

Vincent Munoz:

I think what we need to do is explain how our principles of free speech, free inquiry will help serve the cause of justice.

Betty Friendan:

The First Amendment, the constitutional freedom of speech and freedom of conscience, that is the bulwark of our democracy.

Bettina Aptheker:

There was a passion in what was being said, affirming this, what people considered a sacred constitutional right, freedom of speech and freedom of association

Michelle Deutchman:

From the UC National Center for Free Speech and Civic Engagement, this is Speech Matters, a podcast about expression, engagement, and democratic learning in higher education. I'm Michelle Deutchman, the center's Executive Director and your host. Back in 2017, when Milo Yiannopoulos visited UC Berkeley violent protests erupted, resulting in a canceled event injuries, a \$100,000 worth of property damage and \$200,000 spent on event security. In the aftermath, the center was created in order to respond to this renewed wave of activism, controversy and backlash about free expression on college campuses. Five years later and with college life fully back in person following the pandemic, we've seen another series of heckler's vetoes at universities across the country, including at Stanford Law, Yale Law, UC Davis, and Penn State. Looking ahead to an election year, I anticipate that there may be more of these incidents, which is why we've invited two guests to join us today to share their experiences preparing for and responding to polarizing figures coming to speak on campus.

But first, let's turn to class notes. A look at what's making headlines. The Supreme Court continues to announce cases that will be heard in the next term, including matters that raise questions about the First Amendment, public officials, and the rights of social media users. In O'Connor-Ratcliff v. Garnier, two school board members in San Diego County established Facebook and Twitter accounts separate from their personal accounts in order to discuss and promote school related content. Christopher and Kimberly Garnier, a couple with children in the district, often posted long, critical and repetitive posts on the trustees and board of trustees pages. Initially, school board members deleted or hid their posts, but then later blocked them entirely. Last summer, the Ninth Circuit Court of Appeals upheld a district court decision finding that the school board members infringed on the First Amendment rights of the Garniers by blocking them because the accounts were used to carry out the board members' official duties. Stay tuned for more on this issue.

With last week's passage of HB 2789, the state of Illinois became the first state to ban the banning of books. Per the bill, funding will be withheld from public or school libraries that remove books from circulation. Illinois Secretary of State who authored the bill said, "All of these efforts to curb breeding materials have absolutely nothing to do with books. They are about restricting the freedom of ideas that certain individuals disagree with and that certain individuals think others should have access to." Following the growing trend of removing slave owners' names from buildings, Trinity College in Dublin has decided to remove Irish philosopher George Berkeley's name from their library over his ownership of enslaved people. George Berkeley is also the namesake of UC Berkeley, though the university has no plans to rename the school. The university spokesman said, "We acknowledge that the university's founders chose to name their new town and campus after an individual whose views warrant no honor

or commemoration, but a century and a half later," he said, "Berkeley has come to embody and represent very different values and perspectives."

Now back to today's guests. Danny Shaha currently serves as the assistant Vice President for student Affairs at Penn State supervising offices focused on students' rights and responsibilities. He also co-chairs the university's behavioral threat management team. Prior to these appointments, Danny served as the Senior Director of the Office of Student Conduct for seven years. In that role, he oversaw the administration of the university's conduct process at Penn State's primary campus in University Park Philadelphia, as well as its 23 additional campuses across the commonwealth and online with a total enrollment of 99,000 students. Prior to joining Penn State, Danny worked in different capacities at the Ohio State University, Texas A&M University, and the College of William and Mary. I am proud to share that Danny is a current fellow at the center. He's completing his year long project university's response to offensive and bias related speech, which focuses on examining how student affairs practitioners respond to offensive speech and generally how universities engage their campus communities in dialogue and restorative justice in response to these incidents.

Radhika Gawde is a graduating third year at UC Davis studying political science with an emphasis in public service and a minor in environmental policy analysis and planning. She intends to attend law school where she hopes to study constitutional law after completing a legislative fellowship in DC. Her undergraduate research centers around the intersection between environmental and constitutional law and campaign finance laws as it relates to the First Amendment. She currently serves at UC Davis's Associate student body president, where she represents over 30,000 undergraduate students. In this role, along with advocating on behalf of students, she oversees a 19 million budget and over 3000 student employees including the largest student [inaudible 00:05:47] in the country and the primary public transit system for the city of Davis. I am thrilled to have both of you on the show. Welcome to Speech Matters.

Radhika Gawde:

Thank you so much for having me.

Danny Shaha:

Yeah, thank you so much. Really glad to be here.

Michelle Deutchman:

Let's get started with a little recap of some of the things that have happened at your respective campuses over the course of this academic year. Each of you has had to dealt with difficult situations related to speakers invited to campus by registered student groups. In the case of Penn State, this past fall, a student group, Uncensored America invited Gavin McInnes, the founder of the White Nationalist Organization, the Proud Boys and Alex Stein, known provocateur to campus to speak. 45 minutes before the event, Stein walked out into the crowd of protestors smiling and egging on students. Violence erupted and students were pushed and pepper sprayed as protestors, counter protestors, and the police clashed. Within an hour, the university decided to cancel the event. Following that decision, the university president said, "Tonight, the message too many people will walk away with is that one can manipulate people to generate free publicity or that one can restrict speech by escalating protests to violence. These are not ideas that we can endorse as an institution of higher education."

Also, this past fall, so busy fall, the registered student group at UC Davis, Turning Point USA, invited Stephen Davis, also known as MAGA Hulk, to speak on campus. In response, students and other

community members protested outside before the event, prompting counter protestors wearing Proud Boy T-shirts to show up. The protests evolved into violence, some students were punched and pepper sprayed and some protestors used barricades in attempt to break down the entrance to the event. In response to the violence, the university canceled the event. I imagine, and you should both correct me if I'm wrong, that at both UC Davis and at Penn State, there were members of the community who strongly believed that Stephen Davis and Gavin McInnes and Alex Stein and their respective ideologies did not have a place on campus.

As you both well know, once a public university opens up a forum, a quad or an auditorium for instance, first speech, it can't allow or deny entry to that space based on the content or viewpoint of the expression. Explaining that is one piece of the equation. My experience is that it's much harder to articulate the value of allowing unpopular or offensive speech on campus, especially when the speech may contradict other core institutional values. So Danny, we'll start with you. I'm hoping you can share some of your experiences having to kind of explain this dilemma or balancing or tension to students and peers and colleagues and how you did it in a way that you hoped would be effective.

Danny Shaha:

Great. Thank you so much for the question. And again, thank you for having me on this today. This is an area of interest that's near and dear to my heart because we are having to navigate these dynamics so often and you're absolutely correct, it's a very difficult path to navigate, both recognizing that someone's speech beliefs and views are incredibly offensive to much of the community while also excelling the virtue and value of free speech, especially on a college campus is a difficult dynamic. As you shared, at Penn State it was a student group, Uncensored America who sponsored the speakers, Gavin McInnes, the founder of the Proud Boys, although he's then since disavowed them. And Alex Stein, a well known provocateur. To your question though, we pursued a number of strategies when we became aware of the event. The event originally we scheduled for October 4th and that's when it was supposed to have happened.

So when we became aware early in the semester, we did a number of things. We've, also learned a lot of things that I would like to share later, but one, first we created and disseminated community statements from our university leadership. Those primarily came from our Vice President for Student Affairs, our General Counsel's Office and our Vice Provost for Educational Equity, and really communicated that we found the views expressed by the speakers [inaudible 00:09:59] but we also supported free speech in the First Amendment. Two, we equipped all the offices across campus that we could think of that would be... that people would inquire or write to or communicate with about the speakers coming. And we equipped all of them with standard responses and communication to help with that across the university. And then really importantly, we responded to groups who express concern or who may have been most impacted by the content of the speech that ranged from student organizations to academic departments, specific academic departments or units to even community groups, local community groups who both expressed outrage or that we felt may be impacted the most by the content of the dialogue.

And we offered to meet, to engage in dialogue with them, to explain the university process and decision and our processes in trying to allow the event to take place but take place safely. Some took us up on those invitations, some did not. And that was a difficult piece for us. There wasn't an interest by many who were expressing the most serious concerns or the most vocal concerns to engage in a dialogue or in a conversation with us. Their position, their stated position was basically that the university should not provide a platform for such hateful or offensive speech or speakers and there was no openness to any alternative view or even having the conversation.

Michelle Deutchman:

And I can see how that would be a challenge. So it sounds like one of the things that you did was not just wait to react, but there was proactive, and I'm going to ask you this question, Danny, before I turned to Radhika, did you share your personal views at all about the guests that were coming? I think it's really hard sometimes or I imagine it's really hard as a student affairs professional to feel like you have to defend the rights of people who you may not actually agree with what they're saying. And I'm wondering if you feel like it's your responsibility to be neutral or if there's a way for you as an individual along with the university to say, "Hey, I think these ideas are important."

Danny Shaha:

Yes, there are times when I did, I most often tried to speak on behalf of the university because I also didn't want to get on the slope of being asked my opinion for every speaker coming in. And I feel like when you start sharing your personal opinion about one speaker, then that will be a question that's asked for future speakers. So there were times, sure, when I had conversations with folks that I would say I absolutely find this aberrant, but most often I tried to stick with the feeling or the opinion of the university that the values expressed or that the content of the dialogue expressed by these speakers is contrary to the values of the university and what we want all of our community members to adhere to. However, for these reasons, they're still being allowed to come to campus.

Michelle Deutchman:

And now I want to turn to Radhika for the student body president perspective in terms of how was it to talk to people about these tensions? What was effective, what wasn't effective?

Radhika Gawde:

I think I would echo Danny, first of all to say that proactive engagement with the student body is probably the most important piece. The most common question I got asked by students was why couldn't I or why couldn't the campus stop the speakers from coming to campus? Because we knew beforehand that their speech would take on a harmful nature to a lot of our campus communities. And I was also taking a First Amendment freedom of speech class at the time so it was kind of interesting to see how the parallels of both happening in real life to me, in a leadership position, but also learning about it in an educational context kind of played out because the week before we'd been learning about hate speech and I got to see how students reacted to theoretical hate speech and how the laws in our country are such that hate speech is oftentimes protected and students didn't take very favorably to that.

But because that happened the week before, I got to see that students tend to respond much better to the idea that regulating negative or offensive speech only really harms minorities. If we start prohibiting certain types of speech we find distasteful, that's a tool that can be leveraged against communities that are typically minorities or have been underrepresented. So I found a helpful tool to communicate to students that... imagine that this is your student organization instead who wants to bring a speaker. It wouldn't be good if the campus decided to unilaterally prevent you from bringing a speaker.

That I found to be particularly helpful as well as I wrote a statement beforehand, before the speaker came to campus, providing resources to students on how to protest safely and to exercise their free speech rights in response to the speaker, but also to offer resources for students who we knew would probably be most impacted by the negative speech that we expected to hear. So counseling resources, confidential and also non-confidential speakers, as well that they could reach out to as well as

community orgs that provided different perspectives than those that we knew would be espoused by the speakers.

Michelle Deutchman:

That's terrific. And if you're both willing, I think we maybe can add some of those pre-event statements and resources that went out to the episode notes so people can see examples of both sort of the before. And I'm imagining we're going to get to the after part. As someone who spends a lot of my time trying to help students, faculty and staff understand what you said, which is that like somebody who wants to censor somebody else's speech today is going to want to censor your speech tomorrow. I'm curious, it sounds like people... I don't want to say were they persuaded because I think you can understand that perspective and still feel like the campus shouldn't give a platform. And I'm wondering, did you find that people A understood it and then two, did they sort of buy it? Did they buy that underlying concept for the First Amendment?

Radhika Gawde:

I think it was more helpful to students than the traditional method of communicating why campuses have a legal obligation to allow certain types of speakers. We saw this after the first incident where campus released a statement leading with their legal obligations to allow the speakers to come and forgetting a little bit to talk about, yes, we have a legal obligation but it doesn't align with our values necessarily. That I found was the typical approach which students generally are not very appreciative of. Whether this be the case or not be the case, they find such a statement to be an implicit support of the values held by the speaker or a school's endorsement of that speaker, which is not what the campus is trying to say, but it's how students interpret that. But leading instead with the value of negative speech, why it's important to not prohibit this type of speech.

And also saying that the values of our institution organization are not compatible with this type of speech, however we do have this legal obligation to allow it to happen. Phrasing statements in that sort of manner allows students to be more open to the idea of the legal and ethical and moral obligations of allowing negative speech because you don't close them off immediately by hearing we have to let this happen, there's nothing we can do. It's out of our hands. Students tend to be more closed off when it's framed that way. So I don't know if it necessarily convinced everyone. I think there are definitely folks that were still incredibly upset with me for putting out what they saw as more of a neutral and less aggressive statement than they would've liked to see in response to the situation. But I do think a lot more students were swayed by the communications ASBCD was putting out in preparation for the first incident than by the communications campus was putting out.

Danny Shaha:

And if I could add, I absolutely agree. I think our university and other universities I've seen have fallen into the pitfall of saying, if not for that pesky First Amendment, we could prevent them when really that's not what we're about as institutions. We need to be sharing the value of the First Amendment, whose speech it actually does protect exactly what Radhika was saying at the beginning. And we can simultaneously say these views expressed by the speakers are aberrant and are contrary to our values, however the First Amendment has value and we do believe in the First Amendment and we will protect free speech on this campus. So I think universities having again fallen into that trap of leading with the law, the law prevents us from doing anything when that may be true, but how you couch that is incredibly important.

Michelle Deutchman:

Well, you're both singing my song because when I do workshops and trainings, I generally say that leading with the law is going to fall as seeming tone-deaf. And what you're talking about is a different framing but I also think both of you have made an additional point which isn't just, it's a statement and that's it. It's a statement with other things that are happening on campus in terms of providing resources. And I'd be interested in exploring with each of you a little bit about whether you want to call it counter programming or counter protests. I know that certainly at Davis there was some programming that was happening at a different place at the same time. I don't know if that happened also at Penn State, but how hard or easy was it to sort of facilitate that? And I guess I would ask each of you in your roles as an administrator and as a student leader, how involved were you in sort of suggesting and pushing for those things?

Danny Shaha:

It's interesting. We've seen an evolution in that. A couple of years ago, I don't remember the year now, but Milo Yiannopoulos came, was invited by Uncensored America, similar sort of community response to what happened in October. And several student organizations created a counter event during the Milo Yiannopoulos speech that was called Love is Louder, it was held in our student union. It was terrific. The entire union was filled with students, community members, lots of just diversity and university support, faculty, staff, students while Milo Yiannopoulos had fewer than a hundred people in the classroom that he was speaking in. So that was a really terrific event. Then when... and I guess that was maybe prior to COVID, so then when we had the Gavin McInnes and Alex Stein event in October, that idea was proposed again, and again that was a student led event. The Love is Louder was student led.

We proposed that idea again to students. What was interesting this time, some students were very interested in that, but some students who really wanted... and students, community members I should say, who really wanted to protest the event actually ended up publicly shaming those organizations who wanted to have an alternative event saying, no, you are complicit then with the university in allowing this event to happen and you should not have an alternative event. You should join us. So that was an interesting dynamic. The primary protest protesting group was one of the groups that would not meet with us or converse with the university and wouldn't identify themselves and were always masked and hooded in any sort of other events they had.

So it was a very difficult dynamic because we did have some students who represented some of our minoritized and marginalized populations wanting to have this alternative event and they ended up having a much smaller event, but they actually felt even unsafe having it because of those other folks who were protesting the event. So then I'll just say the Uncensored America, the event was canceled like you mentioned because of violence in October, and then the Uncensored America wanted to have Alex Stein return in April, so just this... [inaudible 00:22:10] a couple of weeks ago. So we've been preparing for that all semester. It didn't happen for logistical reasons, but there was no interest in having an alternative event among any groups because of really what happened in October.

Michelle Deutchman:

Interesting. Radhika, did you see something similar or different at Davis? I know you had two opportunities at Davis both in the fall and in the spring to think about this kind of polarizing figures coming to campus.

Radhika Gawde:

Absolutely. I think the first time we definitely heard from students that counter protesting was the way they wanted to exercise their sort of free speech rights and their opposition to the type of speech that the speakers were going to be expressing. But we found that to be largely ineffective after students got pepper sprayed at that event by other counter protestors, I want to say, who were identified as Proud Boys by the peril they were wearing. And I think the students also ended up getting punched and beaten a little bit. So I was more hesitant the second time around to broadly publicize from the ASUCD side that protesting was a safe avenue for students to pursue because I knew the second speaker was much larger, more well known, and there seemed to be interest from community members not only within Davis but also Sacramento and beyond to come to the speech. I didn't feel like in good faith that I could endanger student safety by promoting that.

So we began to explore counterprogramming and we quickly ran the same sort of issue where students thought that counterprogramming would substantively like detract from their protesting and would kind of be seen as ASUCD undermining their rights to protest or their message. But we knew we still wanted to host a safe space for students. So we ended up holding a study session in the CoHo, our student government restaurant. It was midterms week, so we marketed it as a midterm study session with snacks and I think we did free coffee.

It wasn't marketed in conjunction to the speakers event, it just happened to be at the same time on a different place on campus because there's also a very credible fear that if folks supportive of the speaker heard about this event and perceived it as being a counter event, they might come to that venue and possibly be aggressive towards students. After the first protest, we had some employees at our coffee house who were being harassed by supporters of the Turning Point student group and we just didn't want that to happen again. So I think that's the way we balanced our obligation to student safety while ensuring that there's another safe space for students to go to beyond protesting.

Michelle Deutchman:

I really appreciate sharing these experiences and I didn't expect for you both to say sort of something similar about this trend, both of, and it makes me very sad, this idea of we're united against the ideology but we're going to turn on each other in terms of the way that we're going to use our voices or choose not to use our voices. To me, that's very, very sad. And then also even this idea that when you are creating a counter program that potentially you open yourself up to be targeted. When we were at Davis, there was a town hall that was something else that the university did in the spring. I remember a couple of students talking about how they were considering, and correct me if I'm wrong, Radhika, that some kind of counter programming event at the LGBTQ center.

But then them feeling, especially since the speaker coming, was interested in targeting people in the trans community that maybe that wouldn't be safe. And how that's also hard that we even have to think about the safety of people who want to do something away in time and place from the actual speaker. And that sort of leads me to... both of the incidents in the fall resulted in some kind of violence and also in certain cases in property damage. And so it leads to the question about the role of law enforcement and I'm going to put out there my experience and I'm someone who's done a lot of training of law enforcement, is that certainly since the summer of 2020 and George Floyd's murder and the death of many other Black individuals, the role of campus law enforcement and the decisions about when and how to use them has become even more fraught.

And so I'm curious if each of you can maybe talk a little bit about the process and how it was determined, how visible law enforcement should be. Should they be in plain clothes, should they be out, should they sort of be behind the scenes until hopefully nothing happens? And I'll go ahead and start with you Radhika.

Radhika Gawde:

I think in the fall we were very hesitant about having a visible sizable police presence. Our campuses generally skeptical of having police and security in events. We rely pretty heavily on Aggie host, which is our student sort of security employees when possible for all of our events and rarely have a police or even security presence. But for the event, I believe we ended up going with having a private security firm, have a couple of individuals there and the police were at a separate site, but monitoring the situation in the event things got violent, which they did, but the police didn't ended up intervening because things just diffused after a peak of the violence. The second time around, however, learning from a lot of the pepper spraying and the violence against students, I think campus was a bit more apprehensive, especially since we were anticipating a sizable number of community members to come to the event on our campus.

And it was held at the pavilion instead. So instead of being in a smaller center, it was in the pavilion, which is a bit easier to secure as a venue. And this time, there was a visible sizable police presence and security presence, I want to say in riot gear, which was pretty shocking to students. And there were a couple altercations between protestors and policing groups, but it did contribute in the end to the impression of the institution protecting the speakers instead of preventing violence, which was unfortunate, but because of various factors, it didn't blow up as significantly into an issue as we'd expected it would. And at the end of the day, I think the most upset people during the second incident were the folks who couldn't go to the gym because the gym had to be shut down after the connecting door between the pavilion and the gym got broken down by protestors. So all ended well, but I think there was a strong concern that a security and police presence would alienate students even further.

Danny Shaha:

And if I could just say ditto. So it's amazing the similarities between our two experiences. Yes, and I'll again refer back to Milo. So Milo, we had a relatively light police presence at that, we didn't expect... there wasn't a lot of internet chatter or social media chatter about... there were some protests, but we weren't concerned about potential violence. However, for the October event, this past October, there was a lot of social media chatter, a lot of calls to shut down the event. And I think that was some of the shaming about the alternative event was, no, we don't want alternative events, which is again, the intent is sort of to take the air out of the concerning event and really have something else. We want to shut this event down. So police... we work in close partnership with police of course, to plan for these events.

I do think they would say they over corrected someone, like Radhika was mentioning, there was a large police presence. We had state police in, they were on horses. I walked out the building where the speech was happening, the event was happening, is just two buildings down from me. And I walked out right after work and it felt like a police state. There were police. And so I actually believe that contributed to a feeling by those there, sort of what Radhika was mentioning, the students felt that we were protecting the speakers, that we were looking to maybe get the protestors in trouble and were trying to squelch their speech. So it created this really, it was an eerie feeling that I've never experienced on a college campus.

And so we are really trying to learn from that but I think that's a difficult place that law enforcement is in too because they're trying... and our law enforcement, like probably many universities try to employ a community policing model to really develop relationships. They do a terrific job for the most part at doing that and they're working with college students purposefully. But in this case, it really created this dynamic that was difficult and I wouldn't say that's the reason that it became violent, but it did create this atmosphere that was really tense for all involved. So we were learning a lot. So we actually modified

that for the April planning where we'll still have police on standby, but the visible presence was not going to be the same if the events had happened in April. We'll have people if we need to, but we will really try to use smaller police presence, administrators, students sort of engaging with folks differently than had happened in October.

Michelle Deutchman:

Well, one question, and I don't know if you have any insights into this, is both of you mentioned this idea that the optics, at least from the student perspective was that the use of law enforcement was to protect the speaker rather than to protect students and members of the campus community. And I'm wondering if you have any thoughts on why that was the optics and if there was a way to switch it around if that's possible or if this is just sort of right now inherent in what people think about what the role of law enforcement is?

Radhika Gawde:

I think just looking at the situation, even though I had been part of the planning process and been part of the debriefs from the last incident, but I walked down from our memorial union to the pavilion where the event was held and it felt like I walked into a different world as Danny said. There were more police officers I think, than I've seen in my entire life in one location with the face shields and holding the physical shields, forming a barricade. They were patrolling around and it was frightening and very jarring for students. And shockingly, I don't think most of the students knew it was happening.

There's an app called Yik Yak, which a lot of the students use. It's an anonymous sort of Twitter where you post whatever you're feeling real time. And a lot of students were just saying, what's going on at the arc? Why are there police officers around the gym? And honestly, not to exaggerate, but it looked like something out of the Hunger Games, if I'm being honest. I've never truly seen that many officers. So I don't think there's any way you can get past that impression if you're going to have that large of a police presence, it's going to look to students like you're trying to protect whatever's going on in that building. And in that case, it was a speaker that a lot of the students found to be distasteful.

Michelle Deutchman:

Thanks. Danny, I'm guessing you have something to add and it might piggyback on what Radhika said.

Danny Shaha:

Yeah, no, I think just a similar thought. I think that we are increasingly seeing students, and I don't have the answer for this and I'd be curious about Radhika's thoughts, but seeing students really approach some of their relationship with the university in a sort of contrary way. We are often, and I've never been called this in my career, but the last couple of years I'm the admin. We are the admin and it's admin versus students and admin versus, and so it's kind of caught us off guard somewhat I'd say maybe it shouldn't have, so really developing those relationships with students generally. And so I'm talking about the admin, but also police, we really learned... we had the, and I'm not saying it's a benefit, but because the October event was canceled, we engaged in lots of conversations before that event, but then a lot of conversations after that event.

And so then our April, our planning for the April event really benefited from that so that we didn't have the same pushback or concerns among the community because we had such robust conversation, broad-based conversations, broad-based planning. So we didn't hear as much of the admin or police are out to get us, it was we understand now the First Amendment, we understand free speech and why the

university has to do that, but how are you going to help make sure this is a safe event and how are you going to maybe think about the location differently? So it's away from residence halls, so it's away from student run spaces, so what can we do differently?

So the conversation did change, but I think that is a huge piece of the learning is that sure, when we become aware of an event, the conversations, but I actually think and some of my work in the fellowship and research is we need to engage in these conversations in an ongoing way, whether or not we have a controversial speaker coming, but having regular forums for student dialogue that are generalized to the university community, but also specifically targeted communities as well. So I think that's a piece of it and I think that helps them with challenging the dynamic of admin or police versus students.

Michelle Deutchman:

Well, and that actually is a perfect segue way to what I was going to ask about next, which you've started to touch on, which is again, my experience in working with a number of different institutions across the country is that in these situations some of the success depends on the level of cooperation that's able to be attained between students and administrators. And I'm wondering based on all of the experiences each of you have had, if you're going to be speaking to your cohorts who are listening today about things to think about and ways to sort of broker that and elevate that partnership, what you might say to people, especially as they look ahead into what... I don't think anyone thinks it's going to be a quiet fall. Do you want to go ahead Radhika?

Radhika Gawde:

Absolutely. I think something that works really well on our campus is I have a very close relationship with the chancellor, the provost, and a lot of our other campus leadership. So our student life, student affairs, administrators, and pretty much every major campus administrator, academic senate, everyone meets regularly with me as ASUCD president and that's not the case at even the other UCs or other campuses across the country. And that I found set us up very well for success because we had a regularly scheduled chancellor meeting immediately after... we meet once a month with the chancellor and the senior leadership team. And our regularly scheduled meeting happened to be after the first incident. So we were very quickly able to let the university know that the response to the first incident was not appropriate and did not resonate with students in the way they thought it might have been received.

And we were able to get the chancellor after some pushing to publish a video leading with more of the value type of approach we discussed earlier where we asked the chancellor to share his personal maybe frustrations with the speech and then some of the legal obligations instead of the statement they put out, which kind of mischaracterize the event. Also as a student, I tend to hear things before campus administrators do. So I was at the event, I know student affairs staffers were inside the event, but I was outside and I saw the Proud Boys show up. So I was able to send a quick text to our student affairs associate vice chancellor and let them know that like hey Sheri, I see folks coming. It looks like things are going to get violent. What can we do to make sure our students remain safe? So that kind of proactive communication I found really helped. And also having regular forums and a regular connection with your student leaders to allow them to know that, hey, you've messed up. Let us help you fix this. I think that's really important as well.

Michelle Deutchman:

Thanks. And before Danny jumps in, I'm so glad you gave a shout-out to Sheri Atkinson because she's terrific and the video was really great and the town hall that I was able to be part of, I can tell was really thoughtful and intentional in the way it was thinking about these issues. So let's go Aggies, right?

Radhika Gawde:

Absolutely. I love Sheri.

Danny Shaha:

Yeah, and I would agree, I think those regular forums with students, student leaders, not just those who we feel may be impacted most by the speech or who the target of the speech is, but really students across the board, I would also though, I know you're asking about students, but I would also say partnerships with the academic colleges, with our Deans because we have a lot of faculty who had a lot of interests and criticism and we're talking with students, and so really engaging the entire community in that dialogue I think is so helpful. One piece I would mention, the event in October was partially funded by our student fee and there's a board, student run board, that manages that student fee, but as part of the university, of course they have to remain content and viewpoint neutral, but they kind of came under a lot of fire by students because they awarded funds to Uncensored America to host that.

So one of the lessons learned too is we were very vocal this semester and with the April event to communicate on behalf of the board that they needed to be viewpoint and content neutral, that they couldn't make funding decisions and so they appreciated that. I think they felt really under fire because they had made some decisions that they had to in the fall, but that was a learning too. So partnering with them and partnering with our student leadership, we have a similar relationship with our student leaders, we have four different student governments sort of at Penn State and really engaging them proactively and continuously in the planning for these events and in their communication strategies and in hearing their concerns and what they're hearing from their constituencies was so important in our planning efforts.

Michelle Deutchman:

Thank you for reminding me about the constituents outside of students and administrators. And I'm guessing that your fellows project, which people will be able to learn from later this summer is probably going to include all of those different groups. I guess one of the other things I just want to ask about, and I know it's kind of going back a little, is just sort of this town gown relationship off campus on campus. Because I think sometimes people forget when they look in from the outside and they're like making these arguments about how the sky is falling on public school campuses. And part of what isn't always discussed or focused on is the role of people who are not part of the campus community. And that seems like something that's very challenging and it sounds like it happened in both of the situations at your various schools. And I don't know if you have any thoughts or lessons learned from that.

Danny Shaha:

Yeah, I'll start. Yes, definitely. Like many probably college campuses, we exist in a college town and so we do have a large impact on the community around us. So we did and we we're fortunate to benefit from a really terrific relationship with our local police, our local... it's a borough of state college or local borough government. And so when we became aware of these events, we did partner pretty quickly with them because one, we request the assistance of local police in managing large events, whether it be football games or controversial events like this. And then two, knowing the impact we have and many of our faculty staff live in the community, have opinions. So our borough of state college actually

put out an opinion in support of the university's decision to allow the event to occur but even the local school board discuss this.

So it's really important I think to have that dialogue with them recognizing the larger impact. And even one of the visual pieces that most people identify if they're aware of the event that happened in October, one of the things that made national news was a person spitting on Gavin McInnes, or not Gavin McInnes, Alex Stein and that there was a image of that, a video of it and it made national news and people said that was actually a Penn State student, it wasn't, it was a local high school student. And so there is larger impact and that's... one of the groups that was most vocal that they have student [inaudible 00:44:01] but we're actually very confident that many of the members are actually community members, not students. So I think engaging this larger dialogue broader than the university is incredibly important.

Michelle Deutchman:

How about you Radhika? I know there was a group, if I'm correct, called Cops Off campus that was interested in making sure that there were not cops on campus, which I think probably played into these elevated tensions when there was law enforcement.

Radhika Gawde:

Absolutely. I think Davis has an interesting situation where there's some organizations like Cops Off Campus whose membership is a mix of students but also community members, faculty. And that makes for a really interesting dynamic where you're getting a lot of criticism or concerns from not just students but again faculty and community members. But something that I find helpful and naturally this is a bit easier because as student body president, my mandate is to represent undergraduate students. I found that it was okay to prioritize concerns coming from undergraduate students or their need for safety or their need to understand how to best exercise their free speech rights or elevating their concerns rather than prioritizing some of the concerns or criticisms that I got from community members and faculty. I think making those kinds of judgment calls and leadership positions about making sure everyone's voices are heard, but making sure your decision prioritizes those you're meant to represent I think is also okay.

Michelle Deutchman:

So I'm sad that we're kind of wrapping up because I have so many more questions. I think one of the last ones I want to ask because we've focused so much and I think it's been very pragmatic and useful and sort of the run-up to and then the following, but what happens when you get back to day-to-day life? What kinds of things go into restoring, the word I'm going to use is equilibrium. I'm not even sure if that's the right word. As people kind of move from this very intense situation back into their normal life and how do you make sure that the impact doesn't continue to be felt as people go about their day-to-day business?

Radhika Gawde:

The message that was communicated out, I think both by Chancellor May and a little bit by myself as well, is that the most powerful message in times like these, when a provocative speaker comes and shares arguably very hateful rhetoric with the campus community, the most powerful thing is to have them speak to an empty room and not give in to their outrage and not allow them to monetize it by recording protestors and any of those altercations between the speaker and our students. So I think as long as that messaging is prioritized during the incident, it's pretty easy to move on by just continuing

with your regular programming and working hard throughout the year to build that kind of resilient campus community like Danny said, that's able to respond very quickly when things like this happen. So they feel that you're a body they can trust to reach out to when things do get tough and to help them bounce back right after.

Danny Shaha:

Yeah, I'd just reiterate all those things that Radhika said. I think the meetings, the conversations, the communication, working closely with also our D&I partners, the offices that work closely with D&I or support D&I efforts because oftentimes they have their ear to the ground more than maybe others with the needs and impact to different communities. And so making sure that we're really engaging all of our resources across campus and supporting our community, but then really just continuing that dialogue.

Michelle Deutchman:

I have to say both Davis and Penn State are very lucky to have the two of you in leadership roles and we're kind of coming to the end and I guess I just want to give both of you an opportunity to share anything else that comes to mind. It doesn't necessarily need to be about provocative speakers and events on campus. It could also just be about more of the mission of the center and what people might do to engage in civic engagement and engage in speech and raise their own voices or help to raise the voices of others. I'm going to sort of open it to both of you before I thank you.

Danny Shaha:

One thing I would say that I wanted to mention, I mentioned at the very beginning that most of the campus statements that we put out were maybe from our Vice President for Student Affairs or general counsel and our Vice Provost for Educational Equity. What was interesting about that is some of the critics of the statements put then the message on those folks rather than the university. They were like, well, maybe you're not speaking for the university. So one lesson learned for us was that we needed our president to be very visible and vocal.

And so the people when she speaks, she is speaking clearly then on behalf of the university, and so it couldn't be Danny Shaha said, it's the university is saying. And so she did an anticipation of the April event, she did put out a video that I thought was terrific on the value of free speech on controversial speaking and why we're allowing these kinds of events to happen. But that also then created sort of a tone across campus where people understood, okay, even if I disagree with it, this is the university speaking, I can't just put it on this administrator who may or may not be speaking on behalf of the university.

Radhika Gawde:

Probably the two takeaways are talk often to your student leaders and lead with your values.

Michelle Deutchman:

I am incredibly grateful to both of you for being so generous with your time, but also for being so candid and direct and open about your experiences. I think one of the values that I really try to promote at the center is sharing resources. And I think the best way that we can do that is to share what went well and what didn't want go well because obviously if the two of you on different sides of the country had very similar experiences, I have to believe that there are many people who are going to resonate with the things that you're saying. And so I'm grateful to you. So again, thank you so much.

Danny Shaha:

Great. Thank you.

Radhika Gawde:

Thanks for having me.

Michelle Deutchman:

Thanks for joining us for today's episode, and thank you again to Radhika and Danny for sharing their thoughts and guidance. This month, the center announced the selection of our sixth class of fellows. We're honored to have 10 new scholars, staff and graduate students joining our community and working on research focused on higher education's role in preparing scientifically literate voters, diversity professionals views on political bans and marginalized students' experiences with bias and hateful speech among other topics. To view more about our new fellows and their projects, you can visit our website, freespeechcenter.universityofcalifornia.edu. And as always, please subscribe to our mailing list to keep up with our work. Talk to you next month.