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Institutional Dismissal and Betrayal in the Name of Free Speech: Student Stories of Reporting Bias

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1. Introduction

Marginalized students regularly experience incidents of harassment and humiliation that target their identities and diminish their higher educational experiences, resulting in social, psychological, and educational harm (Garcia & Johnston-Guerrero, 2016; Harper & Hurtado, 2007; Hurtado & Alvarado, 2015; Stotzer & Hossellman, 2012). Administrative bias response processes have proliferated across U.S. higher education since the United States Department of Justice Community Relations Service (CRS) released a guide defining bias incidents and offering steps to address bias on campuses in 2003 (Hughes, 2013). Administrative bias response processes include mechanisms such as bias response protocols and bias response teams (BRTs), both of which establish processes for reporting, investigating, and responding to bias incidents.

However, research has indicated that struggles with free speech are a key issue for administrators and for frontline staff responding to bias incidents (Miller, 2022; Miller et al., 2017). Miller et al. (2017) found that administrators responding to bias incidents experienced conflicts with professional and institutional concepts of free speech. Miller et al. (2017) also found that "Bias response team leaders described their attempts to balance free speech protections with other interests, such as creating an inclusive campus environment for all students" (p. 10). To balance these competing interests, "Bias response team leaders designed processes that were both voluntary and educational to avoid running afoul of potential First Amendment violations" (Miller et al., 2017, p. 10). Miller et al.'s (2017) work illustrates the central role that ideas and beliefs about free speech and the First Amendment play in response to bias incidents. In my own study of frontline student affairs educators' work to respond to racist harms at a Predominantly and Historically White Institution, I found that institutional ideas about free speech became an excuse for inaction in response to racist acts (Robinson, 2022).

Such concerns reflect the use of a certain construction of free speech, resulting in what Moore and Bell (2017) described as the right to be racist:

> [racist] incidents create a platform for the color-blind, abstract liberalist construction of freedom of speech advocated by organized free speech absolutists and codified by US courts. More specifically, racist incidents on college and university campuses give rise to a discourse that actively defends the right to racist expression (Moore & Bell, 2017, p. 101).

The dominant free speech ideology in U.S. higher education is color-evasive and operates to perpetuate white supremacy, and administrators must challenge this ideology and contextualize speech rights in a race-conscious way (Moore & Bell, 2017; Robinson, 2023). Indeed, scholars have argued for decades that excusing hate speech as free speech is a white supremacist idea that is an attack on the humanity of racially minoritized students (eg., Delgado & Stefancic, 2004; Matsuda et al., 1993; Moore & Bell, 2017).

Furthermore, there is a dearth of research centering marginalized students' voices and experiences with issues of free expression in bias response processes. This study centered students' experiences in the conversation, positioning marginalized students as the experts on their own experiences with higher education free expression policies and practices in situations of identity-based harm. The purpose of this study was to examine students' experiences with biased and hateful speech that their institution has deemed protected free speech. This research asked:

a. How has biased and hateful expression that has been deemed protected speech by marginalized students' institutions affected them?

b. What gaps are there between what marginalized students need to feel included and what actually happens when they experience biased and hateful expression?

The result is a set of stories from students with various identities and experiences, all of whom offer a window into what it is like to be told, as a student, that the harmful experience you are trying to navigate and seek support for is considered free speech. In this study, I did not investigate the details of the incidents each student shared, though I share information about those incidents to provide important context about their experiences. I do not attempt to evaluate whether or not their institution's decisions were legally right or wrong—that was not the focus of this research. Rather, the focus is on how the students felt that they were done right or done wrong by people and processes at their colleges and universities when they chose to report identity-based bias incidents—and they mostly felt that they were done wrong.

This report proceeds in three sections: Research Design, Findings that offer rich stories of each of the study participants followed by cross-participant insights, and Considerations for Practice for higher education administrators. For the students in this study, reporting bias incidents and being met with rationales of free speech resulted in overwhelmingly negative experiences both during and following the reporting process. I believe that this should call practitioners to question what the purpose is of bias incident reporting processes and what the responsibilities are to harmed students, beyond making a "correct" free speech determination. My hope is that these students' stories and the insights from this research will push us to consider more expansively what accountability in situations of identity-based harm might look like, both for those harmed and for those causing the harm.

2. Research Design

2.1 Conceptual Framework

In this study, I draw on the concept of Color-Evasive Free Speech Ideology (CEFSI; Robinson, 2023), expanding its application to additional forms of identity-based marginalization within bias response processes. I draw on my previous conceptualization of CEFSI to frame this study by critically examining how the dominant construction of free speech in U.S. higher education institutions is in fact an ideology that "is normalized and upheld through the power of legal and professional mechanisms, which discourage challenges to it" (p. 55). Further, the ideology functions to advance the idea that it is *normal, good, and a legal obligation* of public institutions of higher education to protect and defend free speech rights: a) regardless of the racist harm and violence enacted by such speech; b) to such a degree that those who try to prevent racist speech and speakers should be punished; c) because protecting individual speech rights is the only way to ensure democracy and equality (Robinson, 2023, p. 55).

Recognizing that white supremacy forms a foundational basis of oppressive systems in the United States and also recognizing that bias response practices, though they extend beyond addressing racist incidents, are inherently racialized practices, I draw on these concepts to consider all forms of marginalized identity-based bias reports. I also extend this conceptualization to private institutions in this study, recognizing how private institutions tend to uphold the same standards of free speech as public institutions, regardless of their constitutional status.

2.2 Narrative Methodology

I used critical event narrative inquiry in this study (Mertova & Webster, 2019), integrating the framework of CEFSI to consider the intersection of the institutional narrative about free speech alongside the individual participants' narratives of their lived experiences. A critical event approach to narrative inquiry utilizes participants' stories of key events and the details of those events to get at the core of a research phenomenon, highlighting the complexity of human experiences and centering participants in the research process. Critical event narrative inquiry focuses on a *critical event*, that is, an event that changes a person's worldview and reality—sometimes radically (Mertova & Webster, 2019). Experiences with bias within the collegiate environment are critical events. I approached this inquiry both in relation to the participants' narratives that shaped their understanding of the critical experiences with bias incidents and free speech rationales within their institutional context, and in relation to the stories that were being told to them, about their experiences, and about free speech by the institutional actors they interacted with. This approach recognizes the multiple narratives in which both I and my participants were embedded (Clandinin, 2023, p. 12).

2.3 Researcher Positionality

Narrative inquiry is strongly shaped by a researcher's background, experiences, biases, and assumptions, as the participants' and researcher's narratives interact within data collection, and insights are co-constructed. It is important, then, for me to reflect on my own social position related to this topic. I am a white, straight, cisgender woman. I was raised and remain middle class. I identify as a Jew-by-choice, though I only divulge my conversion background situationally. I identify as fat and as a fat liberationist. As a former student affairs professional working in residential life for many years, I brought numerous experiences of designing bias response practices and responding to student reports of bias to this research. I also brought a personal experience of reporting a bias incident that was considered free speech to my institution as a doctoral student—an experience that I wrote extensively on in the format of a personal narrative while conducting this study. My personal and professional experiences have strongly influenced my desire to critically study higher education bias response practices and their relationship to free speech ideas, toward the aim of transforming these practices to better serve and support marginalized students.

2.4 Participants

I sought participants who were currently or recently (within the past two years) undergraduate or graduate students enrolled at an accredited 2- or 4-year U.S. higher education institution who have reported biased or hate speech to their higher education institution and participated in an institutional investigation or response process. Given the focus on free speech within this study, the participants must have been informed by their institution that the experience they reported was considered protected expression (differing language may have been used, such as "free speech," "protected speech or expression" or "protected by the First Amendment"). I included students who have made reports of biased or hateful expression on the basis of a historically or contemporarily marginalized race, ethnicity, religion, gender, sexual orientation, national origin, ability, or class.

Marginalization refers to specific groups and individuals. As described by (Causadias & Umaña-Taylor, 2018), "Marginalization processes—such as dehumanization, discrimination, and exclusion—are not randomly distributed in the populations but are biased toward specific groups and individuals because of their vulnerability, otherness, demographic underrepresentation, and perceived threat to the status quo" (p. 710). Within U.S. higher education institutions, those marginalized identities include: a) Black, Indigenous, Latine, Asian, Pacific Islander, SWANA (South West Asian and North African), and mixed-race students; b) LGBTQIA+ students (lesbian, gay, bisexual, trans, queer, intersex, asexual, and more sexual minorities); c) Immigrant students (regardless of documentation status, inclusive of first-generation and recently immigrated people); d) Linguistically diverse students, including English language learners; e) Disabled students with a wide range of physical, cognitive, and other disabilities; f) Students practicing or with a heritage based in religions other than Christianity,

such as Muslims, Jews, Hindus, Buddhists, Sikhs, and others, who may or may not be observant—ie, may identify as "secular" or "cultural"; g) Women; h) Poor, working-class, low-SES students (eg., Abes et al., 2019; Patton et al., 2016). Because marginalization and identity are intersectional, students may identify with one or more of those marginalized identities, and may also identify with both marginalized identities and privileged or majoritized identities. This study sought subjects who identify with at least one of the above marginalized identities and who experienced and reported an incident of biased or hateful speech on that basis of that marginalized identity.

Participants were recruited through the distribution of a virtual recruitment flyer and recruitment message with a link to a screening questionnaire. I distributed the flyer and recruitment message via social media, emails, and listserv emails to higher education staff working in student affairs and diversity, inclusion, and equity-related areas and student organizations related to these areas and requested that they share the flyer with students. I also shared the virtual flyer and screening questionnaire directly with prospective participants through social media. Study participants were also invited to share the recruitment flyer with prospective participants through snowball sampling. This social networking approach was necessary to ensure that students from a variety of colleges and universities were aware of the study. To participate, prospective participants used the link in the flyer to complete a brief screening questionnaire.

Five participants enrolled in the study. Four of those interviews yielded information that is well-aligned with the area of interest, with specific insights about how students received messages that the incident that they reported was considered "free speech" or something similar by an institutional agent. Therefore, four participants are included in the findings. I summarize the participants in Table 1. With regard to marginalized identities, I specify the identities that the participants discussed as being targeted by the bias incident, though they may hold additional marginalized identities.

Table 1. Participants

Pseudonym	Marginalized Identity/ies	Institution type	Student Status
Evelyn	Race/ ethnicity	Small private	Former undergraduate and graduate student
Greg	National origin/ immigrant status	Large public	Former graduate student
Rebecca	Disability; class	Small private	Fourth-year undergraduate student
Mia	Race/ ethnicity; gender	Large public	Former undergraduate student

2.5 Data Collection

The students and former students participated in one individual online (Zoom) narrative interview. The interview aimed to gather students' stories and experiences about reporting bias to their institution and how free speech ideas showed up in that process. The individual interviews lasted approximately 30-60 minutes. The narrative interview was meant to elicit the participant's story of their experience.

- I also collected educational records provided by the students, such as:
    - Incident reports or case documents
    - Emails to/from the student about the incident
- And publicly available institutional documents:
    - Institutional policy documents (ie. code of conduct)
    - Institutional websites and other materials about investigation or response processes

Together, the data collected provided a view of the participants' recollection of a critical incident in which they reported an incident or incidents of identity-based bias to their higher education institution. The data considered the people involved in that story, the series of events and actions that were involved, and when and where those events took place. The data also revealed participants' reflections on the meaning and impact of those events.

2.6 Data Analysis

The data analysis for this study involved two prongs—developing individual participant narratives and analysis across the participants. Although the analysis across the participants was subsequent to the individual narrative reconstruction, I understand *both* types of analysis as meaningfully addressing the research questions for this study.

2.6.1 Narrative Reconstruction

During each of the interviews, I kept written notes during the interview, identifying the key points and the flow of the participants' story as we spoke together—focusing on the plot of their stories in terms of temporality, social interactions, and place (Clandinin, 2023). This note-taking process allowed me to identify the appropriate follow-up questions during the interview, prompting the participant to expand on details of their story, clarifying context about the order of events, the people involved, and the outcomes. I then typed up these written notes as post-interview memos shortly after each interview. This allowed me to identify the overall outline and key plot points and actors of the story the participant had shared with me.

The audio recordings of each interview were transcribed automatically using the Zoom transcription feature. I downloaded these transcripts and the audio files from each interview. I then used the transcripts and the audio files to develop each of my post-interview memos into a full narrative account. These narrative accounts are what Clandinin (2023) referred to as "interim research texts" that reflect the interwovenness of different aspects of the participants' experiences with temporality, sociality, and place and which weave together various forms of data (p. 30). I read through each memo, and then identified direct quotes from the transcript to add to each event within the memo. As I wrote, I referred to documents participants had shared with me—representations of the institutional narrative. The documents, rather than representing a main source of data that I analyzed independently, served as a clarifying source of information to locate details that were recounted in the participants' stories. I directly copied quotes from the interview transcript into the memo document. I then re-read the interview transcript in full to determine if there were any plot points, events, or actors that I had missed, and which were also relevant to the research questions. I used the transcript to add in additional plot points and events to the narrative. The documents also helped lend structure to the narratives, providing clarification of the sequence of events and the organizational structure of the offices or departments that students interacted with. There were some excerpts of interview transcripts that were tangential or not directly related to the research questions—and tangential to the participants' stories about their experiences of bias, reporting that bias, and the institutional responses to their reports. I did not retain these tangential parts of the conversation in the narrative accounts.

I then edited the full narrative for clarity and cohesion. I constructed the narratives in a mostly chronological manner based on the sequence of events that the participant recounted, which was often slightly different than the sequence in which they told me about the events within the interview. I also included an introductory paragraph in each narrative, providing contextual and summarizing insights from the participant to frame their story. Finally, I concluded each of the narratives with reflections that the participant shared during the interview about the impact of their experience, highlighting what this story meant for them, and continues to mean for them. The inclusion of reflective insights alongside the temporal recounting of the story maintained a centeredness on the individual's experience (Clandinin, 2023; Mertova & Webster, 2019)

I sent these reconstructed narratives to each participant to conduct member-checking, asking them four questions via email, adapted from McKim's (2023) recommended member-checking interview questions:

- After reading through the narrative, what are your general thoughts?
- How accurately do you feel the narrative captured your thoughts/experiences?
- What could be added to the narrative to capture your experiences better?
- If there is anything you would like removed, what would that be and why?

Three of the four participants completed member-checking. Participants offered relatively minor changes to their narratives, requesting editing of some direct quotes for clarity, and the addition of contextual information in some of the summary sections. I incorporated all of the recommended changes from the participants.

2.6.2 Thematic Narrative Analysis

Finally, I conducted thematic narrative analysis across the narrative accounts. In thematic narrative analysis "narrative analysts use theory to guide their analysis while also trying to remain open to new ways of seeing the data" (Esposito & Evans-Winters, 2021, p. 148). In this analysis, the unit of analysis was the narrative account that had been approved by the participant. I looked across these accounts for "resonant threads or patterns" (Clandinin, 2023, p. 87). With the integration of thematic analysis in this process, my identification of threads across the accounts is also informed by the research questions, my understanding of critical views of free speech in higher education, and the theoretical concept of Institutional Betrayal (Smith & Freyd, 2014), which emerged early in my initial analysis of the data. I began this analysis with a codebook based on initial review of the data, the conceptual/ theoretical framings, and the research questions. I coded each account, adding additional inductive codes as I went along.

After the first round of coding, I used concept mapping and review of excerpts from the first-round coding to reorganize codes into categorical codes and sub-codes that engaged with the experiences, interactions, and reactions expressed across participants' narratives. The process of developing categorical process codes revealed a set of five processes that were common across the four participants' narratives:

1. Deciding to Make a Report
2. Reporting the incident(s)
3. Receiving outcome from the institution
4. Dealing with the outcome
5. Contextualizing the outcome

After reorganizing the codebook into process-based categories of participants' experiences with sub-codes explicating participants' interactions, reactions, feelings, and reflections within each of the categories of the process, I conducted another round of focused coding (Saldaña, 2016).

Finally, I conducted another round of focused coding to understand the effects of the various parts of the process on the participants. I coded for "effect" within the results of each of the process codes at the level of short phrases, to understand exactly how the participants articulated how each part of the process/ experience affected them. The effects that I coded for were ways that the participant's thoughts, feelings, or understandings were changed or caused by the experience.

3. Findings

I first present the reconstructed narratives of each of the four study participants. The narrative reconstruction provides us with the opportunity to engage deeply with each individual participant's story within context, clearly revealing the effect of reporting biased and hateful expression to their institution and the gaps that they experienced within the process. Though the narrative accounts are lengthy, they offer meaningful cases to engage with—especially for practitioners who are considering what to do in similar instances. I then turn to insights from the thematic analysis across participants, which helps us to consider how those stories are in many ways part of a shared experience of what it is like to go through this process as a student—with more heavy-handed interpretation from me as a researcher.

3.1 Evelyn's Story: "There's nothing we can really do"

Evelyn shared an incident from her time as an undergraduate student and resident assistant at a private university in Western NY. Evelyn also attended the same university for graduate school. Evelyn described a race-based incident (a series of incidents, in fact), that occurred while she was the resident assistant of a residence hall floor.

3.1.1 Ongoing Incidents

Evelyn had experienced a series of incidents with a couple of white women who lived on the floor, at first generally getting the feeling that they didn't like her or respect her. Evelyn recounted an instance of putting up some Latinx-themed door decorations on the floor, which had gone missing. Evelyn suspected two of the women of being responsible for taking them down and asked them about whether they knew what had happened.

She explained:

> I had, like a couple of like Latinx-themed ones [door decorations], and I had noticed that those were going missing. And so, I was talking to a friend about that who was also another RA in my building. She was like, "Yeah, I'm pretty sure it's like these girls." So, I was like, okay, I kind of already had like some issues with them. So, I decided to just like talk to them. I was like, "Hey, like, you know, I've noticed that things were going missing. I'm just asking everyone you know on the floor if they've, you've know, noticed anything." And they denied any knowledge of the situation.

Soon thereafter, Evelyn was woken up in the middle of the night, hearing someone at her door, seemingly taking down or messing with the items on her door. Evelyn described what was happening as "hearing people trying to like break into my dorm." Evelyn looked through the peephole and identified that it was the students she had suspected of taking down the door decorations.

She did not confront them at that time but decided that she "needed to bring this up to [her] boss in ResLife."

> So, I brought up to my boss. And she was like, okay, like, well, keep an eye on that. But there's nothing that you know we can really do, because it was like "she said, you know, he said" things. So, I was like, Okay.

Evelyn continued to have issues with who she believed were these students, having sticky substances left on her door and rubber gloves filled with water left on her doorknob so that they would fall down and splash her when she opened the door. Evelyn explained:

> Maybe like a week or two after that they started putting—I don't even know what it was— but they would like put things on my door handle so like if I want to open it like I'd get like dirty. They were putting balloons, and like gloves filled with water on my door handles when I'd open the door would like smash on the floor and get me all wet.

3.1.2 Participating in A New Reporting Process

She again went to her supervisor, who instructed her to submit a bias reporting form. The university had a recently developed form, which at the time was a Google form. Evelyn submitted a report, which was received and read by the Vice President (VP) for student life.

Evelyn met with the (VP) for student life, who was the staff person reading the submitted forms. Evelyn explained that:

> We knew each other because of like my work, and ResLife. So, she pulled me, called me into her office. And she was essentially like "Yeah, there's nothing we can really do unless they like physically do something." And that was just kind of the end. Yeah, I think, she said because there hadn't been like anything like concrete, like, I didn't have like bruises or anything. There wasn't any documentation through campus safety, besides meeting with my supervisor, there really wasn't anything that we could do.

This in-person conversation with the VP for student life was the only communication Evelyn received after filing a report. She noted that she "would have liked more documentation" of the university's response to her concerns:

> Yeah, I think I would have liked more like documentation. I felt like it was very like heavy on me because I was like all like, I'm in the process like I'm doing all this, you know, paperwork and having meetings, whereas my residents, I don't even think they were aware that I had actually filed something.

3.1.3 Nothing Happened

Evelyn described that "nothing" happened after she made her report and met with the VP, and that she "had to stick out the year." She couldn't get a room change because she was the RA of the floor. Evelyn said that the students "just kind of kept on doing the same thing. I think that they realized that nothing would happen."

Evelyn did not think that anyone ever had a conversation with the residents about their actions. She noted that the had eventually not been allowed to live on campus the following year, and she "wanted to say" that it had something to do with her experience, but she had not been told that was the case, and was aware that the students had also been documented for other behavioral issues that may have resulted in them not being allowed back on campus the next year.

Evelyn further noted that she was frustrated by the response:

> In the moment, I was all frustrated because it was like, you know, I felt like I had done all the right things. I had written my documentation as an RA. I'd spoken to my supervisor, kind of went up the chain of command. But I feel like a couple of incidents had happened at the school while I was there, and with, like other students. So, it wasn't anything like out of the normal for the school like responding that way.

Evelyn described that her university had been moving toward a "restorative justice mentality" and trying to get away from being punitive. She noted that when issues arose, they would "do a circle," but explained that she was "not the biggest fan of restorative justice." Evelyn was told that, if anything further happened in her situation, that the restorative justice approach would be taken. Evelyn understood the underlying ideas of this approach as:

> Let's acknowledge that people may not know that that's an issue, and you know we'll do a sort of circle. Let them know that that's an issue, it bothers people, and you know they'll stop.

Evelyn also explained that shortly before she reported the incident she experienced, there was another student who had experienced a similar situation to hers, and that Evelyn attended her restorative justice circle as a support. In that circle, the staff stated, "we can't police what people are saying."

> So, there had been another girl who was, I think, she was a freshman at the same time that had had a very similar situation happen. So, she was in the process of like going through those sorts of circles for the first time. And part of that's like you're allowed to like, bring people in. And so, she brought me in as someone, because I was like an upper classman, like be there for her, and I felt like that was when they were like, "Oh, well, you know, we can't really like police what people are saying and things like that." And they were like, "Oh, like, you know, you have to understand. We're in Western New York. There are like people come with, you know, different mentalities."

This experience informed Evelyn's understanding of the response to her own experience as being about the university's unwillingness to address harmful student behavior that was considered to be within their rights.

> And so, I felt just like being there and like seeing her like struggle through her case. And she had a pretty solid case. Just seeing that I was like, yeah, this system isn't doing what it should do. Just because, you know, they're like, "Oh, they're college students, they have their rights as well as students, you know it's a shared space."

3.1.4 Failed by the System

She had originally been motivated to fill out the reporting form in part because of her role as a Resident Assistant:

> I was like you know, might as well do it, especially since I was working with other people and telling them like, "Hey, you know, this is like the policy the school has." So you know, if I'm gonna tell you to fill it out, and something happens to me, I might as well use it as well. That's a good example of my leading.

However, her interactions with staff made Evelyn "aware that the school isn't prepared to help students." She attributed this in part to how the bias reporting practices had been developed.

> The school wanted to put it, put its best foot forward, right? Naturally. So, I feel like it's like a really good thing of being like "Oh, we have all of these resources." But once you actually need the resources, they're not like fully developed.

Evelyn reflected that she felt that her university's development of the bias response reporting form and related practices had been in response to microaggressions that students of color were experiencing not just in residential spaces, but also in classroom spaces.

> I think they were trying to find, like a more centralized way to report things, because that first there was like you do a campus report, or you could do something through residential life. I felt like a lot of students were also experiencing like microaggressions within the classroom and they wanted something that was like more centralized.

Evelyn expanded that the new processes also seemed to be at least in part in response to a Black person being killed by police in the local community.

> When (name redacted) was murdered. There was, like, the whole like viewpoint of like viewing race really changed. And so, I felt like the school was like, we need to show that, like we really are accepting of other people. But they did it in a way that was so like careful. Because they don't want to like to offend anyone by accident, I think, or they didn't wanna push people a little bit too far. I think they just became overwhelmed by the steps that they were trying to create and weren't really able to like allocate resources or like funds to support all these like new initiatives.

However, the resources and processes that were developed seemed to lack acknowledgement of the experiences of students of color--or past institutional failures to support students of color. The approach also seemed to cater to the feelings of white students and community members.

> I think they were like a little afraid of offending, like the students of color at first, because I think they were like, we haven't been doing a lot, you know, the past couple of years. So I think that they were trying to tread very carefully on being like these are the incidents that we acknowledge that you guys experience. Cause I felt like first, they had to experience that, you know, we were struggling. And like these are the resources that we have, but at first, they kind of portrayed it, as these are just resources, if you happen to need them. But not really acknowledging that there was like incidences on campus.
>
> And I think they were definitely like worried about like offending like the white students or the community members. I feel like the community was like very involved in the college life of that area. And so, I felt like they were just like, you know, why are we creating this? Only for, like a specific group of students, why not have it for all students?

Evelyn's experience with the bias reporting process and restorative justice circle caused her, as a student leader and Resident Assistant, to lose confidence in the system that she was working within.

> It definitely made things like a lot more challenging because it was like, how am I supposed to work with this system? That doesn't work for me?

She explained that she later told other BIPOC students to not fill out a bias reporting form, instead working with BIPOC students to address racial incidents through alternate means by relying on peers rather than on the school.

> Myself and the other BIPOC students, like we were really small group, maybe like 40-50 kids. So, we all really, we all knew each other very well. So, I felt like that kind of helped because I was the oldest. So, whenever people things would come up like in the next 2 years, after that it'd be like, "Oh, should I fill this out?" and I was like, "no, let's just take this like through other ways of doing that. Cause I felt like I knew the system well enough that at that point I was like, "Okay, we can just like bypass it." We took it like straight to social media and to, there were a lot of protests on campus.

3.2 Greg's Story: "I don't know if they were right at the end of the day"

Greg was a recent graduate of a higher education master's program at a public university. While enrolled in his program, Greg experienced ongoing biased comments from a fellow master's student about his national origin. Greg explained that he immigrated to the U.S. at a young age and is a permanent resident of the U.S. He explained that his classmate frequently made disparaging comments about his national origin, including referring to him as a "colonizer" and telling him that they were going to call ICE about his immigration status. Greg noted that he was certainly aware that his home nation's history was problematic, but that he, not being personally responsible for those actions, felt that the repeated comments from his classmate were unacceptable. He especially felt that being told, as an immigrant, that ICE would be called on him, was a direct threat.

3.2.1 Conflicted about Reporting

Greg had the unique perspective of working as a graduate assistant (GA) in the university's student conduct office at the time, so he was well aware of the policies related to student conduct and reporting misconduct. However, Greg explained that he was conflicted about making a report because as a graduate student and graduate assistant, he was connected to the staff who he would report to as a fellow employee:

> They really targeted my national identity over the course of 2 to 3 months, and I was really on the fence of, do I want to cause drama within my program and report this information to the office that would handle that communication? And so I was kind of struggling with that for 2 to 3 months. It's hard I feel like the more connected you are with resources the harder you have sometimes. Cause, I had a graduate assistantship within the university. I was an employee. And I was kind of just like, "how do I? How do I navigate this situation with, you know the communication that I would likely be reporting this to is with people I kind of work with to a degree."

3.2.2 A Relatively Smooth Reporting Process

In the end, Greg made a report, and the report filing process itself was "pretty easy." Greg described that his university had a centralized webpage with a harassment and discrimination report form, as well as several other reporting forms, which was well- advertised to students. He submitted a harassment and discrimination form to report his experiences and had a meeting with the university's Chief Diversity Officer.

> The university that I attended has a bias reporting form located in a centralized website with all of the other forms on there. So it was like, title IX, student conduct, bias incident reporting. And so I did that I selected that form. I submitted an incident report, and then I had reach out pretty immediately within 24 hours from the Chief Diversity Officer. I met with them. We talked about sort of my concerns—you know, this person has kind of like been directly targeting me.

Greg described that the CDO informed him relatively quickly that the other student's behavior was considered protected free speech:

> I was told that, you know, in this situation there can be conversations that can be had, but no actual ability to reprimand the person because their speech was protected. And that's kind of like what that process would look like.

The CDO asked Greg if he wanted them to reach out to the other student to have a discussion, which he agreed to. Greg explained that he felt that if he had said no, that outreach would not have happened—it was really up to him. The CDO explained to Greg that they would tell the other student that their behavior, although considered freedom of speech, was not free of consequences—that the negative impact on another student was not okay.

> Well, so the chief diversity officer was like, "do you want me to reach out and at least have a conversation? And maybe even potentially mediate the incident in the future, if the behavior continues," and I was like, "Yeah, go for it." I just wanted to stop at this point. So if you could have a conversation with that person… And the Chief Diversity officer was like, "I'm gonna say, you know, this is freedom of speech. But this isn't behavior that you should be, you know, continuing as a member—towards a member of your cohort" kind of. You can continue the language, but I mean I think it was more of like freedom of speech isn't freedom of consequence, kind of situation of like. If you continue the behavior like it might impact your, like other aspects of your experience here. I don't know what that really means, but. Can't fire someone, because then they have a lawsuit on their hands. So I'm unsure. Maybe just maybe they would have removed them or removed me from… It gets messy. I understand that in the college setting.

3.2.3 A Successful Intervention

Greg shared that he did not necessarily want any "student conduct repercussions"—he just wanted the comments to stop. Greg recounted that he was aware that the conversation between the CDO and the other student had occurred, and that he also thought there may have been a conversation between the other student and their GA supervisor as well. After this intervention, that student's disparaging comments stopped and there were not any further issues.

> I think the behavior stopped after that, because that person ended up having a conversation with their supervisor, and ended up having a conversation with the chief diversity officer. But I mean—and I wasn't really looking for like them to be in trouble or go for like a conduct process, I was just looking for the behavior to just stop continuing. And it that did happen.

Greg described that he was quite well aware that if that person hadn't complied following the outreach, that there was really nothing that the university would do.

> I mean, I like kind of understood. I was like I get it. But like I don't. Like, why are people just allowed to do or say whatever they want to with their language like that? And I guess it was kind of upsetting just to hear like. But once again I didn't really want any like direct repercussions for that person. I don't know if there would have been if it wasn't protected speech, or at least claimed to be protected speech, but I was a little upset that the person was really just kind of allowed to continue saying and doing those things, even though—and they didn't continue—but that that, you know inherently they were allowed to say those things to other people. Because it was claimed to be free speech right? It wasn't inciting violence. It wasn't directly threatening me. I would argue threatening to call ICE is a direct threat. Apparently not enough because it wasn't ensuing violence or anything like that. And it was just kind of picking fun at someone, almost.

Indeed, Greg had experienced this situation as a threat, and explained that following this incident, he began to carry his green card with him at all times, and seriously considered for the first time if he should pursue becoming a U.S. citizen. He explained how his family, who were located several hundred miles away from where he was in school, became stressed and fearful for his well-being, as did his girlfriend, who he lived with and shared household expenses with. Greg described that the incident made him feel a lack of belonging, especially coming out of the 2016-2020 years of the previous presidential administration, which created an especially hostile political environment toward immigrants.

> I think it impacted me in terms of belonging like, do I really belong here? If people are, you know, constantly picking on my national identity. And it's not like I was. I don't think I was problematic personally. I was just from a different country, and I think that rubbed some people the wrong way, given the background history of my country, but I didn't do those things. I just immigrated and so I think it made me feel uncomfortable—a sense of like a lack of belonging and also like fear, right? Like I was like worried about what if someone calls ICE on me right? I have to have my documents on me to prove that I'm from this country, and I feel like that's something that no one should ever be subject to doing. I do carry my green card now, though I didn't at the time. Now I do just in case. So I went from not carrying to carrying my green card just in case right like, if anyone ever decides, they want to retaliate, for some reason I have my documents proving that I'm allowed to be here.

Given Greg's knowledge of the student conduct process, he reflected that if the other student's behavior escalated to a severe and persistent pattern, he thought that he could have filed another report of misconduct under the student code of conduct.

> I think if the behavior continued it probably would have been classified [as harassment]. And once again I wasn't looking at the time for punishment. I know the student conduct system isn't all just punishment, and there's education, but I mean probation, suspension, expulsion, suspension, likely for harassment cases. I was a conduct graduate assistant. So like I understood, like what my option was and what that route would take. But I didn't want to take that step.

Overall, Greg was pleased with how the CDO of his university handled this incident, as well as with the communication that he received about what would happen. It seemed that he felt taken seriously and respected during the meeting with the CDO, and that the explanation of the complex concept of freedom of speech in this situation was mostly satisfactory. Greg reflected that he didn't know if the CDO was "right at the end of the day" about the incident being protected free speech.

> I think I was happy with how they chatted with me and disseminated information, and communicated, at least back then. I think that what they did was fine. Their response was fine. The time it took for them to get to me was fine. And the turnaround time was fine. I'm happy with how they explained freedom of speech, and I don't know if they were right at the end of the day, but I appreciate it. I'm sure they were. Maybe. I'm not sure. Right? But it's so confusing to me. I'm happy with how they kind of explained things and explained next steps, and, you know, talked about freedom of expression and different things like that, so that I had a better understanding of exactly why the behavior fell under freedom of speech, and then what my options were in the future if I wanted to pursue something different.

Perhaps most importantly, the behavior stopped.

> [The other student's comments] stopped. So I was happy with that. And I know that if I had asked them not to reach out to the person, they wouldn't have done so. So I also appreciate that too.

3.2.4 Lingering Concerns

Although Greg's situation was improved by the bias reporting process and the intervention from the CDO, the lingering feeling that the solution was not a guarantee seemed to linger:

> I think what improved [the situation] overall was them taking the stab and having a conversation with the person. I think what maybe didn't improve [the situation] is like, I mean, if that person doesn't want to comply, there's nothing you can really do. So I think that was kind of disheartening, that if that person didn't take that seriously, and was like, I don't really care. Nothing would have happened right, because they're still using protected free speech and unless they are crossing a line. They can really continue, you know, saying nasty things to me. I guess I could have filed harassment under like student conduct eventually. But like repetition of behavior is required.

Greg's struggle with what is and is not considered free speech also seemed to linger:

> I always really struggle with that. You know, what is protected speech and what isn't protected speech. I think we all do right?

I also discussed the Discrimination and Harassment form itself with Greg, and looked at the institution's centralized reporting website with him. Greg noted that the form might set up unrealistic expectations about the outcome of situations like his, especially for students who are not well-versed in the nuances of institutional discrimination and harassment policies.

> I think that, you know, going into the process, I knew I didn't want to pursue anything deeper, but I think that the promise of that form, like we did talk about was very focused on like outcome, whereas, like, if you just name it, bias reporting. And you're talking to someone about something that's happening, there are no inherent promises made there, and so I do think it is a little bit misleading, and the process is a little bit misleading. I think they do a good job after the fact of kind of telling you. You know what's up. What information they're providing and talking about like the gist of like the process or the different processes that you can go for, and they make it very digestible. But I think that just the initial intake is a little bit like intimidating.

3.3 Rebecca's Story: "They make me not want to file any reports"

When I met with Rebecca, she started by telling me that the incident she experienced was related to her sorority—specifically to the sisters she had lived with in an on-campus apartment. Rebecca attended a small private university in the Southeast and identified as lower-class, a first-generation student, and disabled—having hypothyroidism, anxiety, and depression. She noted that the disparaging comments from her sorority sisters were based in these identities, and also targeted her based on her weight, as a person in a larger body.

3.3.1 Ongoing Roommate Issues

Rebecca described to me that she had experienced mistreatment from one of her roommates, who made frequent comments about her cleanliness, allowed visitors to their apartment to crawl through the window in the middle of the night, and called her disparaging names. Rebecca had talked with her own resident advisor multiple times about the issue. In the first significant incident that caused Rebecca to eventually file a report, she recounted that her roommate had confronted her while she was on the phone with her boyfriend in a common area of the apartment:

> My roommate walks out of her room and yells at me and says, "Can you shut the fuck up?" And I said, "Excuse me, what did you just say to me?" And she starts yelling at me about how she has basically taken pictures of my stuff and says how dirty I am, and how disgusting I was, and how my living style is, and how I never take the trash out. Never do this, never do that! And she slams the door, and then I'm like "really what was the point," and then she opens the door, calls me a fat, lazy bitch; slams it again.

> And that's when I literally have a panic attack in the middle of the floor at 9 o'clock at night, because she was yelling at me and screaming.

Rebecca reported the incident to her sorority president that night, and the next day, they tried to have a mediation meeting with her roommate, during which her roommate walked out of the meeting and said that Rebecca was stupid: "She literally asked me, Are you stupid? And she yelled at me the whole conversation. Like there wasn't no point of me talking."

The issues in Rebecca's apartment continued into the next semester, when she requested another apartment mediation meeting because she raised concerns about her roommate's guests coming through the windows into the apartment and coming to their apartment drunk, when their apartment was a non-alcoholic space. During this meeting, Rebecca's roommate accused her of hazing new members the night before initiation:

> I was told that I had someone over the night before initiation, which was not true and also that I was hazing new members. It was not true; it was a false accusation that was made to cause me to get into trouble and have meetings with the president.

And then she then made the statement "that must have been your other personality." Then she said that to me. Because I was like, "I don't remember that happening. That never happened." She said, "That must have been your other personality." Assuming I have multiple personality disorder.

3.3.2 Deciding to Report

Rebecca had no idea what a bias incident report was. She was telling a friend, who was a resident advisor (not her resident advisor) about what had happened, and the other student explained that she thought what Rebecca was experiencing was wrong and that she should report it: "She explained to me that that was not okay. And she said that there's this thing called a bias incident report."

Rebecca explained that she was motivated to file a report because things had gotten out of hand and her roommate's behavior was persistent:

> Being told that I was basically being dirty and being called fat and...being told that she had pictures of my stuff in my apartment. I had also been told that I was hazing new members in the sorority. And she was going around saying that I was bitch; she was just going around saying lots of stuff to people that shouldn't be going around.

She explained that it seemed to no longer just be a sorority issue:

> It was getting like something that shouldn't be a sorority thing anymore. And I felt that it was now a school problem. And usually sorority business stays in sorority business. But this is not a sorority business. Now, this is a school wide business now.

Her friend texted Rebecca the link to the bias report form, which Rebecca didn't fill out right away. When she tried to find the form on the institution's website, she said that she had a really hard time finding the form. In fact, during our interview, Rebecca helped me locate the form on the institution's website, which took about four minutes.

She explained that the form had asked "tedious questions" and asked for witnesses. She noted that the form asked:

> "Did you experience bullying?" and stuff like that. And I had checked yes, that I was deemed bullied because I would consider calling somebody bad names bullying, and taking pictures of their stuff and telling them that they're dirty to be bullying.

3.3.3 Meeting with a Staff Member

After submitting the form, she got an email the next day and had a meeting that same day with a staff member who was "over the bias incidents." Prior to the meeting, Rebecca was anxious and worried:

> My anxiety was through the roof, because I have anxiety and depression already and having the situation happen and it was like a couple of days later. Still, I was walking on eggshells in my apartment where I lived because of how I was being treated.

Rebecca recounted that the staff member "basically explained that this was not a bias incident report; this was freedom of speech." I asked how she reacted to hearing that it was considered free speech and she explained that she told the staff member she thought it was at least a violation of her sorority's rules:

> I actually had brought up our book of rules for our sorority and it stated that no sisters should talk bad about each other and she [the staff member] was like, "Okay, well, you should bring that up to the President." And I was like, "Well, this is kind of not like a sorority situation. This is bullying. And it's not okay. And I'm walking on eggshells in my apartment right now." And basically they were like, "Well, you can move out." I was like, "Well, why should I have to move out of my apartment where I live with my friends and everything?"

The staff member who Rebecca spoke with proceeded by contacting the president of her sorority (another undergraduate student) and the staff member who oversaw fraternities and sororities. Rebecca stated that she did not receive any outreach from the fraternity and sorority office staff. The president of her sorority "basically explained that they couldn't do anything because she's not gonna listen because she doesn't care—the person that's the bully doesn't care." In the end, Rebecca's roommate did not face any consequences for her actions. Rebecca explained that "She had no repercussions on to her; she didn't get in trouble for anything. It was basically seen as—Oh, okay, nothing."

Rebecca said that she was provided with no resources or support but was simply thanked for talking to the staff member about her experience.

3.3.4 Processing the Experience

Rebecca explained that she felt really discouraged after reporting this incident: "I felt really discouraged to be able to provide information to them that was—that was crucial to me and was very important. And write up this whole report and nothing be done."

The mistreatment from her sorority sisters and roommate did not stop, and Rebecca eventually left her sorority. She recounted a later incident, when allegations of hazing were made against her that she felt were retaliatory for her previously making a report to the college: "I had to explain that there's this thing called a no retaliation. Cause I have learned that. The school doesn't even know doesn't how to use no retaliation on it, on anything. They don't understand."

I asked Rebecca if she thought that anything that she experienced went against her university's code of conduct. She explained that as a first-generation student, she did not really understand the university rules. She knew that her sorority had a set of rules, which she felt were being violated by her roommate, as she had explained to the bias response staff member. She also knew that the college had a handbook but she wasn't sure exactly what the handbook stated.

Rebecca explained that she would have felt better about the outcome of the situation if there had been a formal meeting (with her roommate) or some effort at making the situation better. She stated that "even just going over the rules; saying that this is not okay."

She described that her experience made her not want to file any other reports of misconduct with the college in the future, and caused her to doubt the staff's knowledge of how to deal with these types of situations, reflecting that:

> The way that the college responded to it, really, it really made me not want to follow any—if I'm being bullied again, or anything. They make me not want to file any reports and just try to take matters in my own hands. I mean, just not do anything with them. Because there's been points and times like I've wanted to file no contact orders against like sorority, since I've left, for being bullied and stuff, and talk about the no retaliation policy. But then, again, I don't know if they're really well educated on the no retaliation policy and if they could educate me enough on it to be able to go through the process.

3.4 Mia's Story: "School didn't seem like a safe space anymore"

Mia was a recent graduate of a large public university who described herself as proud of her mixed Brazilian, Afro-Caribbean and Creole background. Mia shared her experience with reporting an incident of racist sexual harassment by another student and her university's dismissal of her concerns through a disciplinary panel. This incident and the resulting university response had a strong negative impact on Mia. With the solidarity and support of her friends and other students, she was able to navigate the experience; however, it left a lasting traumatic effect on her.

3.4.1 The Incident

Mia explained that there was another student, a "guy who had been trying to get my attention." Mia was disinterested in the man's advances, and he "didn't seem to take the hint." His comments to her turned negative and hateful. She recounted that he had made comments to the effect of "Even though you aren't light-skinned, you would still make a good mistress on a plantation," and "Why would I want to roll with a Creole Voodoo witch?" and called her a "Creole Voodoo banjee bitch." Mia was with a couple of friends when these comments were made, and she recalled being horrified: "there was no way I would have thought my rejection of him would escalate to actively being verbally harassed by words—the potential for sexual harassment."

Mia clearly identified his comments as being both racist and misogynistic:

> No Black mistress on the plantation was there of her consent, and most likely was raped. You insulted different aspects of my culture. You called me a witch. Nothing against witches, and I do include it as part of my history, but I don't practice it.

3.4.2 Making a Report

Mia explained that she was going to let these verbal harassments slide, but she had a friend who was there with her when the comments were made, who encouraged her to make a report to the university. Mia and her friend first approached university staff about the incident by going to the cultural center and speaking with the staff there about what had happened. Mia felt comfortable reaching out to the staff there, because she knew that it was a space that was meant to protect and support BIPOC students. The cultural center staff were very concerned by Mia's report. She described that "they felt it was so bad that it couldn't be handled by themselves alone" and encouraged her to fill out an online form to submit a report to the university. The cultural center staff showed Mia where to find the online form.

Mia further described the reasons that the cultural center made the referral out to the disciplinary investigation process:

> They were shocked. Most times, they're dealing with issues like microaggressions. And should I say, more typical racist words, not full-out tirades like he did. So, they did not feel they would be able to adequately address this.

Mia described the office that received her report from the online form as sort of a "Student HR" office—a specific office that received and investigated student complaints related to matters related to identity-based mistreatment and other forms of conflict. I refer to this office here as the Equality Compliance Office. Mia explained that the staff in the cultural center also sent ahead a message to the staff in the Equality Compliance Office to anticipate Mia's submission.

Mia submitted a report through the online form, which detailed "what happened…the student who said it, the friends who were around him, because his friends were just as guilty." She was nervous to submit the form. Mia described the process that followed as involving a lengthy "waiting process." Mia recounted that she did not get a response from the office until about a week later. Her first contact following that submission with the office was with an assistant in the office, to whom she repeated her experience in detail in a meeting a couple of days later.

> I received a summons email to come into the office and reiterate my stance before the hearing. I think it was more of an accuracy check. It was just one meeting. I met with the staff member who isn't on the panel, but I think she's like the assistant of one of the people who is on the panel, who collects this type of information and conveys it to the panel for them to like, analyze, and judge.

Mia described that she believed that the offending student was then summoned to the Equity Compliance Office to give a statement a few days later, and then after about another week, they were both called to participate in a hearing. Once the other student was notified, Mia had another negative run-in with him.

> Apparently, his dad is friends with one of the biggest donors of our university, because I remember him saying something. When he received a summons, he came to confront me. And then he was like, "You really think anyone's gonna listen to you?" Then he made some statement like "I own that shit," and I was like, "No, you don't. I don't know you in relation to anyone on that panel." It was through grape vines I was hearing; his dad knows people who know people.

3.4.3 The Hearing and Decision

Eventually, Mia was called before a panel for a hearing. The hearing was also attended by the student who she had named as making the racist and sexist harassing comments. Mia explained, "We eventually got summoned before a panel and I pleaded my case. My friends who were there pleaded and he and his friends were there."

The panel consisted of faculty and alumni of the university, six men and one woman, all of whom were white. Mia described the panel as being comprised of "old, rich white men" who seemed to believe in the "Black angry woman stereotype because they were asking me things like had someone upset me before—they were trying to make it look as if there were other extenuating circumstances that could have influenced my reaction in that moment."

Mia explained that it was very clear to her that this panel "was not set up for me to have an objective case. This case is rigged against me."

Mia explained that the questions and comments from the panel "made it look as if I overreacted." And that she felt "gaslit" by the panel. Mia explained that she felt that they had twisted her words and description of the incident:

> They were telling me: "Oh, are you not Black? Are you not Creole? So, he's not being racist. He's being descriptive, and he has the right to call you by your description." It's like the equivalent of saying a white male or a white female, that me reporting this is saying he doesn't have the right to be descriptive, and he has the right to describe how we see things.
>
> They made it as if it was more of a description of my culture than an outright assault on it. That oh, they were just saying, "Oh, you're a Creole girl," like, if you say you have someone that's just Creole or Hispanic, or Black…they made it seem like their words were less problematic and I was the one padding evidence.

The line of questioning from the panel made Mia question herself:

> I'm like, was I tweaking? Did I not hear this right? Was I reading too much into it? And then I asked my friend, and she was like "How do you read into Creole Voodoo banjee bitch? Like, tell me, how do you read into that? Those words were said to you!"

Mia described that she felt even further marginalized by the panel because of her neurodivergence, which she believed was known to one of the faculty members on the panel. She described that one of the faculty members on the panel was friends with one of her professors who had previously not been "a fan of" the disability accommodations she needed in his class. She described this panel member as "always giving me the stink eye," and felt that during the hearing, he was implicitly questioning whether her memory or cognition about the situation was accurate:

> During the panel, I always remember, them implying like, maybe I forgot something like maybe kind of implying that my brain isn't working the way it should, so maybe I heard something I shouldn't. But he wouldn't say it outright. But like, "maybe, could this be what happened?" Trying to lead me in a certain direction that made me question what I actually remembered.

There were witnesses to the incident Mia reported, most of whom were unwilling to speak on her behalf. She explained that she felt that her peers had "thrown her under the bus." Except for one student who wasn't already a friend who spoke up for her—a queer student. Mia doubted that this student's word would even be taken seriously, because the university "did not have a good history with queerness."

During the panel hearing, the conclusion of the panel was that the man who harassed Mia had not committed any wrongdoing, a decision that the panel reached after about 30-45 minutes of deliberation. Mia described her assessment of this decision: "It was a sad day, where someone could be insulted on that level; reports, so the person can be held accountable, and yet I'm made to look like I'm overreacting." Mia also reflected on the decision feeling like it was made quickly, in comparison to the weeks leading up to the hearing: "It's like they were quick to make a decision, but so much waiting time before I see this very unnecessary."

Following the hearing, the university sent Mia a written communication of the panel's decision.

> They sent like a stamped document to my email, where they said, like the verdict on this is irrefutable and cannot be appealed. It was under free speech. It was his right to say what he said. Thank you and have a lovely day.

3.4.4 The Court of Public Opinion

Though the university did not hold the offending student accountable, Mia's peers were not so quick to let the situation go. Mia explained that as she left the hearing, the man who had harassed her made another comment on the way out:

> As we left the room, and we were going like outside. He had the audacity to tell me Hope I don't "make a voodoo doll in his shape with needles." And I'm just like, at that point I knew that, yes, I wasn't tripping. This human being is horrible.

This time, her friends who had come to support her were recording. Knowing that the school was not going to stand up for her, they took this recording to the "court of public opinion," posting the recording on social media.

Mia's friends and classmates rallied around her on social media and by getting t-shirts made that were boldly printed with the sexist and racist remarks that were used to insult her. Mia had a shirt that said "Creole Banjee Bitch and Proud." Other friends also chose "the most derogative ways to describe ourself, and we had it printed on t-shirts, and we were proud." Mia described that this show of solidarity from peers was powerful "because they found how abusing it was. The insults—when you own it, the word seems less hurtful and intimidating. Like when I owned it, and I made it like a cute little crop top."

The social media activity also expanded to other students posting various negative experiences with the offending student. Mia explained that:

> And then there was this thing where people started posting their own negative experiences with him. Apparently, I wasn't the first person he had done something like this to. Maybe mine was the most aggressive. But there were other things on smaller scales that the person had done.

3.4.5 A System that Failed Her

Mia was afraid of retribution or retaliation from the man who she had accused. People close to Mia also expressed concern about the negative impact that reporting could have on her. She explained that her dad was disapproving of her choice to report the incident:

> He was like, oh, reporting means I'm giving them the attention they are asking for, and I'm like. No, I don't think that's how it works. I'm trying to have them held accountable. Because, like oh, by giving them face, they win. Okay. Now, I've reported, and I've lost. There's going to be some type of stigma about me, and I'm like, you know, the sad part is on some level he's right. People do view you differently when you escalate and report links to authority. Though, I don't feel that should have been his reaction.

Though Mia disagreed with her dad's reaction to the situation, the outcome of the hearing did change Mia's stance on whether it is worthwhile to report racist incidents to her university—or to anyone in authority.

> Now, I don't see the point in reporting racial situations to anyone in authority. If the person is my color or my ethnicity there is nothing we really can do in the long run. They are just almost as powerless as me. Or if they're white, with very few exceptions, will it be escalated and treated with the seriousness it deserves. So why bother? You might as well just post [on social media]. I think I have more faith in the court of public opinion than other forms of accountability being effective in things like this.

However, Mia did retain the belief that it was important individually and collectively to stand one's ground in the face of racist and sexist aggressions, and to not normalize and accept such attacks:

> And if I'm being honest, even among people like me, I felt invalid because everyone was like, "Oh, it's a regular thing." Then they would hear the words that he said, and they would be like, "Okay, no, that's not regular." But I'm like—even the stuff you consider regular, it's not okay. And it is you accepting it that is enabling this thing to go any further than it should be. Yeah, standing your ground isn't easy, but if no one stands, nobody will stand, in fact.

The reality of Mia's situation, though, was that standing up for herself was not supported by her university. She felt failed by a system that should have protected her, but instead, she and her friends had to go outside of that system to get any type of resolution—an effort Mia thought they should not have had to do:

> I think I was very disillusioned that there is no accountability in the world. There's no justice in the world. People don't help…As much as we did the whole public opinion thing, it shouldn't have had to get to that, you know. When the audio was posted I wasn't—social media really isn't my thing. Putting someone out there like that, even though they offended me, hasn't always been my thing. But it was like, you have to change parts of yourself to be able to play the game. And I don't want to have to play the game. There should be a system and process that actually deals with accountability. But the reality is that there isn't.

Mia reflected that the outcome of her report to the university might have been different if the process was housed within the cultural center and staffed by people who understand racial issues:

> The cultural center, having a disciplinary panel of their own that had all that had the same amount of power as a regular panel…A panel like that is especially dedicated to dealing with these types of issues. I don't need them to be biased towards me, but at least give me a fighting chance.

She reflected further that the inadequacies of university processes to address racism across the field and the additional power held by accused students with wealth and connections meant her complaints were not truly considered:

> I was screwed from the moment I entered the room, and saw that panel. For one thing, I think there are very few universities, both public and private, small, or big, that actually handle ethnic issues like this well. They are few and far between. And it's also harder to get recognition if the person is rich. If the person's family makes donations to the University, or if they are friends with people who make donations to the university.
>
> The stakes in my case were high here. If it was in my favor, the parameters of his punishment would have been really harsh, according to what I heard. Because, hearing the story, it was something enough to freak them out that okay, yes, we need to make a decision about this. But not enough that by the time I told my story they actually listened to me.

3.4.6 Impact of the Situation

The experience of the hearing and the panel's decision had an additional harming effect on Mia—"for the first time in a while I felt shy about who I was." She explained that "who I am was just insulted on a scale I've never experienced, to be honest." In the short-term, even just being in school was difficult for Mia:

> In fact, being in school was triggering. I actually took a break for about a week. School didn't seem like a safe space anymore. You know, there's the usual microaggressions you get accustomed to those. Well, here someone stood on business and outright insulted me, and the University did not deem it fit to do anything about it. That hurt me. That actually really hurt me.

Mia's experience had a lasting traumatic impact on her. She described that she did not want to keep the documents related to the hearing, because:

> I really didn't want reminders…I remember one time I was searching for something, and I saw the document, especially the one where they were like "Oh, it is within the person's right to see what they wanted to say." I started crying. I didn't realize how triggering, seeing those things were.

Not only did the way that Mia's university handled this situation create ongoing harm and leave her with little resolution, it also seemingly did not result in the offending student learning from the situation or changing his behavior. Mia recounted that a couple of years later, he approached her for forgiveness or resolution following some other type of required racial sensitivity training, but he did not seem to be significantly changed:

> Eventually, later, I don't know what happened. I think he had to take a racial sensitivity course of some sort that had nothing to do with me. He and someone else approached me for some sort of like 12 step thing. I just said, not my circus, not my monkey. You're not gonna get your validation or forgiveness from me.
>
> This was about 2, 2 and a half years later. I think I was just about to graduate by that time. And frankly, I didn't care. Because I think he missed the point of the whole learning thing. 'Cause he was still getting upset that, like I wasn't giving him the avenue to speak. And I'm like you really have not learned. Okay, let's even pretend that, let's say you've learned about racial sensitivity. Forgive my language. You were still a misogynistic fuck. So, you still got some tweaking to do, my friend.

The impact of the university's decision on Mia's report stayed with her for a long time, manifesting physically and emotionally and unearthing past traumas:

> For a very long time I was angry. And I think there have been certain situations before that I felt taken for granted, taken advantage of in different aspects, and I think, for me this was the tip of the iceberg. So there was just a whole lot of bitterness, and it was radiating in so many different ways. I had chronic headaches. My health got worse. I was crap. I was just so angry. I became more reactive. Then I actually started therapy till I figured out where the anger was coming from. I didn't realize how much of this situation—as angry as I was, I had suppressed it.
>
> So, then I had to literally confront it head on to deal with the emotions associated with it. Because by the time he showed up later, like I mentioned, I wasn't angry. I was just irritated. Like, boy, you still need, have some work to do. Come back when you figure yourself out. I wasn't angry then. I was just, I think, sad for him more.
>
> I've realized that there's so much weight you carry when you don't address negativity that has been addressed to you, because in my experience, when you don't deal with it, it's like your body carries that negativity like literally, almost everywhere you go. And I didn't realize how much negativity had been channeled toward me that I didn't process. But this was on a different level, because most times I think those ones, I pushed it aside. But it was like, there was no difference between the times I pushed it aside and when I actually tried to stand up for myself.

3.5 Cross-Participant Findings

Although each of the above stories is unique and different, the participants experienced a somewhat similar process across their narratives:

1. Deciding to make a report
2. Reporting the incident(s)
3. Receiving outcome from the institution
4. Dealing with the outcome
5. Contextualizing the outcome

These processes occurred as a somewhat chronological series of events for the participants, though both the process of reporting the incident and dealing with the outcome of the report from the institution often overlapped with receiving information from the institution—these processes sometimes occurred during the scope of a single meeting. Reporting was sometimes a multi-layered process involving multiple attempts to report and interacting with multiple people. Dealing with the outcome was an ongoing process for the participants, as they reacted to and processed various information and events. While there were many references to the first four processes among the

participants, the process of contextualizing the outcome within larger institutional histories, policies, and practices, only showed up a few times and only for three of the participants. Notably those three participants were the ones who had already graduated, suggesting perhaps that with some distance from the institution, they had had time and space to further situate their experiences within a larger context—expanding their narrative of what happened to other stories about how universities and society work.

Because I sought to understand the effects of biased and hateful expression that has been deemed protected free speech on marginalized students, the five reporting processes were a useful framework within which to examine specific effects of different aspects of reporting, engaging with institutional staff, and the effects once an outcome was given to the student. Although one participant (Greg) shared a mix of positive and negative effects from the reporting process, for the most part, the ways that the reporting experience affected the students points to gaps in the process between what students needed from institutional administrators at each point in the process and what actually occurred.

3.5.1 Deciding to Make a Report

The process of deciding to make a report was characterized by participants dealing with the impacts of the original incident(s) while simultaneously considering the implications of reporting. All of the participants expressed anxiety, fear, and apprehension about whether or not to file a report. For some of them, this involved attempting to report their concerns multiple times before making an "official" report to the institution. The decision process was influenced by both staff members and peer student leaders. Whereas Mia was quickly encouraged to make a formal report by the cultural center staff she approached about her experience, Evelyn was not encouraged to make a report by her supervisor until she brought up the issues twice. Similarly, Rebecca had many interactions with peer leaders in her sorority and residential hall staff before a friend who was also a resident advisor directed her to the bias reporting form.

On the other hand, Greg was quite familiar with what the reporting process would be because of his knowledge as a graduate assistant in the student conduct office. Yet, he struggled personally with the decision about whether to report, fearing that it would cause drama and would further exacerbate the lack of belonging he felt from the incidents.

Both Mia and Rebecca expressed strong emotional and psychological effects of the original incidents. Mia expressed feeling "horrified and traumatized," which motivated her feeling that it was important to report in order to stand one's ground in the face of racist and sexist aggressions. Mia was supported and encouraged to report by a friend. Rebecca described how, after one incident, she experienced a panic attack, and continued to experience panic and anxiety. This reflected that "things had gotten out of hand."

The participants expressed hopes that reporting their incident would help them prevent the problem from continuing, or that it would help them stand up for what is right. However, in three of the four cases, these aims were not realized.

3.5.2 Reporting the Incident(s)

All of the participants completed some type of online reporting form once they decided to report the incident(s) they had experienced. In three of the cases, this form led to a single one-on-one conversation with a staff member, in which the student further recounted their report and were then given some type of outcome or next steps from that administrator. In Mia's case, though, the report led to an intake meeting, followed by a formal disciplinary hearing.

The processes and mechanisms for reporting were often unclear to the students—with the exception of Greg, who described the process of filing a report as "pretty easy." Rebecca explained that she had a hard time finding the reporting form and when she did, she had to answer "tedious questions." Evelyn described the overall process as being "very heavy" on her—she attempted to report through her supervisor twice, then was directed to fill out the reporting form and have a meeting. How the decisions were made and the process was meant to proceed was also unclear. Even Greg, who was relatively knowledgeable and had an overall positive experience, described the process as "a bit misleading" because of the implication that he was initiating a formal investigation into discrimination or harassment. Rather, Greg had one meeting in which a free speech determination was made.

Three of the students felt that they were not listened to or taken seriously when they shared their experiences either in a one-on-one meeting or hearing. Mia explained that she felt "gaslit" by the hearing panel, and that it made her question herself and further marginalized her. Evelyn repeated that she was told "there's nothing that we can really do" by the Vice President she met with. Rebecca, not having understanding or knowledge about university rules and policies, felt unable to determine whether the information she received during her reporting meeting was accurate or reliable.

3.5.3 Receiving Outcome from the Institution

The students who only had one-on-one meetings were notified of the outcome and next steps (or lack thereof) related to their reports during that initial meeting. Mia was notified of the outcome of her case during the hearing and in writing afterwards. The effect of receiving these outcomes ranged from satisfaction with some confusion and doubt (Greg) to complete disillusionment and further trauma (Mia). Though the impacts ranged in severity, each of the participants expressed some level of loss of confidence in their institution as a result of how their report was handled. The students were left lacking any assurance that the harmful behavior they had reported would cease, with fears

of retaliation, sadness, disappointment, and lost faith in the institutional system they had chosen to participate in.

For Evelyn and Rebecca, what happened next after they reported their experiences was, to the students, a resounding *nothing*. As previously mentioned, Evelyn was told "there's nothing we can do," and believed that the students who were targeting her never received any type of outreach or follow-up after she reported and met with the Vice President for student life. Evelyn understood that if issues kept occurring and she kept reporting them, that she would be directed toward a restorative justice circle. However, having recently participated in a circle for a fellow student, she found that she was "not the biggest fan." That experience caused her to anticipate that if she followed the same route, her concerns with white students' racist behaviors would be dismissed because "you have to understand… people come with different mentalities." Rebecca was told that her concerns would be referred back to her sorority president and to the staff in the fraternity and sorority office, but she never heard anything from those staff. Rebecca explained that there was no effort to make the situation better, not even "just going over the rules; saying this is not okay."

Both Mia and Evelyn were left with a clear sense that "this system isn't doing what it should do" (Evelyn). Mia understood that the university's system and process would not create accountability and felt that "there is no accountability in the world. There's no justice in the world. People don't help." Rebecca, too, questioned the logic of how the process seemed to work, saying "why should I have to move out of my apartment where I live with my friends and everything?" in order to avoid further harm from her roommate. Though Greg was ultimately happy because the Chief Diversity Officer reached out to the other student and the behavior stopped, he remained disheartened that the resolution was so tenuous: "if that person didn't take that seriously, and was like, I don't really care. Nothing would have happened."

3.5.4 Dealing with the Outcome

Three of the four students remained unconvinced that their institution was capable of handling situations like theirs—and made later choices not to report further issues or to dissuade peers from reporting. Students experienced emotional upset and trauma in both the short and long-term following the institutional reporting process. Students coped with both their negative emotional experiences and loss of trust in the institution by having to change themselves and their behavior—to reestablish their own sense of safety, avoid retaliation and process the impacts of trauma.

Though Greg felt his situation was improved because of the conversation that was had with the other student, in another sense, it was not improved because there was no real assurance—leaving him to deal with lingering fears about retaliation or future incidents. The other participants in the study were left with a profound lack of assurance and safety. Evelyn described having to "stick out the year" working and living on the same floor as the students who targeted her.

Knowing that "the school isn't prepared to help students," Evelyn actively guided other BIPOC students away from making reports of bias incidents in the future. Rather, they took issues directly to social media and to protests on-campus. Mia similarly took to social media, bringing her experience to the "court of public opinion." Mia described this move as uncharacteristic of her personality but given that she now understood that "there was no point in reporting racial situations to authority" at her institution, she felt she had to change herself to reach any type of resolution. Rebecca, too, was clear that she did not trust the institution to deal with further issues, including retaliation that she later experienced. Her experience made her "not want to file any further reports" and that she felt it was better to "take matters in my own hands."

As both Mia and Rebecca processed the fallout from their experience of reporting bias incidents, they were left with ongoing effects. Mia described a loss of self-confidence, feeling "shy about who I was." Immediately, she had to take time off from school because the university "felt unsafe and triggering." In the long-term, she pursued therapy to address the anger, trauma, and physical illness that her reporting experience brought on. In addition to experiencing retaliation, Rebecca was eventually driven to leave her sorority—a place that had been her primary source of involvement and social engagement in college. For both students, these experiences were losses that resonated throughout their college experience, for years after making these reports.

3.5.5 Contextualizing the Outcome

Evelyn, Greg, and Mia, the participants who had already graduated from their institutions, expressed various ways that they had contextualized their experiences within knowledge of institutional events, policies, and social structures that made things happen the way they did in their situations. Evelyn reflected, for example, on how the socio-political environment in the larger community had likely driven the creation of hasty mechanisms for dealing with reports of racial bias—mechanisms that she found were very ineffective. Greg considered how "messy" issues related to free speech are and that he, too, struggles to know what the right answers are in situations such as his. Mia reflected on the impact of both racial and class privilege among both the hearing board and the accused student to understand how the system was never set up for her in the first place. However, this context and meaning was not imparted by or supported within their interactions with institutional actors during the reporting process.

3.5.6 Discussion of Findings

Among the four participants in this study, the use of free speech rationales when determining the outcome of their reports of identity-based bias seemingly did the most harm when that rationale ended the institution's consideration of the student's concerns without further support, consideration, or assistance (Evelyn and Rebecca), or when the rationale was used to establish the innocence of the

offending student (Mia). Though Mia's experience was more drawn-out and formalized, with a formal evaluation that the evidence she presented was not convincing enough to establish any wrongdoing from the other student, the same conclusion was present in both Evelyn and Rebecca's experiences. The message was clear—what happened is not worthy of administrators doing anything further to protect or help you. Greg's experience was more mixed. Even though the free speech rationale that was offered to Greg was likely the clearest among the participants in the study, that rationale did not prevent the staff member Greg met with from conducting outreach to try to resolve the conflict and ameliorate future harm.

As I noted at the outset of this report, my aim was not to determine whether or not the free speech determinations made in each case were legally correct. However, it does seem that when the free speech determination was *clearer*, in Greg's case, the administrator was actually willing to take more—not less—action that they understood to be within legal and policy bounds. Of course, Greg was still left disheartened by the message that essentially, the other student's behavior was technically not wrong in the eyes of the institution. This raises the question of whether it is truly a useful and productive strategy to discuss the offending party's free speech rights at length in bias reporting meetings with students who are making a report. Despite being satisfied with the actual outcome, Greg was unsatisfied because that free speech rationale left him second-guessing what could happen next.

What is clear from these findings is that students need more support than what was offered to most of the participants in this study when they reported a bias incident. *Especially* if there is a determination made that what they are reporting is not going to be considered a violation of university policies. Students in this study went through emotionally and logistically difficult reporting processes, to be left with nothing to show for it. I hesitate to imply that if the result was a sanction of the other student, that would have left them with something more meaningful as an outcome. In fact, that may still not have provided them with a feeling of safety, accountability, or trust in the institution. Rather, the lack of support that the students experienced is an inherent limitation of a process that centers on whether or not the offending party has a *right* to say or do something, instead of a process that centers on what might be necessary to help heal and support a student who has been harmed and is hurting.

4. Considerations for Practice

So, what should administrators do when they receive reports from students like Evelyn, Greg, Rebecca, and Mia?

I believe that the answer to this question begins long before a student ever files a bias report form. Perhaps, also, the answer should not assume that bias response and reporting processes ought to follow the steps experienced by the participants in this study. There are many different ways that bias response can and should be approached, depending on unique institutional contexts. Yet, whatever the specifics of the process, administrators should critically examine whether and how the process supports and serves students who have been harmed as its first priority—regardless of whether the behavior that caused them harm falls under administrators' interpretations of speech protected by the First Amendment or institutional free speech policies.

In such cases, if we believe nothing can be done, we will do nothing. But the answer to a student who has been harmed and is struggling should not be "there is nothing we can do." Rather, it should be "we will do everything that we can." Thus, a more expansive view of what can be done—both in terms of accountability and healing—is necessary.

4.1 Accountability Beyond Punishment

Greg's reporting experience is instructive when we consider accountability outside of formal punishment. Even though the administrator who he met with was emphatic that the other student's behavior was protected free speech, they still had a conversation with that student about the impact and consequences of their behavior. Of course, that is an ideal outcome. As Greg himself reflected on, there was no guarantee that student would be willing to have the conversation or willing to change their behavior. However, that line of thought reflects a limitation of conceptualizing accountability as punitive—that students will only change their behaviors when sanctioned with a threatened loss of rights or privileges.

The punitive model of disciplining and managing student behavior in higher education is rooted in carceral logics (Dizon et al., 2022). That is, the practices by which institutions maintain "order" related to students' conduct are largely a matter of surveillance, control, and punishment, which often connects to the carceral systems of the state (policing and the criminal legal system). These carceral practices shape our collective understanding of accountability as synonymous with punishment. The offending students involved in the stories in this study did not experience punishment. However, that *absence* of punishment is still reflective of carceral logics.

Institutional Dismissal and Betrayal in the Name of Free Speech: Student Stories of Reporting Bias

Dizon et al. (2022) argued that higher education institutions enact carceral practices in anticipation of, and to mitigate *risk*, noting that conflicts over free speech are one such type of risk that institutions are trying to manage. Following from Dizon et al.'s theorizing, I believe that in many situations of bias incidents, the threat that the institution perceives is the potential *conflict over free speech*, rather than the threat of harm and marginalization that has been experienced by the reporting student. Therefore, institutional actors may make decisions about punishment, surveillance, control, or lack thereof toward the aim of mitigating the risk of conflict over free speech. The logics of carcerality offer no other forms of accountability than punishment. However, punishment in situations of biased speech and expression would invite free speech conflict. Therefore, the carceral practice of punishment is withheld from students who cause harm, but the carceral practice of repression is enacted through dismissal of marginalized students' claims of harm. Stewart (2017) named this very dynamic in a critique of the enforcement of discipline in U.S. higher education, stating that "students who are targeted by hostility and bias by their peers are asked to respect the feelings of their antagonists, while their own pain and anger are subjected to regulations of 'civility' and 'tolerance'" (p. 1044).This dynamic is predictable in situations where the only solutions for changing behavior are punitive—in systems predicated on carceral logics.

Make no mistake that marginalized students are hurt most by carceral practices—marginalized students are punished, surveilled, and controlled more than students holding dominant identities—in particular, white students. This, however, is not an argument for punishing dominant students more, or for incorporating more punitive and carceral practices into bias response. Rather, I argue for the opposite—distancing bias response as much as possible from disciplinary, punitive, and carceral systems.

I imagine higher education institutions in which the carceral student conduct and behavior management systems and processes are abolished. My desire for the abolition of carceral student conduct systems is aligned with the abolitionist vision presented by Mariame Kaba and Andrea Ritchie (2022). Kaba and Ritchie dedicate an entire chapter of their book to the necessity of abolishing the "soft police," referring to the ways that educational and social services professionals enact policing in support of the criminal-legal system. Student conduct systems fall squarely into the category of soft policing. Stewart (2017) made this connection between student affairs professionals and carceral practices abundantly clear, describing how student affairs professionals are "central to the enforcement of surveilling policies" (p. 1044). This fundamental arrangement of policing and surveillance within student affairs work renders bias response processes as always already intertwined with punitive practices that will most likely work to avoid free speech conflict, rather than to address identity-based harm and marginalization.

4.1.1 Restorative Justice

The participants in this study reported their experiences with identity-based bias because they wanted the harming behavior to stop and to be protected from further harm—because they wanted their safety and security within their educational environment to be restored. I recognize that one of the participants, Evelyn, experienced an attempt at restorative justice, which, by her account, was a failed effort. Therefore, I do not recommend a restorative justice approach lightly. Rather, I point to Evelyn's experience to illustrate that restorative justice is often implemented poorly. When "restorative justice" practices remain entwined with carceral practices and white supremacy, it becomes co-opted and ineffective (Anderson, 2020). Anderson (2020) argued that "when we expect restorative justice to solve problems that institutions neglect, the work gets watered down without institutional prioritization, and restorative justice's transformative potential gets lost in the process" (p. 154). Anderson (2020) described that restorative justice is ineffective when implemented as an "alternative" within existing individualized disciplinary structures without building the community foundation that is necessary for restorative justice to work. Straightforwardly, restorative justice is not reactive and requires transformative change across an entire institution to proactively build communities so that when harm is done, accountability can be achieved through the harm-doer's "desire to return to, and be welcomed by, their community" (Anderson, 2020, p. 163).

I believe that restorative justice is among the most promising paths forward for higher education institutions to completely reimagine accountability for identity-based harms, and to break away from the defeating cycle of inaction and repression that is enacted again and again when biased speech and expression are viewed through the lenses of individual speech rights and carceral logics. However, practitioners who are interested in restorative justice must deeply consider the frequency with which restorative justice, which is based in Indigenous wisdom and practice, is co-opted and watered down when haphazardly applied to individualistic and white supremacist systems. Careful interrogation of self and institution and commitment to transformative change that prioritizes not only resolutions to harm, but the ground-laying work of building community and relationships is essential to pursuing restorative justice within higher education.

4.2 Healing as Priority

In the absence of transformative efforts to shift to an institution-wide restorative justice approach, I believe that there are ways that administrators can still do better by harmed students. Primarily, I would advocate for an approach that centers the healing of marginalized students as the main priority of response processes, which requires operating from a trauma-informed perspective.

Institutional Dismissal and Betrayal in the Name of Free Speech: Student Stories of Reporting Bias

Rather than being offered space and resources for healing from the trauma of identity-based aggressions, participants in this study often became further traumatized by the institutional response. Issues related to Institutional Betrayal (Smith & Freyd, 2014) emerged early in my analysis of the participants' narratives. Institutional Betrayal relates to how trusted institutions respond to people's traumatic experiences, defined by Smith and Freyd (2014) as "trusted and powerful institutions (schools, churches, military, government) acting in ways that visit harm upon those dependent on them for safety and wellbeing" (p. 575). For several of the participants in this study, the use of free speech rationales within responses to their reports of bias incidents operationalized an institutional betrayal—a trauma experienced when institutions that we believe are supposed to care for and protect us further harm or abandon us in a time of need. This was reflected especially in Evelyn, Rebecca, and Mia's rejection of the institutional reporting process when they and their friends experienced future similar bias incidents.

Feelings of betrayal were rooted in the already-existing trauma that the participants experienced from the initial incidents, which they described as "horrified and traumatized" (Mia), "panic and anxiety" (Rebecca), and "lack of belonging and fear" (Greg). Participants found that they were often validated in their emotional reactions at first. The initial response that participants were met with when sharing their experience with trusted others in the institution (typically frontline staff), as well as the institutional messaging on websites related to reporting their incidents, was affirming, indicative of the seriousness of their experience, and that it would be taken seriously. However, the eventual outcomes undermined those initial responses with very little action or accountability. That is, when it came time to produce a decision about what would be done by the institution (usually nothing), care and concern for the reporting student was subordinated. Once the offending party was deemed "not a perpetrator" (not having violated an institutional policy), the reporting party was also deemed "not a victim." This reflects the carceral logics of punitive accountability and inaction detailed above. It is also a dynamic that can and should be addressed by reframing the purpose of reporting processes from determining whether offending parties will "get in trouble" to determining the appropriate support and resources to help harmed parties.

Such support and resources must be meaningful, individualized, and easily accessible. As was indicated by three of the participants in this study, bias reporting conversations often take the form of a single one-on-one meeting with an administrator. Certainly, it is important for the staff member(s) who are usually having those conversations to be prepared to center reporting students' feelings of hurt and need for healing. However, it is also necessary to look beyond an individual point of contact to facilitate wraparound support for students.

4.3 Trauma-Informed Approach

With roots in social work, trauma-informed practices have become increasingly prevalent within educational institutions, particularly in teaching and clinical practices in social work, healthcare, and educational fields (Henshaw, 2022). Six principles of a trauma-informed approach, published in 2014 guidance from the Substance Abuse and Mental Health Services Administration (SAMHSA), are often cited:

1. Safety
2. Trustworthiness and transparency
3. Peer support
4. Collaboration and Mutuality
5. Empowerment, Voice, and Choice
6. Cultural, Historical, and Gender Issues (p. 10).

I am admittedly wary of the liberatory capacity of a model endorsed by a federal organization such as SAMHSA, recognizing the carceral connections of social work and services related to substance abuse and mental health (Kaba & Ritchie, 2022). Nevertheless, I find that trauma is a central aspect of participants' stories in this study, and movement toward engaging with trauma meaningfully is necessary and important in responding to experiences of identity-based biased expression and speech. Trauma-informed approaches should be approached with a critical perspective on power and oppression, especially given that, as Henshaw (2022) described, the effectiveness of trauma-informed approaches related to the sixth principle of cultural, historical, and gender issues is under-researched (p. 1).

A trauma-informed approach is an organization-wide effort, requiring "change at multiple levels of an organization and systematic alignment with the six key principles" (Substance Abuse and Mental Health Services Administration, 2014). SAMHSA's report (2014) detailed areas of the organization that are more common to a health or social services agency than to a higher education institution. However, a similar analysis can be undertaken with regard to the organizational functions related to bias response within a higher education organization. This analysis might begin with critical organizational assessment that asks questions such as:

- How are the people, policies, and procedures involved in bias response set up to:
    - focus on experiences of bias as trauma,
    - to center safety for reporting parties,
    - to build trust with reporting parties,
    - and to empower reporting parties?

Furthermore, although a trauma-informed approach is meant to be systemic, individual educators and administrators can start small with this work, on their own or with colleagues. Individual educators should reflect on questions such as:

- Do I validate and recognize that students who are reporting bias incidents have experienced trauma, both within this incident and in previous situations?
- Am I prepared to offer resources to support students' emotional and physical safety (Henshaw, 2022, p. 8)?
- Recognizing that safety is *defined by the student*, am I prepared to take actionable steps to improve the conditions of safety for students through shared decision-making and giving students choices (Substance Abuse and Mental Health Services Administration, 2014)?
- Am I prepared to connect students to meaningful programs, services, and resources that will provide supportive and healing spaces that are culturally responsive and reflect their marginalized identities?

Maintaining any type of process or system that encourages students to report harmful identity-based bias incidents requires recognition that students' experiences with identity-based bias are often deeply impactful, traumatic incidents. Administrators' first priority should be to serve and support affected students, just as they would in the case of any other traumatic life event. If bias response practices are not currently set up to do this type of work, institutions must recognize that they are not set up to help marginalized students and immediate changes should be pursued.

5. References

Abes, E. S., Jones, S. R., & Stewart, D.-L. (Eds.). (2019). *Rethinking College Student Development theory Using Critical Frameworks*. Stylus.

Anderson, D. (2020). Co-opting Restorative Justice in Higher Education. In E. C. (Waŋbli W. H. Valandra (Ed.), *Colorizing Restorative Justice* (pp. 154–169). Living Justice Press.

Causadias, J. M., & Umaña-Taylor, A. J. (2018). Reframing marginalization and youth development: Introduction to the special issue. *American Psychologist*, *73*(6), 707–712. https://doi.org/10.1037/amp0000336

Clandinin, D. J. (2023). *Engaging in Narrative Inquiry* (2nd ed.). Routledge.

Delgado, Richard., & Stefancic, Jean. (2004). *Understanding words that wound*. Westview Press.

Dizon, J. P. M., Enoch-Stevens, T., & Huerta, A. H. (2022). Carcerality and Education: Toward a Relational Theory of Risk in Educational Institutions. *American Behavioral Scientist*, *66*(10), 1319–1341. https://doi.org/10.1177/00027642211054828

Esposito, J., & Evans-Winters, V. (2021). *Introduction to Intersectional Qualitative Research* (1st ed.). Sage.

Garcia, G. A., & Johnston-Guerrero, M. P. (2016). Challenging the utility of a racial microaggressions framework through a systematic review of racially biased incidents on campus. *Journal of Critical Scholarship on Higher Education Student Affairs*, *2*(1), 48–66.

Harper, S. R., & Hurtado, S. (2007). Nine themes in campus racial climates and implications for institutional transformation. *New Directions for Student Services*, *2007*(120), 7–24. https://doi.org/10.1002/ss.254

Henshaw, L. A. (2022). Building Trauma-Informed Approaches in Higher Education. *Behavioral Sciences*, *12*(10). https://doi.org/10.3390/bs12100368

Hughes, G. (2013). Racial justice, hegemony, and bias incidents in U.S. higher education. *Multicultural Perspectives*, *15*(3), 126–132. https://doi.org/10.1080/15210960.2013.809301

Hurtado, S., & Alvarado, A. R. (2015). *Discrimination and Bias, Underrepresentation, and Sense of Belonging on Campus*.

Kaba, M., & Ritchie, A. (2022). *No More Police: A Case for Abolition*. New Press.

Matsuda, M. J., Lawrence, C. I., Delgado, R., & Crenshaw, K. W. (1993). *Words that wound: Critical race theory, assaultive speech, and the First Amendment*. Routledge.

McKim, C. (2023). Meaningful Member-Checking: A Structured Approach to Member-Checking. *American Journal of Qualitative Research*, *2023*(2), 41–52. https://www.ajqr.org/article/meaningful-member-checking-a-structured-approach-to-member-checking-12973

Mertova, P., & Webster, L. (2019). *Using Narrative Inquiry as a Research Method* (2nd ed.). Routledge. https://doi.org/10.4324/9780429424533

Miller, R. A. (2022). *Bias response teams and emerging alternatives: Navigating free speech, equity, and inclusion in higher education*.

Miller, R. A., Guida, T., Smith, S., Ferguson, S. K., & Medina, E. (2017). Free speech tensions: Responding to bias on college and university campuses. *Journal of Student Affairs Research and Practice*, *55*(1), 27–39. https://doi.org/10.1080/19496591.2017.1363051

Moore, W. L., & Bell, J. M. (2017). The right to be racist in college: Racist speech, white institutional space, and the first amendment. *Law and Policy*, *39*(2), 99–120. https://doi.org/10.1111/lapo.12076

Patton, L. D., Renn, K. A., Guido, F. M., & Quaye, S. J. (Eds.). (2016). *Student Development in College: Theory, Research, and Practice* (3rd ed.). Jossey-Bass .

Robinson, A. N. (2022). *Responding to Racist Harms: An Institutional Ethnographic Study of Antiracist Work in Student Affairs*.

Robinson, A. N. (2023). Color-evasive free speech ideology: a conceptual analysis of free speech as racial oppression in U.S. higher education. *Critical Studies in Education*, *64*(1), 51–66. https://doi.org/10.1080/17508487.2021.1955718

Saldaña, J. (2016). *The Coding Manual for Qualitative Researchers* (3rd ed.). Sage.

Smith, C. P., & Freyd, J. J. (2014). Institutional betrayal. *American Psychologist*, *69*(6), 575–584. https://doi.org/10.1037/a0037564

Stewart, D. L. (2017). Producing 'docile bodies': disciplining citizen-subjects. *International Journal of Qualitative Studies in Education*, *30*(10), 1042–1046. https://doi.org/10.1080/09518398.2017.1312598

Stotzer, R. L., & Hossellman, E. (2012). Hate crimes on campus: racial/ethnic diversity and campus safety. *Journal of Interpersonal Violence*, *27*(4), 644–661. https://doi.org/10.1177/0886260511423249

Substance Abuse and Mental Health Services Administration. (2014). *SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach*.