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Defined the Contours of One University's 21st-Century
Hate and Bias Policy*

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Of Flyers and Free Speech: How Student Activism Defined the Contours of One University's 21st-Century Hate and Bias Policy

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Since 1999, The University of Texas at Austin (UT Austin) operated under a Student Policy on Race Relations when handling hate and bias incidents. In February 2017, an anti-Muslim flyer was posted near campus, prompting UT administration to hold a town hall for UT student activists to vocalize their concerns. Through Kezar's (2010) description of modern student protests and Barnhardt's (2014) framework for modern student protests, this study analyzes the marginalized UT Austin student voices of that town hall meeting, demonstrating how modern student activism influenced presidential rhetoric and a new Hate and Bias Incidents Policy, the first in nearly two decades at UT Austin.

Keywords: student activism, free speech, student protest, campus policy

Many historians point to three watershed eras in United States (U.S.) history to illustrate how student activism has unequivocally mirrored the tumult experienced by U.S. society: student activism arising from the aftermath of the Great Depression in the 1930s; a mass exercise of free speech on and off college campuses during the height of the Red Scare in the 1950s; and student protests and sit-ins to support the rise of counterculture during the Civil Rights Movement in protest of the Vietnam War in the 1960s (Altbach, 1997). When conflict arises, it seems that college students in the United States make their voices heard.

It is then no surprise that after the United States' most recent presidential election cycle—which witnessed the winning candidate secure a 306-vote electoral majority but lose the popular vote by more than 2.5 million (CNN, 2017)—student protests popped up in major metropolitan cities, such as Chicago, Seattle, Los Angeles, and New York, voicing a staunch opposition against the President's proposed immigration reform, mass deportations, Muslim bans, and a repeal of LGBTQ+ rights (Park & Grinberg, 2017). Placing college and university administrators in an unenviable position, some student protests on college campuses following the election turned violent. In February 2017, the University of California at Berkeley cancelled right-wing commentator Milo Yiannopoulos' speaking engagement citing "150 masked agitators who came to campus to disturb an otherwise peaceful protest," which resulted in over \$100,000 of property damage (Park & Lah, 2017). In April 2017, Auburn University administration initially cancelled White Nationalist Richard Spencer's planned appearance on campus, citing concerns over uninvited, unaffiliated, off-campus groups provoking disruptive conflict. Yet, after a federal judge granted Spencer's request for an injunction, Spencer spoke at the scheduled event and police made arrests after fights broke out between divergent individuals (Grinberg & McLaughlin, 2017).

Subsequently, college and university administrators have revisited campus speech policies, hate and bias action plans, and diversity and inclusion frameworks to ensure their campuses respectfully and legally balance Constitutionally-protected speech with the type of rhetoric promoted by speakers like Yiannopoulos and Spencer. These administrators have made these efforts while trying to avoid violent altercations between students, members of the public, or a combination of the two. Controversial speakers such as Yiannopoulos and Spencer have catalyzed college and university administrative action largely due to perceived hate speech: speech that offends, threatens, or insults groups, based on race, color, religion, national origin, sexual orientation, disability, or other traits (American Bar Association, 2017). Across college and university campuses, hate speech has taken

many forms, but at The University of Texas at Austin (UT Austin), hate speech has generated a wealth of student activism recently, compelling University administration to update decades-old policies and to fundamentally alter how and when they communicate hate and bias incidents with students and the broader campus community.

Since 1999, UT Austin has operated under a Student Policy on Race Relations, a brief, one-page, four-paragraph policy that outlines UT Austin's attitudes toward "communication or acts of violence, hatred, abuse of authority, or ill-will that assault the person or the sense of self-worth of members of our community" (The University of Texas at Austin, 1999, para. 4). The policy also includes the statement that "the University unequivocally condemns racist behavior in all of its forms" while remaining "committed to the principles of free inquiry and expression" (para. 5). Further, the policy encourages members of the educational community to "adopt voluntarily standards of civility that reflect mutual respect, understanding, and sensitivity among its diverse racial, ethnic, and cultural groups" (para. 6). The policy concludes with information about race relations education, counseling, and mediation facilitated by the University's Director of the Multicultural Center. Nowhere in the policy are definitions of hate crimes or disciplinary actions taken by the UT Austin if a hate crime occurs on campus. Instructions for students, faculty, or staff to report a hate or bias incident are also unavailable (The University of Texas at Austin, 1999).

This decades-old policy was tested on February 13, 2017 when the American Vanguard, a White Nationalist organization, posted anti-Muslim flyers on UT Austin's campus, reading "Imagine a Muslim-Free America" (Appendix A). As a result, multiple UT Austin student organizations formed larger coalitions and began speaking out against racialized hate speech. One week later, UT Austin President Greg Fenves responded by emailing all members of the UT Austin community and posting a message to the President's institutional website. In his response, Fenves called the flyers "hateful, divisive, and deeply offensive," while citing the University's core value that "Free speech is critical to the exchange of ideas that must happen at a university" (Fenves, 2017a, para. 2). Elaborating on the notion of free speech, Fenves later wrote, "We don't learn by quieting voices. We learn by listening to one another and, when we disagree, by engaging in thoughtful dialogue. Protecting free speech means protecting the rights of every perspective, even if that perspective is objectionable," (para. 5). Directly commenting on the anti-Muslim flyer, Fenves asserted, "Posters from non-UT organizations, including the ones we saw last week, are not allowed under our rules and will be taken down," (para. 6). However, Fenves did not mention any specific action the university took to identify the perpetrators, nor did Fenves denounce the flyer as hate speech. Angered, multiple UT Austin student organizations immediately brought these omissions to the attention of UT Austin's administration, resulting in Fenves scheduling a Town Hall on Campus Climate on February 22, 2017 to address student concerns and provide the UT Austin community with an open public forum to espouse their beliefs and share their concerns.

This study analyzes the voices of those UT Austin student activists responsible for catalyzing the Town Hall on Campus Climate and shaping the newly-ratified Hate and Bias Incidents Policy at The University of Texas at Austin. Given that the town hall situated UT Austin students and other stakeholders speaking directly to university administration, the main purpose of this paper is to articulate the attitudes, beliefs, and values of the student activists, primarily as they relate to their university's administration. Using recent research (Barnhardt, 2014; Kezar, 2010) that focused on modern student activism on college campuses, this study finds that student activists not only influenced university policy but that these actions fundamentally changed how one university president addresses incidents of hate and bias on campus and how university administration communicates with their community and beyond. Therefore, it is important to review relevant literature to better understand the historical context of student activism in the United States and how this literature could

inform a better understanding of modern student activism and postsecondary administrative action to facilitate peaceful, productive student activism on their respective campuses.

Modern Student Activism on U.S. Campuses

Although student activism in the United States reached its peak during the Civil Rights Movement in the 1960s (Altbach, 1997; Altbach & Cohen, 1990), research focused specifically on modern day student activism on U.S. campuses is limited. However, Kezar's (2010) research on student activism partnerships, Barnhardt's (2014) work centered on student activist tactics, and related social media research all set a foundation for our understanding of modern student activism, such as the events that led to the major policy change at UT Austin.

First, Barnhardt's (2014) study analyzed tactics used in a series of modern day protests on college campuses. Barnhardt outlined a framework for student protests and describes them as having four components: 1) mobilizing group (the group seeking change); 2) target group (the group the mobilizing group is seeking to change); 3) claims being advanced; and 4) tactics, which are the behaviors used by the mobilizing group to advance their claims. According to this framework, each of these four components must be present for a behavior to be categorized as activism.

A historical analysis of student activism over time reveals that different tactics have developed and changed over time and fall into three categories. Violent tactics, the first category, tend to be used as a last resort when other methods fail and may not make an impact on the target to result in change (Barnhardt, 2014). For instance, the Civil Rights Movement of the 1960s, and, in particular, 1968, witnessed many student demonstrations escalate through violent tactics (Altbach & Cohen, 1990; Barnhardt, 2014; Boren, 2001). Tactics can also be classified as disruptive, which can be more effective than violent ones because they catalyze group discussion, thinking, and/or responding in some way to the mobilizing group's claim. Sit-ins, boycotts, and building-takeovers are examples of disruptive tactics. The final group is conventional tactics, which are behaviors that fall in line with previously established routines and are often supported by the target groups of the activism. Conventional tactics include standing and speaking at a meeting or wearing clothing that dons a particular slogan to show solidarity with a given movement (Barnhardt, 2014).

In 2010, Barnhardt (2014) surveyed a random sample of U.S. four-year public and private college campuses to measure which tactical behaviors college students were most likely to employ when pursuing a social change initiative between 1989 and 2010. Petitioning (71%), rallies (57%), and letter-writing campaigns (51%) were the most popular tactical behaviors, whereas building blockades (1%), strikes (4%), pursuing law suits (7%), and sit-ins (9%) were among the least popular tactical behaviors demonstrated by student activists, illustrating how modern student activism is often less violent than its predecessor in the 1960s. Here, Barnhardt (2014) argued that although contemporary campuses have "adopted rules and regulations that outline appropriate conduct for students' freedom of expression and dissent," modern tactical behaviors that fall "outside the confines of campus regulations for expression and dissent can be creative, culturally resonant, and perhaps more likely to engage others on the substantive movement issue" (p. 54). Therefore, it is important for institutional leaders to acknowledge the ingenuity of the modern student activist, despite the rise of campus speech codes imposed by leaders of institutions of higher education (Gould, 2001). If administrators better understood the modern student activist, perhaps these administrators could avoid violent or disruptive tactics that often lead to the physical and/or emotional harm of a variety of educational stakeholders including, students, faculty, staff and community members.

An important component of conventional activism is ability of the mobilizing group to join forces with another group that has power within the organization. Kezar (2010) conducted a study on faculty and staff partnering with student activists to bring about change on college campuses.

Kezar established that faculty involvement ultimately brings legitimacy to student activism, positing that faculty serve as liaisons between students and campus leadership, given their close interaction with students and influence on campus. Furthermore, faculty that conduct research on topics related to student activism may be seen by students as more reliable and trustworthy. Staff have similar roles to faculty in partnering with student activists but more often balance the roles of disciplinarian and student ally (Kezar, 2010).

Finally, the proliferation of social media in recent decades has allowed student activists to assemble and promote social change within and beyond a single college campus. However, such communication technologies have facilitated equal degrees of freedom and opportunity for what numerous scholars have called “slacktivism,” or, activism performed largely through the Internet involving little effort and commitment (Cabrera, Matias, & Montoya, 2017). In a survey of 222 members of three student activist groups, Velaquez and LaRose (2015) found that the information provided by student activists in online settings can have a positive effect on perceived efficacy if that information caters to the online behaviors of activism stakeholders. Furthermore, the surveyed members focused their participation on Facebook and Twitter, as these social media platforms allow users to “like,” “comment,” and “share,” which informs the student activists of the effectiveness—or ineffectiveness—of their activism, while mitigating expenses associated with student activism, such as time or printing costs of flyers or posters (p. 469-470).

For as valuable as social media is for modern student activists, such technologies enable several hurdles for student activism. Cabrera, Matias, and Montoya (2017) assert that the term “slacktivism” can be divided into five categories: clicktivism, sympathy, political, direct charity, and charity by consumption (p. 4). These authors argue that social media’s ease of use and the entire notion of online organizing can often mischaracterize or limit student activism: simply donating \$1 to a charitable cause or clicking “like” on a given social movement’s Facebook page limits one’s activism capabilities, thus limiting the overall impact of the cause (p. 10). For social media student activism to have its greatest impact, the authors suggest that contemporary student activism requires an online presence working in harmony with “actual grassroots organizing” to avoid slipping into slacktivism and lack of action (p. 12). Ultimately, it is important to note that this study does not analyze student activism over social media, however, future studies could investigate how students use social media to organize their activism before institutionally-sponsored forums, such as the town hall on UT Austin’s campus.

Student Activism on Campus: First Amendment Case Law

In addition to modern student activism, it is crucial to acknowledge the legal underpinnings of campus speech codes to understand how legal precedent affects modern student activism’s ability to influence such institutional policymaking.

Student Organizations

In 1972, *Healy v. James* saw Central Connecticut State College bar students from forming a chapter of Students for a Democratic Society (SDS) during a time of turmoil and violence perpetrated by other SDS chapters. The Supreme Court ruled in favor of the students, as such a bar was deemed unconstitutional and in violation of the First Amendment. In the opinion, Justice Powell channeled separate rulings in *Tinker v. Des Moines Independent School District* (1969) and *Shelton v. Tucker* (1960) when he wrote, “It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate,” and “[t]he vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools,”

(para. 10). Here, the Supreme Court defended the rights of college students exercising free association in the form of student organization, an extension of a college student's First Amendment-protected free speech.

Running parallel to *Healy* is *Widmar v. Vincent* (1981), where the University of Missouri at Kansas City (UMKC) cited the Fourteenth Amendment's Establishment Clause as a reason to ban Cornerstone, a Christian organization with UMKC student members, from meeting on campus in university buildings. Subsequently, student members of Cornerstone sued the institution, citing First Amendment rights of free speech and religion. Ultimately, Justice Powell delivered an 8-1 Supreme Court opinion, asserting that UMKC's ban of Cornerstone was based on the content of the group's speech, which was simultaneously protected by the First Amendment and was not being substantially promoted by the university, thus obeying the Establishment Clause.

Finally, the U.S. District Court's ruling in *Swope v. Lubbers* (1983) found that Grand Valley State University had violated its students' First Amendment rights after refusing to fund an X-rated film on campus after Grand Valley's Student Senate had allocated monies for film screenings on campus and the student body had voted to show the X-rated film. Here, student government as an organization flexed its First Amendment muscle by demonstrating that the Grand Valley State University administration had effectively censored speech by withholding the funds necessary to show the X-rated film on campus. As a result, a bar of funds constituted a ban, and because the university had no prior policies or guidelines when considering the screening of X-rated films on campus, the court delivered a victory for free speech and student activism. However, student organizations are subject to time, place, and manner restrictions on campus, the focus of three landmark court decisions.

Time, Place, and Manner Regulations

In a foundational case defining the contours of time, place, and manner restrictions of student speech on campus, *Brooks v. Auburn University* (1969) featured Auburn University's President Harry M. Philpott barring an approved and funded public speaker upon learning that the speaker—Reverend William Coffin—was a convicted felon and may advocate unlawful behavior during his speech. The U.S. Court of Appeals ruled against Auburn, asserting that university leadership could dictate time, place, and manner of speech but could not bar a speaker without a valid reason, a recurring theme of free speech on college campuses.

Regarding the printed page, *Texas Review Society v. Cunningham* (1987) witnessed The University of Texas at Austin students and members of the Texas Review Society sue UT Austin after university leadership barred the Review from distributing newspapers containing advertisements on the West Mall of campus. However, the U.S. District Court ruled that UT Austin's "solicitation rule" was a permissible time, place, and manner regulation, as the rule was narrowly tailored to support a compelling government interest in curbing massive-scale advertising on a college campus. Furthermore, UT Austin's "solicitation rule" did not hinder the Review's ability to gather, associate, or recruit members, thus the rule did not greatly affect the organization's operations. Here, the university had enacted a policy to contour the place and manner in which students could exercise their right to free speech.

Finally, and in terms of physical displays of free speech, *University of Utah Students Against Apartheid v. Peterson* (1986) focused on student-erected displays meant to protest Apartheid and the oppressive conditions facing Black people in South Africa. In the U.S. District Court's opinion, the university had established a limited public forum and had the authority to regulate student expression. And although the university had made reasonable exceptions—the university mandated that the protests displays must be portable and taken down at night to mitigate the dangers and costs as-

sociated with the displays—the university did not have extant policies regulating physical structures as student displays of free speech. Therefore, the university could not order the outright removal of the displays, delivering a victory for student free speech in the form of physical displays on a college campus.

The First Amendment and Campus Speech Codes

To curb hate speech, a form of speech protected by the Constitution, the University of Michigan unanimously adopted a “Policy on Discrimination and Discriminatory Harassment of Students in the University Environment” in *Doe v. University of Michigan* in 1989. Therein, the U.S. District Court ruled in favor of Doe—an anonymous University of Michigan student—finding that the University of Michigan’s policy was overbroad on its face and in application, as the policy was so vague that enforcement of the policy would violate Fourteenth Amendment Due Process rights. Judge Cohn also asserted that, “Because First Amendment freedoms need breathing space to survive, government may regulate in the area only with narrow specificity” (para. 49), and the University’s speech code was not narrowly tailored. Here, the University of Michigan’s failed speech code policy demonstrates just how difficult it is for college and university administrators to balance hateful speech and rhetoric with Constitutionally-protected forms of speech and related Constitutional rights.

Just two years later, *UWM Post v. Board of Regents of the University of Wisconsin System* (1991) witnessed the “UW Rule”—a university policy like the University of Michigan’s failed policy—be deemed unconstitutional by the U.S. District Court. Akin to *Doe v. University of Michigan*, the court found the “UW Rule” to be overbroad, vague, and likely to violate due process and free speech rights of University of Wisconsin System students, as the UW Rule was not narrowly tailored and exceeded the scope of the “fighting words doctrine” articulated in *Chaplinsky v. New Hampshire* (1942). In *Chaplinsky*, a unanimous Supreme Court decision delivered by Justice Murphy held that “fighting words” are “words that inflict injury or tend to incite an immediate breach of the peace” and are therefore not protected by the First Amendment, hence the “fighting words doctrine.” The court also argued that “fighting words” are not constitutionally protected as its content “fails to contribute to the expression of ideas of possessing any social value in the search for truth” (para. 24), especially applicable in a higher education context. Ultimately, the University of Wisconsin System’s “UW Rule” exceeded this doctrine, further illustrating the difficulty of regulating speech on a college campus while adhering to Constitutionally-guaranteed freedoms of the individual.

The Balancing Act of Speech Codes on Campus

Although extant case law has informed institutional free speech policies and contoured the time, place, and manner of student demonstrations of free speech on college campuses, colleges and universities must always perform the delicate balancing act of prohibiting and denouncing hateful speech and rhetoric on campus, while simultaneously supporting the Constitutionally-protected rights of all educational stakeholders.

Gould’s (2001) landmark study of speech codes on college and university campuses found that 100 public and private institutions enacted nearly identical percentages of speech policies from 1987-1992 (publics at 44%, privates 43%), while over 13% of all four-year institution types enacted speech policies that prohibited verbal harassment, verbal harassment of minorities, and offensive speech (p. 359). However, from 1992 to 1997, eleven institutions enacted new campus speech policies, even though the University of Michigan’s and the University of Wisconsin System’s policies were deemed unconstitutional just a few years earlier. Ultimately, Gould’s research articulated the

notion that even though legal precedents were established in relation to campus speech policies, many postsecondary institutions enacted speech codes contradictory to said legal precedents. In short, many public and private institutions, as recently as 2001, have successfully adopted and implemented theoretically unconstitutional speech codes without issue or legal contest. As a result, it is important to understand Gould's (2001) findings to understand the potential limitations—and Constitutional implications—that any newly-established speech code could present on U campus.

Methodology

Barnhardt (2014) and Kezar's (2010) work focused on modern student activism appropriately frames our analysis of the marginalized UT Austin student voices apparent in the administration-facilitated Town Hall on Campus Climate in February 2017. Extant research has not articulated a theory of modern student activism as of yet. Therefore, the undergirding research of Barnhardt (2014) and Kezar (2010) will provide our study with a sense of place in the current body of research and how both Barnhardt's (2014) and Kezar's (2010) work could be expanded upon in future studies, such as this one. Our primary research purpose centered around a single question: How do student activists at UT Austin view administrative response to incidents of hate and bias on campus?

Data Collection and Analysis

All members of the research team gathered qualitative data for this project during the February 22, 2017 Town Hall on Campus Climate between UT Austin administration and UT Austin student activists. UT Austin administration included President Greg Fenves, Provost Maurie McInnis, Dean of Students Soncia Reagins-Lilly, and then-Vice President of the Division of Diversity and Community Engagement Greg Vincent. This town hall was advertised through institutional email and the UT Austin News website and was then broadcast live on UT Austin's UStream channel (available at <http://www.ustream.tv/channel/utaustin>). UT Austin administration then archived this video for future viewings and re-viewings. All members of the research team viewed the archived video recording and transcribed the audio content of each UT Austin student activist who spoke during the town hall. Each research team member then shared each other's transcript and re-watched the video to ensure accuracy of the content.

In total, 34 UT Austin students and one alumni-turned-UT Austin instructor voiced their concerns and espoused their beliefs during the town hall: these activists self-identified as undergraduates, graduates, international students, undocumented students, students of color, white students, Muslim students, and Arab students. All town hall participants waived their rights to privacy and confidentiality and were made aware that the town hall was a limited public forum to discuss the recent events related to hate and bias incidents on UT Austin's campus. All members of the research team watched the town hall for academic purposes and were not members of any student organization at the town hall.

The research team reviewed and coded the data independently and then compared codes to reach themes, resulting in a double-blind, open-coding procedure and result (Miles, Huberman, & Saldaña, 2014). The research team unanimously agreed upon five themes that appropriately and accurately described the experiences and concerns of marginalized students on UT Austin's campus.

Findings

An articulation of the five core themes of this study are presented in content-analytic form with illustrative quotations in Table 1 below. The subsequent five sections outline the five core themes from our findings, each with multiple quotations that illustrate these themes.

Table 1

Core Themes Presented by Speakers with Illustrative Quotations

1. Feelings of fear and unsafety:

“This isn’t an issue of offense. I wasn’t offended by the flyers. I was fearful.”

2. Belief that UT Austin administration marginalized past events of hate and bias:

“Racists threw bleach bombs at students of color in August 2013. Those students have come back to campus. They have accepted and they are on campus.”

3. Self-protection as a response to administration’s marginalization of past events:

“Only we can protect each other. It will not stop until we stop it.”

4. Interpretation of administrative rhetoric as a proxy for action:

“After hearing the meaningless platitudes given every single time after a horrible event like this happens, we have lost all hope in the administration.”

5. Feeling that the administration was using free speech to insulate hate speech:

“Your legitimization of their speech under the well-worn name of free speech not only gives them a valid platform, but also a home for them to continue to breed their hatred.”

Feelings of Fear and Unsafety

Fear, undoubtedly, was the primary emotion felt by countless marginalized UT Austin students. This fear unequivocally produced feelings of unsafety, especially on campus. Three separate students offered these insights:

“Hate speech targeting certain groups makes those groups feel unsafe on campus.”

“I do not feel 100% safe on my campus right now...and I am concerned for the safety of my community and my siblings and my family.”

“I have a problem with this administration, and the one before it, who have made our experiences unsafe.”

Here, all three UT Austin students expressed feelings showing that not only was the campus unsafe but that this feeling of unsafety can be attributed to the University’s administration. A different student tied together the University’s perceived inaction as the root cause of fear and unsafety:

“When the University drags its feet acting, if it acts at all, against the increased fascist presence on campus, and when you arrest and criminalize students for taking campus climate into their own hands, how can you expect your students to feel safe?”

Here, it is important to note that due to confidentiality reasons, institutions of higher education often cannot publicly release the names or circumstances surrounding hate crimes committed on or near campus. It is also paradoxical for the latter speaker to assert that the university “drags its feet acting, if it acts at all,” yet the speaker then noted that the university has “arrested and criminalized” students in the aftermath of hate crimes on UT Austin’s campus. However, the student activists at the town hall overwhelmingly felt that the university administration has helped produce feelings of fear and unsafety on campus.

A Marginalizing of Past Events of Hate and Bias

Several different students expressed their dissatisfaction with UT Austin's administration, asserting that violence and hate has been and is pervasive on campus and has been for some time, yet these past events were not properly addressed and their perpetrators went unpunished. One student shared an incident where, "The University allowed a student who threw bottles at a Black student to come back on this campus." Similarly, another student reasoned that "Racists threw bleach bombs at students of color in August 2013. Those students have come back on campus. They have been accepted and they are on campus." A different student commented upon a seemingly different event, stating that "The racist bake sale¹ remains completely unpunished by the administration." Although it was unclear whether the first two students were referring to the same incident, it was clear that these UT Austin student activists felt that prior events of hate and bias went unpunished, including well-publicized events such as the "racist bake sale."

Other UT Austin students stood in solidarity with UT Austin's Muslim student population, stating that "This [University] President did nothing after Muslim and Arab students were called terrorists by a faculty member at this campus." A different student offered a vivid, comprehensive account of perceived unpunished hate and bias on campus:

"In November of 2015, the Palestine Solidarity Committee organized a protest of an event held on this campus. We were physically confronted by a professor on this campus. We were physically confronted by a graduate student on this campus. Following that incident, the professor, on an official university website, released a statement likening us to the Paris attackers. The professor called us, Muslim and Arab students, 'red flags for terrorism.'"

Another student, on the verge of tears, succinctly summarized her past experiences as a Muslim student on UT Austin's campus:

"I don't want my sisters to have to suffer. I don't want my brothers to have to suffer. I don't want to see our hijabs torn off. I don't want us to be accused of being terrorists and of being violent, or not being able to exist, of being security threats. I don't want to go through that again."

Ultimately, these UT Austin student activists went beyond blaming their university's administration for a lack of action regarding hate and bias incidents: these student activists specifically mentioned xenophobic attitudes and behaviors exhibited toward UT Austin's Muslim student population. Although each speaker did not disclose their religion, it is important to note how many UT Austin student activists spoke in solidarity with UT Austin's Muslim student population and against the hate and bias that illustrates their lived experiences while on campus.

Provocation of Self-Protection

These students' prior experiences, coupled with a perceived lack of university action, urged many students to express the necessity to protect themselves from hate and bias on campus, simultaneously pledging their allegiance and solidarity with other marginalized students and student organizations:

"We don't trust any administrator on this campus and we will do what it takes to protect us."

"Only we can protect each other. It will not stop until we stop it."

"We want to build student power because we know UT won't help us anymore."

¹ The Young Conservatives of Texas held an affirmative action-themed bake sale meant to protest race-based admissions practices at the University of Texas at Austin on October 26, 2016 (Samuels, 2016).

“How do you expect students to do anything but take justice into our own hands and protect ourselves?”

“You say you are proud of students who have stood up to injustice, but they have had to do it on their own.”

With each quotation uttered by a different speaker, it became clear that self-protection was a perceived side effect of UT Austin administration’s inaction regarding incidents of hate and bias on campus. Although the UT Austin student activists did not mention any specific actions that would qualify as taking “justice into our own hands,” it is notable that the rhetoric of the UT Austin student activists was decidedly proactive. Yet, without an explanation of their actions, it is difficult to understand any possible next steps that these student activists may have taken if hate and bias incidents had persisted on campus.

Administrative Rhetoric as a Proxy for Action

Students felt that a wealth of these prior experiences were not handled in an appropriate and timely manner by UT Austin’s administration. Instead of action, students felt the university was merely providing lip service to assuage the overwhelming feelings of hate and resentment on campus. Instead of words, UT Austin student activists wanted to see action. One student addressed President Fennes directly, urging, “President Fennes, I understand that you are saying that you think the condemnation should be stronger, but I actually want to see that happen.” Another student addressed the university administration broadly, stating that, “After hearing the meaningless platitudes given every single time after a horrible event like this happens, we have lost all hope in the administration.” Regarding the specific mode of communication, one student pointed out that, “I think most of us need something more than just an email because words only go so far.” Of these assertions, it is crucial to understand that student activists were not condemning communication, rather, they were condemning communication without a tie to observable action to deter future incidents of hate and bias on campus. Instead of rhetoric, UT Austin student activists demanded action:

“Instead of words, what are actual actions that the university is taking to protect minority students?”

“We are tired of these statements that get released every time an act of violence is committed against one of our communities. We are tired that no tangible efforts are being made to protect us.”

“What concrete steps are you prepared to take to join the students gathered here in front of you and mitigate this threat?”

“We want specific action. We want preemptive action.”

It is important to note that although the above quotations originated from four separate speakers, none of the student activists offered suggestions for the university administration to consider when taking action against perpetrators of hate and bias incidents on campus. Moreover, the student activists did not define what “specific action” is or what “preemptive action” may entail regarding the deterrence of future incidents of hate and bias on campus.

Other UT Austin student activists were much more direct and demanded that UT Austin’s administration punish—a specific form of action—those responsible for hate and bias on campus. One student activist asserted that, “There is no investigation that happens from the administration, or if the investigation takes place, there is minimal transparency and no accountability. There is no action to punish any of these individuals. What will change?” Another student activists named their perceived oppressors by claiming that, “If you truly believe that these fascist and racist and White

supremacists don't have a place here, then show them. Punish them. Show them there will be consequences."

Like action, punishment also went undefined by these student activists, perhaps speaking to the "minimal transparency" these activists associated with the action taken by the university administration in handling previous incidents of hate and bias on campus. Regardless of definition, it was clear that these UT Austin student activists wanted action—and punishment—toward those responsible for hate and bias on UT Austin's campus. However, these student activists did offer a rationale as to why they perceived their university's administration of evading the taking of action or the administering of punishment: free speech.

Administration Using Free Speech to Insulate Hate Speech

Ultimately, UT Austin student activists identified the paradox of hate speech as free speech as the catalyst for the hate and bias on campus. Nearly every UT Austin student activist spoke of the university's handling of hate and bias incidents as a fundamental imbalance of free speech and hate speech, with the students feeling as if the notion of free speech had been used by the administration to insulate and protect the many hateful incidents perpetrated against them. One student remarked, "Your action woefully characterizes the issue at hand as one of free speech instead of safety." Another student again directed their opinion at UT Austin's President, stating, "The President has used things such as 'freedom of speech,' but what happened to our freedom to learn without fear?"

Other student activists connected the idea of free speech to the hindrance of student safety, asserting that, "When free speech starts to hold priority over the well-being of students, that is when we should realize that we need change." Although the student activists did not offer suggestions for change, a few activists urged administration to use the term "hate speech" when addressing hate and bias incidents on campus:

"I want to know why you and others of this administration will not call this rhetoric by its name: hate speech."

"Your legitimization of their speech under the well-worn name of free speech not only gives them a valid platform, but also a home for them to continue to breed their hatred."

Other student activists began delineating between free speech and hate speech, doing what UT Austin's administration did not in previous communication with the university community. One student asserted, "How did we get here? It all boils down to hate speech. Not offensive speech, not free speech that happens to be racist or xenophobic or homophobic or Islamophobic. No, it is hate speech." Another student defined hate speech by claiming, "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." One student accused the university administration of embracing free speech to the extent of absolutism, urging that, "By allowing hate speech on this campus, under the guise of free speech absolutism, you are grooming this monster."

Two different students successfully tied their prior experiences and Affirmative Action to the discussion of free speech versus hate speech, particularly commenting on the implications of the First Amendment. Here, the tensions between the Constitution and campus speech codes emerged, echoing of Gould's (2001) study. Referencing the aforementioned "racist bake sale," one student explained, "We had a bake sale here last semester that targeted many minorities, including myself, that have benefitted from Affirmative Action. What draws the line between hate speech and free speech? Because at the end of the day, someone has to pay the price." Another student claimed that the university misjudged the Constitutional merits of the "racist bake sale," claiming it was exploitative: "Advocating for Muslim genocide of peaceful people, also with the devaluation of these people that the Affirmative Action bake sale propagated last semester, these acts are not exercising the First

Amendment. They are exploiting the First Amendment.” Finally, one student painted a clear, concise image of the problem facing UT Austin’s campus, and potentially, college campuses across the United States: “Hateful speech exploits the First Amendment. That needs to be discussed.”

Discussion

Several of Barnhardt’s (2014) and Kezar’s (2010) modern student activism tactics proved fruitful for the many UT Austin student organizations working in unison, as student activism in this instance was incredibly coordinated with dozens of students delivering a unified message to their administration. Closely following Barnhardt’s (2014) framework for modern student activism, UT Austin student activist efforts included multiple mobilizing groups (student organizations) directing a unified message toward a target group (UT administration). However, it is important to note that because UT administration provided a public forum and gave advanced notice of the forum, student activists were likely deterred from using violent or disruptive tactics, per Barnhardt (2014). As a result, student activists formed a larger coalition, unified their message, peacefully assembled, and delivered their message. Pre-town hall communication was essential for this coalition of outgroups in this regard, otherwise their message would have likely been diluted or less coherent than the unified message that was delivered by the student activists. Furthermore, UT Austin’s administration’s facilitation of the town hall was treated as a rally for the student activists, a common tactical behavior of student activists (Barnhardt, 2014). UT Austin administration was shrewd in their decision to hold the town hall, as such a controlled environment likely facilitated clear communication and an acceptable, safe venue for student voices per the enthusiastic UT Austin student activist participation in the town hall.

In this instance, UT Austin student activists did not solicit faculty support to advance the causes of the students at the town hall meeting to the researchers’ knowledge, running counter to Kezar’s (2010) finding that student activists often seek faculty allies to bring legitimacy to their cause. However, presence of non-traditional students and alumni—likely closer in age to the UT Austin administrators than to the UT Austin student activists—also spoke to the solidarity between these two outgroups, touching upon Kezar’s (2010) related notion that faculty tend to serve as liaisons between students and campus leadership. Although there was a perceived lack of UT Austin faculty support of the UT Austin student activists during the town hall, it is important to note that past events of hate and bias involving UT Austin faculty were the root cause of some students’ fears and feelings of unsafety on campus: Multiple town hall participants mentioned negative experiences with UT faculty, resulting in feelings of fear, unsafety, and distrust. This finding is an important elaboration on Kezar’s (2010) work. Here, it seems that UT Austin student activists did use the power and influence of UT Austin faculty—albeit in an inverse context—to leverage the presence of UT Austin administration to make a powerful statement about the marginalized student experience on campus, especially these students’ interactions with UT Austin faculty.

It was unclear to what extent UT Austin student activists used social media to communicate, collaborate, and unify their message. Not a single town hall participant mentioned any specific social media platform as a location to discuss the beliefs or goals of the group. Instead, multiple participants repeatedly referenced a future meeting of ATX Resist, an unofficial student-community organization with the goal of eliminating hate speech on campus and the Austin community. Here, if there was student activism on social media before or after the town hall, it had to have been coupled with actual grassroots organizing (Cabrera, Matias, & Montoya, 2017), evidenced by the large number of UT Austin student activists who participated in the town hall and the multiple student organizations referenced by town hall participants. Moreover, future research could address how student activists use social media to prepare for physical, in-person events, such as the town hall, as UT Austin stu-

dents were only provided a few days to prepare for the town hall, yet their message was largely-unified across dozens of student activists.

Ultimately, UT Austin student activists employed nonviolent, non-disruptive tactics to convey a largely-unified message to UT Austin administration (Barnhardt, 2014), given UT Austin's administration's provision of the town hall. The town hall and its advance notice effectively allowed UT Austin student activists to form a larger, more powerful—yet peaceful—coalition to unify their message, while UT Austin administration avoided any on-campus disruption or negative publicity. In this case, UT Austin student activists and UT Austin administration worked toward the goal of making UT Austin's campus a safer place, partially evidenced by the newly enacted Hate and Bias Incidents Policy mere weeks after the town hall.

Hate and Bias on the Forty Acres: The Ways Forward

On March 8, 2017, President Fennes and UT Austin's administration responded to UT Austin student activists by ratifying a new Hate and Bias Incidents Policy (The University of Texas at Austin, 2017b). This new policy is longer and more thorough than its predecessor, divided into eleven sections: "Policy Statement," "Reason for Policy," "Scope & Audience," "Definitions," "Website," "Contacts," "Responsibilities & Procedures," "Forms & Tools," "Related Information," and "History." This policy directly addresses UT Austin student activist concerns, chiefly outlining a code of conduct and subsequent action taken by the university in the event of a hate or bias incident on campus. Furthermore, the new policy includes instructions on how to report a hate or bias incident on campus, as well as a list of activities and behaviors that could induce punishment: Student activists wanted hate and bias perpetrators punished, and these student activists now have an official university policy outlining punishable behaviors.

However, it is interesting to note that the university includes a commitment to free speech in the Policy Statement section of the new policy, asserting, "The University is committed to the principles of free inquiry and expression and is dedicated to creating an environment where the expansion of knowledge and the freedom to exchange ideas is safeguarded" (The University of Texas at Austin, 2017b, para. 3). Here, this sentiment echoes that of President Fennes' when he responded to the anti-Muslim flyer through institutional email and on his institutional website. Here, UT Austin is simultaneously honoring decades of legal precedent and Constitutionally-protected free speech while situating a hate and bias policy in an era of widespread hate speech and racially-charged violence. Immediately, this policy—and its balancing of free and hate speech—was exercised.

Without more than a month passing since its ratification, UT Austin's Hate and Bias Incidents Policy was tested on April 2, 2017 as an anti-Chinese flyer was posted on UT Austin's campus (Appendix B). Unlike the anti-Muslim flyer, which required one week for UT Austin administrative response, President Fennes responded to the anti-Chinese flyer immediately on April 3, 2017. The statement also provided the university community with much more detail regarding the flyers, largely absent from Fennes' (2017b) anti-Muslim flyer statement: "The university received numerous reports last night and this morning of a hateful and biased flyer targeting students of Chinese and Asian descent that was posted in several buildings" (para. 1). Here, UT Austin student activists expressed feelings that UT Austin's administration had insulated hate speech with a declaration of loyalty to the First Amendment, yet Fennes addressed the incident mere hours after the flyers appeared on campus and ordered the immediate removal of the flyers. More importantly, Fennes explicitly delineated between free and hate speech, per the urging of the student activists, and labelled the flyer as "hateful and biased" (para. 1), borrowing language directly from UT Austin's newly-enacted policy. Perhaps most telling, Fennes' statement directly addressed UT Austin student concerns of university inaction, as Fennes (2017b) clearly wrote:

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 Incidents Policy.’ (para. 1)

This attentive, detailed action and administrative transparency is precisely what student activists had called for during the town hall. Putting his statement into context, the President of a prestigious public flagship institution had drastically altered his communication of hate and bias incidents on campus in mere weeks. This drastic change is undoubtedly owed to the steadfast vigilance and unified voice of UT Austin student activists.

Unlike his earlier response to the anti-Muslim flyers, Fenves issued an immediate statement condemning the anti-Chinese flyers, outlining the university’s course of action while referencing the new Hate and Bias Incidents Policy. In this instance, UT Austin’s administration was immediately able to cite the new policy when dealing with this hateful incident, while delivering near-immediate communication to the university community. UT Austin student activists likely influenced institutional policy and administrative communication, which will survive long after these students earn their degrees and leave the Forty Acres. Ultimately, a well-communicated and well-coordinated effort among UT Austin student organizations led to major social, cultural, and administrative change at UT Austin—the first of its kind in nearly two decades. More importantly, student activist efforts such as the ones detailed in this project can work to diminish hate and bias incidents on postsecondary campuses across the country, efforts that should be applauded by students and administrators alike.

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Appendix A

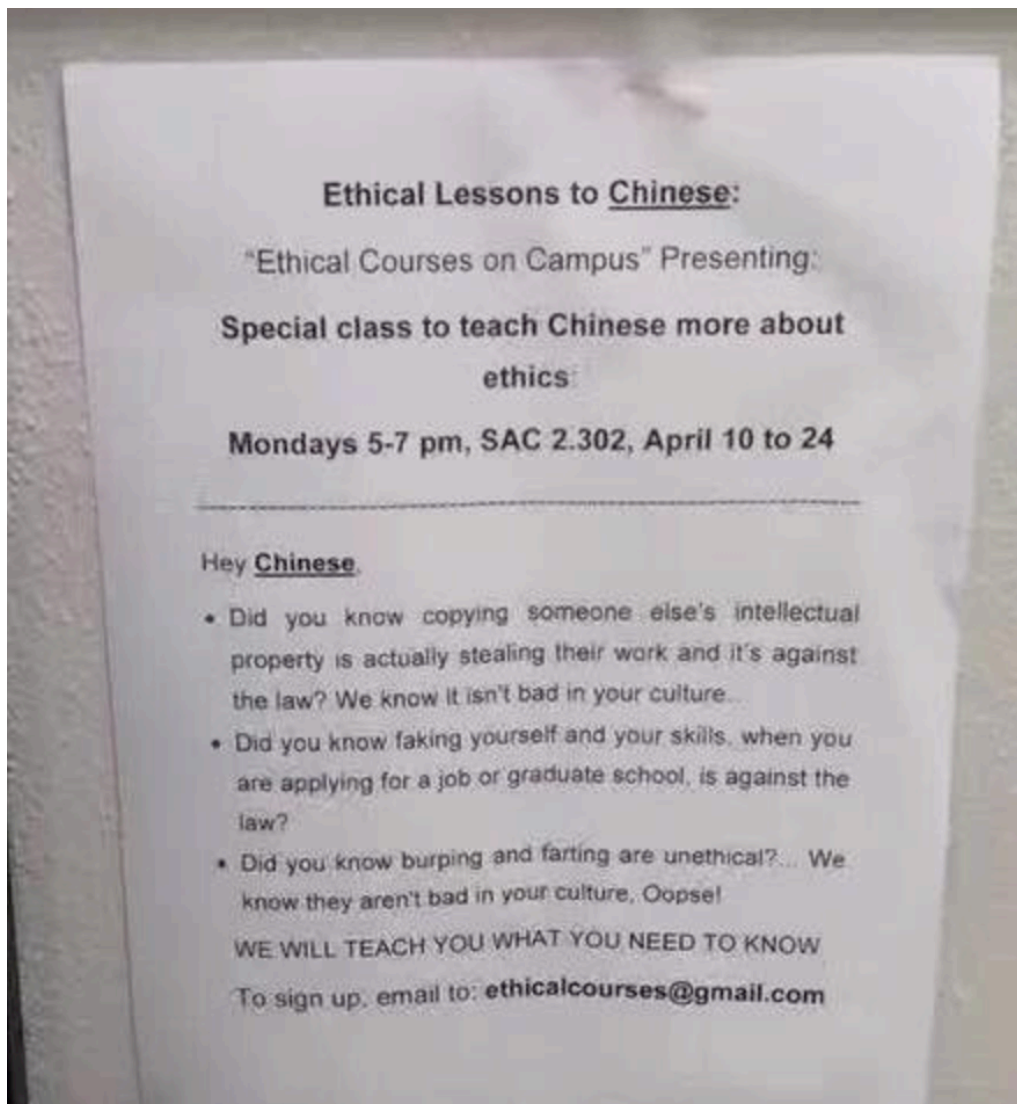
Anti-Muslim Flyer Posted on UT-Austin's Campus, February 13th, 2017



Source: (Haurwitz, 2017)

Appendix B

Anti-Chinese Flyer Posted on UT-Austin's Campus, April 2nd, 2017



Source: (Byknish, 2017)