



## HIGHER ED ISSUE BRIEF

### Election Year 2020: Preparing for Protests & Political Activism

This year, colleges and universities across the country should expect the likely divisive political rhetoric of the 2020 Presidential Campaign to impact even the most bucolic of campus environments. In some ways, this is business as normal at many schools. From the AAUP's Declaration of Principles in 1940 to the birth of the free speech movement at UC Berkeley in the 1960s, most colleges and universities have highlighted the critical nature of free expression as fundamental to their mission.

Institutions of higher education, with their long and noble tradition as crucibles of critical thought and ideas, are likely to face a very different and challenging dynamic this election season. The issues most relevant to current students—from diversity, equity, and inclusion and policing to climate change, sexual assault and COVID-19—are not only contentious themselves, but “free speech,” the primary vehicle of protest, has become a contentious subject in its own right.

In many ways, President Trump's March 2019 Executive Order on Free Speech “encouraging institutions to foster environments that promote open, intellectually engaging, and diverse debate” was viewed by a variety of groups such as FIRE (The Foundation for Individual Rights in Freedom) and TPUSA (Turning Point USA) as supporting their goal to “break the left's stranglehold on campus.” Perhaps to these organizations' credit, the battle lines are no longer as clear as they once were with the politicized issue of free speech increasingly pitting faculty one against another and creating a disconnect between the administration who value freedom of speech, and students—brought up in the social media age—who increasingly value freedom from speech.

From large protests and high profile, contentious headline grabbing speakers to the day-to-day antagonism between student groups and professors expressing personal political opinions to insufficient or inconsistently-applied time, place and manner rules, or even peaceful protests disrupted by professional “non-affiliates” looking to cause trouble on campus—we can expect a tumultuous season, both pre- and post-election, that likely will put your campus leadership under intense scrutiny.

### 5 QUESTIONS TO ASK YOUR TEAM

- 1 Do we have—and have we posted—clear conduct and/or social media guidelines that address free speech/hate speech/online harassment issues?
- 2 Do we have clear event approval and risk assessment criteria in place to ensure appropriate vetting of and preparation for outside speakers and events?
- 3 Do we have clear and posted guidelines about protests and gatherings during the COVID-19 pandemic? Have they been communicated to the campus community?
- 4 Are we aware of police “use of force” protocols and the role of our administration relative to police actions? If we do not have a university police force—or in case of a large event—do we have an MOU in place with local, county and state police?
- 5 In addition to an Emergency Management Plan, do we have a Crisis Management AND a Crisis Communication plan in place?



## STEPS TO TAKE NOW

### UPDATE YOUR POLICIES

Many schools rely on AAUP's 1940 Statement of Principles as the bedrock of their approach but often little more is in place. Establish/expand the following to ensure clarity, consistency and alignment with core institutional values:

- Open Expression/Free Expression Policy
- Social Media Policies
- Student/Faculty Code of Conduct
- Time, Place and Manner Restrictions
- Campus Police Use of Force Guidelines
- MOU with Local Police Agencies

### REVIEW YOUR EVENT GUIDELINES

Ensure that your "Event Guidelines" or equivalent policy defines the process by which speakers and events are approved. It should include:

- Detailed procedures regarding application and approval process with related time-frames and deadlines, including specific reviews and approvals
- Associated fees and host responsibilities for maintaining a safe environment
- Criteria and process for when/if the administration decides to cancel/postpone an agreed event/speaker

### ESTABLISH SAFETY/POLICE PROTOCOLS

The Robinson Edley Report (2012), completed after the pepper-spray incident at UC Davis and available online, provides 49 specific recommendations and is generally an excellent resource in this area.\* It is important to:

- Identify a senior administrator to be on-site at the time of any protest and potential police action
- Ensure a resource is available to video record the protest as an official record of events for either potential litigation, training purposes, judiciary processes, etc.
- Define a core team to support prompt decision-making
- Detail specific decisions reserved for the President

### EDUCATE YOUR CAMPUS

Ensure that students and faculty receive orientation and training on your school's values and policies relative to freedom of expression, harassment and diversity including:

- Principles of Community
- Protected Speech
- Avenues for Expression (time, place, manner rules)
- Consequences of Violation of Conduct Rules

*\*Protest management is a large topic and will be more broadly addressed in a future BMCG Issues Brief.*

## NEED SOME HELP?

### WE'VE BEEN THERE

From pepper spray to protests, from academic freedom to provocative speakers; our team has been in the trenches with schools in crisis for decades helping college and university leadership manage their response. We know what works, what doesn't, and how to prevent needlessly making the situation worse.

### WE'LL HELP YOU PREPARE

It's clear, this is an elections season like no other. Don't wait until the controversial speaker is on campus, hate speech is roiling your community, or the protest posters are printing. Our team can help you plan your response now with policy and crisis management and communications plan review and development, leadership training and exercising, and campus emergency and police response protocols.



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