

IN THIS SECTION

**Diversity, Equity & Inclusion (/dei)**

[Resources for Students \(/dei/students\)](#)

[Resources for Faculty and Staff \(/dei/fs\)](#)

[Safe Space Workshop \(/dei/safe-space\)](#)

[Hate Bias Discrimination \(/dei/discrimination\)](#)

[Signature Events and Programs \(/dei/events\)](#)

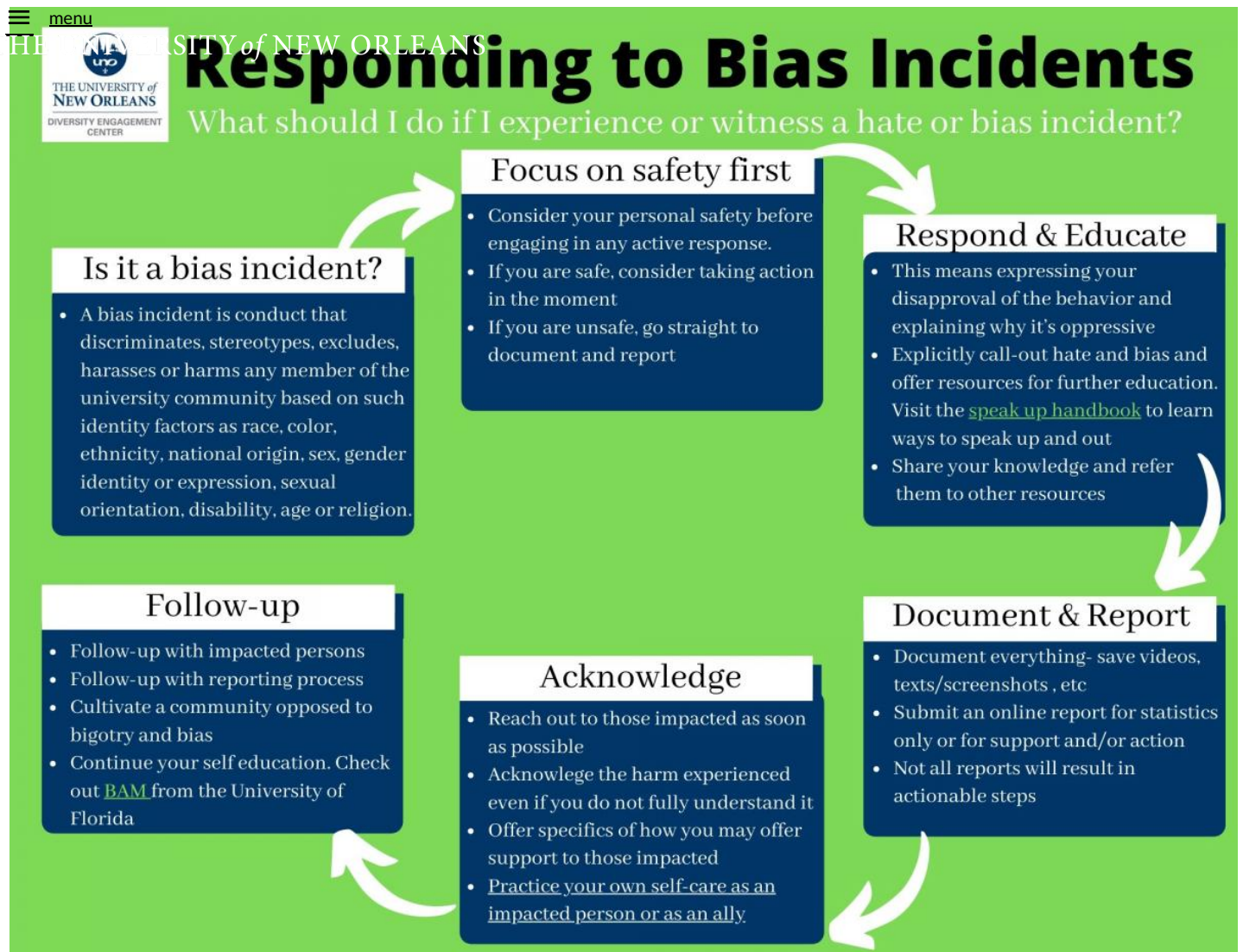
[Cultural Clubs and Organizations \(/student-involvement-leadership/orgs/culture-community\)](#)

[Leadership Opportunities \(/dei/opportunities\)](#)

[Diversity Related Academic Programs \(/dei/programs\)](#)

[Contact Us \(/dei/contact\)](#)

# HATE BIAS DISCRIMINATION



## ▼ Report a Bias-Related Incident

The University of New Orleans strives to develop a diverse and inclusive community that ensures equal access, opportunity, participation, free inquiry, and representation for all. However, on occasion, bias-related incidents and behaviors of community members can have a negative impact on others. Bias-related incidents and/or hate crimes impede our ability to become communities of inclusive excellence. These exchanges reduce the opportunities for a respectful conversation to share our perspectives, experiences, and ideas. UNO takes these incidents and behaviors seriously. If you believe a bias-related incident has occurred, you may report it here <https://uno.guardianconduct.com/incident-reporting> (<https://uno.guardianconduct.com/incident-reporting>)

The Bias-Incident Protocol is **not a disciplinary body** and will not investigate, adjudicate or take the place of other University processes or services; rather, the aim is to complement and work with campus entities to connect impacted parties and communities with appropriate support and resources.



**Bias-Incident Protocol**  
**report it**®  
**see it, say it, report it**

1	2	3	4	5	6
<b>Receiving Report</b>	<b>Analyzing &amp; Referral</b>	<b>Student Support &amp; Resolution</b>	<b>Responsible Office Resolution</b>	<b>Closing the loop</b>	<b>Monitoring Reports</b>
1. Report is vetted 2. Preliminary Assessment completed 3. Shared to SCCIA 4. Assigned to Case Lead	1. Case Lead Contacts Reporter (if not anonymous) 2. Review for bias 3. SCCIA determines appropriate referral 4. Work with target of incident to take action steps within their personal agency	1. Case Lead work with target to identify needs 2. Provide/share support services 3. Share campus-wide messages (when necessary) 4. Identify incident related educational opportunities	1. Case Lead work with responsible office to determine education opportunities 2. Document steps taken to resolve the incident (to the extent this is allowed) 3. Document any policy or programmatic implications	1. Case Lead will share (to the extent possible) with the target resolution efforts (if they were not involved themselves) 2. Case lead will document outcomes for reporting 3. Follow-up with target, subject, & office as needed	1. Associate Dean will update statistical table 2. Associate Dean will share reporting patterns semesterly 3. Associate Dean will share a semesterly update of SCCIA efforts and educational outreach

 **Bias-Related Incident Protocol**

› **Steps to Intervene When you Witness a Bias-Related Incident**

› **Microaggressions**

› **Self-care for student activists and advocates**

## FREE SPEECH AND BIAS

UNO strives to develop a diverse community that ensures equal access, opportunity, participation, free inquiry, and representation for all. However, on occasion, bias-related incidents and behaviors of community members can have a negative impact on others. These exchanges reduce the opportunities for a respectful conversation to share our perspectives, experiences, and ideas. While bias-related incidents are disturbing and limit one's ability to feel welcomed and valued in the UNO community, biased comments and actions may be permissible via the First Amendment. Free speech is indispensable to our society and understanding where the line is in terms of free speech and policy violation can feel very blurry. Freedom of speech and inquiry are primary values for universities, but so are inclusion and diversity, which are essential for educational and intellectual excellence and for fulfilling the public mission of universities.

Below are a series of questions and answers related to free speech on campus, the First Amendment, the rights of student groups and controversial speakers, and UNO's commitment to community safety, equity, and inclusion.



## What is Freedom of Speech?

### ▼ What speech is NOT protected by the First Amendment?

The Constitution guarantees freedom of speech by default, placing the burden on the state to demonstrate whether there are any circumstances that justify its limitation. Constitutional free speech doctrine is, though not absolute, very broad and strict when it comes to prohibiting speech based on its content. As it is interpreted by settled law and precedent, the state may only restrict speech whose content is used to commit a separate crime such as fraud, assault by threats, insider trading, copyright violation, or child pornography, or is obscene in that it clearly violates community standards and has no artistic, political, or scientific value, or is slanderous.

With that, an important ruling case for our purposes is *R.A.V. v St. Paul*, which concerned a local bias-motivated criminal ordinance in St. Paul, MN that prohibited the display of a symbol which “arouses anger, alarm or resentment in others on the basis of race, color, creed, religion or gender.” In the specific case, some teenagers had erected a cross on the lawn of a Black family and set it on fire. The Supreme Court found unanimously in favor of the complainant, stating in the opinion that the ordinance is invalid on its face because “it prohibits otherwise permitted speech solely on the basis of the subjects the speech addresses.” In other words, **even the most hateful speech or expression cannot be prohibited purely based on its hateful content.**

When it comes to controversial speakers delivering remarks on campus, the relevant exceptions to the First Amendment that have been established are:

- **Speech that would be deemed a “true threat”:** Speech that a person reasonably would perceive as an immediate threat to his or her physical safety is not protected by the First Amendment. For example, if a group of students yelled at a student in a menacing way that would cause the student to fear a physical assault, such speech would not be protected.
- **Incitement of illegal activity:** There is no right to incite people to break the law, including to commit acts of violence. To constitute incitement, the Supreme Court has said that there must be a substantial likelihood of imminent illegal activity and the speech must be directed to causing imminent illegal activity. For example, a speaker on campus who exhorts the audience to engage in acts of vandalism and destruction of property is not protected by the First Amendment if there is a substantial likelihood of imminent illegal activity.
- **Harassment in an educational institution aimed at an individual on the basis of a protected characteristic (race, gender, sexual orientation, religion); that is also pervasive and severe; is a direct or implied threat to employment or education; or creates an intimidating, hostile and demeaning atmosphere.** For example, posting racist messages on the dorm room of an African American student would be regarded as harassment and not speech protected by the First Amendment.

### › What is "hate" speech?

### › What is "time, place, & manner"?

### › Speech as acts of oppression

### › Promoting Inclusive Freedom on Campus

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888-514-4275 (tel:8885144275).

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