The Ironic Interplay of Free Speech and Silencing: Does Workplace Bullying Compromise Free Speech in Higher Education?

Leah P. Hollis

Abstract

Free speech is one of the cornerstones of higher education. Professors and other knowledge workers should have the freedom to speak reasonably and collegially about a wide range of topics, even if their ideas are controversial or unpopular. However, just like any other tool, if misused, free speech can have results very different from those intended, restricting speech by silencing others. Workplace bullying, harassment, and hostile speech chill the environment and motivate those facing abuse to withhold valuable contributions. Stating that bullying and coercing others is one's right as free speech is an excuse to sidestep the actions of the bully, instead of addressing the impact of bullying on the educational environment. This essay explores the right to free speech and its interplay with aggressive bullying speech. The discussion also reflects on how abusive free speech, whether in person or in cyberspace, hurts the academic environment and suppresses the expression of those it is meant to support.

Most people are afraid to confront the issue EVEN with the support of a union. Most people worry about job loss, which in the long run just encourages bullying as a control tactic.

—Respondent no. 161 (2016)[1]

The framers of the US Constitution did not create a culture of mutually exclusive values, with the inalienable rights to safety, security, self-determination, and the pursuit of happiness on the one hand and the right to disrespect, harass, and intimidate fellow citizens on the other. Self-determination, the ability to maintain control of one's life and career, can be more elusive for people who make decisions to avoid abuse than it is for people who have the freedom to make decisions to progress through life as they choose. Further, freedom of speech was a measure created to protect individuals who were intimidated and coerced by the state (Fiss [1996] 2009). While free speech is the keystone of academic and intellectual progress, reasonable individuals should expect protection from other individuals just as individuals should expect protection from the state.

Those who face disrespect, harassment, and intimidation—in short, those who are bullied—are theoretically free to speak up to defend themselves. Workplace bullying occurs when someone is subjected to constant negative social acts and consequently operates from an inferior position (Einarsen et al. 2011). Those targeted by bullying have the right to block and prevent the coercive and intimidating threats. However, the financial, social, and power dynamics of our culture typically muzzle those with less power and fewer resources in their attempts to speak up and speak out. Whether we see the role of free speech as assisting targets of workplace bullying in their self-advocacy or as validating bullies' right to speak harshly, practically speaking, the power dynamics of bullying silence the one with the least power, the target.

When a target of workplace bullying is silenced, his or her self-determination is also compromised (Mithaug 1996). The harassment strips them of the freedom to move through careers, opportunities, or activities. Often targets must refocus on surviving a bully instead of advancing along a pathway of opportunity.

By definition, bullying, even if considered an act of free speech, is driven by a power differential. The powerful can say and do what they wish freely, while the target of the bullying is in an inferior position

---

[1] The verbatim remarks that open each segment were submitted by anonymous study participants who offered open-ended comments about workplace bullying in higher education.

(Einarsen et al. 2011) and often lacks the support or the resources to deflect or deter the bullying acts. Powerful leaders who are diplomatically savvy use such skill to show a pleasant front to the upper echelons of the organization while bullying those beneath them. They are adept at choosing the time and place to harass others while maintaining a guise of civility with their superiors (Treadway et al. 2013).

Regardless of their political affiliation, Americans grapple with the relationship between bullying and free speech while watching what Chris Cillizza (2017), Timothy O'Brien (2017), and Susan Spahn (2016) refer to the forty-fifth president as "the bully-in-chief." Ample undisputed examples from the Oval Office show that this freedom to speak unreservedly has led to world leaders being berated, women's rights being trampled, and the disenfranchised being increasingly excluded from financial and social power. As a culture often adopts its leader's values, this free speech, or bullying, is accompanied by the highest rates of hate crimes recorded in recent American history.

The Southern Poverty Law Center cataloged 1,094 hate crimes in the month after the 2016 election (SPLC Hatewatch 2016). In 37 percent of these incidents, perpetrators directly referred to the newly electedforty-fifth president, his campaign slogans, or his remarks about sexual assault. Grant Smith and Daniel Trotta (2017) reported a 23.3 percent increase in hate incidents in nine regions studied: New York City; Chicago; Philadelphia; Long Beach, California; Seattle; Columbus; Cincinnati; and Montgomery County, Maryland. Washington, DC, had a 62 percent increase in hate incidents.

Leaders set the tone for the culture. When leaders use coercion and engage in intimidating speech and actions, this gives others more latitude to adopt or enhance similar behavior. Similarly, when leaders fail to respond to bullying in the environment, they tacitly condone such behaviors and compromise the rights of the less powerful.

Studies on workplace bullying have shown how apathetic leadership exacerbates the problem (Erkutlu and Chafra 2014; Hauge et al. 2011; Laschinger and Fida 2013). As Chris Woodrow and David Guest (2017, 2) observe, "Leadership behaviour has been identified as an important antecedent of workplace bullying, since managers may prevent, permit or engage in the mistreatment of others." For example, a participant in my 2015 study underscored the connection of poor leadership and bullying: "I think bullying trickles down from the top starting with executives working its way to building and maintenance staff. If the administration threatens job loss, write-ups and reduces pay, then the intermediate-level chairs and supervisors will do the same" (Hollis 2015, 7).

The resulting turnover is the product of faculty and staff escaping such torment. This can cost an organization 150 percent of the departing person's salary in advertising, recruiting, interviewing, and retraining (Hollis 2015). These costs add up quickly, as 16 percent of respondents reported they had left a prior job because of a bully (Hollis 2015). Ironically, while all colleges and universities have mission statements pointing to their service to students and quality of learning, if they create and maintain an unstable faculty and staff who flee in response to bullying, the result is contrary to the mission of serving students.

Free Speech and Higher Education

The President and three Vice Presidents including the VP for Employee and Organizational Development (HR) witnessed the bullying and did nothing.

   —Respondent no. 141 (2017)

Studies show that, like many cultures, higher education is guided and influenced by the organizational leadership (Hoover and Harder 2015; Manning 2017; Tierney 1988). Leaders are the architects of the culture; those in power set the tone of the organization. They cultivate the organization's values and infuse its personnel with these expectations (Mintzberg 1985). If those in authority sanction or tacitly support the bully, incivility becomes commonplace and will strangle the organization.

Academic freedom "includes the freedom of individual professors to teach, research, and publish opinion on issues of public concern" (Smith 2002, 304). Academic freedom further applies to the unfettered right to research, express, and disseminate knowledge. This makes the university the natural place for free speech, even if this means abandoning the civility and decorum that creates a place for all to engage in intellectual discourse. Free speech is easy to defend when the speaker agrees with the popular consensus. However, when someone presents dissenting speech or forms a position that is unpopular in that historical moment, the right to free speech in this context is challenged, shunned, and even banished. Nonetheless, the university should be a place for a reasonable exchange of all ideas, even those that are contrary to majority norms (Meyer 1996).

However, associating the freedom of speech ideals with someone's right to bully, harass, and abuse colleagues and students is outside the spirit and practice of a "reasoned argument." If the academic community is a logical and reasonable institution, and if all members of the academic community have the same or similar rights, the target and the bully should have the same right to freedom and self-determination in scholarship and research. However, when a bully, as the more powerful colleague, harasses, intimidates,

and coerces the less powerful target, such abuse thwarts the rights and squashes the ideas of those targeted. Hence, Roger Scruton (2017, 7) has reasoned that the "untrampled freedom of speech has a cost that might well outweigh its benefit, and the law has the right to intervene on behalf of the public order."

Some in academia use the right of professorial academic freedom in research and expression to make a case for free speech that includes intimidating and aggressive actions and banter. Those using academic freedom as an excuse to bully others, purporting that they have the right to say what they want, are not staking a claim of righteousness of action but are rather sidestepping their own culpability in being the bully themselves (Fletcher 1985). The academy is supposed to be a place where reasonable minds differ, without fear and intimidation. As noted earlier, we reasonably expect protection from the state. However, when bullying occurs, the reasonable exchange of potentially controversial ideas bleeds into a license to treat others with disdain and intimidation.

Some might argue for restrictions and containment of unethical and aggressive speech; others say such containment is a restriction of free speech. To the contrary, restricting the abusive and intimidating speech of a few strengthens the speech for many, making those targets of bullying who were once silenced more vocal (Fiss [1996] 2009). Restrictions that allow "the underfunded, underrepresented, or disadvantaged voice" to speak and be heard "can be defended in terms of the First Amendment, not despite it" (Bernstein 2014, 4). Anita Bernstein further observed, "Abuse and harassment pull valuable words out of the marketplace of ideas. . . . they lessen the discourse" (3). Therefore, though some believe that academic freedom and free speech entail a right to incivility, that same incivility compromises the academic environment.

Most of us have witnessed these dynamics in staff meetings when less powerful individuals do not contribute to the academic exchange. On the individual level, we endure this suppression when we go to yet another meeting where we know a bully will drum on about his or her agenda. These conversations often fail to address the concerns of the other meeting participants. When the bully leader perfunctorily asks, "Any questions?" the others present look away and avoid eye contact. They know that their true and diverse opinions are neither accepted nor valued. They know that offering a dissenting view, no matter how valuable or innovative, will be punished. Further, those attending a meeting with a bully also realize that engaging in the charade that their opinion is truly valued will only delay adjournment, the escape they desire. We think it but do not say it. Engaging with a bully is futile and painful, resulting in the squashing of speech of less powerful colleagues.

Bullying as a Clear and Present Danger?

I nearly committed suicide, struggled on and got tenure. Then I left and found that other universities were not as toxic. I nearly ended both my life and my academic career.

    —Respondent no. 30 (2016)

Free speech remains highly debated terrain in the legal system. The question remains of who can say what to whom, and even under what circumstances. In *Terminiello v. Chicago* (1949), the US Supreme Court ruled that inappropriate speech that elicited anger should not trigger a fight or result in violent reaction. Following this line of thinking, inappropriate speech should be protected as long as such speech does not "produce a clear and present danger of a serious intolerable evil that rises above mere inconvenience, annoyance, or unrest" (Travis and Scott 2017, 4). Some proponents of abrupt language at times utilize aggressive and bullying language. One could argue that this court decision protects verbal abuse as free speech, as words are potentially just annoying. However, in *Cohen v. California* (1971), the Supreme Court case deliberated about abusive language and the use of slurs and monikers, which can indeed incite unrest and violence (Travis and Scott 2017).

More recently, in *Martin v. Parrish* (1986), Midland College fired a faculty member who extended free speech to using profanity in the classroom. The faculty member sued the college, yet the Fifth Circuit Federal Court of Appeals stated that "offending speech [that] does not bear upon a matter of public concern" and does not have an "academic purpose or justification" is not protected (Travis and Scott 2017, 584, 586).

These court cases and others over the years may prompt the question of what is protected and free speech and what is violent and unacceptable speech. Perhaps the historical or social moment informs what is "free" and what is prohibited. However, regardless of such historical and social questions, higher education leaders should ask themselves what is the academic justification for bullying colleagues and students. Facetiously, consider if more grants are awarded or a greater number of students graduate when a colleague misuses power to abuse and intimidate others. Perhaps enrollment is enhanced when colleagues bully each other, or the school enhances its Carnegie classification because it allows bullies to reign. However, when we return to more rational thinking, we find that bullying does not yield these benefits. Without true academic justification, bullying, in truth, only soothes the power appetite or the insecurity of the harasser but does not truly serve the mission of higher education.

From another vantage point, Ellen Walser deLara (2016) has confirmed that repeated exposure to such "annoyances," or bullying, leads to emotional and psychological scars. These experiences create health

problems and long-term behaviors that have an impact on individual and work relationships. The problem continues past the present into future spaces and work lives. Walser deLara (2016) found that those abused in childhood are more likely to abuse others later in life, once the power differential shifts in their favor. Bullying, abuse, and harassment not only silence others in the present space but also predispose the target to adopt these behaviors in the future.

Bullies who abuse young colleagues and those in entry-level positions establish the notion that abuse and bullying will be internalized; as a result, the young colleague will be affected in the long term by workplace abuse. The cycle will continue. People learn not to engage in unsafe spaces or areas and will avoid such potential abuse in the future. The other possibility is that the young colleagues will learn early on that being a bully is welcomed and supported. An organization struggling with destructive management styles, poor morale, and unpredictability can become an environment primed for bullying (Pilch and Turska 2015). If leadership fails to admonish bullying behaviors, those exposed to bullying both as targets and witnesses learn that organizations reward bullies. Further, as bullying is allowed to continue, the bystanders witnessing the bullying also learn not to trust the organization that allows such psychological and emotional harm (Hodson, Roscigno, and Lopez 2006).

Diversity and Bullying

While it certainly exists, many colleagues are too wise to put certain things in writing.

—Respondent no. 68 (2017)

Research on workplace bullying in higher education indicates that close to two-thirds of higher education employees, regardless of race, gender, or age, are affected by workplace bullying (Hollis 2016). Respondents faced yelling, cursing, and requests for unreasonable tasks. Twenty-seven percent reported they faced bullying for two years; another 26 percent reported enduring bullying more than three years (Hollis 2015).

Those subjected to workplace bullying on average spend half a workday dealing with, strategizing around, or withdrawing from the toxic behavior (Hollis 2016). In the meantime, 28 percent of respondents remarked that their organization did nothing when bullying behavior was reported. Another 19 percent of respondents reported that the organization supported the bully (Hollis 2015).

Because bullying typically affects those with less power, 71 percent of women, including 86.2 percent of black women, and 68 percent of black men reported being targets of workplace bullying (Hollis 2016). In a

culture where bullying is prevalent and creative and dissenting ideas are squelched, the opportunity for innovation dwindles. The emergence and maintenance of fearful acquiescence create silence, not the freedom to speak. A meta-analysis from my previous data collection on two-year and four-year schools revealed that 50 percent of respondents reported having endured bullying in higher education over a two-year period. Another 42 percent reported self-isolation as a common coping mechanism to endure bullying (Hollis 2015; Hollis 2016). Consequently, those who bully and verbally abuse others in the workplace rob the organization of the opportunity to be ethical, inclusive, and diverse. Bullying in higher education comes in many forms of misused free speech. Respondents from these studies (Hollis 2015; Hollis 2016) reported being subjected to insults, yelling, insulting jokes, teasing, gossip, and harsh memos and commands (see Table 1).

Table 1. Misuse of Free Speech to Bully Others in Higher Education (n = 364)*

Behaviors experienced:

Insults and yelling	58%
Jokes and teasing	28%
Group gossip	48%
Harsh memos and commands	46%

* *Note*: Because respondents were permitted to choose more than one response, the sum of percentages exceeds 100%.

The humiliated target is diminished and often unsupported by the organization, resulting in turnover and employee disengagement. According to the same meta-analysis of data collected from two-year and four-year schools, 26.7 percent ($n = 674$) of the respondents stated that they would not speak out to deal with a bullying, while 35 percent ($n = 455$) reported that they were trying to leave their jobs to avoid the bullying (Hollis 2015; Hollis 2016).

As I noted above, disenfranchised people, women, people of color—in short, those in lower-paying jobs who have moderate resources and no organizational power—tend to face such bias at disproportional rates. Such populations are traditionally underpaid and left without resources to fight abuse, harassment, and

bullying. They are less likely to come from financially supportive environments that can enable an extended campaign to defend their inalienable rights. Those at the receiving end of hate crimes and biased speech often find it difficult to report such incidents (Holley 2017).

The power differential and modest resources often constitute a gulf between justice and acquiescence. Those facing bullying and hate are disproportionally disenfranchised and without power: they need the job, do not want to make waves, and must support a family. They may be simply too exhausted for another fight. In sum, they may not have the resources to resist intimidation as it occurs. According to Peter Holley (2017), approximately 80 percent of Americans who seek legal services are unsure of how to identify and access them. Consequently, when bullying is justified as free speech, the loss extends beyond the personal and financial pain of the target who withdraws or alters his or her career trajectory to avoid the abuse. The target's withdrawal from the public space also diminishes the community. First, when the target is squashed, silenced, and eventually extricated, diverse ideas are stricken from consideration, and an ideological dictator can arise in that space. Once a target leaves or withdraws, the bully starts the cycle again with another target. Second, withdrawing quietly from the conflict potentially leaves the perception that abuse, harassment, and bullying are acceptable behaviors. However, the reality is that a campaign to resist abuse and bullying is often out of reach financially for those in lower-paying positions.

In addition to the workplace issues, bullying—not the reasoned argument—can also lead to panic attacks, sleep disorders, anxiety, or suicidal thoughts (Bond, Tuckey, and Dollard 2010; Rodríguez-Muñoz, Notelaers, and Moreno-Jiménez 2011; Sorial 2014; Zabrodska and Kveton 2013). Too often we hear colleagues comment that a job is not worth their health. In fact, based on the aforementioned meta-analysis, 24 percent of 339 respondents stated they had left a previous position because of bullying (Hollis 2015; Hollis 2016).

Regardless of the tactic used, those who report workplace bullying in higher education described the bully's behavior as a part of an overall strategy to eliminate or silence the target. In short, the participants who were targets of bullying described the bully as the ultimate silencer (Parker 2014). In response, the targets self-censored their speech to protect their emotional and physical health. Being silenced and unseen can translate to being overlooked by a bully. Nonetheless, some still feel that they have the right to direct such destructive incivility at their colleagues. In contrast, as Charles Collier (2001, 203) observed, "Hate speech, which causes mental distress, also causes physical distress. Hate speech thus deserves no special place in our pantheon of expressive liberties and should receive no greater constitutional protection than ordinary physical crimes such as assault." Verbal bullying on the job also causes mental and emotional stress, and arguably should have no

special place either. Consequently, I argue that bullying should not be protected speech but instead should be recognized as an emotional assault on the target.

Cybersilencing/Cyberbullying

Nothing like being smacked in open email to lose credibility with peers.

—Respondent no. 194 (2017)

The Internet undoubtedly makes research, communication, and exchange of ideas readily available to a larger audience. However, the freedom to speak and disseminate ideas is a double-edged sword. The Internet allows anyone to say anything—citizens no longer need the permission of editors and publishers to govern what is "fit to print." Anyone can have a blog, a Facebook page, or Twitter feed to relay ideas without being scrubbed and sanitized for public consumption. The free space of cyberspace is free for all.

Ironically, when such freedoms are abused, anything can be said to anyone at any time and in an aggressive and hostile manner. Threats, harassment, abuse, trolling, flaming, and other unsavory forms of cybercommunication become more widespread (Chander and Lê 2014; Washington 2015). As Chris Piotrowski (2012) has observed, "Cyberbullying is largely viewed as inappropriate, unwanted social exchange behaviors initiated by a perpetrator via online or wireless communication technology and devices" (Piotrowski 2012, 45). Typically, adult cyberbullying is overlooked and underreported, as the shame of being a target often keeps people from reporting online abuse (Bauman 2015).

Further, like other forms of bullying, cyberbullying disproportionally affects disenfranchised populations. In my 2016 study, 56 percent of people of color reported being the target of cyberbullying. This compares to 41 percent of their white counterparts (Hollis 2016). Cyberbullying uses public shaming via the Internet or other technology to humiliate the target. Bullies use mass emails to the department, or admonishment via email, including students, to demoralize the target.

While technology has enhanced productivity, its misuse exponentially augments an abuser's ability to harass others, at lightning speed. Cyberharassment and bullying can occur from behind the quiet screen of anonymous abusers, exacerbating the vulnerability for targets of assault from unknown and unseen assailants. Bernstein (2014, 3) notes that "electronic discourse adds anonymity, amplification, and permanence; within this medium, these conditions reinforce each other. Think of a rock thick and opaque enough to hide behind, durable enough to intimidate, heavy enough to inflict a real blow." The right to free speech on the Internet

can promote this anonymous abuse. The target should have at least as much freedom, that is, a right to self-determination that includes the freedom to proceed through life and career without workplace abuse and coercion. Bullying and free speech conversations become more slippery in cyberspace. Those who are targeted by cyberbullying experience the humiliation in a larger forum, which is replayed each time the message is resent or reread. In traditional bullying, the target has an opportunity to retort or respond, or even to evade the in-person bully. In cyberbullying, the target has no such escape. The electronic attack minimizes the target's ability to defend her- or himself against such abuse (Washington 2015).

In cyberspace, when bullies prevail, free speech is reduced and quieted. Many targets of cyberabuse and cyberharassment admit that they only found relief when they turned off the computer or shut down their social media accounts. Like those who face in-person bullying, targets of cyberbullying often completely isolate themselves from the discourse. The targets' free speech is buried under the anonymous and public shaming tactics floating endlessly through cyberspace. For example, as Bernstein (2014, 12) observes, the target who flees cyberspace to avoid bullying "forfeits a conduit of communication. She loses social and professional gains that she would have enjoyed absent abuse and harassment. . . . she writes less, learns less, teaches less, holds less power." The cyberbully has prevailed, and the cybercommunity has lost the opportunity to engage different ideas as another participant decides to unplug to escape abuse and harassment.

Conclusion

It's all about power, and a culture that supports intellectual intimidation.

—Respondent no. 139 (2017)

Those who are denied equal opportunity and are thwarted by bullying and harassment find that they cannot advance, speak, create, and achieve their goals or those of their organization while fighting obstacles such as harassment and bullying. The hostile workplace environment becomes a nonproductive culture when the primary aim of the staff is to avoid personal harassment, rather than advance the mission of the institution. Workplace energy is rechanneled to individual survival.

Some researchers have considered bullying to be a status-free style of harassment (McGinley 2008), whereby a target is bullied regardless of status or protected class. However, women, people of color, and gender or sexual minorities who occupy positions of diminished power are proportionally more likely to be

subjected to bullying (Hollis and Robinson 2016). In the United States, Title VII falls short in protecting bullied employees, as it does not address intragroup conflict *among* members of the same gender or race. Often, the conversation on workplace bullying focuses on behaviors outside of traditional discrimination that involve overt racial or sexist slurs. But what of members of the same group, separated by the power differential, who harass or abuse colleagues?

This analysis is not an argument to eradicate controversial speech, whether liberal or conservative; it is about how mutual respect and civility are needed to truly support free speech for all members of the academic community. I offer a case in point from my teaching experience as an African American female professor. In teaching Race and Ethnicity to a junior class of engineers at the New Jersey Institute of Technology (NJIT) in the late 1990s, I assigned a final paper for students to write about a bona fide organization. One of my students, in his smart-aleck style persona, chose to write about the Ku Klux Klan. I recognized the challenge, yet his approach was respectful and civil. In fact, he made a plausible argument, although his premise had one major flaw. The KKK that he wrote of presented itself as a Christian organization, and Christianity is steeped in love, not hate. The student earned a B+ on the paper, even though the topic he chose was offensive to my position in the world. Nonetheless, we were able to engage in a civil discussion about a potentially difficult topic. He was respectful of my position, and I was respectful of his. He saw that his topic also had a fundamental flaw that he could not overcome with solid writing and a well-structured argument. However, if I were abusive in my approach, disrespected him, or put him on the defensive, the opportunity for a learning moment would become a moment to defend his position. Reason would be tossed aside and the opportunity to work through his stated challenge would disappear.

This example highlights that we do not have to agree on everything, nor should we. Such homogeneity would be boring at best and would lack inspiration continuously. The white male engineer in his late teens and this thirty-something African American professor spoke civilly about a contentious topic. He ended his discussion with a smile and said, "I had to try ya, Doc." Whatever our angst about various subjects, we should not call into question another person's character, slight family lineage, or just denigrate someone else. Civility, not hostility, promotes free speech.

Leah P. Hollis is assistant professor in the department of advanced studies and leadership at Morgan State University. Her book Bully in the Ivory Tower: How Aggression and Incivility Erode American Higher Education *(2012) is based on independent research on 175 colleges and universities. Her second book,* The Coercive Community College: Bullying and its Costly Impact on the Mission to Serve Underrepresented Populations *(2016) examines workplace bullying at 142 community colleges.*

Bibliography

Bauman, Sheri. 2015. "Adult Cyberbullying." In *Cyberbullying: What Counselors Need to Know*, 127–36. Alexandria, VA: American Counseling Association.

Bernstein, Anita. 2014. "Abuse and Harassment Diminish Free Speech." *Pace Law Review* 35: 1.

Bond, Stephanie A., Michelle R. Tuckey, and Maureen F. Dollard. 2010. "Psychosocial Safety Climate, Workplace Bullying, and Symptoms of Posttraumatic Stress." *Organization Development Journal* 28, no. 1: 37.

Chander, Anupam, and Uyên P. Lê. 2014. "Free Speech." *Iowa Law Review* 100: 501.
Cillizza, Chris. 2017. "Bully in Chief: Donald Trump Proves It Again with His 'Pocahontas' Attack." *CNN Politics*, November 27. http://www.cnn.com/2017/11/27/politics/donald-trump-pocahontas-analysis/index.html.

Collier, Charles W. 2001. "Hate Speech and the Mind-Body Problem: A Critique of Postmodern Censorship Theory." *Legal Theory* 7, no. 2: 203–34.

Einarsen, Ståle, Helge Hoel, Dieter Zapf, and Cary L. Cooper. 2011. "The Concept of Bullying and Harassment at Work: The European Tradition." *Bullying and Harassment in the Workplace: Developments in Theory, Research, and Practice* 2: 3–40.

Erkutlu, Hakan, and Jamel Chafra. 2014. "Ethical Leadership and Workplace Bullying in Higher Education." *Hacettepe University Journal of Education* 29, no. 3: 55–67.

Fiss, Owen. [1996] 2009. *The Irony of Free Speech*. Cambridge, MA: Harvard University Press.

Fletcher, George P. 1985. "The Right and the Reasonable." *Harvard Law Review* 98: 949–82.

Hauge, Lars Johan, Ståle Einarsen, Stein Knardahl, Bjørn Lau, Guy Notelaers, and Anders Skogstad. 2011. "Leadership and Role Stressors as Departmental Level Predictors of Workplace Bullying." *International Journal of Stress Management* 18, no. 4: 305.

Hodson, Randy, Vincent J. Roscigno, and Steven H. Lopez. 2006. "Chaos and the Abuse of Power: Workplace Bullying in Organizational and Interactional Context." *Work and Occupations* 33, no. 4: 382–416.

Holley, Peter. 2017. "Reporting a Hate Crime Is Notoriously Hard: Can This Digital Tool Change That?" *Washington Post*, September 26. https://www.washingtonpost.com/news/innovations/wp/2017/09/26/reporting-a-hate-crime-is-notoriously-hard-can-this-digital-tool-change-that/?utm_term=.4490256be3ec.

Hollis, Leah P. 2015. "Bully University? The Cost of Workplace Bullying and Employee Disengagement in American Higher Education." *Sage Open* 5, no. 2: 1–11.
———. 2016. *The Coercive Community College: Bullying and Its Costly Impact on the Mission to Serve Underrepresented Populations*. Bingley, UK: Emerald Group.

Hollis, Leah P., and Sean Robinson. 2016. "Insult to Injury: The Extent of Bullying for Gender and Sexual Minorities in Community Colleges." In *The Coercive Community College: Bullying and Its Costly Impact on the Mission to Serve Underrepresented Populations*, 113–23. Bingley, UK: Emerald Group.

Hoover, Elona, and Marie K. Harder. 2015. "What Lies Beneath the Surface? The Hidden Complexities of Organizational Change for Sustainability in Higher Education." *Journal of Cleaner Production* 106: 175–88.

Laschinger, Heather Spence, and Roberta Fida. 2013. "Longitudinal Analysis Authentic Leadership on Workplace Bullying, Burnout and Turnover Intentions." In *Academy of Management Proceedings*, no. 1: 10065.

Manning, Kathleen. 2017. *Organizational Theory in Higher Education*. London: Routledge.

McGinley, Ann C. 2008. "Creating Masculine Identities: Bullying and Harassment 'because of Sex.'" *University of Colorado Law Review* 79: 1151.

Meyer, Linda Ross. 1996. "When Reasonable Minds Differ." *New York University Law Review* 71, no. 6: 1467.

Mintzberg, Henry. 1985. "The Organization as Political Arena." *Journal of Management Studies* 22, no. 2: 133–54.

Mithaug, Dennis E. 1996. *Equal Opportunity Theory*. Thousand Oaks, CA: Sage.

O'Brien, Timothy. 2017. "Melania Trump Has a Bully-in-Chief Problem." *Bloomberg*, September 21. https://www.bloomberg.com/view/articles/2017-09-22/melania-trump-has-a-bully-in-chief-problem.

Parker, Kimberly A. 2014. "The Workplace Bully: The Ultimate Silencer." *Journal of Organizational Culture, Communications and Conflict* 18, no. 1: 169.

Pilch, Irena, and Elbieta Turska. 2015. "Relationships between Machiavellianism, Organizational Culture, and Workplace Bullying: Emotional Abuse from the Target's and the Perpetrator's Perspective." *Journal of Business Ethics* 128, no. 1: 83–93.

Piotrowski, Chris. 2012. "From Workplace Bullying to Cyberbullying: The Enigma of E-harassment in Modern Organizations." *Organization Development Journal* 30, no. 4: 44.

Rodríguez-Muñoz, Alfredo, Guy Notelaers, and Bernardo Moreno-Jiménez. 2011. "Workplace Bullying and Sleep Quality: The Mediating Role of Worry and Need for Recovery." *Psicologia Conductual* 19, no. 2: 453.

Scruton, Roger. 2017. "The Threat of Free Speech in the University." *Modern Age Journal* 59, no. 3: 7–15.
Smith, Grant, and Daniel Trotta. 2017. "U.S. Hate Crimes Up 20 Percent in 2016, Fueled by Election Campaign—Report." *Reuters*, March 13. https://www.reuters.com/article/us-usa-crime-hate-idUSKBN16L0BO.

Smith, Stacy E. 2002. "Who Owns Academic Freedom? The Standard for Academic Free Speech at Public Universities." *Washington and Lee Law Review* 59: 299.

Sorial, Sarah. 2014. "Free Speech, Hate Speech, and the Problem of (Manufactured) Authority." *Canadian Journal of Law and Society/La Revue Canadienne Droit et Société* 29, no. 1: 59–75.

Spahn, Susan. 2016. "President Trump Would Be 'Bully in Chief.'" *Wisconsin State Journal*, March 1. Letter to the editor. http://host.madison.com/wsj/opinion/mailbag/president-trump-would-be-bully-in-chief---/article_efd0f0ae-6714-592c-a04c-42cb951b54e6.html.

SPLC Hatewatch. 2016. "Updated: 1094 Bia-Related Incidents a Month following the Election." December 16. https://www.splcenter.org/hatewatch/2016/12/16/update-1094-bias-related-incidents-month-following-election.

Tierney, W. G. 1988. "Organizational Culture in Higher Education: Defining the Essentials." *Journal of Higher Education* 59, no. 1: 2–21.

Travis, Jon E., and Joyce A. Scott. 2017. "Free Speech and Slurs: Rights vs. Respect." *College Student Journal* 51, no. 2: 291–97.

Treadway, Darren C., Brooke A. Shaughnessy, Jacob W. Breland, Jun Yang, and Maiyuwai Reeves. 2013. "Political Skill and the Job Performance of Bullies." *Journal of Managerial Psychology* 28, no. 3: 273–89.

Walser deLara, Ellen. 2016. *Bullying Scars: The Impact on Adult Life and Relationships*. New York: Oxford University Press.

Washington, Edwina Thomas. 2015. "An Overview of Cyberbullying in Higher Education." *Adult Learning* 26, no. 1: 21–27.

Woodrow, Chris, and David E. Guest. 2017. "Leadership and Approaches to the Management of Workplace Bullying." *European Journal of Work and Organizational Psychology* 26, no. 2: 221–33.

Zabrodska, Katerina, and Petr Kveton. 2013. "Prevalence and Forms of Workplace Bullying among University Employees." *Employee Responsibilities and Rights Journal* 25, no. 2: 89–108.