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University Statements and Policies on White Supremacy, Hate Speech, & Terrorison

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Senate Executive Committee Request for Information

University Statements & Policies on White Supremacy, Hate Speech, and Terrorism

Submitted by: Chris Cartright

11/1/2019

Question(s):

1. How does the university administration define 'white supremacy'? Either as Armstrong State or Georgia Southern, what public communications and/or policy guidelines has the university published regarding white supremacy? How does the administration define 'hate speech' and/or 'unprotected speech'? Either as Armstrong State or Georgia Southern, what public communications and/or policy documents has the university published regarding hate speech? What are the relevant university policies and/or federal regulations for identifying and responding to terrorism or extremist threats? How should faculty and students respond to speech which makes them feel discriminated against, harassed, or threatened, even when that speech is protected?

Rationale:

GSU's Inclusive Excellence initiatives were instigated by multiple instances of anti-black language, one of which included a call to violence. FBI director Christopher Wray testified before Congress in July that most domestic terrorism cases this year involve white supremacist motives. FBI data indicates that hate crimes related to race/ethnicity have risen since 2012, and the Department of Homeland Security issued a strategy document in September which lists white supremacist violent extremists as a particular threat. Research from the National Institute of Justice indicates that radicalization to ideologically motivated violence occurs along an escalating trajectory of behavior. As a formerly segregated, historically white institution in the Southeast, GSU must respond to the published scholarship demonstrating that historically white institutions' failure to address white supremacy results in the exclusion and attrition of students and faculty of color. As a public institution, GSU has a responsibility to proactively address the potential threats of ideologically motivated violence. Understanding our institution's previous

statements and policies on white supremacy, hate speech, and terrorism will help the GSU community promote inclusion in an evidence-based, historically situated manner.

Response:

SEC Response: Approval of RFI.

Reply by Maura Copeland, 11/27/2019

Faculty Senate Executive Committee Request Form - Request for Information - November 2019:

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How does the university administration define “white supremacy?” Either as Armstrong State or Georgia Southern, what public communications and/or policy guidelines has the university published regarding white supremacy? How does the administration define “hate speech” and/or “unprotected speech?” Either as Armstrong State or Georgia Southern, what public communications and/or policy documents has the university published regarding hate speech? What are the relevant university policies and/or federal regulations for identifying and responding to terrorism or extremist threats? How should faculty and students respond to speech which makes them feel discriminated against, harassed, or threatened, even when that speech is protected?

Response:

The President’s Diversity Advisory Council (“PDAC”), under the leadership of Chair Dr. Maxine Bryant (Interim Chief Diversity Officer), has developed and issued **Georgia Southern University’s Inclusive Excellence Statement:**

“Inclusive Excellence is a strategic pillar and a core value at Georgia Southern University. We recognize that our success as an institution of higher learning depends on our ability to embrace, value, and appreciate the diversity of students, staff, faculty, administrators, and alumni across our campuses. Inclusive excellence is continuous and comprehensive; intentional and dynamic; transformational and innovative and is embedded in all aspects of our culture and actions. Inclusive excellence speaks to sustaining a campus climate that honors, respects, and is inclusive of all elements of diversity that makes each of us unique: culture, race, ethnicity, color, national origin, sex, age, (dis)ability, creed, religious or spiritual beliefs, sexual orientation, socio-economic status, class, gender identify, gender expression, veteran status, political philosophy, etc. We uphold that all of our individual differences enrich our

university. Together, we are Georgia Southern – committed to growing ourselves to grow others.”

Georgia Southern Strategic Plan 2019-2024

Strategic Pillar #3 - Inclusive Excellence

Goal: Promote an equitable, diverse, and inclusive institutional culture to eliminate institutional barriers for underrepresented groups and to unify the Georgia Southern University community as one Eagle Nation--investing in inclusiveness to grow others!

Georgia Southern University celebrates diversity in all its forms. All populations will feel valued and respected, regardless of race, gender, ethnicity, religion, national origin, age, sexual orientation or identity, education, or disability. In addition, the University will capitalize on distinctive, unique campus cultures while encouraging strong institutional unity.

In addition within the institutional Strategic Plan, the University has articulated six institutional values, including **“Openness and Inclusion,”** defined as “Georgia Southern University values the diversity of all people, communities, and disciplines with an unwavering commitment to equity and inclusion.”

As a public university and government entity, Georgia Southern must uphold the First Amendment to the United States Constitution, which protects free expression rights for all individuals. Georgia Southern is, therefore, bound by the categories of unprotected speech and related definitions prescribed by the Supreme Court of the United States.

The Supreme Court has carved out limited categories of speech that are not protected by the First Amendment. These categories, which are defined by the Supreme Court, include obscenity, child pornography, perjury, blackmail, defamation, true threats, fighting words, incitement to imminent lawless action, solicitations to commit crimes, and unlawful harassment.

In defining incitement to imminent lawless action, the Supreme Court held in *Brandenburg v. Ohio* (1969) that the constitutional guarantees of free speech can only be limited when such expression is “directed to inciting imminent lawless action and is likely to produce such action.” In *Virginia v. Black* (2003), the Supreme Court provided that true threats that are not protected under the First Amendment include only “those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.” The Supreme Court held in *Davis v. Monroe County Board of Education* (1999), that schools may punish behavior that is “so severe, pervasive, and objectively offensive, and that so undermines and detracts from the victims’ educational experience, that the victim-students are effectively denied equal access to an institution’s resources and opportunities.” But, in refusing to apply the fighting words doctrine to prohibit individuals from picketing a military funeral with signs and slogans that many would deem hateful towards a particular group of people, the Supreme Court confirmed in *Snyder v. Phelps* (2011), that “speech cannot be restricted simply because it is upsetting or arouses contempt.”

Though the Supreme Court has carved out limited categories of unprotected speech, it has repeatedly held that offensive speech and hate speech are protected by the First Amendment. In *Matal v. Tam* (2017), a unanimous decision by the Supreme Court, Justice Samuel Alito stated that “speech that demeans on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground is hateful; but the proudest boast of our free speech jurisprudence is that we protect the freedom to express “the thought that we hate.” In the same case, Justice Anthony Kennedy explained that “a law that can be directed against speech found offensive to some portion of the public can be turned against minority or dissenting views to the detriment of all” and that “the First Amendment does not entrust that power to the government’s benevolence.”

Georgia Southern University’s Equal Opportunity and Affirmative Action Policy reads:

“It continues to be the policy of Georgia Southern University to implement equal opportunity to all employees, students, applicants for employment or admission, and participants in any of the University’s programs without regard to race, color, . . .[or] national origin . . . Georgia Southern University is committed to the fulfillment of this policy, which prohibits any employee, student, or patron from unlawfully harassing, threatening, or physically or verbally abusing another individual with the effect of unreasonably interfering with that person’s work or academic performance or of creating an intimidating, hostile, or offensive work or academic environment.”