Paint the Bridge: College Student Perceptions of Institutional Response to Racial Bias
on Campus

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Abstract

A recent increase in racial bias incidents on college campuses have ignited a contemporary conversation about the interplay between free speech on college campuses and an institution's responsibility to create an inclusive learning environment for all. The purpose of this study is to investigate how college students perceive their institution's response to a racial bias incident, especially when protecting free speech and promoting an inclusive campus climate are presented as antithetical. I utilized a critical race perspective to conduct a qualitative case study of the events of a racial bias incident at the University of Minnesota – Twin Cities. Eight semi-structured interviews with current University of Minnesota students, coupled with an in-depth analysis of the University using an ecological multidimensional framework for campus climate (Hurtado et al., 2012), revealed findings of how participants contextualize and make meaning of the incidents; how participants understand and value free speech, offensive speech, and hate speech; and how participants recalled and reacted to a statement by the University president almost four years after the statement was issued. Implications for future responses to racial bias incidents are discussed. American public higher education institutions' commitments to free speech and promoting inclusive campus racial climate are also discussed.

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Introduction

A substantial body of research supports the positive personal and educational benefits all students experience when students perceive a positive campus racial climate (Strayhorn, 2012). However, decades of research on US institutions of higher education has "overridingly discovered that college students from marginalized, underserved, minoritized, and disenfranchised backgrounds continue to feel less welcome than their peers from privileged or majority backgrounds" (Soria, 2018, p. 2). Furthermore, Students of Color and Indigenous Students consistently perceive a more hostile campus climate than White students, with Black students holding the most negative perceptions of their campus's racial climate (Hurtado, 1992; Harper & Hurtado, 2007; Hurtado et al., 2012). The feeling of being unwelcomed on campus was exacerbated for these students by the 2016 US presidential election, which preceded an increase in the number of race-based bias incidents on college campuses (Kerr, 2018; Potok, 2017).

The increase in bias incidents based on race and other marginalized identities have ignited a contemporary conversation about the interplay between free speech on college campuses and an institution's responsibility to create an inclusive learning environment for all (PEN America, 2019). A bias incident is non-criminal "conduct, speech, and expression that [is] motivated by prejudice" (Miller et al., 2018a, p. 27), and is often cited as an act of offensive speech and hate speech (PEN America, 2019). Hate speech and offensive speech are protected as free speech under the First Amendment (Chemerinsky & Gillman, 2017); however, these kinds of speech are seen as in conflict with an institution's commitment to promote an inclusive campus climate for historically marginalized populations and to promote equal access to the learning environment (Baer,

2019; Matsuda et al., 1993). From college students (e.g., Hoffman & Mitchell, 2016), journalists (e.g., Anderson, 2020; Clarey & Steinberg, 2016; Gose, 2018, PEN America, 2019), and free speech legal scholars (e.g., Chemerinsky & Gillman, 2017) comes a call for higher education institutions to reconcile their commitment to free speech on campus *and* to an inclusive campus climate.

College students in particular seem to have a shifting perception of free speech. In a quantitative survey, Gallup and the Knight Foundation (2016, 2018) reported a majority of college students support free speech on their campus yet also support the suppression of hate speech and offensive speech directed towards historically marginalized populations. Not only does this mark a deviation from traditional, absolutist interpretations of free speech (Chemerinsky & Gillman, 2017), but also possibly helps explain how students perceive and react to their institution's response to racial bias incidents on their campuses. The president or chancellor of the institution might issue a statement to all students, staff, and faculty in which the institution condemns the incident but ultimately upholds the incident as free speech (Anderson, 2020; Clarey & Steinberg, 2016; Geyer, 2016; Gose, 2018). This kind of response receives mixed reviews. From one perspective, the response is received as a positive by individual liberties organizations like the Foundation for Individual Rights in Education (FIRE) in that it protects individuals' freedom of speech (Zoeller, 2017). Indeed, this response to a bias incident is aligned with a 2015 statement from the University of Chicago that calls for higher education institutions to vigorously defend unfettered free speech, even if members of the campus community find the speech offensive (FIRE, n.d.). From another perspective, it is received as a negative in that it further alienates students with

marginalized racial identities (Clarey & Steinberg, 2016). Squire and colleagues (2019) describe these campus-wide statements as non-performative: the statement espouses a commitment to inclusion but demonstrates little to no action guided by that commitment. Cole and Harper (2017) further identify these responses as failing to acknowledge the systemic and institutional racism that engenders these incidents in the first place.

Higher education administrators recognize the balancing act between free speech and promoting inclusion (Miller et al., 2018a). Miller and colleagues interviewed college and universities administrators who chaired bias response teams (i.e., committees within an institution that receive, review, and respond to reports of bias on campus). In addition to acknowledging the tension between free speech and inclusion, these administrators also expressed hope that students would react to the institution's response to bias incidents with the understanding of the legal and ethical balance the institution sought to manage.

A higher education institution's response to a bias incident on campus has been studied from the perspective of the institution and institutional actors (Cole & Harper, 2017; Miller et al., 2018a, 2018b; Squire et al, 2019). There exists a gap in the literature about how students perceive and react to their institutions' responses to racial bias incidents in which protecting free speech and promoting inclusive campus climate are presented as antithetical. There is also a gap in qualitative understanding of college students' perceptions of free speech as it supports or opposes an inclusive campus climate. The present study seeks to begin to fill these gaps.

The purpose of this study is to investigate college students' perceptions to their institution's responses to a racial biased incident on campus. This study seeks to answer

the following research question through a qualitative case study: *How do students perceive their higher education institution's response to a racial bias incident on campus?*

      I chose a qualitative case study to investigate this research question because a case study is appropriate when seeking to understand a contemporary phenomenon (i.e., students' perceptions of their institution's response to racial bias incident) necessitates understanding important contextual components (i.e., critical race theory, campus racial climate, free speech on college campuses; Yin, 2018). The subject of this qualitative case study is a student organization promotion event at the University of Minnesota – Twin Cities called *Paint the Bridge.* Paint the Bridge is an annual event during which the University allows student organizations to paint murals along a pedestrian bridge spanning the Mississippi River (Student Unions & Activities, 2019a). From 2016 through 2018, Paint the Bridge was cited as a racial bias incident because of a series of murals painted by politically conservative student organizations on campus (Bias Response and Referral Network [BRRN], 2019; PEN American, 2019). These murals featured phrases such as "Build the Wall" and "Least Popular Minority on Campus." While the University President Eric Kaler responded by defending these phrases as free speech (Kaler, 2016), others responded with protests (Clary & Steinberg, 2016), vandalism (Clary, 2016; Cramer, 2017), and disapproval in the university's response to the events of Paint the Bridge over the years (Clary, 2016; Cramer, 2017, Pederson, 2018). Racial bias incidents are part of a larger narrative of racial discrimination and systemic racism in the United States (Hurtado et al., 2012; Ladson-Billings, 1998; Matsuda et al., 1993; Miller et al., 2018a, 2018b). Understanding the events of Paint the Bridge, the University's response,

and students' perceptions of that response necessitates understanding contextual components of the campus climate, critical race theory, and how free speech supports or opposes an inclusive campus climate.

Literature Review

To understand the events of Paint the Bridge, I situate these events in scholarship on racial bias incidents, free speech, and inclusive campus climate. In the following sections, I will review literature pertaining to critical race theory as a guiding framework for this study, free speech on college campuses and critical perspectives thereof, and campus racial climate and a model for assessing the multiple dimensions of the campus racial climate.

The Lens of Critical Race Theory

I chose critical race theory (CRT) as a relevant lens for this study. Free speech controversies like Paint the Bridge are often reported as racial bias incidents (BRRN, 2019; PEN America, 2019) and as symptomatic of racist systems across the law and higher education (Matsuda et al., 1993). CRT provides a useful set of assumptions that align with how racialized and marginalized groups describe their experience as a racial bias incident.

CRT underscores that race and other social identities (e.g., gender, sexual orientation) are social constructs that have evolved over time, and have profound impacts on the social realities and lived experiences of all people (Ladson-Billings, 1998). CRT specifically centers race to critique systems, traditions, and societal norms ultimately to dismantle these systems of racial oppression along with other identity-based oppression (Matsuda et al., 1993). CRT recognizes that race and racism is pervasive throughout

American society; racial bias incidents are not random or disjointed incidents, but rather part of a long history of racial oppression. CRT provides tools to critique the status quo as a perpetuation of racial oppression. Historical and contemporary legal systems have led to the racial privilege and marginalization people experience, specifically for this study, within higher education. CRT rejects "dominant legal claims of neutrality, objectivity, color blindness, and meritocracy" (p. 6). From a CRT perspective, dominant claims view race as immutable, rather than as a socially constructed identity. Further, the dominant legal narrative promotes racial bias incidents as random, disjointed incidents counter to a CRT perspective that recognizes racism as part of US society. Finally, CRT recognizes racial equality progresses when the interests of People of Color and Indigenous People (POCIs) converge with the interests of the most privileged and powerful of White people (Taylor, 2009).

Free Speech on College Campuses

Especially relevant to this case study are the laws and policies surrounding free speech on college campuses. American public institutions of higher education are bound by the precepts of the US Constitution and its First Amendment. What follows is a historical overview of free speech on college campuses followed by a CRT critique to better understand the impacts of free speech law and policies on students and institutions of higher education.

Historical Overview of Free Speech on College Campuses

Prior to the late 1950s, the courts upheld decisions and convictions of communists, socialists, and other dissenters for the good of society (Chemerinsky & Gillman, 2017). Much of the Supreme Court cases regarding free speech erred on the side

of prohibiting speech. For example, *Chaplinsky v. New Hampshire* (1942) prohibits

fighting words, which is speech that by its "very utterance inflict[s] injury or tend[s] to

incite an immediate breach of the peace." As the Court argued words can inflict genuine

and real harm on others, and the harm may result in a breach of the peace. While

Chaplinsky remains good law, Chemerinsky and Gillman (2017) note the Supreme Court

has never upheld a conviction or decision based on fighting words. In *R. A. V. v. City of*

St. Paul (1992), an individual burned a cross on the front lawn of a Black family's home

in St. Paul, MN; the person who burned the cross was prosecuted under a city ordinance

that prohibited speech that fell under a definition of fighting words because of the racist,

sexist, anti-religious, or homophobic nature of the speech's content. The Supreme Court

overturned the Minnesota Supreme Court's decision to uphold the prosecution. The

ordinance was deemed unconstitutional under the First Amendment. This case is often

cited to underscore that hate speech is protected speech.

Beginning primarily with *Yates v. United States* (1957), the government and

public institutions of higher education were prohibited from punishing the expression of

certain viewpoints "however obnoxious and antagonistic such views may be to the rest of

us," (p. 344) provided the speech is not a clear and present danger. In further defining

what clear and present danger means, in *Brandenburg v. Ohio* (1969) the Court

overturned a conviction of a Ku Klux Klan member who called for White people to act

violently against the government because of the government's protection of racially and

ethnically minoritized populations. *Brandenburg* set precedent protecting speech that

calls for violence in the abstract, including racist speech, but not speech that directly

incites "imminent lawless action" (p. 344).

While *Yates* (1957) is the precedent enabling the protection of racist speech, the case set precedent for not only free speech rights necessary for the Civil Rights Movement of the 1960s, but also the modern understanding of free speech and academic freedom on college campuses (Chemerinsky & Gillman, 2017). *Keyishian v. Board of Regents* (1967) expanded First Amendment protections to the principles of academic freedom for higher education faculty. Academic freedom is often argued as the cornerstone of American higher education (American Association of University Professors [AAUP], 2014). Finding its roots in the 19th Century German principles of *lehrfreiheit* (i.e., a professor's freedom to teach) and *lernfreiheit* (i.e., a student's freedom to learn; O'Neill, 2011), academic freedom and responsibility specifically outlines three freedoms: the freedom to research and publish, the freedom to teach within the bounds of a faculty member's expertise, and the freedom to speak as a private citizen (AAUP, 2014). Academic freedom has been extended to students to institutionalize the principles of *lernfreiheit* (Miller, 1993) and to staff in certain capacities at some public higher education institutions like the University of Minnesota (University of Minnesota Board of Regents, 2011).

In the 1960s and 1970s the Free Speech Movement sparked protests on many college campuses, from anti- Vietnam War protests at UC-Berkeley to the deaths of four students at Kent State in Ohio. The movement culminated in the notion of freedom of speech for college students (Thelin, 2011). Cases such as *Tinker v. Des Moines Independent Community School District* (1969) and *Healy v. James* (1972) further established free speech rights of students, provided such speech acts do not disrupt the educational mission of the institution.

As student bodies began to diversify more and more in the last half of the 20th

Century (Thelin, 2011), colleges and universities in the 1990s implemented speech codes

prohibiting hate speech (e.g., racial slurs, sexist remarks, homophobic slurs; Kitrosser,

2017). These speech codes, while written with the best of intentions, were quickly

deemed unconstitutional because a public college or university cannot compel its students

to utter, or not utter, certain kinds of speech (*UWM Post v. Board of Regents of U. of

Wis.*, 1991). Chemerinsky and Gillman (2017) characterize this kind of prohibition of

offensive speech counterproductive because "advocating the censorship or punishment of

harmful or offensive speech inevitably leads groups to try to silence people merely

because they have different beliefs" (p. 73). The limitation to the *UWM Post* (1991)

decision and Chemerinsky and Gillman's (2017) characterization, however, is the legal

limit on speech based on gender, race, sexuality, and so on, that is so severe it impairs an

individual's right to equal access to work or education (i.e., discriminatory harassment).

In summary, students, faculty, and administrators legally have the right to speak

on a wide range of topics and have the right to utilize physical and digital space on

campus to express those views (Chemerinsky & Gillman, 2017). These speech acts can

include speech most people consider mundane and speech most people find offensive,

provided the speech is not a true and direct threat or does not rise to the level of

discriminatory harassment. Colleges and universities can place reasonable restrictions on

the time, place, and manner of speech on campus to protect the educational mission of the

institutions, provided such restrictions are viewpoint neutral. Public colleges requiring

trigger warnings or prohibiting certain kinds of speech (e.g., hate speech) are generally

not permissible under the First Amendment. Staff, faculty, and administrators, however,

can utilize their own free speech rights to publicly comment on events on campus (e.g., hate/bias incidents).

Critical Perspectives on Free Speech

While free speech is touted as the cornerstone of American democracy (Chemerinsky & Gillman, 2017) and academic freedom (AAUP, 2014), the Court has erred on the side of unrestricted speech, and in doing so has established a "constitutional right to be racist" (Matsuda et al., 1993, p. 15). In viewing free speech case law through the lens of CRT, Matsuda and colleagues (1993) argue free speech engenders hate speech and perpetuates systemic racism. They argue because of cases like *Brandenburg* (1969), *UWM Post* (1991), and *R. A. V.* (1992) the Court has explicitly granted First Amendment legal protections to racist speech and other forms of hate speech to the detriment of Fourteenth Amendment's equal protection clause. In those cases, the Court overturned laws, policies, and ordinances that regulated against hate speech. When discussing *R. A. V.* (1992), Matsuda and colleagues (1993) commend the Minnesota Supreme Court for adopting contextual and historical understanding in issuing its ruling, and seeing cross burning as a symbol of hatred and unworthy of First Amendment protections. The authors (1993) condemn the Court's decision to overturn the Minnesota Supreme Court's ruling, arguing *R. A. V.* (1992) perpetuates a legal system that engenders speech that is harmful and detrimental to the spirit of the First Amendment:

> The first amendment goal of maximizing public discourse is not attained in a
> marketplace of ideas distorted by coercion and privilege. Burning crosses do not
> bring to the table more ideas for discussion, and the Court's failure to see this is

part of a long history of not seeing what folks on the bottom see. (Matsuda et al., 1993, p. 136)

What the Court failed to see is the historical meaning of cross-burning in the context of the history of anti-Black racism, and the deep psychological and societal harms that come as a result from the protection of hate speech.

To Matsuda and colleagues (1993), hate speech stands separate from speech that is merely offensive because hate speech causes harm and has serious negative consequences for its targets. Hate speech diminishes its target's self-esteem and sense of security. Laramee (1991) describes speech that inflicts inquiry on a member of a minoritized group as denying the member's human dignity. Experiencing hate speech and racism is significantly positively correlated with psychological distress in Black adults (Pieterse et al., 2012).

Matsuda and colleagues (1993) also argue hate speech infringes on its victim's right to equal access to education because of the harm hate speech inflicts. Other scholars find hate speech contributes negatively to campus climate and sense of belonging on campus for students who hold minoritized identities (Baer, 2019; Miller et al., 2018a). Dutt-Ballerstadt (2018) argues the unfettered and uncritical support of free speech comes at the cost of programs, initiatives, and other transformational efforts that seek to improve the campus climate for those who hold marginalized identities. Aligned with Matsuda and colleagues' (1993) critique of free speech, Baer (2019) advances that because of the university's responsibility to provide equal access to education, the university is within its rights to take a stronger stance against, if not forbid, hate speech on campus. Free speech and equality are inexplicably linked, Baer argues. Free speech, and with it the

precepts of academic freedom, cannot exist without the presumption that all speech actors are equal and fully human. Those who deny others' humanity, or suppose and argue inferiority, on the basis of identity (i.e., those who engage in hate speech) do not hold this presumption. Baer suggests that to protect the educational mission of the institution, a university cannot permit hate speech because hate speech diminishes equal access to the educational opportunity by requiring students to defend their humanity and thus cannot participate in educational process idealized by the foundations of academic freedom: the freedom to teach and freedom to learn cannot exist if students are defending their humanity as a result of hate speech. Additionally, hate speech is described as "a blow not a proffered idea, and once the blow is struck, it is unlikely the dialogue will follow" (Matsuda et al., 1993, p. 68). The utterance of hate speech does not engender a response, and therefore limits its victims' ability to enjoy their right to the vigorous debates academic freedom is intended to produce.

Campus Racial Climate

Campus racial climate is "a multidimensional construct, subject to and shaped by the policies, practices, and behaviors of those within and external to college and universities" (Hurtado et al., 2008, p. 205). How students experience and perceive the campus racial climate at their institution has significant impacts on students' academic achievement and overall well-being on campus (e.g., Hurtado et al., 1998; Hurtado et al., 2008; Telles & Mitchell, 2018). In this next section, I will discuss the campus racial climate as a multidimensional construct, how campus racial climate manifests at predominately White institutions, and how chilly or hostile campus racial climates impact students with marginalized racial identities.

A Multidimensional Construct

Hurtado and colleagues (Hurtado, 1992; Hurtado et al., 1998; Hurtado et al., 2008) conceive of the campus racial climate as resulting from a number of interconnected factors. Campus racial climate is impacted not only by on-campus interactions and perceptions across race, but also current and historical events related to civil rights, access to education, and legal challenges to policies and laws designed to support an inclusive campus climate (e.g., affirmative action cases, hate speech codes).

Several studies on the campus racial climate corroborate the highly contextual construction of the campus racial climate. Hurtado (1992) found that White students perceived less racial tension on college campuses than Students of Color, to which she attributed institutions supporting priorities that are antithetical to a positive campus racial climate (e.g., conflating educational quality with selectivity in admissions as this advantages White people compared to People of Color), perceived institutional ambivalence towards individual students, and a mis-match between espoused commitments to diversity and evidence of such commitments (e.g., less than one-third of students reported their institution prioritized increasing racial structural diversity in the student body and faculty). Harper and Hurtado (2007) established nine themes of the campus racial climate in summarizing campus racial climate literature. The nine themes reflect the multidimensional nature of campus racial climate. For example, one theme describes Black Students and their pre-college relationships (e.g., parents, aunts and uncles, friends from local communities) as being knowledgeable about the institution's racist legacies and attribute this legacy to the current, and often negative, state of the campus racial climate for Black students. The community's understanding of an

institution's history as a significant factor in an institution's campus racial climate demonstrates not only how an institution must understand and reconcile its legacy with racism, but also how an external community perceives and impacts the campus climate. Other themes include Whiteness as pervasive in all aspects of the institution, from curriculum to staffing to co-curricular programming, with notable exceptions in the ethnic culture centers, officers, and academic departments; students feeling unprepared to engage across racial lines, especially when discussing race was perceived as taboo and not referenced in learning spaces on campus (e.g., classrooms); and students from all racial identities included in Harper and Hurtado's study acknowledged and expressed discontent with the disconnect between their institution's stated commitment to diversity and the institution's acting upon that supposed commitment.

Hurtado et al. (1998, 2012) emphasize that proper assessment of campus racial climate must assess all dimensions of a campus's racial climate in order to make substantive change on campus. In a case study on the University of Missouri following a racial bias incident, Kezar and her collaborators (2018) also found the campus racial climate leading up to and after the racial bias incident to be constructed from "layers of social, cultural, and political contexts" (p. viii), and they further recommend to institutions seeking to understand their campus racial climate that it must be viewed as highly contextual and multidimensional.

White Institutional Presence

In discussing the source of a chilly or hostile campus racial climate, Gusa (2010) roots the hostility students with marginalized racial identities experience at predominately White institutions in Whiteness, a particular worldview that emphasizes a dominate

ideology of individualism, meritocracy, capitalism, self-reliance, and "equality in opportunity but not necessarily in outcome" (p. 469) at the expense of all other worldviews. Gusa names the hostile manifestations of Whiteness within an institution of higher education as White institutional presence with four attributes. First, White ascendancy is "thinking and behavior that arise from White mainstream authority and advantage" (p. 472) which stems from the historical and contemporary positions of power Whiteness holds, especially in American higher education. Challenges to White authority and privilege are seen as offensive and are met with hostile (and occasionally violent) responses. A good example of a hostile and violent reaction to challenges to White ascendancy is the United the Right march and subsequent violence on the University of Virginia Charlottesville in August 2017 (Turnage & Thomason, 2017). Second, monoculturalism is "the expectation that all individuals conform to one 'scholarly' worldview" (Gusa, 2010, p. 474), and this one worldview is the White ascendancy, White authority, and White privilege. Monoculturalism is apparent in a campus's curriculum through the traditional lecture-style classroom in which the instructor is the authority of objective knowledge and students must unquestioningly absorb this knowledge. Third, White blindness is the idea that Whiteness is not examined or considered within the structure of higher education. It is based on color blindness, a decision-making tool in which someone's racial identity is ignored which has the consequence of ignoring the historical racial discrimination that has manifested in contemporary disadvantage of POCIs and the advance of White people. Gusa argues White blindness is apparent in campus diversity, equity, and inclusion initiatives that attend only to the POCIs on campus but ignore the impact of Whiteness within the structures of the institution as well

as the behaviors and psychology of White people on campus. White blindness presumes Whiteness as the default and deviation from that is subject to review, critique, and challenge. Fourth, White estrangement is the social distancing of White people from all other racial groups. White estrangement occurs not only on college campuses in which White students avoid cross-group contact, but more impactfully occurs pre-college in the majority White schools and communities from which White students come. Gusa argues White estrangement leads to White students relying on harmful stereotypes and committing micro- and macroaggressions against minoritized racial groups.

Impacts of the Campus Racial Climate on Students

When the campus racial climate is poor, chilly, or unwelcoming to Students of Color, it negatively impacts students' personal wellbeing as well as academic achievement and persistence. Telles and Mitchell (2018) found at research universities White students continue to feel more valued, feel a greater sense of belonging, feel more welcomed on campus, and perceive a greater comfort with their campus's racial climate than their Peers of Color. Telles and Mitchell also found that Black students consistently and significantly reported the lowest feelings of being valued on campus, sense of belonging, welcoming campus environment, and comfort with their campus's racial climate; this finding is consistent with previous campus racial climate assessments (Hurtado et al., 1998; Hurtado et al., 2008). Yosso and colleagues (2009) reported how persistent racial microaggressions diminished Latinx students' perceptions of the campus racial climate, but more importantly "cast doubt on students' academic merits and capabilities, demean their ethnic identity, and dismiss their cultural knowledge" (p. 667), leading students to experience stress and diminished sense of belonging on campus.

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Johnson and colleagues (2014) found Students of Color experienced more psychological stress as a result of the negative campus racial climate, which was positively associated with those students' intention to leave the institution. Over thirty years of scholarship has continued to emphasize the need for institutions to adapt their campus climate to the needs of Students of Color:

> The common link across four decades of work on campus climate issues is that higher education must take accountability and responsibility for changing the way the system functions, rather than identifying ways that students change their interactions with the system. In other words, if the negative campus climate for students of color is truly a concern, higher education must change the way it operates. (Telles & Mitchell, 2018, pp. 404-405)

Multicontextual Model for Diverse Learning Environments (DLE model)

Built on prior research on campus racial climate, the Multicontextual Model for Diverse Learning Environments (DLE model; Hurtado et al., 2012), as visually represented in Figure 1, synthesizes decades of research on campus climate and student development frameworks to produce a robust model applicable for higher education institutions in the 21st Century.

Figure 1

Multicontextual Model for Diverse Learning Environments
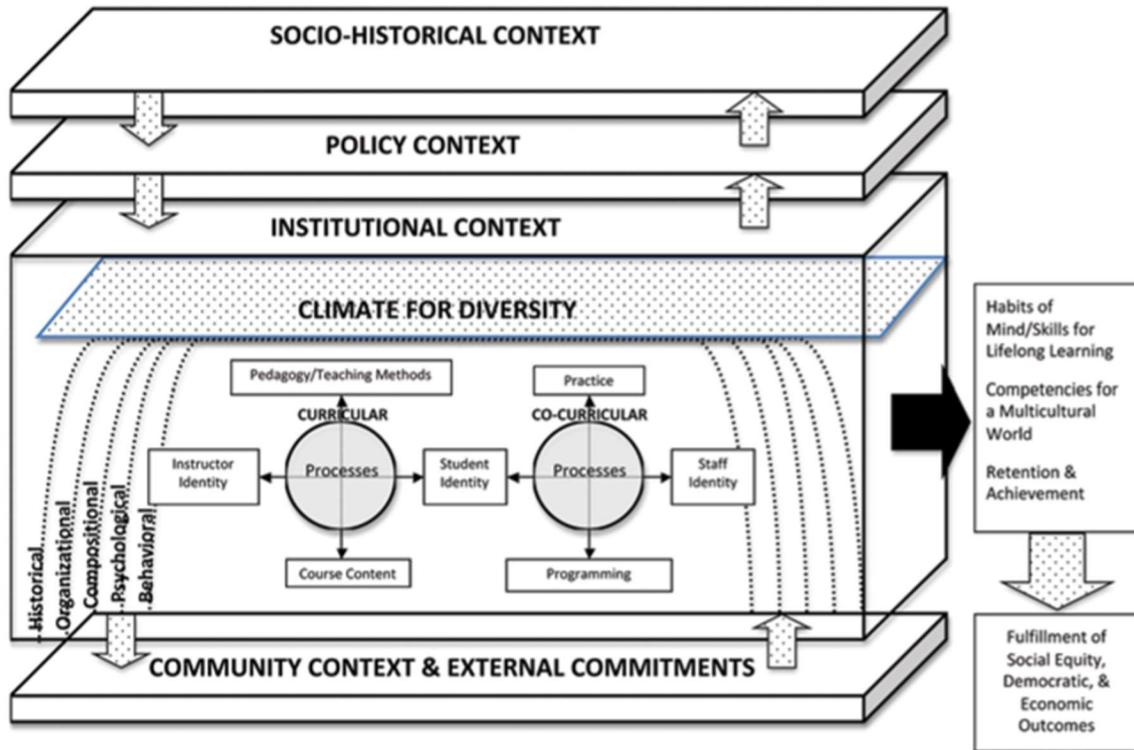
Note. From "A Model of Diverse Learning Environments: The Scholarship on Creating and Assessing Conditions for Student Success," by S. Hurtado, C. L. Alvarez, C. Guillermo-Wann, M. Cuellar, & L. Arellano, In J. C. Smart & M. C. Paulsen (Eds.), *Higher Education: Handbook of Theory and Research* (Vol. 27, p. 48), 201, Springer (https://doi.org/10.1007/978-94-007-2950-6_2). Copyright 2012 by Springer Nature. Reprinted with permission.

In this section, I will provide a brief description of the DLE model for understanding and assessing campus climate. In a later section that will discuss the context of the case study, I will describe the DLE model in-depth as I contextualize the events of Paint the Bridge.

Drawing on ecological models of education and college student development, Hurtado and colleagues (2012) conceive of campus climate as "a multidimensional concept" (p. 58). The campus climate of a higher education institution is influenced society-level contexts (i.e., sociohistorical and policy; external forces and community commitments) in how higher education institution as an open system is influenced by society and surrounding communities, institution-level contexts (i.e., historical, organizational, and compositional) in how an institution's history and current organizational structure upholds oppressive systems on campus, and the individual-level contexts (i.e., psychological and behavioral) in how students perceive and experience the campus climate and intergroup contact. Hurtado and colleagues also recognize that multiple social identities are at the center of someone's experiences within an institution of higher education. Those social identities have significant impacts on how someone perceives, and therefore co-constructs, campus climate. The model provides a framework for understanding how curricular structures (e.g., curriculum, pedagogy, faculty social identities, power structures in the classroom) and the co-curricular structures (e.g., high-impact practices programming, staff social identities) within the institution contribute to the campus climate. Hurtado and colleagues imply a shared responsibility for the campus climate between the curricular and cocurricular parts of the institution.

Hurtado and colleagues recognize the power higher education has in socializing students for participation in a pluralistic democratic society. The scholars identify three student learning outcomes that are essential for higher education to live up to its public purpose and emphasize how these outcomes are best achieved when an institution of higher education constructs an effective diverse learning environment. First, higher

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education aims to develop an attitude of lifelong learning and the ability to integrate knowledge into their existing worldviews. Second, higher education aims to develop competencies for a multicultural world, in that institutions of higher education prepare students to engage in a democracy that is increasingly more diverse. Third, academic achievement in college and degree attainment, which is a compelling interest of higher education institutions, are indirectly linked to a campus climate that promotes a diverse learning environment.

Other scholars have used the DLE model as an assessment tool to evaluate campus climate across institutions and by institution. The Higher Education Research Institution at UCLA (HERI) administers a multi-institutional campus climate survey based on the DLE model (HERI, 2020; McLennan, 2019). Johnson-Ahorlu (2013) used findings from this campus climate survey to identify and mitigate the impact of stereotypes and stereotype threat have on Black students' retention and degree attainment. LePeau and colleges (2016) used the DLE model to situate the work and impacts of bias response teams as agents of change within a higher education institution. Miller and colleagues (2018a, 2018b) investigated how bias response teams impacted various dimensions of campus climate as identified in the DLE model.

The literature reviewed in this section provides the foundation for developing a rich understanding of the case. Guided by critical race theory and previous campus racial climate research, the DLE model provides a useful framework for understanding the events of Paint the Bridge. Paint the Bridge and the controversy of free speech and inclusion are situated in the campus climate at the University of Minnesota – Twin Cities and in a larger narrative of campus climates across American institutions of higher

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education. In the next section, I will discuss the methods used to investigate the present study's research question.

Methods

The purpose of this study is to investigate college students' perceptions to their institution's response to a racial bias incident on campus. In this section I will explain the methodology and methods utilized in this study. I obtained approval for this study from the University of Minnesota institutional review board (IRB) prior to interacting with participants.

It is important to note that during March 2020 while I was recruiting and interviewing participants, COVID-19 became a pandemic. The COVID-19 pandemic significantly impacted the operations and daily life at the University of Minnesota – Twin Cities. As such, I have noted how I modified my methods in response to COVID-19; these modifications also received approval from the IRB.

Qualitative Case Studies

In line with critical race theory (Matsuda et al., 1993), I assumed that all social identities (e.g., race, ethnicity, gender, sexuality) are socially constructed within a historical context of marginalization and oppression. To best understand the social construction of these identities and how they shape individuals' social reality, the current study relies on a qualitative case study methodology to explore how college students perceive their institution's response to a bias incident on campus.

Qualitative studies, the current study included, focus on how meaning is constructed through the interpretation of social realty (Merriam & Tisdell, 2016). Case studies present "an in-depth description and analysis of a bounded system" (p. 26).

Qualitative case studies are especially useful when meaning-making is intrinsically tied to a specific context. As Yin (2018) suggests, a case study is appropriate when understanding a contemporary phenomenon necessitates important contextual components. The DLE model provides the framework to understand the inseparable dimensions of campus climate (Hurtado et al., 2012). Paint the Bridge between 2016 and 2018 is a critical incident and a contemporary phenomenon on campus (i.e., a bounded system) that is necessarily situated within the context the general campus climate at the University of Minnesota – Twin Cities. As such the events of Paint the Bridge between 2016 and 2018 are appropriate for a qualitative case study.

Data Collection

This study took place at the University of Minnesota – Twin Cities during the 2019-20 academic year. Data consisted of interview transcripts and relevant public documents I collected. The following sections details the methods used to recruit and interview participants, and to collect documents relevant to the study.

Participants

To ensure an information rich pool of participants, inclusion criteria were chosen in alignment with the research question. College student perceptions are the subject of this case study, and therefore participants had to be enrolled students at the University of Minnesota – Twin Cities at the time they completed the interview. Participants had to recall something about the events of Paint the Bridge from 2016, 2017, or 2018 so they could constructively share not only their perceptions of Paint the Bridge events but also the University's response to those events. I did not check the accuracy of their recollection as inclusion criteria because I used contemporarily produced documents

(e.g., newspaper articles) in understanding the events of Paint the Bridge. Participants also had to be at least 18 years old so they could provide informed consent for themselves.

Prior to the outbreak of the COVID-19 pandemic, participants were recruited by physical flyers poster around campus and through colleagues to help identify students who may be potential participants. The flyer detailed the purpose of the study, faculty advisor and student investigator's contact information, and a URL to an online screening survey for potential participants. These colleagues were not informed if students were involved in the study. During the COVID-19 pandemic while the campus was closed, I coordinated a mass-email communication to undergraduate and graduate students enrolled in a degree program within the same academic department as me. In total there were eight participants in this study.

Interview protocol. Potential participants completed an online screening survey, which I used to verify eligibility for the study. I contacted eligible participants to schedule an interview. After participants provided informed consent, participants completed one 60-minute, semi-structured oral interview with me. Three interviews were held in person, and the remaining were facilitated online using a private video conferencing platform due to the COVID-19 pandemic. All interviews were audio recorded. I transcribed the interviews from the respective audio recording.

Interview questions (see Appendix A for semi-structured interview questions) were piloted in practice interviews during a graduate-level case study methods course as part of the course curriculum. No data from those practice interviews are included in this study. The interview questions centered on the participant's general experience with the

Paint the Bridge event and perception of the conservative student groups' panels between 2016 and 2018. Some participants reflected on the events of Paint the Bridge in 2019, though these reflections were not included in analysis if I determined that the reflection did not contextualize the events from 2016 through 2018. I asked for the participant's opinions of free speech, offensive speech, and hate speech; the University's role in protecting free speech even when people find the speech offensive or hateful; and the participant's perceptions of their ability to express themselves freely on campus.

Because this study occurred one to three years after the events of Paint the Bridge, I sought to capture contemporary perceptions of the event and the University's response. I asked participants to view one digital photograph of the College Republicans' mural from Paint the Bridge in 2017 (see Appendix B) and asked for their reactions during the interview. Similarly, I asked participants to read an email from former University President Eric Kaler from 2016 (Kaler, 2016) to all students, staff, and faculty on campus, and then asked for the participant's reactions to the message. Showing the photograph and email was not to ensure accuracy in recalling the events of Paint the Bridge.

At the beginning of each interview, participants provided a pseudonym for me to use in reporting findings. At the end of each interview, I asked all participants how they chose to identify the social identities of race or ethnicity, gender and pronouns, sexual orientation, political affiliation, and religious affiliation. Participants freely disclosed other social identities, such as participants' status as a graduate or undergraduate student or if they were a domestic or international student, during the interview. I also asked

which social identity or identities were most salient to the participant on a daily or

weekly basis. Table 1 documents how participants identified.

Document Collection

Documents in a qualitative case study provide a richer understanding of the

context in which the case is situated (Merriam & Tisdell, 2016). Because this study was

conducted almost four years after the events of Paint the Bridge in 2016, I collected

documents that captured a contemporary interpretation of those events. Documents

included in this study were publicly available and were included if they referenced Paint

the Bridge or bias incidents in general on the University of Minnesota – Twin Cities

campus, or if they explored the campus climate.

I searched the Minnesota Daily (i.e., a major student newspaper at the University

of Minnesota – Twin Cities) archive for articles referencing Paint the Bridge in two

contexts: either prior to 2016 to understand a historical context of Paint the Bridge or

from 2016 through 2018 to understand contemporary journalistic interpretations from

students. I also searched 2 major newspapers in the Twin Cities (i.e., the Star Tribune and

the Pioneer Press) for news articles on Paint the Bridge from 2016 through 2018 to

understand perceptions of the event from the greater community in which the University

is located. I searched through the University's campus climate initiatives website for any

news articles, public statements, or initiatives that related to Paint the Bridge.

Additionally, it also contained publicly available reports on the campus climate, bias

incidents, and University history. Finally, I collected policies and procedures for Paint the

Bridge, as well as policies regarding freedom of speech on campus, the student conduct

code, and policies regarding academic freedom as these represent the University's position on freedom of speech on campus.

Data Analysis

I used a constant comparative method to code and analyze the data (Glaser, 1965; Merriam & Tisdell, 2016). Coding was done mostly through an inductive process, though I was guided by the research question, critical race theory (Matsuta et al., 1993), and the DLE model (Hurtado et al., 2012).

Interview Analysis

I coded each interview, with special attention to how participants perceived race and racism, for four perceptions: perceptions on the events of Paint the Bridge, perceptions of the University's response to Paint the Bridge, perceptions and thoughts regarding freedom of speech on campus generally, and perceptions of the campus climate using the dimensions from the DLE model (Hurtado et al., 2012). I reviewed the interview again by reading the transcript with the audio recording playing to capture speech patterns (e.g., pauses, tone). I consolidated the codes from each interview into categories, and these categories were further consolidated into emergent themes to be reported in this study. One interview's audio recording was digitally corrupted and only have of the interview could be transcribed; what was transcribed plus notes I took during the interview are used in data analysis.

Member Checking. Member checking a process used to build a qualitative study's credibility by minimizing the researcher's projection onto participants' experiences (Merriam & Tisdell, 2016). I used a synthesized member checking technique (Birt et al., 2016). I synthesized the findings of all participant interviews into broad

finding categories with brief descriptions for each category. After sharing that synthesis with each participant individually, I asked if anything needed to be clarified, if the participant saw their perspective reflected in the findings, if an important perspective was left out of the findings, and if the findings generally "ring true" and captured their experience (Merriam & Tisdell, 2016, p. 246). Three participants responded with feedback which was incorporated with the findings and discussion sections.

Document Analysis

Documents were analyzed in a similar method to interviews, in that I coded each document guided by the study's theoretical foundations and research question. Codes from the documents were then integrated into categories along interview codes to triangulate themes and build additional credibility for the study (Merriam & Tisdell, 2016; Yin, 2018). Documents were also integrated with interviews to get a richer understanding the case context.

Positionality

As with any qualitative study, discussing the biases and positionality I have as the researcher builds the study's credibility and provides more context to how findings may be interpreted (Merriam & Tisdell, 2016). I discuss these biases and my positionality not as a way to diminish or refute the impact of findings, as Yin (2018) recommends; rather, discussing them is part of the constructivist nature of qualitative research, as Merriam and Tisdell (2016) describe.

I experience significant privilege in society, and especially at the University of Minnesota – Twin Cities, as a White man. The systemic structures on campus have benefited me because I navigate the world as a White man (Gusa, 2010). Furthermore,

much of the foundation of my understanding of a racialized society is based in traditional forms of scholarship (e.g., books by tenured professors, research published in peer-reviewed journals) and seeking to understand the experiences of my Colleagues of Color.

I also hold some insider knowledge to the University of Minnesota – Twin Cities. I completed my graduate and undergraduate education at the University of Minnesota – Twin Cities. I also have first-hand experience as an officer of a student organization on campus, and as a participant in Paint the Bridge from 2012 through 2015. Being a student means I relate to the University as an institution in similar ways as my participants. Beginning in 2017 I was employed at the University of Minnesota – Twin Cities in Student Unions and Activities as a student activities advisor. My professional role at the University granted me insider knowledge on administrative decision-making regarding Paint the Bridge and on where I could find information on how the institution responded to the events of Paint the Bridge. Additionally, I personally witnessed Paint the Bridge in 2017 and 2018 as a University staff member, in which I deescalated at least one verbal altercation between two students.

Because I held a job on the team that planned Paint the Bridge, it was important to present myself to participants only as a graduate student completing his master's thesis. I used a separate email signature in communications; forbade interviews to be conducted in the student union buildings; and disclosed to participants during the informed consent process that while I was an employee at the University, I was only a graduate student for the purposes of this study.

Limitations

Participation was limited to students. Staff, faculty, and external community members may also have important contributions and perceptions to the University of Minnesota's response to Paint the Bridge. Those perceptions are not captured in the case study, and future case studies on racial bias incidents may benefit from the inclusion of staff, faculty, and community members with the voices of college students.

The majority of participants in this study held social identities that are majoritized and privileged at the University of Minnesota – Twin Cities. The majority of participants in this study identified as White or men, no participants identified as transgender, and all but one participant held liberal political leanings. As such participants do not represent the breadth of potential perspectives at the University.

I interviewed participants almost four years after the events of Paint the Bridge in 2016, meaning recollections of and reactions to the events were not collected contemporaneous to the events. Findings instead may reflect only the recollections and reactions associated with the strongest emotions to the events of Paint the Bridge and may not capture that affect which might have been found if interviews were held closer to the events of Paint the Bridge.

For the Paint the Bridge events occurring in 2018, I found documents to analyze such as newspaper articles and statements from University administrators; however, only one participant had substantive reflection for the events of 2018, and even then, I needed to remind the participant of the controversial phrase that year. During the interview I focused on the events in 2016 and 2017, particularly when showing then-University President Kaler's 2016 all-campus email and the politically conservative student groups'

2017 murals to participants. I included the documents I analyzed for the events of Paint the Bridge in 2018; however, the findings from participants do not contain reflections on the 2018 events to the same degree as the events from 2016 and 2017. This study's applicability to discuss the campus climate regarding transgender and other queer identities is therefore limited.

The Context of the Case

To understand the full context of the case, I utilized the Multicontextual Model for Diverse Learning Environments (DLE model; Hurtado et al., 2012) to frame the factors at the University of Minnesota – Twin Cities that impact the events of Paint the Bridge, the institutional response to those events, and students' perceptions of those responses. In this section, I will explore the context of the case through the framework of the DLE model. Figure 1 visually represents the ecology of the DLE model. While the DLE model emphasizes curricular and cocurricular structures within a higher education institution, I choose to focus primarily on cocurricular aspects of the DLE model because these aspects were the most salient to the events of Paint the Bridge and the participants of this study.

Societal-level Contexts

In the DLE Model (Hurtado et al., 2012), the societal-level contexts include the dimensions of sociohistorical contexts, policy, and community and external commitments. American higher education institutions are open systems, in that they are heavily influenced by the sociohistorical and policy contexts of higher education and the United States generally. The historic marginalization of certain groups and their denied access to higher education shapes campus environments today in that certain racial

groups are consistently underrepresented within the college student population or certain racial groups have lower academic preparedness compared to White people. As more Students of Color and Indigenous Students enter into these predominately White spaces, institutions must adapt their systems to correct for centuries of exclusion, oppression, and marginalization of POCIs. Especially as higher education institutions are shaped by local, state, and federal government, the policy context in which higher education institutions rest has significant impacts on the campus climate. Financial aid policy, state and federal funding tied to accountability measures (e.g., outcome-driven metrics for institutions, bachelor degree attainment for 4-year institutions), and affirmative action policy have significant impacts on the campus climate and the existence of a diverse learning environment.

Additionally, because higher education institutions exist within societal contexts that extend beyond the formal boundaries of the institution, Hurtado and colleagues (2012) recognize that higher education institutions' campus climate are impacted by communities outside of the institution. The external commitments the individual members of the campus community hold outside of the institution (e.g., familial commitments, independence from vs. interdependence with the family, financial responsibilities and opportunities) are part of the network of influences on the campus community through their impacts on the students, staff, and faculty.

In the following sections, I highlight the macrolevel contexts of the University of Minnesota – Twin Cities' campus climate by examining the University's place as a public land-grant institution, how free speech on campus is enacted, and how racial bias incidents across the US influence the University.

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Public, Land-Grant Institution

Land-grant institutions were established through a series of acts passed by Congress in the mid-1800s into the early 1900s (Thelin, 2011). Land was not granted specifically to be used by the institution. Rather the sale of land in the midwestern and western United States funded institutions of higher education. The land acquired by the United States from the Indigenous Peoples was taken through warfare and dishonest treaties.

Hurtado and colleagues (2012) argue that public, land-grant institutions' have an imperative to exist for the public good. Ideally, public land-grant institutions serve all members of the public, especially those who have been historically excluded from or marginalized in higher education (e.g., women, People of Color, Indigenous People, LGBTQIA+ people). As Minnesota's land-grant institution, the University of Minnesota has an imperative to exist for the public good, which is often invoked promote and encourage public engagement efforts, such as extension offices throughout the state (Fitzgerald et al., 2012; Furco, 2010; Thelin, 2011). Additionally, the DLE model suggests the University's public mission also extends to creating a positive campus climate and a diverse learning environment through which all students can achieve the DLE model's learning outcomes of lifelong learning, competencies for a multicultural world, and academic achievement, retention, and degree attainment (Hurtado et al., 2012).

Free Speech on Campus

As a public institution of higher education, the University is bound by the precepts of the US Constitution and its First Amendment. Students and administrators

identified that the events of Paint the Bridge between 2016 and 2018 contributed to a national conversation about free speech on public college campuses (Clarey, 2016; Kaler, 2016). The discussion of free speech on public college campuses earlier in this paper apply to this case study.

At the University of Minnesota, free speech for students is specifically protected in several policies and other guiding documents for the University. One of the guiding principles for the Student Conduct Code states that "students are entitled to the rights and responsibilities of other citizens with regard to freedom of speech, peaceable assembly, and right to petition" among other First Amendment and due process rights (University of Minnesota Board of Regents, 2017, p. 1). A guiding principle of the University's mission state states that the University supports "an environment that embodies the values of academic freedom" (University of Minnesota Board of Regents, 2008, p. 1), and academic freedom and responsibility is protected for faculty, students, and staff in certain cases in policy (University of Minnesota Board of Regents, 2011).

Freedom of expression is further protected in student group policy as an exemption to the University's equal opportunity and nondiscrimination policy. All registered student groups are required to have equal access to their membership and programs, except religious student groups, which are allowed to "require their voting members and officers to adhere to the organization's statement of faith and its rules of conduct" (Student Unions & Activities, 2019b, p. 3). The exemption came from a 2004 settlement in which a Christian-based student group sued the University for infringing on the student group's religious freedom (University Senate Committee on Social Concerns, 2004). The group sought to prevent LGBTQIA+ individuals from membership, officer

positions, and other group programs. While senior vice presidents Sullivan and Jones (2004) argued the University still supporting LGBTQIA+ students through the Gay, Lesbian, Bisexual, Transgender Programs Office, contemporary student newspaper articles expressed student displeasure with the University settling outside of court instead of defending the principles of nondiscrimination equal opportunity for LGBTQIA+ students on campus (Daily Editorial Board, 2004; Jones, 2004; Makarov, 2004).

Since the settlement, the University of California – Hastings law school successfully argued before the Supreme Court that not only can a university require student organizations to adhere to an all-comers nondiscrimination policy to gain access to benefits (e.g., funding from mandatory student fees, meeting spaces on campus), but also the First Amendment rights of a student organization is not infringed upon because the policy is a reasonable, viewpoint-neutral condition to accessing benefits of registration (*Christian Legal Society Chapter v. Martinez,* 2010). The University of Minnesota is within the law to remove the exemption for religious student groups, though the policy remained enacted when this manuscript was written. Policies that allow for explicit discrimination through the use of student funds may negatively impact the campus climate by creating a perceived disconnect between an institution espousing it values a certain social group of students and an institution behaving in contradictory ways to that value statement.

Racial Bias Incidents on College Campuses

Scholars and journalists have noted a rise in racial bias incidents on campuses, especially since the 2016 US Presidential election (Kerr, 2018; Potok, 2017). Of these

bias incidents, many have not been physically violent[1]. To name a few non-physically

violent bias incidents:

- Two White male students at Oklahoma University were video-recorded
  leading their fraternity in a racist chant (Volokh, 2015);

- A White student at Georgia Southern University promoted a hypothesis
  popular among white supremacists, in which White people will be replaced by
  People of Color (Anderson, 2019);

- Anti-Black racist slurs and graffiti were spray-painted in a resident hall
  bathroom at Syracuse University (Patel, 2019);

- A racial slur was left on the resident hall door of two Indigenous Students at
  Sheridan College in Wyoming (Gose, 2018); and

- Several colleges across the nation have been subjected to white supremacy
  posters and graffiti since 2016 (Kerr, 2018).

For many of these non-physically violent bias incidents, a typical response from

college presidents and chancellors has been to respond with a "carefully crafted

statement" (Cole & Harper, 2017, p. 318) to these incidents, in which the freedom of

speech is affirmed and hurt feelings are acknowledged. The upper tier of the

administration generally then waits for the event to subside in the public consciousness

(Gose, 2018). An exception is for the two Oklahoma University students who were

expelled from the institution because of the incident (Volokh, 2015). In general, the

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[1] I want to recognize that some incidents motivated by bias do become physically violent, such as the Unite the Right events on University of Virginia Charlottesville campus and surrounding area (Turnage & Thomason, 2017). Physically violent bias incidents fall outside of the definition of bias incidents used in this study and will not be referenced. However, I recognize these types of incidents contribute significantly to a hostile campus racial climate.

passive response of making an all-campus statement and waiting for the incident to fade

from public consciousness no longer satisfies the campus community and communities

external to an institution. Students especially continually seek to hold their campus

administrators accountable to improving the campus racial climate (Hoffman & Mitchell,

2016; Telles & Mitchell, 2018; Harper & Hurtado, 2007; Clarey, 2016; Anderson, 2020).

Instead, a more proactive response seems to be necessary.

 Bias Response Teams. Bias response teams often serve as a coordination of

resources from several units to response to bias incidents (Miller et al., 2018a). As the

tension between freedom of speech and commitments to an inclusive campus climate has

become more pressing in the recent decade, bias response teams have become a tool for

the institution through which it can determine to which incidents it responds and what is

the nature of that response. Often, bias response teams respond in ways that intend to

transform bias incidents "educational moments" (Miller et al., 2018a, p. 34) without

resorting to disciplinary action against those who are perpetrators of bias, which often not

permissible if the incident does not include criminal activity.

 Despite the educational approach bias response teams take, they have drawn

criticisms. Free speech advocacy organizations, like FIRE, expressed concern for bias

response teams whose staffing composition was anonymous or contained law

enforcement (FIRE, 2017). FIRE also found half of bias response teams surveyed

acknowledge free speech rights and academic freedom, though the organization

expressed deep concern for those bias response teams with "open-ended definitions of

'bias'" (FIRE, 2017, para. 10) as these teams may impede students' and faculty members'

free speech rights. FIRE has given the University of Minnesota's Bias Response and

Referral Network its "green light" status in that it does not infringe upon individuals' free speech rights (FIRE, 2020).

Institutional-level Dimensions of the Climate

Hurtado and colleagues (2012) identify three institution-level dimensions that construct the environment for the campus climate. These dimensions are not discrete, but rather influence and are influenced by other institution-level dimensions as well as other higher-level contexts (e.g., society-level) and lower-level contexts (e.g., individual-level).

Naming the institutional context as it impacts Paint the Bridge is an essential aspect of applying the DLE to this case study (Hurtado et al., 2012). In the following sections I will name several key aspects of the historical context, the organizational and structural components, and the compositional diversity of the University of Minnesota – Twin Cities as they may impact the events of Paint the Bridge, the institutional responses to those events, and students' reactions to those responses.

Historical Context

The historical context of the DLE model "emphasizes how the historical vestiges of exclusion affect the current campus climate and practices" (Hurtado et al., 2012, p. 58). Hurtado and colleagues recognize the history of an institution is part a larger sociohistorical narrative of racial and gender segregation. Examining an institution's historical discrimination can yield nuanced understandings of how such history impacts and constructs other institution- and individual-level dimensions of campus climate.

For example, in contextualizing the United the Right riots in August 2017 at the University of Virginia (UVA) in Charlottesville, VA, Woolfolk (2018) explored the history of White supremacy and racism at UVA. She found the history of UVA, from the

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Black slaves who built the physical campus through its racist eugenic programs and the faculty's vigorous opposition to *Brown v. Board of Education* (1954), supports "an interpretation of the white supremacist action on campus in August 2017, providing a rich context to help frame, if not fully explain, why three hundred white men carrying lit torches were not seen as an actionable menace" (Woolfolk, 2018, p. 106). Woolfolk also identifies how White supremacy was further perpetuated in modernity because of this history: at the institutional-level through then-UVA President Teresa Sullivan's response defending white supremacist ideologies as protected speech, and at the individual-level through the physical violence against UVA students that erupted the night of the United the Right march on campus in August 2017.

The University of Minnesota was founded in 1851 and has an expansive history that could impact the modern campus climate. I have highlighted significant moments whose histories were particularly salient when I conducted the interviews for this study.

Land-grant. The University of Minnesota – Twin Cities is linked to the history of land-grant institutions as Minnesota's land-grant institution. Traditional homelands of Dakota people, specifically the Wahpeton and Sisseton Bands and the Mdewakanton and Wahpekute, as well as Ojibwe of the Mississippi and Lake Superior[2] were sold to fund the University (Lee et al., 2020). Furthermore, the land on which the University now rests is "within the traditional homelands of the Dakota people. Minnesota comes from the Dakota name for this region, *Mni Sota Maḳoce* — 'the land where the waters reflect the

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[2] When discussing the lands sold under the Morrill Act, Lee and colleagues (2020) referred to tribal nations using the name that was used when their land was ceded to the United States. Some of the reported names are not used by those Indigenous Peoples, and some of the names are considered offensive. Here, I have sought to report the names currently used by the respective Indigenous People for themselves.

skies.'" (Circle of Indigenous Nations, n.d., para. 1). As the University celebrated the 150th anniversary of the Morrill Act of 1862, a University website designed to celebrate the University of Minnesota as a land-grant institution "for the common good" (Office of the President, 2012, para. 1) does not acknowledge the land sold to fund the University or the land upon which the University rests.

      Racial Discrimination and Activism. The University of Minnesota has a history of racial discrimination and student activism to advocate for the rights and conditions of students with minoritized racial identities, especially Black students. In the 1920s and 1930s, Prell (2017) reports the State of Minnesota was home to powerful, large, White supremacist organizations (e.g., the KKK boasting 100,000 members) that engaged in deadly violence against Black Minnesotans. Reflective of the time, former University President Lotus Coffman (for whom the one of the on-campus student unions is named), Dean of Women Anne Blitz, and other administrators explicitly disallowed Black Students and Students of Color from living in the on-campus residence halls throughout the 1920s and 1930s. Coffman's rationale was to keep Black Students and Students of Color separate from White students in housing for their benefit, further insisting "only White students were entitled to live in campus housing paid for by Minnesota taxpayers" (Prell, 2017, para. 20). Students and local community activists organized to oppose Coffman's segregation policies. Coffman's successor removed his segregation policies only to have the following University President, Coffey, re-segregate housing in the 1940s. While President Coffey would officially remove segregation housing policies following greater student protests, Coffey instructed other administrators to pressure any Black man away from on-campus university housing to a nearby student cooperative

housing that was originally designated for Black men attending the University of Minnesota: segregation not in policy, but in organization.

In 1969, Black students organized a 24-hour takeover of the University's main administrative building (Burnside, 2018). The *Morrill Hall Takeover* found its roots the year prior as the Afro-American Action Committee (AAAC) issued a series of demands to former President Moos and the University's task force on human rights following the assassination of Dr. Martin Luther King, Jr. The AAAC's demands called for the creation of scholarships and admissions pathways for young Black Minnesotans and the creation of an African American Studies Department. After nine months of little to no action, 70 Black students and the AAAC occupied the bursar and records office after an unproductive meeting with President Moos. The occupation ended 24 hours later, during which time thousands of other students and community members joined in support of the AAAC's demands. As a result of the Takeover, the African American Studies Department was formed, approved, and offered courses by Fall 1969, the creation of scholarships and admissions pathways for Black students, and the addition of African American studies courses throughout the College of Liberal Arts for students outside of the newly created African American Studies Department (Barth, 2018).

Former University President Kaler and the chief academic officer for the Twin Cities campus convened the Task Force on Building Names and Institutional History in 2018 to investigate the findings of the *A Campus Divided* exhibit and to provide recommendations on removing the names of past University administrators from current buildings (Task Force on Building Names and Institutional History, 2019). The task force corroborated much of the exhibit's findings. The task force found the four past University

administrators (former University Presidents Coffman and Coffey, former vice president for business administration Middlebrook, and former dean of students Nicholson) supported and actively perpetuated exclusionary practices against Students of Color and Jewish students.

Former University President Kaler recommended to remove the names for these four administrators from current buildings (Coomey, 2019). The recommendations were denied at a special meeting of the University of Minnesota Board of Regents, a decision with which students vehemently disagreed in the special meeting and afterwards (Macalus & Steinberg, 2019). As a result of the exhibit (Prell, 2017) and the Task Force's report (Task Force on Building Names and Institutional History, 2019), students, staff, and faculty at the University have become more aware of the institution's discriminatory and racist history. Several institutions have also sought to rename buildings that memorialize individuals with controversial has been called into question due to activism and institutional histories. Stanford University and Yale University successfully renamed several buildings on their respective campuses (Kadvany, 2019; Remnick, 2017).

Organizational Dimension

The organizational dimension of the DLE model emphasizes the systemic nature of racism, oppression, and privilege in an institution, which includes policies, budget and funding models, hiring and tenure practices, and curriculum decisions (Hurtado et al., 2012). The organizational structures and their impact are heavily influenced by external forces on the institution, which include state and federal funding and regulations, the sociohistorical oppression of certain groups, and the attitudes and decisions of trustees and administration regarding equity and inclusion.

Hurtado and colleagues identify three approaches to understanding the structural aspects of campus: understand the contexts that shape an institution's policies and practices, the specific policies and practices of the institution, and which processes contribute positively to the campus climate.

There are several aspects of the organizational dimension of the DLE model that are closely related to the events of Paint the Bridge. As mentioned previously, the University of Minnesota as a public institution is bound by the precepts of the First Amendment, which impacts its ability to respond to racial bias incidents. That said, the University has begun to create initiatives to promote a more welcoming campus climate for its racially marginalized students (Improving Campus Climate Initiatives and Projects, 2019). The University established the Bias Response and Referral Network in 2014 with the goal to "support resources to impacted parties, promotes education and dialogue, and affirms the University's commitment to equity and diversity, free speech, and academic freedom" (BRRN, 2019). The University also hosted several community forums in 2016 for University students, staff, and faculty to guide the actions of the University administration in promoting a positive campus climate (Improving Campus Climate Background & History, 2019). Many of the initiatives to improve campus climate were coordinated by individual units across campus rather than coordinated or implemented by a central authority. However, then-University President Eric Kaler institutionalized improving campus climate by supporting a full-time director position the Office for Equity and Diversity; the office reports directly to the University President. In further promoting the compositional diversity of the faculty, staff, and administration, the human resources office for the University provides additional guidance to the hiring

faculty and staff policy to promote recruiting a diverse applicant pool (Improving Campus Climate Initiatives and Projects, 2019). Finally, many of the student organizations at the University of Minnesota – Twin Cities are autonomous entities from the University, which grants those student organizations some autonomy from the institution and its practices but limits the material and intangible support those student organizations may receive (Student Union & Activities, 2019b).

Compositional Dimension

The compositional dimension of the DLE is "the numerical representation of individuals from diverse social identities among students, faculty, staff, and administrators" (Hurtado et al., 2012, p. 64). Hurtado and colleagues summarize the growth of compositional diversity on a campus and its impacts on the campus climate from low numbers of an underrepresented group to a critical mass to substantial numbers. With low numbers, those within the underrepresented group are subject to stereotypes, microaggressions, tokenism, and other actions that create a hostile campus environment for them. At a critical mass, marginalized groups can effectively seek institutional change. Once substantial numbers have been achieved, meaningful intergroup interactions can yield the above learning outcomes without negative impacts (e.g., lower academic achievement, feelings of isolation) on the members of marginalized groups.

As of fall semester of 2019 for racial/ethnicity compositional diversity of the University of Minnesota – Twin Cities, White students made about 60% of undergraduate, graduate, and professional student population, whereas Black and Hispanic students comprise 4.5% and 4.3% of the student population, respectively (Office of Institutional Research, 2019a). Employees of Color represent an average of

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17% of all full-time employees at the institution (Office of Institutional Research, 2019b). Human resources at the University does not publicly disaggregate employee ethnicity beyond White or unknown, Employee of Color, or International.

Individual-level of Campus Climate

Hurtado and colleagues (2012) emphasize that the individual has a great deal of power in the construction of the campus climate. Supported by decades of campus climate research that focuses on the interplay between behavior and psychological impacts of behavior, they report that negative or even hostile interpersonal interaction across social identity lines (i.e., a behavior dimension of campus climate) generate individual perceptions of a hostile campus climate (i.e., a psychological dimension of campus climate). Because campus climate is a social constructed reality, there are negative impacts on learning outcomes for students of minoritized groups (e.g., women, Students of Color, Indigenous Students, LGBTQIA+ students) when there exists a perceived hostile campus climate for minoritized groups. In understanding the individual-level of campus climate, Hurtado and colleagues' distinction between a behavioral dimension and a psychological dimension. I provide a brief overview of these dimensions below; these dimensions in relation to this case study are discussed mostly in the Findings and Discussion section.

Behavioral Dimension

The behavioral dimension of the DLE model is "the context, frequency, and quality of interactions on campus between social identity groups and their members" (Hurtado et al., 2012, p. 66). Hurtado and colleagues distinguish two types of interactions as a tool for institutions to determine over what they have direct control: formal

interactions that are facilitated by the institution such as classroom or cocurricular programming, and informal interactions that are the "everyday interactions between individuals" (p. 67) that occur outside of the intentional institutional programming. Research suggests positive formal and informal interactions between diverse social groups that occur within the structure of a college campus contribute to the perceive of the campus climate. Especially for White people, members of privileged groups who are included in diversity, equity, and inclusion efforts on campus tend to relieve "the burden on targeted groups for improving the climate for diversity, and espouses a collaborative effort between all groups to work together toward this common and mutually beneficial goal" (p. 69).

Psychological Dimension

The psychological dimension of the DLE model is "individuals' perceptions of the environment, views of intergroups relations, and perceptions of discrimination of racial conflict within the institutional context" (p. 70). The campus climate research that focuses on the psychological dimension consistently finds that marginalized groups and privileged groups perceive the campus climate differently. Hurtado and colleagues highlight that women, students with minoritized sexual identities, transgender and gender nonconforming students, Students of Color and Indigenous Students are more likely to experience discrimination and an overall hostile campus climate, especially for Black students who consistently report campus climates as the most hostile compared to other marginalized racial groups. As mentioned previously, how a student perceives the campus climate has a real impact on their learning outcomes, and a hostile campus climate has negative impact on learning outcomes, especially for marginalized groups.

When students perceive a positive campus climate, they also report perceiving a sense of belonging on campus.

The Events of Paint the Bridge

Paint the Bridge is an annual student organization promotion event at which student organizations registered with the University can paint wooden panels on the interior of the covered walkway on the Washington Avenue Bridge: "Paint the Bridge gives student groups the opportunity to generate awareness for their group on campus to thousands of students throughout the year, paint artwork that creates a sense of belonging, and build community through art and creativity" (Student Unions & Activities, 2019a, para. 2). Student organizations were provided with various paints and foam brushes by the student activities office within the University. For two days in the Fall semester, student organizations claimed up to three panels and painted these panels to promote their group and its activities. This changed in 2019 when student organizations were limited to one panel and one day of painting. I will focus on the events of Paint the Bridge between 2016 and 2018 for the purposes of this case study.

In the 2016 fall semester, the College Republicans at the University of Minnesota painted their two panels in support of Donald Trump's campaign for the US Presidency. One panel had their group's name and contact information, the other had one of Trump's campaign slogan "Build the Wall" (Clarey & Steinberg, 2016). As Clarey and Steinberg reported, the slogan sparked controversy. The panel was vandalized several times between its initial painting and the week following Paint the Bridge with the message "stop white supremacy" spray painted in gold letters. The Muslim Student Association's

panels were also vandalized in 2016 with "ISIS" spray painted across their panels, though this occurred in the weeks following the two-day event of Paint the Bridge.

Latinx and other students with marginalized identities denounced the panel as racist hate speech (Clarey & Steinberg, 2016). The College Republicans denounced the vandalism as infringing on their free speech rights. On the Saturday following the close of Paint the Bridge 2016 a series of statements were released. The University's president issued an all-campus email in which he named the panel as protected free speech, condemned the panels' vandalism as "not the way to advance a conversation" (Kaler, 2016, para. 2) and encouraged "all who find some protected speech distasteful or offensive to engage in more protected speech" (para. 3). The College Republicans released a statement the same day expressing the group's appreciation for Kaler's statement in that it was supportive of their free speech rights (CBS Minnesota, 2016). However, many students did not find support in Kaler's statement (Clarey, 2016). Instead, other University departments (i.e., the Women's Center, Gender for Sexuality Center for Queer and Trans Life, and Multicultural Center for Academic Excellence) announced they would provide space the following Monday for students for "processing/debrief/support" (Lou, 2016, para. 7). Additionally, students, student organizations, and other community members organized a rally to oppose the panel's message (Clarey & Steinberg, 2016). In the week following Paint the Bridge 2016, University President Kaler and Executive Vice President and Provost (i.e., the chief academic officer for the campus) convened a campus climate discussion, which was interrupted by student protests (Clarey, 2016).

In Fall 2017, the College Republicans and two other politically conservative groups on campus painted their murals together (Cramer, 2017). The conservative student groups continued to support of President Trump while also sparking a controversy with the phrase "Least Popular Minority on Campus." This prompted several individuals to vandalize the murals and verbally confront the conservative student groups' members, which prompted University staff to call campus police to the panels though no further confrontation occurred. A few students at the University denounced the panel as promoting fascism and white supremacy. Statements from the conservative student groups denied these accusations and further stated the vandalism was infringing on their freedom of speech. After two days of vandalism, the conservative student organizations repainted their total nine panels with "censored" in black, bold letters. University President Kaler did not issue an all-campus email in response to the 2017 Paint the Bridge.

The Paint the Bridge incident in Fall 2018 was not a racial bias incident, though I include the 2018 incident to provide additional context to this case and the DLE model. In Fall 2018, the College Republicans used their three panels to protest a proposed policy that would allow University students, staff, and faculty to use names and gender pronouns that differ from legal documents or sex assigned at birth without providing documentation (Pederson, 2018). The drafted policy at the time included disciplinary action for discriminatory harassment under the policy. This was perceived to violate the First Amendment rights of University members in that the policy would compel certain speech. A version of the policy was ultimately adopted for the 2019-20 academic year without the disciplinary action included (University of Minnesota, 2019), though

discriminatory harassment on the basis of gender identity and expression remains prohibited in University policy. In protest of the proposed policy which included the disciplinary action, the College Republicans painted "The Proposed Pronoun Policy Mocks <u>Real</u> Social Issues" (original emphasis painted on the panel). The panels were subsequently vandalized and protested, ending with "Queer Power" spray painted across all three panels.

While there was not an all-campus email from the University President or other administrators, the Gender and Sexuality Center for Queer and Trans Life then-interim director issued a statement to their email listserv. The director acknowledged the power that free speech "as a tool for unity and justice" and "as a weapon, a tool to disarm, disorder, and debilitate" (Labor, 2018, para. 3). Labor also named the College Republicans' message as protected speech. However, they encouraged university members to "look inward toward out communities, tap our allies, advocates, and accomplices to position themselves besides us" (para. 8) and further pushed a narrative of communities coming together to support LGBTQIA+ people rather than being divided by "destructive" (para. 4), albeit protected, speech.

Findings

The purpose of this study is to investigate college students' perceptions to their institution's responses to a racial bias incident on campus. In this section, I present the findings from the participant interviews. Findings are divided into four categories: participants' understanding of Paint the Bridge through other contexts; participants' understanding of free speech on campus; reactions to the University's response to Paint the Bridge; and participants' calls for future action by the University.

Understanding Paint the Bridge as Part of a Broader Context

Each participant understood the controversies of Paint the Bridge (e.g., free speech and inclusive campus climate) were not unique to the University of Minnesota – Twin Cities campus, but rather manifestations of similar controversies occurring at the state, national, and global levels of society. Without knowing, participants described Paint the Bridge using the dimensions of the DLE model (Hurtado et al., 2012), which I will include in describing the participants' comments.

NV and Victoria situated the phrase "Build the Wall" in the context of the concentration camps established at the US-Mexican border (e.g., society-level sociohistorical) and called the phrase "dangerously close to [hate speech]" as Victoria described. Al, who suggested the events of Paint the Bridge is limited to 30-50 individuals on campus and should not have necessarily been a campus-wide issue, still understood the issues of free speech rights of students to be a national conversation across American higher education campuses (e.g., societal-level policy). Donovan too understood the campus's controversy with the free speech rights of students as be part of a national conversation (e.g., societal-level sociohistorical). Bob and Howard held freedom of speech in high regard through examining other countries' protections of free speech (e.g., societal-level policy). Howard drew on his home country's lack of free speech protections to mediate his perceptions of the University's response to Paint the Bridge. Jason nested many of the events of Paint the Bridge in other current events such as the travel ban from Muslim-majority countries in 2017 and a noted rise in student activism between 2016 and 2018 (e.g., societal-level sociohistorical). Arthur and others saw the exigence for the University's response to events of Paint the Bridge as a need to

placate stakeholders such as state and federal governments and donors (e.g., societal-level external commitments and communities). Many participants critiqued the University's response to the Paint the Bridge events, and yet expressed an appreciation for the University's need to navigate multiple and conflicting stakeholders as a public, land-grant university (e.g., societal-level external commitments and communities, institutional-level historical).

An example of the contextual meaning making is how participants made sense of the phrase "least popular minority on campus." Several participants saw the phrase, and the other events of Paint the Bridge, as the politically conservative student organizations intentionally trying to provoke the campus community into reacting. Al saw the phrase as "taunting" and "almost like a piece that [the College Republicans are] proud of." Donovan saw it as Turning Point USA promoting "gotcha moments on college campuses to try and make narratives about free speech being repressed on college campuses." Both understandings of the phrase seem to be nested in the actions of other politically conservative student organizations on other college campuses, suggesting a contextual meaning making at the societal-level of the DLE model.

While participants acknowledged an interpretation of the word "minority" can refer to a numerical minority, most participants generally understood the word "minority" to be rooted in societal-level historical and contemporary marginalization of certain identities, especially Black People and People of Color. Participants did acknowledge that individuals who hold politically conservative views are a numerical minority on campus, and in that sense the phrase "least popular minority on campus" held a truth. However, most participants rejected the idea that politically conservative students were

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an oppressed group on campus. Jason noted that minoritization and oppression is not numerical, but rather based on a group's access to resources and "representation/power that people have within society." In placing Jason's comments in terms of the DLE model, his understanding of minoritization rests in the sociohistorical dimension. In Howard's view, the student groups were using the phrase to suggest that politically conservative White men were minoritized on campus:

> When I saw, I thought they're talking about White males. They consider White males is the least popular group at the University, and it is fundamentally wrong. Anyone who's familiar with the history of the US, and current climate of the US can easily, say White men are definitely not the least popular anywhere. … They are the most privileged ones; they are the ones that enjoy a lot of privileges without even realizing.

Howard used a sociohistorical understanding of Whiteness in the United States and a contemporary interpretation of the current political and social climate in the United States to interpret "least popular minority on campus" (i.e., the College Republicans were suggesting White men were marginalized on campus). To Howard, such a notion was "fundamentally wrong" because of the context surrounding the word "minority" and the phrase "least popular minority on campus".

Participants' Understandings of Free Speech

Overwhelmingly, participants supported the rights of others to express opinions with which they disagreed. Participants differed when asked explicitly about the conservative student groups' murals. Participants also showed two heuristics in discerning what speech is offensive and what is hate speech.

Respect for Free Speech

All participants expressed a general respect for the rights of others to express differing opinions. However, participants differed when applying said respect to the specific case of Paint the Bridge. Howard and Bob expressed distain for the opinions and views expressed on the murals. Both expressed how "fundamentally wrong" the ideas the conservative groups painted on their panels. However, both men strongly supported the conservative students' right to express those ideas. As an international student, Howard's opinion drew heavily from his home country's approach to free speech in that it has very little free speech. He praised how free speech is not only a feature of the University community, but also central to the culture of the United States. The freedom of expression drew him to the United States for his graduate studies. Arthur and Bob empathized strongly with students who were offended and hurt by the murals' content throughout the years, but both strongly declared there is no right to not be offended.

Victoria and NV expressed a similar dislike for the murals and their contents, but differed from Howard, Bob, and Arthur in their support for the murals as protected speech. Victoria called both "Build the Wall" and "Least Popular Minority on Campus" borderline hate speech and advocated for the University to prohibit the College Republicans from painting those statements. NV expressed more reservation in naming "Build the Wall" or "Least Popular Minority on Campus" as hate speech, and in calling for the University to remove that content because the line between hate speech and offensive speech was unclear to her. She acknowledged "Build the Wall" may be borderline hate speech because of its impacts on the Latinx community on campus.

Heuristics Discerning the Difference between Hate Speech and Offensive Speech

In general, most participants could identify some working distinction between speech that is offensive and speech that is hateful. Most participants recognized the challenge of regulating speech and defining hate speech. Many eluded to a need for a "much smarter legal scholar," as Victoria put it, to discern hate speech from offensive speech, and if hate speech should be permissible under free speech.

Two general heuristics emerged: the intention behind the speech, and "I know it when I see it." Some participants held both distinctions. For the intention heuristic, participants who held this distinction said that hate speech had intention behind it and offensive speech did not have intention. Jason stated that hate speech is meant to demean, demoralize, and intentionally harm people; he acknowledged that those three things can happen unintentionally. He also further clarified hate speech is necessarily contextual in that hate speech draws on historical oppression of social groups to cause harm. Victoria also recognized the perceived intention, or the impact, speech has can also contribute to identifying speech as hate or offense. Al stated hate speech was a description of a group of people, not a call to action against a group of people. To him, hate speech is "speech that singles out one specific organization or people to make them less superior [compared to] others." In general, the intention heuristic draws on a contextual understanding of the speech. Victoria and Jason named "Build the Wall" as not offensive on the face of it, but because of perceived racist policies and actions towards Latinx people since the 2016 US Presidential election, "Build the Wall" could be offensive speech or even hate speech.

The other heuristic references free speech case law in which a working definition to determine obscene expression is summarized as "I know it when I see it" (*Jacobellis v.*

Ohio, 1964). Victoria, Bob, Donovan, and Jason held that a distinction between hate speech and offensive speech could be made using the shorthand "I know it when I see it" meaning an observer could determine if speech was hate speech based on intuition.

Arthur stood out as an outlier among his peers. He offered the most concrete working distinction:

> I think [the difference between things that are offensive and things that are hateful] is largely intentionality. I'm a big believer in deontological ethics, like "act only upon which that at maxim can universally apply to live in a great world" and I think one of those maxims is like "speak one's mind." I think the difference between hate and not hate is being able to see other people as a human being in the message that you send, seeing them as ends of themselves, not someone to be used for one's own gain. I think there's a lot of things that people are offended by that still might align with, in that person's own view, such motives; but to try to silence them out of disagreement is an even greater offense.

Arthur's distinction between offensive speech and hate speech is grounded in the argument he advanced: the University faces a potential unethical implication if the University suppresses speech unnecessarily.

Reactions to the University's Response to Paint the Bridge

Participant reactions to the University's response to Paint the Bridge were centered around the 2016 email from Kaler. When asked about other responses from the University, most participants recalled little if any other responses from other parts of the University.

The 2016 All-campus Email

All participants recalled, without prompting, President Kaler's email from 2016 with varying amounts of accuracy. Some recalled only that there was an email. Other participants recalled there being an amount of controversy or disagreement about Kaler's email. A few participants named the controversy as well as parts of the email (e.g., vandalism is not permissible, the murals are protected speech even if they are offensive). Accuracy of recollection was not assessed as inclusion criteria for this study; however, several participants did correctly remember themes from the email. Some participants expressed remembering reading the email in 2016 once they were shown the email during the interview.

Several other participants identified disappointment with the technical, legal, and policy-oriented approach President Kaler took in his response. They cited the email overemphasized condemning vandalism and prioritized explaining how the murals from 2016 were protected free speech. Howard described the email overall as "like my mom scolding me for doing something wrong" because of its emphasis on condemning vandalism. Victoria expressed a similar sentiment, describing the email as feeling "very alien; it doesn't feel like there's a connection to the student body from this email." NV called the email "frustratingly neutral," a sentiment shared by several but not all participants.

Furthermore, several participants expressed frustration with how the email seemed to blame and dismiss those students who were offended by the phrase "Build the Wall." Howard said that the email "didn't give me the feeling like they are with me."

Victoria pointed to exact sections of the email that were the most dismissive, and that expressed the least empathy with students:

> I think specifically the phrase "we have heard from members of our community" feels like they're blaming those members of the community for believing it was hurtful. It feels like a "I'm sorry your feelings got hurt" rather than a "I'm sorry this happened."

Other participants called out how Kaler overemphasized his condemnation of vandalism. NV took issue with how Kaler explicitly critiqued "the vandalism of the panel, but [didn't] actually criticize the making of the panel in the first place." Jason said that by only condemning the vandalism, Kaler missed how the mural as political speech impacted students and the campus community. Jason felt that the University administration had prioritized stakeholders such as donors and the state legislature when Kaler emphasized condemning vandalism over emotionally supporting students. He said that, from his perspective, the University's administration decided that:

> the people that are hurt by [the mural] or find it offensive are a numerical minority; and therefore, because they do not reflect the numerical majority, you don't have to address it. So, [the administration is] able to operate in that way of, "well, it doesn't hurt most of the community. Therefore, we don't really have to pay [attention to it], or we don't have to prioritize it."

Even so, some participants had indifferent or positive towards Kaler's statement. Al appreciated the neutrality Kaler expressed in the email. He stated the University as an entity "shouldn't be taking sides" or imposing its viewpoint, which he summarized as "the university is simply a place to speak, not a place that tells you how to speak." Arthur

described the statement as "obligatory more so than effective." He perceived by naming the murals as protected free speech, Kaler was acting "out of a sense of duty and fairness and justice as you'd hope one acts in his role." Indeed, Howard also fully supported Kaler defending the murals as free speech, even though Howard explicitly denounced the ideas behind "Build the Wall."

Other Responses from the University

Generally, participants did not have a strong recollection of statements or responses from other areas of the University. Most recollections were elusions to statements from other University departments without clear details. Participants also did not recall any of their classes purposefully addressing the events of Paint the Bridge aside from passing comments at the beginning of class from classmates or instructors.

Jason recalled in full detail a statement from his college's diversity officer in 2016. Jason said the email "was more reflective than anything," noting how the diversity officer emphasized that the phrase "Build the Wall" and the sentiment it expressed did not align with the values of the college. The diversity officer also expressed curiosity on the intent of using "Build the Wall" on a Paint the Bridge mural and expressed hope that the phrase's usage "was not meant to be inflammatory or to incite something." Jason appreciated the response, saying "The messages from [the college], from a student's perspective, they were great to see. Those were the kinds of messages that you wanted to see from leadership." In describing the effectiveness between the two statements, Jason named that it depended on the stakeholder being centered. He believed the college's statement centered students as stakeholders, and therefore was effective in the minds of students. Regarding Kaler's email, Jason expressed doubts that President Kaler could

have said something similar to the college's statement because of the stakeholders with which the president contends (e.g., legislature, donors). Jason did not agree that those stakeholders necessarily should take priority over the reactions, emotions, and wellbeing of the students or campus community.

When asked about other responses generally to the events of Paint the Bridge, most participants noted an increase in student activism such as protest marches against the panels and the Trump administration, murals painted in support of "build bridges not walls", and statements released by student government. Even when the activism was in relation to a University response to Paint the Bridge, participants recalled the activism with more clarity than the response of the University. For examples, some participants recalled there was a campus climate discussion held a week after Paint the Bridge in 2016; however, those participants remembered with more detail the student protest that interrupted the event.

Calls to Future Action by the University

All participants suggested the University's response to Paint the Bridge was insufficient, in that they called for improvements to how the institution should respond to events like Paint the Bridge (i.e., racial bias incidents on campus). Participants called for greater empathy in all-campus statements on bias incidents; updating policy and procedure to prevent or limit offensive or hate speech; and having the University facilitate meetings and dialogues across difference. The following summarizes participants' recommendations, however not all participants agree with or would advocate for the use of all recommended actions.

Most participants called for all-campus emails addressing bias incidents to express more empathy towards students who have been harmed by offensive or hateful speech. Howard, even as someone who vehemently opposes the suppression of political speech, called for the University to center the harm and negative impact caused by offensive and hate speech. However, many participants turned to action the University should do beyond issue a statement. Bob summarized the sentiment when he expressed a desire for the University to support the claim it supports a campus climate that values diversity: "It all comes down to behavior. Who cares what anyone thinks? It matters what they do."

Participants ideated several possible updates to policies, new procedures, and different trainings the University could enact and implement in response to events like Paint the Bridge. Victoria and NV advocated for the University staff coordinators of Paint the Bridge to review murals against some established criteria prior to student groups being allowed to paint. While exact policy language was not a subject of conversation during the interview, both Victoria and NV suggested "Build the Wall", "Least Popular Minority on Campus", and "The Proposed Pronoun Policy Mocks Real Social Issues" (emphasis in original) would not be acceptable under this review. Al called for the University to hold those who vandalized the murals to account under the Student Conduct Code; Arthur also advocated for similar retribution, but speculated about the challenges in identifying vandals without using student funds to invest in security infrastructure on the bridge (e.g., cameras, security personnel). Conversely, Donovan explicitly stated that the University should not be prioritizing holding those who vandalized accountable.

Many participants valued the diversity of ideas, personalities, and expression present on campus, especially during Paint the Bridge. To many participants, it felt like it is often up to students to have conversations across difference and the University is passive in promoting free expression or facilitating difficult conversations across difference. NV also noted it felt that the University expected students to do the work of improving campus climate. Therefore, several participants called for the University to facilitate meetings and dialogues across difference, though what specific differences that need to be in dialogue with each other was not explicitly stated. Some participants, like NV, directed those meetings to be with student groups impacted by the offensive speech or hate speech (e.g., cultural or identity-based student groups). Other participants, like Al, directed those meetings to be with student groups and students who are likely to disagree and vandalize with the conservative student group panels.

While these facilitated dialogues would fulfill Kaler's call for people to "engage in more protected speech" when faced with offensive speech, some students identified that free speech might not always been possible in these facilitated dialogues. Victoria noted that it is not always safe for people to speak so freely and openly. Al described that those who feel they cannot express themselves freely often do not have the emotional stability or capabilities to do so. Jason described that the power a group has in society affords or disallows free expression.

Finally, some participants advocated for the University to sponsor certain educational opportunities for students. Jason advocated for diversity and equity trainings for all students, similar to training required by University staff and faculty. Al advocated for training on how to have conversations across difference. Howard described that the

University has "the moral obligation to teach people to be a global citizen" and further described that students must become a person of integrity, be open to ideas, and be open to diversity, though the mechanism through which this would occur in the University was unknown to him.

Should the University Permit Offensive Speech and Hate Speech?

All participants, when asked if the University should permit offensive speech, expressed that the University does not need to regulate or forbid offensive speech. Jason said that by the nature of how the university pulls together, offensive speech is inevitable. Arthur argued silencing offensive speech is more offensive than any hate someone may perceive. However, participants differ on if the University should permit hate speech as free speech.

Victoria and Howard both asked where one draws the line for what speech gets designated hate and therefore suppressed. Victoria grappled with seeing "Build the Wall" as a "dangerously close" to hate speech because of the policy consequences of the slogan (e.g., the creation of concentration camps along the Mexico-US border) and limits of prohibiting speech by positing "if the [University] President doesn't agree with what [a music club] is doing, should they be forced to repaint too? And whose decision is that?" Howard went so far as to suggest limiting hate speech will lead to governmental suppression of most free speech as is the case in his home country. Arthur addressed that hate in generally is not "conducive to learning and this is an institution of learning." He further stated that "[The University] has a responsibility to maintain a healthy and sustainable power dynamic between subcommunities within the greater community for the benefit of all" which implies a reasonable, albeit prudent, suppression of hate speech

from the University; though Arthur also suggested that suppressing speech is worse than harm that may come from speech. Al stated the University doesn't need to "micromanage" interactions between students, suggesting if someone finds something offensive or hateful that person should have a conversation with the person or organization that uttered the offensive or hateful speech.

Discussion

The study's findings suggest participants have an intuitive sense of the multidimensional nature of the campus climate as described in the DLE model (Hurtado et al., 2012). This is evidenced in how their perceptions of free speech on campus and of the University's response to Paint the Bridge were rooted in how they made meaning of other contexts in which the University rests (e.g., sociohistorical, policy, organizational). How students made meaning of the multidimensional campus climate has implications for understanding how students understand free speech on campus and make value judgements between free speech and safety, and for how students recommend their university address racial bias incidents in the future.

Response to Gallup and Knight Foundation Surveys

The current study's findings support and expand on some findings of the Gallup and Knight Foundation (2016, 2018) surveys. These surveys investigated college students' views on free speech and inclusion on college campuses. College students seemed to "value both free expression and inclusion, though their commitment to free expression may be strong in the abstract than in reality" (Gallup & Knight Foundation, 2018, p. 2).

Participants in the current study also seem to have a healthy respect for the free speech rights of those with whom they vehemently disagree. Howard expressed unambiguous condemnation of each of the three controversial phrases and had an equally unambiguous support of the student organizations' right to express those opinions. Victoria also expressed support for free speech but suggested that "Build the Wall" and "least popular minority on campus" might not be permissible. How students are making meaning of the contexts described in the DLE model (Hurtado et al., 2012) could possibly explain how students are understanding free speech. How students support or oppose free expression in specific may be impacted by how they weigh the harms prohibition or allowance of hate speech has in society. Victoria, Jason, NV, and Donovan weighed the psychological harm and the diminished sense of security hate speech causes for its targets as a greater harm than the suppression of hate speech as Arthur, Howard, Bob, and Al supported.

Gallup and Knight Foundation found that students seemed to make a distinction between different political opinions and "intentionally offensive" speech directed at certain racial groups (Gallup & Knight Foundation, 2016, p. 4). In support of these findings, the current study found participants shared two heuristics in determining what is offensive speech and what is hate speech: intentionality of the speech and "I know it when I see it." The Gallup and Knight Foundation surveys were quantitative and defined hate speech for respondents. When asking if colleges should create policies to prohibit certain types of speech, Gallup and Knight Foundation provided "using slurs/other language that is intentionally offensive to certain groups" (Gallup & Knight Foundation, 2018, p. 11) as example type of hate speech, implying hate speech necessitated intention.

When the current study's participants defined hate speech for themselves, intention also emerged as a heuristic in determining hate speech. However, the "I know it when I see it" heuristic was not captured in the Gallup and Knight Foundation (2016, 2018) surveys. The prevalence of the "I know it when I see it" heuristic in this study's participants may suggest that the participants could not define hate speech rigorously in a 60-minute interview. It may also suggest that students have an intuitive sense of what is offensive speech and what is hate speech. The intuition seems to be based in the function offensive speech and hate speech have on the ability for education to occur. To participants who held the "I know it when I see it" heuristic, offensive speech seems to be more of a necessary part of higher education. Offensive speech represents an educational moment and an opportunity to expand someone's worldview. However, hate speech seems rise to a more severe level, one that does not allow for education or that impedes on others' access to education. This perception is alignment with how Matsuda and colleagues (1993) and Baer (2019) conceptualize the role speech that is offensive and hate speech have on a college campus.

Difference in Values Leads to Different Conclusions on Permitting Hate Speech

Arthur suggests that the distinction of hateful speech from other speech is the lack of the speaker "being able to see other people as a human being." To Arthur, expressing hate to someone is unethical because it is an affront to said person's personhood and inherent value as a human being. Honoring the inherent value of all humans and how hate speech does not respect that value is a foundational assumption in the arguments for prohibiting hate speech Laramee (1991), Matsuda and colleagues (1993), and Baer (2019) advance. However, Arthur ends with a different conclusion from these scholars:

the prohibition of hate speech is unethical because the silencing of speech over disagreement is a greater offense than hate speech itself. Despite the same argument, Arthur's differing conclusion suggests a value judgement: valuing the right to free speech over valuing psychological and physical safety. Other participants seem to share Arthur's line of reasoning and value judgement: Howard advanced that suppression of speech would necessarily lead to further suppression of all speech; Bob empathized with those offended by speech but strongly emphasized there was no right to not be offended; Al suggested those offended should speak with the offender rather than seeking retribution or prohibition of speech.

Several critical scholars argue that the right to free expression ought not to come at the expense of psychological and physical safety of marginalized groups (Baer, 2019; Ladson-Billings, 1998; Laramee, 1991; Matsuda et al., 1993). They argue the right to free speech is important, but not more important than people's right to physical and psychological safety or right to life. These scholars value people's right to physical and psychological safety over the right to free expression. Some participants expressed a similar value judgement. Victoria and Jason especially seemed to root their judgement in how they contextualized the speech. How someone contextualizes speech and understands its implications may help explain the different value judgements between students. As students understand speech's implications for harm or understand that certain speech is necessarily harmful (i.e., hate speech), they may shift their value judgement such that they value the right to physical and psychological safety over the right to free speech.

While some participants were hesitant to call for the prohibition of hate speech on college campuses, most participants acknowledged that hate speech should not have a place in an educational institution as it is "not conducive to learning" as Arthur stated. Many participants would likely agree with Chemerinsky and Gillman (2017) in that "words can cause real harm and interfere with a person's education. Campuses have the duty to act – sometimes legally, always morally – to protect their students form injury" (p. 19). Similarly, like Chemerinsky and Gillman who then posit the challenge to protect a conducive learning environment without violating free speech rights, some participants (e.g., Arthur, Howard, Bob) follow down a line of reasoning that places free speech rights as paramount over the harms free speech engenders. Some participants hesitated in calling for the prohibition of hate speech, like Baer (2019) and Matsuda and others (1993) do, in part because of practical reasons. These participants raised questions and concerns about who makes the determination of what speech is offensive versus hateful, and how that power could be used to suppress non-hateful dissent. However, they expressed genuine concern for those negatively impacted by hate speech. Because of the prevalence of participants valuing free speech and valuing protecting others from the impacts of hate speech, students may be seeking resolution to that tension in a critical and contextual interpretation of the freedom of speech, akin to one advocated by critical race scholars (Matsuda et al., 1993).

Perception of Institutional Response to Racial Bias

A related question in this study was if students believed the university responded effectively to the events of Paint the Bridge. Participants suggested an effective response calls for the support of the correct group. Who the correct group is appears to be related

to which group a participant believed was being marginalized. Many participants saw People of Color as further marginalized during the events of Paint the Bridge and by other systems at the University. This interpretation seemed to be rooted in their historical understanding of the legacy of racism and discrimination in the United States. Therefore, People of Color needed the support from the institution. Other participants saw the College Republicans as needing the support from the University because there could have been more done to support free expression and prevent or punish vandalizers, as advanced by Al and Arthur. Therefore, political conservatives needed the support. Critical race scholars (Ladson-Billings, 1998; Matsuda et al., 1993) and research on campus climate (e.g., Harper and Hurtado, 2007) argue the students who hold historically and contemporaneously marginalized identities (i.e., Black Students, Indigenous Students, and Students of Color) require the full support of the institution, especially if the institution seeks to encourage diverse learning environments and an inclusive campus climate.

Implications for Practice

The interviews for this study occurred almost four years after the events of Paint the Bridge in 2016. Participants could still recall elements from former President Kaler's email response from 2016. Only two or three participants recalled that their college or other University administrative units made statements, let alone what was contained in those statements. While support from the college or department level is welcomed as Jason expressed, the president's or chancellor's statement in a racial bias incident has a great deal of weight, even up to four years later. If a campus-wide statement must be made by the president or chancellor of an institution, these statements should include at

least three key features to increase the perceived support from the institution for those negatively impacted by a bias incident, based on participant and scholar recommendations. First, express empathy to those hurt and harmed by the incident. Second, follow-up the statement with action that aligns espoused values of inclusion with enacted practices. Finally, leave the policy and free speech law out of the statement, as policy and free speech law does not communicate empathy or a commitment to an inclusive campus climate.

A statement alone is not enough. Institutions advancing an inclusive campus climate may find value in pursuing curricula that promote students' multidimensional historical understanding of discrimination, racism, and bias in the United States. Several participants recommended diversity, equity, and inclusion trainings for students. Unbeknownst to participants at the time they were interviewed, there will be a diversity, equity, and inclusion training for incoming undergraduate students starting in the 2020-21 academic year. Participants seemed to have a basic understanding of free speech, though that could be explained by who chooses to participate in a study on free speech and inclusion. Otherwise, college students may already understand the principles of free speech, and education would need to include additional context on free speech.

As referenced in the campus racial climate literature (Hurtado, 1992; Harper & Hurtado, 2007; Hurtado et al., 2012), intentional exposure to critical perspectives on free speech may support complex perspectives and further shift student support to valuing psychological and physical safety over the unabridged right to free speech. However, the same literature also cautions against a programmatic approach to solving campus climate as such an approach cannot change the campus climate. Rather, any diversity, equity and

inclusion training or education on critical perspectives of free speech necessitates additional deep and pervasive changes to the many factors of campus climate (e.g., curricula, cross-race interactions, hiring norms and practices, awarding of tenure). Furthermore as Gusa (2010) identifies, adding otherwise marginalized worldviews to the curricula presented in classrooms challenges the monocultural ways of knowing evident in American higher education, and thus may also serve to improve campus racial climate.

Conclusion

This study sought to understand how students perceive their institution's response to a racial bias incident on campus through a qualitative case study. Findings suggest how college students make meaning of the multiple dimensions of the campus climate (e.g., current events, contemporary political landscapes, contemporary and historical marginalization of POCIs) influence how they perceive free speech on campus and their institution's response to racial bias incidents. Participants in this study found their institution's response lacking in empathy and asked for additional intervention from the institution. Such intervention may take the form of educating students on the harms of hate speech or prohibiting hate speech on campus. Interestingly, how students perceived their institution's response to free speech seemed to be mediated by a value judgement, in that students weigh valuing free speech against valuing psychological and physical safety. These oppositions seem to stem from how participants perceive and make sense of race on campus and in society.

Higher education institutions seeking to respond effectively to racial bias incidents on campus can do so by expressing empathy in campus-wide statements to those impacted by harmful speech, condemning harmful and hateful speech, and commit

to action, all the while leaving policy and free speech law out of any public statement. Institutions can also respond proactively and generatively to racial bias on campus by using the DLE model (Hurtado et al., 2012) in evaluating the multiple contexts in which an institution rests and in discovering possible areas for intervention. Higher education institutions have an obligation to promote an inclusive campus climate through critical review of cross-race interactions on campus, the presence or absence of multicultural worldviews in the curricula, hiring and promotion practices, and the presence or absence marginalized perspectives in curricular and co-curricular spaces. By critically reviewing and enacting systemic change across the multiple contexts of American higher education, higher education institutions can genuinely support students' freedom to learn, sense of belonging on campus, and equal access and opportunity to higher education for all, regardless of race.

References

AAUP. (2014). *1940 statement of principles on academic freedom and tenure with 1970 interpretive comments.* https://www.aaup.org/file/1940%20Statement.pdf

Anderson, G. (2019, December 11). Georgia Southern student promotes white supremacy theory in class. *Inside Higher Ed.* https://www.insidehighered.com/news/2019/12/11/georgia-southern-student-promotes-white-supremacist-theory-class

Anderson, G. (2020, June 23). When free speech and racist speech collide. *Inside Higher Ed.* https://www.insidehighered.com/news/2020/06/23/first-amendment-response-first-response-racism-campus

Baer, U. (2019). *What snowflakes get right: Free speech, truth, and equality on campus.* Oxford University Press.

Barth, N. (2018). *Portraits of the past.* https://www.continuum.umn.edu/2018/09/portraits-of-the-past/

Bias Response and Referral Network. (2019). *Year-three report to the University of Minnesota – Twin Cities campus community.* https://bias-response.umn.edu/sites/bias-response.umn.edu/files/2019-08/BRRN-Year-Three-Report_1.pdf

Birt, L., Scott, S., Cavers, D., Campbell, C., & Walter, F. (2016). Member checking: A tool to enhance trustworthiness or merely a nod to validation? *Qualitative Health Research, 26*(13), 1802-1811. https://doi.org/10.1177/1049732316654870

Brandenburg v. Ohio, 395 U.S. 444 (1969).

Brown v. Board of Education, 347 US 483 (1954).

Burnside, T. (2018). *Morrill Hall takeover, University of Minnesota.*

    https://www.mnopedia.org/event/morrill-hall-takeover-university-minnesota

CBS Minnesota. (2016, October 1). *College Republicans paint controversial mural on U*

    of M bridge. https://minnesota.cbslocal.com/2016/10/01/u-of-m-trump-mural/

Chaplinsky v. New Hampshire, 315 U.S. 568 (1942).

Chemerinsky, E., & Gillman, H. (2017). *Free speech on campus*. Yale University Press.

Christian Legal Society Chapter v. Martinez, 561 U.S. 661 (2010).

Circle of Indigenous Nations. (n.d.). *Circle of Indigenous Nations*.

    https://mcae.umn.edu/about-us/circle-indigenous-nations

Clarey, D., & Steinberg, J. (2016, October 1). Protester object to 'build the wall' mural

    on Washington Avenue Bridge, call it xenophobic. *The Minnesota Daily.*

    https://www.mndaily.com/article/2016/10/protesters-gather-to-oppose-mural

Clarey, D. (2016, October 10). 'Build the wall' panel added to ongoing free speech

    debate at U. *The Minnesota Daily*.

    https://www.mndaily.com/article/2016/10/umn-campus-climate-on-free-speech

Cole, E. R., & Harper, S. R. (2017). Race and rhetoric: An analysis of college presidents'

    statements on campus racial incidents. *Journal of Diversity in Higher Education,*

    10(4), 318-333. https://doi.org/10.1037/dhe0000044

Coomey, N. (2019, November 17). Faculty, staff and students discuss moving forward on

    reckoning with University's past. *The Minnesota Daily.*

    https://www.mndaily.com/article/2019/11/n-faculty-staff-and-students-discuss-

    moving-forward-on-reckoning-with-universitys-past

Cramer, A. (2017, October 6). Vandalism, altercation take place during Paint the Bridge

    at College Republicans' mural. *The Minnesota Daily.*

    https://www.mndaily.com/article/2017/10/vandalism-altercation-take-place-

    during-paint-the-bridge-at-college-republicans-mural

Daily Editorial Board. (2004, September 23). Maranatha gets an intentional walk. *The*

    Minnesota Daily. https://www.mndaily.com/article/2004/09/maranatha-gets-

    intentional-walk

Dutt-Ballerstadt, R. (2018). When free speech disrupts diversity initiatives: What we

    value and what we do not. *Journal of Academic Freedom, 9,* 1-19.

    https://www.aaup.org/sites/default/files/Dutt-Ballerstadt.pdf

Fitzgerald, H. E., Bruns, K., Sonka, S. T., Furco, A., & Swanson, L. (2012). The

    centrality of engagement in higher education. Journal of Higher Education

    Outreach and Engagement, 16(3), 7-27.

Foundation for Individual Rights in Education. (n.d.). *Adopting the Chicago statement.*

    https://www.thefire.org/get-involved/student-network/take-action/adopting-the-

    chicago-statement/

Foundation for Individual Rights in Education. (2017). *2017 report on bias reporting*

    systems. https://www.thefire.org/research/publications/bias-response-team-report-

    2017/report-on-bias-reporting-systems-2017/

Foundation for Individual Rights in Education. (2020). *Bias Response and Referral*

    Network. https://www.thefire.org/fire_speech-codes/umn-bias-incidents/

Furco, A. (2010). The engaged campus: Toward a comprehensive approach to public

    engagement. *British Journal of Educational Studies, 28*(4).

    https://doi.org/10.1080/00071005.2010.527656

Gallup & Knight Foundation. (2016). *Free speech on campus: A survey of U.S. college*

    students and U.S. adults. https://kf-site-

    production.s3.amazonaws.com/publications/pdfs/000/000/184/original/FreeSpeec

    h_campus.pdf

Gallup & Knight Foundation. (2018). Free expression on campus: What college students

    think about First Amendment issues. https://kf-site-

    production.s3.amazonaws.com/publications/pdfs/000/000/248/original/Knight_Fo

    undation_Free_Expression_on_Campus_2017.pdfGeyer, A. (2016, March 16).

    Another day, another bias incident at UW-Madison. *Isthmus*.

    https://isthmus.com/news/news/racist-vandalism-uw-madison/

Glaser, B. G. (1965). The constant comparative method of qualitative analysis. *Social*

    Problems, 12(4), 436-445. https://doi.org/10.2307/798843

Gose, B. (2018, April 8). How to Respond to Racist Incidents. *The Chronicle of Higher*

    Education. www.chronicle.com/article/How-to-Response-to-Racist/243045

Gusa, D. L. (2010). White institutional presence: The impact of whiteness on campus

    climate. *Harvard Educational Review, 80*(4), 464-489.

    https://doi.org/10.17763/haer.80.4.p5j483825u110002

Harper, S. R., & Hurtado, S. (2007). Nine themes of campus racial climate and

    implications for institutional transformation. *New Directions for Student Services,*

    120, 7-24. https://doi.org/10.1002/ss.254

Healy v. James, 408 U.S. 169 (1972)

Higher Education Research Institute. (2020). *Diverse learning environments survey*.
Retrieved on July 10, 2020, from https://heri.ucla.edu/diverse-learning-environments-survey/

Hoffman, G. D. & Mitchell, T. D. (2016). Making diversity "everyone's business": A discourse analysis of institutional responses to student activism for equity and inclusion. *Journal of Diversity in Higher Education, 9*(3), 277-289. https://doi.org/10.1037/dhe0000037

Hurtado, S. (1992). The campus racial climate. *The Journal of Higher Education, 63*(5), 539-569. https://doi.org/10.1080/0221546.1992.11778388

Hurtado, S., & Alvarado, A. (2015). Discrimination and bias, underrepresentation, and sense of belonging on campus. https://www.heri.ucla.edu/PDFs/Discriminination-and-Bias-Underrepresentation-and-Sense-of-Belonging-on-Campus.pdf

Hurtado, S., Alvarez, C. L., Guillermo-Wann, C., Cuellar, M. & Arellano, L. (2012). A model of diverse learning environments: The scholarship on creating and assessing conditions for student success. In J. C. Smart & M. C. Paulsen (Eds.), *Higher Education: Handbook of Theory and Research* (Vol. 27, pp. 41-122). Springer. https://doi.org/10.1007/978-94-007-2950-6_2

Improving Campus Climate Background & History. (2019). https://campus-climate.umn.edu/about/background-history

Improving Campus Climate Initiatives and Projects. (2019). https://campus-climate.umn.edu/initiatives-projects#anchor-faculty-staff-focus

Jacobellis v. Ohio, 378 U.S. 184 (1964)

Johnson, D. R., Wasserman, T. H., Yildirim, N., & Yonai, B. A. (2014). Examining the

    effects of stress and campus climate on the persistence of Student of Color and

    White students: An application of Bean and Eaton's psychological model of

    retention. *Research in Higher Education, 55,* 75-100.

    https://doi.org/10.1007/s11162-013-9304-9

Johnson-Ahorlu, R. N. (2013). "Our biggest challenge is stereotypes": Understanding

    stereotype threaten and the academic experiences of African American

    undergraduates. *The Journal of Negro Education, 82*(4), 382-392.

    https://doi.org/10.7709/jnegroeducation.82.4.0382

Jones, M. (2004, September 19). What happened while you were away. *The Minnesota*

    Daily. https://www.mndaily.com/article/2004/09/what-happened-while-you-were-

    away

Kadvany, E. (2019, February 28). Stanford renames buildings after two alumnae: first

    woman in space, renowned psychologist. *Palo Alto Weekly.*

    https://www.paloaltoonline.com/news/2019/02/28/stanford-renames-buildings-

    after-two-alumnae-first-woman-in-space-renowned-psychologist

Kaler, E. W. (2016, October 1). *Paint the Bridge event: Statement from President Eric*

    Kaler. https://campus-climate.umn.edu/content/paint-bridge-event-statement-

    president-eric-kaler

Kerr, E. (2018, February 1). 'White supremacists are targeting college campuses like

    never before'. *The Chronicle of Higher Education*.

    https://www.chronicle.com/article/White-Supremacists-Are/242403

Kezar, A., Fries-Britt, S., Kurban, Z., McGuire, D., Wheaton, M. M. (2018). *Speaking truth and acting with integrity: Confronting the challenges of campus racial climate.* American Council on Education. https://www.acenet.edu/Documents/Speaking-Truth-and-Acting-with-Integrity.pdf

Keyishian v. Board of Regents, 385 U.S. 589 (1967).

Kitrosser, H. (2017). Free speech, higher education, and the PC narrative. *Minnesota Law Review, 101*, 1987-2064. https://www.minnesotalawreview.org/wp-content/uploads/2017/05/Kitrosser.pdf

Labor, S. (2018, October 15). *Looking inward for queer and trans liberation*. Improving Campus Climate. https://campus-climate.umn.edu/content/looking-inward-queer-and-trans-liberation

Ladson-Billings, G. (1998). Just what is critical race theory and what's it doing in a nice field like education. *International Journal of Qualitative Studies in Education, 11*(1), 7-24. https://doi.org/10.1080/095183998236863

Laramee, W. A. (1991). Racism, group defamation, and freedom of speech on campus. *NASPA Journal, 29*(1), 55-62. https://doi.org/10.1080/00220973.1991.11072243

Lee, R., Ahtone, T., Pearce, M., Goodluck, K. McGhee, G., Leff, C., Lanpher, K., & Salinas, T. (2020). *How the United States funding land-grant universities with expropriated Indigenous land: University of Minnesota.* High Country News. https://www.landgrabu.org/universities/university-of-minnesota

LePeau, L. A., Morgan, D. L., Zimmerman, H. B., Snipes, J. T., & Marcotte, B. A. (2016). Connecting to get thing done: A conceptual model of the process used to

respond to bias incidents. *Journal of Diversity in Higher Education, 9*(2), 113-129. http://doi.org/10.1037/a0039509

Lou, H. (2016, October 1). *Annual Paint the Bridge event stirs controversy.* Improving Campus Climate. https://campus-climate.umn.edu/content/annual-paint-bridge-event-stirs-controversy

Makarov, V. (2004, September 20). University policy unacceptable. *The Minnesota Daily.* https://www.mndaily.com/article/2004/09/university-policy-unacceptable

Macalus, A., & Steinberg, J. (2019, April 26). Regents vote against renaming Coffman. *The Minnesota Daily.* https://www.mndaily.com/article/2019/04/brfinalrenaming

Matsuda, M. J., Lawrence III, C. R., Delgado, R., & Crenshaw, K. W. (1993). *Words that wound: Critical race theory, assaultive speech, and the First Amendment.* Westview Press, Inc.

McLennan, D. (2019). *2019 diverse learning environments.* Higher Education Research Institute. https://www.heri.ucla.edu/briefs/DLE/DLE-2019-Brief.pdf

Merriam, S. B., & Tisdell, E. J. (2016). *Qualitative research: A guide to design and implementation* (4th ed.)*.* Jossey-Bass.

Miller, R. A., Guida, T., Smith, S., Ferguson, S. K., & Medina, E. (2018a). Free speech tensions: Responding to bias on college and university campuses. *Journal of Student Affairs Research and Practice, 55*(1), 27–39. https://doi.org/10.1080/19496591.2017.1363051

Miller, R. A., Guida, T., Smith, S., Ferguson, S. K., & Medina, E. (2018b). A balancing act: Whose interests do bias response teams serve? *The Review of Higher Education, 42*(1), 313-337. https://doi.org/10.1353/rhe.2018.0031

Miller, T. E. (1993). The evolution of the "joint statement on rights and freedoms of

  students". *NASPA Journal, 30*(3), 176-181.

  https://doi.org/10.1080/00220973.1993.11072309

O'Neill, R. M. (2011). Academic freedom: Past, present, future. In. P. G. Altbach, P. J.

  Gumport, & R. O. Berdahl (Eds.), *American Higher Education in the Twenty-*

  First Century: Social, Political, and Economic Changes (3rd ed., pp. 88 – 112).

  The John Hopkins University Press.

Office of Institutional Research. (2019a). *Official enrollment statistics.*

  https://oir.umn.edu/student/enrollment

Office of Institutional Research. (2019b). *University of Minnesota: Employee headcount*

  data. https://oir.umn.edu/hr/employee-count

Patel, V. (2019, November 24). Racist incidents at Syracuse U. spun into a crisis. The

  way its leaders communicated didn't help. *The Chronicle of Higher Education.*

  https://www.chronicle.com/article/Racist-Incidents-at-Syracuse/247608

Pederson, N. (2018, October 13). Conservative group's bridge mural vandalized for third

  year in a row. *The Minnesota Daily*. https://www.mndaily.com/article/2018/10/n-

  conservative-groups-bridge-mural-vandalized-for-third-year-in-a-row

Pieterse, A. L., Todd, N. R., Neville, H. A., & Carter, R. T. (2012). Perceive racism and

  mental health among Black American adults: A meta-analytic review. *Journal of*

  Counseling Psychology, 59(1), 1-9. https://doi.org/10.1037/a0026208

PEN America. (2019). *Chasm in the classroom: Campus free speech in a divided*

  America. https://pen.org/wp-content/uploads/2019/04/2019-PEN-Chasm-in-the-

  Classroom-04.25.pdf

Potok, M. (2017, February 15). The Trump effect. *Intelligence Report.*

https://www.splcenter.org/fighting-hate/intelligence-report/2017/trump-effect

Prell, R. (2017). *Segregated student housing and the activists who defeated it*.

http://acampusdivided.umn.edu/index.php/essay/segregated-student-housing/

President's Commission on Slavery and the University. (2018). *Report to President*

Teresa A. Sullivan. University of Virginia.

https://vpdiversity.virginia.edu/sites/vpdiversity.virginia.edu/files/PCSU%20Repo

rt%20FINAL_July%202018.pdf

R. A. V. v. City of St. Paul, 504 U.S. 377 (1992).

Remnick, N. (2017, February 11). Yale will drop John Calhoun's name from building.

The New York Times. https://www.nytimes.com/2017/02/11/us/yale-protests-john-

calhoun-grace-murray-hopper.html

Soria, K. M. (2018). Campus climate at research universities: 2012-2017. In K. M. Soria

(Ed.), *Evaluating campus climate at US research universities: Opportunities for*

diversity and inclusion (pp. 1–24). https://doi.org/10.1007/978-3-319-94836-2

Squire, D., Nicolazzo, Z., Perez, R. J. (2019). Institutional response as non-performative:

What university communications (don't) say about movements towards justice.

The Review of Higher Education, 42, 109-133.

https://doi.org/10.1353/rhe.2019.0047

Strayhorn, T. L. (2012). *College students' sense of belonging: A key to education success*

for all students. Routledge.

Student Unions & Activities. (2019a). *Paint the bridge FAQs.* Retrieved January 30, 2020, from https://sua.umn.edu/get-involved/student-groups/managing-group/promotion/paint-bridge

Student Unions & Activities. (2019b). *Student group policies handbook.* Retrieved January 30, 2020, from https://sua.umn.edu/documents/41/Student_Group_Policy_Handbook_2019-20.pdf

Sullivan, T. E., & Jones, R. J. (2004, September 20). Settlement respects the 'community of ideas'. *The Minnesota Daily.* https://www.mndaily.com/article/2004/09/settlement-respects-community-ideas

Task Force on Building Names and Institutional History. (2019). *Report of the Task Force on Building Names and Institutional History.* University of Minnesota. http://university-history.dl.umn.edu/sites/university-history.dl.umn.edu/files/report_of_the_task_force_on_building_names_and_institutional_history.pdf

Taylor, E. (2009). The foundations of critical race theory in education: An introduction. In E. Taylor, D. Gillborn, & G. Ladson-Billings (Eds.), *Foundations of Critical Race Theory in Education* (pp. 1-13). Routledge.

Thelin, J. R. (2011). *A history of American higher education* (2nd ed.). John Hopkins University Press.

Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969).

Turnage, C., & Thomason, A. (2017, August 12). As white supremacists wreak havoc, a

    university becomes a crisis center. *The Chronicle of Higher Education.*

    https://www.chronicle.com/article/As-White-Supremacists-Wreak/240912

University of Minnesota. (2019). *Equity and access: Gender identity, gender expression,*

    names and pronouns. https://policy.umn.edu/operations/genderequity

University of Minnesota Board of Regents. (2008). *Board of Regents policy: Mission*

    statement. University of Minnesota.

    https://regents.umn.edu/sites/regents.umn.edu/files/2019-

    09/policy_mission_statement.pdf

University of Minnesota Board of Regents. (2011). *University of Minnesota Board of*

    Regents policy: Academic freedom and responsibility. University of Minnesota.

    https://regents.umn.edu/sites/regents.umn.edu/files/policies/Academic_Freedom.p

    df

University of Minnesota Board of Regents. (2017). *Board of Regents policy: Student*

    conduct code. University of Minnesota.

    https://regents.umn.edu/sites/regents.umn.edu/files/2020-

    01/policy_student_conduct_code.pdf

University Senate Committee on Social Concerns. (2004, November 1). *Minutes of*

    Meeting: Maranatha Christian Student Fellowship lawsuit – Mark Rotenberg

    followed by Committee discussion/action plan. University of Minnesota.

    https://conservancy.umn.edu/bitstream/handle/11299/46106/041101SocCC.pdf

UWM Post v. Board of Regents of U. of Wis., 774 F. Supp. 1163 (E.D. Wis. 1991).

Volokh, E. (2015, March 10). No, it's not constitutional for the University of Oklahoma to expel students for racist speech. *The Washington Post.* https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/03/10/no-a-public-university-may-not-expel-students-for-racist-speech

Woolfolk, L. (2018). "This class of persons": When UVA's white supremacist past meets its future. In L. P. Nelson & C. N. Harold (Eds.), *Charlottesville 2017: The Legacy of Race and Inequity* (pp. 97-117). University of Virginia Press.

Yates v. United States, 354 U.S. 298 (1957).

Yin, R. K. (2018). *Case study research and applications: Design and methods* (6th ed.). Sage Publications, Inc.

Yosso, T., Smith, W., Ceja, M., & Solórzano, D. (2009). Critical race theory, racial microaggressions, and campus racial climate for Latina/o undergraduates. *Harvard Educational Reviews, 79(*4), 659-691. https://doi.org/10.17763/haer.79.4.m6867014157m707l

Zoeller, M. (2017). *Universities should endorse the free expression now, avoid criticism later.* Foundation for Individual Rights in Education. https://www.thefire.org/universities-should-endorse-free-expression-now-avoid-criticism-later

Table 1

Participants' Self-Identified Social Identities

Participant	Race or ethnicity	Gender	Sexual orientation	Religious affiliation	Domestic or international student	Degree-sought	Political affiliation
Al	Middle Eastern	Man	Heterosexual	Jewish	Domestic	Undergrad	Republican
Arthur	White	Man	Heterosexual	Atheist	Domestic	Undergrad	Moderate democrat
Bob	White	Man	n/a	n/a	Domestic	Master's student	Bernie Sanders-style democrat
Donovan	White	Man	Queer	None	Domestic	Ph.D student	Pragmatic anarchist
Howard	White / Middle Eastern	Man	Heterosexual	Muslim	International	Ph.D student	None
Jason	Black	Man	Heterosexual	Baptist	Domestic	Ph.D student	Independent
NV	Indian	Woman	Heterosexual	Agnostic	International	Undergrad	Liberal
Victoria	White	Woman	Bisexual	Christian	Domestic	Undergrad	Democratic Socialist

Note. Table 1 reports the social identities of participants using the words that the participants used to identify themselves.

Figure 1

Multicontextual Model for Diverse Learning Environments
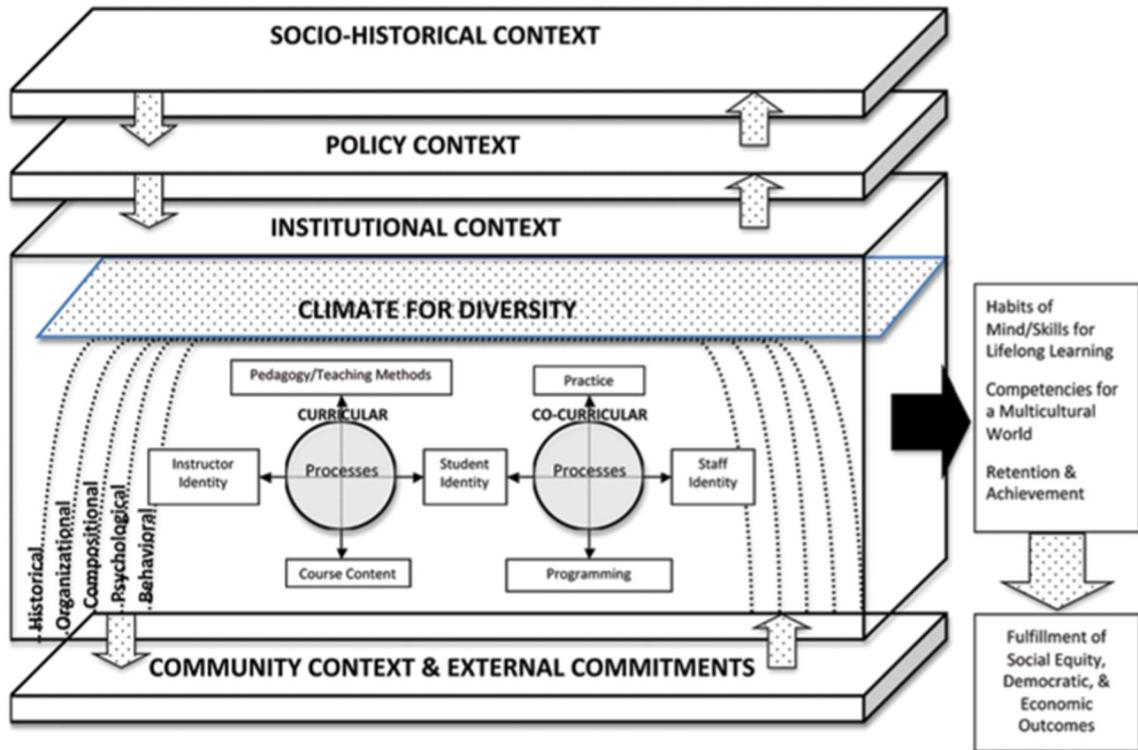
Note. From "A Model of Diverse Learning Environments: The Scholarship on Creating and Assessing Conditions for Student Success," by S. Hurtado, C. L. Alvarez, C. Guillermo-Wann, M. Cuellar, & L. Arellano, In J. C. Smart & M. C. Paulsen (Eds.), *Higher Education: Handbook of Theory and Research* (Vol. 27, p. 48), 201, Springer (https://doi.org/10.1007/978-94-007-2950-6_2). Copyright 2012 by Springer Nature. Reprinted with permission.

Appendix A: Semi-Structured Interview Questions

General information
1. Ask for a pseudonym.
2. Tell me about what you're involved in outside of academics? (e.g., student groups, on-campus employment, commuter, research)

Paint the Bridge Experience
3. Tell me what your experience has been with Paint the Bridge? (if necessary explain Paint the Bridge as "Paint the Bridge is the annual event where student groups can paint panels on the Washington Ave Bridge")
4. What do you think about the *College Republicans, Turning Point USA, Students for a Conservative Voice* bridge panels the past few years?
5. What can you recall as the University's response to Paint the Bridge?
    a. (for each response the interviewee names) How would describe that response?
    b. (ask for elaboration if one-word answers)
6. Did the panels come up in classes you were/are taking?
    a. What happened when the topic came up?
    b. How were you feeling when the topic came up?
        (Did the instructor/class bring it up? Did the instructor facilitate or handle the topic? What happened in the class?)
7. Did the panels come up in <insert involvement>?
    a. Tell me how the topic came up? (probe into what happened if the panels came up)
    b. How were you feeling when the topic came up <in that space>?

Optional Activities – 2017 Murals, 2016 Email
Only to be done if the participant agrees; if not, skip to next section.

8. I have images of the College Republicans' panels from 2017. Are you comfortable looking at them and sharing your reactions to them with me?
    a. If yes, show the student the non-vandalized image of the panels
    b. When you look at this, what comes to mind? What are you feeling?
9. I have the email President Eric Kaler sent to all students, staff, and faculty in 2016 regarding Paint the Bridge and the College Republicans' panels. Are you comfortable reading it and sharing your reactions to it with me?
    a. If yes, the student can read and respond simultaneously or can read then respond.
    b. What do you think about President Kaler's email? What comes to mind? What are you feeling?

Perceptions of free speech and inclusion
10. Do you feel like you can freely express yourself on campus? (e.g., politically, religiously, in classes, in social circles)
    a. How so? Why/Why not?

11. What do you think "hate speech" is?
    a. Is there a difference between "offensive speech" and "hate speech" for you? Why or why not?
12. Do you think that speech or expression that someone finds offensive or hateful should be protected by the University as free speech? Why/why not?
    a. Is there a "offensive" / "hate" threshold that would make speech unprotected?
    b. What does "protecting free speech" look like?
13. Do you feel supported by University staff to express yourself freely on campus? By administrators (e.g., deans, vice-provosts, vice presidents, president)? By instructors? By other students?
    a. How so? Why/why not?
14. Do you feel respected on campus by University staff? By administrators (e.g., deans, vice-provosts, vice presidents, president)? By instructors? By other students?
    a. How so? Why/why not?
15. Do you feel like you have a community on campus?
    a. If no, what would a community on campus look or feel like to you?
    b. If yes, pick out the one that you feel the closest connection to: how do you describe that community?

Ideal Institutional Response
16. The all-campus email is one kind of response from the University. What other kinds of responses from the University staff or faculty or administrators would you like to see, if any?
17. Imagine you were responsible for crafting a message to all students, staff, and faculty about the events of Paint the Bridge. Would you say anything? What would you say?

Social Identities
18. How would you identify yourself, and please feel free to say that you'd like not to respond to any of these?
    a. Year in school?
    b. Race/Ethnicity?
    c. Gender and pronouns?
    d. Sexual orientation?
    e. Religious affiliation?
    f. Political affiliation?
    g. Are any of these identities potent or salient to you on a daily or weekly basis?

19. Is there anything else you'd like to share with me that we haven't already discussed? Or something you want to share as a last thought? – What questions do you have for me?

Appendix B: Image of Politically Conservative Student Groups' Murals from Paint

the Bridge 2017