



Of Flyers and Free Speech: “Hate and Bias” on the Forty Acres

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A Brief History of Campus Speech Codes

Doe v. University of Michigan (1989)



- U.S. District Court ruled in favor of Doe
- University of Michigan's policy overbroad, would violate Due Process
- Judge Cohn: "Because First Amendment freedoms need breathing space to survive, government may regulate in the area only with narrow specificity."

UWM Post v. Board of Regents of the UW System (1991)



- U.S. District Court ruled in favor of UWM Post
- "UW Rule" was overbroad, would violate Due Process, exceeded the scope of the "fighting words doctrine" articulated in *Chaplinsky v. New Hampshire* (1942)



A Brief History of Campus Speech Codes



- 1992-1997: eleven institutions enacted new speech policies
- Many enacted speech codes contradictory to said legal precedents
- Unconstitutional speech codes successfully adopted and implemented without issue or legal contest.
 - (Gould, 2001)



Aspects of Modern Student Activism

- Student protests feature 1) mobilizing group, 2) target group, 3) claims being advanced; and 4) tactics/behaviors used by the mobilizing group
- Petitioning (71%), rallies (57%), and letter-writing campaigns (51%) most popular tactical behaviors
- Faculty involvement brings legitimacy to student activism in eyes of administration
- “Slacktivism” and “armchair activism”: clicktivism, sympathy, political, direct charity, and charity by consumption
- Contemporary student activism requires an online presence working in harmony with “actual grassroots organizing” to avoid slipping into “slacktivism” and inaction

(Barnhardt, 2014; Cabrera, Matias, & Montoya, 2017; Kezar, 2010; Velaquez & LaRose, 2015)



1999 - 2017

FROM "RACE RELATIONS" TO "HATE AND BIAS"



Student Policy on Race Relations – 1999

UT-Austin operated under “Student Policy on Race Relations” beginning March 15, 1999 which:

- Outlined institutional attitudes toward “communication or acts of violence, hatred, abuse of authority, or ill-will”
- Condemned racism while being committed to “free inquiry and expression”
- Failed to address university action upon learning of “communication or acts of violence”

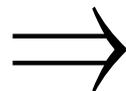




However, numerous incidents bias-related incidents on campus—and the administration’s response—proved that the 1999 policy was no longer sufficient in providing guidance to administrators on how to respond to these types of incidents.



American Vanguard Flyers Posted—Feb. 13, 2017



Pres. Fennes Responds via email on
Feb. 20, 2017:

... “Free speech is critical to the exchange of ideas that must happen at a university. We don’t learn by quieting voices.”

“The best response to offensive speech is enlightened dialogue. So, we will hold a **town hall meeting** at 2 p.m. on Wednesday in the ballroom at the Student Activity Center...”



Town Hall on Campus Climate – Feb. 22, 2017

- 34 UT Austin students, alumni, and instructor share opinions, beliefs, experiences
 - Multiple student organizations named in remarks (Palestine Solidarity Committee, International Socialist Society, ATX Resist)
- UT-Austin administration present:
 - President Fennes
 - EVP and Provost McInnis
 - VP of Student Affairs Reagins-Lilly
 - Former VP of DDCE Vincent





Research Question and Conceptual Framework

- Given a public forum to discuss their experiences and feelings toward hate and bias incidents on campus:
 - How did hate and bias on UT's campus make UT students feel?
 - How did UT students feel UT administration handled such incidents?
 - What did UT students feel needs to be done?
- **Sherif's (1966) *realistic conflict theory***
 - *Two groups (in-group and outgroup)*
 - Goals achieved through mutual effort toward superordinate goal
 - Superordinate goal: reducing/eliminating hate and bias incidents



Town Hall Themes



- **Feelings of fear and unsafety**
 - *“Many students at this university who hold marginalized identities do not feel safe on this campus, and we have every right to feel this way.”*
- **Marginalizing of past events...**
 - *“This President did nothing after Muslim and Arab students were called terrorists by a faculty member at this campus.”*
- **...which provoked self-protection**
 - *“How do you expect students to do anything but take justice into our own hands and protect ourselves?”*
- **Rhetoric as a proxy for action**
 - *“I think most of us need something more than just an email because words can only go so far.”*
- **Free speech insulating hate speech**
 - *“Hate speech and bigotry are not free speech. If we keep having these passive attitudes toward hate speech, we get to the place that we are today.”*



Hate and Bias Incidents Policy – Mar. 2017

Handbook of Operating Procedures 9-1810

Hate and Bias Incidents

Effective March 08, 2017

Executive Sponsor: Vice President for Diversity and Community Engagement and Vice President for Student Affairs
Policy Owner: Vice President for Student Affairs



Policy Statement	Website (for policy)	Frequently Asked
Reason for Policy	Contacts	Questions
Scope & Audience	Responsibilities &	Related Information
Definitions (specific to this policy)	Procedures	History
	Forms & Tools	

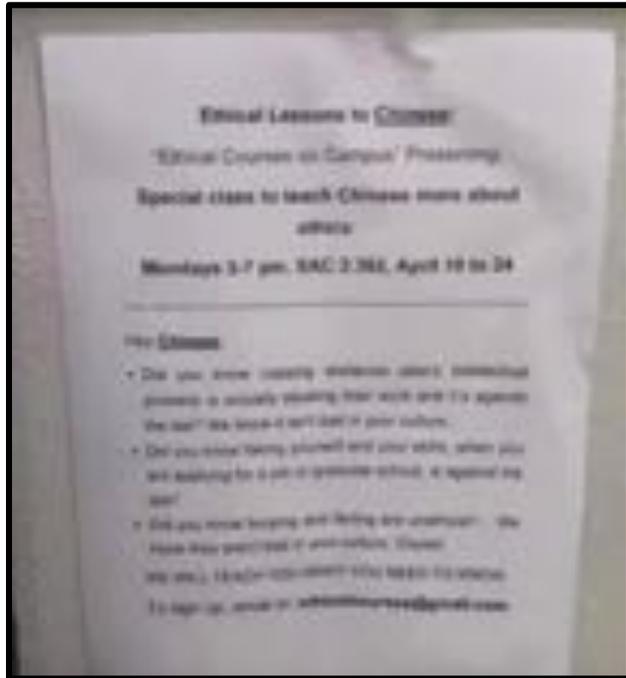
I. Policy Statement

The University of Texas at Austin ("University") unequivocally condemns and prohibits: acts of intolerance, hate, bias, and prejudice when manifested in threatened or actual violent conduct against a person; harassment; and incitement to imminent violations of law. In accordance with federal law and state law, the University prohibits unlawful harassment on the basis of race, color, religion, national origin, gender, gender identity or gender expression, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation.

A more direct first line than the 1999 policy.



“Ethical Lessons” Flyers Posted– Apr. 2, 2017



Source: (Byknish, 2017)

Pres. Fenves Responds via email on Apr. 3, 2017:

... “These posters are being taken down. The university is seeking information about who posted them.”

“The incident has been referred to the Office of the Dean of Students for investigation, in accordance with the recently issued **“Hate and Bias Incident Policy.”**

<https://policies.utexas.edu/policies/hate-and-bias-incidents>

