



**Office of Institutional Equity**

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**TO:** Dan Arvizu, Chancellor  
Mathew Madrid, ASNMSU President  
Garrett Moseley, ASNMSU President-Elect  
Ann Coombes Goodman, Dean of Students  
Dr. Julia Parra, Faculty Senate Chair  
Dr. Gaylene Fasenko, Faculty Senate Chair-Elect  
Dr. Linda Scholz, VP EID  
Dr. Dorothy Campbell, Interim Provost  
Andy Bowen, Interim NMSU Chief of Police

**FROM:** Laura Castille, esq., Executive Director, NMSU Office of Institutional Equity

**CC:** Roy Collins, NMSU General Counsel

**RE:** Response to Hate Speech

Since the start of the global pandemic and return to on campus activity, the NMSU Office of Institutional Equity (OIE), the office that investigates reports of discrimination within the NMSU system, has received multiple student reports alleging hate speech. Students have reported confrontations and speech allegedly motivated by race, ethnicity, national origin, sex, sexual orientation and/or gender identity.

In November 2021, OIE and the NMSU Police Department received a report involving two individuals, not associated with NMSU, proselytizing religious beliefs, while specifically targeting women and the LGBTQ+ community outside of the Corbett Center Student Union on NMSU's main campus.

OIE and NMSUPD must address and minimize any negative impact that this behavior may have on the NMSU community. At the same time, OIE and NMSPD must balance individual First Amendment rights to speech.

All Aggies must endeavor to keep NMSU campuses safe, welcoming and inclusive spaces for everyone. It is important that our community members can identify hate speech and act to remain respectful, courteous and inclusive of all viewpoints.

*Hate speech* is generally considered to be any offensive speech targeted toward others based on their race, religion, sexual orientation, gender or other protected categories. *Hate speech* is not the same as a *hate crime*. Speech can feel/be threatening and not necessarily be a criminal act. Speech that threatens or causes another to fear for their safety may result in criminal charges and NMSU Police can be called upon to address and defuse these situations on campus, and to protect **all parties** and the NMSU community.

*Hate speech* and *First Amendment speech* are distinct. The First Amendment to the U.S. Constitution protects an individual's right to free speech, even if that speech is offensive (e.g. *hate speech*) to others. NMSU is committed to the principles of free inquiry and expression and the right to peacefully assemble while protecting the university's teaching, research, service operations and student activities from significant disruption and interference.

NMSU, as a public entity, cannot discourage or suppress certain opinions and viewpoints, while simultaneously supporting and encouraging others. Respectful, courtesy and inclusive discourse is critical to academic growth.<sup>1</sup> Only through respectful discourse and dialogue can we begin to understand other perspectives.<sup>2</sup> Discrimination, sexual harassment, and other discriminatory conduct that creates a hostile environment, is not legally protected expression. Discriminatory behavior constitutes conduct that is beyond the scope of protected speech. (*See NMSU ARP 3.63*)

NMSU policy states, "No employee or student, either in the workplace or in the academic environment, should be subjected to discrimination. Even one incident of misconduct may constitute a violation of policy, rule or procedure. **NMSU expects students, faculty and staff will treat one another and campus visitors with respect.**" (*See NMSU ARP 3.25*)

Based on recent and ongoing incidents, the Office of Institutional Equity is recommending the following:

1. All NMSU leadership, faculty, staff and students should engage in active efforts to encourage free inquiry, expression, and peaceful assembly, while protecting NMSU's teaching, research, and service operations.
2. All NMSU leadership, faculty, staff and students should engage in active efforts to encourage expression that is respectful, courtesy and inclusive of all viewpoints.
3. All NMSU leadership, faculty, staff and students should engage in active efforts to communicate to all students, employees and visitors about how to respond when encountering hate speech or threats on campus or associated NMSU events, as follows:

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<sup>1</sup> The Center for Research on Learning and Teaching guidelines for discussing difficult or controversial topics can be found at <http://www.crlt.umich.edu/publinks/generalguidelines>

<sup>2</sup> Additional References: NMSU ARP 3.63 – Freedom of Expression, <https://arp.nmsu.edu/3-63/>; Report on the Uncivil, Hate and Bias Incidents on Campus Survey conducted by the Fund for Leadership, Equity, Access and Diversity (LEAD Fund) [https://www.aaed.org/images/aaed/LEAD\\_Fund/LEAD-Fund-Report-UHBIOC-Report.pdf](https://www.aaed.org/images/aaed/LEAD_Fund/LEAD-Fund-Report-UHBIOC-Report.pdf)

- Do not engage.
  - Walk away and get to safety.
  - Call 911 and report all threats of violence and/or hate speech.
  - If you believe that you are a victim of a hate crime, report it – even if you do not think that it was serious.
  - If you encounter hate speech on social media – speak up. Report hate speech on social media associated with NMSU students, programs or employees.<sup>3</sup>
  - Assist the target. Let them know that you are willing to help them get to a safe space and report.
  - Report the conduct to OIE and/or NMSUPD.
4. All NMSU leadership, faculty, staff and students should encourage students, faculty and staff to treat one another and campus visitors with respect and model such respectful behavior.

NMSU, as a public higher education institution, will be targeted by individuals who are looking to provoke a reaction from their speech. A discourteous response will encourage these individuals. *(See attached social media post)* As members of the Aggie community, we are each responsible for creating a safe, welcoming and inclusive campus. OIE is here to partner with you in this endeavor. Go Aggies!

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<sup>3</sup> OIE online complaint form <https://equity.nmsu.edu/home/incident-report.html>



David Harold Grisham



November 16 at 2:05 PM · 🌐

Dean and I preached the Gospel today at New Mexico State University at Las Cruces. Drew a rather large crowd of about 500 that eventually turned rowdy and somewhat violent. The students at this university were very badly behaved. One threw a shoe at Dean and another stole a Bible out of my hands and ripped it up.' The police were first rate professionals who took the girl who stole it into custody but we didn't want to press charges. They warned a couple of other students, one of whom was picking up rocks.

We most certainly intend to go back another day. The ground was hard and we plowed hard, preparing it for seeds. **See less**