**Developing Effective Freedom of Expression and Bias Incident Trainings
for Housing Professionals**

by

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CHAPTER I

Introduction

Residential communities are a critical component of many college students' experience, especially during their first year. Residential communities have been associated with a variety of positive outcomes, including persistence, openness to diversity, satisfaction, critical thinking, and personal development (Astin, 1977 & 1993; Pascarella & Terenzini, 1991; Pike, 2003). An important part of a student's residential experience is the ability to represent who they are, what they like, and what they value. This representation is often done within the confines of the students' private residence hall rooms or apartments but may also be displayed in the public-facing areas of university housing, such as on room doors or externally-facing windows. This kind of self-expression may lead to discomfort in others, or even be perceived as attacks on the identities or beliefs of other residents. When disagreements arise, residence hall staff are called to respond.

As the national climate has changed and conflicts increase in quantity or intensity, many colleges and universities have been rethinking their freedom of expression policies, as well as how they train housing staff to respond to incidents related to freedom of expression and bias-related incidents. Such internal review may be the result of lawsuits or other political pressures on colleges and universities. With this in mind, in 2018, University Housing at the University of Michigan-Ann Arbor modified its policies, protocols, and corresponding trainings about how

live-in staff was to respond to freedom of expression or bias incidents that occurred within the residence halls.

In order to assess the efficacy of their updated training, University Housing participated in a year-long assessment of its mandatory annual training for full-time live-in professionals and live-in student staff. The study used a mixed-methods approach: quantitative data was collected from all training participants to measure self-reported increases in knowledge, skills, and abilities related to the training; qualitative data was collected from a subset of staff who actually implemented the protocols and policies during the year.

Quantitative data indicated that all participant groups reported increases in their knowledge, skills, and abilities related to implementing the protocols and policies. Gains were seen immediately after the training and persisted at somewhat lower levels to the end of the academic year. Qualitative data provided context as to which training elements were effective, the ways in which staff felt they were well prepared to respond to incidents or underprepared, and areas of strength and weakness of the updated training. Staff generally felt prepared to respond to freedom of expression or bias incidents because the protocols directed a single course of action: to page up, or contact the central housing staff, and wait for guidance before responding to the incident. This single first response meant some participants felt their role was limited or even eliminated from using their skills and knowledge to address situations. Others noted that although the training was clear, they still wanted opportunities for refresher trainings and guided scenario practice. The qualitative interviews also identified unintended consequences of the changes the institution made to its policies and procedures in terms of the development of undergraduate staff.

CHAPTER II

Literature Review

Colleges and universities promote critical thinking, which inherently means these institutions should support – if not promote – the presentation of views and information that may challenge students' previous ideas. The discomfort that comes with being exposed to the full "marketplace of ideas" (*Untied States v. Rumley,* 1953)*,* may be a hallmark of a successful university. The ability to live in proximity of free speech and ideas that are at odds with one's own beliefs, however, are not necessarily skills learned in K-12 systems. Therefore, "public schools must do what the Constitution demands of them: allow students to learn liberty by living it. Until then, colleges should remediate their students' constitutional illiteracy" (Ross, 2017, p. 5). But in trying to do that, many colleges experience resistance to lessons in this area.

Foundational Legal Issues: Understanding Free Speech

For student affairs professionals today, there is an understanding and expectation that their work will regularly involve legal issues (Fried, 2003; Kaplin & Lee, 2014). Legal issues involved in student affairs work includes federal regulations such as FERPA, the Clery Act, and the Americans with Disabilities Act. In addition, in the past few years, the work of student affairs professionals increasingly implicates the First Amendment and related free speech concerns (Chemerinsky & Gillman, 2017). This is in part a result of the 2016 elections and a national reckoning with race and social justice that swelled in 2020 (NASPA, 2020). In addition, within the past few years there were significant updates required to sexual misconduct policies required for institution to comply with the many changes to Title IX (Anderson, 2020). Finally, there are

state, local, and institutional policies that student affairs practitioners must also implement and enforce (Kalpin & Lee, 2014).

Free expression and speech are "intrinsic to individual liberty and dignity" and advances "society's search for truth." (*Dun and Bradstreet, Inc. v. Greenmoss Builders, Inc.,* 1985, p. 787). The courts have noted the challenge supporting expression and speech poses to colleges and universities when trying to balance a variety of viewpoints. University efforts have at times resulted in lawsuits, such as in *Doe v. University of Michigan* (1989). In that case, the University of Michigan attempted to provide written guidance on what speech was permissible and what speech constituted impermissible hate speech. In this federal district court opinion, it was noted that "it is an unfortunate fact of our constitutional system that the ideals of freedom and equality are often in conflict. The difficult and sometimes painful task of our political and legal institutions is to mediate the appropriate balance between these two competing values" (p. 853). Speech is not only self-expressive but also a vehicle for engaging in public debates, even when it is concerned with subjects that do not directly affect the speaker. Supporting the free speech rights for all becomes a tricky balancing act for colleges and universities.

Legal Balancing Act

Student affairs professionals are often challenged to simultaneously promote diversity and foster free expression, even when that free expression is oppositional to an institution's commitment to promote diversity and inclusion (Varlotta, 1997, p. 127). The effort to find the appropriate balance is sometimes framed in more approachable or educational terms, such as "engaging with civility" or learning how to "dialogue across difference." Although this balance may be difficult to achieve, student affairs professionals, including those working in housing, are ideally situated to help in "crafting and promoting environments outside the classroom that

motivate, encourage and inspire students to actively engage" (Martin, Smith, Takewell, & Miller, 2020, p. 159).

The balancing act student affairs professionals must undertake matches student expectations for their campus experience. In one study, the majority of students said it was extremely important to them that their institutions both protect free speech (56%) and promote a diverse and inclusive society (52%) (Knight Foundation, 2018). When faced with prioritizing the two, students reported prioritizing inclusion over free speech (*Id.*). That, however, may be a preference university housing staff may not be able to legally honor.

Living in a residence hall is a part of many students' college experience, particularly during their first year. Living in a residential community is associated with many positive outcomes, including persistence, openness to diversity, satisfaction with college experience, increases in critical thinking, and personal development (Astin, 1977 & 1993; Pascarella & Terenzini, 1991; Pike, Kuh, & Gonyea, 2003; Springer, Pascarella, & Nora, 1995). One study found that living in a residence hall increased a student's adjustment to college in both academic and social dimensions (Bettencourt, Charlton, Eubanks, Kernahan, & Fuller, 1999). This living arrangement can lead to increased psychological safety, meaning the residence hall can become the "psychological home and the locus of identity development during the most concentrated and intense learning period in the lives of students" (Hughes, 1994, p. 191). Part of this experience is making their new residence hall home a reflection of the individual student: who they are, what they enjoy, what they value.

While public institutions (and some private institutions, depending on state or local laws) generally cannot limit students' right to free speech in how they express themselves, they can impose some limits to where and how such expression occurs within the physical residence hall

space (Barker and McLittle, 2018). This may be particularly challenging for student affairs professionals working in housing and residential life units. When a freedom of expression or bias-related incident occurs in a residence hall, housing staff may view it as a "teachable moment" with the potential to foster student development. They may also feel, and in fact may be, constricted by legal requirements that govern and limit their response. Staff may also feel challenged by a desire to facilitate a resolution that promotes a more welcoming community even when they cannot require students' participation in such a process (Miller, Guida, Smit, Ferguson, & Medina, 2017).

As recently as 2018, an article focusing on top legal issues that impacted housing professionals included legal issues such as concealed campus carry laws, search and seizure laws, and student deaths. (Nguyen, et al, 2018). Missing from the list of top legal issues impacting the work of housing professionals was both responding to bias incidents and freedom of expression concerns. Furthermore, in the legal catch-all issue of general student health and safety, neither issue was referenced, although the article had earlier acknowledged the need to "creat[e] a space that affords students an opportunity to navigate the college experience and establish autonomy" (Nguyen, et al, 2018, p. 128). Clearly the issues of freedom of expression and bias incident response have experienced a recent rise in activity given the impact of the 2016 elections, campus protests, controversial speakers on campus, and more. The need for student affairs to be literate in the legal issues impacting their work is more paramount than ever.

Legal Literacy vs. Legal Consciousness

Although legal issues have long been a part of student affairs, the focus on social justice and anti-racism work has increased in the past five years. The 2016 elections brought controversy to campuses generally and student affairs through such things as student

demonstrations, controversial speakers attempting to rent space on campuses, and ideological clashes between liberal and conversative student organizations and clubs (Brown, 2020). These activities required a certain level of knowledge about the law, also referred to as legal literacy.

The events of 2020 pushed even further with renaming of buildings and toppling of statues of individuals with racist and oppressive histories; the race-connected killings of George Floyd, Breonna Taylor, and others; and the call for an anti-racist approach to dismantling systems of oppression within institutions. For student affairs professionals, this requires them to have more than just legal literacy: knowing only what the law says or just how a policy is implemented. Rather, it pushed professionals to think about the work they do with a social justice framing; it pushed for a legal consciousness framework, not just legal literacy. But legal literacy is a step before legal consciousness can be realized.

Legal Literacy. Legal literacy was early on related to legal education and the ability of lawyers and judges to practice the law (Zariski, 2014). This framing of legal literacy was later extended to a continuum approach. Laypersons lie at one end of the continuum, with little more legal knowledge than what is needed for participation in modern society. At the other end of the continuum are trained legal professionals, such as lawyers and judges, who work daily in the legal profession. Legal scholar James Boyd White described legal literacy as "that degree of competence in legal discourse required for meaningful and active life in our increasingly legalistic and litigious culture" with higher levels of legal literacy needed as one's life or profession moved them along the continuum (White, 1983, p. 21).

A second framing of legal literacy conceptualizes it as a metaphor of fluency in a foreign language and culture. Legal literacy here is compared to learning both a foreign language and the connected ability to be able to function effectively in that foreign society. This framing extends

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legal knowledge into application in primarily legal settings, such as courtrooms. To be a fully literate participant, one must be able to not only understand the law and fluently use legal terms and concepts, but also know the cultural behavioral norms: when to stand in a courtroom, appropriate dress, how to address the jury and other parties, and other social norms of that cultural space. This view of legal literacy applies it to its most expected setting only and does not extend to using legal knowledge to impact social change (Zariski, 2014).

Legal Consciousness. Legal consciousness often refers to the way individuals "interpret and mobilize legal meaning and signs" (Smelser & Baltes, 2001, p. 8624). Individuals without specialized training understand the law most often "experientially, in ways shaped by class, education, geography, and occupational position" (Cooper, 1995, p. 510). In this way, legal consciousness includes an analysis of how individuals experience the law – either by resisting it, engaging with it, or avoiding it (Smelser & Baltes, 2001, p. 8624). But legal consciousness goes beyond the individual to consider the interactions between the law, individuals, and society. Said another way, legal consciousness is not something that involves only what one individual knows about the law, or how that indivdiual acts on that knowledge. Rather legal consciousness is "construed as a type of social practice, in the sense that it both reflects and forms social structures." (Sibley, 2005, p. 334).

The framing of legal consciousness, as opposed to legal literacy, may provide a better foundation for student affairs staff to foster diversity, equity, and inclusion generally, as well as address freedom of expression and social justice concerns. It may be that by promoting the development of staff members' legal consciousness, as opposed to merely ensuring legal literacy, staff may be better able to respond to incidents not only from a legal or compliance perspective

but also from a perspective that recognizes and acknowledges that policies may reflect systemic inequities and discrimination (Nguyen et al, 2018, p. 135).

Compensating for Low Legal Literacy Levels. As noted, student affairs professionals are often doing a job with many legal intersections with little more than on-the-job training about the many laws that impact the work. Nguyen (2018) noted that when a lack of legal literacy exists, a strong legal consciousness can provide a substitute framework for staff to make decisions. When the exact nature of the law is unknown, acting in alignment with a legal consciousness framework can allow staff to move forward with determining a "correct" course of action.

Furthermore, general legal consciousness is actually necessary to function as a student affairs professional, according to Nguyen (2018). Because of the quantity and complexity of laws operating in student affairs, most professional are not going to be able to stay abreast of all the changes in the law and therefore will have low levels of legal literacy in most areas of their work, even if they have moderate or high levels in narrow areas. With a legal consciousness orientation, however, staff can take action in the moment guided by principals of equity and justice, even without knowing the exact contours of the law.

Legal Consciousness Promotes Social Justice and Equity. The development of legal consciousness, as opposed to legal literacy, is also important for institutions that want to foster social justice and equity – a common goal for student affairs and universities alike (Metivier, 2020). Studies have shown that white women and people of color are less likely to seek legal remedies for harassment and other offensive behaviors (Matsuda, 1993; Nielsen, 2000). Additionally, a study of law students noted that as legal consciousness is formed, students can become "active bearers rights and freedoms" in ways that improve the legal culture of [a]

population (Evsfafeeva, 2020, p. 2). In the context of universities and student affairs, this mean increased levels of legal consciousness may allow for more equitable responses to behavior that is illegal or even just undesirable, particularly for women and people of color.

Others have begun conceptualizing legal literacy in ways to move it towards legal consciousness. For example, when Jagtiani (2020) states that "knowledge of law is power and helps self-realization," she describes four goals and objectives for legal literacy:

1. Fighting Injustice: legal literacy can change public attitude and connect the law to social problems.
2. Empowerment: those whose rights are infringed through legal mechanisms will be better able to advocate for themselves, as well as others will be able to serve as allies in the effort.
3. Improving human rights: People must be informed about their political, civil, social, economic, and cultural rights in order to insist on receiving them.
4. Increase in knowledge about law: only if one has knowledge about the law can they use it effectively as a shield or a sword.

Although Jagtiani (2020) notes the necessity of legal literacy as the final element of her list, it presumably is needed at some level before the prior three elements could be fully realized. She does not, however, suggest that fully legal literacy is a precursor to working on any of the other elements. This framing would support development of a student affairs training sessions that provide foundational legal knowledge at the same time they foster development of a legal consciousness.

Training to Develop Legal Consciousness. Within student affairs functional areas, housing staff are the group that are most likely to receive intentional annual training, typically during the summer before fall move-in. This annual summer training, plus on-the-job training throughout the year, can provide not only the necessary knowledge for housing staff to increase their legal literacy, but also increase legal consciousness to better enable staff to address bias and free expression incidents These incidents inherently have legal intersections, but also go beyond the law as they may impact social justice and equity. In the context of issues related to bias incidents and hate speech, legal consciousness can provide "a more overt social justice orientation from which to view, describe and analyze different individuals' or groups' experiences of relations to law and policy." (Nguyen, et al, 2018 p. 134). Contextualizing training for housing staff in this way can also contribute to increased legal consciousness (Nguyen, et al, 2018).

Professional Standards and Trainings for Residence Life Staff

Despite the variety of legal issues involved in student affairs work, many professionals lack structured training in the law, such as through a course in their graduate-level master's program or by attending a legal-focused conference (Coleman & Keim, 2000; Nguyen, 2018). One study ranked the proficiency of new student affairs professionals on 12 learning outcomes of student affairs preparation master's programs. The legal knowledge of new professionals was ranked only eighth out of 12 proficiency areas (Herdlein, 2004). There may be an expectation that legal professional development will be provided to student affairs professionals as on the job training by their institution, picking up where "professional preparation leaves off and [to be] responsive to needs" (Carpenter and Stimpson, 2007, p. 274).

Annual trainings for residence life professionals and paraprofessionals (e.g., Resident

Assistants or RAs) are part of the cycle of housing units nationally. Activities included in these

trainings are designed to support learning objectives as varied as team building and promoting

group cohesion, understanding housing and university policies and procedures, preparing the

physical hall for resident arrival (e.g., creating bulletin boards and door decorations), and

participating in role-playing scenarios likely to occur during the school year. Ideally, trainings

are experiential and provide more than a lecture-style overview of material available elsewhere

in printed format (Evans, Reason, & Broido, 2001, p. 88).

For the full-time professional hall directors, there may be an expectation that professional

development activities will need to be provided by their institution in order to pick up where

"professional preparation leave off and [to be] responsive to needs" (Carpenter and Stimpson,

2007, p. 274). When it comes to legal issues, housing units cannot be sure of the extent to which

professional staff have prior exposure to implementing specific legal requirements or policies

within housing.

The need for legal training in housing extends to the undergraduates serving as Resident

Assistants. They are even less likely than professional staff to have any legal training or legal

literacy, with primarily their on-the-job training providing knowledge about compliance as

opposed to the law. Yet they are often the first ones to witness and address problematic

behaviors, including legal or policy violations.

Council for the Advancement of Standards

The Council for the Advancement of Standards (CAS) includes Law, Policy, and

Governance in its standards and guidelines for Housing and Residential Life Programs (CAS,

2019). In addition to the housing unit regularly reviewing policies with staff, the standards also specifically call out having written policies that have legal implications and the expectation that housing staff is "knowledgeable" about governance systems that affect housing units (*Id.*).

CAS also provides standards for Masters-level student affairs preparation programs, a common graduate degree program for housing professionals. There are references to governance and public policy within the graduate preparation program standard as foundational components of the curriculum. It also includes a section on ethics. CAS does not go so far as to say that a course in higher education law or legal issues should be a required or be a standard component of these programs, however, although many programs do offer such a course (CAS, 2019).

ACPA/NASPA Professional Competency Areas

NASPA and ACPA are the two largest professional associations for those working in student affairs. Together, these two associations authored and endorsed the ACPA/NASPA Professional Competency Areas for Student Affairs Educators (2015). These professional competencies are noted by the Council for the Advancement of Standards as aligning with its goals for higher education professionals (CAS, 2019). Among the ten core competencies expected of student affairs professionals is a competency focused on Law, Policy, and Governance (ACPA & NASPA, 2015). The ACPA/NASPA competency areas have three levels: foundational, intermediate, and advanced outcome levels.

Foundational Outcomes in the area of law, policy, and governance include both knowing how and when to consult with immediate supervisors on issues that have legal ramifications and encouraging and advocating for the participation in elections. This level of outcomes does not explicitly extend to civil engagement or social justice (ACPA/NASPA, 2015, pp. 22 – 23).

Intermediate and Advanced Outcomes include competencies related to implementing policies and procedures to meet the institution's legal and compliance requirements and begin to promote critically examining said policies to ensure they are "socially just, equitable, and inclusive" although that language is used only rarely (ACPA/NASPA, 2015, p. 23). Representative competencies include:

> Foundational: Demonstrate awareness of inequitable and oppressive ways that laws and policies are enacted on vulnerable student populations at national, state/provincial, local, and institutional levels.
>
> Foundational: Act in accordance with national, state/ provincial, and local laws and with institutional policies regarding non-discrimination.
>
> Intermediate: Critically examine laws and policies to ensure their equitable and fair use on campus.
>
> Advanced: Develop institutional policies and practices consistent with national, state/province, and local laws related to institutional and personal tort liability; contracts; the exercise and limits of free speech by faculty, student affairs professionals, and students; and civil rights (ACPA/NASPA, 2015, p. 23-24).

The expectation of meeting the institution's legal and compliance requirements is often placed on undergraduate RAs, too, despite their lack of specialized training in student affairs or the law. They would most likely be seen as having, or striving for, foundational level competencies at best.

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(ACPA/NASPA, 2015, p. 23). The expectation of meeting the institution's legal and compliance requirements is often an expectation placed on undergraduate RAs, too, despite their lack of specialized training in student affairs or legal issues.

Annual summer/fall training, plus on the job training throughout the year, can provide not only the necessary knowledge for housing staff to address bias and free expression incidents, which inherently have legal intersections, but also to promote the development of a legal conscious in staff members. In the context of issues related to bias and speech, legal consciousness can provide "a more overt social justice orientation from which to view, describe and analyze different individuals' or groups' experiences of relations to law and policy." (Nguyen et al, 2018 p. 134).

The framing of legal consciousness, as opposed to legal compliance, may provide a better foundation for housing staff to address freedom of expression or bias incident concerns. It may be that by promoting a legal consciousness in staff, housing units will develop staff who are better able to respond to incidents not only from a legal or compliance perspective but also from a perspective that recognizes and acknowledges that policies may reflect systemic inequities and discrimination (Nguyen et al, 2018, p. 135).

The University of Michigan- Ann Arbor University Housing

The University of Michigan-Ann Arbor's University Housing provides campus-based housing for nearly 10,000 students annually (University of Michigan Student Life, 2021). Housing is offered to University of Michigan (UM) undergraduate students, graduate students, and students with families in 18 residence halls and nearly 1500 apartments (*Id.*). Generally speaking, each residence hall has a Hall Director (HD). The HD is a masters-level, full time

professional who lives within the residence hall year-round. They provide support to the residents and the staff of their assigned building. Additional staff include Community Center Managers, full time professional staff who manage a Community Center that serves a subset of residence halls within the UM system; and Community Center Assistants, student workers who staff the community center desk and provide services and support to residents. Additional student staff types, Resident Advisors (RAs) and Diversity Peer Educators (DPEs) will be discussed with more detail below.

University Housing is comprised of a variety of offices includes Billing; Facilities; Security; Housing Administration; and Residence Education. The annual selection, hiring, and training of nearly 240 Resident Advisors (RAs) is overseen by the Residence Education office. RAs are student staff who live in the residence hall and provide day-to-day assistance to residents who live on a specific floor, wing, or section of a hall. They are there to promote the growth of individual residents; development of the community; and compliance with UM policies and procedures (University of Michigan Housing, 2021a)

Also within UM University Housing is an office somewhat unique in university housing organizations: the Diversity and Inclusion Office. Staff in the Diversity and Inclusion Office are charged with "facilitating connections, educational opportunities, programs, and physical spaces that intentionally foster a sense of belonging for all residents and staff" (University of Michigan Housing, 2021a). Staff in Diversity and Inclusion provide programming and events for all residents in UM Housing, and manage diversity, equity, and inclusion initiatives on behalf of UM Housing (*Id.*) The Diversity and Inclusion Office also oversees a unique program, the Diversity Peer Educators.

The Diversity Peer Educator Program

UM employs Diversity Peet Educators (DPEs) to live and work in the undergraduate communities of their residence halls. The DPE program was created in 1971 as an offshoot of the Black Action Movement at UM. Similar to RAs, the DPEs are responsible for programming and events within the halls and communities to which they are assigned. DPEs help with community development that is "inclusive for all students across social identities: (University of Michigan Housing, 2021). Distinct from RAs, however, is the expectation that DPEs will provide support to students who are negatively targeted because of their identities. Furthermore, DPE programming specifically be developed in response to campus climate issues or other DEI concerns that impact the campus and/or residence hall community.

Use of Restorative Justice

UM University Housing includes a unit focused on Housing Student Conduct and Conflict Resolution (HSCR). The HSCR office addresses behavior that occurs within University Housing that does not comply with the published Community Living Standards (University of Michigan Housing, 2021b). The Community Living Standards (CLS) is one of three documents that comprise of the resident's housing contract, known at the Community Living at Michigan (CLAM): the Community Living Standards (CLS); Housing Policies and Procedures; and the housing contract each resident signs.

HSCR is focused on supporting a learning-centered environment within the residence halls and addresses conduct concerns with a restorative justice approach when possible. Restorative justice is a philosophy that allows a person to acknowledge that they have caused harm to another person and repair any harms they caused (University of Michigan Housing,

2021b, p. 24). This can take the form of informal resolution, such as apologies, or more formal resolutions, such as attending trainings or even voluntarily removing oneself from the residential community or even the UM campus entirely.

The use of restorative justice is available at UM not only in housing, but as part of the overall UM Office of Student Conflict Resolution and even with select incidents of sexual misconduct at UM (University of Michigan OSCR, 202; University of Michigan Student Sexual Misconduct Policies, 2020, p. 41).

UM's Annual Staff Training

All University Housing staff attend annual training at UM. Full-time professional Hall Directors attend week-long training in July, before the start of the academic year and before the RAs and DPEs have moved into the halls. The RAs and DPEs complete their mandatory training in August, shortly before the opening of the residence halls and start of the academic year. Training includes university policies and procedures that is delivered to all University Housing staff. In this way, annual staff training at UM includes elements that connect to both the CAS Standards the ACPA/NASPA Professional Competencies. It also includes sessions where just the staff of one hall would meet to engage in team building or scenario practice.

CHAPTER III

Methodology

The purpose of this study was to evaluate the effectiveness of the annual diversity training required by the University of Michigan University Housing for its approximately 300 live-in staff. The guiding questions of this inquiry were if the annual training increased the knowledge, skills, and ability of staff related to responding to freedom of expression or bias incidents that might occur in university housing. The goal of this inquiry was to identify areas where the training was less effective than desired, and therefore might be changed or improved to meet future institutional goals.

This study used a mixed methods approach. This pragmatic approach includes quantitative data on effectiveness of the training on all participants, but also qualitative data on the effectiveness of the training for a subset of housing staff who had to respond to a freedom of expression and/or bias incident.

Quantitative data consisted of surveys administrated before and after the training, as well as at the end of the academic year (pre-, post-, and post-post surveys). The survey was administered to all staff who attended the training. Specifically, the data provided a comparison of self-reported changes in the knowledge, skills, or abilities of staff to respond to a freedom of expression and/or bias incident as a result of the training. This data was used to develop qualitative interview questions used with select staff who responded to such an incident.

Qualitative research is used when researchers want to understand how respondents involved in the study made sense and meaning of their experiences (Manning, 1992, p. 133). Qualitative research can provide context and depth to the understanding of cultural perspectives.

The limitation, however, may be decreased generalizability of the results, given that they may be context-specific (Smith, 1983). The combination of these two methods allows for both and understanding of the generalizable effectiveness of the training, as well as deeper knowledge about how the training subject matter was put into practice.

Participants

The researcher secured IRB approval and then conducted the research in collaboration with the university's central housing staff. Specifically, staff who worked in the Diversity and Inclusion office served as the contact for the researcher.

The study was conducted at the University of Michigan, a Research I university in the Midwest of the United States. This campus enrolls approximately 47,000 total students, with about 30,000 of these being undergraduates. UM does not require first-year students to live on campus, although approximately 97% do. The student body leans liberal, as noted by both internal and external data (niche.com, 2020; University of Michigan DEI, 2017). The university is located in a mid-sized college town near a large metropolitan area.

Quantitative Participants

Participants were live-in staff in the student residence halls. This included 58 professional, full-time Hall Directors (HDs); and 306 undergraduate staff who were either Resident Assistants (RAs) or Diversity Peer Educators (DPEs). The HDs completed their mandatory annual training in July before the start of the academic year. The RAs and DPEs completed their mandatory training in August before the start of the academic year. The researcher attended portions of the training sessions offered to the HDs and the RAs/DPEs.

Because multiple training sessions were held concurrently, the researcher could not attend all the training sessions.

Qualitative Participants

After a freedom of expression or bias incident was reported and resolved within a residence hall, staff in the Diversity and Inclusion office identified and made initial outreach to recruit participants for this study. Specifically, staff identified HDs, RAs, and DPEs who were involved in a reported incident that included a freedom of expression or bias incident element. Other factors used by staff to identify potential participants included if the incident impacted more than a single resident; the level of guidance required from central Housing staff to reach resolution; or if the incident required significant follow up.

Of 176 incident reports received by the central Housing staff during the 2018-19 academic year, 39 were coded as addressing a bias incident; 44 were coded as addressing a freedom of expression incident; and five were ultimate coded as "other." Of these incidents, central Housing staff identified 14 live-in staff members who were involved in an incident that met at least one additional factor from those noted above. A central Housing staff member emailed each of the 14 live-in staff members individually, copying the researcher, and inviting the staff member to participate in this study. The researcher sent a single follow-up email reiterating the invitation to participate in the study. This outreach resulted in nine total participants choosing to be interviewed for this study: six HDs, one RA, and three DPEs. Table 1 summarizes the individuals who were invited to participate in the qualitative portion of this study.

TABLE 1		
Name (Pseudonyms)	**Position**	**Agreed to Participate**
Vance	Hall Director	Yes
Reese	Hall Director	No Response
Sharon	Hall Director	Yes
Murphy	DPE	No Response
Glennon	RA	No Response
Karen	RA	Yes
Bella	DPE	Yes
Nelle	DPE	Yes
Stedman	Hall Director	Yes
Mike	Hall Director	Yes
Rex	DPE	Yes
Vinny	DPE	No Response
Madison	Hall Director	Yes
Andrew	Hall Director	Yes

Quantitative Data Collection

A single survey instrument was used for the pre-, post-, and post-post surveys for all participants. The survey divided into three sections: eight questions related to knowledge; seven questions related to abilities; and seven questions related to skills. Each of the three sections had multiple statements to which the participants answered on a five-point Likert scale, with 5 for strongly agree and 1 for strongly disagree (see Appendix A for the full survey). For the quantitative portion of the study, all live-in staff who attended the training were invited to complete the survey.

Participants were also asked to rate their knowledge, skills, and abilities in the context of different areas of the residence hall where written or posted incidents might be found: white boards; public posting bulletin board; housing-managed bulletin boards; resident doors; and public walls within the residence halls. This related to a particular change of the UM policy and procedures that occurred that year.

The Hall Directors were sent an email with a link to a Google form three times: the pre-test in mid-July before the annual summer training; in late July within a week after the conclusion of the annual summer training; and in May after the conclusion of the academic school year and after resident move-out had occurred. The undergraduate staff (RAs and DPEs) were sent the same Google form link one week before their August training; within three days after the conclusion of the August training; and in May after the conclusion of the academic school year and after resident move-out had occurred. Note that for student staff who had graduated, the May assessment administration occurred after they had graduated and separated from the university.

Response Rates

The survey was sent to 306 undergraduate students and 58 professional staff. The response rate varied by position type and timing with response rates ranging from 12.5% to 94% (see Table 2). The professional staff had sufficient response rates across all three survey times, whereas the post-post response rate for the RA population was particularly low. Given that, the post-post survey data for undergraduate students was not included for analysis.

TABLE 2						
	Pre-Test	Response Rate	Post-Test	Response Rate	Post-Post Test	Response Rate
HDs (n=58)	52	90%	42	72%	26	50%
RA (n=280)	257	91%	263	94%	35	12.5%
DPE (n=26)	20	77%	18	64%	10	38%
Total (n=364)	329	90%	325	89%	71	19.5%

Limitations

As with all research, there are limitations to this approach. The response rate of the quantitative survey, in particular the post-post survey, limits the generalizability of this study.

While the purpose of the study was to understand the effectiveness of the annual training required by UM's Housing unit, we cannot presume that the experience of the nine interviewees is representative of all live-in professional staff. Because the study was focused on the effectiveness of the annual summer training, the researcher focused on the live-in staff only. If residents had been included in the study, they may have offered different perceptions on the knowledge, skills, and abilities of the staff in responding to the incidents, or even disagreed with the classifications of incident types made by central Housing staff.

Another limitation is that the researcher did not have information on which training the live-in staff attended. Specifically, the HDs were divided into two training session with different members of central Housing staff leading each session. So, too, were there different trainers for different groups of RAs and DPEs, as well as trainings that were unique to these two groups. This study did not assess differences among the trainers and, by extension, if there was any correlation between the trainer and the resulting knowledge, skills, and abilities reported by of the live-in staff.

In addition, having only one researcher code the data may have led to oversights or bias in the interpretation of the data. Such oversight of bias might have been mitigated if there had been multiple researchers involved in the coding process (Lincoln & Guba, 1985). Specifically, the lack of triangulation of the data may affect its confirmability (*Id.*).

CHAPTER IV

Findings

During the 2018-2019 academic year, University of Michigan University Housing reported a total of 220 incidents that were initially coded as bias incidents of freedom of expression incidents (see Table 3).

TABLE 3	
Incident Type	**Total Incidents Reported**
Bias Incidents	39
Freedom of Expression	176
Other	5
TOTAL	220

The majority of the reported incidents happened in a UM residence hall. Forty-nine involved comments or writings on resident whiteboards; 44 involved freedom of speech concerns; 30 involved or referenced a federally protected class; and eight were political in nature. Of the reported incidents, five took place on campus, such as at a bus stop or in class; and seven took place on social media, such as group chats or Instagram. Information on which staff type provided initial follow up is provided in (see Table 4).

| TABLE 4	
Staff Type	**# of Incidents Responded To**
DPE	48
RA	20
HD	97
Other	26

Given the number of staff compared to the number of incidents, not all live-in staff were called on during the year to implement the training content, although this study indicated the training was effective in meeting its goals.

Data from the pre- and post-surveys indicate that generally speaking, participants self-reported increases in their knowledge, skills, and abilities in all survey questions. Responses to individual items is noted in Appendix B and a summary of the three categories noted in Chart 1 for the undergraduate RA and DPE staff. The undergraduate staff reported an increase in knowledge from 3.17 to 4.34; in confidence in ability from 3.24 to 4.35; and in skills from 3.13 to 4.29.

CHART 1
RA and DPE Student Staff
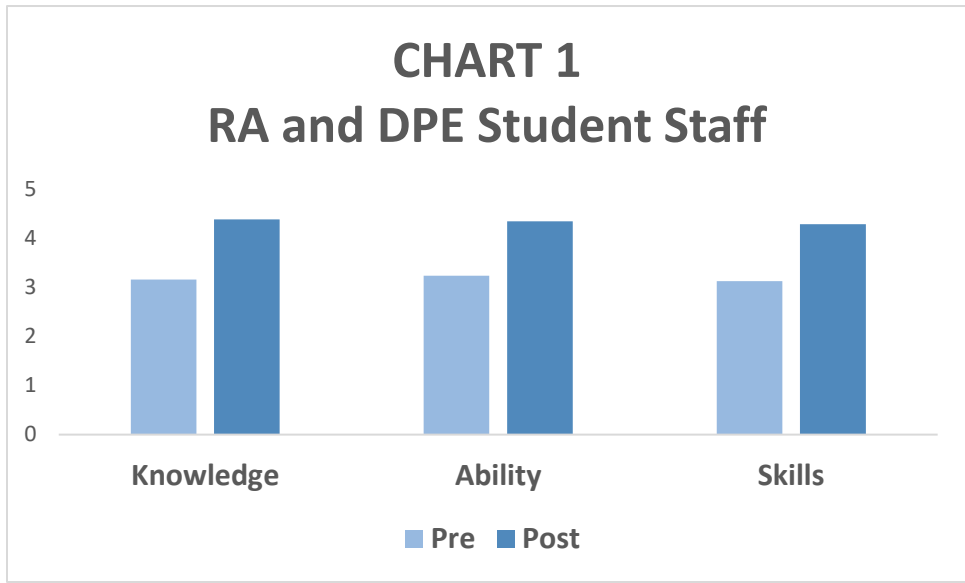
The HDs similarly reported increased knowledge, abilities, and skills from the pre- to the post-training assessment. They self-reported a slight decrease in retained knowledge, skills, and abilities by the end of the year, as noted on the post-post survey. But the post-post survey still reported increases in all three categories compared to the pre-training assessment. For the HD staff, they reported an increase of knowledge from 3.39 to 4.28, ending at 4.2; in ability from

3.47 to 4.26, ending at 4.15; and in skills from 3.57 to 4.28, ending at 4.2. Detailed responses are included in Appendix B.

Chart 2:
HD Professional Staff
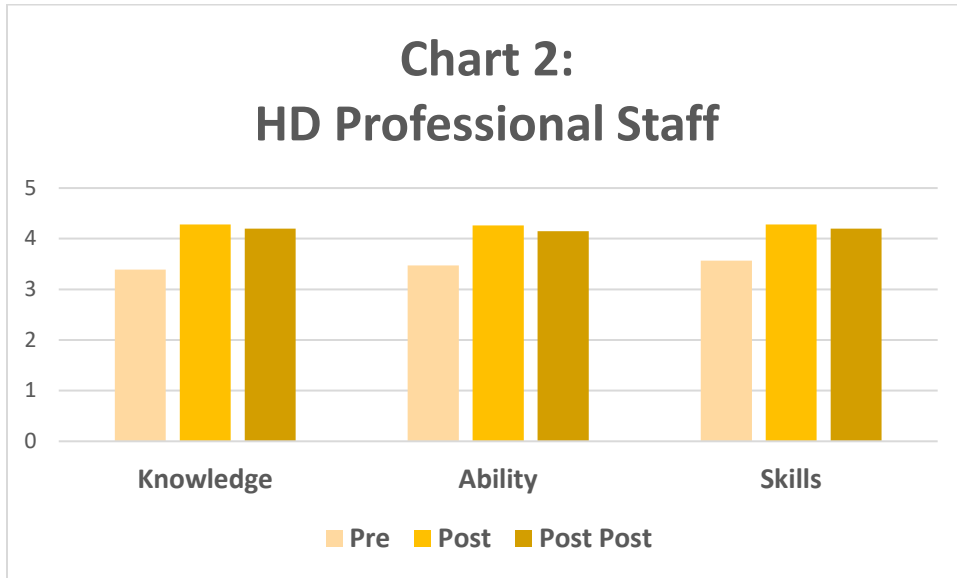
Forum Type Knowledge

The participants were also asked to self-report their knowledge, skills, and abilities as they related to specific forum types were writings or posting might be found. The RAs and DPEs reported modest increases across all forum types (Chart 3) as did the HDs (Chart 4).

Chart 3:
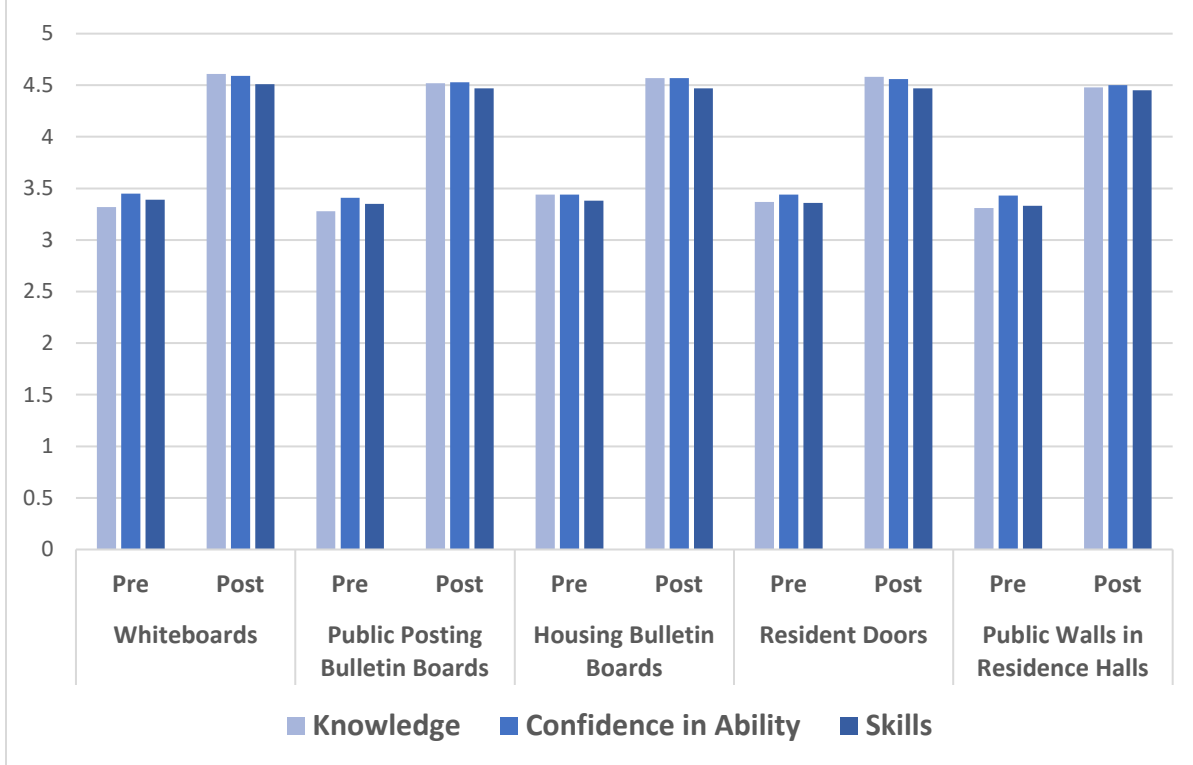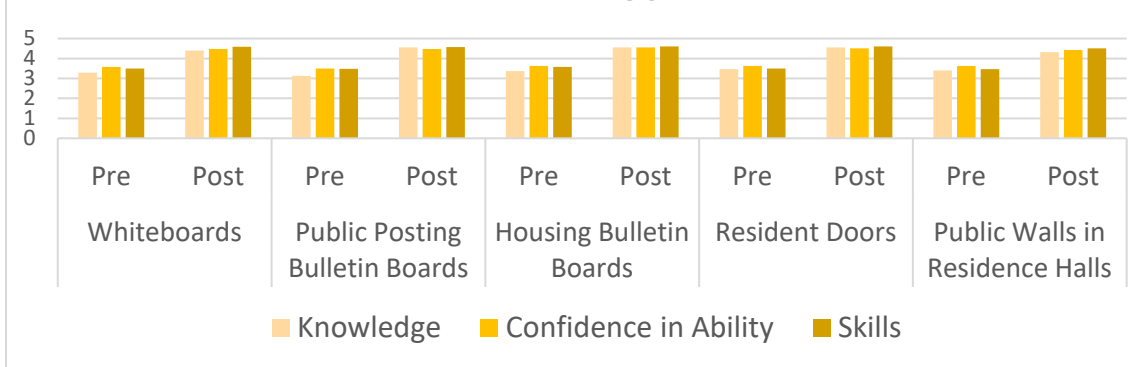# RA and DPE Undergraduate Staff
Forum Types

Knowledge   Confidence in Ability   Skills

Chart 4: HD Professional Staff
Forum Types

Knowledge   Confidence in Ability   Skills

Qualitative Data Collection

Of the 14 staff members invited to participate in an interview, nine agreed. The researcher conducted semi-structured, one-on-one interviews lasting approximately 30 minutes with each of the participants. The interviews occurred between one and two months after the identified incident. Seven interviews were conducted in person, one by telephone, and one via videoconferencing. The use of one-on-one interviews allowed for confidentiality, which was important given the sensitive nature of the topics being discussed. The fact that the researcher worked at a different institution further enhanced confidentiality. A summary of participants with self-identified descriptions is noted in Table 5.

TABLE 5		
Name (Pseudonyms)	**Position**	**Self-Identified Description**
Vance	Hall Director	Male; White
Sharon	Hall Director	Female; White
Karen	RA	Female; White;
Bella	DPE	Female; Asian American
Nelle	DPE	Female; White
Stedman	Hall Director	Male; White
Mike	Hall Director	Male; White
Rex	DPE	Male; African American
Madison	Hall Director	Female; African American
Andrew	Hall Director	Male; White

The interview protocol consisted of six open-ended questions:

1. Overall, how did you feel you addressed the situation? What was challenging for you in addressing this situation? What did you feel went well?

2. What parts of your training did you feel best prepared you to address this situation?

3. Based on your experience in this situation, what else could have been included in your Bias Protocol training to have better prepared you for this situation?

4. What did support for you look like as you addressed this situation? Who did it primarily come from and what did they do to make you feel supported?

5. What are some lessons that you are taking away as a result of this situation or how did this situation contribute to your growth as a professional/person?

6. If the situation targeted a social identity that was salient for you, what did self-care look like for you?

Follow up questions were asked to encourage participants to provide additional details or add context to their answers. A total of 197 minutes of interviews were conducted, recorded, and transcribed by the researcher.

Qualitative Data Analysis

Transcribed interviews formed the data set for this study. The researcher used inductive coding, a method that allows the researcher to allow the findings to emerge from the data without the limitation of structured methodologies (Thomas, 2006). The researcher started with coding categories loosely derived from the interview protocol, making decisions about categories during initial reviews of the transcripts (Elliott, 2018). Categories included: level of preparation; challenges in responding; strengths of the trainings; weaknesses of the training; impact on research participant; and support for the research participant.

From these categories themes emerged. Themes included the clarity of the expected response protocol to follow, as well as an understanding of how different physical locations

within the residence hall have different types of legal protections. There were also themes related to how the training could be improved and strengthened.

Other subthemes emerged that can provide guidance for future trainings. One subtheme focused on the need for increased self-care and support when the incident in question was connected to an identity a staff member also held. Another subtheme focused on the desire of some staff to not just follow directions in responding to freedom of expression or bias incidents, but in wanting to respond to the incident more actively. A key driver was the desire to repair any harm experienced by individual residents or the general hall community as result of the incident.

Preparation in Responding to Incidents

A theme present across each of the nine interviewees was that they universally indicated they felt prepared to address the incident in question. Most of the interviewees cited the training itself as a source of preparation, with a few noting that the handouts from the training session remained a source of information for them throughout the year. Staff with multiple years' experience as live-in staff also reported prior years' trainings and on-the-job experience as contributing to their self-reported feeling of being prepared to address incidents in housing.

The interviewees also reporting feeling as if they had what they needed to not just respond to the incident, but to support all their residents – those who felt harmed as well as others in on the floor or in the building. Nelle noted a desire to support the resident who was harmed by expressing alignment with the resident's beliefs and point of view "but also being cognizant of the fact that I might need to have a conversation with the other group of residents that had caused the harm in the first place. And having to make sure that it doesn't seem like I'm on anyone's side and making sure that I'm still in a space where I can have a

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conversation with both groups." With freedom of expression incidents, staff were aware of the need to be perceived as neutral in order to work effectively with all residents.

For one DPE, Bella, this was not a positive, even though it was understood to be an expectation for staff to support *all* residents. The interviewee stated "the only strange they did focus on was we need to make sure we're supporting our students of all political ideologies, even the ones you don't necessarily agree with. And I was like, okay, yes in theory that's part of the job. And also, that doesn't mean that we can't have conversations with them trying to change some of those beliefs. Especially since they're going to have to live in a building with eight hundred people." Bella clearly articulated an interest in doing more to support her residents.

Training Strength: Clarity of Response

A second theme universal to all nine interviewees was that a strength of the annual training was the clarity in how staff were expected to respond to a freedom of expression or bias incident: by paging up to the supervisor on duty as soon as the staff member became aware of the incident. When discussing the theme of clarity, the interviewees universally felt they were prepared to respond to the incident because they had clarity on what was expected of them when there was an incident: they were to immediately "page up." Meaning, when there was an incident that would result in a report being filed with the central Housing office, whomever came across the incident was expected to immediately call the on-duty pager of the next higher level staff member and was also expected to not interact with the residents, the mode or expression, or anything else until given direction (assuming there was no immediate danger to address).

For example, an RA who learned about a bias incident or saw a potentially offensive flyer would expect to page up to the Hall Director, who might page up to the Assistant Director, who

then paged up to the central Housing diversity staff. The central Housing diversity staff would use information received from verbal reports, online incident reports, and other sources of information to create a response plan. This plan would then be relayed back down to whomever was identified by Housing staff as best situated to respond, sometimes directly and sometimes through a reverse process as described above. The direction could be sent to the RA or first person who reported the incident, but it was also possible it could be sent to someone who had not previously heard about the incident until receiving notification from the Housing staff with a request to respond.

Mike, a Hall Director, gave voice to the clarity of paging up, noting "I paged up immediately to the assistant director on duty. I let them know what was happening. They made a couple of calls to I'm assuming maybe an associate director or above. And then I was directed to try to contact the student and just kind of see if they wanted to report it to [campus police]."

The idea of paging up and waiting for direction was echoed by a number of others. Andrew, a Hall Director, noted that when there was an incident, "we don't need to go around in circles – we just say, 'this is what we're doing; this is your role.' So that was helpful in clarifying the subtle changes in terms of how our staff might respond to these issues that come up in the residential setting." In this way, the single first response of paging up was timely and felt action oriented.

The clear direction to page up was presented as particularly useful when it was unclear if an incident would ultimately be classified as a freedom of expression or bias incident. The interviewees understood they did not and should not try to make that determination on their own. For Karen, an RA, knowing that with the paging up process "staff respond even when an incident doesn't seem to be an issue for residents or even if no one reports to, if it might impact the

community." Andrew, a HD, echoed this point, noting that "it's really drilling in that when there's a bias incident that happens, that is explicitly bias, that you need to be paging up immediately, even if it's delayed. Even if you hear about it [later]. I think [RAs] do get that if you *see* it you page up. But there may be a gap on if you *hear* about it…page up." The expected response of paging up allowed staff to start the response process quickly in a uniform way that did not rely on the interpretation or perspective of any individual staff member.

Training Strength: Explaining Response Variations by Location of Written Expression

A second strength noted by the interviewees was the clarity of the training about how different locations have different levels of protection when it comes to freedom of expression. The training included descriptions for locations such as resident-owned whiteboards affixed to the outside of the door, hallways, and locations where flyers might be hung, or RA-controlled bulletin boards. Each of these was a location that came up in this study's interviews.

Reese, a Hall Director, noted the training did "a good job of sort of dividing up kind of the different categories of free speech. Is it a community posting board where any resident can come and post whatever they want? Or is the RA board where only the RA have power over what goes on there? What belongs to the resident on the outside of the door?" The training included information that different locations had different levels of protection and therefore required different types of responses, which would be determined and directed from the central Housing staff.

How well staff remembered the different levels of protection based on location varied by interviewee. For example, although Reese felt there was clarity in the training about these different locations, others could remember that differences were discussed at training, but did not

necessarily remember the differences. Rather than remembering the nuances and how it might impact the incident response, they were comfortable knowing to just "page up" and wait for central Housing staff to provide direction.

Training Weaknesses: Need Hard-Copy Reference Materials

As much as the expectation to "page up" was clear to the interviewees, they were less certain that expectation was fully understood by first time RAs. In one situation, the RA emailed their Hall Director when there was an incident rather than paging up. In another, they called the community desk to report the incident. Mike, a Hall Director, noted that "I think on the student side it's really drilling in that when there's a bias incident that happens -- that's explicitly bias -- that you need to be paging up immediately, even if it's delayed. Even if you *hear* about [an incident]. I think [the RAs] do get that if you *see* it, you page up. But there may be a gap on if you *hear* about it, page up."

How well someone did or did not retain the training may have contributed to the desire by some to have concrete, physical resources to refer to throughout the year. Yet the interest in checking the policy or training documents for guidance seems counter to the clear expectation to "page up." It pointed at the possibility that some people wanted to understand the reasons for the direction and response, not just have the direction given to them. Karen, for example, "sometimes need[ed] the presentation to refer back to because… I know what the law says, but what's the policy say? That's where I tend to get kind of confused." But even Karen conceded that they appreciated how the central Housing staff "just give us actions steps to take… it's just a time saver."

Training Weakness: Lack of Scenario Practice

A recurring suggestion for improving the training was to go beyond the training lecture and large group discussion to practicing scenarios. Karen, an RA, noted that there were many examples given during the training, but these were simply presented and were not part of scenario practice. Interviewee 1 noted "I think the only way to really prepare for this kind of situation is to practice. So, in our training we had scenarios that were part of a PowerPoint presentation that as a large group we verbally processed how we would respond. I do think that some practice situations beyond that, to say okay here's the situation, try it out, would have prepared me better. I think, as I described before, before there's a discomfort in dealing with a bias situation because you don't deal with them on the day to day. So, the more practice you have the better you are prepared to respond."

This sentiment was echoed by even the hall directors. Sharon suggested that scenario practice would have been particularly helpful for the first year RAs. Nelle, a DPE, concurred, as someone who wanted to have an opportunity for more experienced staff to share ideas and feedback with newer staff. It was noted by Madison that in the years prior, there were mid-year conversations around controversial speakers that provided refreshers on policy and response through the use of actual examples.

Mike, a Hall Director, independently did a mid-year training refresher with their RA staff. The refresher training included scenarios related to freedom of expression and bias incidents and allowed participants to talk through the policy implications as well as strategies for response. It should be noted that the Mike did not comment on the fact that the staff were expected to *not* develop their own responses, due to the page up expectation. But they still found this to be a useful exercise with the hall staff.

Self-Care and Impact on Participants

The majority of interviewees did not personally connect with the identity being harmed in the bias incident to which they responded, or similarly feel that a freedom of expression incident targeted a belief they held. As such, they did not describe self-care as a priority after responding to the incident. They did, however, describe some ways they generally separate from campus or their position in order to address the impact they may experience as a result of incidents in the halls. This included things such as getting off campus for a while, having conversations with family, or talking with friends, particularly friends who worked in student affairs at other institutions and therefore could empathize.

There were also references to the fact that the staff recognized they hold a number of privileged identities. The implication was that they were somewhat protected from fully feeling the impact of the freedom of expression or bias incidents. As Karen noted, "I have a lot of privileged identities, so it just doesn't impact me in the same way. It more impacts me when my students are impacted. So, like the incident with (a resident from a marginalized identity), like I know him personally really well, so it more impacts me when he's upset."

One exception was Mike, a Hall Director, who described an incident from the year prior that had paralleled their own racial identity. The incident did not happen in Mike's building, and they were not involved in the response. But the connection to their personal identity nonetheless impacted their sense of well-being. In this situation, Mike worked with their supervisor to be able to leave campus midday and reported that they felt supported to go home and "find space" to take care of themselves.

Desire to Do More

There was a theme for a subset of interviewees about wanting to do more than just respond to the individual incident or just support those directly impacted. For some, although they were clear on the expectation to page up, they were not necessarily pleased with this element of the updated policy and procedures. Some interviewees had a sense that they were no longer "doing" anything to respond to an incident. This may be because a different staff member was directed to lead the response, so the original person who reported the incident may never know about the response or resolution. This was particularly important to Stedman, a hall director, who said "as long as I know that reports go all the way up (to central Housing) and that I'll be consulted with to respond, that's kind of the way I see my role."

In contrast, Vance, also a hall director, described a desire to repair the harm done to the community, but feeling limited in what they might do. This was particularly true when they were not informed about the response central Housing directed to be provided. They noted, "we can offer resources, we can ensure as much of a feeling of safety as possible, and we can reinforce our community values. That won't take away what happened, but that's all we can do -- when what we *want* to do is to repair harm."

Bella found a way to address the community impact through follow up programming they did as a DPE. Bella felt doing something that affected more individuals in the hall was important, precisely because of the change in policy this year. They noted "in previous years, we are allowed to cover stuff up that was on people's doors. We weren't allowed to take it down, but we're allowed to cover it up, which you are not allowed to do anymore."

Specifically, Bella worked with other staff to bring in speakers on activism and made a point to inform the resident whose harm inspired the program about the event occurring. Bella noted that "my resident was really into it, and she was really excited about, which was awesome. It was particularly important for Bella to be able to *do* something, as they felt the new policies and protocols really limited more global responses. They noted that the training was "kind of making some of the policies structured around we couldn't do, but they were not presenting it in a very good way that we were going to at all get on board with it. And of course, like, none of us wants to *not* be able to do anything."

Unintended Consequence

The Resident Assistant role is both a part-time job for students and a leadership development opportunity. Some of the skills that can be learned as an RA is about addressing conflict or engaging in difficult dialogues. The expectation to page up takes the decision making about how to respond to conflict off the shoulders of the RA. This may be a positive for the institution in terms of compliance, but it may lead to the RAs having a less rich leadership development experience. This seems it may be the case when comparing the RA experience to that of the DPE.

Nelle, a DPE, noted that DPEs had extra training, separate from the RAs. They also get called on by the central Housing staff to respond to bias incidents even if they were not the one to report it. As such, they may be learning skills around critical conversations at a higher level than RAs. Nelle noted "you definitely learn how to have difficult conversations with people that you don't agree with. And I think it also helps you learn how to just in general handle dynamics with people, especially when it comes to your staff… So, I think at least for me I've learned a lot

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not only about myself but also about how to manage people with different opinions and also how to bring different people to the table to have that conversation."

Another DPE, Rex, referenced similar professional development and skills around conflict management and difficult conversations. "I think professionally this is definitely helping my other organizations when I'm able to explain protocols to people outside of the housing bubble." Rex continued by commenting on the chance in implementing diversity and inclusion programs and their ability to see "how that dynamic then changes in classroom conversation and political conversations" they were a part of.

One of the RAs, Karen, noted that there were differences in the levels of preparation. They commented that "it would be nice if residents felt like everyone was fully prepared" indicating that even residents were aware of the different skill levels between different staff. Those that develop housing trainings and response protocols may want to consider how practices that limit institutional liability through tightly controlled response protocols are inadvertently limiting the professional growth opportunity of the housing staff.

Implications for the Profession

Annual trainings for Housing staff will likely continue and may take on more importance if the need arises to train staff specifically to address issues that may have legal and reputational risk to the institution. Focused and intentional training is also needed when there is a policy change to introduce. This study demonstrates that contextualizing the changes

Contextualizing the training to include not only the actual policy and protocols but the reasons for any changes can help Housing staff better understand the nuances of the policy. This study indicates that such understanding may lead to better fidelity to expectations. As noted by

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the interviewees, they valued knowing why things changed in the policy, not just what the changes were. This was important, even for the staff members who preferred prior policies and protocols.

The recommendation of regular and on-going training clearly rises from the data. Housing units might consider scheduling refresher trainings prior to likely flashpoints, such as national elections or key holidays. Adding in scenarios to enable practicing in a safe and supported environment is also recommended. These trainings can be useful even in a system where direction on response is clearly provided by a central Housing office since any staff member may be called to respond.

Contextualizing the training can also contribute to increased legal consciousness (Nguyen et al, 2018). As noted, some interviewees wanted to be able to "do something" more than just respond to an incident; they wanted to be able to repair harm to individuals and the community. This desire can be the foundation of developing a legal consciousness that goes beyond compliance towards social justice.

The expectations of professional competencies were not a theme identified in this study. But the guidance from ACPA and NASPA around the Law, Policy, and Governance competency area can be useful in developing Housing trainings. Consideration should be given to the different levels of staff (professional versus undergraduates; new versus returners) with subsequent use of the competencies to help develop appropriate training for each group.

CHAPTER V

Conclusion

College students living in university housing will continue to seek ways to express themselves in their home-away-from-home environment. At times, this can result in other residents feeling harmed or negatively impacted by their peers' self-expression. Students may also experience being targeted for their beliefs, elements of their identity, or others' perceptions of them. When Housing staff are called to respond to these incidents, they must be mindful of not only managing the harm caused to their residents, but also of complying with university expectations and requirements. In the context of freedom of expression and bias incidents, this can be a tricky area as the legal foundation in this area has been shifting as of late.

When training Housing staff to respond to freedom of expression or bias incidents, the need for clear, defined expectations is a clear theme of this research. Staff will be better able to comply with expectations when they are clear and concise. The policy at the University of Michigan-Ann Arbor, which was to "page up" when learning about an incident and to not personally respond until directed to do so, is an example of a clear procedure for staff.

While this clarity of procedures can minimize risk to the institution, it may limit staff members' ability to use their full skills to respond and support students -- both the individuals who were harmed and the larger residential community. The interest of staff in doing something to address the impact of the incident should be nurtured as a way to focus their legal consciousness.

Supporting such efforts would also be a way to encourage Housing staff to connect the different levels of professional competencies suggested by student affairs professional

associations. At the same time, supervisors and central Housing staff would be wise to attend to the self-care needs of staff who are either called to respond to freedom of expression or bias incidents; or who share a targeted identity with a resident who was impacted by such an incident.

Ultimately, housing units must balance the tension between complying with laws around freedom of expression and biases with their interest in promoting student growth and development, as well as fostering a collegial living environment. The role of live-in staff is critical to these goals. Ensuring these staff members have proper training at the start of the year, as well as on-going training and support throughout the year, can help ensure student development goals do not suffer as the result of legal pressures upon the institution.

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APPENDIX A

Survey Questions

I know how to report a bias incident that occurs within the residential community.	Knowledge
I know how to distinguish between a bias incident and a residential inclusive community concern.	Knowledge
I know how to address a bias incident that occurs in a residence community within our procedure framework.	Knowledge
I know my role in addressing bias incidents or RICC within our framework and procedures.	Knowledge
I know how to support residents impacted by a bias incident or RICC within our procedure framework.	Knowledge
I know how to support residents who are responsible for causing harm in the community within our procedure framework.	Knowledge
I know how to comply with our freedom of speech responsibilities within bias incidents and RICC response.	Knowledge
I know resident's freedom of speech rights.	Knowledge
I am confident in my ability to report a bias incident that occurs within the residential community.	Confidence in Ability
I am confident in my ability to distinguish between a bias incident and a residential inclusive community concern (RICC).	Confidence in Ability
I am confident in my ability to address a bias incident that occurs in a residence community within our procedure framework.	Confidence in Ability
I am confident in my ability to support residents impacted by a bias incident or RICC within our procedure framework.	Confidence in Ability
I am confident in my ability to support residents who are responsible for causing harm in the community within our procedure framework.	Confidence in Ability
I am confident in my ability to comply with our freedom of speech responsibilities within bias incidents and RICC response.	Confidence in Ability
I am confident in my ability to explain resident's freedom of speech rights.	Confidence in Ability
I have skills in reporting a bias incident that occurs within a residential community.	Skills
I have skills in my ability to address a bias incident that occurs in a residential community within our procedure framework.	Skills
I have skills in distinguishing between a bias incident and a residential inclusive community concern (RICC).	Skills
I have skills in supporting residents impacted by a bias incident or RICC within our procedure framework.	Skills

I have skills in supporting residents who are responsible for causing harm in the community within our procedure framework.	Skills
I have skills in complying with our freedom of speech responsibilities within bias incidents and RICC response. I know how to support residents impacted by a bias incident or RICC within our procedure framework.	Skills
I have skills to explain resident's freedom of speech rights.	Skills

Survey Questions with Responses

Hall Director Responses	Category	PRE Average Response	POST Average Response
I know how to report a bias incident that occurs within the residential community.	Knowledge	3.87	4.36
I know how to distinguish between a bias incident and a residential inclusive community concern.	Knowledge	3.52	4.24
I know how to address a bias incident that occurs in a residence community within our procedure framework.	Knowledge	3.17	4.33
I know my role in addressing bias incidents or RICC within our framework and procedures.	Knowledge	3.29	4.36
I know how to support residents impacted by a bias incident or RICC within our procedure framework.	Knowledge	3.46	4.21
I know how to support residents who are responsible for causing harm in the community within our procedure framework.	Knowledge	3.33	3.93
I know how to comply with our freedom of speech responsibilities within bias incidents and RICC response.	Knowledge	3.02	4.38
I know resident's freedom of speech rights.	Knowledge	3.48	4.38
Average response KNOWLEDGE		3.39	4.27

Question	Category	Average Response	Average Response
I am confident in my ability to report a bias incident that occurs within the residential community.	Confidence in Ability	3.88	4.36
I am confident in my ability to distinguish between a bias incident and a residential inclusive community concern (RICC).	Confidence in Ability	3.46	4.24
I am confident in my ability to address a bias incident that occurs in a residence community within our procedure framework.	Confidence in Ability	3.33	4.33
I am confident in my ability to support residents impacted by a bias incident or RICC within our procedure framework.	Confidence in Ability	3.54	4.36
I am confident in my ability to support residents who are responsible for causing harm in the community within our procedure framework.	Confidence in Ability	3.37	4.21

Question	Category	Average Response	Average Response
I am confident in my ability to comply with our freedom of speech responsibilities within bias incidents and RICC response.	Confidence in Ability	3.37	3.93
I am confident in my ability to explain resident's freedom of speech rights.	Confidence in Ability	3.35	4.38
Average response ABILITIES		3.47	4.26

Question	Category	Average Response	Average Response
I have skills in reporting a bias incident that occurs within a residential community.	Skills	3.87	4.31
I have skills in my ability to address a bias incident that occurs in a residential community within our procedure framework.	Skills	3.58	4.26
I have skills in distinguishing between a bias incident and a residential inclusive community concern (RICC).	Skills	3.6	4.38
I have skills in supporting residents impacted by a bias incident or RICC within our procedure framework.	Skills	3.69	4.19
I have skills in supporting residents who are responsible for causing harm in the community within our procedure framework.	Skills	3.58	4.14
I have skills in complying with our freedom of speech responsibilities within bias incidents and RICC response.I know how to support residents impacted by a bias incident or RICC within our procedure framework.	Skills	3.29	4.36
I have skills to explain resident's freedom of speech rights.	Skills	3.4	4.31
Average response SKILLS		3.57	4.28

RA and DPE Responses	Category	PRE Average Response	POST Average Response
I know how to report a bias incident that occurs within the residential community.	Knowledge	3.22	4.46
I know how to distinguish between a bias incident and a residential inclusive community concern.	Knowledge	3.3	4.42
I know how to address a bias incident that occurs in a residence community within our procedure framework.	Knowledge	2.95	4.4
I know my role in addressing bias incidents or RICC within our framework and procedures.	Knowledge	3.01	4.46
I know how to support residents impacted by a bias incident or RICC within our procedure framework.	Knowledge	3.27	4.39
I know how to support residents who are responsible for causing harm in the community within our procedure framework.	Knowledge	3.16	4.12
I know how to comply with our freedom of speech responsibilities within bias incidents and RICC response.	Knowledge	2.93	4.39
I know resident's freedom of speech rights.	Knowledge	3.48	4.47
Average response KNOWLEDGE		3.17	4.39

Question	Category	Average Response	Average Response
I am confident in my ability to report a bias incident that occurs within the residential community.	Confidence in Ability	3.44	4.4
I am confident in my ability to distinguish between a bias incident and a residential inclusive community concern (RICC).	Confidence in Ability	3.11	4.37
I am confident in my ability to address a bias incident that occurs in a residence community within our procedure framework.	Confidence in Ability	3.14	4.39
I am confident in my ability to support residents impacted by a bias incident or RICC within our procedure framework.	Confidence in Ability	3.32	4.35
I am confident in my ability to support residents who are responsible for causing harm in the community within our procedure framework.	Confidence in Ability	3.19	4.21
I am confident in my ability to comply with our freedom of speech responsibilities within bias incidents and RICC response.	Confidence in Ability	3.25	4.37
I am confident in my ability to explain resident's freedom of speech rights.	Confidence in Ability	3.22	4.35
Average Response ABILITIES		3.24	4.35

Question	Category	Average Response	Average Response
I have skills in reporting a bias incident that occurs within a residential community.	Skills	3.14	4.3
I have skills in my ability to address a bias incident that occurs in a residential community within our procedure framework.	Skills	3.18	4.3
I have skills in distinguishing between a bias incident and a residential inclusive community concern (RICC).	Skills	3.13	4.31
I have skills in supporting residents impacted by a bias incident or RICC within our procedure framework.	Skills	3.18	4.28
I have skills in supporting residents who are responsible for causing harm in the community within our procedure framework.	Skills	3.05	4.18
I have skills in complying with our freedom of speech responsibilities within bias incidents and RICC response. I know how to support residents impacted by a bias incident or RICC within our procedure framework.	Skills	3.07	4.32
I have skills to explain resident's freedom of speech rights.	Skills	3.17	4.35
Average Response SKILLS		3.13	4.29