

# KEY CONSIDERATIONS

FOR COLLEGE AND UNIVERSITY LEADERS:

## *Preparing the Campus at a Time of National Polarization*

A Guide by the Divided Community Project



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### DIVIDED COMMUNITY PROJECT

THE OHIO STATE UNIVERSITY MORITZ COLLEGE OF LAW PROGRAM ON DISPUTE RESOLUTION

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**THE OHIO STATE UNIVERSITY**

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Other publications by the Divided Community Project are available as follows:

- ✿ Planning in Advance of Community Unrest (2d ed., 2020), <https://go.osu.edu/dcppia>.
- ✿ Key Considerations for Leaders in the Face of Community Unrest (2d ed., 2020) <https://go.osu.edu/dcpkc>.
- ✿ Divided Communities and Social Media (2017), <https://go.osu.edu/dcpsm>.
- ✿ Community Resiliency Initiative Case Studies (2018), <https://go.osu.edu/dcpcri>.
- ✿ Simulations for Leadership During Crisis (2017 and 2019) are available upon request. Contact DCP’s Deputy Director at [Froehlich.28@osu.edu](mailto:Froehlich.28@osu.edu).
- ✿ Hosting American Spirit Conversations: A Brief Guide with 18 Ideas (2019), [www.AmericanSpirit.osu.edu](http://www.AmericanSpirit.osu.edu).
- ✿ Identifying a Community Spirit (2019), [www.AmericanSpirit.osu.edu](http://www.AmericanSpirit.osu.edu).

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## EXECUTIVE SUMMARY

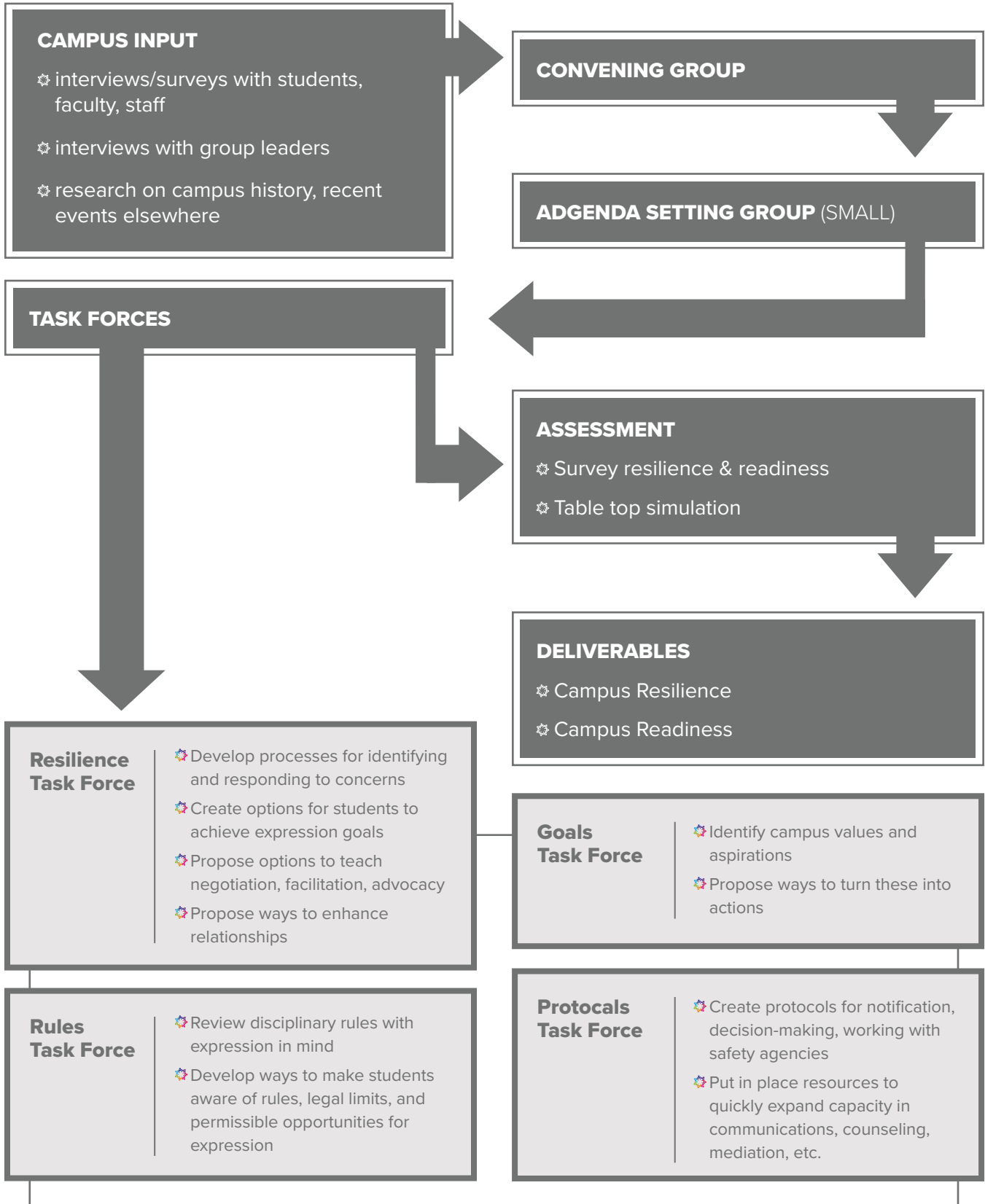
Against a backdrop of national polarization and increasing divisive incidents and conflicts, college and university leaders can focus with more intention to build trust and resilience within the university community and prepare explicitly for conflicts and divisive incidents. These steps are geared to enhancing the campus community:

- ✿ **DEAL WITH CONCERNS:** Develop systems to surface concerns and respond to them.
- ✿ **CREATE CHANNELS:** Encourage faculty and staff to help students find effective avenues to engage in the issues of the day, achieve their goals, and support each other.
- ✿ **TEACH:** Expand teaching of effective negotiation, advocacy, and facilitation for faculty, staff, and students.
- ✿ **ENHANCE RELATIONSHIPS AND UNDERSTANDING:** Create initiatives to support students who feel at risk and increase constructive contacts that span campus constituencies.
- ✿ **SET GOALS:** Identify and apply campus-wide values and aspirations.
- ✿ **ANALYZE:** Test readiness and seek after-action reports following any unusual event and analyze the reports to improve preparation for the next such event.

These additional steps help prepare the college or university to respond quickly and effectively to potential conflicts and divisive incidents:

- ✿ **PLAN NOTIFICATIONS:** Create plans on who should be told when a divisive event or conflict arises.
- ✿ **MAP DECISION-MAKING:** Create clear decision-making protocols for administrators, safety agencies, and faculty and consultation processes for those who may feel at risk or involved.
- ✿ **IDENTIFY RESOURCES:** Prepare for rapid expansion of capacity in communications, counseling, mediation, and other resources that will be taxed in a crisis.
- ✿ **CLARIFY APPLICABLE LAW:** Help students, faculty, and administrators understand the parameters of and rationale behind laws that both protect and limit expression and the opportunities for expression within legal limitations.
- ✿ **CLARIFY DISCIPLINARY RULES:** Review, revise if needed, and publicize the campus disciplinary rules related to expression.

## AN ILLUSTRATIVE PLAN TO PREPARE





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# PREFACE

College and university leaders' decisions and actions can be pivotal during this period of polarization in our public national life and increasing campus conflicts and divisive incidents. As national tensions have deepened societal fault lines and emboldened people to engage in activities that hurt or frighten some portions of society, what higher education leaders say and do when such events emerge on campus can protect students and demonstrate respect for those under attack. These leaders can provide avenues for safe expression and advocacy for change. They can also use the polarization as a teachable moment that helps prepare students to lead and advocate in a diverse democracy.

With much at stake, preparation is vital to making wise choices in the immediate aftermath of a divisive incident or conflict. With the influence of social media, events change by the hour and can sometimes change by the minute. University leaders often find themselves making a series of decisions with little time to reflect before acting and working alongside staff members who are exhausted. As one private university leader explained about a series of events in 2019, "Many, many staff in many functions went to 20-hour shifts 7 days per week ... Many staff experienced this as one of the most stressful experiences."

***Preparation is worthwhile even if a campus encounters no major conflicts or divisive incidents. Preparation offers ongoing encouragement for:***

- ✿ teaching all involved the skills to participate effectively in democratic governance and to resolve conflict;
- ✿ strengthening relationships and understanding among students, faculty, and staff;
- ✿ staying in touch with off-campus constituents;
- ✿ identifying and resolving concerns when they first emerge;
- ✿ instilling excitement about shared aspirations while recognizing past failures to live the ideals and;
- ✿ establishing systems that promote continuous improvement.

In addition, students sorely need and benefit from the community-building that accompanies this preparation.

Preparation also allows for the collaborative leadership valued by those on campus. If leaders encourage preparation, a broad group of constituents can offer ideas for decision-making protocols. Faculty, staff, and students can create and publicize safe and effective paths for students to achieve their goals. They can plan for rapid expansion of the number of people prepared to deal with counseling, facilitation, safety, and communication.

Throughout, we use the term "divisive incidents and conflicts." The considerations in this guide come into play whenever an incident or conflict threatens to hurt or alienate a group of students or increase campus division. This broad umbrella covers a wide range of activities – from political statements that disparage one group to what would be legally defined as "hate speech" or even "hate crimes;" from small gatherings to huge demonstrations, sit-ins, or destructive activities. The considerations will not always be pertinent; it depends on the situation.

This guide was developed in consultation with campus administrators, faculty, students, mediators, law enforcement, faith leaders, and others to provide college and university leaders with the experience of their colleagues on other campuses. On January 10, 2020, the Divided Community Project at the Ohio State University Moritz College of Law, in collaboration with the Kettering Foundation, convened approximately 45 such campus and community leaders to examine and discuss these challenges; Project researchers interviewed student and other campus leaders. The approach in this publication reflects the


Project's goal of using collaborative methods to transform division into constructive change and the Project's respect for the experience of leaders who have confronted similar challenges. In consulting with leaders, the Project followed its characteristic approach – listening for sound strategies that leaders facing division have found useful or wish that they had tried and sharing this valuable experience with other leaders. To augment these considerations, a list of additional resources is included. A separate report offers ideas for university leaders in the midst of a volatile period and its immediate aftermath.<sup>1</sup>




## ACKNOWLEDGEMENTS

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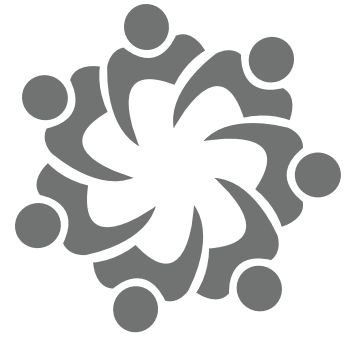
- 🌸 Safety agency professionals: John J. Burke, Florida Department of Law Enforcement; Wayne Maines, Vice President, Safety and Operations, Austin Community College; Noel March, University of Maine and Maine Community Policing Institute
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# STEPS GEARED TO IMPROVING THE CAMPUS CLIMATE

This section of the guide examines the preparatory leadership actions that also strengthen the campus community. Using collaborative leadership approaches during this preparation stage can expand the viewpoints that will be considered and can itself improve the campus climate.

## (I) DEALING WITH CONCERNS:

*Develop systems to surface concerns and respond to them.*

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### POSSIBLE STRATEGIES

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- ✿ Be proactive in finding out whether students know about and would likely raise concerns with ombuds or other existing persons designated to receive student concerns. If not, then ask why not and determine whom they might trust or what could be done to enhance their reporting.
- ✿ Imagine situations in which students, faculty, staff, or other constituents want to contact university leaders and establish avenues for them to do so quickly. Who should students, staff, and faculty contact if they see a poster that insults or threatens a particular group, for example? How should they reach these persons?
- ✿ Ask students whether they were satisfied with the university's responses to their concerns and think about ways to improve responsiveness.
- ✿ Because students announcing concerns and events through social media may assume that they are telling the university as well, the university might designate a staff member or student to read these online announcements and notify administrators who can respond.

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### WHY TAKE THIS STEP?

One university leader recalled a situation in which students organized an event quickly through Facebook, assuming that the administration and faculty would see the posting, and then were disappointed when no university officials appeared at the event. Another described a situation in which administrators did not make a public statement about a racist flyer because they did not want to amplify the insulting message. However, word about the flyer had already spread quickly among students of color. The failure to make a statement about the flyer raised concerns that the university was trying to cover up the incident and did not understand the flyer's full impact on targeted students.

Students may be hesitant to communicate with campus leaders if they do not expect a response that will help them reach their goals. Reflecting on a situation in which white supremacist flyers were posted in campus buildings, Oseremhen Arheghan, an undergraduate student senator, recalled, “[We had a] long conversation about the posters and action items and to be completely honest, talking to administrators just wasn’t something that came up – [it can be] difficult to put faith in administrators to fix things like that because there is not a demonstrated history of administrators helping us.”

Students may also need help in reporting bias-motivated incidents so that there is university and public follow-up. Cynthia Deitle, former chief of the Civil Rights Unit in the FBI and now at the Matthew Shepard Foundation, noted that universities could help by tracking and reporting these incidents. She added that students do not always know which law enforcement agency has jurisdiction over bias-motivated incidents that might be criminal in nature. She said, “Students or faculty may think they have nowhere else to turn because they don’t know that another agency has jurisdiction to investigate the incident and report it. I heard from campus police officers from an ivy league university who told me they were prohibited from documenting hate crimes as such in their paperwork because the chief didn’t want to communicate to the administration that hate was alive and well on campus. The officers felt they had no workaround and the students felt dismissed. Working with the local prosecutor’s office and the city police department, we were able to devise a better strategy and way forward.”

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## ILLUSTRATION 1

*Kenyon College recently posted the following statement for students in an effort to learn about and respond to concerns:*

*“The Kenyon Concerns Coalition is an advisory group of Kenyon staff, faculty and students whose purpose is to support a connected community by identifying and positively intervening on issues of broad campus concern to avert community division. If you know of a potential campus-wide issue within the Kenyon community, you can let the coalition know by contacting a coalition member listed below, or by completing this form.”<sup>2</sup>*

*Comprised initially primarily of a campus group that attended a Divided Community Project academy, the members later added individuals such as the Director of Campus Safety and Security and the Vice President for Communications. Kenyon Associate Provost for Diversity, Equity & Inclusion Ted Mason noted, “The role of this group is to be aware of campus climate, including possible protests and demonstrations, not to quell them, but to facilitate the safe expression of opinion and belief.”*

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## ILLUSTRATION 2

*At Howard University, in order to highlight its public commitment to identifying and addressing such concerns, the cabinet level person for student affairs convenes monthly meetings at a regular time and space with students, faculty and staff. During the meeting, the cabinet level person discusses with students the tensions that appear to be increasing on campus as identified by the people in the meeting. The topic varies by meeting. Organizers of the meetings do not avoid sensitive topics, though they sometimes use a facilitator for those topics. The regular meetings encourage participants to identify concerns. Many issues get resolved as part of this proactive process that encourages a sense that they are all “part of the same campus family.”*

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## (II) CHANNELS FOR STUDENT EXPRESSION:

*Encourage faculty and staff to help students find effective avenues to engage in the issues of the day, achieve their goals, and support each other.*

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### POSSIBLE STRATEGIES

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- ✿ Create platforms that students will find intriguing and effective to educate others or advocate their points of view.
  - ✿ Hold deliberative forums on issues of interest to students (Illustration 2, below).
  - ✿ Schedule vigils and other activities to allow expression of viewpoints and emotions.
  - ✿ Help students find ways to support one another when a group of students has been insulted or hurt.
- 

### WHY TAKE THIS STEP?

These platforms allow students to learn to persuade, negotiate, facilitate, and lead during challenging times. Because of national polarization and increased hate incidents, these strategies have added value as effective and safe ways for students to achieve their goals and understand and support each other. But if leaders postpone creation of these platforms until a crisis arises, it may be difficult to identify, develop, implement, and advertise avenues that students will choose to engage in and find useful.

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### ILLUSTRATION 1

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*The “I, Too, Am” Movement illustrates the power of creating these platforms. In 2012, a first-year undergraduate at Harvard decided to act in response to debates about Harvard’s affirmative action policy that were generated by an article in the student newspaper written by a white student opposed to the university’s affirmative action policies. The student who started the “I, Too, Am” Movement recalled:*

*“I felt, and other students felt, that our presence and identity as black students was being de-valued. At the time I was a freshman. We’d just shown up on campus, and we felt like people were saying I wasn’t smart enough to be here. Everybody was talking about it on campus and it created a lot of racial tension.”<sup>13</sup>*

*She worked on several projects for academic credit or with university support, described below:*

*Concerned about the climate for minority students at Harvard and inspired by Langston Hughes’s poem, “I, Too,” she created an online montage of photos and interviews of other minority students at Harvard. In the photos, interviewees held a dry erase board with a belittling comment they heard or a response they might have wanted to make to an off-putting comment or action by another student. She posted the montage on Tumblr under the name “I, too, am Harvard.” She did that work for credit as part of an independent study at Harvard. The University hosted a play by students based on this work. The student’s work was viewed over a million times and stimulated similar online montages at other universities. What became known as the ITA (“I, Too, Am”) Movement received support from student affairs professionals at a number of campuses.<sup>4</sup>*

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*In supporting the ITA platform, university leaders created an effective channel for student expression. These platforms can contribute to improvements in the campus climate and resilience to future divisive incidents.*

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## ILLUSTRATION 2

*In another initiative to create an effective student platform, a national student affairs association (NASPA) and the Kettering Foundation encourages deliberative forums – the first such forum focuses on ways to support student well-being and freedom of expression. In more detail:*

*NASPA, the national organization of university student affairs professionals, in partnership with the Kettering Foundation, “is developing issue guides for use by higher education institutions. NASPA’s first issue guide, *Free Speech and the Inclusive Campus: How Do We Foster the Campus Community We Want?*, was scheduled for release at the 2020 NASPA Annual Meeting in Austin, TX. Following the model established by the National Issues Forum, NASPA issue guides are designed for use by groups with differing and diverse perspectives around a central question that does not necessarily have a pre-determined “right” answer. Deliberative forums introduce participants to multiple options for addressing a central issue or question and allow time for each option, and its tradeoffs or drawbacks, to be discussed by participants. The goal of a deliberative forum is to help participants consider issues from multiple perspectives and to engage in conversation with others who may hold different – and sometimes passionately held – opinions.”<sup>5</sup>*

*Professor John Theis, at Lone Star College, elaborates:*

*“Deliberation is an essential public skill; it is the discursive process through which differences are negotiated and group decisions are made. Deliberation is always oriented toward reaching common ground or taking action; it is not the practice of discussion for the sake of discussion ... Deliberative dialogues use issue books framed by the National Issues Forum Institute to examine issues from at least three basic perspectives.<sup>6</sup> We encourage active listening and an examination of the assumptions that people bring to their opinions. By laying out a set of ground rules and then discussing each perspective in sequence, it leads participants to see opposing and diverse perspectives with an eye on areas of agreement and disagreement. Groups finish the exercise by reflecting on these themes and looking for next steps. A deliberation concludes with each group reporting out their thoughts to the larger gathering.”*

*Alex Lovit of the Kettering Foundation notes, “When we understand the sincere values underlying others’ opinions, and we’re forced to recognize the potential tradeoffs of our own favored actions, we’re less likely to assume the worst of each other. In this way, deliberation can help to inoculate against polarization (at least in part), and reduce the chances that disagreements will explode into divisive incidents.”*

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### (III) TEACHING:

*Expand teaching of effective negotiation, advocacy, and facilitation for faculty, staff, and students.*

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#### POSSIBLE STRATEGIES

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- ✿ Expand courses in negotiation, persuasion, mediation, and meeting facilitation and create shortened courses or workshops that combine these skills, often called courses in “difficult conversations.”
  - ✿ Use exercises within these courses to provide experience in enhancing the diversity and inclusion goals of the university.
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#### WHY TAKE THIS STEP?

A former dean and a scholar who studies conflict and communities urges universities to teach “difficult conversations” to everyone on campus. Especially during a time of national polarization, these skills can help students, faculty, and staff engage constructively with those with whom they disagree, especially if the examples used during the classes help them consider diversity.

This instruction may also help faculty teach during times of divisive incidents and conflict. For most students, their professors are the face of the university. Many campus leaders can give examples of faculty who made pivotal positive contributions and those who, perhaps unwittingly, sparked additional points of conflict (e.g. taking a position in class that left students with an opposing viewpoint concerned about faculty retaliation in grading, or asking students from a targeted group to respond for that group). A simple idea, used at one university, was for the department head to host an informal dinner with faculty to talk with each other about how faculty might have a positive impact and conversely about how they can avoid engagement that has a negative impact. At another university, the faculty themselves made the decision that they wanted training that included in-class exercises in which they were challenged and put on the spot, and had to learn how to think through and respond to tough situations. A campus administrator suggests emphasizing to faculty the importance of listening for understanding. Pen America, an organization of writers, points out how this can work even when a student approaches the faculty member about a complaint with that faculty member: “Even if you disagree with their reasoning, make an effort to understand why the student was offended and how you can open up a productive conversation” (Pen, 2020).

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#### ILLUSTRATION 1

*Professor Michael J. Popovic, Department of Politics, SUNY Potsdam, describes a class that he and colleagues at SUNY have taught to students who help facilitate discussions on campus as well: “Since 2014, over 400 students at SUNY Potsdam have engaged in Soliya’s Global Connect Program where students engage in virtual facilitated dialogue with students from Europe and pre-dominantly Muslim countries. Data show that through the gained cross-cultural communication competencies and the constructive engagement with difference, students understand how to listen and dialog and have the self-confidence and desire to use their new skills to proactively engage with others across difference during and even before conflicts arise. Every semester now, some of these students pick a potentially contentious issue, such as gun control, and engage in constructive faculty-facilitated dialogue. Based on these experiences, SUNY Potsdam is launching the First-Year Connect Program during summer 2020, in which students will gather in groups that represent the diversity of our student body on Soliya’s Exchange Portal (a virtual video conferencing platform designed for dialogue) before they come to campus and engage in facilitated dialogue to experience constructive engagement with difference and help build an inclusive community.”*

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## ILLUSTRATION 2

*The John Glenn College of Public Affairs at The Ohio State University has recently decided to include difficult conversations in the teaching class required for all graduate teaching assistants. “We can’t compel other faculty and staff to take such a course,” explained Assistant Dean Kathleen Hallihan, “but we can offer the training at different times and days and explain how it can be valuable in the classroom and beyond. Thus far the sessions have met with much interest.”*



### (IV) RELATIONSHIPS AND UNDERSTANDING:

*Create initiatives to support students who feel at risk and increase constructive contacts that span campus constituencies.*

#### POSSIBLE STRATEGIES

- ✿ Identify groups of students who feel vulnerable, marginalized, or at risk through engagement with student organizations, campus affinity groups, campus surveys or, if that is not feasible, by studying national polling data.<sup>7</sup>
- ✿ Develop strategies to support the identified students through organizations, mentoring, and counseling.
- ✿ Develop planning materials that connect particular kinds of incidents and conflicts with those most likely to need support, along with faculty and staff members who work closely with this group of students, so that leaders can reach out quickly during a crisis to offer conversations, mentoring, and counseling.
- ✿ Encourage the development of student organizations that span the fault lines among students and develop avenues for them to support each other during or after conflicts and divisive incidents.

#### WHY TAKE THIS STEP?

Enhancing relationships, particularly those that span various communities within a campus, builds more informed students, who then may begin to understand each other. As social psychologist Jonathan Haidt put it, “You can be disgusted by a group of people, but then you meet a particular person and you genuinely discover that they’re lovely. And then gradually that chips away or changes your category as well.”<sup>8</sup> Most universities are intentional about promoting student interaction, devoting resources for resident hall floor meetings, Greek life, sports teams, student groups, and other stakeholder groups. Anticipating current tensions as well as strains that campus conflict might create, universities may want to deepen these investments and engage these parties in planning. Strengthening relationships with groups beyond the usual constituencies also builds the foundation for a better response when conflict occurs.



This matters especially now. To cite one important example, nationally 8 in 10 black Americans believe that white Americans do not understand “the level of discrimination black Americans face in their lives.”<sup>9</sup> Instead of supporting fellow students, majority students may condemn minority students for “taking offense,” and minority students may then feel an increased sense that they are not welcome or safe on campus. Some campaigns by white supremacist groups seem to take advantage of the tendency to dismiss other students’ concerns. The Anti-Defamation League reports that white supremacist groups post phrases such as “It’s OK to be white,” “It’s OK to be Christian,” and “Muslims have it right about women.” Those who follow white supremacist groups recognize these phrases from white supremacist pamphlets and understand these as a warning, something akin to a Swastika symbol on a synagogue wall. But some majority students may think these statements are “no big deal.” In addressing this issue, university leaders and faculty can explain the history of certain phrases and symbols and help majority group students understand and support fellow students, instead of scorning them as over-reacting.<sup>10</sup>

## MORE DETAIL ON THESE STRATEGIES

A university can utilize faculty with “network” expertise to help a committee develop a list of key constituents, beyond those already involved in regular meetings, and with whom relationships can and should be established. Beyond the obvious constituents, a systems analysis might point to the importance of enhancing relationships with and providing information to people on and off campus, including members of the media, faculty advisors for student groups, Greek organizations, business leaders, advocacy organizations, local mental health providers, interfaith organization leaders, legislators, mediators, and many more individuals.

The list could identify who should contact each constituent, and what might be communicated or asked of each and what counseling or services might be provided (see Blythe, 2002). The leaders using this information might test themselves by using the lists during a table-top exercise of an unfolding crisis (see Resources).

University leaders can find faculty expertise in building relationships across differences in a number of disciplines, including social sciences, public policy, and law (dispute resolution) (see, e.g., Putnam and Feldstein, 2003).



## (V) COLLEGE OR UNIVERSITY AIMS:

*Identify and apply campus-wide values and aspirations.*

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### POSSIBLE STRATEGIES

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- 🌟 Identify deeply held university aspirations that cut across the usual divides, acknowledging past failures to live up to the goals.
- 🌟 Model past efforts to achieve these aims.

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## WHY TAKE THIS STEP?

Research internationally suggests that a community that has strong shared values or aspirations will be more resilient in the face of national divisions. The effort to identify or build this foundation includes a recognition, particularly with respect to

goals related to inclusion, that in many cases the community has not realized its aspirations, and an appreciation for the fact that the failure to meet these goals inflicts pain for some parts of the community more than others. The Divided Community Project summarizes this research in terms of questions that indicate whether university goals are strong in terms of maintaining community cohesiveness and trust:

- ✿ Will it be deeply valued across societal and political divisions and by the vast majority of students, faculty, and staff?
- ✿ Is it directed toward reducing the university community's current challenges – especially polarization and alienation?
- ✿ Is it special for your campus – growing from history, experiences, geography, and traditions?
- ✿ Is it bent toward a sense of optimism, hope, and aspiration, while recognizing that the campus community has sometimes fallen short in realizing the values that the spirit embodies?
- ✿ Does it confer a sense of belonging to the community?
- ✿ Does it feel natural and authentic? (Ayesha Cotton et al., 2019: 5; Anderson and Wallace, 2012: 18-31).

## MORE DETAIL ON THESE STRATEGIES

The aims will only have the desired effects if campus leaders live them. As Dan Tokaji, an associate dean at the Ohio State University Moritz College of Law and First Amendment scholar points out, “It’s essential that university leadership not only ‘identify and apply’ its values, but that it be public in promulgating and living these values. Universities aren’t just stewards of speech; we are also speakers. We must be forthright and persistent in expressing our commitment to diversity, inclusion, and equity. If the first time students hear about those values is when the university is allowing a speaker with supremacist views to speak on campus (as public universities sometimes must), it won’t be credible to say that we really care about racial justice. So sponsoring events and other activities that convey our commitment to diversity, inclusion, and equity is essential to preparing for controversial and potentially tumultuous events.”

## ILLUSTRATION

*In 2020 Kenyon College adopted a statement of mission and values.<sup>11</sup> Among a wide-ranging series of values, the statement deals explicitly with “engaging a wide range of viewpoints,” embracing “diverse cultures and identities,” and “fostering a ... sense of full belonging.” One series of statements are under the title, “kindness, respect, and integrity”:*

*“We treat one another with respect and kindness, speaking with sincerity and acting with integrity, for we recognize the fundamental dignity of all. This unifies us across our backgrounds, identities, and positions. Practicing these challenging ideals connects us to the best parts of what makes us human. We support a culture in which we contribute to the well-being of others while we also care for ourselves.”*

*A committee comprised of faculty, staff, and students drafted the statement of mission and values. The faculty and Board of Trustees approved the statement and the Student Council and a Campus Senate comprised of faculty, staff, and students endorsed it.*

*Kenyon has acted in ways that fit this statement. For example, the statement of mission and values is consistent with a faculty statement of freedom of expression for faculty and students, and the portions of the rules dealing with policies and rules regarding protest. Also, the college created the Kenyon Concerns Coalition, composed of students, faculty, and staff, to be aware of the campus climate and to facilitate the safe expression of opinion and belief (see Point I, Illustration 1).*



## (VI) CONTINUOUS IMPROVEMENT SYSTEMS:

*Test readiness and seek after-action reports following any unusual event and analyze the reports to improve preparation for the next such event.*

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### POSSIBLE STRATEGIES

- ✿ Routinely arrange for outside reports and climate surveys to assess what worked or did not work and what more should have been done in response to unusual events.
- ✿ Analyze this information and revise plans going forward.
- ✿ Provide an opportunity to test leaders' responses and engage in planning using a table-top simulation of an unfolding crisis.

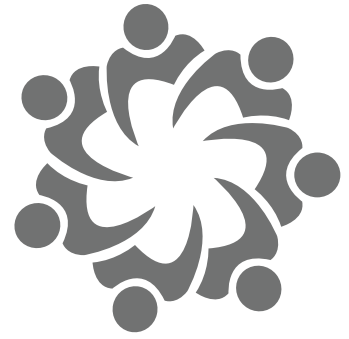
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### WHY TAKE THIS STEP?

If campus leaders ask for after-action reports for every unusual event, they will be less hesitant to do so after a major conflict or divisive incident and their doing so will not be interpreted as lacking confidence in leadership. Significant learning can result. A number of leaders, for example, mentioned that they realized the importance of keeping opposing demonstrators apart, even as they walked to and from parked cars, after reading the after-report on the Charlottesville/University of Virginia demonstrations and fatality (Hunton & Williams (2017)).

### MORE DETAIL ON THESE STRATEGIES

The Divided Community Project will provide without cost both a readiness survey and a table-top simulation that help gauge campus resilience and preparedness (see Resources).



# STEPS TO PREPARE FOR QUICK AND EFFECTIVE DECISION-MAKING DURING CONFLICT OR CRISIS

The next set of considerations relate to preparations directly focused on effective leadership during a volatile conflict or crisis.

## **(VII) COMMUNICATION PROTOCOLS:**

*Create plans regarding who should be told when a divisive event or conflict arises.*

### **POSSIBLE STRATEGIES**

- ✿ Make a list, with contact information, of those key administrators, faculty, staff, and student leaders and organizations to be informed in the face of a divisive event or conflict.
- ✿ List others, with contact information, who should be told early because they may help or otherwise might re-communicate inaccurate information, including experts, media, law enforcement, or other community members.
- ✿ Have ready a checklist of the information that should be conveyed or sought for each type of divisive event or conflict.

### **WHY TAKE THIS STEP?**

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These considerations expand on the identification of concerns discussed in Point II, above. The goal is not only to save time during a crisis, but also to increase the chances that quick and effective decision-making occurs as university leaders face emergencies that tax their time and energy.

## (VIII) **DECISION-MAKING PROTOCOLS:**

*Create clear decision-making protocols for administrators, safety agencies, and faculty and consultation processes for those who may feel at risk or involved.*

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### **POSSIBLE STRATEGIES**

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- Identify those key administrators who should participate in decision-making for various scenarios.
- Develop protocols with safety agencies that stipulate who will decide what action to take under various circumstances, especially in disruptive but not dangerous situations, and provide guidance for how communications between campus leaders and law enforcement will occur.
- Review these protocols with counsel to assure consistency with First Amendment rights.
- Plan how to engage faculty in the planning and, to the extent feasible, in the decision-making, and especially those faculty advisors to student groups that might be particularly affected under various scenarios.
- Provide information about how consultation will be conducted with student leaders or representatives of students who may feel at risk, given the circumstances of the conflict or divisive incident, and other university constituents.
- Create a list of values that will guide decision-making by university leaders under various circumstances.

---

### **WHY TAKE THIS STEP?**

When no crisis is looming, there is an opportunity to develop plans for potentially identifiable situations and the decision-making in each instance. Precious time will be saved in a crisis if these plans have been set out with details such as contact information. Also, important actions can be taken simply by handing an administrator the checklist to implement; otherwise, these important steps might not happen at all. There are important additional reasons to prepare for the relationship between university leaders and safety agencies.

#### ***Safety agencies***

Planning increases the chances that law enforcement intervention with students will be unnecessary. The President's Commission on Campus Unrest Commission (called the "Scranton Commission" after its chair) suggested in 1970 that lack of a plan resulted in university president and staff calling in law enforcement when they could have handled the situations without police intervention, in situations that were arguably disruptive but not dangerous. The Commission said:

"Each manifestation of campus unrest calls for a different response. Peaceful, orderly, and lawful protest must be protected. Violent and terroristic protest must be dealt with under the law, by law enforcement agencies. Disruptive protest ['interferes with the normal activities of the university, or the right of others to carry on their affairs'] is in the first instance the responsibility of the university" (Scranton Commission, 1970).

The Scranton Commission noted that students tend to blame university leaders for actions by law enforcement personnel against students. The controversy over actions by law enforcement may over-shadow the original purpose for the protest and attract even more students to take part in future protests. The Commission gave a composite picture of how campus unrest in the 1965-70 period often morphed beyond the initial issues when university leaders did not act quickly and wisely.<sup>12</sup>

Historically, some major tragedies also occurred because law enforcement responding did not understand the campus context for protest and demonstrations, and students, accustomed to thinking of the campus as a sanctuary of sorts, did not understand what acts would trigger police intervention (Scranton Commission, 1970: 149-183). A campus law enforcement official noted that if there is a confrontation with law enforcement, it will likely be about the conditions for the demonstration, not about the reasons they demonstrated. Another suggested explaining to students ahead of time about why regulations governing designated places for demonstration may be necessary for the demonstrators' safety, particularly in a situation involving counter demonstrations, and the implications of disobeying police instructions in that context. In one example, people told in the midst of a demonstration that they could not cross the street to move to a shadier spot resisted what they thought was a trivial and unreasonable instruction. They did not anticipate the implications of resisting the police enforcement of the established venue nor did they understand the public safety strategy behind keeping people on opposite sides of the street to reduce the chance of violent confrontation. Planning ahead also allows time for protocols to be reviewed with university counsel, especially with respect to First Amendment rights.

Protocols for communication can allow campus leadership and safety forces to stay in constant communication during a volatile situation. First, law enforcement may be able to give early warning about groups planning to demonstrate but seeking to hide their plans through password-protected social media sites. This has proven important in cases where white supremacists and other groups seek to sow division and alienation on campuses. Second, the close communication allows quick revisions of strategy for circumstances that change by the minute. Even outside the context of protest activity, memoranda of understanding clarifying the roles of each agency have been useful for city and campus leaders alike.

#### *Considerations include:*

- 🌟 How will the law enforcement presence affect efforts to de-escalate in each situation?
- 🌟 Should trained community members stand between demonstrators and law enforcement?
- 🌟 Should law enforcement participate in possible meetings arranged to discuss the student concerns, where they could speak directly to students about their decisions?
- 🌟 If the university allows visitors to carry guns, how will this be handled in the event of a potentially violent incident?

Protocols can also take into account that public safety may be viewed differently by communities of color, immigrant groups, or non-majority religious groups. For some, a greater law enforcement presence can undermine a sense of safety and increase fear while it can increase a sense of security for other students. A law enforcement administrator also pointed out that nuances should be considered, for example, whether the presence of law enforcement officials draws more interested students. The National Center for Campus Public Safety provides guides for some situations (see Resources).

### **Faculty**

Those who have recently been through major campus conflict emphasize the importance of engaging faculty in the planning and, to the extent feasible, in the decision-making. Faculty advisors to student groups – especially to minority groups or other marginalized groups on campus – can offer especially important insight to protocol development and implementation. When they are brought in, faculty advisors can make certain protocols more effective because they understand student issues. Faculty may also be pleased to be consulted for their expertise or serve as facilitators, if within their discipline or experience.



## Students

When an event occurs, those at risk and otherwise involved will feel more comfortable if they see that campus leaders are taking their viewpoints into account in a serious manner. During preparation, student leaders can offer insight that will make protocols and plans more effective and accepted by students. And designated staff can develop relationships with these individuals and create contact lists for them. Further, a plan could be made to confirm that their input is received and acknowledged when decisions are announced.

## Values to guide decision-making

In a large university, many people – law enforcement, residence hall counselors, communications personnel – will be faced with decisions as events develop. If they know, for example, that university leaders have said that they should act based on the values of transparency, student-focus, safety, and assuring that all care whenever any portion of the campus community are suffering, they will tend to make consistent decisions. These values can be developed in advance, in consultation with those who will be applying them. Planners can collaborate widely in defining the values (e.g., student safety is not equivalent to greater police presence). These values are distinct from overall university aims discussed in Point V, above.

## ILLUSTRATION

*Wayne Maines, Vice President, Safety and Operations, Austin Community College Safety and Operations, explained that he uses examples of campus conflict or crisis from another institution, and engages everyone in the regular cabinet meeting in a 10-minute “what if” scenario where they are asked to talk about how they would respond if confronted with similar facts. The practice of regularly talking about how they would respond has helped clarify roles, identify areas of need, and improve preparedness more generally. The Divided Community Project has created a table-top simulation that can be used in a similar way to test preparation and create an agenda for additional preparation (see Resources).*



## (IX) CAPACITY FOR RAPID EXPANSION:

***Make arrangements to quickly expand the communications, counseling, mediation, and other resources that will be taxed in a crisis.***

### POSSIBLE STRATEGIES

- Identify, negotiate potential arrangements, and keep informed those who can be quickly placed under contract to expand the resources needed during a crisis.
- Prepare and keep informed faculty members who have volunteered to play a variety of roles, including mentoring, facilitating discussion, teaching about the First Amendment, and more in the midst of a divisive incident or conflict.

## **WHY TAKE THIS STEP?**

This aspect of preparation makes it possible to quickly assemble the resources necessary to act effectively during a crisis. Here are a few examples of the difference rapid expansion might make.

### ***Communications***

The course of the conflict may depend in part on the media/communications strategy developed in the first hours after leaders first become aware of the situation. The communications strategy will affect whether all concerned know that their concerns will be addressed through a process, their levels of emotion, trust in leadership, confidence in law enforcement if applicable, and ability to work together in the future. Planning in advance can ensure that the communication resources will be available.

The situation may overwhelm existing communications staff. For example, one university communications officer said to expect that communications problems will be “complicated because of quick, ‘trigger happy’ social media use.” Some algorithms in social media and some users may amplify information that appeals to negative emotions such as fear, surprise, or disgust. Social media messages travel broadly and with speed. Unlike news media, messages may be unfiltered. All of this may quickly attract the attention of national or international media. Given the potential fast pace, university leaders should ask: What preparations have been made to gather information and to incorporate shared values into messaging, and to quickly expand the communications resources, including social media experts?

### ***Discussions with and counseling for those most directly involved***

A large event can overwhelm the number of faculty or staff ready to talk with students and available counseling resources. Rapid expansion of counseling resources using contracts with outside providers can more effectively address student needs. Additionally, counseling can also be made available for staff and administrators, who may benefit from these resources in the midst of a stressful situation.

### ***Faculty engagement with students***

Students will be in immediate touch with their professors. What series of communications can reach faculty to keep them informed as well as offer them ideas for constructive engagement? If faculty attempts at engagement are ineffective or increase tension, who is the person designated to work with faculty and students involved? Who is charged with that responsibility during an event?

This engagement often highlights the importance of the faculty and administrators coming from a variety of backgrounds. Faculty, staff, and administrators who may have shared experiences with targeted students may be sought out more by students for support. In addition to becoming the “go-to” people for students, the same faculty, staff, and administrators are often asked to serve on committees and university boards. If no senior faculty members have backgrounds that lead students to trust them, this may fall on younger, pre-tenure faculty who do extensive extra work and invest many hours in working with students and committees. These individuals may not receive recognition by others of the tremendous strain such service imposes on their workloads, time, and personal health.

## (X) APPLICABLE LAW:

*Help students, faculty, and administrators understand the parameters of and rationale behind laws that both protect and limit expression and the opportunities for expression within legal limitations (see also Point XI on university rules/policies).*

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### POSSIBLE STRATEGIES

- ✿ Explain Constitutional rights for freedom of expression and related laws.
- ✿ Make clear the positive as well – effective and legal avenues that students can pursue to meet their goals.

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### WHY TAKE THIS STEP?

Point VIII emphasized that confrontations with law enforcement are likely to be about the conditions set for the demonstration, not the original cause. Students may face arrest, conviction, and even imprisonment if they do not understand under what conditions they can legally resist.

Speech or action that insults a group of students often hurts students to their core and makes them feel unwelcome or even unsafe. When that occurs, permitting protected speech to continue is difficult even for those familiar with the values of academic freedom and Constitutional speech and assembly rights. But preparation helps. First, it is an opportunity for administrators, staff, and students to consider how to meet students' needs, with a focus on the needs of targeted students. Inclusion and freedom of expression need not be in conflict. For example, the First Amendment allows people to speak out freely against the disparaging speech and to hold counter events when supremacist speakers are anticipated. Some divisive speech and activity on campuses may implicate civil rights protections for students under Title VI of the Civil Rights Act and other related statutes. Professors Jeffrey Sun and George McClellon put it this way:

"[F]or many students, particularly students from minoritized groups, the essential tension is not between speech and inclusion but simply, clearly, personally, and powerfully about campus climate, safety, and inclusion" (Sun & McClellon, 2019: 155).

Second, time to prepare can help all university constituencies understand the pain of insults and non-inclusion as well as the value of expression and the limits imposed by the First Amendment to the U.S. Constitution. Having a chance to learn and reflect more on this topic might be helpful to students and the campus community. More generally, preparation can help strengthen democratic engagement and responsibility. Most universities will have scholars on the First Amendment who can speak to the long-term gains of preserving these freedoms, including for marginalized communities and how the courts will enforce First Amendment protections. Working with these scholars in advance of conflict can help prepare stakeholders and establish constructive forums to discuss issues that can be quickly replicated in the midst of a crisis.

### MORE DETAIL ON THIS STRATEGY

One college administrator emphasized the importance of assuring students that the college or university supports their expression and engagement. Tools are available to assist, such as the NASPA issues guide discussed in Point I above. Additional resources include the Lawyers' Committee for Civil Rights Under Law publications that identify and answer frequently asked questions about the First Amendment, including information about the importance of First Amendment protections to civil rights advocates. A University of Chicago committee, chaired by former law dean and former provost Geoffrey Stone, issued a report in 2014 on what might be a policy on freedom of expression and responsibility that has been adopted by at least one other university.<sup>13</sup>

## (XI) UNIVERSITY DISCIPLINARY RULES:

*Review, revise if needed, and publicize the campus disciplinary rules related to expression.*

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### POSSIBLE STRATEGIES

- ✿ Analyze and secure input on the college's or university's student disciplinary rules about demonstrations and other forms of expression for consistency with campus goals, clarity, and appropriate sanctions.
- ✿ Actively distribute these rules to students, staff working with students, and faculty advisors to student groups.
- ✿ Develop plans to re-distribute these rules to pertinent groups in the event of a divisive incident or conflict.
- ✿ In each communication, emphasize what opportunities for expressions students have within the rules.

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### WHY TAKE THIS STEP?

During preparation, college and university leaders have time to assure that disciplinary rules reflect campus values, including a recognition of peaceful protest as a form of democratic engagement with educational benefits, and to make sure that students know what the opportunities and limitations are.

### MORE DETAIL ON THIS STRATEGY

Clarity and aggressive communication of the rules and policies make it possible for students to have a positive experience as they engage in expressions of their views. The clarity should include those portions dealing with what are and are not public (including public spaces and bulletin boards), prior restraints (e.g., permit requirements), and content or speaker-based restrictions (including restrictions on speech that amounts to race or sex discrimination/harassment). Aggressive communication may extend to posting on the university website. It might also include, for example, sending reminders to organizers and others when university administrators learn that plans are in motion, including the rules and policies on expression and offering to talk about safe ways to achieve their aims.



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## ENDNOTES

<sup>1</sup>Divided Community Project, Key Considerations for College and University Leaders when Conflicts and Divisive Incidents Arise (2020), [URL].

<sup>2</sup><https://www.kenyon.edu/directories/offices-services/ombuds-office/kenyon-concerns-coalition/>

<sup>3</sup>Quoted in Ali Vingiano, “63 Black Harvard Students Share their Experiences in a Powerful Photo Project,” BuzzFeed News, Mar. 3, 2014, <https://www.buzzfeednews.com/article/alisonvingiano/21-black-harvard-students-share-their-experiences-through-a>.

<sup>4</sup><https://itooamharvard.tumblr.com>

<sup>5</sup>NASPA, Issue Guides for Deliberative Dialogue (2020, forthcoming) <https://naspa.org/project/issue-guides-for-deliberative-dialogue>. NASPA’s Austin Conference was cancelled due to COVID-19.

<sup>6</sup>National Issues Forum, Issue Guides, <https://www.nifi.org/en/issue-guides/issue-guides>.

<sup>7</sup>Gallup, for example, tracks a sense of well-being, divided by minority group, geography, and date. [https://news.gallup.com/topic/category\\_wellbeing.aspx](https://news.gallup.com/topic/category_wellbeing.aspx)

<sup>8</sup>Jonathan Haidt, “Can a Divided American Heal?” TEDNYC (undated, about 2017), [https://www.ted.com/talks/jonathan\\_haidt\\_can\\_a\\_divided\\_america\\_heal/transcript?language=en](https://www.ted.com/talks/jonathan_haidt_can_a_divided_america_heal/transcript?language=en). For more on constructive contacts, see Rogers et al., 2019: 219-238.

<sup>9</sup>Cleve R. Wootson, Jr., Vanessa Williams, Dan Balz and Scott Clement, “Black Americans are Deeply Pessimistic about the Country under Trump,” Washington Post, Jan. 17, 2020.

<sup>10</sup>See e.g., Sam Raudins, “White Supremacist Fliers Found in Arts and Sciences’ Departments,” Nov. 26, 2019, <https://www.thelantern.com/2019/11/white-supremacist-fliers-found-in-arts-and-sciences-departments/> (a story about the posting of white supremacist fliers and comments following, both explanatory by faculty and dismissive by others.).

<sup>11</sup>Kenyon College, Kenyon Mission and Values, <https://www.kenyon.edu/directories/offices-services/registrar/course-catalog-2/administrative-matters/kenyon-college-its-mission-and-goals/>

<sup>12</sup>A small group of student activists protests national issues regarding racial equality and the Vietnam War and paints the college administration as repressive. Other students who care about the national issues join the protests. The activists control key tactical issues while emphasizing broad group consensus on statements issued. These activists issue demands to the university administration, some of which are beyond its power to grant, at least immediately. The activists begin disruptive tactics (sit-ins, blocking university officials from doing duties). Police, often unprepared for handling student disruption and taunted by the students they encounter, intervene, sometimes more harshly than warranted. When other students view the videos of police action against fellow students, they join the protest of what they now perceive as the repressiveness of the university officials. Students welcome media coverage. The public reacts negatively to the media coverage of students’ disruptive actions and what they view as university administrators’ failure to take a “hard line” against the “spoiled” students. Legislatures follow by restricting university budgets and instituting criminal penalties or cuts to financial aid for students who disrupted. (In 1969, 32 states enacted 64 statutes regarding campus unrest, many instituting criminal penalties or cutting off financial aid for students involved in disruption (Hopkins and Myers, 1971: 408)). Students demand amnesty from discipline and university advocacy to assist them in the justice system. (In 1969, 28 campuses together reported expelling or suspending over 900 students. In the 1969-70 academic year there were over 4,000 arrests of campus protestors.) “The university says this is a matter for the civil courts. It is now attacked as inhuman and soulless and dominated by the material interests of its trustees... At this point a building goes up in flames. What was the issue?” The Report of the President’s Commission on Campus Unrest 56 (1970).

<sup>13</sup>The Committee on Freedom of Expression at the University of Chicago, Report (undated, estimated 2014), <https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf>; see also University of Missouri, Commitment to Free Expression, <https://freespeech.missouri.edu/commitment-to-free-expression/>

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