

Scenario 3a: “Responding to Hate Speech Bias Incident”

Standard Seven: *Has an understanding of the procedural knowledge for responding to bias incidents when they occur on college or university campuses.*

Standard Eleven: *Has current and historical knowledge related to issues of nondiscrimination, access, and equity in higher education institutions.*

Standard Twelve: *Has awareness and understanding of the various laws, regulations, and policies related to equity and diversity in higher education.*

A video was posted online by a Black student group at the University of Oklahoma showing members of the campus chapter of the Sigma Alpha Epsilon (SAE) fraternity chanting racist remarks and racial slurs. The brief video went viral. The university president immediately called for an investigation regarding whether students violated Title VI of the Civil Rights Act, and quickly severed ties with the fraternity, instructing SAE members to leave the fraternity house and close it down.

A debate of whether this was an issue of Title VI of the Civil Rights Act of 1964 or an issue of free speech has become the focus of a legal dispute. Alumni and members of the chapter hired a lawyer saying that their due process rights may have been infringed, and that fraternity members have been harassed and threatened with physical assault since the video. The lawyer said that the eviction of all of the fraternity members raises questions about whether the university was allowed to take such actions and whether there was due process prior to severing ties. The lawyer has concerns that member’s First Amendment rights were violated. A libertarian group, Foundation for Individual Rights in Education, said that it was unconstitutional for the university to expel fraternity members for their speech, no matter how hateful. Many constitutional law scholars have come out in media interviews to declare that the university may have violated the First Amendment rights of the students.

The Sigma Alpha Epsilon chapter in Norman has had two black members in the past, but according to alumni, none recently. Part of the chant expressed intentions to prevent African American students from gaining admission to the fraternity and made references to lynching with the words, “You can hang him from a tree, but he can never sign with me.” Legal scholars disagreed about whether there is evidence of any direct threat or provocation because the chant occurred on one of five buses in a convoy containing only fraternity members and their dates on their way to a formal event sponsored by the fraternity.

Question: If you were the CDO for this institution, how would you describe your role in helping the university respond to this incident?

Question: How would you respond to students who are protesting and demonstrating about racism on campus and stating that this university and this fraternity has a long history of racism, discrimination and offensive theme parties?

Question: How would you describe your role with respect to the legal issues raised in this case?