Review Team

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Overview

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- Defining the Issue
- Identifying stake holders

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- New On-Campus Event Application

Institution summary

- Midsize 15,000
  - Student body breakdown
    - 74.8% white/non-Hispanic
    - 25.2% non-white
- 17:1 student faculty ratio
- Tuition
  - In-state 11,632 per year
  - Out of state 29,140 per year
- Public 4-year
- Land grant university
- 72 majors
- >350 campus organizations including 35 fraternities and sororities
- Suburban setting
- Semester system

Defining the Issue

"The previous evening a forum sponsored by a campus student organization had deteriorated into unprovoked outbursts, shouting from audience members, and even shoving matches within the crowd. The campus police had done their best handling the disturbance and, to their credit, dispersed the students and community members with no injuries or arrests."

Free Speech
- Despite high tension, First Amendment rights must not be infringed upon

Student Group Rights
- Controversial speaker, Tom Riddle, was invited on campus by Young Slytherins of America to speak in a public forum

Campus Security
- The University may be responsible for incurred security cost

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Stakeholders

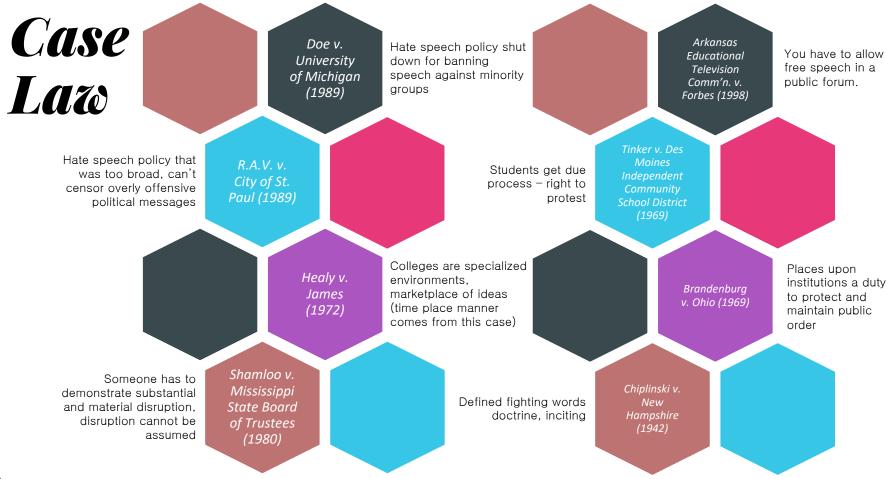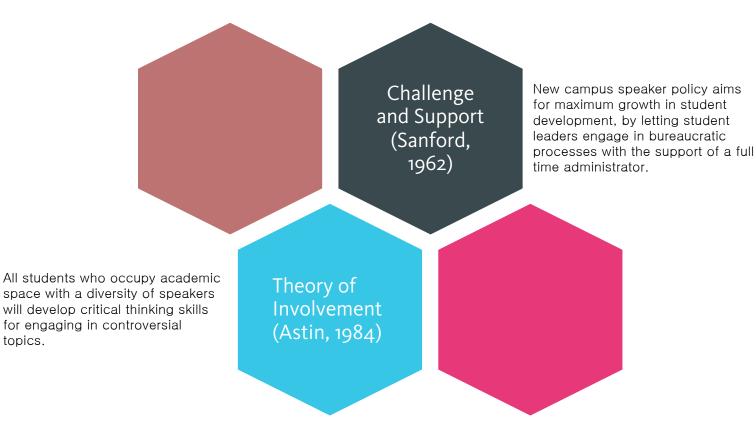| COMMUNITY MEMBERS	SPEAKER	ADMINISTRATORS	STUDENTS	FACULTY	STAFF
Since we are a public institution we often share many of our spaces with community members for gatherings and activities. This was one of those cases where community members were present for an on campus event and ended up being part of the disturbances that could have led to potential harm to other community members, students, faculty, and staff.	Speakers, like community members, are guests of the institution and should be treated with care as if they were a member of the university. In the case of speakers and presenters that bring controversial topics onto campus, we as a university hosting this guest have a responsibility to ensure the safety of those guests.	Administrators often not present at these events deal with much of the planning and implementation of different strategic plans that involve large on campus events. They have a stake because of the fiduciary responsibility they have when spending the institutions money on things such as security.	Students are a key stakeholder in this situation due to the fact that they brought the speaker on campus and as members of student organizations. Student leaders are trying to better their student constituent base by bringing individuals on campus that bring with them new knowledge for the students.	Faculty often are thought of as stakeholders for this situation because they also bring speakers into their classroom but operate under academic freedom which is a different standard. They also bring onto campus different conferences which would fall in line with this policy and is why we are choosing to outline them as stakeholders.	As the implementers of the policy, these individuals must know the updated policies as to properly execute them. These staff also put on events or advise student organizations that put on events.

Case Law

Doe v. University of Michigan (1989) — Hate speech policy shut down for banning speech against minority groups

Arkansas Educational Television Comm'n. v. Forbes (1998) — You have to allow free speech in a public forum.

Hate speech policy that was too broad, can't censor overly offensive political messages — **R.A.V. v. City of St. Paul (1989)**

Students get due process – right to protest — **Tinker v. Des Moines Independent Community School District (1969)**

Healy v. James (1972) — Colleges are specialized environments, marketplace of ideas (time place manner comes from this case)

Brandenburg v. Ohio (1969) — Places upon institutions a duty to protect and maintain public order

Someone has to demonstrate substantial and material disruption, disruption cannot be assumed — **Shamloo v. Mississippi State Board of Trustees (1980)**

Defined fighting words doctrine, inciting — **Chiplinski v. New Hampshire (1942)**

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Theoretical Frameworks

Challenge and Support (Sanford, 1962)

New campus speaker policy aims for maximum growth in student development, by letting student leaders engage in bureaucratic processes with the support of a full time administrator.

Theory of Involvement (Astin, 1984)

All students who occupy academic space with a diversity of speakers will develop critical thinking skills for engaging in controversial topics.

NaBITA THREAT ASSESSMENT TOOL

- This tool can be adapted to assess risk associated with campus speakers

- Usage of this tool allows us to focus on risk while remaining content neutral

- Intervention tools ensure consistency and congruence with classified risk

CLASSIFYING RISK	INTERVENTION TOOLS TO ADDRESS RISK AS CLASSIFIED
MILD RISK – Disruptive or concerning behavior. – Student may or may not show signs of distress. – No threat made or present.	**MILD RISK** – confrontation by reporter – behavioral contract or treatment plan with student – student conduct response – evaluate for disability services and/or medical referral – conflict management, mediation, problem-solving
MODERATE RISK – More involved or repeated disruption. Behavior more concerning. Likely distressed or low-level disturbance. – Possible threat made or present. – Threat is vague and indirect. – Information about threat or threat itself is inconsistent, implausible or lacks detail – Threat lacks realism – Content of threat suggests threatener is unlikely to carry it out.	**MODERATE RISK** – confrontation by reporter – behavioral contract or treatment plan with student – student conduct response – evaluate for disability services and/or medical referral – conflict management, mediation (not if physical/violent), problem-solving
ELEVATED RISK – Seriously disruptive incident(s) – Exhibiting clear distress, more likely disturbance. – Threat made or present. – Threat is vague and indirect, but may be repeated or shared with multiple reporters – Information about threat or threat itself is inconsistent, implausible or lacks detail – Threat lacks realism, or is repeated with variations – Content of threat suggests threatener is unlikely to carry it out.	**ELEVATED RISK** – confrontation by reporter – evaluate parental/guardian notification – evaluate need to request permission from student to receive medical/educational records – consider interim suspension if applicable – evaluate for disability services and/or medical referral – consider referral or mandated assessment
SEVERE RISK – Disturbed or advancing to dysregulation – Threat made or present – Threat is vague, but direct, or specific but indirect – Likely to be repeated or shared with multiple reporters – Information about threat or threat itself is consistent, plausible or includes increasing detail of a plan (time, place, etc) – Threat likely to be repeated with consistency (may try to convince listener they are serious) – Content of threat suggests threatener may carry it out.	**SEVERE RISK** – possible confrontation by reporter – parental/guardian notification obligatory unless contraindicated – evaluate emergency notification to others (FERPA/HIPAA/Clery) – no behavioral contracts – recommend interim suspension if applicable – possible liaison with local police to compare red flags – deploy mandated assessment – evaluate for medical/psychological transport – evaluate for custodial hold – consider voluntary/involuntary medical withdrawal – direct threat eligible – law enforcement response – consider eligibility for involuntary commitment
EXTREME RISK – Student is dysregulated (way off baseline) or medically disabled – Threat made or present – Threat is concrete (specific or direct) – Likely to be repeated or shared with multiple reporters – Information about threat or threat itself is consistent, plausible or includes specific detail of a plan (time, place, etc), often with steps already taken – Threat may be repeated with consistency – Content of threat suggests threatener will carry it out (reference to weapons, means, target). – Threatener may appear detached	**EXTREME RISK** – possible confrontation by reporter – parental/guardian notification obligatory unless contraindicated – evaluate emergency notification to others – no behavioral contracts – interim suspension if applicable – possible liaison with local police to compare red flags – too serious for mandated assessment – evaluate for medical/psychological transport – evaluate for custodial hold – initiate voluntary/involuntary medical withdrawal – direct threat eligible – law enforcement response – consider eligibility for involuntary commitment

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SWOT Analysis of Current Policy

STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
• Currently protects free speech • Clear definitions • Content neutral	• Five days advance notice—not enough time to determine security needs	• Infusion of education into the speaker proposal process	• Lack of transparency of review process

Considerations

CULTURAL

- Fostering a culture of free speech through content neutral practices
- Creating space for civil discourse
- Speakers that are approved from this process will be seen as endorsed by the university
- Supporting student self governance

ETHICAL

- Provide safety to all of our students
- Ensure free speech is protected for all parties on campus
- Support student growth and learning
- Need to operate with in case law to address the impact speakers may have on marginalized individuals

EDUCATIONAL

- Prepare students for the real world where people will have differing opinions
- Give students opportunities to critically think about different ideas and ways of thinking
- Provide students an opportunity to understand the moving pieces and parts of holding a successful event and ensuring the security of the community and participants and the inherent costs of doing so.

Goals for Reformed Campus Speaker's Policy

SAFETY - The University is a strong proponent of students' first and fourteenth amendment rights within its campus demonstration policy while at the same time recognizing its duty to protect public safety and maintain and, if necessary, restore order.

FOSTER FREE SPEECH - The University believes that free speech is critical to its purpose and is committed to fostering an environment where all views can be expressed and tested in order to help students develop the necessary critical thinking skills to be be change makers and global citizens.

FIDUCIARY RESPONSIBILITY - The University has a responsibility to provide a safe environment and quality education to the University's students while being mindful of reasonably maintaining costs without impeding institutional educational goals.

New On-Campus Event Application

Must apply 6 weeks in advance of speaker invitation

Security and Safety Committee would be in charge of pulling together a security assessment of speaker with any and all costs

Security and Safety Committee would include:

• Police department representative
• Environmental health and safety representative
• Student government representative
• Community relations representative
• Dean of students (Chair)
• Event Services representative
• Counseling and Psychological services representative
• Multicultural center representative

Meet with host of speaker or point of contact and present with fee assessed necessary to ensure safety at the event

Meeting would address:
• Organization then given option to pay for fees that will be accrued for security or forfeit event.
• All organization would be in charge of paying for campus security fees

Online form hosted on campus labs and overseen Event Services Office

Application would include:
• Faculty or staff sponsored
• Catering
• Expedited review for low risk events
  • Small venue
  • Small budget
  • Small attendance

New On-Campus Event Application

Application received

At the bi-weekly meeting of the committee proposals will be reviewed and assessed based on the National Behavioral Intervention Team Association (NaBITA) Threat Assessment Tool

- Anything the committee believes is a "moderate" risk of above will be sent for security assessment and price quote
- Anything the committee believes is a "mild" risk or below to the university will provide guidance and suggestions to the event without need for further review.

Based on the proposal the committee will take the follow steps

- If the proposal is sent to the for further security assessment, the committee will notify the point of contact for the proposal.
- Once the assessment is received the events services representative from the committee will meet with the event point of contact to review the security plan and discuss the associated costs and potential ramifications of the event.
- After all of the information is presented to the point of contact, they may decide whether or not they want to continue with specified event
- If they do choose to continue with the event all vendors must be contacted by the organization to arrange for security and proper event management

Event approved

Works Cited

- Astin, A.W. (1991). *Assessment for Excellence: The Philosophy and Practice of Assessment and   Evaluation in Higher Education.* Washington, DC: American Council on Education/Oryx Press Series on Higher Education.

- National Behavioral Intervention Team Association. (2014). *NaBITA Threat Assessment Tool* (PDF)

- Sanford, N. (1966). *Self and society: Social change and individual development.* New York: Atherton.