

## HATE SPEECH TASKFORCE REPORT: PREAMBLE

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1. The US Law has no prohibitions for hate speech but it does restrict free speech in PUBLIC PLACES based on risk of bodily harm (i.e., fighting words and overt threats);
2. The University has policies guiding student and employee conduct, but no specific ways of addressing Hate Speech that falls outside of the most obviously egregious threats;
3. The University has no specific policy addressing Hate Speech (See SECTION X for definition) at open campus events, especially those by invited guest speakers;
4. The University has a right to regulate all of its non-public spaces based on the University Mission;
5. When speakers who have a history of hate speech have been invited to other university campuses, there have been significant consequences, including the delivery of hate speech that targeted members of those communities, significant disruptions to the campus community, costly security expenditures, damage to campus properties, and other negative consequences. Additionally, some public universities have faced legal actions and/or needed the assistance of legal counsel (at great cost to those universities) to resolve legal issues related to these speakers' appearances.
6. We recognize that not all groups are affected equally by Hate Speech. Marginalizations based on race, immigration status, sexual orientation, disability status, national origin, gender expression simultaneously make one more likely to be a target of Hate Speech, and more vulnerable to the damage done by hateful conduct.
7. It is important to recognize that any form of propaganda that threatens these marginalized groups negates Stockton's mission to provide a safe and protected environment for all students.
8. Members of marginalized groups are historically less likely to report being targeted, especially if they have the perception that they are not being heard or taken seriously.
9. Based on 6), 7), and 8) we feel that it is not enough to have policies in place. These policies need to be enforced. Victims who are already disenfranchised are more easily silenced, making it easier for the University to downplay the incidents, further perpetuating the sense of hopelessness. We MUST take an active stand in demanding not only clear policies and simple venues for reporting, but also that the administration makes their enforcement a priority. It is our goal as a community to create an atmosphere of outspoken intolerance of hate speech. Without it, our work will have been in vain.

## FACT-FINDING MISSION: IS THERE AN ISSUE?

When the Taskforce started its work, one message we consistently received was: there are venues for reporting; current policies sufficiently cover whatever incidents may occur on campus.

As we spoke to the members of Stockton Community however (students, staff, faculty) we found that many were dissatisfied not with the venues of reporting but with the perceived lack of response. While we realize that there are privacy issues involved, the sheer number of marginalized people reporting unsatisfactory outcomes and lack of action is a cause for concern. Institutional forces are already biased to favor the powerful, and if the disenfranchised members report that they were not heard, it is likely to make them even less likely to report in the future.

Additionally, while we do have multiple venues of reporting incidents of hate speech and bias, there was a pervasive sense that when people made reports they were often sent from one venue to the next, and often gave up in frustration. Here is a partial list of incidents that resulted in no action:

- Students using racial epithets in the classroom
- Faculty members being dismissive of contributions by certain ethnic groups
- Faculty member's classroom defaced and covered in graffitied racial slurs
- Trans\* students being repeatedly misgendered
- Staff members being subjected to racialized harassments
- Staff members being harassed based on their perceived immigration status
- Faculty members being harassed based on their origin
- Racial slurs graffitied in bathrooms
- Staff members retaliated against after making a complaint
- Students repeatedly microaggressed in workspaces by staff
- Students repeatedly microaggressed or entirely dismissed by faculty members and feeling they have no recourse
- Students asserting they gravitate towards majors where they feel safe, not the major they originally wanted
- Students left out of administrative meetings where they had a stake
- Students reporting racial bias incidents (use of racial slurs) to administration and/or faculty and being told that their reaction is disproportionate and the use of such epithets is "controversial"

While we may be tempted to discount these as isolated incidents, the sheer volume of them must give us pause. We must also recognize that the perception of inaction on the part of administration is viewed as condoning such practices, and the recipients report feelings of being unwanted at, and marginalized by the University.

#### RECOMMENDATIONS

1. Hate Speech Definition
2. Draft Hate Speech Policy
3. Criteria for Invited Speakers
4. Draft Off-Campus Conduct Policy
5. Suggestions for Future Work
  - Current Policies: Suggested Updates.
  - Reporting: Current Venues and Additional Suggestions.
  - Educational Materials

#### APPENDICES

[Stockton Mission/Vision/Values](#)

[Stockton Policy of Student Conduct](#)

[Rowan University Policy](#)

[Rutgers University Policy](#)

[TCNJ Policy](#)

[Free Speech Toolkit](#)

[Validity, under federal constitution, of regulation for off-campus speakers at state colleges and universities—federal cases](#)

Additional articles: [“When Free Speech Disrupts Diversity Initiatives: What We Value and What We Do Not”](#); [“The Academic Freedom Double Standard: “Freedom” for Courtiers, Suppression for Critical Scholars”](#)

## **RECOMMENDATIONS**

### **1. HATE SPEECH DEFINITION**

**Legal Definition:** Hate speech is a communication that carries no meaning other than the expression of hatred for some group, especially in circumstances in which the communication is likely to provoke violence. It is an incitement to hatred primarily against a group of persons defined in terms of race, ethnicity, national origin, gender, religion, sexual orientation, and the like. Hate speech can be any form of expression regarded as offensive to racial, ethnic and religious groups and other discrete minorities or to women.

Taskforce Amendment: to the above definition, we would like to add the following: specifically, HATE SPEECH is any speech expressing the belief in inferiority of a group based on inborn characteristics (race, ethnicity, gender, sexual orientation, gender identity etc) that has been traditionally disenfranchised and denied institutional power.

### **2. DRAFT HATE SPEECH POLICY.**

#### **I. PURPOSE**

This policy sets forth policies and procedures that are established in order to facilitate effective expression of free speech and peaceful assembly.

#### **II. ACCOUNTABILITY**

Under the direction of the President, the Assistant Vice President of Public Safety and the Office of Emergency Management, shall implement this policy and ensure compliance.

#### **III. APPLICABILITY**

This policy applies to all Stockton University faculty, staff, students, and visitors to all Stockton University campuses.

#### **IV. POLICY**

##### **1. GENERAL INFORMATION**

Stockton University's mission is to develop engaged and effective citizens with a commitment to life-long learning and the capacity to adapt to change in a multi-cultural, interdependent world. As a public university, Stockton provides an environment for excellence to a diverse student body, including those from underrepresented populations, through an interdisciplinary approach to liberal arts, sciences and professional education. The University recognizes the right of all individuals to engage in peaceful and orderly assembly and/or demonstrations which do not disrupt the functions of the University or interfere with the rights of others. The University will protect the rights of freedom of speech, expression, petition, and peaceful assembly as set forth in the United States Constitution and the Constitution of the State of New Jersey. The University maintains its right to implement reasonable time, place, and manner restrictions concerning acts of expression.

The Supreme Court of the United States has adopted a forum analysis framework to assess whether, and to what extent, a government entity such as Stockton University must permit expressive activity on its property.

The Court has established three categories of forums:

- i. quintessential public forums;
- ii. designated public forums;
- iii. nonpublic forums; this forum analysis is highly fact dependent and the examples which follow are intended to serve as illustrative and not definitive.
- iv.
  1. Quintessential public forums, including public streets, sidewalks, parks, and similar common areas are generally available for expressive activity, planned or spontaneous, for an individual or small groups (generally where a crowd of 10 or less will be present, and/or where an event is not promoted in advance, and/or when an event is not sponsored by a student organization) at any time without the need for reservation, or prior approval.
  2. Designated public forums are created by the University when it deliberately opens property to the public. These forums may be so designated for only limited uses or for only limited class of speakers. Policy of the speaker selection is outlined in the next document, and it is designed to be consistent with Stockton University MISSION/VISION/VALUES (APPENDIX 1)
  3. Non public forums are areas that are not traditional public forums or designated public forums. These forums will be restricted to use for their intended purpose. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, medical treatment facilities, libraries, research and computer laboratories and facilities, and locations where University events, ceremonies, commencement activities and other similar events and activities are held. Non-public forums have their own codes of conduct, such as the student code of conduct (See APPENDIX 2)

## 2. DISRUPTIVE ACTIVITY

- a. As the above principles illustrate, and subject to compliance with this Policy, the University recognizes the right of all individuals on University property or at any place in use for an authorized University purpose to engage in peaceful and orderly assembly and/or demonstration, which does not disrupt functions of the University or interfere with the rights of others.
- b. Free speech also includes freedom of protest.
- c. The University will not allow conduct on its premises that interferes with the rights of others. Persons engaging in such conduct shall be subject to disciplinary action, including, but not limited to, removal from the premises and/or charges of violations of the law, and in case of students, expulsion and/or separation.
- d. Listed below are examples of activities that will be considered disruptive and will result in discipline and/or removal, arrest, and/or prosecution.
  - i. Actions that endanger the safety of any individual, the University community, or the academic process are prohibited.
  - ii. Unauthorized setting of fires on University property, or unauthorized use of or interference with fire equipment, is prohibited.
  - iii. Actions which threaten or incite immediate assault, or injury to self or other persons are prohibited.
  - iv. Verbally provoking immediate physical assault or personal injury through the use of harassment, intimidation, bullying, threats, or fighting words is prohibited. That includes acts of implied violence (for example, "I know where your children live" is an act of intimidation and a veiled threat, and will be treated as such.)
  - v. Violation of published University regulations, policies or rules, or violation of any New Jersey state law or federal law is prohibited.
  - vi. Infringement on the rights of others is prohibited.

## **DRAFT GUEST SPEAKER POLICY**

As part of the educational process, student clubs and organizations that are officially registered by Stockton University are encouraged to invite to campus guest speakers who have a demonstrated expertise in an area of interest to the University community and/or who, in the club/organization's view, might contribute to the intellectual or cultural life of the University.

In order to maximize the benefits from a guest speaker's presence on campus, we encourage the hosting organization to consult faculty in related fields of expertise prior to extending a final invitation. An important effect of such consultation will be to assist the University in its efforts to offer a full, varied, and balanced program of guest speakers that will result in a maximum exchange of ideas and opinions without compromising academic integrity or the mission of the University.

This enjoyment of the freedom to express points of view on the widest range of public and private concerns must, however, be subject to reasonable restrictions of time, place, and manner. The right of free speech and expression does not include activity, unlawful or otherwise, that (1) would endanger or imminently threaten to endanger the safety of any member(s) of the University community, (2) pose a threat to the physical facilities, or (3) obstruct or disrupt the normal functions of the University or entail violation of the University Code of Conduct, including the Hate Speech policy.

Moreover, expression that is threatening or demeaning on matters such as race, ethnicity, religion, gender, gender identity, or sexual orientation is inconsistent with accepted norms of conduct at the University. The University thus reserves the right to deny invitations to speakers who (1) lack reasonable academic merit; (2) have a history of violence associated with their appearances, and (3) have in the past expressed or continue to express views threatening to members of our community.

(Partially adopted from Fordham policy)

## **DRAFT CONDUCT OFF-CAMPUS POLICY**

Stockton University shall not use its resources to interfere with the academic rights of students, staff, or faculty beyond the University environment. Conduct that occurs off-campus, online, or outside the context of a University program or activity, should generally be subject to the consequences of public authority and/or opinion. The University may take disciplinary action for conduct occurring outside the University context which substantially disrupts the regular operation of the University and safety and security of the University community members. When conduct constitutes violations of both University policy and state, local, or federal laws, community members may be subject to University disciplinary actions as well as legal action.

### **Online Conduct on Campus**

Where social media is used as a teaching and learning tool through official University websites and account, all faculty, staff, and students must read, understand, and agree to the terms of use of the social media website and the University's terms and conditions relating to the use of social media in this context before accessing and posting content on social media in a teaching and learning context.

Authorized use of and access to the University's computing and communication facilities is intended and permitted solely to support the legitimate educational, administrative and mission-centered programs of the institution. For more information, please review our [Acceptable Use Standards](#).

## APPENDIX 1.

### **STOCKTON MISSION/VISION/VALUES**

#### **Mission**

Stockton University's mission is to develop engaged and effective citizens with a commitment to life-long learning and the capacity to adapt to change in a multi-cultural, interdependent world. As a public university, Stockton provides an environment for excellence to a diverse student body, including those from underrepresented populations, through an interdisciplinary approach to liberal arts, sciences and professional education.

#### **Vision**

Stockton University will thrive as a distinctive regional institution, providing a diverse, values-based, student-centered environment of exceptional teaching and learning. As a community builder and partner in public service, Stockton University will remain committed to the positive development of New Jersey through scholarship and creative activity, civic engagement, and active stewardship.

#### **Guiding Principle**

Students first; vision and strategy follow.

#### **Values**

Stockton University embraces a collection of shared values, the essence of our standards for excellence. These values support our mission and guide our practices and behavioral expectations. We adhere to the values of:

#### **Excellence in teaching and dedication to learning**

Stockton University is committed to providing a high quality, innovative education that gives our students, including those underrepresented populations, the breadth and depth they need to succeed in their lives beyond college. Our faculty and staff recognize a responsibility to engage our students in the development of ideas across and within disciplines, both inside and outside the classroom. We strive to enhance the student learning experience, by utilizing proven pedagogical methods, research, creative activity, and advancements in technology, which support the promotion of life-long learning.

#### **Inclusivity and Diversity**

Stockton University is committed to building a community that values differences of race, religion, gender, ethnicity, national origin, socio-economic status, affectional or sexual orientation, gender identity or expression, marital status, age, ability or disability. We accept our responsibility to create and preserve an environment that is free from prejudice and discrimination, and to take actions that affirm our commitment to inclusivity and diversity.

#### **Academic Freedom**

The University promotes an open exchange of ideas in a setting that embodies the values of academic freedom, responsibility, integrity and cooperation. Recognizing and understanding the significance of our similarities and differences will ultimately foster appreciation and respect for others, and enrich the individual, the campus and the community at large.

### **Integrity and Respect**

Stockton University is committed to integrity, honesty, dignity, civility, openness, respect, and accountability in its actions as well as in the means through which all members of its community communicate among themselves and with the wider world.

### **Shared Governance**

Stockton University is committed to shared governance, defined as an integrated planning process and a collaborative culture in which Stockton's constituents commit themselves to being partners in accomplishing the University's mission. It functions through a structure that fosters active collaboration, transparency, accountability, understanding, and acceptance of compromise, mutual respect and trust.

### **Community Engagement and Civic Responsibility**

Stockton University is committed to the positive development of southern New Jersey. Through research, teaching, and community partnerships and service, the University actively seeks to address social and economic issues critical to our state, region, and nation and to contribute to the public good.

### **Global Perspectives**

Recognizing its place in an increasingly global economy and society, Stockton University is committed to providing students, faculty, and staff with exposure to diverse cultural perspectives. Stockton seeks to create and sustain the global awareness and understanding necessary for their meaningful participation in the world as independent critical thinkers and informed and prepared global citizens.

### **Sustainability and Environmental Stewardship**

The University seeks to promote an ethic of resource conservation, sustainability, and social justice on our campuses and throughout the region in its strategic planning and operations as well as its teaching, research, and service. Stockton embraces the obligation of stewardship this environment demands.