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## Faculty Member Experiences When Identifying and Addressing Prohibited Speech in the Classroom

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**FACULTY MEMBER EXPERIENCES WHEN IDENTIFYING AND ADDRESSING  
PROHIBITED SPEECH IN THE CLASSROOM**

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## **ABSTRACT**

### **FACULTY MEMBER EXPERIENCES WHEN IDENTIFYING AND ADDRESSING PROHIBITED SPEECH IN THE CLASSROOM**

Scott Jeffrey Bye  
Old Dominion University, 2021  
Director: Dr. Dennis Gregory

The purpose of this study was to describe faculty member experiences related to identifying and addressing prohibited speech in the classroom. The researcher studied faculty members at University of North Carolina (UNC) system institutions using a multiple case study research approach based on the constructivist paradigm. For the purposes of this study, prohibited speech was defined as behaviors that fall into any category deemed not protected or prohibited in case law by the Supreme Court of the United States. These prohibited behaviors included Harassment, Obscenity, Defamation/Libel, Incitement, and True Threats.

Researchers found that faculty members are unable to determine if the speech used is prohibited, they do not know how to address prohibited speech, and they lack the knowledge needed to successfully implement a response (Boysen, 2012b; Boysen & Vogel, 2009; Boysen et al., 2009; Miller et al., 2018; Sue, Torino, Lin, et al., 2009). The current literature did not address faculty member experiences related to identifying and addressing prohibited speech.

Data was collected using a combination of a document analysis and semi-structured interviews. Participants were faculty members currently employed at one of the 15 UNC higher education institutions and the sample was developed using purposeful and criterion sampling. The criteria for participation were restricted to faculty members with a title of at least Associate Professor and who taught undergraduate courses in the humanities or social sciences. Data

analysis began with the transcription of each interview and the data were analyzed using descriptive and focused coding.

The analysis of the data revealed four major themes: (1) inadequate understanding and awareness of prohibited speech, (2) the impact of increased structure in the classroom on reducing the use of prohibited speech, (3) a faculty member's personality and experience level as an effective factor for identifying and addressing prohibited speech, and (4) inadequate professional development, resources, and understanding of policy. These findings suggested that faculty members do not know how to define prohibited speech, faculty members are stopping the use of protected speech, and that current professional development opportunities should be replaced with interactive workshops.

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This dissertation is dedicated to my parents, who helped me succeed by always telling me to step outside of my comfort zone.

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## **CHAPTER I**

### **INTRODUCTION**

The researcher aimed to assess faculty member experiences related to identifying and addressing prohibited speech in the classroom. This study concentrated on faculty member experiences related to identifying and addressing violations of university policies that deal with behaviors that fall into any category deemed not protected or prohibited by the Supreme Court. These prohibited behaviors include Harassment, Obscenity, Libel/Defamation, Incitement, and True Threats.

Understanding faculty member experiences related to identifying and addressing prohibited speech is important to several key stakeholders including institution leaders, faculty senates, governing boards, policy makers, and other researchers. Each year, there are numerous issues on college/university campuses involving faculty members who do not understand prohibited speech and how to lawfully interact with students. These incidents make institutions and key stakeholders vulnerable to negative attention and/or legal action. It is believed that the results of this study will help key stakeholders better understand faculty members experiences in the classroom. Knowing this information will allow key stakeholders to make policy changes and create professional development opportunities that can better meet the needs of the faculty.

A review of the literature narrowed this study to the following important facets of faculty understanding of prohibited speech. Researchers have found that faculty members lack knowledge related to prohibited speech and that faculty members experience challenges when identifying and addressing prohibited speech in the classroom. Specifically, researchers have determined that many faculty members are unable to determine whether the speech used is prohibited, do not know how to address speech that is a violation of policies against prohibited

speech, are unable to select the appropriate response, and lack the knowledge or skills needed to successfully address prohibited speech (Boysen, 2012b; Boysen & Vogel, 2009; Boysen et al., 2009; Miller et al., 2018; Sue, Torino, Lin, et al., 2009). The current literature does not address faculty members' experiences when they identify and address prohibited speech. Given this information, this study focused on understanding what faculty members experience when identifying and addressing prohibited speech in the classroom.

### **Current State of Speech on Campus**

Speech on college/university campuses has become a significant issue in higher education as prohibited speech incidents have increased across the country. Enrollment data showed that a majority of students were women and almost 40 percent of students identified as racial and/or ethnic minorities (Boysen, 2012a; Boysen et al., 2009). This increase in diversity provides countless benefits for institutions but has also created numerous incidents related to prohibited speech that higher education leaders must address (Boysen, 2012a; Boysen et al., 2009; Sue et al., 2009). Approximately 50 percent of students have reported encountering some type of prohibited speech on campus, and most prohibited speech occurred in the classroom (Boysen, 2012a, 2012b; Miller et al., 2018). Researchers have found that only about 10 percent of students experience prohibited speech in public spaces on campus, but almost 35 percent of students have experienced prohibited speech in the classroom (Boysen, 2012b; Sue et al., 2009). Though the use of prohibited speech usually has negative consequences, the effects are magnified in the classroom. Researchers have found that prohibited speech prevents students from cognitively processing information, which can negatively affect their academic performance (Boysen, 2012a; Sue et al., 2009).

### **Literature Gap**

The researcher advanced the body of knowledge on this topic as the research topic addresses a gap in the literature. Researchers have found that faculty members lack knowledge related to prohibited speech and that faculty members experience challenges when identifying and addressing prohibited speech in the classroom. Specifically, researchers have determined that many faculty members are unable to determine whether the speech used is prohibited, do not know how to address speech that is a violation of policies against prohibited speech, are unable to select the appropriate response, and lack the knowledge or skills needed to successfully implement a response (Boysen, 2012b; Boysen & Vogel, 2009; Boysen et al., 2009; Miller et al., 2018; Sue, Torino, Lin, et al., 2009). The current literature did not address faculty member experiences related to identifying and addressing prohibited speech. Given this information, this study focused on understanding what faculty members experience when identifying and addressing prohibited speech in the classroom.

Additionally, many of the researchers who have studied this topic have focused on individual or groups of higher education institutions located in the northern and midwestern sections of the United States (Boysen, 2012b; Boysen & Vogel, 2009; Boysen et al., 2009; Miller et al., 2018; Sue, Torino, Lin, et al., 2009). There has not been a focus on institutions in the southern United States. By focusing on a population that has not been previously researched, institutions in the southern state of North Carolina, this study also expanded the body of knowledge in that way.

### **Purpose Statement**

The purpose of this study was to describe faculty member experiences related to identifying and addressing prohibited speech in the classroom. The researcher studied faculty

members at University of North Carolina (UNC) system institutions using a multiple case study research approach based on the constructivist paradigm. For the purposes of this study, prohibited speech was defined as behaviors that fall into any category deemed not protected or prohibited in case law by the Supreme Court of the United States (the Court). These prohibited behaviors included Harassment, Obscenity, Defamation/Libel, Incitement, and True Threats.

### **Research Questions**

The results of this study answered the following research questions and highlighted what faculty members experienced when identifying and addressing prohibited speech in the classroom.

#### **Research Question 1**

How do faculty members describe their experiences identifying prohibited speech in the classroom at UNC system institutions?

#### **Research Question 2**

How do faculty members describe their experiences addressing prohibited speech in the classroom at UNC system institutions?

#### **Research Question 3**

How do faculty members describe the differences in identifying and addressing prohibited speech, based on type, at UNC system institutions?

### **Professional Significance**

Understanding faculty member experiences related to identifying and addressing prohibited speech is an important contemporary issue in higher education as an increasing number of faculty members have to address prohibited speech in the classroom (Boysen, 2012c; Sue, Torino, Capodilupo, et al., 2009). This increase is coupled with the fact that many faculty

members are unable to determine whether the speech used is prohibited, they do not know how to address prohibited speech, and they are unable to select the appropriate response to address prohibited speech (Boysen, 2012c; Boysen & Vogel, 2009; Miller et al., 2018). The combination of increased incidents and lack of knowledge can expose institutions and key stakeholders to negative attention and legal action. To address these issues, this researcher seeks to describe faculty member experiences related to identifying and addressing prohibited speech in the classroom. The outcomes of this study may help to determine why there is a knowledge gap and how institutions can better train faculty members.

Given the significant implications of improper handling of prohibited speech incidents, the results of this study will be important to several key stakeholders including institution leaders, faculty senates, governing boards, policy makers, and other researchers. The results of this study may help key stakeholders understand how faculty members are addressing prohibited speech issues and where there are deficiencies in faculty understanding. Knowing this information will allow key stakeholders to create professional development opportunities that can best meet the needs of the faculty.

### **Research Paradigm**

This study was based on the constructivist research paradigm as the aim of the study was to understand the participants' experiences related to identifying and addressing prohibited speech in the classroom. This paradigm assumes that a *universal truth* cannot exist because contextual perspectives and subjective voices exist. Constructivists study how and why participants construct meaning in specific situations (Charmaz, 2006; Hays & Singh, 2012). Knowledge, based on this paradigm, is constructed through social interactions, shared experiences, and the understanding of how individuals construct knowledge (Charmaz, 2006;

Hays & Singh, 2012). An advantage of this paradigm was that it allowed the researcher and participants to closely interact while still allowing the participants to share their experiences (Baxter & Jack, 2008). This close interaction enabled participants to openly share their experiences and allowed the researcher to have a more comprehensive understanding of those lived experiences (Baxter & Jack, 2008).

### **Methodology**

The research questions for this study were answered using the multiple case study methodology. The multiple case study methodology was used to develop a comprehensive understanding of how University of North Carolina (UNC) system faculty members identified and addressed prohibited speech used in the classroom. The multiple case study methodology was chosen as it was the optimal methodology for answering “how” and “why” questions (Hays & Singh, 2012; Merriam, 2009; Yin, 2014). Specifically, the multiple case study methodology involved collecting and analyzing data from several cases that can be distinguished from the single case (Agranoff & Radin, 1991; Merriam, 2009). The individual cases shared common characteristics and were categorically bound together. The multiple case study approach allowed the researcher to look for unique and common experiences, patterns, and relationships (Agranoff & Radin, 1991; Merriam, 2009). By comparing the multiple cases, the researcher was able to build explanations and identify important variables that originated from the different cases (Agranoff & Radin, 1991; Merriam, 2009). This study design was appropriate for this study because the purpose was to explore the experiences of faculty members at UNC system institutions have related to identifying and addressing prohibited speech in the classroom.



### **Population and Sampling Procedures**

Participants for this study were faculty members currently employed at one of the 15 UNC higher education institutions. The population did not include faculty members from the North Carolina School of the Arts or the North Carolina School of Science and Mathematics since both institutions were classified as high schools (University of North Carolina, 2020). The UNC system serves more than 225,000 students at a diverse group of institutions that are all dedicated to serving the people of North Carolina through world-class teaching, research, scholarship, outreach, and service (University of North Carolina, 2020). The UNC institutions also have diverse student populations, which may create more passionate discussions in the classroom and may increase the use of prohibited speech. Private institutions were not included as they are not directly bound by the First Amendment (Shiell, 2009).

The sample for this study was developed using purposeful and criterion sampling. These sampling methods allowed for specific sampling criteria to be developed and participants were selected if they met the criteria (Hays & Singh, 2012; Merriam, 2009). The criteria for participation were restricted to faculty members with a title of at least Associate Professor who taught undergraduate courses in the humanities or social sciences such as political science, psychology, and sociology. The Associate Professor level was chosen because these faculty members have been teaching for a longer period of time and may have had more experience identifying and addressing prohibited speech in the classroom. Undergraduate social sciences and humanities courses were chosen as it is believed these courses are more likely to be discussion based. The more discussion that takes place, the more exposure a faculty member may have had to prohibited speech being used in the classroom. At least one faculty member from

each of the 15 UNC higher education institutions was chosen. This ensured that faculty members from all regions of North Carolina were included.

A recruitment letter was sent via e-mail to faculty members that met the sampling criteria. If a participant was interested in participating, the faculty member clicked on a link in the letter. The link directed them to the informed consent form and after completing the form the participant was asked to select an interview date/time.

### **Data Collection**

Data were collected using a combination of a document analysis and semi-structured interviews. Collecting data using these two different methods allowed for triangulation of the data sources, which was a strategy for ensuring the trustworthiness of the data (Bowen, 2009; Hays & Singh, 2012; Stake, 1995).

Each of the institutions in the UNC system develop policies based on the *UNC Policy Manual*. While each institution follows the guidance in the *UNC Policy Manual*, institutions are able to develop specific policies that best meet the needs of the institution. Given that the policies related to speech vary across North Carolina, a document analysis was completed before conducting interviews and administering the survey. Speech and harassment policies were reviewed at each of the 15 institutions. A document analysis helped to provide the context within which each member of the sample was operating. Having this contextual information allowed the researcher to better understand why a participant may have answered a question a certain way and how policy compliance may have affected a participant's behavior (Bowen, 2009).

One-one-one interviews were conducted using a semi-structured interview protocol, which provided in-depth information related to a participants' experiences and viewpoints (Kvale & Brinkmann, 2009; Turner, 2010). Interviews also coupled well with other forms of data

collection to provide the researcher with a comprehensive understanding of participants' experiences (Kvale & Brinkmann, 2009; Turner, 2010). The interviews consisted of several predetermined, open-ended prompts along with follow up questions to clarify information and/or to elicit more detailed information.

### **Data Analysis**

Data analysis began with each of the interviews being transcribed. The data were then analyzed using first and second cycle coding techniques. Descriptive coding was used for the first coding cycle because it summarized the topic of a passage in a word or short phrase (Saldana, 2009). Descriptive coding created codes that identified the topics and contained the substance of the messages. Focused coding was used for the second coding cycle. Focused coding used the most frequent first-cycle codes to develop the most prominent categories in the data set (Saldana, 2009). Focused coding required the researcher to make decisions about which first-round codes made the most analytical sense (Saldana, 2009). This type of coding also allowed the researcher to compare codes across participants and the various UNC institutions (Saldana, 2009).

### **Delimitations**

This study possessed several delimitations or boundaries to which it was deliberately confined. These delimitations were chosen to narrow the focus of the study. The delimitations included the research perspective, the type of research, the context of the study, the participants, and the methods used to collect data. Given that this study focused on understanding faculty member experiences related to identifying and addressing prohibited speech in the classroom, a qualitative research perspective was used. Similarly, a multiple case study research approach

based on the constructivist paradigm was used. This approach allowed for a rich understanding of the experiences of the studied faculty members.

The location of the study was limited to the 15 higher education institutions in the UNC system. Faculty members in the UNC system work at a varied group of institutions that serve a diverse group of students. This diverse student population may engage in more passionate discussions in the classroom, thereby creating a greater chance of prohibited speech occurring. Private institutions were not included as they are not directly bound by the First Amendment (Shiell, 2009). In addition to location, this study was limited to faculty members who have a title of at least Associate Professor and teach social sciences or humanities courses. These faculty members may have had more experience identifying and addressing prohibited speech since they have more experience and teach courses that are more likely to be discussion based. The researcher believes that the more discussion that takes place, the more exposure a faculty member may have identifying and addressing prohibited speech in the classroom.

Last, data were collected using a document analysis and semi-structured interviews. These data collection methods were used as they provide structure, but they also provide flexibility for the participants and the researcher to elaborate on certain topics as they arise. This flexibility allowed for deeper conversations and therefore more detailed information about the participants lived experiences was gained.

### **Definition of Terms**

For the purpose of this study, the following definitions were used:

**Prohibited Speech**

Behaviors that fall into any category deemed not protected or prohibited in case law by the Supreme Court of the United States (the Court). These prohibited behaviors include Harassment, Obscenity, Defamation/Libel, Incitement, and True Threats.

**Policies Against Prohibited Speech**

Policies against prohibited speech are defined as policies that prohibit speech not protected by the United States Supreme Court (the Court), which include Harassment, Defamation/Libel, Obscenity, Incitement, and True Threats.

**Free Speech**

Speech or expression that is protected by the First Amendment of the United States Constitution.

**Harassment**

Speech that is so severe and pervasive, while being viewed objectively and subjectively by the recipient of the remarks, that a hostile environment is created.

**Obscenity**

Speech that the average person, applying contemporary community standards, would find appeals on the whole to prurient interests; describes sexual conduct in a patently offensive way; and lacks any serious literary, artistic, or scientific value.

**Libel**

A statement that is false and injures a private person.

**Incitement**

Speech that is directed to inciting imminent lawless action and is likely to produce imminent lawless action.

**True Threats**

A statement in which the speaker means to communicate a serious intent to commit unlawful violence toward a particular person or group and which would cause a reasonable person to fear for their safety.

**Chapter Summary**

Overall, the research developed through this qualitative study filled a gap in the existing research by examining faculty member experiences related to identifying and addressing prohibited speech in the classroom. The results of the study will provide a better understanding of what faculty members experience when identifying and addressing prohibited speech, as this topic has not been explored in the existing literature. Various stakeholders may be able to use the results of this study to improve policies related to addressing prohibited speech and to develop professional development opportunities that best address the challenges experienced by faculty members.

This dissertation contains four additional chapters. Chapter 2 will detail the literature related to this topic. Chapter 3 will detail the methodology used in this study. Chapter 4 will present the findings, and Chapter 5 will discuss the findings.

## **CHAPTER II**

### **REVIEW OF THE LITERATURE**

#### **Current State of Speech on Campus**

Speech on college/university campuses has become a significant issue in higher education. Prohibited speech incidents have increased across the country (Boysen, 2012a; Boysen et al., 2009; Sue, Torino, Lin, et al., 2009). Enrollment data has shown that a majority of students are women and almost 40 percent of students identify as racial and ethnic minorities (Boysen, 2012a; Boysen et al., 2009). This increase in diversity provides countless benefits for institutions but has also created numerous prohibited speech incidents that higher education leaders must address (Boysen, 2012a; Boysen et al., 2009; Sue, Torino, Lin, et al., 2009). Approximately 50 percent of students have reported encountering a prohibited speech incident on campus, with most of those incidents occurring in the classroom (Boysen, 2012a, 2012c; Miller et al., 2018). Researchers have found that only about 10 percent of students experience prohibited speech in public spaces on campus, whereas almost 35 percent of students have experienced prohibited speech in the classroom (Boysen, 2012c; Sue, Torino, Lin, et al., 2009). Though prohibited speech usually has negative consequences, the impacts are magnified in the classroom. Researchers have found that prohibited speech prevents students from cognitively processing information, which negatively affects their academic performance (Boysen, 2012a; Sue, Torino, Lin, et al., 2009).

#### **The First Amendment**

The First Amendment to the United States Constitution was ratified on December 15, 1791, and since that time freedom of speech, freedom of religion, freedom of assembly, freedom of the press, and the right to petition have been protected (Downs & Cowan, 2012). Freedom of

speech and the other protections focus on the protection of differences, allow people to engage in debate, and facilitate the development of new ways of thinking (Downs & Cowan, 2012). The freedoms outlined in the First Amendment have been debated and courts have determined whether certain types of speech are protected and have developed tests to determine whether the speech used is permitted under the First Amendment (Downs & Cowan, 2012).

At higher education institutions, free speech is viewed as a way for institutions to achieve their mission by allowing faculty members to expand knowledge without fear and to openly teach content in the classroom (Ben-Porath, 2017). Similarly, free speech allows students to freely express their views and to engage in debate with others. Though these freedoms are generally viewed positively, there are two opposing groups at higher education institutions. One group believes free speech is absolute and the other believes free speech has limits (Ben-Porath, 2017). These opposing groups have caused institutions to develop speech policies to reduce the use of prohibited speech, and to give faculty members the task of identifying and addressing prohibited speech in their classrooms (Ben-Porath, 2017).

### **Prohibited Speech**

The basis for the current definition of prohibited speech was decided in *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942). In this landmark decision, the Supreme Court articulated the fighting words doctrine. The Court ruled that fighting words are words which by their very utterance inflict injury and words that tend to incite an immediate breach of peace (Herbeck, 2003).

Since 1942, the Supreme Court has narrowed the definition of fighting words in the cases of *Cohen v. California* and *Gooding v. Wilson* (Herbeck, 2003). In the case of *Cohen v. California*, 403 U.S. 15 (1971), Robert Cohen entered a courthouse wearing a jacket with the



words “Fuck the Draft” written on it. The Court ruled that the phrase on Cohen’s jacket was not obscene since it was not going to create a violent reaction (Herbeck, 2003). Specifically, the Court narrowed the definition of fighting words to words that are directed at another person in such a way that the words create a breach of peace. The Court ruled it was unconstitutional to punish speech just because the speech may inflict injury (Herbeck, 2003). Similarly, in the case of *Gooding v. Wilson*, 405 U. S. 518 (1972), the Court considered a Georgia state law that stated that anyone who used abusive language that would cause a breach of the peace would be guilty of a misdemeanor. The Court ruled that the Georgia law was too broad as broad classes of offensive expression are not considered fighting words (Herbeck, 2003). Only words that have a direct tendency to cause acts of violence by the person to whom the remark is individually addressed can be considered fighting words. Since *Chaplinsky v. New Hampshire*, the Supreme Court has not upheld any convictions related to fighting words (Herbeck, 2003). The definition of fighting words has been narrowed to include only language that intends to incite an immediate breach of peace and is stated in a face-to-face manner to a specific person (Herbeck, 2003).

There are several specific forms of prohibited speech that violate the First Amendment and policies against prohibited speech. These forms of speech include Harassment, Defamation/Libel, Incitement, True Threats, and Obscenity.

### ***Harassment***

In the case of *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969), the Supreme Court determined that speech must materially and substantially interfere with the operation of a school in order not to be protected by the First Amendment (Dower, 2012; Hart, 2016; Moore, 2016; Papandrea, 2017). This case set a requirement for the protection of free speech in the educational setting and began the process of developing criteria

that university administrators must use when determining whether certain speech is permitted (Dower, 2012; Hart, 2016; Moore, 2016; Papandrea, 2017).

The criteria established in the Tinker case were further explained by the Supreme Court in *Harris v. Forklift Systems, Incorporated*, 510 U.S. 17 (1993). The Court ruled that speech must be sufficiently severe and pervasive that it alters conditions and creates an abusive environment (Dower, 2012). If the speech is not severe or pervasive enough to create an objectively and subjectively hostile environment, the Court found that the speech is protected (Dower, 2012).

Similarly, *DeJohn v. Temple University*, 537 F.3d 301 (2008), provided direction for institutions on how to meet the requirements set forth in the Tinker case while also meeting Title VII and IX requirements of the Civil Rights Act of 1964, Pub.L. 88-352, 78 Stat. 241 (1964) (Dower, 2012). The case went before the Third Circuit, and the ruling combined the severity/pervasive requirements with objective/subjective perspective requirements and the material disruption requirement (Dower, 2012). Given this ruling, it became precedent that a speech policy should view prohibited speech as conduct that is so severe and pervasive, when viewed objectively and subjectively by the recipient of the remarks, that a hostile learning environment is created (Dower, 2012).

In 1989, the first case in which a student challenged a campus policy related to prohibited speech went before the Michigan District Court. The Court ruled that the speech code at the University of Michigan violated a student's right to free speech (Dower, 2012; Glazer, 2015; Moore, 2016; Shiell, 2009). In *Doe v. University of Michigan*, 721 F. Supp. 852 (1989), the Court ruled that the University's policy was unconstitutionally vague and broad since it used general terms that required students to guess at the meaning (Dower, 2012; Glazer, 2015; Moore,

2016; Shiell, 2009). The Court also defined what kind of threat would violate a student's Fourteenth Amendment right to an equal guarantee to education. The justices debated whether the term "threat" meant actual retaliation or a distraction that would negatively affect a student's academic performance (Dower, 2012; Moore, 2016; Shiell, 2009). The Court determined that the language used would have to trigger actual violence to be prohibited and that language that distracts students from their academic work is protected under the First Amendment. The Court ruled that a speech code can be used, but only if it specifically focuses on the types of speech prohibited by the Supreme Court (Dower, 2012; Moore, 2016; Shiell, 2009).

A similar case, *UWM-Post v. Board of Regents of the University of Wisconsin*, 774 F. Supp. 1163 (1991) went before a district court when a student challenged a new speech policy at the University of Wisconsin (Dower, 2012; Glazer, 2015; Shiell, 2009). In May 1988, the University of Wisconsin Board of Regents adopted its "Design for Diversity," plan to increase minority representation and expand diversity throughout the 26 institutions of the University of Wisconsin System (Dower, 2012; Glazer, 2015; Shiell, 2009). The plan led to the implementation of a new policy that allowed the University to discipline students who used language or other expressive behavior directed at an individual or on separate occasions at different individuals (Dower, 2012; Glazer, 2015; Shiell, 2009). The policy also prohibited speech or other expressive behavior that demeaned the race, sex, religion, disability, sexual orientation, national origin, or age of an individual (Dower, 2012; Glazer, 2015; Shiell, 2009).

In March 1990, the University of Wisconsin Milwaukee student newspaper and an individual student were disciplined under the policy. Both parties sued the university on the grounds that the policy violated their First Amendment rights since the policy was too broad and vague (Dower, 2012; Glazer, 2015; Shiell, 2009). The university argued that the policy

prevented speech that would create an intimidating and hostile environment and that it should be upheld since the policy was allowed under the definition of fighting words (Dower, 2012; Glazer, 2015; Shiell, 2009). A district court ruled against the university and affirmed that the policy was overly vague and broad. The district court stated that the definition of fighting words had been narrowed and the university policy was not supported by the current definition of fighting words since it did not make any mention of prohibited speech that would incite a violation reaction. Ultimately, the district court found that intimidating or hostile speech does disturb the university community but does not usually incite violence and therefore is protected by the First Amendment (Dower, 2012; Glazer, 2015; Shiell, 2009).

Similarly, the Iota Xi Chapter of the Sigma Chi Fraternity at George Mason University held an event where a member dressed up in blackface and wore a black wig with curlers (Shiell, 2009). After the event, students submitted a petition stating that the actions of the fraternity perpetuated racial and sexual stereotypes. An administrator ruled that the fraternity was prohibited from holding social events for two years and placed it on probation. The fraternity believed the university response abridged its right to free speech and subsequently sued the university (Shiell, 2009). The university argued that the speech used was not protected by the First Amendment and that compelling educational interests justified the action taken by the university. In the case of *Iota Xi Chapter of Sigma Chi Fraternity v. George Mason University*, 993 F.2d 386 (1991), a district court ruled that government agents cannot ban performances in blackface or other expressive messages that offend just because the administration or other students disapprove of the message (Shiell, 2009).

On appeal, the university argued that the speech, used by the fraternity, prevented the university from exercising its Fourteenth Amendment responsibilities to educate minorities and

women and to eliminate racist and sexist behavior (Shiell, 2009). An appellate court denied the university's argument since the speech used by the fraternity did not substantially or materially disrupt the university from executing its educational mission (Shiell, 2009).

Last, the related case of *Snyder v. Phelps*, 562 U.S. 443 (2011) involved the Westboro Baptist Church, which often protests at military funerals (Bruner & Balter-Reitz, 2013). Specifically, the church protested at the funeral of Matthew Snyder in 2006 and displayed signs stating, "God Hates the USA," "Thank God for Dead Soldiers," and "Don't Pray for the USA." Matthew Snyder's father, Albert Snyder, sued the Westboro Baptist Church. Snyder alleged that the signs caused him severe emotional distress and that the language used violated the First Amendment (Bruner & Balter-Reitz, 2013). The church stated that the actions taken at the funeral were protected by the First Amendment. The Supreme Court ruled that the speech used by the church was protected by the First Amendment because the church was speaking about matters of public concern rather than matters of purely private significance (Bruner & Balter-Reitz, 2013).

The Court ruled that speech deals with matters of public concern when the speech can be considered to be related to any matter of political or social concern and to be of a subject of value or concern to the public. To make this determination, the Court ruled that the content, form, and context of the speech must be examined. To determine whether speech is protected by the First Amendment, courts must assess all aspects of the speech used (Bruner & Balter-Reitz, 2013). These aspects include what was said, where it was said, and how it was said. In this case, the speech used by the Westboro Baptist Church was not specifically targeted at the Snyder family, but rather addressed issues related to the moral conduct of the United States. Members of

the church were speaking on matters of public importance and were entitled to First Amendment protections (Bruner & Balter-Reitz, 2013).

### ***Defamation/Libel***

The Supreme Court ruled in *New York Times Company v. Sullivan*, 376 U.S. 254 (1964) that defamatory statements are not considered protected speech. Defamation is defined as communication that harms an individual's reputation, causes the general public to despise or disrespect a person, or damages a person's employment (Herbeck, 2003). For a statement to be considered defamatory, the statement must be an assertion of fact and be capable of being proven false (Herbeck, 2003). Specifically, the Court established an "actual malice" rule that requires a public figure to prove that a defamatory statement was made with knowledge that it was false or with reckless disregard as to whether the statement was false. Private persons need to prove only that the statement is false and that they have been injured (Herbeck, 2003).

### ***Incitement***

In *Brandenburg v. Ohio*, 395 U.S. 444 (1969), the Supreme Court ruled that incitement is defined as speech that is intended and likely to provoke imminent unlawful action (Herbeck, 2003). Specifically, the Supreme Court ruled that in order to not have First Amendment protections the speech must be directed toward inciting imminent lawless action and be likely to produce imminent lawless action (Herbeck, 2003).

### ***True Threats***

In the case of *Watts v. United States*, 394 U.S. 705 (1969), the Supreme Court ruled that true threats are not protected speech as no person has the First Amendment right to cause another person to fear for their safety (Chemerinksky & Gillman, 2017; Schloessman-Risner, 2005). In *Virginia v. Black*, 538 U.S. 3436 (2003), the Supreme Court ruled that a true threat is defined as

a statement in which the speaker means to communicate a serious intent to commit unlawful violence toward a particular person or group. The speaker does not need to intend to actually carry out the threat (Chemerinsky & Gillman, 2017; Schloessman-Risner, 2005). True threats are not protected by the First Amendment because a prohibition of such speech protects people from violence and the disruptions that fear causes and protects people from the possibility that the threatened violence will occur (Chemerinsky & Gillman, 2017; Schloessman-Risner, 2005). Subsequent court decisions stated that preventing true threats focuses on protecting a person from the fear of harm, but not emotional injury. Causing emotional injury was determined to be not enough of a reason to justify suppression of speech because then any speech that causes emotional stress could then be suppressed (Chemerinsky & Gillman, 2017; Schloessman-Risner, 2005). In *Elonis v. United States*, 575 U.S. \_\_\_\_ (2015), the Supreme Court ruled that true threats must be assessed using the reasonable person standard. This means that if the speech used would cause a reasonable person to fear for their safety, it could be considered a true threat. The use of this standard prevents speech from being suppressed because the speech used would cause a sensitive or overly fearful person to be uncomfortable (Chemerinsky & Gillman, 2017; Schloessman-Risner, 2005).

### ***Obscenity***

In *Miller v. California*, 413 U.S. 15 (1973), the Supreme Court ruled that obscenity is not a type of speech protected by the First Amendment and created a test to determine whether speech is considered obscene (Schloessman-Risner, 2005; Tuman, 2003). For speech to be obscene, the average person, applying contemporary community standards, must find that the speech appeals on the whole to prurient interests; describes sexual conduct in a patently offensive way; and lacks any serious literary, artistic, political or scientific value (Schloessman-

Risner, 2005; Tuman, 2003). The Court listed several examples of obscenity such as patently offensive descriptions of sexual acts and lewd representations of genitals (Schloessman-Risner, 2005; Tuman, 2003). Scholars have attempted to expand the definition of obscenity to include violence. Given the standard set by the Court, this expansion is not believed to be possible since obscenity focuses on an offense while violence focuses on harm (Schloessman-Risner, 2005; Tuman, 2003).

### **Best Practices for Policies Against Prohibited Speech**

Based on the court decisions detailed above, researchers developed best practices regarding what should and should not be included in policies against prohibited speech. The best practices for policies against prohibited speech include but are not limited to the following:

- Focus on the result of the speech
- Utilize language stating that the prohibited speech used must be severe and pervasive.
- Utilize language stating that the prohibited speech must objectively and subjectively create a hostile environment that substantially interferes with a student's ability to get an education.
- Do not use sweeping statements or undefined terminology. (Dower, 2012; Hart, 2016; Humrighouse, 2014; Moore, 2016)

### **Arguments for Policies Against Prohibited Speech**

Proponents of policies against prohibited speech rely on three arguments: the deterrence, the First Amendment, and the university mission (O'Neil, 1997; Shiell, 2009). Many institutions justify their policies by stating that prohibited speech causes harm to students and that a specific policy paired with conduct sanctions is needed to deter the speech (Glazer, 2015; Shiell, 2009).



Prohibited speech incidents cause harm to students by violating the Fourteenth Amendment of the Constitution since prohibited speech uses words to injure and silence others, which can prevent them from having an equal guarantee to an education (O'Neil, 1997; Shiell, 2009).

Without policies and sanctions in place, many institutions fear they will send a message that they condone prohibited speech and open themselves up to legal action. If institutions do not stop prohibited speech from taking place, the institution may be preventing students from exercising their Fourteenth Amendment rights (O'Neil, 1997; Shiell, 2009).

The deterrence argument is often paired with the First Amendment argument, which states that speech that does not speak on matters of public importance does not have First Amendment value and therefore is not protected under the First Amendment (Golding, 2000; O'Neil, 1997; Shiell, 2009). This way of thinking is supported by the fighting words doctrine in which the Supreme Court has found that the regulation of fighting words is permissible in these situations if the words used are likely to cause immediate violence, if the words used target a specific individual or individuals, and if the words used are content neutral (Golding, 2000; O'Neil, 1997; Shiell, 2009). Regulating speech under these conditions prevents institutions from banning speech based on content and ensures that any regulation is targeted and is used only when the speech would cause violence, which meets all criteria set by the Supreme Court (Golding, 2000; O'Neil, 1997; Shiell, 2009).

The third argument used to support speech policies is the university mission argument, which states that the use of prohibited speech is contradictory to a university's mission and ideals and that therefore speech codes are justified (Golding, 2000; Shiell, 2009). Universities often argue that a speech policy is needed to protect diversity, inclusion, and the development of new

ideas. If these ideas are not protected, they claim, institutions will not be able to fully live up to their missions (Golding, 2000; Shiell, 2009).

### **Arguments in Opposition to Policies Against Prohibited Speech**

While there are many arguments in favor of policies against prohibited speech, there are also numerous arguments in favor of prohibiting policies against prohibited speech, which include the constitutionality and consequences arguments (Shiell, 2009). The constitutionality argument is based on the belief that the legal justifications for policies against prohibited speech are invalid and that speech policies violate the accepted standards of the First Amendment (O'Neil, 1997; Shiell, 2009). When it comes to fighting words, supporters of this argument believe that the definition of fighting words is much narrower than that given by supporters of free speech policies. Supporters of the constitutionality argument believe that speech related to fighting words should be prohibited only when it does not involve issues of social policy, is almost certain to cause a person to react violently, and is directed at a specific individual in a face-to-face encounter (O'Neil, 1997; Shiell, 2009). Supporters also contend that if the less narrow definition were used, then almost all speech that causes emotional stress would be prohibited and universities would no longer be able to meet their mission of being places where students debate assumptions and prejudices (O'Neil, 1997; Shiell, 2009).

The consequences argument focuses on the harms of regulating speech by stating that any policy causing severe negative consequences should not be approved and that, because speech policies can cause negative consequences, they should not be approved (Downs, 2005; Shiell, 2009). Supporters believe that one of the biggest harms of policies against prohibited speech occurs when a speech policy is enacted that restricts protected speech; in such cases, all speech will be constrained since members of the campus community will be afraid of being accused of

using prohibited speech (Downs, 2005; Shiell, 2009). Overall, critics of policies against prohibited speech believe that any positive impacts derived from speech policies are mitigated by the numerous negative impacts they cause (Downs, 2005; Shiell, 2009).

### **College/University Policies Against Prohibited Speech**

Given the current environment and increase in prohibited speech incidents, many public higher education institutions in the United States are currently developing or editing policies against prohibited speech. Higher education institutions are working to develop policies that provide students and staff with their First Amendment rights while adequately addressing speech that is prohibited (Hart, 2016; Shiell, 2009). Many institutions have recently instituted policies that assert broad authority and often restrict speech rights. As institutions work to develop these policies they move into contradictory territory, as federal guidance and judicial precedent are often unclear and contradictory (Papandrea, 2017; Shiell, 2009). The Supreme Court has never issued a decision that finds antidiscrimination laws, such as the Civil Rights Act of 1964, Pub.L. 88-352, 78 Stat. 241 (1964), and Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq* (1972), consistent with the First Amendment, which makes it difficult to reconcile how other related decisions interact with antidiscrimination laws (Papandrea, 2017; Shiell, 2009). This confusion has resulted in the establishment of a broad range of speech policies and a lack of consensus among higher education leaders regarding the best practices for speech policies (McKinne & Martin, 2010).

### **Faculty Responses Prohibited Speech Theories**

The Choice Theory can be used to describe faculty member responses to prohibited speech. The Choice Theory states that humans have biological needs that drive their behavior. Each person has five basic needs they attempt to meet with their behavior: belonging, power,

freedom, fun, and survival (Glasser, 1999; McKinne & Martin, 2010). The behavior exhibited by every person is purposeful and is controlled by the person and is not caused by an external stimulus. These behaviors are influenced by a person's values, and therefore everyone exhibits different behaviors since everyone has different values (Glasser, 1999; McKinne & Martin, 2010).

The Choice Theory can be used to explain the actions of faculty members when they identify and address prohibited speech in the classroom (Glasser, 1999; McKinne & Martin, 2010). Given that each person's behaviors are influenced by power, freedom, fun, and survival, the theory assumes that faculty members know that prohibited speech is a problem but will take the path of least resistance when identifying and addressing prohibited speech in the classroom (Glasser, 1999; McKinne & Martin, 2010). The path of least resistance will vary for each faculty member, but this theory hypothesizes that faculty members will not take actions that may aggravate a student or cause a student to engage in additional prohibited behaviors (Glasser, 1999; McKinne & Martin, 2010).

### **Faculty Ability to Identify and Address Prohibited Speech**

The ability to identify and address prohibited speech in the classroom has been found to be affected by a faculty member's awareness, knowledge, and skills (Boysen & Vogel, 2009; Boysen et al., 2009; McKinne & Martin, 2010; Sue et al., 2011; Sue, Torino, Lin, et al., 2009). Researchers have found that when faculty members are comfortable with addressing prohibited speech, exhibit effective communication skills, and possess the ability to successfully facilitate a discussion, they are able to address prohibited speech and create a valuable learning experiences for students (Boysen & Vogel, 2009; Boysen et al., 2009; McKinne & Martin, 2010; Sue et al., 2011; Sue, Torino, Lin, et al., 2009). Conversely, when faculty members are uncomfortable with

addressing prohibited speech, are unable to engage in conversation with students, and cannot facilitate classroom discussion, they are unable to address prohibited speech and students are negatively affected (Boysen & Vogel, 2009; Boysen et al., 2009; McKinne & Martin, 2010; Sue et al., 2011; Sue, Torino, Lin, et al., 2009).

Recent studies have found that faculty members have difficulty identifying prohibited speech in the classroom (Boysen & Vogel, 2009; Boysen et al., 2009). Boysen & Vogel (2009) found that less than 40 percent of faculty members were able to identify prohibited speech in the classroom. The faculty members who were able to identify prohibited speech in the classroom felt that their responses to prohibited speech were somewhat successfully, but they were able to accurately assess the success of their response only 60 percent of the time (Boysen & Vogel, 2009; Boysen et al., 2009). The results of these studies show that a majority of faculty members are unable to determine when prohibited speech occurs in the classroom, and even if faculty members are able to identify prohibited speech, they may not be able to determine whether their responses are effective (Boysen & Vogel, 2009; Boysen et al., 2009).

### **Issues Affecting Faculty Ability**

The results of related research have shown why faculty members may have difficulty identifying and addressing prohibited speech in the classroom. Faculty members have indicated that they have a strong desire to identify and address prohibited speech but are hindered by several factors (Boysen et al., 2009; McKinne & Martin, 2010; Sue et al., 2011; Sue, Torino, Capodilupo, et al., 2009; Sue, Torino, Lin, et al., 2009). These factors include uncertainty about what caused/started the prohibited speech, the inability to recognize when prohibited speech was occurring, student emotions, the faculty member's own anxiety and fear, the faculty member's belief that they did not have control over the classroom, and the lack of the knowledge and skills

needed to successfully intervene (Boysen et al., 2009; McKinne & Martin, 2010; Sue et al., 2011; Sue, Torino, Capodilupo, et al., 2009; Sue, Torino, Lin, et al., 2009). All these concerns have been found to be part of three categories which include uncertainty about what constitutes prohibited speech, uncertainty about what causes prohibited speech, and uncertainty about how to address prohibited speech. The inability to identify and address prohibited speech has caused faculty members to feel a sense of failure, disappointment, and inadequacy (Boysen et al., 2009; McKinne & Martin, 2010; Sue et al., 2011; Sue, Torino, Capodilupo, et al., 2009; Sue, Torino, Lin, et al., 2009). These feelings were found to exacerbate the issue, as those feelings have made faculty members more anxious in the classroom and more unlikely to address prohibited speech even if they identify that prohibited speech has occurred (Boysen et al., 2009; McKinne & Martin, 2010; Sue et al., 2011; Sue, Torino, Capodilupo, et al., 2009; Sue, Torino, Lin, et al., 2009).

### **Impact of Age and Gender**

Researchers have found that female and younger faculty members are able to recognize prohibited speech more often than older faculty members (Boysen & Vogel, 2009; Boysen et al., 2009). Researchers were not able to determine why this difference exists. Research indicates that younger female faculty members may elicit more prohibited speech from students due to their young age and gender (Boysen & Vogel, 2009; Boysen et al., 2009). Other studies have found that younger female faculty members may teach subjects and/or use teaching methods that elicit more prohibited speech (Boysen & Vogel, 2009; Boysen et al., 2009). The studies also indicated that the results could also be caused by differences in perception. Younger female faculty members may be more aware of prohibited speech and could have a broader definition of what constitutes prohibited speech in the classroom (Boysen & Vogel, 2009; Boysen et al., 2009).

## **Faculty Responses to Policy Violations**

Results of studies have shown that faculty members use multiple methods to address the use of prohibited speech in the classroom. These methods include embarrassing the student, ignoring the issue, having a class discussion, having a one-on-one discussion with the student, and removing the student from the classroom (Barrett et al., 2010; Ben-Porath, 2017; Boysen, 2012a; Frey Knepp, 2012; Miller et al., 2018; Stork & Hartley, 2011).

### **Direct Responses**

Researchers have found that the most effective responses to address the use of prohibited speech use a moderate form of directness and intensity. This type of response is usually expressed as a class discussion or a one-on-one discussion with the student outside of the classroom (Barrett et al., 2010; Ben-Porath, 2017; Boysen, 2012a; Miller et al., 2018).

### ***Class Discussion***

Class discussions were found to be effective as they allow the faculty member to explain the nature of the policy violation to students who may not have noticed the use of prohibited speech (Barrett et al., 2010; Ben-Porath, 2017; Boysen, 2012a; Miller et al., 2018). Engaging in a class discussion also allows all the parties to be heard and to discuss their views on the incident. The dialogue created by a class discussion creates a productive environment where students can explore new ideas and develop new ways of thinking (Barrett et al., 2010; Ben-Porath, 2017; Boysen, 2012a; Miller et al., 2018). Class discussions should have ground rules that respect all the students in the class, including the student who used prohibited speech, the student(s) who were the target of the speech, and those who support and oppose the speech used. Facilitating this type of class discussion requires a specialized skill set as the whole discussion can be

counterproductive if the faculty member ignores certain viewpoints or if the faculty member appears to be biased (Barrett et al., 2010; Ben-Porath, 2017; Boysen, 2012a; Miller et al., 2018).

### ***One-on-One Discussion***

Similarly, study results have shown one-on-one discussions to be a productive method for addressing the use of prohibited speech (Barrett et al., 2010; Ben-Porath, 2017; Boysen, 2012b, 2012c; Frey Knepp, 2012; Miller et al., 2018). Researchers have found that direct, private conversations are most effective since this method does not disrupt the class and does not make the student who used prohibited speech feel disrespected or humiliated. Faculty members have been successful in addressing prohibited speech when they ask the student to explain what happened and the faculty member subsequently engages in a discussion (Barrett et al., 2010; Ben-Porath, 2017; Boysen, 2012b, 2012c; Frey Knepp, 2012; Miller et al., 2018). During the conversation, faculty members should explain relevant policies, refute incorrect information with counterexamples, explain how the language used has a negative impact on the class, and explain what will happen if the language is used again (Ben-Porath, 2017; Boysen, 2012b, 2012c; Frey Knepp, 2012; Miller et al., 2018). For a one-on-one conversation to be effective, researchers have determined that the faculty member must know the student or have taken steps to get to know the student. To be perceived as knowing the student, a faculty member must call on students by name and engage students in conversation before and after class. Using these behaviors makes the student feel that the faculty member is engaged, is actively involved in the class, and cares about the student's success (Barrett et al., 2010; Ben-Porath, 2017; Boysen, 2012b, 2012c; Frey Knepp, 2012; Miller et al., 2018).

Though these responses to the use of prohibited speech often cause positive outcomes, not all students will respond positively to an intervention (Barrett et al., 2010). Confronting a



student about their use of prohibited speech may cause a disproportionately hostile reaction and the student may state they are being discriminated against or are being treated unfairly (Barrett et al., 2010). If these behaviors occur, researchers have found that continuing the intervention may be ineffective; the faculty member should consult with their colleagues and engage with the student at another time (Barrett et al., 2010).

### ***Embarrassing Students***

Researchers have found that embarrassing or humiliating a student who uses prohibited speech is an ineffective way to address the issue and may cause harm (Barrett et al., 2010; Ben-Porath, 2017; Frey Knepp, 2012; Stork & Hartley, 2011). The embarrassment and humiliation of students has been found to reinforce the belief that the speech used is appropriate and that has been found to embolden students to continue using prohibited speech. Embarrassing a student can also have broader impacts that negatively affect the student who used the prohibited speech (Barrett et al., 2010; Ben-Porath, 2017; Frey Knepp, 2012; Stork & Hartley, 2011). A faculty member's use of humiliation or embarrassment could cause the student to become unengaged or to stop attending the class altogether. These actions may negatively affect the student's learning and progression toward their degree (Barrett et al., 2010; Ben-Porath, 2017; Frey Knepp, 2012; Stork & Hartley, 2011).

### ***Ignoring the Issue***

While researchers have not been able to determine the effectiveness of all responses used to address prohibited speech, researchers agree that ignoring the issue is not effective (Alberts et al., 2010; Boysen & Vogel, 2009; Boysen et al., 2009; Stork & Hartley, 2011). Any method used to address prohibited speech has been found to be more effective than ignoring the issue. Students and faculty members have reported that acknowledging prohibited speech was used is

helpful even if the faculty member does not address the issue further (Alberts et al., 2010; Boysen & Vogel, 2009; Boysen et al., 2009; Stork & Hartley, 2011).

### ***Removing the Student from the Classroom***

Researchers have found that removing a student who consistently uses prohibited speech from a class should be the last option chosen by a faculty member (Barrett et al., 2010). Removing a student from a class should be used only if the student is unwilling to acknowledge the violation and escalates the severity of the speech used. Though removing a student from a class can be complicated, researchers have found that a removal may be the only action that protects the learning environment and prevents the other students from being negatively affected (Barrett et al., 2010). Ultimately, when choosing to remove a student, a faculty member has to weigh the severity of the speech used, the safety of all involved, and the impact the speech has on the learning environment (Barrett et al., 2010).

### **Justification for Study**

The review of the literature has narrowed this study to the following important facets of faculty experiences related to identifying and addressing prohibited speech. Researchers have found that faculty members possess a lack of awareness of prohibited speech. Specifically, faculty members are unable to determine whether the speech used is prohibited, do not know how to address prohibited speech, are unable to select the appropriate response, and lack the knowledge or skills needed to successfully implement a response (Boysen, 2012b, 2012c; Boysen & Vogel, 2009; Boysen et al., 2009; McKinne & Martin, 2010; Miller et al., 2018; Sue et al., 2011; Sue, Torino, Lin, et al., 2009). The current literature does not address what faculty members experience when identifying and addressing prohibited speech. Given this information,

this study will focus on understanding faculty member experiences related to identifying and addressing prohibited speech in the classroom.

### **Chapter Summary**

This chapter provided an overview of the research related to the types of speech that are prohibited, best practices for policies against prohibited speech, arguments for and against prohibited speech policies, faculty ability to identify and address prohibited speech, and how faculty members respond to prohibited speech.

This literature review indicated a need for further research related to what faculty members experience when identifying and addressing prohibited speech in the classroom. The current literature did not address faculty member experiences related to identifying and addressing prohibited speech in the classroom. Given this information, this study will focus on understanding what faculty members experience related to identifying and addressing prohibited speech.

In Chapter 3, the researcher will detail the methodology used for this study. The research design, participants, data collection procedures, data analysis procedures, trustworthiness, and limitations will be fully explained.

### **CHAPTER III**

### **METHODOLOGY**

The purpose of this study was to understand faculty member experiences related to identifying and addressing prohibited speech in the classroom. The results of this study aim to highlight the lived experiences of faculty members and provide information that can be used to address what faculty members experience. This chapter will detail the methodology used for this study. The first portion of the chapter will detail the research questions, the research paradigm, and the research design that grounds this study. These foundational portions of the study will be followed by an in-depth description of how the research questions will be answered using qualitative data collection and analysis methods. This chapter will conclude with a discussion regarding the trustworthiness of the study, ethical considerations, and limitations of the methodology.

#### **Research Questions**

The results of this study answered the following research questions and highlighted what faculty members experience when identifying and addressing prohibited speech in the classroom.

##### **Research Question 1**

How do faculty members describe their experiences identifying prohibited speech in the classroom at UNC system institutions?

##### **Research Question 2**

How do faculty members describe their experiences addressing prohibited speech in the classroom at UNC system institutions?

### Research Question 3

How do faculty members describe the differences in identifying and addressing prohibited speech, based on type, at UNC system institutions?

### Research Paradigm

This study was based on the constructivist paradigm, as the aim of the study was to understand the participants' experiences related to identifying and addressing prohibited speech in the classroom. This paradigm assumes that a *universal truth* cannot exist because contextual perspectives and subjective voices exist (Charmaz, 2006; Hays & Singh, 2012; Merriam, 2009). Constructivists study how and why participants construct meaning in specific situations. Knowledge, based on this paradigm, is constructed through social interactions, shared experiences, and the understanding of how individuals construct knowledge (Charmaz, 2006; Hays & Singh, 2012). An advantage of this paradigm was that it allowed the researcher and participants to interact closely while still allowing the participants to share their experiences (Baxter & Jack, 2008). This close interaction enabled the participants to share their experiences openly, and the researcher was able to have a more comprehensive understanding (Baxter & Jack, 2008).

### Research Design

Given that a constructivist paradigm was used as the basis for this study, qualitative research methods were used. Hays and Singh (2012) defined qualitative research as “the study of a phenomenon or research topic in context” (p. 4). Unlike quantitative research, qualitative research focuses on the qualities of entities, processes, and meaning. These concepts are not experimentally measured in terms of quantity, amount, or frequency (Hays & Singh, 2012; Merriam, 2009). Qualitative research was appropriate for this study since the design focused on

how people interpreted their experiences, whereas quantitative research focuses on cause/effect and describing how an attribute is distributed among a population (Merriam, 2009).

### **Multiple Case Study**

The research questions for this study were answered using the multiple case study methodology. The multiple case study methodology was used to develop a comprehensive understanding of University of North Carolina (UNC) system faculty members experiences related to identifying and addressing prohibited speech used in the classroom. The multiple case study methodology was chosen as it was the optimal methodology for answering “how” and “why” questions (Hays & Singh, 2012; Merriam, 2009; Yin, 2014). The multiple case study methodology provided a deep description of experiences and provided an opportunity to explore similarities and differences of the same experience or phenomenon through the use of multiple cases (Hays & Singh, 2012; Merriam, 2009; Yin, 2014). This study design was appropriate for this study because the purpose was to explore the experiences that faculty members at UNC system institutions have related to identifying and addressing prohibited speech in the classroom.

Specifically, the multiple case study methodology involved collecting and analyzing data from several cases that could be distinguished from the single case (Agranoff & Radin, 1991; Merriam, 2009). The individual cases shared common characteristics and were categorically bound together. The multiple case study approach allowed the researcher to look for unique and common experiences, patterns, and relationships (Agranoff & Radin, 1991; Merriam, 2009). By comparing the multiple cases, the researcher was able to build explanations and identify important variables that originate from the different cases (Agranoff & Radin, 1991; Merriam, 2009).

As stated above, a case study is an exploration of a “bounded system” or a case. A bounded system is defined as a program, an event, an activity, or a group of individuals (Creswell, 2009; Gerring, 2017; Hays & Singh, 2012; Merriam, 2009). This study was bounded to faculty members in the University of North Carolina (UNC) system, the experience level of the faculty members, the type of prohibited speech used in the classroom, and prohibited speech incidents that had occurred within the last 10 years. These boundaries ensured that the data were timely and thoroughly explained UNC system faculty member perceptions of how they identified and addressed prohibited speech in the classroom.

### **Research Team**

A research team of two student affairs professionals who possessed significant experience working with prohibited speech issues performed an analysis of the interview protocol used to collect data in this study. One of the professionals received their doctoral degree and the other professional is currently completing their doctoral program. The analysis ensured that the interview questions were written in a way that truly elicited information related to the purpose of the study. Using the research team helped to confirm that the interview questions collected information related to the research questions and elicited information related to the participants lived experiences.

### **Participant Selection**

The researcher chose the population and sample using scholarly methods that facilitated the greatest ability to answer the research questions.

### **Population**

Participants for this study were faculty members currently employed at one of the 15 UNC higher education institutions. The population did not include faculty members from the

North Carolina School of the Arts or the North Carolina School of Science and Mathematics since both institutions are classified as high schools (University of North Carolina, 2020). The UNC system serves more than 225,000 students at a diverse group of institutions. Though the 15 UNC institutions are diverse, they are all dedicated to serving the people of North Carolina through world-class teaching, research, scholarship, outreach, and service (University of North Carolina, 2020). The UNC institutions also have diverse student populations, which may create more passionate discussions in the classroom and may increase the use of prohibited speech. Private institutions were not included as they were not directly bound by the First Amendment (Shiell, 2009).

### **Sample**

The sample for this study was developed using purposeful and criterion sampling. These sampling methods allowed for specific sampling criteria to be developed; participants were selected if they met the criteria (Hays & Singh, 2012; Merriam, 2009). Participation was restricted to faculty members with a title of at least Associate Professor and who taught undergraduate courses in the humanities or social sciences, such as, political science, psychology, and sociology. The Associate Professor level was chosen as these faculty members have been teaching for a longer period of time and may have more experience identifying and addressing prohibited speech in the classroom. Undergraduate social sciences and humanities courses were chosen as it was believed they were more likely to be discussion based. The more discussion that takes place, the more exposure a faculty member may to prohibited speech being used in the classroom. Table 1 details the course subjects that may have been included in the sample.



**Table 1***Possible Course Subjects in the Population*

Discipline	Subjects
Humanities	Anthropology, Communication, Cultural, Race, and Gender Studies, History, Literature, Philosophy, and Religion
Social Sciences	Criminology, Economics, Geography, Political Science, Psychology, and Sociology

The researcher included at least one faculty member from each of the 15 UNC higher education institutions in the sample. This ensured that faculty members from all regions of North Carolina were included. Taking these steps helped to strengthen the results, as the data included faculty members from all North Carolina public higher education institutions. Additionally, the researcher interviewed participants until saturation was reached. Saturation was defined as the point where the researcher did not detect any new ideas, themes, or constructs (Corbin & Strauss, 2007). According to Corbin and Strauss (2007), if a researcher determines that a category possesses considerable depth and breadth of understanding about a phenomenon, and relationships to other categories have been made clear, they can say sufficient sampling has occurred.

**Outreach Procedures**

A recruitment letter was sent, via e-mail, to faculty members who met the sampling criteria. The letter detailed the purpose of the study, the amount of time involved, the data collection methods to be used, and requested participation. Faculty members interested in participating were instructed to click on a link in the letter. The link directed the participants to the informed consent form, and after completing the form they were asked to select an interview

date/time. The researcher subsequently followed up with the participants to confirm the dates and times of their interviews.

The goal for this study was for the researcher to interview at least one faculty member from each of the 15 UNC higher education institutions. This ensured that faculty members from all regions and public institutions in North Carolina were included. The first participant from each of the 15 institutions who responded to the recruitment e-mail was interviewed. As detailed in a previous section, interviews continued until saturation was reached.

### **Data Sources**

Data were collected using a combination of a document analysis and semi-structured interviews. Collecting data using these two different methods allowed for triangulation of the data sources, which helped to improve the trustworthiness of the data (Bowen, 2009; Hays & Singh, 2012; Stake, 1995). Using multiple sources of data strengthened the evidence that a certain set of themes existed by allowing the researcher to look for consistencies and inconsistencies between the two data collection methods (Hays & Singh, 2012).

### **Document Analysis**

Each of the institutions in the University of North Carolina (UNC) system develops policies based on the *UNC Policy Manual* (University of North Carolina, 2020). Though each institution followed the guidance in the *UNC Policy Manual*, administrators were able to develop specific policies that best met the needs of their institutions. Given that the policies related to speech varied across UNC system institutions, a document analysis was completed before conducting interviews. The speech and harassment policies at each of the institutions included in the sample were reviewed.

A document analysis is a systematic procedure for reviewing documents that helps researchers elicit meaning, gain understanding, and develop empirical knowledge (Bowen, 2009). Conducting a document analysis helped to provide the context within which each member of the sample was operating. Having this contextual information, allowed the researcher to better understand why a participant may have answered a question a certain way and how policy compliance may have affected a participant's behavior (Bowen, 2009). The document analysis also aided in the development of interview questions as information was found that would not have been otherwise known to the researcher (Bowen, 2009).

### **Interviews**

The researcher used interviews because they would couple well with other forms of data collection to provide the researcher with a comprehensive understanding of the participants' experiences (Kvale & Brinkmann, 2009; Turner, 2010). Interviews also correlated well with case studies, as they allowed for a thorough exploration of a participants' experiences (Charmaz, 2006; Moustakas, 1994). Similarly, interviews allowed ideas and issues that emerged to be pursued as the interview continued. The use of interviews also allowed the researcher to easily collect initial data, develop themes, and fill conceptual gaps through focused questioning (Charmaz, 2006; Moustakas, 1994).

One-one-one interviews were conducted using a semi-structured protocol, which provided in-depth information related to a participants' experiences and viewpoints (Kvale & Brinkmann, 2009; Turner, 2010). The interviews consisted of several predetermined, open-ended prompts along with follow-up questions to clarify information and/or to elicit more detailed information. Broad questions were asked as they were an effective way to obtain rich, vital, and substantive descriptions of each participants' experiences (Kvale & Brinkmann, 2009;

Moustakas, 1994; Turner, 2010). The research team reviewed the interview questions to ensure the validity and reliability of the questions. Using the research team helped to confirm that the interview questions collected information related to the research questions and elicited information related to the participant's experiences.

The length of each interview differed depending on the amount of information shared by each participant, but each interview lasted approximately 75 minutes. The interviews were conducted via the Zoom video conferencing system. The use of video conferencing allowed the researcher to hear what the participant said while also being able to see their facial expressions and body language. The interviews were recorded so they could be transcribed. After each interview was transcribed, member checking was used to increase the credibility of the study. Each transcript was sent to the corresponding participant for review so the participant could ensure their words matched what they had intended to say (Birt et al., 2016; Hays & Singh, 2012; Merriam, 2009).

### **Data Analysis**

The researcher transcribed and coded each of the interviews using first and second cycle coding techniques.

#### **First Round Coding**

Descriptive coding was used for the first coding cycle because it summarized the topic of a passage in a word or short phrase (Saldana, 2009). Descriptive coding created codes that identified the topic and contained the substance of the message. These codes helped the reader better understand what the researcher saw and heard (Saldana, 2009). Ultimately, descriptive coding set the groundwork for the second cycle coding by creating a categorized inventory of the data's content (Saldana, 2009).

## **Second Round Coding**

Focused coding was used for the second coding cycle. Focused coding used the most frequent first cycle codes to develop the most prominent categories in the data set (Saldana, 2009). Focused coding required that the researcher make decisions about which first round codes made the most analytical sense (Saldana, 2009). Additionally, focused coding is appropriate for almost all types of qualitative research and allowed the researcher to develop the major themes from the data (Saldana, 2009). Focused coding was chosen because it allowed the researcher to develop categories/themes without being distracted by their properties and/or dimensions (Saldana, 2009). This type of coding also allowed the researcher to compare codes across the various participants included in the study (Saldana, 2009).

## **Confidentiality of Participants**

To protect the confidentiality of the participants, all data related to the participants, including institution name, position title, and faculty member name were assigned pseudonyms and were not used when reporting and analyzing data. A key was created and stored on a secured cloud-based drive (Dropbox Pro) that was separate from the identifiable data. Any notes the researcher created did not include any identifying information. The secured cloud-based drive was connected only to the researcher's home computer and was not connected to any shared computers. Additionally, the password to the secured cloud-based drive was not written down and was not shared with others. Last, all identifying data connected to this study were maintained for one year after the study concluded and were then destroyed.

## **Trustworthiness**

The trustworthiness of qualitative research is often questioned as the concepts of validity and reliability cannot be assessed in the same way that they are in quantitative research (Hays &

Singh, 2012; Shenton, 2004). Many of the concepts that comprise validity and reliability can be incorporated into qualitative studies through the use of different terminology. Researchers have determined that trustworthiness in qualitative studies can be determined by assessing credibility, transferability, dependability, and confirmability (Hays & Singh, 2012; Shenton, 2004).

### **Credibility**

Credibility is one of the most important factors in confirming trustworthiness by ensuring that a study measures what is intended. Credibility assists researchers in determining whether their findings are congruent with reality (Hays & Singh, 2012; Shenton, 2004). Using the criteria developed by Shenton (2004), the researcher ensured the credibility of this study in numerous ways by including triangulation, thick description, the use of well-established research methods, member checks, and peer scrutiny. The data collection methods were triangulated by conducting both a document analysis and semi-structured interviews. Thick descriptions were also provided throughout the research process to provide detailed information about how and why certain actions are taken. The researcher also increased the credibility of the study through the completion of member checking, which involved asking clarifying questions during the interview and having participants review interview transcripts to ensure their words matched what they had actually intended to say (Birt et al., 2016; Hays & Singh, 2012; Merriam, 2009).

### **Transferability**

Transferability is related to the extent to which the findings of a study can be applied to the broader population. Researchers often strongly focus on transferability, but transferability is never fully achievable as each study is defined by the contexts in which it takes place (Hays & Singh, 2012; Shenton, 2004). The transferability of this study was highlighted through thick description of what was being investigated and the clear boundaries of the study. The researcher

provided well-defined information and boundaries related to the participants, data collection, and data analysis. This allowed for the results of the study to be applied to other populations if the boundaries were similar. Nevertheless, this study was not transferable because it focused on the lived experiences of faculty members at public institutions within a specific state.

### **Dependability**

The goal of dependability is to ensure that if a study were repeated, similar results would be obtained. The processes related to each study should be reported with a enough detail that a future researcher would be able to repeat the study and have similar results (Hays & Singh, 2012; Shenton, 2004). The researcher made sure to provide detailed information so if the same study is conducted in the future, the results will be similar. The researcher achieved this by operationalizing as much information as possible, triangulating data collection methods, providing thick description of study procedures, and reflecting extensively on the limitations and delimitations of the study.

### **Confirmability**

Confirmability is the qualitative equivalent of objectivity. To ensure confirmability, researchers must take steps to ensure that the findings of a study are based on the experiences of the participants and not on the preferences or views of the researcher (Hays & Singh, 2012; Shenton, 2004). The confirmability of this study was highlighted by triangulation and thick description. The researcher also increased confirmability by providing the reasoning for why certain decisions were made as related to the sample, data collection, and data analysis. Field notes, codebooks, and transcripts were maintained as another way of ensuring that this study was not biased, and that the researcher's personal experiences and views did not affect the analysis.

### **Ethical Considerations**

The researcher addressed ethical considerations throughout this study. The researcher observed the six ethical principles related to human subjects research (Hays & Singh, 2012). These principles are autonomy, nonmaleficence, beneficence, justice, fidelity, and veracity (Hays & Singh, 2012). Autonomy is defined as the participants' rights to choose. Participants were made aware that their participation was voluntary, and they had right to withdraw from participation at any time (Hays & Singh, 2012). Nonmaleficence is defined as the avoidance of harm (Hays & Singh, 2012). In this study, the researcher ensured that the participants did not experience harm or discomfort greater than what they would experience in daily life (Hays & Singh, 2012). Justice means the researcher ensured the study was fair and equitable (Hays & Singh, 2012). Fidelity ensured the researcher acted with integrity throughout the research process. The researcher engaged in veracity which meant the researcher was honest with all participants and ensured that improper relationships did not develop between the researcher and the participants (Hays & Singh, 2012).

The researcher also took steps to ensure that all other ethical considerations were met. The researcher received permission to conduct this study from the Old Dominion University Darden College of Education and Professional Studies Human Subjects Review Committee. The researcher also explained participant confidentiality verbally before each interview, and all participants completed the informed consent form. The informed consent form explained all the steps the researcher was taking to ensure the participants' anonymity, confidentiality, and overall protection.

### **Methodological Limitations**

As with all methodologies, this methodology was not without limitations. Given the specific population that was studied, the results will not be able to be applied or generalized to other populations or faculty members at all higher education institutions.



A potential methodological limitation was the instruments used to collect data. The researcher took all steps possible to increase the validity and reliability of the interview questions. These steps included the use including having a research team review the interview questions. Even with these steps being taken, however, some participants may have still interpreted the questions differently or incorrectly described their experiences related to identifying and addressing prohibited speech in the classroom.

### **Positionality**

This study may have been limited by positionality of the researcher. The researcher brought their personal beliefs about faculty member perceptions of prohibited speech to the study. These beliefs may have affected the questions that were asked, the type of follow up questions that were asked, and/or the non-verbal actions that may have been made by the researcher during data collection. The researcher was a current student conduct professional who adjudicated prohibited speech cases. In doing this work, the researcher developed the belief that prohibited speech disrupted the classroom environment. Prohibited speech needs to be addressed by higher education institutions so that it does not continue to be used in the classroom and in other spaces on campus. Additionally, the researcher developed the belief that faculty members do not know how to identify and address prohibited speech in the classroom. This lack of knowledge often results in the faculty member failing to address prohibited speech or the faculty member taking actions that exacerbate the issue. The researcher took all steps necessary to ensure that these views were not brought into this study. The researcher was aware of these beliefs and came into the study with a clear mind, committed to being objective throughout the study.

Similarly, faculty members are often believed to possess a liberal political ideology. The political views of the participants may have also affected the type of information they provided and may have stopped them from providing a truly objective view of their experiences related to identifying and addressing prohibited speech in the classroom.

### **Chapter Summary**

In this chapter, the researcher detailed the methodology that was used in this study. The participants included faculty members currently employed at one of the 15 UNC higher education institutions, and the sample was developed using purposeful and criterion sampling. This sampling method allowed for the development of specific sampling criteria, with participants being selected if they met the criteria. Data were collected using a combination of a document analysis and semi-structured interviews. Collecting data using these two different methods allowed for triangulation of the data sources, which was a strategy for ensuring the trustworthiness of the data. Each of the semi-structured interviews were conducted virtually and then subsequently transcribed. Last, the interview transcripts were analyzed using descriptive and focused coding.

The results of this study will be detailed in the subsequent chapters. Chapter 4 will detail the results and the and themes will be explained. Research findings will be discussed, and the research questions will be answered in Chapter 5.

## **CHAPTER IV**

### **PRESENTATION OF RESULTS**

The purpose of this multiple case study was to examine faculty members' experiences related to identifying and addressing prohibited speech in the classroom. A document analysis was conducted, and participants shared their experiences through in-depth, semi-structured interviews. The document analysis provided information related to the speech policies at each institution included in this study. The participants described their experiences related to professional development and how the use of prohibited speech affected classroom management, impacted the classroom environment, and impacted the structure of assignments. They also shared how experience and personality affected faculty members' ability to identify and address prohibited speech.

In this chapter, the researcher will present the findings from the study. The researcher used descriptive and focused coding to analyze the data. Four themes emerged as a result of the data analysis: (1) inadequate understanding and awareness of prohibited speech, (2) the impact of increased structure in the classroom on reducing the use of prohibited speech, (3) a faculty member's personality and experience level as an effective factor for identifying and addressing prohibited speech, and (4) inadequate professional development, resources, and understanding of policy. This chapter will be organized by the four themes and how the themes relate to the research questions.

#### **Participant Demographics**

A total of 15 participants were interviewed between March and April 2021. All participants held the title of the Associate Professor or higher and taught courses in the humanities or social sciences. Table 2 outlines general information about the participants,

including pseudonyms, which were used in place of their actual names and institutional affiliations. For the purposes of this study, the researcher did not identify any personal characteristics of the participants as those factors were not included in the design of the study. Eight of the participants had the title of Professor and seven of the participants had the title of Associate Professor. The number of years of experience ranged from 8 to 36 years. Two participants taught sociology courses, three participants taught criminal justice courses, six participants taught communication courses, three participants taught political science courses, and one participant taught philosophy courses.

**Table 2**

*Participant Demographics*

Pseudonym	Title	Years of Service	Institutional Affiliation	Department	Courses Taught
Paul	Professor	20	Rural Regional University	Sociology	Sociological Theory, Media and Popular Culture, Social Movements, Deviance, and Race and Ethnicity
Lisa	Associate Professor	11	Comprehensive Master's Level University	Sociology and Criminal Justice	Criminal Justice, Criminology, and Corrections
Tim	Associate Professor	10	Rural Research University	Communication	Broadcast Journalism, Television Performance, Mass Media

					Law, and Journalism History
Donna	Associate Professor	11	Rural Regional University	Political Science and Public Affairs	Global Issues, International Politics, and Politics of Ethnic Conflict
Steve	Associate Professor	34	Suburban Research University	Communication	Research Methods, Rhetoric of Pop Culture, and Rhetorical Theory Debate
Clare	Associate Professor	8	Rural Regional University	Communication	Communication Theory and Public Speaking
Jared	Professor	25	Rural Research University	Political Science	American Politics, Political Humor, and Campaigns and Elections
Kendra	Professor	13	Rural Comprehensive University	Government and Justice Studies	Corrections, Cybercrime, Crime Theory and, Policy Writing in Criminal Justice
David	Professor	26	Small Liberal Arts University	Communication	Video Production, Media Ethics, and Film

					Studies
Andrew	Professor	20	Rural Comprehensive University	Government and Justice Studies	American National Politics, Debates in American Politics, American Political Parties, Interest Groups in American Voting, and Campaigns and Elections
Michelle	Professor	29	Rural Comprehensive University	Sociology	Constructions of Gender, Life Politics, and Sociology of the Family
Denise	Associate Professor	15	Small Undergraduate University	Social and Behavioral Sciences	Criminal Law, Criminal Justice, Criminology, and Criminal Procedures
Robert	Professor	36	Small Regional University	Philosophy	Critical Thinking, Philosophy, and Religion
Jeremy	Associate Professor	23	Rural Regional University	Communication	Public Speaking
Caitlin	Professor	19	Rural Research University	Communication	Feature Writing, Investigative Reporting, and Media Writing

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### **Analysis of the Data**

The researcher conducted a document analysis for the overall UNC speech/harassment policies and the speech/harassment policies at each of the institutions included in this study. The analysis started with skimming or superficial examination of the documents, then reading or thorough examination of the documents; the information was then interpreted to develop themes (Bowen, 2009). Performing the document analysis in this manner allowed the researcher to determine which passages of text were meaningful/relevant and to separate out any information that was not pertinent.

Two rounds of coding were used to analyze the interview data. Descriptive coding was used for the first coding cycle because it summarized the topic of a passage in a word or short phrase (Saldana, 2009). This type of coding set the groundwork for second cycle coding by creating a categorized inventory of the data (Saldana, 2009). Focused coding was used for the second coding cycle. Focused coding used the most frequent first cycle codes to develop the most prominent categories in the data set (Saldana, 2009). This type of coding allowed the researcher to develop categories and to compare codes across the various participants included in the study (Saldana, 2009).

### **Document Analysis**

The UNC system policies were found to be vague and did not provide a significant amount of detail related to the use of speech. In addition to the lack of detail, no information was provided that would help the institutions develop and implement their own policies. The policies affirmed the commitment of the UNC system to free speech and free expression for its students, faculty members, staff, and visitors under the First Amendment and the North Carolina Constitution. Additionally, the policies stated that the UNC system and the constituent

institutions must protect and promote those freedoms, consistent with the First Amendment and related case law. This view was subsequently related back to the mission of the UNC system, and the policy identified the transmission and advancement of knowledge and understanding as paramount. These pursuits are dependent upon the ability of UNC system faculty and students to remain free to inquire, to study, to evaluate, and to gain new maturity and understanding. The policies also indicated that the UNC system supports and encourages freedom of inquiry for faculty members and students related to teaching, learning, research, discussion, and publication. It was made clear that everyone should be free from internal or external restraints that would unreasonably restrict their academic endeavors. Last, the UNC system policies made clear that it is not the role of the system or any constituent institution to shield individuals from speech that is protected by the First Amendment. No examples were provided to indicate what types of speech/expression are protected by the First Amendment.

The document analysis found that the speech and harassment policies at the institutions included in this study had different names and there was no consistent policy title used. Some of the institutions used the title “Speech Policies”, some used the title “Freedom of Speech and Expression Policies”, and some of the institutions included the speech and harassment policies in the Student Code of Conduct. The lack of uniform policy names across all the institutions included in this study made it difficult to find all the policies that needed to be included in the document analysis.

The policies at each of the institutions included in this study used similar language and did not provide detail related to the types of speech that were allowed or prohibited. They used similar language to the language used in the UNC system policies. The policies focused on how the institutions protect and promote speech that is consistent with the First Amendment and the



North Carolina State Constitution. All the policies also indicated that the institution could regulate speech when it comes to time, place, and manner. No examples of allowed or prohibited speech were provided.

The policies provided additional detail was provided related to what constitutes a hostile environment. All the policies stated that speech that would create a hostile environment is not allowed. The policies defined a hostile environment as an environment where a reasonable person would find the conduct or speech used so severe, pervasive, and persistent that it altered the conditions of education, employment, or participation in a university program or activity. No specific examples of what constituted a hostile environment were included, and no information was provided to help faculty members implement the policy in the classroom. Additionally, the policies provided some information related to threats. A threat was defined as speech where a reasonable person or group would reasonably believe that the threat would be carried out. As with the hostile environment section of the policies, no specific examples of what constituted a threat and no information to help faculty members operationalize the policy in the classroom were provided. Last, the policies provided some information regarding what a faculty member should do if prohibited speech was used in the classroom. A majority of the policies stated that if a student substantially interfered with or disrupted a class, the faculty member could remove the student from the classroom. No examples were provided, and no information was provided to help faculty members implement this policy in the classroom.

Only one institution, Small Undergraduate University, included specific information and examples of the types of speech that are prohibited and cannot be used in the classroom. The speech policy provided definitions for Incitement, Fighting Words, True Threats, Obscenity,

Libel, and Harassment. No examples of these types of speech were provided, but the definitions were clear, and the policy made clear that those types of speech were not allowed.

Overall, the results of the document analysis indicated that the UNC system and the institutions included in this study used similar language in their speech and harassment policies, but the language used was vague and did not provide examples or specific information related to the types of speech that are and are not allowed to be used. Some information was provided related to what constitutes a hostile environment and a threat, but no policy information was included to help faculty members operationalize and implement those policies in the classroom.

### **Thematic Synthesis**

The two rounds of coding and subsequent comparison across the various participants allowed the researcher to develop themes. The researcher used direct quotes from the participants to describe each of the four themes in relation to how they describe their experiences related to identifying and addressing prohibited speech in the classroom. Table 3 describes and summarizes each of the themes.

**Table 3**

#### *Summary and Description of Themes*

Theme	Description
Theme 1: Inadequate understanding and awareness of prohibited speech.	Theme 1 describes the participants' level of understanding and awareness related to prohibited speech.
Theme 2: Impact of increased structure in the classroom on reducing the use of prohibited speech.	Theme 2 summarizes the participants' the experiences related to how the structure of the classroom environment and course assignments affects the use of prohibited speech.
Theme 3: A faculty member's personality and experience level as an effective factor in	Theme 3 illustrates the participants' beliefs related to how personality and experience

identifying and addressing prohibited speech.

affect their ability to identify and address prohibited speech.

Theme 4: Inadequate professional development, resources, and understanding of policy.

Theme 4 summarizes the participants experiences related to professional development, lack of professional development, and the impact of understanding institutional policies on identifying and addressing prohibited speech.

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### **Theme 1: Inadequate Understanding and Awareness of Prohibited Speech**

While some participants understood the meaning of prohibited speech being used in this study, the majority did not understand the meaning being used. Using the definition of prohibited speech being used in this study, participants were able to articulate situations in which they had to identify and address prohibited speech. That being said, the use of prohibited speech in the classroom was not a topic that the participants often thought about while teaching.

The most common definitions of prohibited speech, shared by the participants, did not include any mention of the Supreme Court, and focused on hate speech and speech that made students uncomfortable. The experiences detailed by Lisa, Paul, Steve, and Donna highlighted the experiences of the participants who were not able to articulate the definition of prohibited speech being used in this study. Paul, like many of the participants, quickly shared the following, “Prohibited speech, gosh, when I hear that, what I think is I’m thinking of speech that is some people might call hate speech”. Steve shared a similar definition of prohibited speech. He believes that prohibited speech is hate speech along with speech that would not be legally allowed.

Well, for me, what would come to mind would be officially sanctioned speech, such as hate speech. I think of prohibited speech beyond just the legal definition as being those things you can't say, either because of cultural prohibition or legal prohibition.

Lisa and Donna both generalized prohibited speech as speech that makes someone feel uncomfortable. Lisa shared her belief that prohibited speech is simply speech that someone cannot say, and she acknowledged that it was hard for her to define prohibited speech.

Well, in its simplest form, it would be something that you can't say. Wouldn't that be the simplest form of prohibited speech is things that you can't say, or maybe things that you shouldn't say? I think sometimes where they say freedom of speech is not freedom of repercussions for your actions in your speech. I don't know. I feel like I'm not—It's a hard question to answer.

Similarly, Donna shared her belief that prohibited speech is speech that makes someone feel uncomfortable.

For me, in the classroom, it would just be speech that makes somebody feel intensely uncomfortable because it's targeted toward them. In my mind, that would be prohibited for me because I don't want anyone in the class to feel uncomfortable at all or feel like they are being targeted by something somebody said, a specific phrase or word or thought, whatever it is. That would be prohibited speech to me.

Like most of the other participants, Paul, Lisa, Steve, and Donna believed their definitions of prohibited speech were correct. After the participants shared their definitions of prohibited speech, I reiterated the definition that was being used in this study. The definition of prohibited speech being used in this study is the definition that was used as a basis for all subsequent results.

Two participants clearly articulated a definition of prohibited speech that matches the definition being used in this study. Jared and David shared that they had more experience related to this topic because of the courses they teach. Jared teaches political science courses that focus on many of the topics related to this study. The definition shared by Jared incorporated the Supreme Court and the First Amendment.

I'm familiar with the language that we use; it's speech that's not protected by Supreme Court decisions. Never mind, that gets too specific. Speech that's not protected by the First Amendment. Technically, formally, that means what the Supreme Court has said but the simple way to say it is First Amendment. I understand what it is.

Similarly, David teaches communication courses that focus on law, to which he attributed to his increased understanding of prohibited speech.

We cover media freedom and regulation in my 100-level course. I took media law, but that was a while ago. My understanding is, yes, it's going to be things that would be libel, things that would be harassment, things that would be incitement, things that would be obscene. I don't know if I'm missing anything.

The definitions shared by Jared and David were consistent among the participants who were able to articulate a definition of prohibited speech that matches the definition being used in this study. Not all these participants were able to articulate the full definition of prohibited speech that is being used, but they were able to articulate the main points of the definition.

Many of the participants indicated that faculty members were not able to articulate the correct definition of prohibited speech because the issue is not something they think about often. The lack of awareness and faculty members perceiving prohibited speech as not important may prevent faculty members from being able to articulate the definition of prohibited speech that is

being used in this study. Paul echoed this belief by stating that faculty members do not focus on prohibited speech.

I don't think that faculty really worry about it too much. I think it's like me, it may not come up. I think that faculty think of it as hate speech. I think that within my college and probably the larger university, all faculty would say, we wouldn't call it prohibited speech, we would call it hate speech, and we won't accept hate speech in our classroom. We all have this mindset, and I've seen it in discussions with faculty inside and outside of my department, but I don't think that most faculty have it present in their mind all the time.

Denise shared a similar belief that prohibited speech is not something that faculty members think about often.

I would say it's pretty low on things that they feel like they have to deal with. At least I know some will. Some faculty is just like, "You know what? I'm not even going to go down there". Some ignore it. Some will pay attention to that. I think it's pretty low on their radar.

Conversely, the two participants that provided a definition of prohibited speech that matched the definition being used in this study, shared that the topic of prohibited speech is high on their radar, and they think about the issue often. Jared shared that he thinks about prohibited speech often, which may be attributable to the courses he teaches.

Especially in my discipline, political science, people do think about it, especially those in my department who teach American politics. This was an election year; it was a very heated election year. There's a whole aftermath to the election in terms of the national debate.

David echoed Jared's thoughts, "For me, it's towards the top, but that's also because it's my field, and I teach on these hot button issues. I imagine that my colleagues in the math department are not particularly concerned about this".

One participant, Andrew, shared a unique perspective that the lack of understanding related to prohibited speech may be attributable to ambiguity and the complexity of the topic.

I think every situation is different, which is in part due to the fact that there's so many ambiguities about what is prohibited speech or non-prohibited speech, accepted speech in a classroom. I think that is both a consequence of that and probably also the reason that there's an ambiguity because there are different contexts with which you could look at the scenario.

## **Theme 2: Impact of Increased Structure in the Classroom on the Use of Prohibited Speech**

One of the most consistent experiences shared by the participants focused on how increased structure related to class management and assignment structure helped to reduce and prevent the use of prohibited speech in the classroom.

Multiple participants shared that they include language in their syllabi and spend time at the beginning of each course outlining the expectations for the course. These techniques included detailing the behavior that is permitted and the type of classroom environment the faculty member hopes to create, and setting specific classroom expectations.

Both Kendra and Clare detailed how they worked to create a classroom environment that is focused on limiting the amount of prohibited speech that is used. Aspects of these classroom environments included ensuring that all students were respectful, knew they would be discussing topics that may be tough to discuss, and understood that some topics might elicit passionate responses. According to the participants, creating an inclusive classroom involved

acknowledging that everyone has different views, and everyone may not always agree. Kendra cultivated her classroom environment on the first day of classes and made students aware there was going to be passionate discussion.

I always give the spiel at the beginning of class about being respectful to others, and debatable topics, but everyone gives that talk. To me, it's like white noise. I think to some they're just like, Yes, whatever. I will make a point after I've done the syllabus to sit on my desk, and I'll say, Here's the deal. We're going to talk about a lot of different things in this class. Some things you're going to be very passionate about, but some things you may not feel comfortable speaking up in class about.

Clare shared she took a similar approach in the classroom and tried to create an inclusive classroom environment where everyone was viewed as equal.

I present the classroom as a space for trying to work our way through challenges and we're going to mess up as we move through this. I tell them that, I'm like, even I mess up. I work really hard to make it an inclusive space where anyone with any differences is welcome. I set the tone from day one of we're all on the same plane. I basically tell them, I start with, it's funny, I just say, In case no one's ever told you this, you're weird. You're weird. You're weird. You're weird. I'm weird. We're all a bunch of weirdos in this space.

Lisa, Michelle, Jared, and Donna have taken a similar approach by taking time at the beginning of each course to review their expectations for speech that should be used in the classroom. The participants believed these techniques helped set the tone for the course, helped to ensure that all the students understood what will be discussed during the course, and



established what the faculty member expected from each student. Lisa increased structure in the classroom by setting the rules for when a student would be removed from a class discussion.

I tell my students that we are going to talk about stuff that's going to get you fired up. This is a safe space, feel free to say whatever you want to say you, within reason, here in this classroom without judgment. You can be curious, you can ask questions, but I reserve the right to dismiss you from the conversation if you use speech that is prohibited. I remind them that you can disagree academically and not bring in anything personal about it, and that academics do it to each other all the time.

Similarly, Michelle used the same approach and required her students to back up their statements with data. Michelle attempted to reduce the use of prohibited speech by limiting the number of personal experiences that could be shared, as she believes that the sharing of personal experiences may create an environment conducive to using prohibited speech.

I tell the students if you're going to talk about your experience or you're going to use your experience as evidence, that's fine, but please, expect that we will question the evidence like we question all other evidence in an academic setting. If you want to share your experience, because a lot of them come to class like that, because they do want to talk about experience, you're welcomed to do that, but you cannot use your experience to end debate. You can only use your experience to open debate and dialogue, but not to shut it down.

Donna used a similar approach but was blunter in articulating what types of speech are allowed in the classroom.

I have been very upfront with students at the beginning of the semester that I will not tolerate any kind of behavior or discourse that is considered to be prohibited. I try to

stress at the beginning, it's in my syllabus. It's also in constant talks we have, and I reinforce it throughout the semester that we can disagree with each other, but we can do so civilly and professionally. I really emphasize that.

Last, Jared used the same techniques as the other participants, but he gave each student an opportunity to choose another section of the course if they were not comfortable with the topics that were going to be discussed.

We have a 5, 10, 15-minute discussion in the front end of the class, where I tell them they are going to be challenged. I make sure they know it is very likely they are going to hear things they don't want to hear. If that's the case, I give them a fair warning. If they do not want to hear those things, there are seven other sections of this class they can sign up for. If on the other hand they stick around, I tell them to please don't be surprised.

In addition to setting classroom expectations and working to create a certain classroom environment, multiple participants have also increased classroom structure by making changes to assignments. These participants have changed their assignments by updating prompts, reducing the number of group assignments, and increasing instructions to address all possible questions. Steve shared about how he and other faculty members updated examples and assignment prompts to reduce the number of opportunities where prohibited speech could be used.

We are all updating our examples but there's previously innocuous or even positive examples that have become absolutely taboo like Bill Cosby. Back in the day when his show was a hit show, one of my ways of relating to my students was through *The Cosby Show* and through especially my non-White students, we could at least have some level of commonality around that pop culture that both groups were consuming. Obviously now, that's a very different example about a very different thing.

Denise and Michelle added structure to their online discussion post assignments in an attempt to reduce prohibited speech from being used. Michelle worked to prevent prohibited speech by providing explicit directions on what content should be included in a discussion post.

I started asking much more specific things that they address in the discussion forum we have online. I stopped letting it be as free flowing as it was and I say, "Paragraph one, what is the author's main argument? Give three examples of what the author is talking about on this issue." I felt I had to structure it so that they would stay focused on the academic arguments being made in the academic article they're reading.

Denise worked to reduce the use of prohibited speech by preventing students from viewing another student's discussion post until they submitted their own post.

I have it where it's restricted. You have to post first before you can read anybody's.

Because then they were just feeding on it and if one person starts on a negative note, then everybody just jumps on it. I restricted that.

Multiple participants also increased assignment structure by reducing the use of or adding additional structure to group assignments. These participants believed that group assignments created an environment where more prohibited speech could take place. Given this belief, multiple participants reduced the use of group assignments. Caitlin clearly articulated this belief by saying, "I've gone less and less with that, and I think other people have, as well, big group activities". Denise articulated a similar belief and shared that she puts much more thought into the structure of group assignments since group assignments offer a greater opportunity for passionate discussion and the subsequent use of prohibited speech.

I'm mindful of certain assignments. If it's group assignment, yes, but if it's individual assignment, no, because the assignment comes with no restriction. It's them expressing

themselves, so those have no restriction. If it's a group assignment, especially one that has to be presented, given that there are different audiences and there are different students involved, who will come in approaching it from a different perspective, yes, most certainly. I'm mindful of what kind of assignments I give in that context.

Last, Denise reiterated the beliefs of many participants when it came to increased assignment structure. Denise and multiple other participants had to increase structure in their assignments and had to think about every possible situation that could occur in hopes that would prevent prohibited speech from occurring.

Now, I'm to the point where I have to think about every conceivable situation and make provisions for that, including the dos and don'ts and the instructions. I'm constantly checking on the internet to see what other people are doing, that helps.

### **Theme 3: A Faculty Member's Personality and Experience Level as an Effective Factor in Identifying and Addressing Prohibited Speech**

While many participants indicated that increased classroom and assignment structure helped to reduce and prevent the amount of prohibited speech used in the classroom, almost all the participants believed their personality and amount of experience had the biggest impact on them being able to prevent and reduce the amount of prohibited speech used in the classroom.

The participants indicated that being a leader, authenticity, patience, and respectfulness are the personality traits that have helped them prevent the use of prohibited speech. Participants also indicated that acting with immediacy and exhibiting confidence helped them to quickly and effectively stop prohibited speech and speech that could have evolved into prohibited speech. Jared indicated that leadership was key to managing the classroom environment and being able to control the types of speech used in the classroom.

Leadership is something that some people have an innate ability to do, it's also something that has to be learned. It's a little bit of both. When you take the average 27-year-old, fresh out of graduate school, who says, "I told them they were supposed to do this assignment and they didn't do it, and they can't understand that." That's just one stupid example. I don't think they understand that that means you have to follow up, there's a whole lot involved and stuff like that. With respect to managing an environment, I think that's beyond the skillset or even the awareness level of a lot of instructors.

Clare articulated the views of multiple participants in believing that being authentic is one of the most important personality traits for reducing and preventing the use of prohibited speech. Clare shared that she was open with her students when she was not comfortable and was struggling to discuss certain topics. Clare believed that being authentic with her students would create positive relationships in the classroom, leading students to be more respectful during class discussions.

I think my personality is part of it. I view myself as a very authentic person and I feel like people can take more away when we're being real with one another and so I bring that to the classroom, and I hope that people will engage with me. That's why I found it's very helpful for being so authentic in the classroom. I tell it like it is, and students see me as a person, as a faculty member, but they realized that I'm a human being. I struggle too. I think that we develop a better relationship in the classroom as a result of that. We all learn it. I will talk about anything and everything in class. There is nothing that I am not, I don't want to say, it's not that I'm not comfortable. I can be uncomfortable and talk about that. I'll just be like, "This is uncomfortable for me, but I think it's worthy of

conversation so we're going to stumble through it." I couch it like that, and I hope it's good enough.

Robert used the same approach and was open with his students about the fact that he is learning along with them. Robert encouraged his students to respect the subject matter in the hope that it would prevent students from bringing negative speech into the classroom and engaging in discussion that could evolve into prohibited speech.

In the classroom, I put myself under the same discipline as the students. Don't respect me; respect the course, institution. I'm here to learn as much as you are. I'm certainly an interlocutor, just one other interlocutor in the discussions that occur. We're all subject to the same discipline. I call it the discipline of a course. That's what you respect. Don't respect me. I don't care about me. It's the course, it's the subject matter that we all ought to respect.

The personality traits of acting with immediacy and exhibiting confidence were viewed by numerous participants as being effective ways to prevent prohibited speech from occurring. These participants indicated that they had success in preventing the use of prohibited speech by stopping prohibited speech before it occurs. The participants highlighted the importance of addressing speech that would be considered prohibited to ensure that the speech does not escalate into prohibited speech. Clare shared that she has had success by stopping the class and addressing the speech being used immediately.

My thought process is that we're doing it right here. We're going to work through this problem right now in front of everybody, so we know how it's done. I positioned it in that way and then I said, "Person A, tell me what led you to this moment and feeling this

way. All right. Okay. Good. Now person B, tell me how you were feeling in this moment.”

Jeremy took a similar approach, but instead of engaging the students in a conversation about the speech being used, he changed the discussion topic to prevent prohibited speech from being used.

I changed the topic and people simmered down, and we got out of the groups. I remember that I had to disperse it. I said, “Let’s talk about what we’ll be doing next time or what we got out of this.” I think people are often looking for that escape.

Having a class conversation may not always be feasible, and Denise, along with other participants, has taken the approach of immediately moving students to different areas of the classroom to prevent speech from escalating into prohibited speech.

I nip it in the bud. As soon as I sense anything, I’ll have them move seats, I’m like, “Okay, let’s move seats.” If you nip it in the bud, I realized that’s the best thing. You always have those ones that always will be the one that will cause the disruption, so if you keep your eye on them and move them around, it helps.

Another immediate action used by multiple participants involved having a student leave the classroom. The participants acknowledged this action was the last option they would choose, but often the threat of having to leave the classroom kept students from using speech that could escalate into prohibited speech. Kendra had success using this technique, as it created social pressure that often deterred students from using prohibited speech.

The defusal technique was ask them to leave. If they do not leave, then we all have to leave. In my opinion, I think just providing that information or it’s like with a child. “If

you don't, this will happen.” The public shame that's associated with, “You’re the person that broke up the class on that Tuesday” would be enough of a deterrent to make it stop.

In addition to personality, most of the participants indicated that as their experience level increased, their ability to identify and address prohibited speech increased. The participants indicated that increased experience provided them with the ability to better address the speech used in their classrooms and the knowledge of how to stop the speech being used before it escalated into prohibited speech. Another common belief was that the participants did not feel comfortable addressing prohibited speech until they achieved tenure. Many of the participants felt that if they addressed the speech being used without having tenure, they would lose their jobs because of student complaints and/or negative class evaluations. After achieving tenure, the participants indicated they no longer a worried and felt they could address prohibited speech without any negative repercussions.

Tim, David, Clare, and Denise articulated the views of many participants and detailed the various ways that an increased experience level helped faculty members identify and address prohibited speech. Tim shared how early in his career he would attempt to stop certain speech before it escalated into prohibited speech, but the speech he used escalated the situation instead of defusing the situation.

I did a bad job de-escalating the situation and that was really early in my professor career.

It was the summer after my first year with the title Assistant Professor. I think I said the word something like, “This needs to stop. This needs to stop right now.” Something like that, which is what I meant was, “Let’s calm down. Let’s take a breath. Let’s schedule a time that we can meet in my office to discuss it.” That was what I meant, but in the heat of the moment, I didn’t say the right words. I was like, “This needs to stop. This needs to



stop.” Again, that was what the student took as me shutting them down and not being willing to hear them out which made it even worse.

Clare and Denise shared the common view that increased experience helped them be more confident and made them better able to address more complex situations. They shared the belief that experienced faculty members have tried different techniques over their careers and have figured out what does and does not work when it comes to identifying and addressing prohibited speech. Clare shared this view in a concise statement, “You get better at teaching the longer you do it, and the more you pay attention to it, the more you’re willing to try different things”. Similarly, Denise shared how increased experience helped her be more confident and able to address different situations.

Definitely, it’s hard, but I would say over time. . . At first, it was much harder for me when I first started, but right now, after 10 years, I think I’ve seen it all, so it doesn’t take me off guard as much as it used to. I think I have gotten a hang of how to conduct that and handle myself.

A few participants shared that increased experience has changed their demeanor and the way they interacted with students. Increased experience caused some of the participants to be more honest with students, and they were not afraid to address student speech in a more forceful and confrontational manner. This belief was best articulated by Paul, who was not afraid to share his views.

I’ve become less cautious and diplomatic in addressing student speech. I’m 50 years old, and I’ve been teaching at the higher ed level for 23 years. At this point, I’m just a more confident teacher and I’m not intimidated by being in front of a class. I’m much more

upfront about it. I'm not brow-beating students, but I'm not afraid to just get right into it and give it to students.

One of the most common views related to level of experience was that achieving tenure was influential in faculty members being able to identify and address prohibited speech. Many of the participants felt that if they addressed speech without having tenure, they would lose their jobs because of student complaints and/or negative class evaluations. After achieving tenure, the participants indicated this was no longer a worry and they felt they could address prohibited speech without any negative repercussions. Lisa clearly expressed these views.

Tenure is literally everything. You know what I mean? My whole life changed when I got tenure. My curriculum changed, my attitude changed, everything about me, professionally, changed when I got tenure. You get the right to say no, and people have to stand behind you.

Andrew also highlighted the importance of tenure and how it provides protection for faculty members and allows them to address situations without fearing they will lose their jobs.

I would have simply said that "That is not appropriate." That contributes nothing to the learning environment. That one, I would have stepped in because it creates a hostile learning environment. I think the other thing I'll weigh in here is, at least in theory, I'm a tenured full professor, so I have a little bit more protection.

#### **Theme 4: Inadequate Professional Development, Resources, and Understanding of Policy**

Most of the participants shared that they were able to identify and address prohibited speech only because of the courses they taught, their personal interest in the topic, and/or because of the skills they had learned through trial and error. A small number of participants shared that they had completed professional development that was somewhat related to

identifying and addressing prohibited speech, but the training was not effective and did not help them identify and address prohibited speech. A consistent view articulated by almost all the participants is they have never received any training or professional development related to identifying and addressing prohibited speech in the classroom. Another consistent view among the participants was that ideal professional development would involve discussing prohibited speech scenarios in groups of faculty members from different departments. Last, most of the participants shared that in addition to the lack of professional development, they were not aware of their institution's policies related to speech. Multiple participants shared that if they knew the information detailed in institutional policies, they might have been better able to identify and address prohibited speech.

A small number of participants indicated that they had completed professional development related to prohibited speech, but they indicated that the training was not effective and did not help them learn how to apply the information to the classroom setting. Andrew articulated the views of these participants.

We've had a few different training programs; some are useful, some are incredibly not useful. Interestingly enough, a lot of what the university does, frankly, is to cover its ass. To say, "Look, we had this training." Unfortunately, some of the training is, again, some of that is useful and some of it is worthless.

Donna articulated similar views but indicated that faculty members are receiving a significant amount of training that is not focused on the important issues that faculty member need to know to be effective when addressing issues that occur in the classroom.

I think training would be wonderful. More training is a good thing. We get a lot of training and sometimes I'm like, "I don't need to know how to place a ladder against the

wall because that's not part of my job." Yet, we do get that training. It would be more useful to have training about how to handle uncomfortable situations in a classroom and what actually does constitute prohibited speech at the policy level. That would be great.

Almost all the participants shared that the training and professional development they received did not explicitly include information related to identifying and addressing prohibited speech. Many of the participants also shared that they had not received training related to prohibited speech and they might not attend a training session if it was offered. Robert shared, "I'm not aware of any. I wouldn't go in for it because I think I have enough common sense to handle this myself. I'm averse to training sessions. You train police dogs and military dogs". Caitlin and Jeremy articulated similar views that were shared by multiple participants. Caitlin stated, "I'm not going to say it's a prohibited speech workshop, but we've had one as far as inclusion and diversity". Similarly, Denise stated, "Yes, prohibited speech specifically, no. We have a couple of the professional development opportunities both on campus and off campus. I'm not aware of anything on prohibited speech specifically".

The largest amount of consensus among participants was related to how they believed professional development related to prohibited speech should be structured. The participants believed that the ideal professional development session would involve discussing case studies, with contemporary examples, in small groups with other faculty members. Caitlin, Donna, and Jeremy articulated the views of many participants. Donna shared that roleplaying different scenarios and discussing various response options would be helpful.

I think probably the most beneficial for me personally, would be to see somebody roleplay several different situations and how those might be handled. Reading about it in a manual, I know manuals are important, but that's not really going to give you a sense of

what it's like to be in a very uncomfortable conversation and then have to figure out how to respond. Watching people, roleplay potential scenarios would help. Then being able to be a participant in that role-play yourself, to just try out the strategies in a fear-free environment before you're actually in that situation, would be enormously helpful.

Paul also shared that interactive sessions would be helpful, and an interactive type of training might attract faculty members who were tired of attending training sessions where they simply listened to a presenter.

I think I can say that they would probably be more effective if they were synchronous interactive sessions. However, faculty are so overloaded with service in many ways on top of their teaching and scholarship that there's this feeling amongst the faculty that we just keep getting more work piled on top of us. An interactive training may help faculty members view it as worthwhile and a good use of their time.

Jeremy and Caitlin shared the beliefs of multiple participants who believed that scenarios-based trainings would be more effective if current issues were discussed. Jeremy shared that the inclusion of current events could make the conversations more passionate and closer to what the faculty members could experience in the classroom.

We could have these small group or face-to-face things, and make it, perhaps, a little more charged, a little more contemporary, different kinds of scenarios. I love the role-playing thing. Incidents that we're having today, I would put George Floyd front and center, and say, "Here's the scenario. If we're doing conflict, how do you de-escalate this?" Give them a run down, "Let's run through it. What words would you use?"

Caitlin shared a similar view and believed that professional development should focus on real world techniques that faculty members could use in the classroom.

I would include incidents that we are addressing today, and I would put George Floyd at the top of the list. The participants would discuss the scenario, the conflict, how we would de-escalate the conflict, and what techniques we would use. I think this would be very helpful.

In addition to the lack of professional development, multiple participants shared that they were not aware of institutional policies related to prohibited speech and that information related to institutional policies was not shared with faculty members. Many of these participants believed that knowing this information could help them when identifying and addressing prohibited speech in the classroom. Clare shared that no one talked about institutional policies, and she did not think about institutional policies because they were not always created to address the needs of students.

It's not shared, no one talks about it. Quite frankly, until you've probably hit tenure and you're in some heavier committee work, no one really even reads the faculty handbook until you have to. I think the university at the university level is setting policy based on laws and regulations without looking about what's practical and what happens and that doesn't serve students always. I do what serves the students.

Another view shared by multiple participants is that they would review institutional policies if they were easier to read and contained clear definitions that faculty members could easily apply to their experiences in the classroom. Caitlin shared these views, and she believed that a glossary and clearer expectations would be helpful for faculty members.

It is defined by the university, but there's no glossary or anything up there, "This is what we mean by this. You can get busted for it if we find out that this has been said in your

classroom.” There's nothing quite like that and it would be helpful if something like that existed.

Andrew provided a specific example of how institutional policies were not clear and how that had made it difficult for faculty members to apply policies to behaviors that occurred in the classroom.

I'm trying to think of the wording that's used, but it's essentially creating a hostile learning environment that is incredibly vague. To be fair, it's hard to put those things in terms. You want to codify what is prohibited. You can't say this word. We don't even do that. We don't even say, “You can't use this offensive word.” That leaves a huge ambiguity.

### **Connection to the Research Questions**

This dissertation sought to understand faculty member experiences related to identifying and addressing prohibited speech in the classroom. To fully understand this topic, three research questions were developed. Based on the themes detailed above, I attempted to provide answers to the three research questions. The researcher questions were as follows: (a) How do faculty members describe their experiences identifying prohibited speech in the classroom at UNC system institutions? (b) How do faculty members describe their experiences addressing prohibited speech in the classroom at UNC system institutions? and (c) How do faculty members describe the differences in identifying and addressing prohibited speech, based on type, at UNC system institutions?

The 15 participants answered research questions 1 and 2 at the same time, as they had to address both questions to fully explain their beliefs and experiences. First, most of the participants did not possess the understanding to articulate the definition of prohibited speech

that is being used in this study. The participants attributed this to the courses they taught, their research interests, a lack of professional development, and not having reviewed institutional policies related to speech. The participants believed that professional development could be improved by having interactive sessions where faculty members discuss current events and how to address prohibited speech used in the classroom.

After the participants were provided with the definition of prohibited speech being used in this study, they used that definition to describe their experiences related to identifying and addressing prohibited speech. Most of the participants shared that they did not often think about prohibited speech given the large amount of other issues faculty members have to address. A few participants shared that they often thought about prohibited speech because of the courses they taught and their educational backgrounds. Faculty members who taught political science courses and courses related to the law stated that they thought about prohibited speech often. These participants were also able to clearly articulate the definition of prohibited speech that was being used in this study.

Most of the participants shared that they did not have significant experience identifying or addressing prohibited speech because they took multiple steps to prevent prohibited speech from occurring. The participants shared they often stopped speech that did not rise to the level of being deemed prohibited, based on the definition being used in this study, so that the speech would not escalate into prohibited speech. The participants articulated multiple actions they took to prevent prohibited speech from being used in their classrooms. Multiple participants worked to create a classroom environment where all students were respectful, knew they would be discussing topics that would be tough to discuss, and understood that some topics would elicit passionate responses. Other participants increased structure in the classroom by limiting how



many personal experiences could be discussed, setting rules for when a student would be removed from a class discussion, setting rules for when a student would have to leave the classroom, and giving students an opportunity to choose another section of the course if they did not want to engage in passionate discussions. These same participants also increased classroom structure by making changes to assignments. They changed their assignments by updating prompts, reducing the number of group assignments, and increasing instructions to address all questions. For example, multiple participants worked to prevent prohibited speech by providing explicit directions on what content should be included in an assignment such as a discussion post.

In addition to increasing structure, the participants also shared that certain personality traits such as being a leader, authenticity, patience, and respectfulness had helped them limit the use of prohibited speech. Participants also indicated that acting with immediacy and exhibiting confidence helped them to quickly and effectively stop speech that could have evolved into prohibited speech.

Last, the participants also believed that achieving tenure and having a significant amount of teaching experience helped them prevent prohibited speech from occurring. Many of the participants felt that if they addressed speech without having tenure, they would lose their jobs because of student complaints and/or negative class evaluations. Similarly, the participants shared the common view that increased experience helped them be more confident, which allowed them to address more complex situations, including instances of prohibited speech.

The participants were not able to fully answer the third research question as they did not experience all the types of the prohibited speech that were included in the definition being used in this study. The participants shared that they had experienced Harassment and True Threats,

but rarely experienced speech that would rise to the level of Obscenity, Defamation/Libel, or Incitement. The participants stated that their experiences related to prohibited speech did not change based on the type of prohibited speech of being used, but they took steps to prevent and/or address all types of prohibited speech the same way. Additionally, most participants shared that they did not often think about prohibited speech and therefore did not think about the different types of prohibited speech when identifying and/or addressing prohibited speech in the classroom.

### **Chapter Summary**

The purpose of this multiple case study was to examine faculty member experiences related to identifying and addressing prohibited speech in the classroom. This chapter included participant demographics, an overview of the data collection methods, an overview of the data analysis process, and the researcher's analysis of the data.

The researcher conducted a document analysis and in-depth, semi-structured interviews with 15 faculty members that held the rank of Associate Professor or higher and taught courses in either the humanities or social sciences. The 15 interviews were transcribed and were subsequently analyzed using descriptive and focused coding. Finally, four themes were developed and connected back to the research questions.

The four themes included (1) inadequate understanding and awareness of prohibited speech, (2) the impact of increased structure in the classroom on reducing the use of prohibited speech, (3) a faculty member's personality and experience level as an effective factor for identifying and addressing prohibited speech, and (4) inadequate professional development, resources, and understanding of policy.

Chapter 5, the final chapter, will detail a summary of the study, findings related to the

existing literature, and conclusions. This chapter will also detail the implications for faculty members and researchers, recommendations for key stakeholders, and recommendations for future research.

## **CHAPTER V**

### **DISCUSSION OF FINDINGS**

#### **Purpose Statement and Research Questions**

The purpose of this multiple case study was to examine faculty member experiences related to identifying and addressing prohibited speech in the classroom. A document analysis was conducted, and participants discussed their experiences through in-depth, semi-structured interviews. The study was guided by the following questions:

1. How do faculty members describe their experiences identifying prohibited speech in the classroom at UNC system institutions?
2. How do faculty members describe their experiences addressing prohibited speech in the classroom at UNC system institutions?
3. How do faculty members describe the differences in identifying and addressing prohibited speech, based on type, at UNC system institutions?

#### **Significance of the Study**

Understanding faculty member experiences related to identifying and addressing prohibited speech is an important contemporary issue in higher education as an increasing number of faculty members have had to address prohibited speech in the classroom (Boysen, 2012c; Sue, Torino, Capodilupo, et al., 2009). This increase is coupled with the fact that many faculty members are unable to determine whether the speech used is prohibited, and they do not know how to address prohibited speech (Boysen, 2012c; Boysen & Vogel, 2009; Miller et al., 2018). The combination of increased use of prohibited speech and the lack of knowledge can expose institutions and key stakeholders to negative attention and legal action. Given the significant implications of improper handling of prohibited speech incidents, the results of this

study provide important information for several key stakeholders including institution leaders, faculty senates, governing boards, policy makers, and other researchers. The results of this study may help key stakeholders understand how faculty members are addressing prohibited speech issues and where there are deficiencies in faculty understanding. Knowing this information may allow key stakeholders to create professional development opportunities that can best meet the needs of the faculty.

### **Review of Methodology**

This study was based on the constructivist research paradigm, which assumes that a *universal truth* cannot exist, as the aim of the study was to understand the participants' experiences related to identifying and addressing prohibited speech in the classroom. The research questions for this study were answered using the multiple case study methodology. The multiple case study methodology was used to develop a comprehensive understanding of how University of North Carolina (UNC) system faculty members identified and addressed prohibited speech used in the classroom. The methodology involved collecting and analyzing data from several cases that can be distinguished from the single case (Agranoff & Radin, 1991; Merriam, 2009). By comparing the multiple cases, the researcher was able to build explanations and identify important variables that originate from the different cases (Agranoff & Radin, 1991; Merriam, 2009).

Participants in this study were faculty members currently employed at one of the 15 UNC system higher education institutions (University of North Carolina, 2020). The sample was developed by using purposeful and criterion sampling. The criteria for participation were restricted to faculty members with a title of at least Associate Professor and who taught undergraduate courses in the humanities or social sciences.

Data were collected using a combination of a document analysis and semi-structured interviews. Collecting data using these two different methods allowed for triangulation of the data sources, which was a strategy for ensuring the trustworthiness of the data (Bowen, 2009; Hays & Singh, 2012; Stake, 1995). One-on-one interviews were conducted using a semi-structured interview protocol, as they provided in-depth information related to a participant's experiences and viewpoints (Kvale & Brinkmann, 2009; Turner, 2010). The interviews consisted of several predetermined, open-ended prompts along with follow-up questions to clarify information and/or to elicit more detailed information.

Data analysis began with the transcription of all interviews. The data were then analyzed using first and second cycle coding techniques. Descriptive coding was used for the first coding cycle, and focused coding was used for the second coding cycle.

### **Summary of the Findings**

The results of the document analysis indicated that the UNC system and the institutions included in this study used similar language in their speech and harassment policies, but the language used was vague and did not provide examples or specific information related to the types of speech that are and are not allowed to be used. Some information was provided related to what constitutes a hostile environment and a threat, but no information was included to help faculty members operationalize or implement these policies in the classroom.

The analysis of the interview data revealed four major themes: (1) inadequate understanding and awareness of prohibited speech, (2) the impact of increased structure in the classroom on reducing the use of prohibited speech, (3) a faculty member's personality and experience level as an effective factor for identifying and addressing prohibited speech, and (4) inadequate professional development, resources, and understanding of policy.

Most of the participants did not possess the understanding needed to articulate the definition of prohibited speech that was used in this study. The participants attributed this to the courses they taught, their research interests, a lack of professional development, and not having reviewed institutional policies related to speech. These participants shared that they did not often think about prohibited speech given the multiple other issues faculty members have to address. A few participants who taught political science courses and courses related to the law, stated that they thought about prohibited speech often. All the participants believed that professional development could be improved by having interactive sessions where faculty member could discuss current events and how they would address related prohibited speech used in the classroom.

Most of the participants also shared that they did not possess significant experience identifying or addressing prohibited speech because they stopped speech that did not rise to the level of being deemed prohibited so that the speech would not escalate into prohibited speech. The participants articulated multiple actions they took to prevent prohibited speech from being used in their classrooms. Multiple participants worked to create a classroom environment where all students were respectful, knew they would be discussing topics that would be tough to discuss, and understood that some topics would elicit passionate responses. Another group of participants increased structure in the classroom by limiting how many personal experiences could be discussed, setting rules for when a student would be removed from a class discussion, setting rules for when a student would have to leave the classroom, and giving students an opportunity to choose another section of the course if they did not want to engage in passionate discussions. These same participants also increased classroom structure by making changes to

assignments. They changed their assignments by updating prompts, reducing the number of group assignments, and increasing instructions to address all questions.

In addition to increasing structure, most of the participants also shared that certain personality traits such as being a leader, authenticity, patience, and respectfulness have helped them limit the use of prohibited speech. Participants also indicated that acting with immediacy and exhibiting confidence helped them to quickly and effectively stop speech that could have evolved into prohibited speech. Similarly, multiple participants shared the common view that having tenure and increased experience helped them be more confident, which allowed them to address more complex situations, including instances of prohibited speech.

Last, all the participants stated that their experiences related to prohibited speech did not change based on the type of prohibited speech being used, but they took steps to prevent and/or address all types of prohibited speech the same way. The participants shared that they did not often think about prohibited speech and therefore did not think about the different types of prohibited speech when identifying and/or addressing prohibited speech in the classroom.

### **Significance of the Results**

The researcher believes this study is significant because it thoroughly illustrates faculty member experiences related to identifying and addressing prohibited speech in the classroom. By understanding faculty member experiences, the profession may begin to understand how faculty member training and skill development can be improved to ensure that all faculty members are successfully able to identify and address prohibited speech.

Specifically, the results from the participant interviews indicated that most of the participants were stopping speech that did not rise to the level of being deemed prohibited, so that the speech would not escalate into prohibited speech. This information is believed to be



significant because it indicates that faculty members are stopping students from using speech in the classroom that is not prohibited. Taking this action may have a chilling impact on the speech students use since it could prevent students from using certain protected speech and thereby prevent students from fully expressing themselves. This lack of expression could also reduce classroom discussion and prevent students from learning from a diverse group of perspectives. These actions may also silence minority perspectives and prevent all students from being heard. The negative impacts of stopping students from using protected speech cannot be overstated. Preventing students from using protected speech could make institutions susceptible to lawsuits and create opportunities for institutions to be criticized for only allowing certain speech to be used. For example, an institution could be sued and/or criticized for only allowing speech/views that faculty members agree with and stopping students with opposite views from being heard. This could create negative attention, cause an institution to lose a substantial amount of money, significantly hurt an institution's reputation, and prevent the institution from being able to attract students. Overall, stopping speech before it reaches the level of being prohibited creates several significant impacts that may have more of a negative impact than the speech that the participants were trying to prevent.

The results from the document analysis support why faculty members are prohibiting students from using speech that is protected. They showed that the policies related to speech did not include examples or any information that would assist faculty members in understanding what types of speech are protected and what types of speech are prohibited. Though the policies included broad statements indicating that the institutions would protect and promote the freedoms consistent with the First Amendment, they included no information or examples of the types of speech that are protected by the First Amendment. Similarly, the policies did not contain

information detailing what types of speech/expression are considered prohibited. Given this information and the fact that the participants attributed their lack of understanding of prohibited speech to the courses they taught, their research interests, a lack of professional development, and not having reviewed institutional policies related to speech, it is not surprising that faculty members are preventing students from using protected speech. Even if faculty members thoroughly reviewed their institutions' speech policies, the policies would not provide enough information for the faculty members to understand what is prohibited speech and how they can apply institutional policies in their classrooms. The finding that institutional policies did not contain any specific information contributes to the theme that faculty members cannot define what is prohibited speech and do not possess the knowledge needed to successfully identify and address prohibited speech.

Additionally, the results indicated that faculty members used multiple classroom management techniques including adding syllabus language, setting clear expectations, limiting group assignments, developing detailed assignment instructions, and updating outdated assignment prompts to reduce the use of the speech that could have developed into prohibited speech. The participants also indicated that acting with immediacy and exhibiting confidence along with multiple personality traits including being a leader, authenticity, patience, respectfulness helped them prevent prohibited speech by also stopping speech that could have evolved into prohibited speech. This information is believed to be significant since though using those management techniques and personality characteristics may increase classroom structure and limit the types of speech that are used, taking those actions may have a negative impact on class discussion by preventing students from sharing their views. As discussed in the previous section, this lack of sharing could reduce student learning as they may not be able to fully

explore certain topics and develop a comprehensive understanding of a topic. Conversely, this information may also be significant in a positive way because it illustrates techniques that faculty members apply to other situations to prevent issues in the classroom. Specifically, this information could be used to address and/or prevent classroom disruption issues and other negative behaviors that occur in the classroom.

Last, the results showed that interactive professional development workshops that focus real-world examples would help faculty members learn how to effectively identify and address prohibited speech. The researcher considers this result to be significant because it illustrates that faculty members believe that current professional development opportunities are ineffective and do not provide them with the skills needed to successfully do their jobs. This information also shows that faculty members are reluctant to attend professional development but might be more open to attending if workshops were interactive and allowed them to work through real-world scenarios. These results may provide institution leaders with the information they need to update professional development opportunities to meet the needs of faculty members. Overall, making changes to professional development may make faculty members more willing to attend, make faculty members more effective, and allow faculty members to facilitate difficult discussions in the classroom that broaden students' thinking and help them learn from a diverse group of perspectives.

The results from the document analysis support why faculty members believe that professional development that focused on working through real-world scenarios, would help them learn the knowledge needed to identify and address prohibited speech. The results of the document analysis showed that the policies related to speech did not include examples or information that would assist faculty members in understanding what types of speech are

protected and what types of speech are prohibited. The policies stated that institutions would protect the First Amendment, but detailed no information on what types of speech/expression were considered protected or prohibited by the First Amendment. The researcher believes that this information supports why faculty members would like interactive workshops in which real-world scenarios related to prohibited speech are discussed. Since the policies do not provide detailed information that could inform faculty member actions, it makes sense that faculty members are looking for other ways to learn the information needed to successfully identify and address prohibited speech in the classroom. The use of updated professional development sessions, as described by the participants, is believed by the researcher to be one way to help fill the void created by the limited information detailed in institutional policies.

### **Findings Related to the Literature**

Chapter 2 discussed the literature related to the current state of free speech, the First Amendment, arguments for and against speech policies, faculty members' ability to identify prohibited speech, and faculty members' ability to address prohibited speech. Chapter 2 concluded with the researcher's views on gaps in understanding regarding faculty member experiences related to identifying and addressing prohibited speech. Researchers found that faculty members lacked awareness of prohibited speech. Specifically, the literature indicated that faculty members were unable to determine whether the speech used was prohibited, did not know how to address prohibited speech, were unable to select the appropriate response, and lacked the knowledge and/or skills needed to successfully implement a response (Boysen, 2012b, 2012c; Boysen & Vogel, 2009; Boysen et al., 2009; McKinne & Martin, 2010; Miller et al., 2018; Sue et al., 2011; Sue, Torino, Lin, et al., 2009). The current literature did not address what faculty members experienced related to identifying and addressing prohibited speech. Given this

information, this study focused on understanding faculty member experiences related to identifying and addressing prohibited speech in the classroom. The subsequent section details how this study confirmed, contradicted, and/or expanded the existing literature.

The results of this study confirmed the literature that indicated that faculty members do not possess the knowledge and skills needed to identify and address prohibited speech. Most of the participants could not articulate the definition of prohibited speech that was being used in this study. Most of the definitions shared by the participants focused on hate speech and believing that prohibited speech was speech that makes someone feel uncomfortable. The results of this study also confirmed the other existing literature by indicating that many of the participants were uncertain about what constituted prohibited speech, uncertain about what caused prohibited speech, and uncertain about how to address prohibited speech. The results of the participant interviews expanded knowledge in this area by indicating that faculty members may be uncertain about how to identify and address prohibited speech because of the courses they teach, their research interests, a lack of understanding of institutional policy, a lack of professional development, or their view that the issue is not important. The results of the document analysis also expanded knowledge in this area, as they indicated that faculty members may not understand prohibited speech because institutional speech policies do not contain details and examples that can be applied to what faculty members are experiencing in the classroom.

Similarly, the results of this study confirmed and expanded the literature related to the actions faculty members take to reduce the use of prohibited speech. The results confirmed that faculty members are using direct responses such as discussion and removing a student from the classroom to address prohibited speech and are not ignoring prohibited speech that is used in the classroom. Conversely, the existing literature did not indicate that faculty members are taking

steps to prevent speech that is not considered to be prohibited from taking place to prevent it from escalating into prohibited speech. These results expanded the existing literature as they illustrate how faculty members are using various classroom management techniques and personality characteristics to prevent speech from being used that is not considered to be prohibited. The results highlight the fact that faculty members appear to be focused on preventing the use of speech that could escalate into prohibited speech rather than focusing on identifying and subsequently addressing the use of prohibited speech. This information expanded the existing literature and has created the opportunity for multiple additional studies to be conducted to expand the knowledge base related to this finding.

Last, the existing literature did not detail faculty member views on professional development and how professional development opportunities could be improved so faculty members could learn the skills they needed to identify and address prohibited speech. The results of this study expanded the literature by indicating that faculty members believed that interactive professional development sessions that use real-world examples would help them develop the skills needed to successfully identify and address prohibited speech in the classroom.

### **Implications**

The practical implications for this study were based on the themes developed from the document analysis and the participants' experiences. These implications have been categorized as implications for faculty members, key stakeholders, and students.

#### **Faculty Members**

A key implication for faculty members has to do with the personality characteristics and classroom management techniques that the participants used to successfully prevent prohibited speech from occurring. The participants indicated that multiple classroom management

techniques, including adding syllabus language, setting clear expectations, limiting group assignments, developing detailed assignment instructions, and updating outdated assignment prompts, helped to reduce the use of speech that could develop into prohibited speech. Similarly, the participants indicated that multiple personality traits including being a leader, authenticity, patience, respectfulness, acting with immediacy, and exhibiting confidence helped them to quickly and effectively stop prohibited speech and speech that could evolve into prohibited speech. Knowing this information may allow faculty members to know which personality characteristics and classroom management techniques they can effectively use to prevent prohibited speech, and which are not effective in addressing prohibited speech. This information may also help faculty member supervisors, as they may be able to provide more informed feedback to their supervisees that will help them to be better able to address prohibited speech. Supervisors may be able to educate supervisees on the techniques and personality traits they can use to limit issues from occurring in the classroom.

### **Key Stakeholders**

One of the most important implications for key stakeholders, including institution leaders and governing boards, is related to how institutional policies can be effectively updated and the type of professional development that faculty members think would be most effective in helping them learn how to identify and address prohibited speech. Almost all the participants indicated they had never received any training or professional development specifically related to identifying and addressing prohibited speech. They also shared that they did not view other professional development they had received as effective since it had involved just listening to a presentation. The consistent view among the participants was that ideal professional development would involve discussing prohibited speech scenarios in groups of faculty members

from different departments. These interactive sessions would let faculty members discuss case studies, with contemporary examples, in small groups. The participants felt that this type of professional development would help them learn how to use various response options, based on real-world scenarios to address prohibited speech. Additionally, the information from the document analysis can be used to provide context for updating institutional policies related to speech. The language used was vague and did not provide examples or specific information related to the types of speech that are and are not allowed to be used. Though some information was provided related to what constitutes a hostile environment and a threat, no information was included to help faculty members implement these policies in the classroom. This information could be used by key stakeholders to add more detail and examples to institutional policies. It is believed that the addition of this information will help faculty members have access to the knowledge needed to successfully identify and address prohibited speech. Overall, key stakeholders can use the information from the document analysis and participant interviews to update policies and professional development opportunities, so they best meet the needs of the faculty members.

### **Students**

Last, the results from this study may also have implications for students. The results of this study may help students understand what types of speech are prohibited and therefore allow them to be able to know if a faculty member is preventing them from using speech that is not prohibited. The results of this study may also allow students to know what characteristics to look for in faculty members who may be better able to manage a classroom and provide a learning environment that is free from disruption. Finally, students may have increased awareness of



prohibited speech because of this study, and they may be able to use the results to inform the speech they use in the classroom and help them avoid using prohibited speech.

### **Recommendations for Future Research**

The researcher suggests recommendations for expanding this study and new qualitative research studies that could help to expand the amount of knowledge involving faculty member experiences related to identifying and addressing prohibited speech. This study focused on faculty members with the rank of Associate Professor or higher who taught humanities and social science courses at UNC system institutions. Given this specific population, this study could be expanded in multiple different ways. A new study could include Assistant Professors, lecturers, and adjunct professors who teach social science and humanities courses, at UNC system institutions, to determine whether a faculty member's rank impacts their experiences related to identifying and addressing prohibited speech. Studying adjunct professors could be very interesting as they are part time employees, have their contracts renewed each semester, and are often provided with limited training. Adjunct faculty members may be able to provide unique perspectives that may not be shared by full time and/or tenure track faculty members. Another study could focus on faculty members who teach courses in other disciplines, such as the sciences and health sciences. The results of this study may help to determine whether faculty members are experiencing differences related to identifying and addressing prohibited speech based on the types of courses they teach. This study could also be replicated in a new geographical area to determine whether location has an impact on faculty member experiences related to identifying and addressing prohibited speech.

The scope of this study could be increased by studying faculty members who work at different institution types. It would be interesting to know if the experiences of faculty members

at institutions that started as teacher preparation institutions, and now focus on teaching, have the same experiences as faculty members at institutions that started as comprehensive institutions, and now focus on research. Each of these institutions have different missions and focus on different aspects of academia. Knowing if institution type impacts faculty member experiences related to identifying and addressing prohibited speech may help institutional leaders know if the trainings and/or policies that are used at one type of institution could help faculty members at the other institution type. Last, the scope of this study could also be expanded into fields outside of education, by researching whether/how personal characteristics, such as race, gender, and or sexuality affect faculty member experiences. Since there have not been many studies on faculty member experiences related to identifying and addressing prohibited speech, there are multiple variations that can be made to this study to continue developing the body of knowledge related to this important topic.

### **Limitations**

This study was based on the constructivist paradigm, as the aim of the study was to understand the participants' experiences related to identifying and addressing prohibited speech in the classroom. Subsequently, the multiple case study methodology was used to develop a comprehensive understanding of UNC system faculty members' experiences related to identifying and addressing prohibited speech used in the classroom. These foundational elements along with best practices were used to select participants, design the semi-structured interview protocol, conduct the interviews, and analyze the data. As with all studies, however, there are limitations that should be considered when interpreting and contextualizing the results of this study.

Though the methodology used in this study a provided deep descriptions of participant

experiences and provided the opportunity to explore similarities and differences it also possessed multiple limitations. These limitations included the absence of structured guidelines, the sensitivity of the researcher, and the integrity of the researcher (Hays & Singh, 2012; Merriam, 2009). Since the researcher was the primary instrument for data collection and analysis, the researcher relied on their own knowledge, abilities, and honesty throughout the study. An untrained and/or unethical researcher could have simply selected data that illustrated the narrative they wanted to create rather than the true narrative that was illustrated by the data. Similarly, the case study methodology has been faulted for increased subjectivity and possible bias that could be introduced by the researcher. That being said, this limitation is often outweighed by the fact that the case study methodology does not attempt to discount what cannot be explained and does not attempt to oversimplify results (Hays & Singh, 2012; Merriam, 2009).

Another limitation is related to the interview protocol that the researcher used to collect data in this study. The researcher took multiple steps to ensure that accurate information was collected, but even with these steps being taken, some participants could have still interpreted the questions differently or incorrectly described their experiences related to identifying and addressing prohibited speech in the classroom.

This study could have also been limited by the participants included in the study. Though the participants met the selection criteria, they were somewhat homogenous in regard to racial diversity, as most of the participants appeared to be White. Though racial identity was not a characteristic that was included in the design of this study, the information the participants shared, and their interpretations of their experiences could have been influenced by their racial identity.

Last, the technology used and the way in which the interviews were conducted could

have limited this study. The researcher used Zoom web conferencing software to facilitate and record the interviews. Conducting the interviews virtually could have affected what the participants chose to share, as some may have found the virtual environment to be a safer one in which to share whereas others may have felt the virtual environment created a barrier to sharing. Finally, the interviews took place in the middle of the Spring 2021 semester. The timing of the interviews may have also affected the information shared by the participants given the extra responsibilities associated with teaching during the COVID-19 pandemic and the traditional high workload that is associated with the middle of a semester.

### **Conclusion**

The ability to successfully identify and address prohibited speech continues to be an important issue that affects faculty members, students, and key stakeholders, as there is no indication that the use of prohibited speech is decreasing. As detailed throughout this study, identifying and addressing prohibited speech is influenced by faculty member knowledge and experience, classroom management techniques, personality, institutional speech policies, and professional development. All of these areas are interconnected, and the knowledge gaps in each of these areas need to be addressed to ensure that the free speech rights of students are protected, and prohibited speech is stopped.

Faculty members and key stakeholders must work to improve policies and professional development related to prohibited speech so the knowledge gaps identified in this study can be filled. By better understanding prohibited speech, faculty members will be able to provide better classroom experiences where controversial issues can be fully discussed, and everyone is able to share their views. This may allow additional discussion to take place and enable students to learn from an increasingly diverse set of viewpoints. Ultimately, a better of understanding of how to

identify and address prohibited speech will help to create a classroom environment where both faculty members and students can be successful.

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**APPENDIX A**  
**RECRUITMENT E-MAIL**

Hello [Participant's Name],

My name is Scott Bye, a doctoral candidate in the Higher Education program at Old Dominion University in Norfolk, VA. My research focuses on understanding UNC system faculty member experiences related to identifying and addressing prohibited speech in the classroom.

Researchers have found that faculty members lack knowledge related to prohibited speech and that faculty members experience challenges when identifying and addressing prohibited speech in the classroom. The current literature does not address faculty member experiences related to identifying and addressing prohibited speech. This study aims to fill that gap in the literature.

Based on your directory information on the [Participant's Institution's] website, you match the qualifications for my study. I would like to interview you to learn about your experiences related to identifying and addressing prohibited speech in the classroom.

Participation in this study will not take much of your time. The interview will last approximately 60 minutes, but I would like to schedule a meeting for 75 minutes in case additional time is needed. Interviews will take place virtually, using the Zoom platform. If another video conferencing platform is better for you, I am happy to accommodate.

If you are interested in participating in my study, please click on the link below to complete the informed consent form and to provide your availability for an interview.

<https://calendly.com/sxbye001/dissertation-interview>

Confidentiality is important to me. The names, titles, and departments of the participants in my study will not be identified. Only general themes will be reported.

I know you are very busy, but I would appreciate the opportunity to speak with you. If you would like additional information about my study before setting aside your valuable time, please e-mail me at [sxbye001@odu.edu](mailto:sxbye001@odu.edu) and I will send you additional information.

Thank you for your time and I look forward to hearing from you soon.

Best,



Scott J. Bye, M.S.Ed., Ed.S.

## APPENDIX B

### INTERVIEW CONFIRMATION E-MAIL

[Participant's Name]

Thank you for agreeing to be interviewed as part of my research study focusing on UNC system faculty member experiences related to identifying and addressing prohibited in the classroom.

I look forward to meeting with you via video conference (Zoom) on [Date] at [Time]. To access the video conference, please click on the link below.

Meeting Link: [Meeting Link URL]

As a reminder, the interview should be no longer than 75 minutes.

In order to make sure that we are both thinking about prohibited speech in the same way, please review the following terminology and definitions related to this study.

#### *Prohibited Speech*

Behaviors that fall into any category deemed not protected or prohibited in case law by the Supreme Court of the United States (the Court). These prohibited behaviors include Harassment, Obscenity, Defamation/Libel, Incitement, and True Threats.

#### *Policies Against Prohibited Speech*

Policies against prohibited speech are defined as policies that prohibit speech not protected by the United States Supreme Court, which include Harassment, Libel, Obscenity, Incitement, and True Threats.

#### *Harassment*

Speech that is so severe and pervasive, while being viewed objectively and subjectively by the recipient of the remarks, that a hostile environment is created.

#### *Obscenity*

Speech that the average person, applying contemporary community standards, would find appeals on the whole to prurient interests; describes sexual conduct in a patently offensive way; and lacks any serious literary, artistic, or scientific value.

#### *Libel*

A statement that is false and injures a private person.

#### *Incitement*

Speech that is directed to inciting imminent lawless action and is likely to produce imminent lawless action.

*True Threats*

A statement in which the speaker means to communicate a serious intent to commit unlawful violence toward a particular person or group and which would cause a reasonable person to fear for their safety.

I look forward to meeting you soon

Please let me know if you have any questions or concerns.

Thank you!

Best,

A handwritten signature in black ink that reads "Scott J. Bye". The signature is written in a cursive, flowing style.

Scott J. Bye, M.S.Ed., Ed.S.

## APPENDIX C

### INTERVIEW THANK YOU E-MAIL

[Participant Name],

I hope you are doing well and thank you for participating in our recent interview regarding your experiences related to identifying and addressing prohibited speech in the classroom. You shared very important information that has been extremely beneficial to my study.

As I mentioned during our interview, I would be providing you with a copy of your interview transcript so you could review it for accuracy. Please take a moment to review the attached transcript. I want to make sure I accurately captured your thoughts/experiences and did not omit any information.

Please let me know by [Month/Date/Year] if there are any changes that should be made to your interview transcript.

Again, I appreciate you taking the time to share your experiences, and I look forward to sharing the results with you soon.

Please let me know if you have any questions or concerns.

Thank you!

Best

A handwritten signature in black ink that reads "Scott J. Bye". The signature is written in a cursive, flowing style.

Scott J. Bye, M.S.Ed., Ed.S.

## APPENDIX D

### INTERVIEW PROTOCOL

#### **Welcome**

Thank you for participating in this interview. As you know, my name is Scott Bye and for my dissertation I am examining UNC system faculty member experiences related to identifying and addressing prohibited speech in the classroom.

This interview will last approximately sixty minutes and will follow this agenda:

- Review of definitions and terminology
- I (researcher) will ask pre-determined questions
- I (researcher) will ask related follow-up questions as needed
- You (participant) can ask questions you may have at the end of the interview

Do you have any questions at this time?

#### **Definitions & Terminology**

In order to make sure that we are both thinking about prohibited speech in the same way, I am going to quickly review terminology and definitions related to this study.

##### *Prohibited Speech*

Behaviors that fall into any category deemed not protected or prohibited in case law by the Supreme Court of the United States (the Court). These prohibited behaviors include Harassment, Obscenity, Defamation/Libel, Incitement, and True Threats.

##### *Policies Against Prohibited Speech*

Policies against prohibited speech are defined as policies that prohibit speech not protected by the United States Supreme Court (the Court), which include Harassment, Defamation/Libel, Obscenity, Incitement, and True Threats.

##### *Free Speech*

Speech or expression that is protected by the First Amendment of the United States Constitution.

##### *Harassment*

Speech that is so severe and pervasive, while being viewed objectively and subjectively by the recipient of the remarks, that a hostile environment is created.

##### *Obscenity*

Speech that the average person, applying contemporary community standards, would find appeals on the whole to prurient interests; describes sexual conduct in a patently offensive way; and lacks any serious literary, artistic, or scientific value.



*Libel*

A statement that is false and injures a private person.

*Incitement*

Speech that is directed to inciting imminent lawless action and is likely to produce imminent lawless action.

*True Threats*

A statement in which the speaker means to communicate a serious intent to commit unlawful violence toward a particular person or group and which would cause a reasonable person to fear for their safety.

Do you have any questions at this time?

## Interview Questions

### Introduction

1. Please introduce yourself by stating your position/title, the courses you typically teach, and your number of years of experience.

### Knowledge Related to Prohibited Speech

2. Describe your level of knowledge related to prohibited speech.
3. How do you define prohibited speech?

### Identifying & Addressing Prohibited Speech

*Harassment*

Speech that is so severe and pervasive, while being viewed objectively and subjectively by the recipient of the remarks, that a hostile environment is created.

4.

<i>If the participant has identified and addressed harassment in the classroom.</i>	<i>If the participant has not identified and addressed harassment in the classroom.</i>
Describe a time when you had to identify and address harassment in the classroom. <ul style="list-style-type: none"> <li>• How did you identify and address the harassing language?</li> <li>• In your opinion, was the way you addressed the harassing language effective? Why? Why not?</li> <li>• Why did you choose that method to address the harassing language?</li> </ul>	Describe what methods/strategies you would use to identify and address harassment in the classroom?

*Obscenity*

Speech that the average person, applying contemporary community standards, would find appeals on the whole to prurient interests; describes sexual conduct in a patently offensive way; and lacks any serious literary, artistic, or scientific value.

5.

<i>If the participant has identified and addressed obscenity in the classroom.</i>	<i>If the participant has not identified and addressed obscenity in the classroom.</i>
Describe a time when you had to identify and address obscenity in the classroom. <ul style="list-style-type: none"> <li>• How did you identify and address the obscene language?</li> <li>• In your opinion, was the way you addressed the obscene language effective? Why? Why not?</li> <li>• Why did you choose that method to address the obscene language?</li> </ul>	Describe what methods/strategies you would use to identify and address obscene language used in the classroom?

*Libel*

A statement that is false and injures a private person.

6.

<i>If the participant has identified and addressed libel in the classroom.</i>	<i>If the participant has not identified and addressed libel in the classroom.</i>
Describe a time when you had to identify and address libel in the classroom. <ul style="list-style-type: none"> <li>• How did you identify and address the libelous language?</li> <li>• In your opinion, was the way you addressed the libelous language effective? Why? Why not?</li> <li>• Why did you choose that method to address the libelous language?</li> </ul>	Describe what methods/strategies you would use to identify and address libelous language in the classroom?

*Incitement*

Speech that is directed to inciting imminent lawless action and is likely to produce imminent lawless action.

7.

<i>If the participant has identified and addressed incitement in the classroom.</i>	<i>If the participant has not identified and addressed incitement in the classroom.</i>
Describe a time when you had to identify and address incitement in the classroom. <ul style="list-style-type: none"> <li>• How did you identify and address the inciting language?</li> </ul>	Describe what methods/strategies you would use to identify and address inciting language in the classroom?

<ul style="list-style-type: none"> <li>• In your opinion, was the way you addressed the inciting language effective? Why? Why not?</li> <li>• Why did you choose that method to address the inciting language?</li> </ul>	
---	--

### *True Threats*

A statement in which the speaker means to communicate a serious intent to commit unlawful violence toward a particular person or group and which would cause a reasonable person to fear for their safety.

8.

<i>If the participant has identified and addressed a true threat in the classroom.</i>	<i>If the participant has not identified and addressed a true threat in the classroom.</i>
Describe a time when you had to identify and address a true threat in the classroom. <ul style="list-style-type: none"> <li>• How did you identify and address the true threat?</li> <li>• In your opinion, was the way you addressed the true threat effective? Why? Why not?</li> <li>• Why did you choose that method to address the true threat?</li> </ul>	Describe what methods/strategies you would use to identify and address a true threat in the classroom?

9. What challenges, if any, have you experienced related to identifying and addressing prohibited speech in the classroom?

a. How did you navigate those challenges?

10. Faculty members deal with an array of issues such as increasing workload, conducting research, governance issues, and pivoting to online learning. How does identifying and addressing prohibited speech fit into the variety of issues facing faculty members?

### Prohibited Speech & University Policies

11. Describe your understanding of your university's policies related to the use of prohibited speech.

12.

<i>If the participant has identified and addressed prohibited speech in the classroom.</i>	<i>If the participant has not identified and addressed prohibited speech in the classroom.</i>
<ul style="list-style-type: none"> <li>• How have your university's policies, related to prohibited speech, impacted how you</li> </ul>	How do you think your university's policies, related to prohibited speech, would impact how you approach

approach identifying and addressing prohibited speech in the classroom? <ul style="list-style-type: none"> <li>• How have your university's policies, related to prohibited speech, impacted the language that students use in the classroom?</li> </ul>	identifying and addressing prohibited speech in the classroom?
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### Prohibited Speech & Impact on the Classroom Environment

13.

<i>If the participant has identified and addressed prohibited speech in the classroom.</i>	<i>If the participant has not identified and addressed prohibited speech in the classroom.</i>
How has the use of prohibited speech impacted the way you teach/your classroom management techniques? A. How have you navigated/addressed those impacts?	How do you think the use of prohibited speech would impact the way you teach/your classroom management techniques? A. How would you navigate/address those impacts?

14.

<i>If the participant has identified and addressed prohibited speech in the classroom.</i>	<i>If the participant has not identified and addressed prohibited speech in the classroom.</i>
How has the use of prohibited speech impacted the classroom environment? A. How have you navigated/addressed those impacts?	How do you think the use of prohibited speech would impact the classroom environment? A. How would you navigate/address those impacts?

### Professional Development

15. What types of professional development opportunities have been provided to you related to identifying and/or addressing prohibited speech in the classroom?
  - a. Do you feel that those professional development opportunities have been effective?
    - i. Why or why not?
  - b. In your opinion, how can the effectiveness of those professional development opportunities be improved?
16. What types of professional development would you like to receive related to identifying and addressing prohibited speech?
17. Is there anything else you would like to share?

**Wrap Up**

This concludes the interview. Thank you for your openness and honesty. Once the interview has been transcribed, the transcript will be sent back to you for review. This will ensure that the information was accurately collected and accurately reflects your views. If you do not wish to review the transcript, that is okay. As a reminder, no personally identifiable information about you will be released. If you have any questions about this study or wish to withdraw your participation at any time, please contact me at [sxbye001@odu.edu](mailto:sxbye001@odu.edu). After the study has been completed, I will make the results available to all participants. Thank you again for your participation.

## **APPENDIX E**

### **INFORMED CONSENT FORM**

#### **PROJECT TITE**

Faculty Member Experiences When Identifying and Addressing Prohibited Speech in the Classroom

#### **RESEARCHERS**

Dennis Gregory, Ph.D., Responsible Project Investigator, Associate Professor, College of Education & Professional Studies, Department of Educational Foundations and Leadership, Old Dominion University

Scott Bye, M.S.Ed., Ed.S., Investigator, Doctoral Candidate, Higher Education Program, College of Education & Professional Studies, Department of Educational Foundations and Leadership, Old Dominion University

#### **DESCIPTION OF RESEARCH STUDY**

The purpose of this study is to describe faculty member experiences related to identifying and addressing prohibited speech in the classroom. The researcher will study faculty members at University of North Carolina (UNC) system institutions using a multiple case study research approach based on the constructivist paradigm. For the purposes of this study, prohibited speech is defined as behaviors that fall into any category deemed not protected or prohibited in case law by the Supreme Court of the United States. These prohibited behaviors include Harassment, Obscenity, Defamation/Libel, Incitement, and True Threats

Understanding faculty member experiences related to identifying and addressing prohibited speech is an important contemporary issue in higher education as an increasing number of faculty members have to address prohibited speech in the classroom (Boysen, 2012c; Sue, Torino, Capodilupo, et al., 2009). This increase is coupled with the fact that many faculty members are unable to determine if the speech used is prohibited, they do not know how to address prohibited speech, and they are unable to select the appropriate response to address prohibited speech (Boysen, 2012c; Boysen & Vogel, 2009; Miller et al., 2018). The combination of increased incidents and the lack of knowledge can expose institutions and key stakeholders to negative attention and/or legal action. In order to address these issues, this researcher seeks to describe faculty member experiences related to identifying and addressing prohibited speech in the classroom. The outcomes of this study may help to determine why there is a knowledge gap and how institutions can better train faculty members.

Boysen, G. A. (2012). Teachers' responses to bias in the classroom: How response type and situational factors affect student perceptions [Article]. *Journal of Applied Social Psychology*, 42(2), 506-534.

Boysen, G. A., & Vogel, D. L. (2009). Bias in the classroom: Types, frequencies, and responses. *Teaching of Psychology*, 36(1), 12-17.

Miller, R. A., Guida, T., Smith, S., Ferguson, S. K., & Medina, E. (2018). Free speech tensions: Responding to bias on college and university campuses [Article]. *Journal of Student Affairs Research & Practice*, 55(1), 27-39.

Sue, D. W., Torino, G. C., Capodilupo, C. M., Rivera, D. P., & Lin, A. I. (2009). How white faculty perceive and react to difficult dialogues on race: Implications for education and training. *The Counseling Psychologist*, 37(8), 1090-1115.

### **PARTICIPANT ACTIONS**

You will be asked to complete a 60-90-minute semi structured interview and will have the opportunity to review your interview transcript for accuracy.

### **RISKS AND BENEFITS**

As with any research, there is some possibility that you may be subject to risks that have not yet been identified. You may experience some psychological discomfort as you recall past experiences in reflecting on the questions asked during the interview, depending on your individual experiences.

There are no direct benefits for participation in the study, but participation will help to advance the knowledge base related to the perceived challenges faculty members experience when identifying and addressing prohibited speech in the classroom and how they subsequently members navigate those challenges.

### **CONFIDENTIALITY**

The researcher will take all reasonable steps to keep all information confidential. Interview responses results will be considered anonymous and will not be linked to your name or other directly identifiable information. All research materials, including recordings and transcripts will be kept within a password protected electronic environment. Additionally, all data will be stored for at least five years after the study ends. Five years after the conclusion of the study, the data (interview recordings and interview transcripts) will be destroyed. The results of this study may be used in reports, presentations, and publications; but the researcher will not identify you. Of course, your records may be subpoenaed by court order or inspected by government bodies with oversight authority.

### **WITHDRAW PRIVILEGE**

Your participation is completely voluntary. It is OK for you to say NO. Even if you say YES now, you are free to say NO later, and withdraw from the study. You may choose not to participate at all, or to answer some questions and not others. You may also change your mind at any time and withdraw as a participant from this study with no negative consequences.

### **COMPENSATION FOR PARTICIPATING IN THE STUDY**

You will receive no compensation for participating in this study.

### **COMPENSATION FOR ILLNESS AND INJURY**

If you say YES, then your consent in this document does not waive any of your legal rights. However, in the event of (...harm, injury, or illness...) arising from this study, neither Old

Dominion University nor the researchers are able to give you any money, insurance coverage, free medical care, or any other compensation for such injury. In the event that you suffer injury as a result of participation in any research project, you may contact Dr. Dennis Gregory, Responsible Project Investigator at 757-683-3702 or Scott Bye, Investigator, at 484-356-4197, Dr. Laura Chezan, Chair of the Darden College of Education & Professional Studies Human Subjects Review Committee at [lchezan@odu.edu](mailto:lchezan@odu.edu), or the Old Dominion University Office of Research at 757-683-3460 who will be glad to review the matter with you.

### **NEW INFORMATION**

If the researchers find new information during this study that would reasonably change your decision about participating, we will provide it to you.

### **CONTACT INFORMATION FOR QUESTIONS AND CONCERNS**

If you have any questions, please contact the researchers Scott Bye, Investigator, at [sxbye001@odu.edu](mailto:sxbye001@odu.edu) or Dr. Dennis Gregory, Responsible Project Investigator, at [dgregory@odu.edu](mailto:dgregory@odu.edu).

If you have questions or concerns about your role and rights as a research participant, would like to obtain information or offer input, or would like to register a complaint about this study, you may contact, anonymously if you wish, Dr. Laura Chezan, Chair of the Darden College of Education & Professional Studies Human Subjects Review Committee at [lchezan@odu.edu](mailto:lchezan@odu.edu) or the Old Dominion University Office of Research at 757-683-3460 who will be glad to review the matter with you.

### **VOLUNTARY CONSENT**

By signing this form, you are saying several things. You are saying that you have read this form or have had it read to you, that you are satisfied that you understand this form, the research study, and its risks and benefits. The researchers should have answered any questions you may have had about the research. If you have any questions later on, then the researchers should be able to answer them: Scott Bye at [sxbye001@odu.edu](mailto:sxbye001@odu.edu) or Dr. Dennis Gregory, Responsible Project Investigator, at [dgregory@odu.edu](mailto:dgregory@odu.edu).

If at any time you feel pressured to participate, or if you have any questions about your rights or this form, then you should contact Dr. Laura Chezan, Chair of the Darden College of Education & Professional Studies Human Subjects Review Committee at [lchezan@odu.edu](mailto:lchezan@odu.edu) or the Old Dominion University Office of Research at 757-683-3460 who will be glad to review the matter with you.

And importantly, by signing below, you are telling the researcher YES, that you agree to participate in this study. The researcher will give you a copy of this form for your records.

	<b>Date</b>
--	-------------



**INVESTIGATOR'S STATEMENT**

I certify that I have explained to this subject the nature and purpose of this research, including benefits, risks, costs, and any experimental procedures. I have described the rights and protections afforded to human subjects and have done nothing to pressure, coerce, or falsely entice this subject into participating. I am aware of my obligations under state and federal laws and promise compliance. I have answered the subject's questions and have encouraged him/her to ask additional questions at any time during the course of this study. I have witnessed the above signature(s) on this consent form.

	<b>Date</b>
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## APPENDIX F

### IRB APPROVAL MEMO

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From: Laura Chezan <[no-reply@irbnet.org](mailto:no-reply@irbnet.org)>  
Sent: Sunday, January 24, 2021 1:32 PM  
To: Gregory, Dennis E. <[dgregory@odu.edu](mailto:dgregory@odu.edu)>  
Subject: IRBNet Board Action

Please note that Old Dominion University Education Human Subjects Review Committee has taken the following action on IRBNet:

Project Title: [1704476-1] FACULTY MEMBER EXPERIENCES WHEN IDENTIFYING AND ADDRESSING PROHIBITED SPEECH IN THE CLASSROOM  
Principal Investigator: Dennis Gregory, Ed.D

Submission Type: New Project  
Date Submitted: January 6, 2021

Action: APPROVED  
Effective Date: January 24, 2021  
Review Type: Exempt Review

Should you have any questions you may contact Laura Chezan at [lchezan@odu.edu](mailto:lchezan@odu.edu).

Thank you,  
The IRBNet Support Team

<https://nam11.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.irbnet.org%2F&data=04%7C01%7Cdgregory%40odu.edu%7C72f93f45bf3a4ce311a908d8c0965985%7C48bf86e811a24b8a8cb368d8be2227f3%7C0%7C0%7C637471099269378591%7CUnknown%7CTWFPbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQljoIV2luMzliLCJBTiI6lk1haWwiLCJXVCi6Mn0%3D%7C1000&data=9lrXkKEfDGCWldgSX1FDGkx%2Bv59QCtNo3j7pNoInS38%3D&reserved=0>

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## VITA

Scott J. Bye  
Old Dominion University  
Darden College of Education & Professional Studies  
Department of Educational Foundations and Leadership  
2300 Education Building, Norfolk, VA 23529

### EDUCATION

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<b>Old Dominion University, Norfolk, VA</b>	<b>August 2021</b>
• Doctor of Philosophy—Higher Education	
<b>Old Dominion University, Norfolk, VA</b>	<b>May 2018</b>
• Education Specialist—Educational Leadership/Higher Education	
<b>Old Dominion University, Norfolk, VA</b>	<b>May 2014</b>
• Master of Science in Education—Higher Education/Student Affairs	
<b>Gettysburg College, Gettysburg, PA</b>	<b>May 2011</b>
• Bachelor of Arts—Health Sciences, minor in Political Science	

### WORK EXPERIENCE

---

<b>Senior Associate Director</b>	<b>December 2019-Present</b>
• Office of Student Rights & Responsibilities at East Carolina University, Greenville, NC	
<b>Assistant Director</b>	<b>June 2014-November 2019</b>
• Office of Student Conduct & Academic Integrity at Old Dominion University, Norfolk, VA	
<b>Graduate Assistant for Programming/Webb Information Desk Manager</b>	<b>August 2012-June 2014</b>
• Office of Leadership & Student Involvement at Old Dominion University, Norfolk, VA	

### PUBLICATIONS

- 
- Bye, S., & Gregory, D. E. Alcohol use and tort liability in higher education. *Campus Safety and Student Development*. Spring, 2015, 16(3).

### PRESENTATIONS

- 
- Bye, S. (2021, February). *Improving Collaboration When Adjudicating Greek Life Cases*. Concurrent session presented at the Association for Student Conduct Administration Annual Conference, Online
  - Bye, S. (2019, February). *Using A Residential Conduct Philosophy to Improve Housing & Conduct Office Relations*. Concurrent session presented at the Association for Student Conduct Administration Annual Conference, Jacksonville, FL.
  - Bye, S. (2018, November). *Using A Residential Conduct Philosophy to Improve Housing & Conduct Office Relations*. Concurrent session presented at the Virginia Student Services Conference, Wintergreen, VA.
  - Bunton E.; Bye, S. (2018, February). *Training Conduct Officers in Housing & Residence Life: A Six-Year Prospectus*. Concurrent session presented at the Association for Student Conduct Administration Annual Conference, Jacksonville, FL.
  - Bye, S. (2017, November). *Welcoming Commuter Students to Campus A 4-Year Prospectus*. Concurrent session presented at the Virginia Student Services Conference, Wintergreen, VA.
  - Bye, S. (2014, November). *Alcohol Use and Tort Liability in Higher Education*. Concurrent session presented at the Virginia Student Services Conference, Wintergreen, VA.

### HONORS AND AWARDS

- 
- Graduate Student of the Year in Higher Education Administration (2014)
  - Highest G.P.A in the Higher Education Administration Program (2014)