Mind The Gap:
Administrators' Role in Reducing Tensions Between Campus Law Enforcement and Student Activists

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Acknowledgements

The authors would like to thank the colleagues who provided support and consultation throughout the development of this project and without whom this work would not have been possible:

- Josh Bronson, Director of Education & Leadership Development, International Association of Campus Law Enforcement Administrators (IACLEA)
- Melissa Barthelemy, UC National Center for Free Speech and Civic Engagement Fellow, 2019-2020
- Michelle Deutchman, Executive Director, UC National Center for Free Speech and Civic Engagement
- Brenda Pitcher, Executive Assistant, UC National Center for Free Speech and Civic Engagement
- Nicholas Havey, UC National Center for Free Speech and Civic Engagement, 2020-2021 Fellow
- Diana Ali, Associate Director of Policy Research and Advocacy, NASPA

Introduction

Campus activism has been a relevant topic of discussion on college campuses for decades. Many major social movements have their genesis on college campuses due to the work of college student activists[1]. In recent years, however, there has been a media and legislative[2] spotlight on campus activism as students have continued to press for issues ranging from protections for DREAMers, to racial justice, to protection from hate speech from university-hosted speakers. In response to students' civic engagement and protests in recent years, institutions have developed comprehensive free speech policies. These free speech policies

[1] Broadhurst, C. J. (2014). Campus activism in the 21st century: A historical framing. New Directions for Higher Education, 2014(167), 3-15.

[2] The First Amendment on campus has also been a significant topic of discussion within state legislative bodies in recent years. With more than 10 states passing laws during the 2019-2020 legislative session, and 28 free speech bills proposed so far in 2021, the emphasis on this topic shows no signs of abating. The emphasis on protecting students' free speech rights reached a zenith in 2019 when then President Trump issued an executive order titled, "Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities." The order charged federal agencies providing grants to institutions of higher education to ensure that those institutions were in compliance with promoting free inquiry on campus. A detailed analysis of the executive order can be found in PEN America's report, "Chasm in the Classroom: Campus Free Speech in a Divided America."

are designed to protect speech and students' safety while exercising their rights to free speech, including the right to demonstrate.

Conversations about student activism and campus free speech policies present both challenges and opportunities for administrators looking to encourage students to voice their concerns on complex and highly charged issues. One question regularly raised by campus administrators is whether student protesters are aware of their institutions' policies. Many administrators believe that students are aware of their institution's free speech policies and choose to knowingly violate those policies in an effort to be heard. Other administrators argue that some student protesters may be unaware of their campus free speech policies or when they are violating them.

Campus law enforcement is often at the center of free speech conversations. The conversation ranges from questioning the need for law enforcement to be present during a campus protest to tasking law enforcement with managing the whole protest. The role of campus law enforcement has been multifarious and varies at every institution. Campus law enforcement officers have been tasked with managing protests, providing safety for protests, developing campus free speech policies, educating students on the campus free speech policy, meeting with students about planned protests, addressing student concerns for controversial speakers coming to campus, and enforcement of free speech policies at the discretion of administrators.

When communication among student activists, campus administrators and law enforcement is not fostered, tensions can often arise during times of protest. This push and pull between student activists and police often escalate, with harm caused to both communities, and the result is often a diminished trust of law enforcement. This distrust often develops after student protesters clash with campus law enforcement during demonstrations. Students very much view their actions during these protests as their expression of their legal right to protest and be civically engaged. In these same incidents, officers see their responses as keeping students safe while enforcing law and policy. Another example of this distrust was on display at Syracuse University in February 2020, when student protesters demanded the resignation of the campus police chief as part of their protests.[3]

The Data Set

This toolkit is informed by a series of focus groups and interviews conducted via Zoom with students and campus law enforcement officers from around the United States. The topic of free speech is nuanced, and the authors wanted to add to the plethora of existing nationwide surveys measuring student perceptions about free speech. This toolkit is centered specifically on student and law enforcement awareness and understanding of free speech policies on campus and the way that those policies are accessed and implemented.

The interviews included students and law enforcement officers from six different campuses and participants represented a range of ethnic and racial backgrounds. The average age of the student participants was 21 years old. Students represented first year, sophomore, junior and senior status with an average number of years at their institutions across all participants at 2.8 years. Student participants were 28.5% white, 28.5% Hispanic, 33% Asian, 5% American Indian and 5% Black. There were more female than male participants in the focus groups, 72% to 28%, respectively. Finally, due to the pandemic, students

[3] Seltzer, R. (2020, February 25). Syracuse Hires Loretta Lynch to Review Campus Police. Inside Higher Ed. Retrieved from: https://www.insidehighered.com/quicktakes/2020/02/25/syracuse-hires-loretta-lynch-review-campus-police

were learning in different formats, with 5% of students on campus, 45% learning in a hybrid format, and a full 50% completely online during the time at which the focus groups were conducted.

The average age of participating law enforcement officers was 39 years old. Participants were 30% female and 70% male, almost directly opposite the student participants. Campus law enforcement officers had an average of 6.4 years on the job, and were 60% white, 10% Black, and 30% Hispanic. The institutions with which study participants were affiliated included four-year public institutions and four-year private institutions ranging in size of student population from 12,000 to 50,000. No two-year institutions were included in the study. The institutions were located across the country, with one institution in the south, two in the midwest and two on the west coast. The institutions were located in rural, urban, and suburban geographic settings.

Themes

Themes

There were a number of themes that emerged from the focus groups and interviews with campus law enforcement and students on the topic of free speech and their institutions' free speech policies. There were many overlapping concerns that resonated with both students and campus law enforcement. Themes that were prominent consisted of familiarity of campus free speech policy, education or training of the campus free speech policy, needed improvements on the part of the student, law enforcement and administrator, and the role of campus law enforcement. All of the themes identified will be expounded upon in this study.

Student Themes

Student focus groups revealed many important themes. Student participants were asked to express their level of familiarity with protests on campus. They were also asked about their level of familiarity with their institution's free speech policy and if they received any education on the campus free speech policy. If the students received education, they were asked when the education was provided, how often it was provided, who provided it, how it was provided to them and their thoughts on the quality of the education provided. The students were also asked about what students, law enforcement, and administration could do better to manage protests. The students were also asked what campus administrators could do better to train law enforcement and educate students about the free speech policy. Interestingly, even though it was a question the authors intended to ask, the students, without being asked, sometimes talked about the role of campus law enforcement in managing campus protests.

Law Enforcement Themes

Campus law enforcement officer interviews revealed many substantial themes. Campus law enforcement participants expressed their level of familiarity with working protests on campus and their level of familiarity with their institutions' campus free speech policies. Campus law enforcement talked about the type and quality of training they received for managing protests and the free speech policy. Officers also shared what they believe that law enforcement can do better when working protests as well as what students and administrators can do better. Campus law enforcement officers talked about what campus administrators could do to better train law enforcement officers and educate students about campus free speech policies and the way campus free speech policies are implemented. The final theme that came up in many of the interviews was the role of law enforcement in managing campus protests.

Overlapping Themes/Concerns

There was significant consensus around the extent to which education for students and training for law enforcement officers is needed on the free speech policy and the consequences for violating the policy. Both groups also agreed that students should be made more aware of the short- and long-term consequences of violating the campus policy versus violating a state or municipal law. Both groups also agreed that students are mostly unaware of the use of force policy that guides campus law enforcement departments and the situations in which force may be used. Finally, students and law enforcement officers both agreed that campus administrators could be better about communicating transparently with both groups about when and how campus law enforcement will be deployed during campus protests and what the goals of that deployment are.

Policy Analysis

The results of the focus groups and interviews also led the authors to conduct a content analysis of 300 campus websites to determine how available campus free speech policies are for officers or students who seek out the information given the high stakes involved for both groups engaged in campus protests. The results of the content analysis are included below, along with some highlighted institutions that have well developed free speech websites.

How to Use the Toolkit

The following toolkit outlines the findings from the study of law enforcement officers on campus and students. The perceptions of law enforcement officers and students are grouped by the themes uncovered during the study and subsequent coding by the authors. Each theme presents the perceptions of campus law enforcement officers and the perceptions of students. Each section includes recommendations specific to campus administrators that can help reduce tensions between campus law enforcement officers and students when students are engaged in free speech activities.

Setting the Stage

How Do These Tensions Play Out on Campus?

Although campus administrators are charged with writing and implementing free speech policies, campus free speech conversations often do not address how administrators proactively educate both students and campus law enforcement about the free speech policies. Many students are unaware of what constitutes a violation of the free speech policies and the types of force that will be employed against student protesters when those policies have been violated. Other studies have also identified this gap, imploring campus administrators to "rise to the challenge of cultivating students' understanding of free speech in a way that instills a deep appreciation of the importance of this civil liberty to an open and democratic society."[4]

Many of the strategies used to navigate tensions between free speech and inclusion on campus are reactive in nature. The gap demonstrated by existing studies indicates that neither students nor campus law enforcement are equipped to understand how the campus free speech policies are administered. The results of this project similarly found that students are not educated on free speech policies and what constitutes a violation of those policies. Campus law enforcement officers are also not trained on the campus free speech policies and when they should be deployed for violations of that policy versus violations of state and municipal laws. Addressing the gap between the two groups, and the role administrators must play in reducing that gap, is the primary focus of this toolkit.

[4] PEN America. (2019, April 19). Chasm in the Classroom: Campus Free Speech in a Divided America. https://pen.org/wp-content/uploads/2019/04/2019-PEN-Chasm-in-the-Classroom-04.25.pdf

Even though this study highlights many gaps between the perceptions of law enforcement officers on campus and students, it is important to note that there were also significant areas of agreement. A casual observer might, given media narratives of college student protesters, be surprised to find the great extent to which student and law enforcement perceptions about protest and free speech policies overlap.

The First Amendment and Free Speech – Varying Views

Perceptions of Students

College students' views on free speech have been well documented in recent studies. Research conducted by Gallup and the James L. Knight Foundation found that "close to 7 in 10 college students (68%) regard citizens' free speech rights as being "extremely important" to democracy." The study also found that nearly the same percentage (69%) believe an inclusive society that is welcoming to diverse groups is "extremely important. In addition, 81% of students widely support a campus environment where students are exposed to all types of speech, even if they may find it offensive. A solid three-quarters of college students believe colleges should not be able to restrict expression of political views that are upsetting or offensive to certain groups, while at the same time 78% of college students favor colleges providing safe spaces, or areas of campus that are designed to be free from threatening actions, ideas or conversations.

Gallup and the James L. Knight Foundation (2020) provided a fascinating overview of student views on free speech. The results also indicated that growing majorities of college students believe colleges should be able to restrict the use of racial slurs (78%, up from 69% in 2016) and costumes that stereotype certain racial or ethnic groups (71%, up from 63% in 2016). Most college students believe efforts at diversity and inclusion "frequently" (27%) or "occasionally" (49%) come into conflict with free speech rights.

Perceptions of Administrators

Yet with all of the studies assessing student perceptions about campus free speech, there is little data on the perceptions of campus administrators about the topic. In 2018, the American Council on Education (ACE) surveyed 500 college and university presidents about the tensions between free speech and inclusion on campus[5]. The survey was designed to complement the 2018 Gallup and Knight Foundation survey of student perceptions on free speech. The ACE survey found that Vice Presidents of Student Affairs and Deans of Students play a pivotal role on campus in implementing campus free speech policies (89%) and responding to active conflict (88%). Campus law enforcement came in a close second in terms of who presidents rely on for addressing active conflict at 79%. However, chiefs of campus police were only identified by 45% of presidents as having involvement in setting policy. College and university presidents identified that within the 2015-2016 academic year, their institution had experienced student protests related to issues of diversity and inclusion (37%), while only 10% had experienced protests related to free speech and only 9% had experienced protests against controversial speakers.

Perceptions of Law Enforcement

There is even less available data about the campus law enforcements' perception on free speech issues. The lack of data is concerning given campus law enforcement's prominent role in serving as both protectors of the right to free speech and also the group that is called in to address violations of free speech on college

[5] Espinosa, L. L., Crandall, J. R. Crandall, & Wilkinson, P. (2018, April 9). Free Speech and Campus Inclusion: A Survey of College Presidents. American Council on Education.
https://www.higheredtoday.org/2018/04/09/free-speech-campus-inclusion-survey-college-presidents/

campuses. This study was designed to address the gap to include campus law enforcements' perception on campus free speech policy by engaging law enforcement about their role in and knowledge of free speech on campus. The goal of the study is specifically to assess campus law enforcement perceptions of the policy itself as well as its limitations and will provide valuable recommendations to campus administrators who write and adjudicate these policies.

Need for Training and Education

Discussions and tensions around free speech and students' rights are common at institutions of higher education. Some of these tensions could be assuaged by conducting training and education with all stakeholders on campus. This toolkit distinguishes between training and education. Training on policy is typically provided for employees to improve their skills and knowledge of the job, build their confidence in their abilities, improve work performance, and increase efficiency, efficacy, and safety. Education is provided for students on policies and protocols on campus so that they understand their rights and responsibilities as students and the consequences for violating those policies.

As part of the ACE survey, campus presidents identified a range of strategies that they use to navigate the tension between free speech and inclusion on campus. Those strategies included:

- issuing clear, public statements that reinforce stated institutional values
- open community forums that provide a space for dialogue on issues of speech and inclusion
- monitoring social media for potential causes for concern
- professional development for faculty (e.g., on facilitating constructive classroom dialogue)
- meeting with student groups about what they need to feel safe on campus
- professional development for staff (e.g., on mediating conflict)
- reviewing/establishing institutional policies related to time, place, and manner restrictions

These findings are important for this study as presidents indicated that they often rely on vice presidents of student affairs to address these tensions on campus when they arise. The strategies that presidents use regularly impact the options that campus administrators utilize when addressing campus free speech tensions or navigating student protests on campus.

Reactive versus Proactive Approaches

Implementation of strategies to ease tension often take place after an incident of unrest occurs. Professional development and training for faculty and staff are included in these reactive strategies, but there is no indication that the professional development involves training on the campus free speech policy or specifically when law enforcement should or should not be engaged when policy violations occur.

Campus presidents are not all equipped with the essential tools to handle free speech issues. Interestingly, only 51% of campus presidents indicated that they had the tools they needed to address conflict on campus between inclusion and free speech. If presidents feel ill-equipped, it is likely that vice presidents of student affairs, as the ones charged by presidents with handling these tensions feel similarly ill-equipped. Since the percentage is low for campus presidents who are leading these institutions, the question remains, "How are students equipped with the tools they need to navigate free speech on campus?" Similarly, "Are campus law enforcement equipped with the tools they need to distinguish between campus free speech policy violations and violations of the law by campus protesters?"

Navigating Policy Violations versus Criminal Offenses

Campus law enforcement are called to respond to policy violations as well as criminal offenses (violating the law). When campus law enforcement officers, for example, are asked to respond to violations of free speech policies, but not violations of the law, students perceive the presence and use of law enforcement for the purpose of stifling their free speech rights. When campus law enforcement officers are clear about what constitutes a policy violation versus a violation of the law, they can help campus administrators know when best to utilize law enforcement officers. When students understand what will happen when campus policies are violated versus when laws are violated, they can better understand the consequences of violating those policies. If campus presidents as leaders of institutions do not feel like they have tools they need to navigate these complicated issues, it is not surprising that students and campus law enforcement officers at the center of these tensions are also ill equipped to handle these issues.

Who is responsible for closing these gaps? Is it the duty of campus law enforcement officers to educate campus administrators about the difference between violations of law and violations of policy and law enforcement's role in addressing them? Is it the responsibility of students to educate themselves about where to find their campus policy, familiarize themselves with it and understand the consequences of violating the policy on their student status and potentially their future careers? Is it students' responsibility to understand the role of campus law enforcement officers at student protests and whether they are present to protect students or prevent them from disrupting the campus?

The research described in this toolkit asserts that campus administrators must take a more active role in closing this gap in knowledge on free speech issues that are at the root of the tensions between students and campus law enforcement. When developing policy, administration should take into consideration the issues and concerns of the students and campus law enforcement. Providing education for students and training for campus law enforcement about free speech policies is the responsibility of campus administrators. Education for students should include consequences for violating the policies and the role of law enforcement in campus protests. Training for campus law enforcement should include the types of actions that constitute a violation and the types of actions campus law enforcement can take when students are violating the law.

This toolkit outlines the recommended actions that campus administrators can, and should, take to help reduce the tensions between students exercising their free speech rights and the law enforcement officers there to protect it. This toolkit highlights students' and campus law enforcements' perceptions on campus free speech policies. The authors have identified themes from the focus groups and interviews with students and campus law enforcement officers. Based on the themes, the authors have provided recommendations for administrators on educating students on the campus free speech policy, training officers on the campus free speech policy, and important points to include when developing the campus free speech policy.

Protests

Students

Students had a range of experience with protests, from actively participating in campus protests to participation in local or city-wide protests such as those that took place across the country in May of 2020. Some students expressed concerns about attending and participating in protests because it may be unsafe to do so. Some students discussed the hesitancy of campus administration to utilize campus law enforcement during a protest due to heightened tensions between students and campus law enforcement. These students recognized the complex context in which this leaves student activists who might be hesitant to attend protests if they worry things will escalate and police will not be on hand to manage crowd control.

Other students, specifically international students, expressed hesitation about participating in protests because of the potential consequences of participating if police were to become involved. Specifically they mentioned how engagement with police could impact their visa status. Some students were also clear to make distinctions between protests in which specific demands are being made, and marches or demonstrations which can sometimes express solidarity with a group of people or a cause that is separate from a specific demand.

Are Protests Effective?
Students also seemed to agree that student protests could be judged as effective if the goal is to bring awareness to an issue rather than to effect measurable change. Other students indicated that student protests are often effective in getting the attention of administration and forcing them to at least acknowledge a particular problem. One student seemed to express that protesting was the only way to get the attention of administrators. One student put it this way: "They (administration) don't really want to listen, if we're honest. Protests, they don't always like it and it's the only form that we have to go to sometimes to actually be heard. So I think that's also why students continue to do it." A student from another institution agreed saying that campus protest is one the most effective ways of getting the attention of people in power on campus.

Limits of Free Speech?
Finally, students stated they were very clear about their right to freedom of expression and especially the right to protest but seemed to struggle in articulating what the limits of their freedom of expression are when participating in protest on campus. Some students felt as though the only way their rights could be limited is if student protests become violent or are putting others in harm's way. Another student indicated that student protests could be limited if the protest was in some way infringing upon the rights of other students. In general, students also indicated some consensus around the idea that campus law enforcement should get involved when protests impede students having to access classes – but only in certain circumstances. The circumstances include times when protesters are espousing views that they do not agree with and prevented them from attending or accessing classes – that is when they would expect law enforcement to step in. However, they also did not want that same involvement by law enforcement if they were participating in a protest that might also be impeding other students' access to classes.

Do Students Know Their Rights?
In addition, in a focus group consisting entirely of first-year students, the participants indicated that they were not at all familiar with their institution's free speech policy. Institutions may need to make large strides towards educating students on free speech policies. The inability of students to articulate the limits of freedom of speech on campus or what constitutes a violation of the campus free speech policy should be cause for concern for administrators.

Campus Law Enforcement

Are Protests Effective?
Campus law enforcement officers had a range of perspectives on the effectiveness of campus protests in effecting change. Some officers were agnostic, putting it this way:

> "It's not my responsibility to gauge the content or the success of the activity, as long as it's safe. That's really what we're talking about - when law enforcement becomes involved in demonstration activity. It should be focused on the safety, not the message."

Another officer summed up law enforcement support for protests this way:

> "In law enforcement, some of the people that I've encountered have been some of the biggest advocates for free speech."

Police expressed similar perspectives on campus protest to those identified by students. One officer said that the university generally encourages and supports diversity in thought as well as debate and discussions about differing points of view. The same officer said that sometimes administration can become uncomfortable with student protests. He said,

> "We regularly have to remind administrators that just because they don't like something doesn't mean that it's appropriate for law enforcement to intervene."

Limits of Free Speech?
He noted that unless the discussion happening by way of protests rises to the level of criminal acts, that it is protected by the institution. Another officer concurred saying that she views her role during campus protests centers on keeping students safe. She does not believe it is her job to get involved in campus protests unless there are safety concerns for those protesting. Some officers even expressed personal support for the rights of students to protest beyond what the policy allows.

> "We want them to protest, that's part of growing up. We did when we were in college, and we want them to do the same thing. And so we want them to be able to experience that." This is a comment that might surprise some students who feel as though law enforcement officers do not support their right to protest.

Do Students Know Their Rights?
Law enforcement officers were clear, though, about the limits of students' right to protest. One officer indicated frustration that students do not always understand when these lines are drawn. He said that while they may agree that students have a right to say what they want, that right does not extend to the point at which students are disrupting others.

> "When people pay to go to school, you can't just barge into a classroom, and start disrupting them and preventing them from getting their education. You can still say the same thing, you can just do it out in a public area. That's not disrupting the university's operations."

Another officer talked about how he wants his own children to exercise their right to protest if they have grievances because it is what the law allows. He noted that the Constitution says that people should go get their redress however they see fit. He summarized it this way:

> "So knock yourself out, you want to run around with the sign and paint your face green, go ahead. Just don't stomp on anybody else's rights while you're doing it."

As these interviews highlight – campus law enforcement officers see their role in campus protests as both protecting the rights of student protesters while also ensuring that protests do not disrupt the right of others to access their education. One officer summarized this conflict in protecting various students' rights this way:

> "And so we have a responsibility to ensure that physical structure, academic operations, aren't disturbed for those people who don't want to participate in the protest or demonstration. And kids are still going to class. And we want to make sure that they have the opportunity to go to class without fear, without interruption. If they're there for a biology course, and someone is protesting some civil issue out front, there's that tension, that balance between the two. This young man or young lady wants just to go to class and do their project, yet, there's 500 people out front who don't want to let them into their classroom to go to school. So who is right in those environments and who outweighs each other? They should be equal."

Both law enforcement officers and students both recognize the rights of students to protest, which is protected by the First Amendment and the institution's policies. Both groups also agreed that the role of law enforcement in campus protests is not to enforce institutional policies but to ensure the safety of those who want to demonstrate their first amendment rights.

Recommendations:
There is substantial agreement between LE and students that; 1) students do not know how to differentiate between violations of law and policy; and 2) students lack clarity regarding what role LE plays at protests and other expressive events.

In order to fill this gap in knowledge, campus administrators should:

- Educate students about the campus free speech policy. This education should contain examples about the limits of policy, what constitutes a violation of the policy, and what behavior constitutes

a violation of the law. In addition, the education should include examples of circumstances in which law enforcement must act during a protest. This would address concerns among both students and law enforcement about in what circumstances officers can and cannot use force.

- Students indicated that the lack of awareness of their campus free speech policy might have been due to the online environment in which their first year took place. If this is the case, institutions should be preparing for the students who are eager to return to campus in the fall after the Covid-19 pandemic, after a year of online learning, and eager to participate in a variety of campus protests.
- Administrators should be clear in messaging to students about the reasons behind law enforcement presence at campus protests. That messaging can include:
    - specifics about how law enforcement might be there to address potential or
    - that law enforcement's presence is not meant to stifle or antagonize student protesters. Administrators can go a long way in reducing tensions by reminding students that the purpose of law enforcement's presence is to provide safety for the protest and to ensure students' free speech rights.

Administration should keep in mind that law enforcement may not be the appropriate entity to intervene at a protest. Students participants mentioned that many times student protests take place because they want administrators to hear them.

- Administration can reduce tensions between the institution and students by hosting regular administrator office hours to hear student concerns.
- Administrators can also refuse to utilize law enforcement as a way of silencing student voices or removing protesters who they believe are a nuisance.

Campus Free Speech Policy

Students:

Familiarity With University Policies?
When students were asked their general impressions about their institution's free speech policy, they mostly indicated a lack of familiarity with it including where to access it.One student indicated that she wished that it was easier to find, or that the institution would send it out to students at least once a year. Another student at a different campus echoed this sentiment, saying that she did not recall ever receiving, or being told about the policy either in a workshop or at orientation. She believed that students just assume that if they need it, they will look it up.

Other students indicated that they assume that student protest organizers would familiarize themselves with the free speech policy if they were planning a protest.

> "I assume that they disseminate that information to like a listserv of people who are participating. But I can't say anything for sure."

This is another cause for concern for administrators who relying on student activists to disseminate this information accurately to peers within their social circles. Students may be being given misinformation by their peers prior to participating in campus protests which could contribute to students violating policy boundaries without knowing that they are doing it. One second year student put it this way:

> "A lot of the times I think the people who join the protest don't actively take a role in researching everything they need to know about the do's and don'ts of a protest."

Those who had some familiarity expressed varying degrees of support for the policy. One third-year student put it this way:

> "So I think that it's like more about how to how you're going to get in trouble than it is about like how to be safe."

A sophomore student at another institution expressed appreciation for her campus' policy.

> "I really like [my institution], I think they allow students to share their perspectives and their opinions. I like that they're able to make a distinction between when you're sharing your beliefs and protesting for something, and then where it crosses a line of becoming like, you're not utilizing your right to protest, but you're actually attacking another group. So I like that if the student wants to protest for something and share their beliefs, the school welcomes it. But when they cross that line, the school is able to make the distinction. And something that I've really liked is the school is really good at like announcing that to the rest of the public. So if anything happens in school, they will get emails saying like this is what happened."

This student valued the transparency with which the institution applies its free speech policy.

Law Enforcement

Similar to students, law enforcement officers on campus had limited knowledge of the campus free speech policy, in spite of often being the ones asked to help enforce violations of it.

Use of Force in Free Speech Policies
When asked if the policy mentions the use of force options in case of violations, most officers indicated that their policies did not include it. One officer indicated that while the campus free speech policy did not mention any use of force, it did hyperlink to the department's crowd control and demonstration management policy. But the officer noted that it would then be up to the student to look those policies up in order to understand how officers would respond to policy violations. Another officer mentioned that her department's chief decided to put their use of force policies online for anyone to access.

> "That way they can, they can review them, because they did have questions about it. We told the students it's like, you know, you may read it, but you might not understand it. But we told them if you don't understand it, please let us know."

Another officer felt strongly that the use of force policy should not be included in the campus free speech policy. He articulated it this way:

> "That way they can, they can review them, because they did have questions about it. We told the students it's like, you know, you may read it, but you might not understand it. But we told them if you don't understand it, please let us know."

In this officer's opinion, the two are separate and should not be combined.

What Are the Consequences?
Another of the criticisms of the campus free speech policies by law enforcement is the lack of consequences listed for policy violations. One officer indicated that his institution's policy did not mention anything in terms of what would happen to students protests became unruly.

> "It does mention that, the way that put it is that it refers to a code section of [state], which does say that law enforcement would use reasonable force to maintain safety."

Students would then again in this instance, need to go and seek out the state's criminal code in order to determine what constitutes criminal behavior and what force law enforcement is authorized to use in those instances.

Educating During A Protest
One officer mentioned that his department developed a pamphlet to educate students about their rights during protests as being more effective than the campus free speech policy itself. He indicated that it is

disseminated at protests to and is designed to be very clear about what the expectations are, and described what is considered an unlawful disruption or unlawful protest.

> "We will hand those out pretty much to the point of exhaustion to make sure that as best we can we're educating people about what the expectations are, where we will leave them alone to do what they want to do and get their point across. But if they cross certain lines, we are going to have to take action. And personally, I feel like if we've done that, and we've spelled that out for them, then I'm comfortable with whatever the next actions typically are."

In reference to the educational pamphlet, another officer with the same institution summarized it this way:

> "it very clearly documents what the university's role is, what their philosophy is, how the various components of the university including the police department are involved in those…what are the guidelines that have to be followed both by state law and State Administrative Code, and then also what the ramifications are for violations."

In this example, some institutions are working closely with law enforcement to translate how applicable state codes and statutes affect student behavior on campus. An officer on another campus spoke about how he wished that his department would do more proactive engagement with students about the limitations of protesting.

> "I wish we actually did more community engagement, to preemptively prevent protests or demonstrations that go outside the bounds. We want them to do it. I love to see it. I mean, it's good for them. What I don't like to see is when they're smashing windows or destroying property or preventing others from exercising their own rights."

Some campus law enforcement departments seem to do a good job of working proactively with students about their rights, and the limitations of those rights, around protesting. Other departments identified this as an area of need with regard to their campus free speech policy. They wished for more overlap between the state criminal code, the department's use of force policy and the campus free speech policy. This was not a perspective that was universally shared by all law enforcement officers on campus, however.

Recommendations:
The majority of students were not familiar with the campus free speech policy. Students were unclear about where to find it, the specifics of what it says, or what might constitute a violation of the policy.

- Administrators can include clear language in the policy that states what behaviors violate.
- Administrators can make the policy more easy to find, and have the policy available online in multiple locations (campus law enforcement site, searchable on school homepage, institution's social media pages, etc.)
- Administrators can send out the policy proactively to students annually.

If the institution is not transparent about what is expected of students, information that gets disseminated by student activists might be misinformation.

- Administrators can have officers help disseminate the policy during protests and help educate students on the policy and law.
- Administrators can explain to students, through educational programs, what constitutes a violation of the law and policy as well as what happens when students violate policy versus what happens when they violate city or state law. Administrators should provide examples of the difference between violations of policy and the law.
- Administrators should also include clear policy language about the use of force allowable when students violate the campus free speech versus when they violate city or state law.
- Administrators can include language in the policy that encourages student participation in civic engagement and how to successfully protest.

Law Enforcement's Role in Enforcing University Free Speech Policies

Students

Students expressed confusion about the actions that law enforcement are allowed to take in order to enforce the campus free speech policy. Some students expressed that they believe that it is up to individual law enforcement officers whether or not they intervene and use force in order to manage crowds as part of protests.

> "The police decide how violent the protest is, and then they determine how much force should be used, which I don't think is proper, but to my knowledge, that's what it is" said a second-year student.

Another student tried to articulate how she viewed situations in which law enforcement becomes engaged with student protesters.

> "I think when it goes from good to bad is when, in a lot of cases, the number of protesters outweighs the number of law enforcement. So law enforcement may or may not get threatened, or protesters may or may not misinterpret what's what law enforcement is trying to do. And that's when things kind of go downhill."

Students also seemed unable to decipher who was ultimately responsible for directing law enforcement to be present at protests or engage with student protesters. One student clearly struggled with her perception of law enforcement's role in campus protests.

> "I feel like protecting others is what they should do. Like if they see someone attacking someone else, you know, protect that other person? This is weird because with everything going on, it's kind of hard, but I just feel like their duty is just to protect others not harm."

Students did not seem to distinguish between who would be causing harm and who would be harmed in the scenarios they imagined.

Law Enforcement

Law enforcement also struggled with the decision by administration to use law enforcement officers to enforce violations of a campus policy. One officer said that it can be especially harmful for officers to be involved in peaceful campus protests when they are needed.

> "I think that, especially with this climate, the more the police are seeing getting involved when we don't need to get involved - we certainly don't need to be the bigger bully in the room. We have a

> specific job to do and I don't like to drive out of my professional lane. So we're there. If something bad happens, then we will act and we're not going to go in and shut down your entire protest. You're going to keep doing what you want to do and we're going to take the outlier or the one or two people that have broken the law and remove them from the situation and then everything else can continue on."

Even if officers are called out to a campus protest, some officers indicated that institutions are hesitant to respond in a way that will result in criminal charges against students.

> "We take extraordinary steps for them never to get into the criminal justice system, and even more extraordinary steps to make sure that they are not impacted in their academic life. So they have to really, really cross the line with both feet and make a real name for themselves for [law enforcement] to get involved."

Officers were clear in saying that even if administrators are the ones who decide when campus law enforcement should be deployed, they should not be involved in use of force decisions.

> "However that force is used should not be dictated by an administrator who's not familiar with use of force laws. It should be just like, here's the goal. A Director of the Student Center says this guy over here is just some random person, some transient, and he's harassing people. Or they can't study in the student center. I want them out of here. He doesn't get to tell me, 'but don't use any force.' I'd be just like, I can't promise you that. I don't want to use force. But if you tell me you want them out of here, as an agent of the university that is in charge of the area, then you know I'm going to give them warning first. But if he says 'screw you,' and all of a sudden he tries to take a swing at me, well, guess what, there's gonna be some force being used."

Some institutions have a well-outlined plan that does not involve law enforcement unless necessary. They described student response teams, consisting of administrators, are responsible for approaching students who are violating a campus policy.

> "The first people that go out are not police officers, the first people to go out are our little community engagement teams. It's a combination of administrative personnel and faculty. And they work very diligently to get ahead of the game. They talk to the people prior to [law enforcement] in an attempt to slow things down and understand what it is they want. And then in the midst of these activities, if someone is out of line, they'll be the first to contact them."

This officer indicated that this approach is effective, in both de-escalating protest situations, and also creating trust between students and law enforcement officers.

> "Normally we get resolution that way. Because [students] see that they don't put the police department first . . . It's that community engagement team that does it. And it's softer, and it doesn't cause conflict."

An officer at another institution mentioned a similar administrative approach to de-escalating conflict.

> "The student judicial affairs team respond. They monitor it; they keep an eye on it. It's part of what we designed into the way that we respond, because law enforcement presence, whether we want to believe it or not, could be somewhat chilling on free speech. So if people don't see that repressive, in their opinion, repressive presence, then they're more apt to say what's really on their mind. Again, I don't care about the context or the content, so long as it's not criminal in nature. We want people to freely express what's on their mind to engage in debate and dialogue and share ideas. So we don't want to put an asset in place, if you will, that's going to quell that in any way, unless there becomes a safety concern."

Campus law enforcement officers were clear that police were not authorized to use force unless criminal acts required their involvement.

> "Anytime we use force, you always start with the justification and there has to be some kind of criminal act. So administrative violations at the University are not criminal acts . . . If it's a criminal act, and we're going to play somebody under arrest, or prevent their escape, or overcome some resistance, then we can use force."

This officer also indicated that the mere presence of law enforcement at protests can serve to escalate tension with the protesters. He indicated that the influence of social media on students' perceptions of law enforcement's role in protest leads them to believe that officers are there to "stomp on their rights a little bit." He also mentioned that sending law enforcement into a peaceful protest situation can create unnecessary tension.

> "There are some [protesters] who would love to have something to push back on when they show up at these things. It's often someone in uniform."

Officers overwhelmingly seemed to believe that their role in campus protests that are peaceful should be much more behind-the-scenes in case something happens that requires intervention.

> "We keep [officers] waiting in the wings out of sight. We don't want to be the issue. We want them to have their issues. We don't want to be the focus of their attention." Another officer noted that sometimes how officers arrive on scene can be seen as an escalation without any action ever having been taken. "If we're standing outside in our full riot gear, yes, that's going to be that very aggressive tone where things are probably going to escalate because of our mere presence."

Both students and law enforcement officers felt strongly that law enforcement should have the role of protecting students, both those who are protesting and those who are not. But both seemed to think that tensions are often caused when law enforcement is deployed to a peaceful protest by administration who is uncomfortable with campus demonstrations.

Recommendations:
Administrators, as the ones responsible for deploying law enforcement in instances of campus unrest, bear

a large responsibility for helping to reduce tensions between student activists and campus law enforcement. Students and law enforcement both agree that the mere presence of law enforcement can escalate a situation.

- Administrators can be strategic about deploying law enforcement during protests. They can stage law enforcement in a location that is not in the middle of the protest, but close enough, or behind the scenes, to respond quickly if needed.
- Administrators should be trained on the uses of force, the differences between violations of policy and law.
- Administrators should familiarize themselves with when and why officers are authorized to use force.
- Administrators should consider using non-law enforcement entities, such as student response teams consisting of administrators, or the student judicial affairs team to address policy violations.

Education and Training

Students

Students had a lot of thoughts about how institutions could better educate students on the campus free speech policy, its limitations, their rights and the consequences of violating those policies. The majority of students indicated that they receive no education either during orientation or in any other formalized setting about the campus free speech policy. The students indicated that this type of training would fit in other types of annual training.

> "Every year, we have to review their principles of community, and like the code of conduct, but we never get any sort of training or refresher on student rights" said a senior.

One student indicated that student organization leaders are required to be familiar with this organization, which is one structural way that students might be receiving this information. But other participants mentioned that students who are not regularly involved with student organizations who just decide to join a protest outside of official organizations may be left behind with this approach to education. Other students seemed to think that this type of information would come most naturally from their peers.

> "I honestly think that we got the most information from the people that were organizing the protests of students and student orgs. And they provided more information about what you can and can't do. And safe practices, more than, like any email I've ever gotten from the university or the police department."

Students had varying opinions about how this type of training should be completed. Many of them indicated that they are required to complete training on sexual assault, mental health and other topics as part of their orientation to campus. Some students seemed to think that orientation was an opportune time to include information about free speech policies on campus. They seemed to think that requiring training as part of orientation would signal to students that this topic is as important as the other topics covered during orientation.

Other students indicated that this topic is one that is ever-evolving and requires more than just one-time education. Some students suggested that reminders about students' protest rights and free speech policies should be offered via workshops multiple times per year and again when controversial speakers come to campus or when other national events take place. Others indicated that there are natural structural locations that already exist in which this location could be easily located by students, such as university apps where other important information is linked.

Some students also indicated that they would appreciate learning about the policy alongside law enforcement. Others articulated that they would appreciate being educated about law enforcement's use of force policies as well as campus free speech policies.

> "I've never actually been able to learn about what police policies are for these kinds of situations, I think it would be incredibly helpful to helping students understand what the output of protests are, and what they are within their rights to do. Just like seeing that side could really help clarify things."

Law Enforcement

Similar to students, the majority of law enforcement officers did not recall receiving specific training on the campus free speech policy. One officer recounted that they receive annual in-service training during which the free speech policy and students' rights to freedom of assembly are mentioned.

> "It is really left up to the individual officers and staff to familiarize themselves with the policies" this officer said.

A few officers interviewed echoed this same sentiment. She indicated that in her department, it is the responsibility of officers to be familiar with the policy and that they do not go through a training on the policy. She said that officers are expected to read their general orders, which would house the campus free speech policy, and then sign off that they have read the general orders. What these approach does not allow, however, is for officers to talk through any questions they might have or to think through scenarios in which students violate the policy.

Another officer said that his department does require training on free speech. He described it as a two-hour block of training, in addition to regular crowd control training every two years in order to comply with the state standards mandate. It is clear that there is a wide range of training provided to officers on the institution's free speech policy.

Some officers, though certainly not all, indicated that they thought a combined training and education session with students and officers would be beneficial.

> "I think that's brilliant, actually, absolutely brilliant. I talked about the whole thing, like, if we want to learn from each other, we have got to engage in like a controlled forum type thing. I think that's that would be amazing to have, without a doubt."

Officers also talked about the fact that education with students about protesting, exercising free speech rights and consequences for violating free speech policies should happen frequently throughout a student's career. Officers recognize how much information students receive at orientation and how so much of that information coming at once can be overwhelming.

> "They're so bombarded with information. And that's the only time they get it. It's never followed up. It's never reinforced. It's never refreshed nor revisited. They get it one time. And we presume, because we told them one time that that was enough to reinforce those expectations."

That officer went on to note that education around free speech and protest issues should focus on something that matters to students, especially when institutions are giving students so much information at once. He said students pay attention to information about their basic needs.

> "How do you relate that to demonstration activity? Well, if you do something really bad, you might not be a student here. So we won't worry about your food and shelter. If you want to participate, make sure you know what you're getting involved in, be an educated participant, not just to go along and understand thoroughly what the consequences may be if you participate in a certain level of activity."

Role of Administration

At least one student was very clear in the role that campus administrators play in deploying campus police during protests or demonstrations.

> "I think once police are produced to a protest, it gets like, the student I would take that as like an implied, idea that the administration has that it will turn not peaceful. I feel like that just automatically raises tensions and is unproductive and at times just also makes it more unsafe. So I would say that I don't think that for peaceful protests on a university's campus, I don't think law enforcement should be involved. I don't think there's a reason for them to be."

This student, unlike many others, was able to distinguish between the role of law enforcement at a protest and the fact that administrators are ultimately the ones who make the call to deploy them in these instances.

Another law enforcement officer talked about the need to educate administrators about the appropriate times in which to engage law enforcement.

> "It's making people that have a different mindset understand that this behavior is not criminal. And it may be criminal if we really stretch that drum tightly. But this is an administrative concern that needs an administrative recourse. So we do take that time, once we mitigate any safety issue that may be there, or not there in most instances, and educate folks, we slow everything down. There are no safety issues. Let's discuss what we're really dealing with."

An officer on another campus described frequent protest scenarios by talking about what happens when law enforcement is called out to a protest in which students have occupied an administrative building. He noted that the first thing officers do is assess, from behind the scenes, if there are any safety issues or criminal activities occurring? They assess for whether students are damaging or vandalizing property or breaking into offices that are secured and closed to public access? If students are in a building

> "in a place that's generally open to the public during business hours, it's a noise complaint. And we're not going to use force to eradicate a noise complaint. Once we establish that there are no safety concerns, then we turn it over to the administration, we actually defer to our student judicial

> affairs team and say, 'Hey, this is a conduct issue, there's no criminal behavior, you need to go deal with this. If there's a safety concern, give us a call.'"

But it is up to law enforcement officers within the department to have the agency to push back against administration calls for law enforcement involvement, which is not always the case.

For example, one officer at a public institution recalled a time during which he was being asked to "trespass" non-students who were entering the campus to attend a protest.

> "[The administration] decided that it would only be students; only students would be allowed on campus that day - students or faculty. So again, that was a big concern, because that's a public campus. And I didn't appreciate being put in a position where if somebody is causing problems, then you might need to just issue them a trespass warning or arrest them for trespassing. I mean, this is a public institution, they have a right to be here."

In this case, a new officer described feeling a sense of unease with what administration was asking him to do in his role as an officer.

In contrast, some officers talked about a hesitancy on the part of administration to utilize law enforcement even when safety or criminal behavior called for it.

> "I guess you could say it is more about free speech. They want to promote that free speech, whether they're breaking the law or not. And I think students go along with that."

Law enforcement officers on some campuses indicated that they felt strong support from the administration. They indicated that administration is behind them both financially and in terms of trusting their decisions. Other officers, though, seemed to think that administration are the ones that often overstep when addressing students' right to protest.

> "I think [administrators] are the ones that are more likely to overstep the boundaries. I think law enforcement is actually the ones that will keep [students] more in check."

Another office expressed that law enforcement considered campus administrators as partners in this work.

> "They are our biggest help in dealing with students. Because students don't want to get kicked out of the university. Nor does the university want to kick them out."

This officer indicated that when law enforcement indicates that they have to be in touch with a dean or other administrator that is all students need to become compliant quickly. This officer said that the idea of a negative mark on their institutional record is enough to help de-escalate a situation with students.

An officer at another institution talked about the ways that administrators could more intentionally partner with law enforcement when talking to students, rather than putting law enforcement onto an island by themselves.

> "One of the opportunities that we miss is engaging with students, in partnership with teams like the administration, or student judicial affairs. To show that we're all on the same team, and that law enforcement is not this outlier way over here, that just does all these bad things when bad things occur. That we are a community resource that we're an asset, and that we're partners within the campus community."

Law enforcement at more than one institution indicated that they frequently partner with administration to educate students. These officers expressed how administrators use the term "our campus community," and how they could include law enforcement in that campus community sentiment more often. One officer said how it would

> "be great if administrators would say things like 'oh, we do this with the police department. We are fighting anti blackness, with the police department. They are our champions of these ideas that we hold true.'"

In this way, officers indicated that administration can not only partner with law enforcement in addressing campus disruptions but also in building community and creating trust with students, faculty, and staff.

Officers also expressed that campus administrators should place value on training for officers. One officer said that a good question for administrators is how much training do they put into arrest and control and self-defense annually? In this officer's state, he said that officers receive four hours of training every two years. And that what they receive is the minimum mandated by the state.

> "That would be like a professional baseball player practicing for four hours every two years and trying to stay in the big leagues."

Another officer placed emphasis on campus administrators requiring students to receive training on campus free speech, the policy, what it entails and what consequences result from violating it. He indicated that students are not incentivized to seek this information out on their own.

Recommendations:
Students admit to rarely receiving any education about the institution's free speech policy, at the same time they indicated that they want to be better educated on the policy. Specifically, they expressed a desire for information on the policy's limitations, their rights, and the consequences of violating the policy.

- Administrators can include education for students on the institution's free speech policy during orientation as a way of setting expectations for students from the beginning of their engagement with campus.

- Administrators should also provide annual training or messaging as needed (when controversial speakers are coming to campus) when major events are happening on campus or in the greater community or across the country.
- Administrators should provide education for students in partnership with law enforcement.
- Administrators should include case studies or experiential learning as part of the education on campus free speech. Getting students to talk through what rights the policy protects, and what behavior is not covered, is a good way for students to learn about the limitations of the policy to protect them.
- Administrators should ensure that education on free speech is brief, but offered frequently throughout a student's tenure on campus.

Most law enforcement admit to not being trained specifically on the free speech policy. The ones that received the training recall it being combined with crowd control every two years.

- Administrators should require officers to be trained and annually on the free speech policy along, use of force allowable to enforce violations of the law, and the difference between the two.
- Administrators should also be trained on the differences between student conduct code violations and violations of the law, and who and what type of response should be used in each instance.

Suggestions for Campus Law Enforcement and Student Protesters

Students

What Can Law Enforcement Do Differently?
Students were asked about what law enforcement could do differently when managing protests, as well as what students could do differently to prevent tension with law enforcement when they protest on campus. Student participants had a myriad of ideas for what law enforcement could do differently, though many of them are things that would require different decisions by administrators, rather than law enforcement officers themselves.

For example, one student said that having limited numbers of officers present during protests, unless there is an emergency requiring more officers would help students to feel more safe in participating in protests. This student articulated that having heavy law enforcement presence can be intimidating to students and deter some of them from participating in the ways they might otherwise if there were fewer officers present. Other students clearly view the role of law enforcement as protecting university interests rather than protecting students during campus protests.

Other students indicated that transparency about when, and why, law enforcement would be present at protests would help the situation. Clearly communicating with students about the presence of law enforcement could serve to prevent an escalation of conflict during student protests. "I think it'd be beneficial for schools to announce why law enforcement is there ahead of time. And if law enforcement arrives after the protest is already taking place. And I think if they had like speaker phones or something where they can make that announcement as well, to say like, 'We're not here to threaten, like, 'We're not here to harm you, we just want to make sure that no one gets hurt.'" Several other students' comments centered on additional training on de-escalation techniques for law enforcement officers.

What Can Students Do Differently?
Students had a range of answers about what student protesters can do to deescalate conflict as part of campus protests. These answers ranged from knowing their limitations within the campus free speech policy to indicating that students should not have to alter their behavior in any way during protests, as their disruptions are the very point of protesting. "That's not the first thought – 'Oh, you know, what? What does this mean for our relationship with the police?' I don't think that's a thought that is in the forefront on people are trying to get the attention of the administration" said one first-year student.

"Being part of a protest and civil disobedience, I think there is a certain responsibility to know what you're allowed to do and what isn't [allowed]. I wouldn't say that you're responsible to like go like searching through a bunch of [university] websites in order to find the policy and what's to be expected of you. But I do think some basic research on how to do a protest properly, would be appropriate" said one sophomore.

Some students referenced the "bad apple" theory of student protesters, without acknowledging the irony of the analogy having been used to describe law enforcement officers. One student said it this way: "In a lot of protests, there's a lot of good people, but then there's just the few bad actors that caused the problem and instigate the violence. So as long as the protesters are aware of the purpose and the mission of that protest,

and are vigilant of the people around themselves, in order to ensure that it peaceful, that's what's important."

Other students recognized the importance of keeping protesters' anger focused on the source of the problem. For instance, if the protest is focused on institutional injustice, then the protesters should keep their anger focused on administrators rather than on the officers. "If students focus their anger and frustration on to the actual issue at hand, then I think the situation will improve somewhat." Other participants indicated the importance of not disrupting other students' access to education. This student emphasized that students not participating in protests are not necessarily opposed to the cause but may need to focus on attending class or completing coursework.

Other students recommended that student protesters approach the protest with respect. "I think the protesters would have to come in with a certain mindset that they have to respect everyone there and also coming in come in knowing that there's not going to be any conflict. So they shouldn't bring any weapons, because there's no reason for that." Overall, students were able to articulate a range of ways that both student protesters and law enforcement officers can adjust their approach in order to avoid conflict when law enforcement is called to manage student protests.

Law Enforcement

What Can Students Do Differently?
When asked what law enforcement officers wish that students would do differently when protesting, one officer said he would remind students to respect the rights of everyone and that their rights do not supersede other students' rights. He said he would tell students, "Be cognizant, be loud, be boisterous. State your case, demand your requirements, whatever they might be. But be kind. Be considerate. Other people's rights are just as equal to yours."

One officer at an urban institution outlined suggestions both for students and administrators.

> "I would focus on the peaceful aspect of it. You know, there's multiple ways to get your views or ideas across, but to be respectful of others. I know a lot of people feel like, well, it's at a point where nobody's hearing what we're saying when we're peaceful or so on."

She went on to say that administration can also do better about hearing student concerns before it results in conflict.

> "I think as like an administrator, that's what I would focus on. We need to have a positive dialogue or discuss things in a peaceful atmosphere."

This officer, and others, articulated that students are participating in protest as a means of developing civic engagement. They noted how campus administrators can help students understand how to participate in a productive way that also protects their status as students and respects the rights of those with whom they disagree. Another officer put it this way:

> "I think it's first of all, fantastic that you're out here protesting and you want your voice to be heard. You know, that's the bedrock of our Constitution is free speech. I think that's why it's number one, as far as the numbers on the constitution list. But I would also tell them this. If you really, truly believe in free speech, you also need to respect other people's right to speak too. So if you're trying to shut them down, and not allow them to speak, to me your actions speak louder than words. It's just like no, you don't believe in free speech."

What Can Law Enforcement Do Differently?
Law enforcement officers talked about the need to educate students about the free speech policy and the department's use of force policy so that students are aware of what they are facing if they violate a policy or get involved in criminal activity.

> "One of the things that we as law enforcement and campus administrators have missed is the opportunity to educate. Let's talk about our use of force policy. Let's talk about how law enforcement responds to demonstration activities. Let's have Town Hall question and answer sessions much like we're having right now. So students with concerns can come in and ask, 'Well, if I show up, and I do this, what's going to happen to me?' And we can give them an honest answer to that scenario that's in their head. And it's a million different students with a million different scenarios. But as long as the responses are in line with policy and law, then it's okay to answer those questions to the students because it's going to let that one person walk away from that interaction with a better understanding of what we are going to do if that circumstance presents."

He went on to add, "I mean, we fail to communicate the why [of why police are being used]." Another officer echoed this sentiment, expressing that campuses are an opportune place to have positive interactions with law enforcement. He talked about how education like this with young adults, is a chance for them to be knowledgeable members of the community where they can help share their insights. He felt it would be great if students could have some more classes on what free speech looks like and what law enforcement's roles are.

Recommendations:
Administrators are most often responsible for writing policy for the institution, including what is allowable and what is not when protests are involved (protest areas, use of amplified noise, hours of operation for buildings, etc.). Administrators often host town halls to talk about issues and should provide students with easy access to free speech policies. Students and law enforcement both agree that letting student activists know ahead of time why law enforcement need to be present at protests is important. Refusing to place law enforcement physically in the middle of an active protest can eliminate the tension between law enforcement and students.

- Administrators should hold themselves accountable to using the policy consistently during times of campus unrest.
- Administrators should commit to utilizing law enforcement for violations of the law instead and not for violations of policy.
- Administrators should draft messaging to students during times of protest that are co-authored by, or demonstrate partnership with, law enforcement to ensure that students understand that law enforcement's role is not to stifle free speech.

Policy Analysis

One of the most significant findings from student and campus law enforcement focus groups and interviews, was the lack of formal training about free speech policies for law enforcement officers and the lack of education for students those policies. As one law enforcement officer stated,

> "I doubt a whole lot of students are looking at the free speech policy." Students themselves agreed that there is a lack of training about free speech policies. One senior stated, "I think that's something you kind of have to look out for your own."

In addition, officers indicated that they are not receiving formal training on campus free speech policies either. One officer summed it up this way:

> "We have trainings on how to handle protests. But we don't have specific [training] on speech."

Since these findings indicated that on many, if not most, campuses, training and education on free speech policies is up to the individual students and officers, the authors felt it was important to assess the extent to which these campus policies are easily accessible from institutions' websites. The authors analyzed the policies and policy websites of 300 institutions of higher education throughout the country. The sample population included 100 four-year public institutions, 100 four-year private institutions and 100 community colleges. The findings of the content analysis are listed below:

Of the 300 institutions analyzed, 132 had campus free speech policies that were searchable from the institution's home page, and 168 without readily accessible policies. Of those with policies, 84 searches take users to a landing page as opposed to the 48 that linked directly to an institution's policy.

In addition, the authors wanted to expand upon the findings from the interviews and focus groups to determine whether or not institutions' free speech policies included information on a variety of factors. The authors conducted a content analysis of institutions' free speech policies, assessing specifically for the following:

- is the policy accessible from the institution's home page?
- does the search take a user to a free speech landing page or directly to the policy?
- does the policy list a contact person in case someone has questions?
    - If the policy lists a contact person, is it an administrator or a law enforcement officer?
- does the policy mention the use of force in enforcing the policy?
- does the policy mention what conduct violates the policy?
- does the policy mention what the consequences are for violating the policy?
- how long is the policy?

The justification for these analyses comes directly from the results of the interviews and focus groups with law enforcement and students. If both groups feel they are themselves responsible for familiarizing

themselves with the policy, how easy is it to find the policy? Does the search take someone to a web site with additional information or directly to a page that lists the policy? If someone reading the policy has a question, does the policy itself or the policy page list a contact person? Does the policy itself mention the use of force that would be applicable for protesters who violate the free speech policy? For example, if students occupy an administrative building, at what point are they violating the policy or the law and what level of force are campus law enforcement officers authorized to use against those who violate the policy or the law? Does the policy mention what conduct is considered to violate the policy and what the consequences are for violating the policy? Does the policy distinguish between policy violations and criminal acts? Finally, if users are reading the policy without any context, how long is the policy as another measure of its accessibility to an end user?

Of those institutions with a policy available online, only a few listed a contact person, in case someone had questions about the policy. Of those with contact persons listed, only three listed law enforcement officers as the contact person while 47 listed a campus administrator.

In alignment with the findings from the focus groups and interviews, only four policies that were found listed or referenced a campus use of force policy. Significantly more policies mentioned conduct – either conduct that is considered in violation of the policy or the fact that violations of the policy would include involvement from the conduct office. Of those institutions with policies listed, 59 institutions mentioned what happens if someone were to violate the policy.

There were no significant correlations among the institutions which listed policies online and the states that have passed free speech laws. There were also no meaningful correlations between the institution type and size and whether there was a policy available or unavailable. There were also no differentiations between the institution type and size with the policy available in states where free speech laws have been passed.

Finally, there were no meaningful correlations between the institution type and size and whether or not they mentioned conduct, referred to the use of force, and whether or not violations of the policies were mentioned.

Recommendations:
This project found that most institutions are not providing regular, or any, training for law enforcement or education for students on the campus free speech policy. Since both law enforcement officers and students need to be aware of the policy and its limitations in order to ensure safety and civic engagement on campus, there are several ways campus administrators can make this information readily available to students.

- Administrators can ensure the policy itself is searchable from the institution's home page.
- Administrators can provide a landing page for the free speech policy that reinforces many of the recommendations above - such as what law enforcement's role is in campus protests, the difference between policy and law violations, and the consequences for each.
- Administrators can provide contact information for students or law enforcement officers who have questions about the campus free speech policy or its enforcement.
- Administrators can link the landing page (or the policy itself) to the campus law enforcement department's use of force policy.

- Administrators can ensure that the policy isn't written in legal, technical language, but in language that is accessible to students, especially those for whom English might not be their first language.
- Administrators can ensure that the policy specifically mentions conduct that is prohibited by the policy and the consequences of violating that behavior (both campus conduct violations and violations of the law).

Conclusion

The tension between student activists and law enforcement is not a simple issue with a simple resolution. This study highlighted the complexity of the relationships among campus law enforcement, students, and higher education administrators. The most important take-away from this project is the important role that campus administrators play in managing campus unrest and preventing some of these long-standing tensions from continuing or erupting during times of campus unrest.

Students have a right to know what the expectations are regarding free speech and the protections afforded them under the institutional free speech policy. Additionally, they have a compelling need to know the difference between what constitutes a policy violation and a violation of city or state law. There are significant consequences that face students who violate either the policy or law. Student misconduct charges or criminal charges for actions taken during campus protests can impact a student in a variety of ways such as academic future, citizenship, or ability to obtain professional licensures.

Similarly, law enforcement officers on campus must understand their role in managing campus protests. If students are simply violating campus policy, they must be empowered to push back against faculty, staff, or senior leaders who try to involve them in minor campus policy violations. Law enforcement officers must be prepared to distinguish between policy violations and criminal law violations and articulate those differences to both students and campus administrators amid campus unrest.

The group that stands to most significantly alleviate tensions between campus law enforcement and student activists is senior level leadership or campus administrators. Administrators are often the decision-makers involved in deploying law enforcement when students protest. Senior leaders often make the call about whether law enforcement is needed in a given scenario. Education is needed for senior leaders who make these determinations. Additionally, leadership in campus is charged with providing training for law enforcement officers and education for students about the protections afforded under, and the limitations of, the institution's free speech policy.

There are a multitude of examples of institutions with comprehensive, easy-to-understand - and find - campus free speech policies, which are listed below. These institutions should serve as examples for how campus free speech policies can be more than legal documents that exist on a shelf somewhere. These policies can be dynamic practices that are informed by both students and law enforcement officers alike. These policies can serve as a great starting point for greater understanding about free speech on campus and the roles that both students and law enforcement officers can play in ensuring that free speech rights are protected within higher education.

Resources:
There were several institutions that had very well-developed free speech websites. Some of these pages included their policies, while others had resources on free speech, but did not specifically list the institution's free speech policy. The good news for administrators who are committed to ensuring the safety of students and their rights to protest and be civically engaged is that there are many shining campus examples that can serve as models. Several of those are listed below:

- California State Polytechnic University – Pomona
- California State University Long Beach
- California State University – Sacramento
- Columbus State Community College
- Emory University
- Miami University Ohio
- Michigan State University
- Saint Louis University
- Southeastern Oklahoma State University
- Texas Tech University
- University of Texas at Arlington
- University of California Davis
- University of North Carolina Pembroke
- Utah Valley University