Two universities stop censorial outrage mobs dead in their tracks

By Ari Cohn February 7, 2018

Online outrage mobs are all the rage recently, standing at the ready to inundate colleges and universities with demands to punish a student or professor the moment they say something that offends others. Unfortunately, administrators too often capitulate, abandoning the
principles of free speech that they are bound, either legally or by virtue of the promises they have made, to uphold. As I posited last month, administrators may be so willing to forsake freedom of expression when faced with a horde of angry internet denizens because they fear that if they do not, the bombardment will continue, keeping their institution in a negative press cycle and giving the impression that they do not take whatever issue is at stake seriously enough. I warned:

Negative publicity regarding the actions of one of your students may be frustrating, but violating the constitutional rights of your students will not solve the problem. At best, you throw fuel on the fire, ensuring that on top of any other issue, your disregard for the law is discussed across the nation for all to see.

At worst, your chickens will come home to roost. The day will come when someone is genuinely offended by some speech that the vast majority will find unobjectionable — for instance, vehement condemnation of female genital mutilation as a religious tradition — and demand that you punish the speaker. By the standards you have now set, what principled reason for refusing those demands will you be able to give?

As if on cue, two universities provided noteworthy examples of how administrators should respond when faced with campaigns to discipline a student or faculty member simply for offending others.

At the University of Central Florida, freshman Kathy Zhu criticized a “try a hijab on” booth hosted by UCF’s Muslim Student Association in a tweet:

Kathy Zhu
@PoliticalKathy

There’s a “try a hijab on” booth at my college campus. So you’re telling me that it’s now just a fashion accessory and not a religious thing? Or are you just trying to get women used to being oppressed under Islam?

8:50 AM - Feb 1, 2018

17.5K 8,412 people are talking about this

The criticism sparked a reaction from Rayyan Sukkarieh, one of the students involved in the event, who encouraged others on Twitter to contact UCF in order to “get this girl expelled”:
In an utterly unsurprising fashion, the chain of dominos continued to fall, as those who agreed with Zhu's criticisms mounted their own campaign to pressure UCF into disciplining Sukkarieh and/or the Muslim Student Association:
To: st_condu@ucf.edu

A student needs discipline

I urge harsh disciplinary measures for this student (@anotherarabb): https://twitter.com/anotherarabb?s=09 harassing people on Twitter and trying to get them expelled for exercising free speech in a respectful manner.

Jacob Alperin-Sheriff
@DemocraticLuntz

Replying to @notwokileaks @anotherarabb
5:20 PM - Feb 1, 2018

75 See Jacob Alperin-Sheriff's other Tweets
Let's take a quick step back and examine this tit-for-tat mess.

Should Kathy Zhu be expelled or otherwise disciplined for criticizing the “try a hijab on” event? Of course not. Zhu's criticism of the event is indisputably protected by the First Amendment and there would be no legally permissible basis for UCF to bring conduct code charges against her. For that matter, those who sought to have Zhu punished should remember that if they truly believe her opinions come from a place of ignorance, having her expelled would serve no purpose other than punitive retribution. Punishment does not cure perceived ignorance; only dialogue can.

Should any member of the UCF community be disciplined for demanding that the university punish Zhu? The answer is equally “no.” Illiberal and misguided as those requests may be, they are also speech protected by the First Amendment. Freedom of expression guards against official consequence, but it does not insulate one from criticism, whether the criticism is proper or not.

So what did UCF do? The morning after the Twitterstorm erupted, it tweeted out a statement announcing that, despite the braying from both sides, no disciplinary action would be taken:
The University of Central Florida has received a number of emailed complaints suggesting that disciplinary action be taken against students involved in a disagreement being played out via social media. Upon review, neither student's actions as reported to the university violate our Rules of Conduct.

For resources relating to this statement, please click here: bit.ly/UCF-RulesOfCon...
9:45 AM - Feb 2, 2018
226 142 people are talking about this

At the very same time, a situation was brewing on the other side of the country, after a February 1 report that California State University, Dominguez Hills, Professor Brooke Mascagni had distributed a document to her "American Political Institutions" course with some harsh words about President Donald Trump and the GOP.

What happened? Calls began to roll in for for CSUDH to fire Mascagni, of course:

California professor calls Trump 'white supremacist,' 'orange reality star' in class syllabus (via @calebparke) foxnews.com/us/2018/02/05/
5 Feb

I assume @DominguezHills is firing this person ASAP? I am sure FOX will follow up this racist person teaching students at taxpayer cost in many cases @TheJusticeDept @realDonaldTrump @JaySekulow @FBILosAngeles @usedgov FYI @BetsyDeVosED please pull funds until person fired
10:32 AM - Feb 5, 2018
See Rich's other Tweets
This is far from the first time a faculty member has been targeted by an online outrage mob. Over the past year there has been an explosion of campaigns targeted at faculty members who say something controversial, inevitably offending those who disagree with them.

So should Mascagni be fired? As you may have guessed: no. While faculty members may not compel students to agree with their opinions, the principles of academic freedom rightly protect their right to state those opinions, particularly when they are germane to the course topic — which Mascagni’s certainly were, agree with them or not. There have been no allegations as far as FIRE is aware that Mascagni has, or intends to, discriminate against students based on their political beliefs. Faculty members should be presumed, in the absence of actual evidence to the contrary, to be able to separate their personal beliefs from their professional duties of grading assignments and exams. Otherwise, faculty members would be forced to keep their opinions to themselves, and students could be deprived of the opportunity to debate those issues with an expert in the field, which would hinder, rather than enhance, the educational environment.

Anecdotally, I can tell you that this experience should not be undervalued. In college, I continuously sought out courses from a particular professor who was not shy about starting each class with his personal thoughts about contemporary politics as they related to the course content (and sometimes otherwise). I regularly disagreed with him, but I never learned more than I did when debating those opinions with him in class (and after). I owe no small part of my intellectual development, including the ability to hone arguments and anticipate counterarguments, to that professor’s freedom to start a discussion by exposing the class to his own views.

So what did CSUDH do? Much like UCF, it put its foot down, issuing a statement standing behind the expressive rights of its students and faculty members:

The school is standing by [M]ascagni saying it respects academic freedom and healthy debate on all viewpoints. It went on to say, ‘part of an education is exposing students to differing positions and opinions on a topic, in an effort to encourage critical
thinking. At all times, students at California State University, Dominguez Hills are encouraged to exercise their right to free speech, free inquiry, and freedom of expression.”

Another outrage mob bites the dust.

It is notable what both UCF and CSUDH did not do. Neither university gave the typical platitudes of “we take these matters very seriously,” nor did either university publicly announce imminent investigations into the expression of its community members.

Unlike Wichita State University, which almost immediately announced a Title IX investigation into a fraternity banner, or Sam Houston State University, which responded to an outrage mob by publicly launching an investigation into a student’s tweet that some felt “disrespected” a murdered police officer. Also unlike Drexel University, which announced an investigation into a professor’s controversial tweet and then banned him from campus, and Texas State University, which crusaded against its own student newspaper because people were offended by an editorial one of its columnists published.

Instead, UCF and CSUDH chose to put an end to their respective controversies at a relatively quick speed, reiterating their commitment to freedom of expression and academic freedom.

And what do you know? By and large, the outrage mobs have realized that they will make no headway, and have resumed lurking in anticipation of the next opportunity to take offense. That is precisely why universities should respond in the way that UCF and CSUDH did. When administrators give in to the demands of the outraged masses, or indicate that they are considering it, they communicate that those efforts are an effective tactic. And tactics that are proven effective are bound to be used with increasing frequency.

What’s worse, as FIRE has learned, the effectiveness of outrage mobs provides cover to administrators looking for a reason to get rid of individuals with whom they disagree. When Essex County College fired Professor Lisa Durden after her appearance on Tucker Carlson’s Fox News program, it claimed that it had been “immediately inundated” with “feedback from students, faculty and prospective students” who expressed “fear” about Durden. After months of stonewalling FIRE’s open records requests, leading to a lawsuit, ECC’s own records showed that there actually had been no outrage mob after all. It was a clever excuse, enabled by the successes handed to outrage mobs by administrators.

If administrators simply stand their free speech ground and refuse to be cowed by the threat of bad publicity, they may well find their publicity, and more importantly their community’s expressive rights, far less frequently menaced by those who would seek to exclude speech they disagree with from campus.