



THE DOUGLASS DEBATE SOCIETY

The Douglass Debate Society encourages students to think deeply and critically about contemporary issues and policies that have high significance to communities in Pennsylvania and communities of color in the Commonwealth and beyond. It provides opportunities for debaters to develop leadership, public speaking and advocacy skills that are cornerstones to engaged citizenship.

Douglass Debate Society, Spring 2017

Information Packetⁱ

Hate Speech

Topic

Resolved: The Pennsylvania State System of Higher Education should adopt a system-wide policy prohibiting hate speech on campuses.

Background

This semester debaters will explore the controversy over campus codes designed to combat hate speech. As many as one third of US campuses have speech codes, although the definition of hate speech is controversial and varies. Some campus policies define hate speech as any intentional expression of intimidation or violence aimed at a member (or members) of a race, religion, gender, or other protected group.

Debaters on the affirmative side of the resolution will defend speech codes. The affirmative might compare hate speech to verbal assault, arguing that campus speech codes would prevent serious emotional and/or physical injury to individuals. A further argument is that speech codes promote civility by establishing ground rules for free speech and free association. Affirmative debaters will have the burden of defining what they mean by “hate speech.”

Debaters on the opposition will reject speech codes. Many opposition arguments will appeal to the importance of free speech, as guaranteed by the First Amendment. Debaters might argue that it is more important to protect the speaker’s right to speak than to protect the audience’s right not to be offended. Lastly, opposition debaters might argue that civility on campus is better achieved through free speech, not restricted speech.

The issue of hate speech on college campuses gained national attention in 2015 when activists at the University of Missouri forced the resignation of Tim Wolf, president of the University of Missouri

System. Activists argued that President Wolf was not doing enough to address racist hate speech and a racially hostile environment. Months of escalating racial tension came to a head when: the hallway of a dormitory was vandalized with a Nazi swastika and the words “you have been warned”; the student body president was called the n-word; and a black students’ play rehearsal was interrupted by racial slurs. The president stepped down in part because of a hunger strike declared by a Missouri graduate student and because the football team threatened to go on strike. Nine days after Wolf stepped down, the campus was rocked again when a MU student made a threat to “kill every black person I see” on multiple social media platforms, including the anonymous Yik Yak. The suspect was arrested and charged with “making a terroristic threat.”

Debaters are encouraged to explore the merit of “trigger warnings” and campus “safe spaces.” In Fall 2016, the University of Chicago sent a letter to all freshman saying that the campus would not support trigger warnings or safe spaces. Around the same time, and drawing on similar arguments, The Atlantic magazine ran an influential article titled “The Coddling of the American Mind” which argued that hate speech codes, trigger warnings, and safe spaces harm education.

Affirmative debaters are asked to defend a hate speech policy for the Pennsylvania State System of Higher Education. Opposition debaters will argue against the proposed speech code. Debaters will want to familiarize themselves with documented cases of hate speech in Pennsylvania. Although not a PASSHE school, the case of Lehigh University (a private school in Bethlehem, PA) is instructive. In 2013 Lehigh University’s most prominent multicultural meeting place, the UMOJA House (Umoja is Swahili for unity) was egged and vandalized with racist graffiti. The Lehigh campus continues to deal with the fallout from the 2013 event; currently they are under federal investigation for having a racially hostile environment.

Pennsylvania’s State System of Higher Education currently has no system-wide policy addressing hate speech. When such codes exist on particular campuses, they are usually found in campus-specific student handbooks, student catalogues, and equity policies. There have been unsuccessful attempts on PASSHE campuses to adopt speech codes. In 2003, Shippensburg University made national news when its hate speech code was struck down in district court (*Bair v Shippensburg University*, US District Court for the Middle District of PA, Sept 3, 2003). The Shippensburg code stated that: “Acts of intolerance directed toward other community members will not be condoned. This is especially true, but not limited to, acts of intolerance directed at others for ethnic, racial, gender, sexual orientation, physical, lifestyle, religious, age, and/or political characteristics.” Shippensburg’s code was struck down because it was overly broad and therefore caused an unconstitutional restriction of free speech, according to the court’s decision.

Electronic Resources

The following sources can be used as a starting point for research. All the articles below are either (a) directly findable through google (follow the electronic link), or (b) the article is available through your library's electronic database, EBSCO Host. Articles that have no electronic link provided can be found through EBSCO Host.

Newspapers & Magazines & Basic Definitions

1. "The Coddling of the American Mind," *The Atlantic Magazine*, 2015. (Argues that speech codes are bad for education because students are protected from the realities of the marketplace of ideas. Controversial article, many responses to it online.) [Link](#)
2. Anderson, Nick and Svrluga, Susan. "Can colleges protect free speech while also curbing voices of hate?" *The Washington Post*, Nov 10, 2015. (General overview of the pros and cons of speech codes. Discussed Yale and Missouri cases.) [Link](#)
3. American Bar Organization. "Students in Action: Debating Hate. (Brief discussion of pros and cons of speech codes.) [Link](#)
4. "Higher Education Free Speech Issues," Findlaw.com (Offers a definition of hate speech and hate speech codes.) [Link](#)

In-Depth, Peer Reviewed Sources (all available through EBSCO Host)

1. Hatfield, K. L., Schafer, K., & Stroup, K. A. (2005). "A Dialogic Approach to Combating Hate Speech on College Campuses." *Atlantic Journal Of Communication*, 13(1), 41-55. (Peer reviewed article discussing the nature of hate speech and ways colleges and universities can address hate speech.)
2. Tsesis, Alexander. "Burning Crosses On Campus: University Hate Speech Codes." *Connecticut Law Review* 43.2 (2010): 617-672. (Legal article, extensively discusses debates over hate speech codes on campuses and whether they violate free speech.)
3. Gould, Jon B. "The Precedent That Wasn't: College Hate Speech Codes And The Two Faces Of Legal Compliance." *Law & Society Review* 35.2 (2001): 345. (Law review article. Classifies types of campus speech codes using a classification system from Vanderbilt University's First Amendment Center)

Opinion Pieces

1. Burleigh, Nina. "Fightin' Words." *Newsweek Global* 166.21 (2016): 24-33. (Opinion article arguing against hate speech codes.) Find in EBSCO Host.
2. Gould, J. B. (2007, April 20). Returning Fire. *Chronicle of Higher Education*. pp. B13-B15. (Opinion article arguing speech codes do not threaten free speech on campus) Find in EBSCO Host.

3. Pavela, Gary. "Only Speech Codes Should Be Censored." *Chronicle of Higher Education* Dec. 2006: B14+. (Argues that speech codes on college campuses are harmful. Discussed Shippensburg University speech code.) Find in EBSCO Host.
4. "No, there's no 'hate speech' exception to the First Amendment," Eugene Volokh, *The Washington Post*, May 7, 2015. (Argues that speech codes are inconsistent with the freedom of speech guaranteed by the First Amendment) [Link](#)
5. "Content Notice: Here Are A Few Ways Professors Use Trigger Warnings." *Code Switch Podcast*, NPR. (Podcast discussing trigger warnings and safe spaces on campus.) [Link](#)

Campuses: Shippensburg, Lehigh, Missouri, and Chicago

1. "Suit Challenges a University's Speech Code," *NYT*, April 24, 2003. [Link](#)
2. "Court overrules campus speech code," *UPI*, Sept 5, 2003 [Link](#)
3. *Bair v Shippensburg University*, (US District Court for the Middle District of PA, Sept 3, 2003) [Link](#)
4. "Lehigh U. Being Investigated for 'Racially Hostile Environment'" *DiversityInc.com*. [Link](#)
5. "Update: Graffiti, egging of Lehigh University's UMOJA house sparks calls for action on campus." *Lehigh Valley Live*. Nov 6, 2015. [Link](#)
6. "University of Chicago Tells Freshmen It Does Not Support 'Trigger Warnings.'" *NPR*, August 26, 2016. [Link](#)
7. "The incidents that led to the University of Missouri president's resignation." *The Washington Post*, Nov 9, 2015. [Link](#)

ⁱ Compiled by Veronica Watson (IUP) and T Storm Heter (ESU).