

## Guidance for resolution on the use of racial epithets

\*This is an administrative document written to help faculty navigate various sections of the misconduct policy. This document itself is not policy. It is the Office of Equity and Inclusion's attempt to give guidance and support. This document has also been vetted by outside council.

In response to a growing understanding that the utterance, saying, speaking, or use of racial epithets in the classroom creates an environment harmful to student learning and development, the Drake University Faculty Senate passed resolution number 21-01 on September 16, 2020. This resolution reiterates policies within the faculty misconduct handbook that could apply to a situation where use of certain marginalizing language could create a hostile environment.

This resolution does not preemptively prohibit any language. Rather, it clarifies that in some situations, use of marginalizing language can create a hostile environment that violates the university policies about discrimination, harassment, and equal opportunity.

The purpose of this guidance is to clarify under what circumstances the use of marginalizing language may and may not be considered a violation.

In order to fulfill our educational mission, we must, from time to time, confront sensitive topics, including the use of harmful language. At the same time, it is the responsibility of instructors to practice sound pedagogy in ensuring that the use of epithets and marginalizing language does not create a learning environment hostile to those within it, whether by causing harm, threatening harm, or undermining the teaching and learning enterprise.

Some pedagogical practices that help mitigate the potentially harmful effects of contending with epithets and marginalizing language include:

- Making students aware in advance that they will encounter such language in texts, films, or audio artifacts under consideration.
- Using substitute terms—socially acceptable euphemisms such as “the n-word,” for example—in place of the epithet when discussing such terms or when reading aloud from or quoting texts in which epithets or marginalizing language is used, both in speech and in writing.
- Engaging students in a discussion of the harms associated with the gratuitous use of such terms.
- Immediately and decisively responding to the gratuitous or intentionally hostile use of such language when it occurs in the classroom.

Describing what would be considered a hostile learning environment is difficult because each situation will inevitably include various factors. Generally, however, the use of epithets and marginalizing language—that is, the use of such language without a clear and pressing pedagogical imperative—is highly likely to undermine teaching effectively and create a justifiable sense of hostility in the classroom.

Likewise, there are some actions and behaviors that would not automatically be seen as constitutive of a hostile learning environment, without some aggravating factor. These situations included:

- A. Teaching topics connected to an epithet or marginalizing language.
- B. Conducting scholarship on epithets or marginalizing language.
- C. Assigning texts, films, audio archives, or other material that contain epithets or marginalizing language.
- D. Engaging students in a discussion of classroom expectations about and the ethics of the use of epithets and marginalizing language.
- E. Taking part in or directing a performance or historical re-enactment in which an epithet or marginalizing language is used by a character.

### **Procedure**

Students, faculty, and staff have an opportunity to submit a complaint or concern through a variety of platforms, including ethics point, sending an email to the department chair or dean of a college, or communicating with another faculty and staff member on campus. Formal reporting procedures are enumerated in [the policy library](#). If a Drake community member believes that a hostile learning environment has been created in accordance resolution number 21.01, the above avenues can be used to report the complaint. The established procedures in the various applicable handbooks for investigation, adjudication, and discipline will be applied to the situation.

### **Definitions**

#### **Hostile learning environment**

A hostile learning environment is an environment that is difficult or uncomfortable for a student to learn in because of discrimination or discriminatory harassment.

#### **Discrimination**

Discrimination is invidious, unlawful or adverse conduct that perpetuates inequities against people with protected characteristics as defined in Drake University's Non-Discrimination Statement.

#### **Discriminatory Harassment (Non-Sex-Based)**

Harassment based on any of characteristics described in the Drake University non-discrimination statement policy. Discriminatory harassment is conduct related to one of these characteristics when such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile, or offensive environment for work or learning.

#### **Epithet and Marginalizing Language**

Slurs, insults, and historically harmful terms used to describe, harm, degrade members of identity groups with protected characteristics listed in Drake University's Non-Discrimination

Statement. Typically, such language carries the implicit threat of violence or harm, whatever the intentions of its users might be.

**Pedagogical Imperative**

A need dictated by the stated outcomes of the course, activity, or assignment and aligned with the disciplinary conventions or standards within which the learning takes place.