

# THE LAKE EFFECT

AUGUST 1, 2011

## GREETINGS FROM YOUR CIRCUIT REP

BY: ELLEN HERION, REPRESENTATIVE FOR CIRCUIT 7

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Welcome to the summer issue of the *Lake Effect* newsletter. I am sure many of you are wrapping up summer projects while simultaneously having trainings and prepping for the new freshman class this fall. I hope this short (but sweet) time of the year affords you all an opportunity to reflect, assess and reorganize but also allows an opportunity to take time for yourself.

This issue of the *Lake Effect* focuses on responding to incidents of bias. The newsletter will continue to have general updates and highlights as well as maintaining a theme focus. If you have ideas for topics for our newsletter, please contact our editorial team. Similarly, we would love for you to consider nominating a Circuit member to highlight in our next edition.

I am happy to share that Circuit 7 in collaboration with AFA Region III held a highly successful drive in this past June at

Indiana University- Purdue University Indianapolis. With just under 40 individuals in attendance, there were great sessions and conversations about how student conduct and fraternity & sorority affairs can successfully increase our collaborations. I encourage you and challenge you all to think about some of your collaborative relationships in your work and make intentional outreach to folks to better understand the functionalities of the respective work we do. At the end of the day, it is about providing opportunities for our students and although we may approach an issue from different perspectives, I hope we have similar goals in mind.

Please enjoy this issue of the *Lake Effect* and I hope you consider submitting a piece in the future. As always, please do not hesitate to contact me if you have any questions or concerns for our Circuit. Best of luck as we head into the fall !

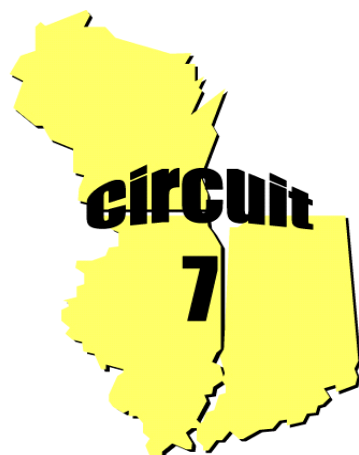


## LEGISLATIVE UPDATE FOR CIRCUIT 7

BY: BRIAN GLICK

Wisconsin recently passed conceal-carry legislation for hand guns. Institutions in that state are starting to deal with the effects of that law. Within all of our circuit states, the budget still continues to affect institutions. At this time, there does not appear to be any other legislation which is affecting the student conduct arena of higher education.

U.S. Congress- <http://thomas.loc.gov>  
 U.S. Department of Education- <http://www.ed.gov>  
 Illinois- <http://www.ilga.gov>  
 Indiana- <http://www.in.gov/legislative>  
 Wisconsin- <http://www.legis.state.wi.us>



*“Education seems to be in America the only commodity of which the customer tries to get as little he can for his money.”*

*Max Leon Forman (1909-1990)*

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## FEATURED MEMBER: CYNDI VASQUEZ-BARRIOS DEAN OF STUDENTS AT JOLIET JUNIOR COLLEGE

**Lake Effect (LE):** Tell us a little about yourself.

**Cyndi Vasquez-Barrios (CVB):** I was born and raised on the south side of Chicago and earned my Bachelor of Arts in Graphic Design from Columbia College Chicago and a Masters in Higher Education Administration from Northeastern Illinois University. I also attended the Management Development Program at Harvard University. I originally started as a substitute teacher in the Chicago Public Schools after College, but soon found myself as an Educational Counselor at LULAC National Educational Service Center. After 5 years, I moved to Columbia College Chicago, as the Assistant Director of Admission. I then moved to the community college setting, at the City Colleges of Chicago-Daley College working there for seven years as the Assistant Director of Transfer Services, the Director of Career Planning, Job Placement & Transfer Services, the Director of Student Support Services, and the Assistant Dean of Student Services. I then moved to Moraine Valley Community College as the Assistant Dean of Student Life and Judicial Affairs, before I became the Dean of Students at Joliet Junior College, the first public community college in the nation.

**LE:** Please share your student conduct philosophy.

**CVB:** My philosophy about holding students accountable for their actions begins with educating students about civility and community standards. It is through education and accountability that I believe we are able to grow as individuals and gain the skills necessary to be able to successfully navigate our personal and professional lives. In working with students I believe it is necessary to get to the root of what is causing that behavior so that we can manage the cause and begin to change behavior. Many times working with students I have found that the students have lower level needs that are not being met and that they result in poor emotion management and decision making. If we assist students with the those needs, students respect the caring nature and assistance and under-

stand they still have personal responsibility for their actions.

**LE:** Tell us why you do student conduct work.

**CVB:** It is the way that I use my abilities with work with and help people, to inspire the uninspired, to assist change in people who want the help to change, and the personal reward that occurs when interventions are successful.

**LE:** Do you have any advice for professionals new to conduct?

**CVB:** Build relationships with the students in which you interact, be caring, empathic, compassionate, but also be firm in getting students the education and assistance that they need to make better choices. In doing so, students see the true concern for them and see you less as another authority figure telling them what to do. It is also important to get to the heart of what is causing the offending behavior by having those difficult conversations and by asking probing questions that lead to the student's self-discovery of their self-destructive behavior. When you assist students in addressing those issues, the student has the ability to see their life in a new perspective and is empowered to understand his or her choices.

**LE:** Where do you think the field of student conduct is headed?

**CVB:** I don't know, but in the area of conduct at community colleges it is moving more into a roll of social worker. So many of our students have so many personal challenges that effect their behavior and academic success. It has become necessary to address issues of serious mental health issues, homelessness, emotional and physical abuse, and other such challenges. We hired a case manager on a temporary grant to address the needs of the students that were referred to the code. It was determined that 50% of those students referred to the code required assistance for serious personal challenges that required counseling and/or referrals to outside social service agencies.

*(Continued on Page 3)*



**FEATURED MEMBER: CYNDI VASQUEZ-BARRIOS (CONTINUED)  
DEAN OF STUDENTS AT JOLIET JUNIOR COLLEGE**

Currently, my office is assessing the mental health status and stressors that effect the success of Joliet Junior College Students. It is being made possible by the National Emergency Management Grant in Higher Education. The results and recommendations should be available sometime in late September.

**LE:** Please share a difficult case & lesson learned that has shaped you professionally.

**CVB:** It was not necessarily a difficult case, but a case that enlightened me to the fact that students come to college not necessarily knowing how to behave/act in college. I had a young lady come to me on a late Thursday afternoon to file a complaint on a fellow student. She explained that she was married, going through a divorce (she was a traditional aged student), and that there was a young man (18 yrs. old) that was bothering her, calling her names of a sexual nature, but she knew his name but nothing else about him. She left because her ride had come to pick her up. I looked up the students name in our student system and there were 23 students with the same name. I called the student on Friday morning and asked her to return my call. I didn't hear back her on that Friday. On Monday morning I get a call from campus police that a big disturbance had broken out outside the library and my assistance was needed. When I arrived I had found that a the young lady's family decided to handle the situation for her and attack the other student along with a couple of friends. Under arrest were her brother, cousin, father, uncle, and 75 year old grandfather. She had gone home to inform her family what had happened at school and her family came to address the situation in their own way.

From this situation I took the following: Many of our students are first generational college students. No one at home can share what to expect in college nor what the behavioral expectations are. Many times a semester I have had faculty come to me exasperated about a student's behavior and state that they should know how to behave, this is college! I have learned from this that it is our responsibility to help educate the students about expectations and the consequences for their choices. I see our roles as educators, and not as disciplinarians. Their behavior and academic success. It has become necessary to address issues of serious mental health issues, homelessness, emotional and physical abuse, and other such challenges. We hired a case manager on a temporary grant to address the needs of the students that were referred to the code. It was determined that 50% of those students referred to the code required assistance for serious personal challenges that required counseling and/or referrals to outside social service agencies.

**WISCONSIN STATE REPRESENTATIVE UPDATE**

**BY: TONYA SCHMIDT**

More information coming soon on the October meeting in coordination with the Wisconsin College Student Personnel Association (WCPA). This fall, one of our Wisconsin schools is hosting our Circuit 7 Drive in Conference. Please mark your calendars for October 3-4, 2011 at Concordia University in Mequon, WI. We will focus on Constitutional First Amendment topics such as freedom of speech and religion. For more information contact [tschmidt@studentlife.wisc.edu](mailto:tschmidt@studentlife.wisc.edu).



**INDIANA STATE REPRESENTATIVE UPDATE**

**BY: KOURTNEY EASTHAM**



The Indiana State meeting will take place in partnership with the ISAA drive in conference in October. Details are being finalized with the ISAA conference planning committee.

Please enjoy the rest of your summer and make sure to let me know if there is ever anything you think we can do to make this the best circuit in the country!

Look forward to more information coming soon. For more information contact [kbeastham@usi.edu](mailto:kbeastham@usi.edu).

**ILLINOIS STATE REPRESENTATIVE UPDATE**

**BY: CAROLYN GOLZ**

I've been working closely with Malcolm Smith and Miranda Ambuske at the University of Illinois at Chicago to identify a date for the Illinois State Meeting, which Malcolm and Miranda have graciously agreed to host on their campus. Once we have a date set, and location confirmed, I will send information to Illinois members. Upcoming events include a possible webinar in the near future. For more information contact [golz@lakeforest.edu](mailto:golz@lakeforest.edu).



If you're on Twitter, Facebook, or LinkedIn, let's connect.  
<http://twitter.com/carolyngolz>  
<http://www.facebook.com/carolyngolz>  
<http://www.linkedin.com/in/carolyngolz>

## BIAS RESPONSE TEAMS: KEY FACTORS FOR SUCCESS

BY: PAMELA W. FREEMAN & BILL SHIPTON; INDIANA UNIVERSITY, BLOOMINGTON

### *Historical Information*

Bias-motivated incidents can hinder a student's academic success very quickly, if not addressed in a manner that helps the student feel supported and safe. Students communicated this fact loudly and clearly at Indiana University in 1988 following a racial incident that occurred on campus. The impact of the incident was felt throughout the entire campus community, and the Black Student Union led a protest march that included a demand for an administrative response procedure for reporting of racial incidents. Students wanted a clearly identifiable place to report incidents in order to provide assistance to victims while helping to end racism on campus. In responding to the students' requests, the university president instructed the Dean of Students to be responsible for establishing an effective response mechanism.

A committee developed the team model for responding to incidents, believing that an individual administrator would not be as effective in responding to the variety of incidents that were likely to be reported as would be a small group of well-informed faculty and staff who were knowledgeable about issues and competent at conflict resolution. Thus, the Racial Incidents Team was created and has responded to incidents since September, 1988. In 1990, the Gay, Lesbian, Bisexual Anti-harassment Team was formed in response to student requests, and Transgender was added to the team name a few years later. The Gender Incidents Team was formed in 2000, and in 2004 the Religious Bias Incidents Team was designated as separate from the Racial Incidents Team, which had been responding since 1988 to bias-motivated incidents related to race, national origin, or religion.

### *Guiding Principles*

As the teams have responded to approximately 3,000 incidents since 1988, team members have identified

the following guiding principles as essential to the effectiveness of the teams.

1. Reports are considered truthful until shown not to be true; i.e., persons who consider themselves to have been victimized are believed.
2. While knowledge about motivation of alleged offenders can be useful in planning responses, the perceived motivation also must be considered. Even in the absence of knowledge about motivation, the teams still can assist persons who report having been victimized.
3. For the teams to take steps to resolve a situation, they must first have consent from persons who have reported being victimized. This does not preclude, however, taking action that could be considered general, as opposed to directly related to an individual case.
4. The teams do not conduct formal investigations per se, but their decisions must be based on information believed to be factual because of evidence that is available; e.g., if a victim does not want the team to contact persons who may have information about facts, the team's ability to act is greatly reduced.
5. In all cases, a primary goal of the teams is to make already existing systems work effectively in resolving conflicts; i.e., the teams do not replace existing mechanisms, such as staff in other offices whose job it normally would be to intervene in a given case.
6. When there is no existing procedure for resolving an incident, the teams will intervene to the extent that the victim wishes.
7. The teams do not advocate for victims "at all costs." If the rights of others would be violated in carrying out action requested by a victim, an alternate action that protects the rights of all parties must be sought. The teams will never condone responses that violate law or university policy. The team response does not always satisfy all parties.
8. While a part of the university administration, the teams function

with a large degree of autonomy in order to encourage students to report incidents, if only for consultation and data purposes.

9. The ultimate goal of the teams is to support victims while changing the behavior of offenders through educational means.

10. Reliable and consistent participation of team members is necessary for effectiveness.

11. Confidentiality, as defined for use in the teams, includes three dimensions: (1) The extent to which information about a victim's case is protected from disclosure; (2) when or if an offender's supervisor should be informed about a case; (3) when, if ever, it is acceptable to share information from a team meeting with colleagues who are not team members. In general, information about cases is not shared without the consent of the person who has reported being victimized.

### *How the Teams Operate*

Teams are comprised of 10 or fewer members, including staff, faculty, and graduate students from various academic and administrative units. The diverse membership is determined primarily by each individual's skills and readiness for responding to incidents. Team members are invited to serve, and most of them have remained on the teams for many years, finding the work to be worthwhile and rewarding.

Incidents are reported by e-mail, in person, online, or by phone. When a report is received, the receptionist forwards the report to the chair of the appropriate team, depending on the nature of the report. The team chair contacts the victim or, if different, the person reporting the incident to explain how the team functions and to determine what action would provide satisfactory resolution for the victim. The chair then presents the incident and desired action at the next team meeting, which normally occurs weekly during the regular academic year and

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## BIAS RESPONSE TEAMS: KEY FACTORS FOR SUCCESS (CONTINUED)

BY: PAMELA W. FREEMAN & BILL SHIPTON; INDIANA UNIVERSITY, BLOOMINGTON

biweekly during the summer.

Team meetings are not hearings; only team members attend. The format of a team meeting involves discussion of possible options that can be presented to the victim by whichever team member handles the case. The role of the designated team member is to communicate with the victim while seeing that the victim's wishes are carried out, to the extent possible. In presenting options to the victim, the team member normally points out pros and cons of various courses of action, so the victim can make an informed choice. If the victim is seeking a remedy that is not possible, the team member explains why that action may not be possible.

If there is inadequate information to understand what transpired in the incident, the team may need to make inquiries, with the victim's consent, before further action can be taken. When an incident has occurred in a residence hall, residence hall staff normally investigate the matter. If the incident involves vandalism or threats, campus police are asked to investigate. In most cases, further investigation is unnecessary.

Actions fall within one of three categories: (1) Report is filed for information only; (2) Incident is referred to existing procedure within or outside the university; or (3) Team member intervenes directly with parties involved. All reports are included in annual team summaries without identifying information, such as individuals' names or specific location of incident. The summaries do include a brief description of the incident and outcomes. These reports are shared publicly in order to raise awareness about incidents and reporting procedures. They also serve as a tool for teaching students and others how to respond when incidents occur.

When an incident occurs off campus or involves behaviors that could be violations of law, the local police and/or Human Rights Commission can be helpful referral sources. Other

existing procedures to which cases can be referred are campus police, residence hall staff, faculty or academic department chairs, the campus judicial system (for incidents involving student offenders who have violated university policy), and the Office of Affirmative Action.

The most common actions taken directly by team members are meeting with persons who have been identified as having been involved in the incident, conducting educational sessions, writing letters to inform persons who need to know about the incident in order to resolve it. Team members also assist victims in preparing for any hearings or meetings that may occur as a result of the incident having been reported to other offices or agencies.

### *Frequently Asked Questions*

1. Why does I.U. need four teams, instead of just one bias response team? The teams were created in direct response to student requests, and there was a great enough need to justify separate teams. If a campus can manage to respond well to all types of incidents with one team, and students and others understand the role of the team, then a single team can work well.

2. How effective are the teams? One indicator of success is that reports continue to be filed. In fact, receiving reports is more of an indication of success than if no reports were submitted to the teams, as bias motivated incidents are a reality. When students trust the reporting procedure, they will report incidents. Another indicator of success is that university policies have been influenced by information provided from team summaries. For example, the university's religious observance policy was greatly influenced by problems being faced by Jewish students whose requests for accommodation by faculty on high holy days were not being honored. Another example is that the Gay, Lesbian, Bisexual, Transgender Student Support Services Office was created several

years after the GLBT Anti-Harassment Team began to document incidents of discrimination, homophobia, and harassment. Also, satisfaction surveys that have been given to persons who used the teams have indicated that they are a valuable service.

3. Is it not a violation of Freedom of Expression for a university official to address verbal or written slurs and offensive comments? One of the most beneficial aspects of the incident team procedures has been that by informally addressing bias motivated incidents of all types, including everything from physical assault to offensive jokes, and taking an educational, victim-driven approach, the university has responded to these incidents without violating rights of individuals. By helping offenders understand the impact of their words on others in the community, the teams can provide an educational function without the use of sanctions or punishments. If something that has been spoken or written represents a direct threat or vandalism, then the formal procedures of the campus judicial system and/or police are used. Direct threats and vandalism are not protected forms of expression.

4. How do you distinguish between hate crimes and bias motivated incidents? All hate crimes are bias motivated incidents, but the reverse is not true. By avoiding use of the term "hate crimes," the teams are able to address the most frequently occurring types of incidents, not just those that meet the legal definition of a crime.

5. How do you achieve a collaborative approach with other university offices? It is important to establish a clear understanding about the role of the teams with all key offices that might be called upon to assist with a case. For example, it is important to have an understanding with campus police that when they respond to an incident that includes bias-motivated speech or harassment, they share

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## BIAS RESPONSE TEAMS: KEY FACTORS FOR SUCCESS (CONTINUED)

BY: PAMELA W. FREEMAN & BILL SHIPTON; INDIANA UNIVERSITY, BLOOMINGTON

their report with the teams. A mutual respect has developed between the police and the teams, as the teams can respond to incidents that do not include a legal violation, and the police can carry out the power of the law in responding to legal violations. Communication is key with all such offices, including police, residence hall staff, student affairs units, academic administrators, etc.

6. Can the teams achieve restorative justice? Yes, the teams have been identified at Indiana University as an excellent example of restorative justice because of the emphasis on carrying out actions that will provide resolution for the victim while helping the offender to learn from the incident and become part of the resolution. Sometimes the offender is unidentified, such as when hateful graffiti is drawn on a student's message board in a residence hall. In such cases, having a floor meeting to discuss the matter, coming up with specific actions that residents will take if they become aware of such behaviors, issuing a written statement by student leaders and staff who have worked together to address the matter, and other actions can restore a sense of security to the floor while providing direct support for the resident who was targeted by the incident.

7. How does your media relations official react to the public release of information about reports? It was im-

portant in the early years of the teams to have support from both the student leaders and the chief academic officer of the campus. It was important to help media relations personnel understand that our campus would be viewed as a welcoming, safe place if it were known that when incidents occur, we respond. In fact, parents and incoming students often inquire about where incidents such as harassment and bullying can be reported. We have a well established procedure through the teams, and our media personnel now understand the value of this service.

### Conclusion

Having a bias response team can require commitment and time on the part of team members, as well as from offices which are called upon to assist with responding to incidents. Even so, these teams are extremely useful in helping the campus community recognize that incidents can be harmful to students and the community as a whole, and they are invaluable in helping universities be prepared to respond when incidents occur. Gaining support from students and administrators is critical to success of a team, as is taking an educational, victim-driven approach to response. A team can provide support for victims, education for offenders, and documentation that provides a basis for policy development.

## BIAS INTERVENTION BEST PRACTICES

BY: EDWIN DARRELL, OUTREACH AND STUDENT SUCCESS, DEPAUL UNIVERSITY

When residence life staff members confront incidents of bias in the halls, hopefully they are considering the entire COMMUNITY in their response. Bias incidents in the residence halls can have lasting effects on the targeted individuals and the residential community. However, the response that ensues can make all the difference in the world. How are the targeted individual(s) or group(s) supported? How is the residential community (floor or building) informed and supported? How is the greater university community informed, educated and supported? I will share with you how we respond at DePaul University and some key tips for residence life professionals when addressing bias incidents in your residential communities.

Here at DePaul, when a bias incident occurs, several layers of the institution are brought into the folds. One important point to note is that we at the institution depend on the Chicago Police Department (CPD) to make a determination of

what is a Hate Crime versus a Bias Incident. From there, once we (Residential Education & Public Safety) receive an incident report or documentation, we attempt to conclude if an individual is being targeted. If so, the individual is given option to be involved in a purposeful response. The individual is informed of the university response should someone be found responsible for the incident. Regardless, a letter is then distributed to the community informing them of the incident, the available campus resources, and options to respond if one should have knowledge of the incident.

Simultaneously, the Office of Diversity Education, where campus climate concerns are monitored, is also informed and consulted. This office specializes in educating the campus community about embracing and living a university mission that espouses diversity as a core value. Their role is typically deciding what type of response is appropriate for the broader DePaul community.

Here are 10 broad recommendations for dealing with bias incidents for residence life professionals:

- Know your university's definition of a Bias Incident (Is it equivalent to a Hate Crime or not?)
- Be familiar AND comfortable with your departments protocol and procedures as it relates to Bias Incidents
- Know your campus and community resources
- Be proactive—education should NOT start after an incident has occurred
- Follow up with impacted individuals and the residential community (floor, building, etc.)
- Follow up with staff members who were directly involved
- There should be ongoing "table top" exercises and appropriate responses with your frontline hall staff and departmental leadership
- Develop time and space for a community response
- Consult and share with colleagues outside of your department, division & institution for perspective (Sharing is caring!)

## BIAS INTERVENTION BEST PRACTICES

BY: MARVETTE LOWERY, COORDINATOR OF FIRST YEAR EXPERIENCE, LINCOLN COLLEGE

Through our respective areas in Student Affairs, it is safe to say that we all have some experience with programming. Rather we are master programmers or understand the basics enough to survive the programming experience; it should be safe to assume that no student can escape the grasp of the learning experiences that we are able to provide. However, it may become difficult when we embark on the journey towards educating our students in the realm of bias and diversity related programming. This area can be a sensitive subject on our campuses which can make it a daunting task to accomplish. It is too simple of a statement to say that creating effective and engaging bias programming for students should be no different in the approach that you may take with any other topic area. Highlighting bias can be intimidating and invoke a sense of vulnerability for all who are involved.

At the core, bias programming should be treated as a learning experience just like other types of programming. We are all in the business of educating students and most times we forget to consider that we, as the educators, are also participating in this learning opportunity. It may be implied that we should be all-knowing and filled with infinite knowledge about our specific programs; however, in reality, that is far from the truth. As a profession, we pride ourselves on being life-long learners and as a result we should be willing to show that to our students. As we approach programming for bias purposes, we should remember that the expectation should not be that we are experts but that we (students as well as professionals) are in this learning experience together.

The following gives you some things that you may want to consider when planning bias programming. While this may not be an exact how-

to guide, it will hopefully give you a clearer understanding on how to approach your next programming endeavor.

*Things to Consider*

**Audience:** In preparation for programming, the consideration of audience is important for numerous reasons. However, when it comes to programming for bias, it is important to understand the knowledge base of your audience. Most time it is assumed that students will fall throughout the spectrum of little knowledge to all-knowing; however, programming is most effective when more concrete information is known. This

could be achieved by having participants fill out a brief survey or a raise of hands in regards to how familiar participants are with the learning objectives of the program. You could ask students to provide examples or explain brief definitions. As the coordinator, you will have a better idea of which areas to focus more on and which ones that will allow you to go deeper in the discussion. In addition to prior knowledge, it will allow you to gauge the audience sensitivity to the issues being discussed. In order to prepare and account for participants who may shut down or get riled up, it is important to set ground rules in the beginning and to constantly remind participants of those rules throughout the program.

**Environment:** Programming goes further than the designated time and place of the event. Students are primed from learning from the first impressions they receive from their surroundings. What does your department area say about how you feel about bias? Do the various books, photographs, posters, and other printed materials reflect an awareness and appreciation of all cultural backgrounds? Are the images depicted of everyday life versus tradi-

tional ceremonies? In everyday interactions, does your department challenge stereotypes, prejudice, and discriminatory practices? While you may not have the resources to provide awareness of every culture, does your environment suggest that it would be a safe place to come to or is that only reserved for your multicultural centers?

**Presenter Awareness:** Change begins with the individual. Often times we forget the great resource that lies within our participants and ourselves. Before leading a program, there are a few questions that you should be willing to ask yourself. How comfortable are you interacting and discussing the topic? What exactly is your knowledge base? How can you continue to find out more information? What do you personally think about your environment, campus culture, and surrounding community culture? How do you reflect it through your interactions? How do you respond to questioning?

**Awareness v. Specific Topic:** Finally, when planning the actual program, it is best to stay away from focusing only on a specific culture or issue (transgender, Christianity, race relations) and instead focus on awareness and techniques (PAN-ing, People-First Language, paraphrasing). While there may be an area of concern for your campus, simply just discussing and learning more about the issue may only highlight the neg-

atives. Students may walk away not understanding how to handle the situation in the future. It is important to teach the skills that will allow the participants to take ownership of their own education because not everyone learns at the same pace.

*Conclusion*

At the core, with good intentions and a learning spirit your programs will be of much success. The following are other things to consider as you further plan for programming. With most things in life, bias pro-

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*“At the core, bias programming should be treated as a learning experience just like other types of programming.”*

*“Change begins with the individual.”*

**BIAS INTERVENTION BEST PRACTICES (CONTINUED)****BY: MARVETTE LOWERY, COORDINATOR OF FIRST YEAR EXPERIENCE, LINCOLN COLLEGE**

gramming becomes better with more practice. After all, there is no better way to be in your quest as a life-long learner.

Help students to understand how to build an awareness of stereotypes, assumptions, and perceptions about themselves and others.

Explore the idea of culture and provide opportunities to experience interactions with people from different cultures in order to examine appropriate behaviors and attitudes.

Discuss issues related to discrimination and bigotry

on campus.

Examine how diversity on campus enhances the environment. Is the campus overall more productive? Is there a higher level of satisfaction among staff, faculty, and students?

Encourage students to solve problems, questions, and case studies to make it less about their personal experiences and more about how they personally can respond in the future.

Prepare to integrate concepts and outcomes to campus community at large.

**CIRCUIT 7 CASE STUDY: WHAT WOULD YOU DO?****BY: LAURA BENNET, STUDENT CONDUCT OFFICER, HARPER COLLEGE**

For each of the following case studies, consider the following questions:

*What are the issues of concern in this situation?*

*What constituents have the most pressing needs initially?*

*What communication is warranted?*

*What information do you need in order to move forward?*

*What actions do you (or other staff) take immediately, as well as in the near future?*

*In what way(s) does being at this type of campus (community college, small/private, large/public) affect your response?*

**Small, Private, Residential College:**

In a residential community, two students come to the hall director to report that they received papers slipped under their rooms doors reading “F -you, Mormon” and “Atheists will all go to hell.” The first student is male and received the note under his door a few nights ago but did not report it as he does not talk much about his religion on the liberal campus. When he heard about the note slipped under his friend’s door, who is an atheist, last night, he was concerned about her reaction and felt that this was more of a problem. The two students bring the notes to the hall director to report the incident. Both times this occurred late at night (between 2am and 7am) according to the students. The hall director also learns that there was also a problem with bias writing in the community last semester. There had been some concerning drawings on the dry erase boards in the study rooms. The first one had pictures of penises and the second read “the RA’s are gay.” These occurred two months apart in the fall and, while they were reported to the RA informally, they were not reported to the hall director until now as students in the house are talking about them in relation to these notes under the doors. The hall director knows that one of the RA’s in the building started publicly coming out to the community as gay in the Fall. Two parents are upset about the notes and the overall climate in the house, and they want their students moved out. (Note - the housing system is beyond capacity this year and students are still in temporary triple rooms.)

**2-Year Commuter Community College:**

You get a call from the Campus Activities Director who has a student in his office that is upset about an experience in class this afternoon. She went to the bathroom prior to class and saw fliers in the bathroom that portrayed graphic anime images of what appeared to be Asian women in demeaning sexual positions. This is the 2<sup>nd</sup> time she has seen these fliers in the women’s bathrooms in a week. She took the flier to her professor who is a new adjunct faculty member. He took the flier from her and told her he would talk to the department chair and get back to her next week, but that they needed to get through the class material. She was upset by this and didn’t know where else to go so she reported this to campus activities as she knows him through writing for the student paper.

**Large, public University:**

On Monday morning, you receive a police report for a student who was transported to the hospital for alcohol use from X fraternity. The police report references that the party had a “Cowboys and Indians” theme. After reviewing the police reports, you see that you have an email from the leader of the Native American Student Association (NASA) who is upset that the fraternity hosted this party on the same night as the NASA annual Pow wow. Several members of the exec board believe this was done to mock them. You also get a phone call from a Greek Advisor who, after chatting about the unregistered theme party, reports that the fraternity had a large sign on the porch on Sunday that read “Come in a lesbian, leave a real woman.” You have not seen the sign, but you were told it was painted on plywood.

## ARE CAMPUS SPEECH CODES INCOMPATIBLE WITH FREEDOM OF SPEECH?

BY: DENNIS LEE SHAW, ASSISTANT DEAN OF STUDENTS, WISCONSIN-STOUT

How many times when investigating a reported disruptive comment yelled from a residence hall window or a threat posted on a Facebook wall or any similar situation has the student you are questioning retorted with, “have you ever heard of the freedom of speech?” Many students misunderstand the protections afforded by the First Amendment and wrongly conclude that they can say whatever they want at any time in any location. They jump to the conclusion that codes of conduct sanctioning this behavior are always incompatible with the First Amendment’s “Freedom of Speech.”

The First Amendment of the U.S. Constitution states: “Congress shall make no law ... abridging the freedom of speech ...” The key word here is “Congress.” In its purest form this means that the federal government may not interfere with our freedom of speech. In the 1925 case of *Gitlow v. New York*, the Supreme Court indicated for the first time that the First Amendment freedoms of speech and the press also apply to state government actions (through the Due Process Clause of the Fourteenth Amendment).

Therefore, with some exceptions, if a private college or university sanctions a student for violating a code of conduct involving speech, they will most likely not violate the First Amendment in doing so. This is because the actions by the private college, even ones that accept some federal or state grant funding, are not actions taken by the state. With this in mind, let’s focus on public institutions and speech codes.

Speech codes have been around campus for many years. They are many regulations or campus rules that forbid, limit, or restrict certain speech. They were commonly enacted on college campuses in an attempt to ensure civil order during the Vietnam War era protests. More recently, their goal has been to promote tolerance and eliminate bias or hate speech on campus. Although well-intentioned, public college speech codes when tested in the courts usually run afoul of the First Amendment. The two leading cases in this area involve the University of Michigan and the University of Wisconsin.

In 1987 the University of Michigan’s Ann Arbor campus experienced several acts of intolerance involving a variety of racist posters and also racist on-air comments by a radio disc jockey. In an attempt to address the situation the Michigan Board of Regents adopted a hate speech policy carefully drafted by the Affirmative Action Office and revised by Law School Professors.

At about the same time, the University of Wisconsin campus in Madison was experiencing similar situations, this time involving fraternities (one held a “Fiji Island Party” complete with racially insensitive characters, another held a “Slave Auction” with racial parodies of black entertainers performed by pledges). The Wisconsin Board of Regents revised their student nonacademic misconduct code, which governs student conduct on all 26 UW campuses, to include sanctions for comments directed at

other students that are intentionally demeaning and which create a hostile learning environment.

Both speech codes were challenged in courts (see *Doe v. University of Michigan*, and *The UWM Post, Inc. v. Board of Regents of University of Wisconsin System*) and both were found to violate the First Amendment because the rules were overbroad. Since both of these cases attempted to control pure speech, the courts struck them down because the code wording could be used to also forbid or punish other speech that is protected. It doesn’t matter that we don’t use it to sanction protected speech; the fact that it could be used is enough to make it unconstitutional.

So, what can we do? Can we do anything? Should we throw up our hands and say that we tried our hardest, but “they” won’t let us do anything about bias speech? No. There are many ways, both formally and informally,

for the public college campuses to send the message that hate and bias will not be tolerated.

Even in cases where we cannot sanction under our code of conduct, a conversation with the offending party will often times take care of the issue. The restorative justice model can be helpful in getting the offender to stop and think about their comments.

The campus community can also speak out on the issue. When students, faculty and staff come together to say “Not Here!” it can be very powerful.

But, we also need to have a code of conduct that allows us to sanction egregious behaviors involving speech. The key to enacting a speech code that does not offend the Constitution is to focus on the conduct and not just the speech. In *Wisconsin v. Mitchell*, a Wisconsin Hate Crimes statute was upheld by the U.S. Supreme Court because the statute language focused on the conduct. Chief Justice Rehnquist, writing for the unanimous court, distinguished the *Mitchell* case from another case (in which the court found a bias speech ordinance was unconstitutional) because in *Mitchell* the state law governed bias-inspired conduct not just speech.

So, what might a constitutional code look like? I am sure there are many good examples, but allow me to highlight one that I feel is well written. The Georgia State University Student Code of Conduct states, “Students have the right to freedom of expression by word or symbol as long as it does not materially or substantially interfere with the orderly operation of the University or with the rights of others as conferred by the Constitution. This right of expression does not protect disruptive, threatening, lewd, indecent or obscene conduct or expression.”

So, the answer to the question of whether speech codes are incompatible with the First Amendment is no, as long as our code addresses the student conduct not just their speech. That shouldn’t be too tough for us conduct officers to remember as our mentors have always told us, “focus on the conduct!”

***“There are many ways, both formally and informally, for the public college campuses to send the message that hate and bias will not be tolerated.”***