Bias Response Teams and Emerging Alternatives: Navigating Free Speech, Equity, and Inclusion in Higher Education

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Background and Purpose

On college and university campuses, the complex work of responding to bias and hate—often operationalized through bias response teams (BRTs)—is frequently reduced to a "dualistic diversity-vs.-free speech metanarrative" (Cortes, 2019, p. 2), in the words of 2018-2019 UC National Center for Free Speech and Civic Engagement Fellow Carlos Cortes. This metanarrative is amplified in the higher education media, popular press, and vast landscape of politically charged websites and blogs. To some campus and public constituencies, BRTs represent everything wrong with contemporary higher education: groups of progressive-leaning administrators aiming to stamp out free speech, but especially conservative speech; as one website declared, "University of Michigan brings back Soviet Union with its bias response team" (*The College Fix*, 2018). To other constituencies, BRTs may not go far enough—they are framed as toothless public relations committees designed to protect the institution's reputation, without the power or will to create change or punish those who spread hate on campus (Hughes, 2013; Snyder & Khalid, 2016). Simply put, BRTs represent one of the most polarizing current debates about free speech and equity in higher education. Their presence prompts questions about the compatibility and balancing of various values including creating a welcoming campus climate and valuing free expression (Labanc et al., 2020).

Despite the emergence of bias response teams in higher education in the 1980s (Windmeyer & Freeman, 1998), and surge in the last decade (Miller et al., 2018a), the collective knowledge of the constitution and operation of these teams is still limited and scattershot, frequently from the perspective of groups outside of higher education such as the Foundation for Individual Rights in Education (FIRE, 2017). Bias response teams are groups of administrators and staff—some of which include faculty members and/or student leaders—that, "receive reports of incidents that may involve prejudice from students, faculty and staff; reach out and seek to support those who file reports; engage those who were the subjects of reports in voluntary, educational conversations; and monitor trends in the campus climate to inform educational efforts" (Miller et al., 2019, para. 3).

Most BRTs primarily address incidents that are not violations of institutional policy or law; in those cases, incidents are typically referred to existing on-campus offices such as student conduct or campus police. Thus, teams primarily focus their work on speech and expression which may be protected by law or policy, but which has a negative impact on campus constituencies. Scholarship on BRTs has examined how team members connect across campus to respond to bias (LePeau et al., 2016) and attempt to balance free speech protections with the creation of an inclusive campus climate (Garces et al., 2021; Miller et al., 2018a, 2018b). BRT work has been critiqued for focusing on victims only and creating the appearance of administrative action without necessarily changing oppressive climates (Hughes, 2013; LePeau et al., 2018; Synder & Khalid, 2016).

Bias response teams are generally nonregulatory, non-punitive bodies (Miller, 2018a); however, some advocacy groups external to higher education have seized upon the educational, voluntary conversations administrators have with students and claim that such conversations chill the exercise of free speech on campus, even if speech is not punished outright (Anderson, 2020; Mangan, 2019; Garces et al., 2022; Speech First, 2022).

The context for this project includes recent lawsuits brought by Speech First against institutions operating bias response teams, outlined by Garces et al. (2022). Speech First primarily alleges that administrators chill and deter protected speech and promote self-censorship by inviting responding parties (e.g., perpetrators) to have voluntary conversations with administrators (Garces et al., 2022). Speech First (2022) claims that BRTs "are fundamentally un-American because their very existence threatens students' First Amendment rights. Their goal is to shut down speech which is constitutionally protected in the name of tolerance and inclusion" (para. 2). Courts have reached differing conclusions on whether BRTs chill free speech. However, most often, Speech First has reached settlement agreements with several universities, with remedies including creating an alternative to a bias response team (University of Michigan, 2019), continuing bias response procedures (University of Illinois; Anderson, 2021), and disbanding a bias response team (University of Texas, 2020).

Most recently at the time of this writing, the United States Court of Appeals for the Eleventh Circuit, in a preliminary injunction in April 2022, decided the bias incidents policy at the University of Central Florida (implemented by UCF's "Just Knights Response Team," its version of a bias response team), likely chilled the exercise of free speech (Jaschik, 2022). Of note, the court acknowledged that the bias response team did not punish students for their speech, but stated that "a government actor can objectively chill speech—through its implementation of a policy—even without formally sanctioning it" (*Speech First v. Cartwright, et al.*, 2022, p. 23). The court remanded the challenge to bias incidents policy to the district court that had previously decided Speech First did not have standing to challenge the policy (which the appeals court reversed). Meanwhile, the Just Knights Response Team website is no longer active at UCF.

I designed this project to create an updated portrait of bias response efforts in higher education, with a particular focus on the emerging alternatives to formal bias response teams that campus administrators create in the context of pressure from external advocacy groups. The overall goal of this project was to document complexities related to free speech and inclusion in bias response work at colleges and universities through the examination of institutional case studies representing BRTs and emerging alternatives to BRTs.

Project Methods

To accomplish the primary goal of this project, I selected and studied four institutional cases including campuses that operate bias response teams negotiating free speech and inclusion issues, as well as campuses that have created alternative bias response mechanisms and other structures focused on hateful speech. Within each case, data sources include one-on-one and group interviews with administrators who served on and supervise BRTs, as well as published documents (including BRT websites, free speech statements, and institutional policies) and unpublished internal documents provided by BRTs and administrators. The intent was to understand in depth the difficult issues of free speech and inclusion that administrators navigate to offer a window into these processes and implications for campuses grappling with similar issues.

To identify institutional cases, I primarily sought to identify universities that had changed some aspect of their approach to bias response within the last three years (e.g., created an alternative to a BRT or revised/revisited bias response procedures). Because of some administrators' reticence to speak on this charged topic, I built in multiple layers of confidentiality so that individual participants and institutions would not be identified. Thus, my description of institutions is in aggregate rather than a detailed explanation of each institutional context that could inadvertently identify the institution or participants. The institutions in the study included three public universities and one private university located in four states.

I interviewed 5-7 administrators at each institution, for a total of 23 administrator interviews. Primary functional areas of responsibility included diversity/equity/inclusion and student, legal, and academic affairs. Interviews lasted 45-90 minutes. I developed a semi-structured interview protocol to understand the current approach to bias response or alternative mechanism for addressing bias and hate speech on campus. Secondary data collection methods included public and internal documents relevant to bias response and related alternatives. I used both inductive (e.g., open coding) and deductive (e.g., theoretical coding based on prior literature and theory) approaches to data analysis to develop four individual case reports concerning each institutional case. I then created an overall project summary, presented in this document, summarizing findings across the four institutions.

In the interest of transparency of my relationship to this topic, I have published peer-reviewed articles on BRTs (Miller et al., 2018a, 2018b), written op-eds (Miller et al., 2019), and provided commentary to media outlets (Mangan, 2019). Prior to becoming a faculty member, I led a BRT during my time as an

administrator. Each of these experiences contributed to my ability to recruit cases and participants for this project. While I have an appreciation for the work of administrators, I have also critiqued the purpose and operations of BRTs (Miller et al., 2018a). I did not enter this project with a simplistic or dualistic view of BRTs, but rather with informed curiosity and a desire to know more about the current landscape.

It is important to note that this project does not make claims about the prevalence or impact of emerging models of bias response work in higher education. The institutions under study were selected because they had recently altered their bias response procedures; thus, these cases likely do not represent the typical institution or bias response effort. However, the ways these institutions have responded to internal and external pressures to re-think their bias response, inclusion, and free speech efforts may offer salient considerations for a variety of colleges and universities. These considerations are particularly important for public institutions navigating political pressures and the threat of litigation from advocacy groups.

Emerging Approaches to Bias Response

I identified four emerging approaches to bias response utilized by higher education institutions, each influenced by several internal and external pressures.

Internal influences on approaches to bias response included institutional values (and how those values are prioritized, communicated, and enacted). In particular, values related to free speech/expression and diversity, equity, and inclusion were paramount—values which were sometimes seen as competing, contested, or difficult to balance simultaneously. The overall campus culture and climate also influenced how an institution shaped its bias response or similar program.

Forces external to the institution also influenced approaches to bias response. In addition, these external pressures potentially influenced how universities prioritized and communicated institutional values internally. These pressures included advocacy groups (namely, Speech First and the Foundation for Individual Rights in Education [FIRE]) who developed accountability mechanisms such as rating systems (e.g., FIRE's stoplight rating system on campus policies and practices related to speech) and litigation or the threat of litigation (e.g., Speech First suing universities).

Influenced by internal and external pressures, institutions in this project evidenced four approaches to bias response work: bias support resource, campus climate support resource, free speech resource, and informal/ad hoc resource.

1. Bias Support Resource

The model most similar to traditional bias response teams, the bias support resource is similar in name and function, usually with a primary focus on supporting those who report incidents (i.e., reporting parties) rather than responses to the individuals named in reports (i.e., responding

parties) or larger institutional responses (e.g., university statements, larger educational efforts or programming). The shift to emphasize support clarifies the purpose and procedures in the process, usually with explicit attention to free speech and academic freedom protections; BRTs and emerging alternatives commonly have a statement affirming free speech on their websites. Benefits of such an approach include the name or brand recognition that has been established on campuses (i.e., institutions may retain the name "bias response team" or similar), greater clarity on the resource's role, and underscoring institutional DEI values and the goal of creating an inclusive climate. Drawbacks include this model being highly vulnerable to litigation and being targeted by external groups, particularly at public institutions, and the need to overcome an increasingly negative discourse around the term "bias response."

The bias support resource approach is typified at one public university in which an administrator on the team described a team's shift from bias response (including educational conversations with responding parties) to bias support:

> "When [team members] used to talk about, 'Well, we used to have educational conversations,' that never happened with students that I remember. I talked to a lot of people who reported bias incidents, but I didn't talk to anyone who perpetrated harm on anyone or was perceived to perpetrate harm against someone. … It seemed like we were investigating nothing, and 'investigating' is a word that we don't even use for the committee, but we weren't following up on anything that was happening with student organizations, faculty, staff. We were mostly just referring it out to other offices."

In this example, the administrator explains the shift from a bias response approach that would engage responding parties in educational conversations to a bias support approach that focused on the reporting party and often made referrals to other offices rather than mounting any formal response beyond support.

By contrast, an administrator at the private university in the study revealed that the team addresses incidents and concerns with both reporting and responding parties:

> "My role is not to get people fired. … What I do want to do is help promote part of our mission statement in creating a sense of belonging and inclusion and really trying to address when issues happen that puts a barrier to that. And how might I do that through education on both ends [reporting parties and responding parties]? … For reporting parties, understanding that sometimes what they're reporting may not level up to a bias related [incident], but microaggressions are real, hurt feelings are real, and [I'm] educating on what the best approach is … to address and to affirm and to recognize that hurt is still hurt while also educating potential respondents or the folks who cause the harm."

Without the threat of litigation from external groups, the private institution continued to affirm the importance of educational conversations and outreach to responding parties, even when this outreach explicitly did not carry the threat of discipline for speech acts that did not violate institutional policy or statutes. While the administrator gave the examples of microaggressions and hurt feelings not being actionable under the bias incidents policy, the administrator was still willing to contact responding parties about the negative impacts of such speech or behavior.

2. Campus Climate Support Resource

The campus climate support model refers to a process or team that is designed to understand and assess campus community members' experiences broadly—including but not limited to experiences of bias. In this model, a university may create a reporting or feedback form, but note that the purpose of reporting is to share experiences or concerns with the campus climate. Institutions may further note that reported information will not be referred to other offices or lead to discipline—the focus will squarely be on understanding the campus climate and supporting those with a concern. One rationale is that this assessment approach can inform educational efforts such as guest speakers, peer education, and campus dialogues and other events. The model does not generally lead to formal institutional responses to incidents or referrals to other offices, to avoid the implication of possible disciplinary measures. Benefits include communicating institutional values of belonging and inclusion, avoiding any implication of disciplinary action or chilling speech, and the ability to acknowledge both positive and negative experiences. The key drawback is that the process is potentially vague; campus community members may be unsure why and what to report, and the process may be viewed as lacking force or impact. The long-term processes of informing educational efforts may not be visible or meaningful to individual community members filing reports.

A public university administrator described the difficulty of developing a campus climate support process that would align with the general counsel's guidance:

> "The major red flag, I was told, was the threat of discipline. So, by providing a space where people can report, these are the words to avoid: 'report an incident' and 'use identifying information,' which would then be referred to a disciplinary unit, that that threat alone was problematic, even though people could just go directly to the disciplinary office and use their form and say the same thing. … The key thing that we heard were that people wanted a space to share experiences that they're having, what's happening. This campus climate, the impact, they want to be able to tell someone that."

While the administrator worked to develop a process where community members could share their experiences, they had to go out of their way to differentiate the process from the traditional bias response model. Key differences included a reporting form that collected less information and a process that only focuses on support to individuals, rather than the possibility of referral to other offices or any formal institutional response to a responding party.

Another public university administrator shared that encouraging and monitoring concerns related to the campus climate could help inform educational and programmatic efforts on campus:

> "When [I] become aware that these incidents have occurred, whether or not they're documented directly through [a reporting form], or if someone is coming to us sharing this information that we've observed from the campus climate, then we are issuing statements to the campus. We are holding dialogues for the entire campus to come in, and we create a brave space for them to be able to dialogue about their feelings, their concerns. We've held listening sessions … and these occur throughout campus. So, we might go and pop in in the housing area, to get students feedback and concerns as well as then to offer some support. And so that's just something that we've been doing pretty much in response to the incidents that have been occurring, especially when we are seeing patterns that occur."

The administrator describes a more holistic process for addressing bias and campus climate concerns that focuses less on the resolution of particular incidents and more on creating venues to listen to campus community members' concerns and potentially informing university-wide responses, such as statements and educational programming.

3. Free Speech Resource

The free speech resource turns bias response on its head: Rather than leading with bias response which often focuses on hateful speech and expression, an institution can lead with free speech concerns that often include concerns about biased or hateful speech. This approach promotes free speech as an institutional value, encourages education about speech rights on campus, and may take the form of teams, committees, and/or programming. In the case of bias incidents which are protected speech, administrators promote the idea that more speech (from those who may be targeted or offended) is the solution. This approach may avoid political and legal scrutiny external to the institution, but it may not be utilized by those experiencing bias on campus, so it is not a suitable wholesale replacement for bias response work. The intersection between equity/inclusion and free speech may not be evident.

A public university administrator highlights the approach of leading with free speech rather than bias:

> "We were advised [that] it was congruent with FIRE that you don't want to have a bias reporting system. … You don't want to just have a general pocket of bias because that in of itself chills speech. Our [senior administration] has the initiative that we want to be FIRE-friendly and raise our score. … So, we're in the process of even updating our policies to be more freedom of expression friendly. … You have to accept what is freedom of expression can include things that you may construe as hate speech. But the next step is, 'What are you going to do about it?' You fight speech with speech, and you know more about your university policies."

In this example, the institution goes out of its way to satisfy an external group—in this case, FIRE. They avoid mention of bias because of accusations that addressing bias "chills speech." The administrator also sees the free speech resource as a way to support those targeted by hateful (but protected) speech by educating campus community members about their rights to respond—or, "fight[ing] speech with speech," in their words.

Another administrator at a public university focused on the values of higher education and how they might be transmitted through administrative structures and processes:

> "There's space for just taking a real close look at what our values are in higher education and where are the spaces where we may be able to grow with the times, if that makes sense, because of course we are bound by legal requirements and the law moves slowly in this field. But culturally, I think that our country, and especially our young people, are moving us very rapidly to a place where certain things are no longer tolerable. There's a desperation almost for change. And I just wonder if we're doing enough to really look at our policies, at ways that we can support and grow with that cultural movement so that we're not left behind and antiquated and not being responsive to our student population. … And what we have seen a lot of is when students or faculty and staff feel very strongly and very passionately against certain hate ideologies or hate speech and want to have the university take certain action against them, our approach has always been to steer them towards more speech."

The administrator calls on the institution to be agile and understand where the broader culture and society is moving. They recognized the importance of law and policy, but also pushed for the university to critically evaluate what it could do beyond simply following the law to continue supporting diversity, equity, and inclusion efforts. Still, the administrator sees the overall institutional approach to bias or hate speech as encouraging more speech from affected parties.

4. Informal/Ad Hoc Resource

Lastly, as a response to external pressures including peer institutions that have been sued by Speech First, some institutions may adopt an informal or ad hoc approach in which bias is handled on a case-by-case basis and bias response efforts are not uniformly organized or advertised as such on campus. An institution may have a bias reporting form, but not a formal team or process that is identified publicly. While administrators may believe this helps escape external scrutiny that comes with having a bias response team, the vagueness of the process—i.e., what happens to reports that are submitted?—may actually open up administrators to scrutiny they hoped to avoid. An ad hoc process may be beneficial by treating each incident as unique, and the approach may fly under the radar and avoid unwarranted attention, but the approach may also be regarded as lacking transparency and visibility. That is, the campus community may not know or trust the process.

This public university administrator describes the dilemma at their institution:

> "There seemed to be a gap of things that weren't necessarily discrimination, but needed to be addressed. … And then I think it was [peer institution]. They got in some legal trouble because they had a team, a bias response team. … So, that was a little chilling for us. I'll be honest with you. And so, we decided not to develop that team, or at least not to put anything on a page, where it looked like we were chilling free speech. … [The number of reports] seem to come in spurts and this semester it's almost been nonexistent. I don't know why that is. … I felt at one point that I was the only one that wanted to keep that [reporting] form live."

In the name of not advertising any efforts that could be misconstrued as chilling free speech, the institution adopted a seldom-used reporting form that seemed unpopular even among other administrators involved in the work.

Another public university administrator who received reports of incidents through a bias incident reporting form (but did not operate as part of a team) viewed their role as helping to "connect the dots to address a bigger problem," and explained that they frequently collaborated with other offices and reached out to reporting parties and responding parties as part of their work:

> "I don't come in hot, I don't come in accusing, I just reach out to the person and say, 'Hey, I'd like to set up a quick Zoom meeting with you just to kind of have a little talk about an incident that's been brought to my attention,' just like I do when someone in passing tells me that they may have experienced something but don't give me enough information."

This administrator worked to avoid any implication of a punitive conversation when trying to address incidents that came to their attention. Rather than operating as part of a formal team, the administrator convened ad hoc groups as necessary to address incidents.

Takeaways and Considerations for Higher Education

As legal challenges to bias response teams mount (Anderson, 2020; Garces et al., 2022; Mangan, 2019), campus leaders are at a crossroads, deciding whether to continue or create BRTs or to invest time and resources into alternatives to stem hate on campus that will not infringe (or be seen as infringing) on free speech rights of students and faculty. This project has the potential to inform the work of a variety of campus constituencies. Most directly, a deeper, up-to-date understanding of BRTs and emerging alternatives can inform the work of campus administrators including those serving on and adjacent to BRTs, such as those in student affairs, diversity/equity, legal affairs, campus police, and communications. Beyond these groups, the work of BRTs typically reaches a wider variety of student, faculty, and staff constituencies, as members of any of these groups may be targeted by—or spread—hate and bias. There is a compelling need to look beyond polarizing accounts of BRTs and understand

what these efforts look like on the ground and how they can be communicated, improved, and/or reimagined.

BRTs have become culture war targets from groups external to higher education. Campus administrators are conscious of their work in this area being high profile, targeted by external groups, and closely monitored internally. In creating or modifying bias response programs, administrators operate within a climate of *repressive legalism* (Garces et al., 2021) and *creeping legalism* (Ryder et al., 2022). Creeping legalism is defined as, "the intrusion of legal reasoning into processes otherwise governed by the [student affairs] profession's student-centered values [which] may compromise learning outcomes" (Ryder et al., 2022, p. 115). Similarly, Garces et al. (2021) employ the concept of repressive legalism, or "the interpretation and application of legal norms and other facets of the legal environment in a manner that suppresses … other possible action—in this case, policies and practices that promote inclusion for students of color" (p. 5). In this repressive legalistic climate, administrators may see "the law"—namely, First Amendment speech protections—as preventing substantive action to improve the campus climate, and they focus outsize attention on terminology and rhetoric to describe their work. Institutions may decide to alter or abandon bias response work primarily to avoid threat of a lawsuit, even if the work is defensible and in line with institutional values.

Tracing Speech First lawsuits against institutions for operating BRTs, Garces et al. (2022) called for researchers to examine "how administrators make sense of these legal threats and the role such coercive pressure plays in shaping inclusion-related policies and practices" (p. 4). The alternative approaches to BRTs found in this study were not mutually exclusive and campuses adopted elements of more than approach; however, campuses appeared to move away from a unified bias reporting and response system toward more unbundled or bifurcated approaches in which different administrators or teams would address bias reporting, response, and education. A tailored approach to bias response work is a positive development; however, the initial need for bias response may recede in importance and administrators run the risk of losing sight of clearly communicating to their campuses about the need for such mechanisms and options available to campus community members.

While some of the four approaches identified in this project (bias support resource, campus climate resource, free speech resource, informal/ad hoc resource) may be helpful on their own, any one tool on its own is likely insufficient to carry out the mission of responding to bias and hate speech on campuses. For instance, a free speech resource may be valuable in its own right, but would be inappropriate as a standalone replacement for a bias response mechanism. Combining the tools presented by the four approaches outlined in this document may offer a promising route for institutions to support those targeted by bias (bias support resource), assess the broader campus climate (campus climate support resource), promote values of free speech and expression (free speech resource), and resolve difficult incidents that may not fall neatly under the rubric of other processes (informal/ad hoc resource).

Administrators at public institutions will continue to face difficult decisions about how to frame and enact bias response measures while potentially attracting lawsuits from Speech First and similar groups. Administrators seeking to create or re-imagine bias response work can consider the following:

Communicate and defend institutional values.

- Connect bias response structures to the mission, vision, and values of the institution—making it clear that the institution values equity, justice, and inclusion as well as the robust exchange of ideas and academic freedom.
- Avoid the "dualistic diversity-vs.-free speech metanarrative" (Cortes, 2019, p. 2) that often characterizes discourse around bias response. That is, leaders of the institution should contextualize and respond to hateful speech and acknowledge the harm that speech may cause on campus, even if it is protected speech.
- Tell the story of bias response work in nuanced ways. The process may seem opaque or confusing to those unfamiliar with it. Correct inaccuracies (e.g., the misconception that bias response is a punitive effort focused on eliminating the exercise of protected speech).
- Accurately describe institutional efforts around bias response. If efforts are primarily focused on supporting those parties who report bias, and efforts are not focused on responding parties or on larger community responses, then "bias support" is perhaps a better descriptor than "bias response."

Structure bias response efforts as an expression of institutional values.

- Tailor structures to the local campus climate, culture, and constraints of the institution. For instance, at a large, decentralized university, it may make sense to locate some bias response efforts within individual colleges, schools, and units.
- Create multiple structures related to bias prevention, response, and education, and related speech and expression issues; a single team or process may not be broad or agile enough to address these issues.
- Carefully consider which elements of anti-bias work should be connected. For example, coupling bias reporting and response may be logical, but perhaps bias prevention and education, or restorative justice efforts, may be housed elsewhere while collaborating with the bias response structure.
- Provide resources sufficient for employees to carry out desired bias response, education, and restoration work, including dedicated full-time positions.
- Connect with other institutions around bias response efforts; avoid operating in a silo or based on assumptions from media reports or lawsuits.

Build trust with the campus community over time.

- Prioritize building trust and engagement of the campus community in the process. How transparent are bias response efforts on campus? Is it clear that reports will be taken seriously and acted upon? Once trust is lost, it is difficult to re-build.
- The suggestion that students should respond to hateful speech by utilizing their own free speech rights to respond assumes a level playing field without power differentials or consequences. Consider how opportunities for intragroup and intergroup dialogue and restorative justice education may inform the institution's broader efforts around diversity and free expression.
- Assess bias response efforts in nuanced ways, including both qualitative and quantitative measures. Use caution in interpreting volume or trends in bias reporting. Campuses may have seen decreases in reporting during the height of the global health pandemic, but this may only mean that bias incidents increased in online space and campus community members were reluctant to report. Fewer reports do not necessarily indicate an improved climate with less bias, and increased reporting may indicate heightened awareness of bias support and response options.

Conclusion

Colleges and universities are challenged by the exercise of hateful and exclusionary speech and behavior on campuses that falls short of warranting formal disciplinary measures. In this gap, institutions have grappled for several decades with how to respond to bias on campus. Many colleges and universities converged around a bias response team model, with teams increasing rapidly in the first two decades of the 2000s. Today, however, bias response work is at a crossroads. While private higher education institutions largely continue with bias response work, external advocacy groups target and sue public institutions for creating bias response efforts, claiming the presence of such efforts chills the exercise of free speech. These lawsuits, which have led to varied decisions and settlements, ultimately influence how many more public institutions shape their bias response work. Colleges and universities have resorted to more tailored approaches to addressing bias. Some institutions have largely abandoned a direct bias response model and have instead changed language and reporting processes, shifted emphasis from bias response to free speech (suggesting that students should fight offensive speech with more speech), and clarified that bias response efforts will not lead to formal sanctions—in some cases, even abandoning voluntary conversations with students that could be perceived as indirectly chilling speech.

The landscape for public institutions responding to bias has become much more contentious and high stakes in recent years. Institutional leaders understandably want to avoid excessive political scrutiny or the drain of time and resources that comes with defending lawsuits. It is easy to become mired down in conversations about terminology and process—and to lose the big picture and the reasons why bias response teams exist. Leaders would be wise to bring the bias response conversation back

to basic institutional values—lifting up diversity, equity, and inclusion alongside the exercise of free speech and expression, and reaffirming that students and employees deserve to be part of a campus community where they are not chastised or excluded due to their race, gender, sexual orientation, disability, or other social identities. This moment demands that institutional leaders be innovative in their approaches and communicate their work clearly to internal and external audiences. While the emerging approaches outlined in this report may hold promise, they cannot be used in isolation if they are to be successful. The particular blend of approaches will vary from campus to campus, and administrators would be wise to work together across campuses to explore these nuances and come up with creative models and solutions. Even the phrase "bias response team" has become toxic in recent years thanks to the efforts of advocacy groups external to higher education. On some campuses, moving away from this moniker and model may be prudent, but institutional leaders must develop creative ways to continue the substantive work of creating inclusive campus environments.

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