



CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

How Schools Should Handle Post-Election Protest Activity

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Very soon after the announcement that Donald Trump had won the presidential election, a number of college campuses were abuzz with protest activity. While most of the response was peaceful, some of it was confrontational, leaving school administrators the task of making difficult decisions about how to manage protests.

As we have discussed before, how a school responds to student protest activity can have a huge impact on how the school is perceived by the public, which ultimately affects the school as an economic business. Administrators have to balance the thin line between nurturing a culture of open discussion and ensuring the safety of the community. There are times when this balancing act is much more difficult, which we are seeing currently with the immense national tension surrounding the election results.

Some schools, like Hampshire College for example, are handling the task well. Hampshire is known for its activist culture. While a private college like Hampshire is not obligated to recognize the First Amendment right to free speech, Hampshire has historically chosen to encourage and celebrate activism and protest, seeing it as a tool for the campus to share ideas. However, even in the most liberal of environments, sometimes the clashing of different opinions creates potentially dangerous situations, forcing administrators to intervene.

On November 9, one day after the election, Hampshire's administrators lowered the flag at the center of campus to half-staff at the request of students. The act was meant to be a catalyst to open discussion among the college community about what the flag symbolizes to people in these tense social times. However, sometime on the night of November 10 or in the early morning hours of November 11, Veterans Day, someone burned the flag. The flag was replaced immediately, but the damage was done. News spread around the country about the flag-burning incident and was added to the long list of contentious topics that had marked the presidential election. When the flag was replaced, the Board of Trustees voted to continue to fly the flag at half-staff, causing more debate within the college and beyond. On November 18, the flag was taken down completely. School officials reasoned that they wanted to deescalate the tension and keep everyone safe. This decision, too, caused wild debate. During the weekend of November 26-27, an estimated group of 400 people attended a protest on the campus led by military veterans, who see the removal of the

flag as a sign of disrespect. The flag was raised again on December 2.

While some people may disagree with Hampshire's decisions about the flag, it is undeniable that the decisions were not easy ones to make. Of course, administrators from other institutions may have responded differently. However, the goal of any administrator from any school faced with these issues should be the same – to maintain the integrity of the campus as a safe place to share ideas. Hampshire did just that. It stayed true to its position that protest and activism are positive things. It opened its campus so that students and non-students could peacefully protest their differing opinions. There were no reports of violence. In fact, reports have shown that the open dialogue allowed people to come together to better understand one another.

Client Tip: *The tension and protest activity happening at Hampshire is not isolated to just Hampshire. Schools should be prepared to handle similar occurrences on their campuses. See our previous post on [how colleges and universities should handle campus protest](#).*