunistic. Know this: when you respond to a protest against the socioeconomic conditions that fuel hunger, eviction and insecurity with tear gas cannons, handcuffs, batons, guns, and tasers, you are sending a clear message to the black and brown members in the university community: this is a campus where safety is enforced by the institutions and instruments that endanger our lives. This is the case regardless of the race of the person at whom those cannons and batons are pointed: we know—and this is an historically informed knowing--that they will eventually be pointed at us. Yours appears, in other words, to be a definition of safety experienced by many of us as terror."¹⁵³

Mitchell goes on to point out that firing of graduate students for their activity in striking and protesting will disproportionately affect those students with the least means, and in particular students of color. He says that if the Chancellor fires these workers,

"I would request that you not plead ignorance if and when underrepresented student-of-color matriculation to UCSC plummets. Do not create diversity initiatives in which you offer yourself occasion for self-congratulation in remedying a problem that you could easily have avoided fueling...I request that you kindly refrain from feigning surprise when this institution begins to hemorrhage faculty and students of color, or when it struggles mightily to recruit and/or retain them...We understand that the mass firing that you are poised to enact has been conducted with the machinery of institutional racism."

Mitchell's letter is powerful and important for a number of reasons. One of which is the reminder that even something that might seem like it will equally affect all striking graduate students the same might have a differential impact on marginalized student populations who are more apt to suffer the consequences of potentially discriminatory policing. Secondly, first-generation, undocumented, LGBT+ and Students of Color are less likely to have familial resources to depend upon when fired from student employment positions. This situation is particularly difficult for international students who are not legally able to work anywhere but on campus. Students have, and continue to receive suspensions, and other disciplinary notations in their student records for their behavior during the demonstrations. Lastly, Mitchell's letter illustrates how hypocritical the

¹⁵³ Nick Mitchell, "Why I'm Returning the Chancellor's Achievement Award for Diversity," UCSC Critical Race & Ethnic Studies website, Friday February 21, 2020, <https://cres.ucsc.edu/news-events/news/mitchell-cola.html>

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institution is to hand out achievement awards for diversity as it simultaneously propagates institutional racism through its actions, with the consequence of alienating those groups it is seeking to attract and retain. Mitchell's letter was shared widely as a source of inspiration for those striking and their supporters.

COLA Movement at UC Santa Barbara

Key Recommendations:

- Explain to protesters the existence and function of campus demonstration resource teams, and the people who are on them. Consider including such information on university websites where it can be readily accessed by campus community members and the public.
- Campus demonstration resource teams help ensure safety, and they often serve as an intermediary between students, police, and counter-protesters. These teams are a highly effective way to monitor free speech events and provide useful guidance to speakers and support passersby.
- It is important to think carefully about who you have on your campus demonstration resource teams in terms of representing the diversity of your staff and students, as well as the temperament of individual staff members and how they may respond in stressful situations.
- It is important for administrators to remember that there are frequently different factions within student groups calling for change, and differences of opinion regarding goals, strategy and tactics are common.
- The most important part of addressing free speech issues on campus is building trust and creating relationships with students.
- Being able to empathize with the needs of another person, keeping personal frustration at bay, having open lines of communication and extending warmth even in the most difficult moments can go a long way.

Within months of the wildcat strike beginning at UCSC, the COLA movement spread to all campuses in the UC system. There has been variation in timeline and tactics on each campus with some COLA organizers engaging in a full teaching strike, others withholding grades, and activists on some campuses conducting educational campaigns in order to gain more allies, but declining to strike or withhold grades. Winter Quarter 2020 saw activists on most of the campuses engaging in direct action free speech activities such as sit-ins in the Chancellors' offices, rallies, marches, teach-ins, blocking streets to stop the flow of traffic, and obstructing the entrances to administrative buildings.

At my own campus, UC Santa Barbara, during Winter Quarter we had the second largest and most active COLA movement outside of Santa Cruz. During this time period I had the opportunity to observe, and work with, some of the main organizers from COLA UCSB, and also our university administration. As a UC Free Speech Fellow I was able to devote time and energy to observing what was taking place on my campus, and because of my role, and my personal relationships with stakeholders, I came away with a unique perspective.



Protest poster hand drawn by UCSB COLA movement activists, hung in the main administration building at UCSB during sit-in.
 Photo credit: Melissa J. Barthelemy

On February 11th several hundred COLA demonstrators marched from our campus library to Cheadle Hall, our main administration building. After a demonstration that featured speakers, everyone entered the building and climbed the staircases to the 5th floor where activists handed a copy of their demands to our Executive Vice Chancellor, who received them on the Chancellor's behalf. The group UCSB 4 COLA had their own set of demands for what they thought needed to change on our campus, such as increased pay and better financial support for graduate students. They also demanded that our Chancellor advocate on behalf of UCSC wildcat strikers.

After we were back outside I was speaking with some of the graduate student activists who said they were upset that they were being “monitored” by administrators in suits and ties, and that they felt they were under “surveillance.” Earlier one of those administrators who I know personally had told me he was there as part of the Student Affairs Demonstration Response Team (DRT). When the COLA leaders were telling me how upset they were about the administrators following them I explained the function of the Team in general and that they were there to make sure everyone was safe, that protesters were not blocking paths, and that they often serve as an intermediary between students, police, and counter-protesters. The student leaders were relieved

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to find out why the Team was present, what their role was, and that the DRT members were not taking down information about any of the student activists. In a situation where you have graduate student employees who are considering striking or being involved in an employment dispute, anxiety and concern tend to be heightened. In that moment I realized how important it can be for protesters to know about the existence and function of these campus demonstration resource teams, and the people who are on them. These teams are a highly effective way to monitor free speech events and provide useful guidance to speakers and support passersby.¹⁵⁴

Personally, I think it is important to think carefully about who you have on your campus demonstration resource teams in terms of representing the diversity of your staff and students. In moments of high emotions, students from marginalized communities often respond better if they see administrators who might be from minoritized populations as opposed to a team that is all white, male, and straight for instance. It may be necessary to bring staff onto the team who might not normally have free speech as a primary area within their portfolio. Also, it is helpful for universities to explain oversight functions on their websites so that concerned students have a better understanding of these processes if they ever inquire.



Hundreds of UCSB students climbed 5 stories of stairs in Cheadle Hall administration building to deliver UCSB COLA demands to the UCSB Chancellor on February 11, 2020. *Photo credit: Melissa J. Barthelemy*

UC Merced has a webpage on Peaceful Protest Guidelines that describes its Protocol Oversight Group (POG), who the members of the group are, and what their responsibilities are.¹⁵⁵ This particular website comes closer

¹⁵⁴ LaBanc et al, *Contested Campus*, 91.

¹⁵⁵ "Peaceful Protest Guidelines," University of California, Merced Student Affairs website, accessed July 5, 2020, <https://studentaffairs.ucmerced.edu/students/peaceful-protest-guidelines>

to the “transparency” that students often demand in terms of outlining their framework for university responses. Additionally, they specify that,

“actions by campus police to intervene in a peaceful assembly or protest only will be taken following consultation with and approval by the Chancellor, who is ultimately responsible for ensuring that force is used as a last resort when negotiations have failed, and the disruption to the mission of the University is substantial or a threat exists to the safety of persons or property. The Chancellor may delegate responsibility for this decision but in doing so must maintain civilian control.”

As a graduate student who has been engaged in campus activism around a range of issues, I found the details on the website to be informative. Another helpful resource for administrators to look at is the webpage on University of California Response to Protests on UC Campuses, that lists 49 separate recommendations.¹⁵⁶ There are also a number of sample policies and resources for education and enforcement located on the UC National Center for Free Speech and Civic Engagement website.¹⁵⁷ For instance, UC Irvine has spent years crafting and updating their disruption guidance and major events policies which can be accessed at the site. The University of Oregon has harnessed technology to create a tool that allows members of their student affairs team, university police department, and safety risk services office to immediately track incidents on campus and coordinate a response.¹⁵⁸ Of course, policies are one thing, and implementation and enforcement are another thing. This is evidenced by COLA student protesters from UCSC who allege that excessive force was used by the riot police who used batons to break up demonstrators, something which UC’s own recommendations say should be used as a last resort.

UC Santa Barbara, is similar to UC Merced in terms of avoiding the use of police as much as is possible when there is a campus protest or demonstration. This is something that I took for granted that UCSB graduate student protesters would know when they engaged in direct action demonstrations on our campus. On February 21st hundreds of graduate student protesters and their supporters took over Cheadle Hall, our main administration building and held a 16-hour-long sit-in at the Chancellor’s office that spilled into the adjoining hallways. Graduate students set up sleeping bags and work areas directly on the floor, and even held office hours with their undergraduate students while protesting in the hallways. The plan was to continue the sit-in at the Chancellor’s office until midnight, because the UC Santa Cruz administration had set a midnight deadline for the striking graduate students to turn in the grades, otherwise they would face termination from their employment at UCSC. Therefore it was very important to UCSB students to stand in solidarity with the UCSC students until midnight. When I was observing the actions of student protesters and administrators

¹⁵⁶ “Response to Protests on UC Campuses: Recommendations,” University of California website, accessed July 5, 2020, <https://campusprotestreport.universityofcalifornia.edu/recommendations.html>

¹⁵⁷ “Resource Materials: Protest & Disruption Guidelines,” University of California National Center for Free Speech and Civic Engagement website, accessed July 5, 2020, <https://freespeechcenter.universityofcalifornia.edu/programs-and-resources/resource-material-s-protest-disruption-guidelines/>

¹⁵⁸ Kris Winter and Krista Dillon, “Managing Campus Demonstrations and Protests,” 2019 NASPA Western Regional Conference, University of Oregon.

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during the sit-in I was surprised by the high level of anxiety that some student protesters were displaying. The lead organizers of the sit-in were worried that they'd face punishment if they remained in the building after the workday ended at 5pm. They thought that the police might be called and that they would be dragged out of the building and arrested. When student leaders asked my opinion I told them that I knew the VCSA and her team would be trying to de-escalate the situation as much as possible, and that they always try to avoid the use of police.

I secured the permission of the organizers to have administrators come into the area of the sit-in to answer their questions directly. Not all of the protesters were comfortable with the presence of administrators which made the situation more challenging than usual. It is important for administrators to remember that there are frequently different factions within student groups calling for change, and differences of opinion regarding goals, strategy and tactics are common. In this situation, our Assistant Vice Chancellor and Dean of Students (AVCDOS) was able to reassure the students and provide detailed answers to their questions. She always says that the most important part of addressing free speech issues on campus is building trust and creating relationships with students. Eventually she was able to exchange cell numbers with the student leaders and be "on call" if they had any questions. One concern protesters raised was that they didn't want any police in the building. There had been a plan to have one uniformed police officer at the front door for security purposes. However, after a conversation between the student protesters and our AVCDOS an agreement was reached not to have any police present. A lieutenant from the UCPD, who usually does this community based work, stood outside the building in plain clothes, to monitor from a distance. Other UCPD officers were in the vicinity, but out of sight. We also had our undergraduate student CSOs present on the floors that were not part of the sit-in, so they were not visible, but were available to assist if needed.

Our CSO program stands for Community Service Organization and it was created 30 years ago to liaison between UCSB students and the Police Department. Now the CSO students also provide safety and security for students, staff, and faculty by patrolling the campus, reporting crimes in progress, assisting in emergency situations, and detecting safety hazards. Our campus has found that using CSOs in lieu of police often helps de-escalate situations. However, recently "cops off campus" activists have complained that the CSOs are too closely connected to the police department. Some members of the campus community think that our CSO program should be housed under the Student Affairs Division instead. Administrators always have to remain nimble as circumstances can change so easily in a university environment. Additionally, the financial pressures created by COVID-19 have put the future of the CSO Program in jeopardy.

During the night of the sit-in there was increasing communication between administrators and the activists to the point where our VCSA ate dinner with them at their invitation, dining on the food that was donated by Food Not Bombs. She also brought non-alcoholic beverages to add to the meal. A supportive faculty member brought pizzas. Our VCSA also gave her work cell number to one of the main student leaders. I could see how much that meant to the student leader. A while later our Associate Dean of Student Life showed up with a projector so that the students could watch "The Matrix" during the sit-in. My personal takeaway was that one of the successes to the sit-in was that even though student protesters (arguably out of necessity) positioned administrators as adversaries based on their roles, everyone was still cordial and polite. There are moments where student activists and administrators are going to naturally be in a confrontational situation based on

circumstances, but it is great when things do not devolve into personal attacks. It is important for safety reasons as well. Being able to empathize with the needs of another person, keeping personal frustration at bay, having open lines of communication and extending warmth even in the most difficult moments can go a long way.



UCSB graduate student COLA protesters sitting in one of the many crowded halls outside of Chancellor Yang's office on February 21, 2020. Photo credit: Melissa J. Barthelemy

COLA Protest at the #SpeechMatters Conference in DC

Key Recommendations:

- Administrators need to be thoughtful about the words and tone they use in speaking with students, and be aware of their positionality.
- It is important to support students who are pushing back against the institution, because that can be an integral part of the educational process itself. Protest can be a platform for both teaching and learning.
- Rather than treating student protesters as an inconvenience, it is best if administrators can engage in receptive listening when student activists come to them expressing their concerns.
- Protests by students often occur when their basic needs are not being met. In those moments students are demanding that their lived experiences be recognized and validated.
- Radical empathy and engaged pedagogy are needed to create more liberatory campuses where students can feel empowered by their campus leaders.
- Bring students to the table who may not necessarily possess the social and cultural capital to get into the positions of power and privilege on campus.
- Students hate to be ignored, and when they protest it is often because other means of communication with administrators have been foreclosed.

In the midst of the COLA strikes and protests throughout the UC system, the UC National Center for Free Speech and Civic Engagement held its annual conference in Washington DC at the UCDC Center on February 27th. The UCDC Washington Center is a multi-campus residential, instructional, and research center that provides students and faculty from the University of California with opportunities to study, research, work, and live in Washington DC. As a UC Free Speech Fellow I attended and participated in the conference and related activities. While preparing for and traveling there I kept wondering whether the COLA Movement would come up as a topic at the conference considering that this seemed to be one of the largest freedom of expression movements that the UC system had ever experienced in recent history.

The conference and its speakers had been planned long in advance of the COLA Movement, therefore none of the scheduled talks focused on that topic. But, shortly after the conference began a group of students, who I later found out identify as Latinx, first-generation, low-income and LGBT+ walked up to the base of the stage and unfurled handmade protest signs with messages supporting the COLA movement, criticizing police presence on UC campuses, and demanding UC President Janet Napolitano resign. One student held a sign that said “Janet deported by dad April 21, 2009,” referencing the fact that President Napolitano had served as the Secretary of Homeland Security from 2009-2013 and oversaw deportations during that time period. The students wore shirts that said “UC Santa Cruz,” “UC Irvine,” and “UCDC.” They also verbally identified themselves as current students who were enrolled in the UCDC program, which is a semester-long internship

program housed in the UCDC Center, the building where the conference was being held. Several of the protesters also handed everyone in the audience a list of “Student Grievances and Demands to Janet Napolitano.”

At times, the student protesters stood directly in front of the stage and interrupted speakers and panelists by shouting, which made it more difficult to hear the speakers. This crossed a line into being an unlawful disruption, and they were warned by conference organizers at least four times that they needed to remain silent. One audience member, a White male, shouted “be quiet, I can’t hear my speaker!” and then “shut up, I am trying to listen to my speaker!” The protesters repeatedly demanded the ability to speak and explain why they were protesting, but they were told that they needed to wait until the public question and answer segment to ask questions and speak to those in attendance. The student demonstrators told one reporter that they found it “ironic that the conference was addressing how institutions should allow campus activists to respectfully express themselves while, at the same time, conference organizers were moving the protesters to the side of the stage to keep their posters from blocking audience members’ views of the speakers on the stage.”¹⁵⁹ The student protesters complained that they were being silenced and that they were being kept out of the filming of the conference. One student said, “Yeah, everyone has access to free speech, we’re allowed to demonstrate, but did we make it in the frame?”¹⁶⁰ They referred to the conference as a “show” partially because they were so angry that President Napolitano and Chancellor Gillman wouldn’t address or acknowledge their protest, and because they hadn’t been willing to meet with them privately the day before.¹⁶¹

The students occasionally shouted personal testimonies, such as saying they weren’t able to sign up for the classes needed to graduate because UCSC graduate students were on strike, and class offerings were being reduced. One student said that she didn’t have the funds to pay for her last quarter of schooling. She shouted, “Who are the grad students that are really suffering and the undergrad students who are suffering the most? Students of Color, low-income students, disabled, trans...I personally don’t have any funding past next quarter.”¹⁶² When panelists spoke about supporting marginalized students and helping provide them opportunities to speak out on their campuses, one of the protesters in the room shouted “they [administrators] don’t care about us, we are the marginalized students.”¹⁶³ It is important to remember that these protests by students often occur when their basic needs are not being. In those moments students are demanding that their lived experiences be recognized and validated. At one point, Michelle Deutchman, Executive Director of the UC National Center for Free Speech and Civic Engagement, went on stage to say “Protest is welcome so

¹⁵⁹ Greta Anderson, “Free Speech Challenges in Real Time,” *Inside Higher Ed*, February 28, 2020, <https://www.insidehighered.com/news/2020/02/28/students-protest-free-speech-conference>

¹⁶⁰ Anderson, “Free Speech Challenges in Real Time.”

¹⁶¹ Anderson, “Free Speech Challenges in Real Time.”

¹⁶² Sara Weissman, “Students Protest at UC System conference on free speech and student dissent,” *Diverse Issues in Higher Education*, February 27, 2020, <https://diverseeducation.com/article/168351/>

¹⁶³ “#SpeechMatters2020 Conference Agenda,” Session “Get Up, Stand Up: Protest and Disruption on Campus,” University of California National Center for Free Speech and Civic Engagement, accessed July 5, 2020, <https://freespeechcenter.universityofcalifornia.edu/speech-matters-2020/>

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long as it doesn't unduly interfere with the ability of the speaker to deliver the message or the ability of the audience to receive the speaker's message."¹⁶⁴

During the scheduled breaks in the conference, a number of attendees wondered if it would have been prudent to allow the protesters even just five minutes to speak about their cause(s). I wondered the same thing. I know that the conference organizers spend a tremendous amount of time organizing every detail of the conference and that things are timed down to the minute, but it seemed like giving some time and space to the protesters might have possibly de-escalated things and allowed those in the audience to better understand what the protest was about. The protesters did make it difficult to hear the speakers at times, causing a disruption that did violate the law, and the conference organizers showed a high degree of patience and professionalism as they navigated a tense situation. Ultimately, I wished the student protesters had been given an opportunity to make a short public statement and wondered whether such an adjustment to the schedule could have been fruitful from a pedagogical standpoint, as well as a public relations one. In an interview, Varsha Sarveshwar, president of the UC Student Association, and a speaker on one of the panels at the conference said "I think there's this tendency to turn protest into something that's palatable. There's a lot of praise for protest and activism in principle, but when someone is shutting down an event, it starts to be seen differently."¹⁶⁵



Student protesters speaking with UC staff and reporters during a break in the #SpeechMatters conference program at UCDC Center.
Photo credit: Melissa J. Barthelmy

¹⁶⁴ Alexandra Feldman, "UC Participation, Protest Conference Interrupted by COLA Protesters," *The Daily Californian*, March 1, 2020, <https://www.dailycal.org/2020/03/01/uc-participation-protest-conference-interrupted-by-cola-protesters/>

¹⁶⁵ Alexandra Feldman, "UC Participation, Protest Conference Interrupted by COLA Protesters."

At one moment the Chancellor of UC Irvine Howard Gillman was referring to the student protesters and said “these people -- who are expressing themselves, it is important for them to have an opportunity to get their expression out.”¹⁶⁶ He went on to commend them for showing “extraordinary” respect for the audience, and the speakers and panelists, by not being too disruptive. I am sure it was stressful for him to be in that situation with the protest happening as he was speaking, especially because the students were saying things that were critical of him and President Napolitano. I am sympathetic to the challenges of the situation, and I also found it concerning that he referred to the protesters as “these people.” I immediately wished that instead he had used the phrase “our students.” These were UC students, enrolled at and living inside the UCDC Center, at a UC Conference and while adversarial in their tactics and behavior, they were still UC students. The phrase “these people” is often interpreted as a microaggression and condescending because of its “Othering” effect. Often it implies that the people spoken about do not belong, that they are a lower class or different kind of person, and that the speaker is distancing himself from them, as if they have no connection. It is also often perceived as stereotypical by implying a group of people are all the same; it is dehumanizing. When the speaker presents as an older White male and the group he is addressing presents as young Women of Color, and in this case when there is such an uneven power differential of a high level administrator and students, it becomes even more important to be sensitive in language choice. Microaggressions refer to “brief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults toward people of color.”¹⁶⁷ Because of the negative cumulative effect that microaggressions have on peoples’ lives it is important that we sensitize ourselves and our community to the insidious effects of implicit bias.

Administrators in general need to be thoughtful about the words and tone they use in speaking with students. It is important to support students who are pushing back against the institution, because that can be an integral part of the educational process itself. At a certain point, in addition to “managing” student protest and other free speech issues it is also important to think about the educational mission of a university, to contribute to the mission of inquiry and discovery. Rather than treating student protesters as an inconvenience, it is best if administrators can engage in receptive listening when student activists come to them expressing their concerns.

In *Free Speech on Campus* authors Howard Gillman, PhD and Erwin Chemerinsky, JD, discuss their experiences growing up during the civil rights movement and anti-Vietnam War protests and witnessed “first-hand how officials attempted to stifle or punish protesters in the name of defending community values or protecting the public peace.” They go on to say “In our experience, speech that was sometimes considered offensive, or that made people uncomfortable, was a good and necessary thing. We have an instinctive distrust of efforts by authorities to suppress speech,” and that this is partially because “the power to punish speech has been used primarily against social outcasts, vulnerable minorities, and those protesting for positive change.”¹⁶⁸ They

¹⁶⁶ “#SpeechMatters2020 Conference Agenda,” Session “Get Up, Stand Up: Protest and Disruption on Campus.”

¹⁶⁷ Chemerinsky and Gillman, *Free Speech on Campus*, 140.

¹⁶⁸ Chemerinsky and Gillman, *Free Speech on Campus*, 11.

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remind us that “colleges and universities also cannot accomplish their modern missions if they are places of privilege and exclusion rather than gateways of inclusive excellence.”¹⁶⁹

The students conducting the protest at the conference asserted that because of the power differential between themselves as students and the administrators on the stage they had no chance to gain access and express their voices other than through disruptive protest. They tried to secure a private meeting with university administrators in advance regarding a number of issues, but were told no. Therefore, in order to get attention they resorted to direct confrontation. This is a common pattern in university environments. Because the stakes are so high it is understandable that administrators may want to “contain” student demonstrations, especially when they may pose a public relations challenge, and when they might involve employment related issues (such as the COLA strike). But, when UC students aren’t given a substantial opportunity to participate in a UC conference as part of their UCDC experience, and when a campus such as UC Santa Cruz prides itself on its history (at least in its marketing materials) as the “authority on questioning authority” but then uses riot police to force its student demonstrators into compliance, it begins to feel like student voices and experiences aren’t being centered and uplifted in the ways that they should be. In order to meet the intellectual and spiritual growth of students, and to obtain a more democratic ideal of education, perhaps the top-down model of control is not the best approach for interacting with students who beg to have their lived experiences valued and appreciated. Radical empathy and engaged pedagogy are needed to create more liberatory campuses where students can feel empowered by their campus leaders. Granted, it is hard to have a liberatory campus when you can’t even afford your rent or food to eat. As UCSB English Professor Chris Newfield has said, “UC is only willing to treat the COLA strike as a breach of contract discipline rather than a desperate attempt to communicate basic needs.”¹⁷⁰ As an “entanglement of bureaucratic, ideological, and security interests,” the UC threatens to become “an expression of neoliberal social forces” that have worked to establish student activism as a basis of suspicion rather than a chance for social transformation.¹⁷¹

Several years ago Dr. Margaret Klawunn, the Vice Chancellor of Student Affairs at UCSB gave a talk that was in conversation with educator and author bell hooks’ pedagogy, from her seminal book *Teaching to Transgress: Education as the Practice of Freedom*.¹⁷² Klawunn asked whether “we are encouraging activism that disrupts the institutions we are a part of and the roles we inhabit” and what it might look like to encourage such questioning of power relations both in the classrooms and across campus. Her talk is something that I frequently come back to when I am thinking about the activism of students on college campuses, including mine. As I was watching things unfold during the protests at the #SpeechMatters Conference, I was thinking that access to educational institutions is not enough. I would like to share one powerful passage from Dr. Klawunn’s talk:

¹⁶⁹ Chemerinsky and Gillman, *Free Speech on Campus*, 155.

¹⁷⁰ Christopher Newfield, “When Are Access and Inclusion Also Racist?” *Remaking the University*, June 28, 2020 <https://utotherescue.blogspot.com/2020/07/ucs-next-president-few-necessities.html>

¹⁷¹ Roderick Ferguson, *We Demand: The University and Student Protests*, (Oakland, CA: University of California Press, 2017)

¹⁷² bell hooks, *Teaching to Transgress: Education as the Practice of Freedom*, (New York: Routledge, 1994)

“...what we are seeing is a population of students coming to college who were not on college campuses 20 years ago. Valued for their academic achievements and the diversity they bring, it makes sense as their numbers increase, first generation, under-represented minority, and high need students are speaking up for what they need and expect changes to reflect their presence and the realities of their lives. I am not suggesting that every change students ask for should be made, but we have got to be having different kinds of exchanges – educating and challenging students but also being willing to listen to what no longer works. It only makes sense that structures created for majority white, more socioeconomically homogenous students would need to adapt to the realities of today’s college students. How things have been working for many years, including when and how faculty members and administrators did their own training, doesn’t make sense.”¹⁷³

She also stated the necessity of “connecting knowledge with life practices,” and that “to do this work we would all have to confront and own our differences, our privilege, our status, our power, our empathy and the places where we lack it,” and “use our mistakes as lessons to learn and be better.”¹⁷⁴

At the #SpeechMatters 2020 Conference, as the student protesters were demanding “Cops off Campus,” and to “Defund the Police,” there was simultaneously a powerful and informative panel going on that was called “Get Up, Stand Up: Protest and Disruption on Campus.” It featured Kyhm Penfil, Campus Counsel at UC Irvine, Sandra Rodriguez, Director of Student Engagement at University of Nevada, Reno, Kristen Roman, Chief of Police, University of Wisconsin, Madison, and Varsha Sarveshwar, President, University of California Student Association. Rodriguez said that “speech and inclusion do not exist in a binary but rather they exist with the most integrity when they are completely intertwined,” and that “marginalized communities pay a higher price for free speech” because it is a “democratic trauma when you have to listen to protected speech that is diametrically opposed to your existence.” She also said that people in positions like hers can “challenge our students to use protesting as a platform for teaching and learning.” Rodriguez also seemed to be reflecting what was going on with the protest right in front of our eyes at the conference when she said “it is important to bring students to the table who may not necessarily possess the social and cultural capital to get into the positions of power and privilege.” In response some of the protesters shouted, “that is us, we are the marginalized students!”

Additionally during that conference session, UC Student Association President Varsha Sarveshwar defended students who shut down speech that they find hateful. She spoke about the impact that these incidents can have on campuses and said that speech isn’t just speech, because there is harm to it. She said, “if you are from a marginalized community, words are incredibly powerful when they are hate speech. They have a huge impact on your ability to even just be a student. You aren’t going to be on a level playing field with everyone else.” According to Sarveshwar, UC Berkeley recognizes that having significant police presence on campus during events can have a harmful impact on many students so a campus wide notification is now sent out well in advance so that students are not surprised. She said that the student government uses social media such as Facebook, Instagram, and Twitter to also show areas of the campus where there is an incident of significant

¹⁷³ Margaret Klawunn, “Can We Teach to Transgress?” speech given at University of California, Santa Barbara, 2016.

¹⁷⁴ Klawunn, “Can We Teach to Transgress?”

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police presence, so that students can avoid the area. She said that campuses need to increase trust between students and the administration and that they need to take issues of diversity, equity, inclusion and affordability just as seriously as federal mandates to uphold Constitutional free speech rights of the speakers who come to campus.

Kyhm Penfil, the moderator asked Saveshwar whether she thought that when protesters cross the line from lawful protest to unlawful disruption they don't know what the line is or whether they know where the line is and they are crossing it on purpose willing to pay the consequences. Sarveshwar said that she thought students knew the difference and were intentionally crossing that line. She said "If you have speakers coming to your campus who deny your right to exist as an individual, and you say 'look this is a threat to me and my community on this campus and I am going to respond by de-platforming the speaker' that is not a choice being made because they don't understand the First Amendment. They do and they are saying 'this person is unjust and I am not going to allow it.' I think there is a lot of condescension that sometimes happens towards students because people say that the students don't get the difference. I think the conversation needs to be at a more nuanced level recognizing that students are making some really informed choices, and you have to engage with them on that level." Rodriguez agreed but added that sometimes even though students may know and are driven by conviction they might still be in a stage of psychosocial cognitive identity development that might not allow them to fully grasp the consequences of their actions. To help inform students protesting on campus, and to diffuse tensions between groups that might not be getting along, Rodriguez shared cards with Student Expression, Rights & Responsibilities Tips for when students might be confronted with offensive speech or materials. She said that student affairs staff at her campus walk among the students and encourage them not to do anything physical and engage with their minds instead. Examples of these cards are available on their website.¹⁷⁵

This question of whether or not students realize they are breaking the law reminded me of the hundreds of Black Lives Matter protests and uprisings on and off campuses that have recently occurred. This moment and debate harken back to a passage that critical race theorist Charles Lawrence III wrote in *Words That Wound* in 1993:

"Most blacks – unlike many white civil libertarians – do not have faith in free speech as the most important vehicle for liberation. The first amendment coexisted with slavery, and we still are not sure it will protect us to the same extent it protects whites. It often is argued that minorities have benefited greatly from first amendment protection and therefore should guard it jealously. We are aware that the struggle for racial equality has relied heavily on the persuasion of peaceful protest protected by the first amendment, but experience also teaches us that our petitions often go unanswered until protests disrupt business as usual and require the self-interested attention of those persons in power.

¹⁷⁵ "Resource Materials: Protest & Disruption Guidelines," University of California National Center for Free Speech and Civic Engagement website, accessed July 5, 2020,

<https://freespeechcenter.universityofcalifornia.edu/programs-and-resources/resource-materials-protest-disruption-guidelines/>

Paradoxically, the disruption that renders protest speech effective usually causes it to be considered undeserving of first amendment protection.”¹⁷⁶

The conference ended with executive director Michelle Deutchman saying “I think it’s sort of appropriate – some might say it’s ironic – that participation and protest has short of reshaped our agenda today. But it was the theme of today’s conference, and I think the bottom line is it can be messy – both participation and protest – but they remain critically important to the smooth functioning of our democracy, and today we had an opportunity to see that live and in action.”¹⁷⁷

As things were wrapping up, I was able to speak with some of the student protesters and asked if I might be able to interview them later that weekend as part of my research project as a Free Speech Fellow. Two of the students, Jazleen Jacobo and Ashleigh Medina, were extremely thankful that I reached out to them, said they appreciated some of the comments I had made during the Q&A portion, and gave me their contact information so we could connect. Several days later I treated them out to brunch at the hotel to thank them for their time and because I wanted them to know that I valued and appreciated them, as UC students. We had a 90 minute long conversation. Both students were graduating seniors at UC Santa Cruz, and were interning at non-profit organizations as part of the UCDC program. They were excited to hear that I had also graduated from UCSC, identify as lesbian, and that I had a law degree, since they are both interested in going to law school. I have to admit that emotionally I found it really difficult to sit in the audience during the conference and witness how frustrated these student protesters were not being able to say what they wanted to say, and it felt really good to finally be able to sit down with them and better understand what their concerns were. It is so important to demonstrate compassion and care, and as a UC graduate student I do feel a connection to other students in the UC. It is crucial that institutions work with their students to resolve their concerns, and I hoped to at least understand their frustrations better.

They explained that they had only learned about the #SpeechMatters conference four days before it was happening, and that they were disappointed that it was being held on a Thursday because all of the interns work between 24-32 hours Monday through Thursday. Since a lot of the UCDC interns are interested in possibly going to law school in the future, and because free speech is such a timely and important topic, they thought more of an effort should have been made to include the interns in the conference and its related activities. Since the conference was scheduled a year in advance, they didn’t understand why there wasn’t a coordinated effort to involve the UCDC interns, and schedule it on a day they could attend. They felt as though they were being excluded from an important opportunity that was taking place in their own building. They said that was one reason why they felt like it was a “show conference” that was based on “performativity” rather than directly engaging the students in the topic itself. One administrator had told them “your disruption is not what we are talking about today,” and another White administrator had put up her hand to silence them when they were chanting. They told me that they had to work really hard to get out of work for that day so that they could attend the conference. They had several sleepless nights while they worked on papers, classwork, and had discussions with the UCDC Center staff about their concerns, and attempted to schedule a meeting

¹⁷⁶ Lawrence, *Words That Wound*, 76.

¹⁷⁷ Alexandra Feldman, “UC Participation, Protest Conference Interrupted by COLA Protesters.”

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with Chancellor Howard Gillman. Since they couldn't obtain a meeting with Gillman during his visit they decided to create a list of Demands and protest at the conference. I asked them how they felt standing there holding their signs and chanting, with hundreds of people watching, and the event being filmed and broadcast. Ashleigh said "it was scary, but I was angry. I had to step back because they were shushing us. I had to hide behind the poster because I was tearing up. I thought, 'what you are listening to here [at the conference] is nothing compared to what we live.'" Jazleen said, we were "fighting for humanity. Making sure the place we would go back to is there, and we can graduate."

They said that they realized their protest was a big deal once it was showing up on social media like Twitter, Instagram and Facebook. During the breaks between sessions -- faculty, staff, some of the UC Free Speech Fellows, and students from other campuses made supportive comments to the student protesters. Then reporters began asking them questions. They told me that it meant a lot to them that people were impressed by their protest, even though they didn't feel that support when they were protesting in the actual room of the conference. One UC administrator said "we appreciate your demonstration, and would like to help." They kept emphasizing that they weren't protesting for themselves but rather for the importance of the causes they were advocating. In particular, they wanted to make things easier for other marginalized students who attend the UCDC program and other UC campuses in the future. Some of their complaints were about the UCDC Center itself. They claimed that the Director created a "violent living environment for communities in the UCDC Center by bringing Border Patrol to traumatize undocumented students," and that they experienced numerous microaggressions. They said speakers came to the Center who were discriminatory and made transphobic remarks. They were also upset by the lack of services for students who were registered and receiving accommodations through their Disabled Students Programs (DSP) on their home campuses. Lastly, they wanted Chancellor Gillman to intervene on behalf of Shikera Chamdany, an African American UCI alumnae who was arrested by police officers during the COLA protests at UC Irvine. They claimed that a White female police officer had seen Chamdany inside an administration building, and mistakenly assumed she was a COLA protestor in an area that was off limits. The officer tackled the student and arrested her for resisting an officer. According to Chamdany she was only inside that building to obtain a copy of her transcripts from the registrar. A Town Hall meeting was arranged at the UCDC Center the night after the #SpeechMatters Conference and Chancellor Gillman attended and spoke directly with the students, along with other UC officials. They said the Town Hall went from 9:30pm to midnight and they thought it was successful in a lot of ways. They were impressed by how many people attended, that the administrators had listened to their concerns, and that they had promised to take action. It is important for universities to recognize and support all of their student leaders.

A number of the things that Jazleen and Ashleigh shared with me were similar to what William MacKinnon Morrow, one of the UC Free Speech Fellows from last year's cohort, also found in his interviews with student activists throughout the UC system. In his piece, "Students Speak Up: Perspectives of Free Speech Among Student Leaders in the University of California System," he found that free speech controversies often have an anxiety producing effect on students and can impact many aspects of their lives. He also found that students hate to be ignored, and that when they protest it is often because other means of communication have been

foreclosed.¹⁷⁸ I am reminded of something a Black student at UCSB said to our Vice Chancellor of Student Affairs when she was interviewing Black students about free speech issues and diversity, equity, and inclusion. He told her, “Activism derives out of necessity. People only come here to study. They only come to get out of here with a degree. Activism comes out of what students need. Students should not have to do activism. They should be part of the decision-making process.”¹⁷⁹ Similarly, one of the students who led the Fossil Free UCSB movement and the 72-hour sit-in at our main administration building said her student organization had realized they needed to take bolder action because none of their previous attempts to have their voices heard had worked. She said “Basically, we’ve been to regents meetings, made committees, formed coalitions, nothing has really come to fruition. We were tired of having our voices not be heard by the channels that were not available to us.”¹⁸⁰

UC-Wide Work Stoppage in Support of the COLA Movement

On March 5, 2020, just three days after I returned from our conference in DC, there was a UC-wide work stoppage in support of the COLA movement. At UCSB student protesters blocked the front entrance to Cheadle Hall, with a large banner, at one point refusing to let staff enter the building. One staff member tried to push past protesters and claimed that she was shoved, and she called the police. Our VCSA was able to work with the police to have the officers stay far away from the protesters as the situation calmed down. Later that day over 3,000 protesters marched to the gate that marks the entrance to our campus.¹⁸¹ They were accompanied by a dozen faculty members who wore yellow caution tape to indicate they were serving as safety monitors for the march. For a half hour demonstrators stood on the adjoining lawn, at the edge of the roadway. The protesters flexed their numbers to show that they could close down the highway to our campus if they wanted to. There were only several police officers present and they quickly staged the area in advance by using their patrol vehicles to block the necessary streets. This was done out of a safety concern since people were crossing the roadway as they marched and were standing near the edge of the street. Some protesters yelled “Cops off campus!” and swore at the police. The officers had shut down the roads at quite a distance away from the protesters, and they did not respond to any of the insults that were shouted at them. All of this helped to keep things calm, and enabled more students to feel comfortable exercising their free speech rights, especially our most marginalized and vulnerable student populations. The extensive work that our student affairs administrators have done behind the scenes in establishing protocols, working carefully with our university police, and building relationships with student activists, have certainly helped facilitate smoother responses to large scale demonstrations on our campus.

¹⁷⁸ William MacKinnon Morrow, “Students Speak Up: Perspectives of Free Speech Among Student Leaders in the University of California System,” *Selected Works 2018-2019 Fellows Program*, 72.

¹⁷⁹ Klawunn, “Can We Teach to Transgress?”

¹⁸⁰ Lauren Marnel Shores, “Chancellor Endorses Fossil Free Push for Divestment,” *The Bottom Line*, May 12, 2017, <https://thebottomline.as.ucsb.edu/2017/05/chancellor-endorses-fossil-free-push-for-divestment>

¹⁸¹ Arturo MartInez Rivera and Holly Rusch, “‘Without Graduate Student Labor there is no Light’: UCSB 4 COLA Rallies as part of UC-wide Strike,” *Daily Nexus*, March 6, 2020, <https://dailynexus.com/2020-03-06/without-graduate-student-labor-there-is-no-light-ucsb-4-cola-rallies-as-part-of-uc-wide-black-out-strike/>

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Nearly 3,000 graduate and undergraduate students, faculty, and staff marched to Henley Gate at the entrance to the UCSB campus in support of the COLA movement as part of a UC-wide work stoppage on March 5, 2020. In the foreground are two faculty members wearing yellow caution tape to indicate they were serving as safety monitors for the march. *Photo credit: Melissa J. Barthelemy*

Several days after I took this photo of the COLA march, our campus switched to remote learning due to the Coronavirus. As such, COLA activists were suddenly deprived of the visibility of people power in a physical form, and the targets for on-campus protests were no longer relevant as many students returned to their hometowns and our university emptied. Out of necessity COLA activists switched to what they call a “Digital Picket Line,” which is a remote, online strike. Instead of meeting in-person, activists hold their meetings via Zoom. COLA activists have engaged in online actions such as mass emails and phone calls to administrators on particular days, in order to flood their inboxes and voicemails with demands for a Cost of Living Adjustment. Both graduate and undergraduate students have also sent testimonials to administrators about their financial, emotional, and physical struggles as underpaid student workers, who reside in precarious living situations. Additionally, Strike University is a digital initiative created by COLA organizers across the UCs, that aims to provide public education that is free and accessible for everyone. The initiative includes classes on organizing, mutual aid activism, phone bank training, a reading group, and watch parties. Most recently, in the wake of George Floyd’s killing, there has been a large focus on the Cops off Campus Movement within the larger COLA Movement, with many calling for the abolition or defunding of UC police. One of the strengths of the COLA Movement has always been organizers’ abilities to disseminate information and increase engagement through the utilization of social media such as Twitter, Facebook, and Instagram. That foundation has enabled the Movement to continue in the digital realm.¹⁸²

¹⁸² Melissa Barthelemy, “UC Graduate Students Shift to a Digital Picket-Line in Demanding a Cost of Living Adjustment (COLA),” University of California National Center for Free Speech and Civic Engagement, April 2020, <https://freespeechcenter.universityofcalifornia.edu/wp-content/uploads/2020/04/speechspotlight-issue3-april2020.pdf>

Leading with Compassion

Key Recommendations:

- Students and administrators engaging collaboratively in addressing free speech community controversies on campus should engage in open, honest, and heartfelt discussions about the challenges of this work.
- The power relations between various groups and individuals need to be acknowledged based on positionality, and the roles that each person inhabits within the hierarchical university structure.
- To help student-staff and administrators develop close interpersonal working relationships based on trust and to minimize the chances of hurt feelings, student-staff and administrators should have conversations about the dual roles they inhabit personally and professionally.
- Creating opportunities for student activists to provide constructive criticism and to engage in open dialogue with administrators about their lived experiences can provide crucial context for their concerns, issues, and demands.

To celebrate its 100 year anniversary the professional organization NASPA – Student Affairs Administrators in Higher Education, published a special anniversary issue of its *Leadership Exchange* magazine. One section featured reflections written by vice presidents of student affairs and other university administrators discussing student activism on campus in the past and present. Felicia E. McGinty, Executive Vice Chancellor for Administration and Planning at Rutgers University-New Brunswick said “Since the 1990s, campus activism has evolved from passive demonstrations to more direct actions that target issues and individuals. The ‘demand lists’ are lengthier and more specific. Social media, cell phones, digital photos, and video footage have transformed the landscape for campus activists, enabling them to organize quickly, better communicate with constituents on and off campus, and more effectively achieve their goals.”¹⁸³

Student activists of today are also more likely to embrace the element of surprise by engaging in covert actions that are quickly organized. In his reflection piece, Larry D. Roper, former Vice Provost for Student Affairs at Oregon State University lamented that in the past “students came to the board meeting, requested time to present their demands, and engaged in respectful discourse with board members. They then focused on working with those who could give them the outcome they sought.” He says that student activism in the 1980s “seemed to honor ‘time, place, and manner’ guidelines – to the point of alerting institutional leaders that they were planning an activism event, reserving space as required by policy, and being more single-issue focused as opposed to forwarding broad lists of demands.”¹⁸⁴ Student affairs administrators and other university leaders are under increasing pressure due to the pace and high visibility of student activism, the divisive national

¹⁸³ Felicia E. McGinty, “Free Speech, Firebombing, and the FBI,” *Leadership Exchange: Solutions for Student Affairs Management*, (Washington, DC: National Association of Student Personnel Administrators, 2019), 37.

¹⁸⁴ Thomas A. Parham, “Activism Then and Now,” *Leadership Exchange: Solutions for Student Affairs Management*, (Washington, DC: National Association of Student Personnel Administrators, 2019), 37.

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political climate which increases tensions on campus, changing student demographics, and challenges meeting the basic needs of students which are more varied than ever before.

According to the Cooperative Institutional Research Program at the Higher Education Research Institute at the University of California, Los Angeles, in the last 50 years that data has been collected, college students are at their highest levels of interest in political and civic engagement. This trend is evidenced by the large numbers of protests and demonstrations held at colleges and universities in the past few years. It is exciting to see college students serving as change agents, and there are unique challenges facing administrators who must carefully navigate sensitive issues such as the use of police on campus; supporting all students while also speaking out against prejudice and hate; abiding by the First Amendment while simultaneously upholding university values, creeds and honor codes; and responding to bias incidents without chilling speech on campus. At times, administrators must protect speech that is hateful and offensive, and that runs afoul of university values, the values of the student affairs profession, and personal beliefs. Increasingly, student activists on all sides of the political spectrum claim that university administrators are not doing enough to either protect their free speech rights or protect them from hate speech. They often portray administrators as barriers to change. Many student affairs administrators became interested in the field as a result of their own personal experiences as student activists. At times administrators are in a place of personal and professional conflict as they have to explain to marginalized students why even offensive and hurtful speech frequently cannot be censored. Students may perceive such administrators as “sell outs” or “hypocrites,” claiming that these administrators regularly speak about the importance of social justice, but then cower with their tails between their legs when faced by intentionally provocative conservative speakers who spew hate. These comments can be incredibly hurtful as “Student affairs leaders must constantly consider how to balance personal narratives with a responsibility as educators charged with the emotional, cultural, social, and leadership development of all members of the student community.”¹⁸⁵

When students and administrators engage collaboratively in addressing free speech community controversies on campus there should be open, honest, and heartfelt discussions about the challenges of this work. The power relations between various groups and individuals need to be acknowledged based on positionality, and the roles that each person inhabits within the hierarchical university structure. There are moments when students and administrators may be at odds with each other based purely on these roles. Those who are in more privileged positions as administrators, faculty, and staff must realize the challenges and pressures that students may face in navigating these spaces and discussions with them. Student-staff who are engaged in activism may at times work cooperatively “with” the administration, and at other times they may be fighting “against” the administration in order to advocate for change. For student workers who find themselves working “for” the administration in an employment capacity, it can become even more difficult to push back against the administration in ways that are still seen as appropriate. Additionally, their colleagues from their student organizations and activist circles may question their allegiances if they appear to be too cozy with the administration.

¹⁸⁵ Anna K. Gonzalez, “A Storied History,” *Leadership Exchange: Solutions for Student Affairs Management*, (Washington, DC: National Association of Student Personnel Administrators, 2019), 34.

There is however, a certain amount of choice and flexibility that student-staff still possess which administrators do not. The roles of administrators are constant in terms of enforcing university policies and procedures whereas student-staff are often able to use their student voice in ways that have a wider range of permissibility with fewer ramifications. To help student-staff and administrators develop close interpersonal working relationships based on trust and to minimize the chances of hurt feelings, it can help to have conversations about the dual roles you inhabit personally and professionally. There are times during free speech community controversies when it is important to differentiate actions and thoughts as individuals who care about each other, versus behavior in an official work capacity that requires administrators to abide by and uphold specific laws and policies. Such conversations can help provide understanding, but they don't always make the situation less emotional or less frustrating. Administrators must build trust with students by demonstrating compassion and care. Creating opportunities for student activists to provide constructive criticism and to engage in open dialogue with administrators about their lived experiences can provide crucial context for their concerns, issues, and demands. During a time in which our nation is facing a politically divisive Presidential election and an unprecedented pandemic it is more important now than ever to demonstrate leadership that is grounded in empathy, compassion and love.



Dr. Britt Andreatta, former faculty and associate dean of students at UCSB, protesting at Women's March in downtown Santa Barbara on January 21, 2017. *Photo credit: Melissa J. Barthelemy*

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