

free speech for students

free speech for students is a fundamental topic that intersects education, law, and individual rights. This principle ensures that students can express their ideas, opinions, and beliefs without undue censorship or restriction within educational environments. Understanding the scope and limitations of free speech for students is essential for educators, administrators, parents, and the students themselves. This article explores the legal foundations, practical applications, and challenges of free speech in schools, highlighting the balance between protecting individual expression and maintaining a safe, respectful learning environment. Additionally, it examines landmark court cases, current policies, and the impact of digital communication on student speech. The following content provides a comprehensive overview of free speech for students to inform and guide stakeholders in educational settings.

- Legal Foundations of Free Speech for Students
- Scope and Limitations of Student Speech
- Free Speech in the Digital Age
- Challenges and Controversies Surrounding Student Expression
- Best Practices for Schools and Educators

Legal Foundations of Free Speech for Students

The concept of free speech for students is rooted in the First Amendment of the United States Constitution, which guarantees freedom of expression. However, the application of this right within schools has been shaped by numerous landmark Supreme Court decisions. These rulings clarify how far student speech protections extend in educational settings and address the balance between individual rights and institutional authority.

Key Supreme Court Cases

Several Supreme Court cases have defined the legal parameters of student free speech. *Tinker v. Des Moines Independent Community School District* (1969) is a foundational case that established students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." The court ruled that student expression is protected as long as it does not cause substantial disruption or interfere with the rights of others.

Another important case, *Bethel School District No. 403 v. Fraser* (1986), addressed the limits of free speech by permitting schools to discipline students for lewd or indecent speech, even if it does not cause significant disruption. *Hazelwood School District v.*

Kuhlmeier (1988) further allowed schools to regulate speech in school-sponsored activities, such as student newspapers, when the regulation is reasonably related to legitimate pedagogical concerns.

Constitutional Protections and School Authority

The legal framework balances student rights with the school's responsibility to maintain order and discipline. While students have the right to express opinions, schools retain authority to limit speech that is harmful or disruptive. This duality ensures that educational institutions can foster a safe learning environment while respecting constitutional freedoms.

Scope and Limitations of Student Speech

Understanding the scope and boundaries of free speech for students is crucial to navigating rights and responsibilities within schools. While students enjoy considerable protections, these rights are not absolute and are often subject to reasonable restrictions.

Protected Forms of Speech

Students are generally free to express opinions on political, social, and cultural issues, including wearing symbolic clothing or displaying signs. Peaceful demonstrations and discussions on controversial topics typically fall within protected speech, provided they do not disrupt the educational process.

Unprotected Speech and Restrictions

Speech that is considered obscene, lewd, or vulgar may be restricted, as established in *Fraser*. Additionally, speech that promotes illegal drug use, bullying, harassment, or threats of violence is subject to limitation. Schools also regulate speech that infringes on the rights of other students or causes material disruption, following the *Tinker* standard.

- Obscene or indecent language
- Speech inciting violence or illegal activity
- Harassment or bullying based on race, gender, or other protected characteristics
- Disruptive conduct that impedes the learning environment

Free Speech in the Digital Age

The rise of digital communication has transformed the landscape of free speech for students. Social media, online forums, and digital platforms offer new venues for expression, raising complex questions about the extent of school authority over off-campus speech.

Off-Campus Speech and School Discipline

Courts have grappled with whether schools can regulate student speech occurring off campus, especially online. While schools generally have less control over off-campus speech, they may intervene if the speech causes substantial disruption within the school or infringes upon the rights of others. This area remains legally complex and evolving as technology advances.

Cyberbullying and Online Harassment

Schools are increasingly addressing cyberbullying, which can severely affect student wellbeing and the educational environment. Policies often prohibit online behavior that constitutes harassment or threats, even if it takes place outside school grounds. Balancing free speech rights with protection from harm is a critical challenge in managing digital expression.

Challenges and Controversies Surrounding Student Expression

Free speech for students often intersects with sensitive and divisive issues, leading to controversies and legal disputes. Navigating these challenges requires a nuanced understanding of rights, responsibilities, and the educational context.

Controversial Speech and Hate Speech

Schools frequently confront situations where student speech involves controversial or offensive viewpoints. While free speech protections are broad, speech that constitutes hate speech or creates a hostile environment may be restricted to protect the rights and safety of all students.

Balancing Safety and Expression

Maintaining a safe and inclusive school environment sometimes necessitates limitations on speech. Schools must carefully balance the need to prevent harm and discrimination with the imperative to uphold free speech rights, often guided by legal standards and policy frameworks.

Political and Religious Expression

Student expression related to political or religious beliefs can generate debate over the appropriate role of schools. Educational settings are encouraged to support diverse viewpoints while preventing endorsement or suppression of specific ideologies in a manner that violates constitutional principles.

Best Practices for Schools and Educators

Implementing effective policies and fostering a culture of respectful expression are essential for supporting free speech for students. Schools and educators play a critical role in promoting understanding and managing speech-related issues constructively.

Developing Clear Speech Policies

Schools should create clear, transparent policies that outline the rights and responsibilities related to student speech. These policies must comply with legal standards and provide guidance on handling disputes and disciplinary actions fairly.

Encouraging Open Dialogue and Critical Thinking

Promoting an environment where students can engage in open, respectful discourse helps develop critical thinking and civic engagement skills. Educators can facilitate discussions that address diverse perspectives and encourage empathy.

Training and Support for Staff

Providing training for teachers and administrators on free speech issues ensures consistent application of policies and awareness of legal obligations. Support mechanisms help staff navigate complex situations involving student expression.

1. Establish comprehensive, legally compliant speech policies
2. Foster respectful and inclusive dialogue among students
3. Train staff on rights, limitations, and conflict resolution
4. Engage students in understanding their speech rights and responsibilities
5. Monitor and address digital speech challenges proactively

Frequently Asked Questions

What rights do students have regarding free speech in schools?

Students have the right to free speech under the First Amendment, but this right is balanced against the school's interest in maintaining an orderly educational environment. Speech that is disruptive, harmful, or promotes illegal activity may be restricted.

Can schools restrict student speech on social media?

Schools can sometimes regulate student speech on social media if it causes a substantial disruption to the school environment or infringes on the rights of other students. However, off-campus speech is generally protected unless it directly impacts the school.

Are students allowed to wear clothing with political messages to school?

Yes, students generally have the right to wear clothing with political messages, as long as it does not cause disruption or violate school dress codes. Schools cannot censor expression solely because it is controversial or unpopular.

What are the limits of free speech for students during school events?

Free speech during school events may be limited if the speech is lewd, vulgar, or significantly disrupts the event. Schools can set reasonable time, place, and manner restrictions but cannot discriminate based on viewpoint.

How can students advocate for free speech rights in their schools?

Students can advocate for free speech by organizing discussions, joining student government, collaborating with free speech organizations, and engaging in dialogue with school administrators to promote understanding and respect for expression rights.

What legal cases have shaped free speech rights for students?

Key legal cases include *Tinker v. Des Moines* (1969), which affirmed students' right to free speech unless it causes disruption; *Bethel School District v. Fraser* (1986), allowing schools to restrict lewd speech; and *Hazelwood v. Kuhlmeier* (1988), permitting censorship of school-sponsored expressive activities.

Additional Resources

1. *Free Speech on Campus: A Student's Guide*

This book explores the complexities of free speech within college environments, helping students understand their rights and responsibilities. It covers landmark cases, campus policies, and practical advice for engaging in respectful dialogue. Ideal for students navigating diverse viewpoints and controversial topics.

2. *The First Amendment and You: A Student's Handbook*

Designed for young readers, this handbook breaks down the First Amendment and its protections of free speech. It includes real-life examples and scenarios that students might face, making constitutional rights accessible and relevant. The book encourages critical thinking about the balance between freedom and respect.

3. *Speak Up!: The Power of Free Speech in Education*

This inspiring book highlights the importance of free speech in fostering learning and democracy. It features stories of student activists and educators who have championed expression on campus. Readers are encouraged to recognize their voice as a powerful tool for change.

4. *Understanding Free Speech: A Student's Introduction*

A comprehensive introduction to the concept of free speech, this book delves into its history, legal foundations, and ethical considerations. It provides students with the tools to analyze speech-related issues critically. The text also discusses the challenges posed by hate speech and misinformation.

5. *Voices Unleashed: Free Speech and Student Activism*

Focusing on the role of free speech in social movements, this book examines how students have used their rights to advocate for change. It covers various historical and contemporary examples of activism powered by free expression. The narrative encourages students to engage thoughtfully and responsibly.

6. *Free to Think: Encouraging Open Dialogue in Schools*

This book emphasizes the value of open dialogue and critical thinking in educational settings. It discusses how free speech supports intellectual growth and the exchange of ideas among students. Practical tips are offered for fostering respectful conversations in the classroom.

7. *Freedom of Expression: Challenges and Opportunities for Students*

Addressing current controversies, this book explores the tensions between free speech and social justice on campuses. It presents multiple perspectives to help students navigate debates thoughtfully. The book aims to equip readers with strategies for balancing freedom with inclusivity.

8. *From Protest to Policy: Student Free Speech Movements*

Chronicling significant student-led free speech movements, this book reveals their impact on campus policies and society at large. It highlights key figures and pivotal moments that shaped the discourse on expression rights. Students gain insight into the power of collective voice.

9. *The Ethics of Free Speech: A Guide for Young Adults*

This guide tackles the moral dimensions of free speech, encouraging students to consider the consequences of their words. It discusses respect, responsibility, and the limits of expression in diverse communities. The book fosters ethical awareness alongside legal understanding.

Free Speech For Students

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free speech for students: Campus Free Speech Lori Cox Han, Jerry Price, 2023-07-27 Comprehensive and accessible, this one-stop resource examines the history, development, and present state of free speech issues on college campuses, including a range of political perspectives and viewpoints. It explains such concepts and forces as academic freedom, intellectual benefits of open debate, using speech as a weapon of hate and harassment, and the history of campus social protest. It also presents a broad survey of the arguments and rhetoric-as well as actual record-of America's two major parties on campus free speech and academic freedom issues. Other focuses of coverage include major laws and commonly employed college and university policies governing free speech and civil liberties for students, faculty, and other employees on campuses and classrooms across the country. This book accomplishes all of the above via a combination of informative resources-tables, primary documents, biographical profiles, illuminating essays, a chronology, and more-that are the trademark of the Contemporary World Issues series.

free speech for students: Free Speech on Campus Erwin Chemerinsky, Howard Gillman, 2017-01-01 Can free speech coexist with an inclusive campus environment?

free speech for students: Free Speech and Censorship H. L. Pohlman, 2019-05-03 This book provides a comprehensive and impartial overview of laws and norms regarding free speech and censorship in the United States, with a particular focus on free speech rights and restrictions for individuals, politicians, corporations, and news organizations. Free Speech and Censorship: Examining the Facts is part of a series that uses evidence-based documentation to examine the veracity of claims and beliefs about high-profile issues in American culture and politics. This volume examines beliefs, claims, and myths about free speech and censorship issues in American society, including landmark court decisions and evolving cultural values that have shaped our understanding of the First Amendment and the liberties it enshrines and protects. Specific chapters in the volume explore basic principles of free speech; unprotected types of speech; conditionally protected speech; restrictions and regulations governing protected speech; free speech limitations in school settings; the corrosive impact of politicians and social media platforms that spread distortions and falsehoods under free speech pretexts; and free speech as a general cultural ideal. Together, these chapters will provide readers with a thorough and accurate grounding in their First Amendment rights and responsibilities.

free speech for students: Free Speech and Censorship Cari Lee Skogberg Eastman, 2022-02-15 This annotated document collection surveys the history and evolution of laws and attitudes regarding free speech and censorship in the United States, with a special emphasis on contemporary events and controversies related to the First Amendment. The United States' collective understanding of First Amendment freedoms was formed by more than 200 years of tensions between the power of word and the power of the government. During that time, major laws

and legal decisions defined the circumstances and degree to which personal expression could be rightfully expressed—and rightfully limited. This struggle to define the parameters of free speech continues today. Vibrant and passionate debates about First Amendment limitations once inspired by the dissemination of birth control information now address such issues as kneeling during the national anthem, removing controversial books from public libraries, attempts by the Trump administration to discredit the press, and disseminating false or hateful information through social media platforms. By exploring diverse examples of censorship victories and triumphs of free expression, readers will better understand the enormous impact of First Amendment freedoms on American society.

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Clashes over free speech rights and wrongs haunt public debates about the state of democracy, freedom and the future. While freedom of speech is recognized as foundational to democratic society, its meaning is persistently misunderstood and distorted. Prominent commentators have built massive platforms around claims that their right to free speech is being undermined. Critics of free speech correctly see these claims as a veil for misogyny, white-supremacy, colonialism and transphobia, concluding it is a political weapon to conserve entrenched power arrangements. But is this all there is to say? Rethinking Free Speech will change the way you think about the politics of speech and its relationship to the future of freedom and democracy in the age of social media. Political theorist Peter Ives offers a new way of thinking about the essential and increasingly contentious debates around the politics of speech. Drawing on political philosophy, including the classic arguments of JS Mill, and everyday examples, Ives takes the reader on a journey through the hotspots of today's raging speech wars. In its bold and careful insights on the combative politics of language, Rethinking Free Speech provides a map for critically grasping these battles as they erupt in university classrooms, debates around the meaning of antisemitism, the "cancelling" of racist comedians and the proliferation of hate speech on social media. This is an original and essential guide to the perils and possibilities of communication for democracy and justice. Clashes over free speech rights and wrongs haunt public debates about the state of democracy, freedom and the future. While freedom of speech is recognized as foundational to democratic society, its meaning is persistently misunderstood and distorted. Prominent commentators have built massive platforms around claims that their right to free speech is being undermined. Critics of free speech correctly see these claims as a veil for misogyny, white-supremacy, colonialism and transphobia, concluding that it is a political weapon to conserve entrenched power arrangements. Rethinking Free Speech will change the way you think about the politics of speech in the age of social media. Peter Ives offers a new way of thinking about the essential and increasingly contentious debates around the politics of speech. Drawing on political philosophy and everyday examples, Ives takes the reader on a journey through the hotspots of today's raging speech wars. This book provides a map for critically grasping these battles as they erupt in university classrooms, debates around the meaning of antisemitism, the "cancelling" of racist comedians and the proliferation of hate speech on social media. This is an original and essential guide to the perils and possibilities of communication for democracy and justice.

free speech for students: The Free Speech Movement Robert Cohen, Reginald E. Zelnik, 2002-10 This is a superb book. We are well-launched into a new generation of '60s scholarship, and The Free Speech Movement will be at the center of it. The analysis and personal recollection mix well, arguing persuasively for the never-to-be-underestimated place of contingency in history.—Todd Gitlin, author of Media Unlimited and The Sixties: Years of Hope, Days of Rage This powerful book not only will be the classic work on the Free Speech Movement but also will be combed as a basis for hypotheses and new research on the movements of the '60s. It's absolutely thrilling, full of large implications for history, social movements, and character. The book contributed to my self-knowledge (personal, political, and professional) and will do the same for others. It combines humor and a firsthand, I-was-there flavor with provocative analyses. As a serious, original work of scholarship, this gives edited volumes back their good name.—Jesse Lemisch, Professor of History

Emeritus, John Jay College of Criminal Justice of the City University of New York, and author of *The American Revolution Seen from the Bottom Up* This book gets the Free Speech Movement and its significance exactly right—from the civil rights origins to refusing to idealize the moment at the expense of what came later. And no two better editors could be doing it.—Michael Rogin, author of *Ronald Reagan, The Movie, And Other Episodes in Political Demonology* As a journalist, I was in Berkeley's Sproul Plaza to witness the mass arrests of the Free Speech Movement demonstrators in December 1964. As a citizen, I've always known that this was one of the pivotal moments in the great political and moral awakening of the 1960s. As a reader, I found much to feast on in this splendid and thoughtful collection of essays, about a movement whose effects and inspiration are with us still.—Adam Hochschild, author of *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* The Free Speech Movement was a pivotal moment in the evolution of student rights and university responsibilities. These splendid essays memorialize this period and offer competing perspectives on its meaning. Though differing widely in conclusions, collectively and individually they stand testament to the conviction that 'the price of freedom is eternal vigilance' and that 'the critical test of freedom of expression is the right of others to speak out on behalf of what we believe to be wrong.'—Geoffrey R. Stone, author of *Eternally Vigilant: Freedom of Speech in the Modern Era* This rich and entertaining set of essays offers remarkable insight into the genesis, development, and consequences of the Free Speech Movement. Written largely by participants and close observers, these essays offer both personal and analytical assessments of the roles of students, faculty, and administrators. Above all, the chapters on Mario Savio demonstrate his unusual capacity for leadership-charismatic without being dogmatic, committed to the cause while retaining a capacity to think and deal openly with dissent. This book should be read by anyone interested in understanding university and national politics in the '60s.—Chancellor Robert M. Berdahl, University of California, Berkeley

free speech for students: *In Defense of Free Speech in Universities* Amy T.Y. Lai, 2023-09-26 In this book, Amy Lai examines the current free speech crisis in Western universities. She studies the origin, history, and importance of freedom of speech in the university setting, and addresses the relevance and pitfalls of political correctness and microaggressions on campuses, where laws on harassment, discrimination, and hate speech are already in place, along with other concepts that have gained currency in the free speech debate, including deplatforming, trigger warning, and safe space. Looking at numerous free speech disputes in the United Kingdom, the United States, and Canada, the book argues for the equal application of the free speech principle to all expressions to facilitate respectful debates. All in all, it affirms that the right to free expression is a natural right essential to the pursuit of truth, democratic governance, and self-development, and this right is nowhere more important than in the university.

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free speech for students: *Racism and [Free Speech]* Anshuman A. Mondal, 2025-01-23 'Free speech' has become central to discussions about racism, and is increasingly weaponised against anti-racist movements. This book argues that the weaponization of 'free speech' across the political spectrum, particularly by the far-right/alt-right, has been central to the resurgence, rehabilitation and normalisation of racism within the mainstream politics of western liberal democracies in the last decade. The dilemma then, for anti-racist movements, is how to respond to such a challenge - for if

'free speech' allows racism, then it follows that the elimination of racism is not possible. Anshuman A. Mondal argues that liberalism has made it look as if there is something called 'free speech' when, in fact, speech is enabled by the structures of power within which we are all embedded. These structures determine who gets to say what, and whose voices are heard. They create and sustain racism, and anti-racism should look beyond the mythology of 'free speech' and focus instead on creating expressive regimes that foster racial and social justice by reshaping social discourse and transforming racialized structures of power.

free speech for students: Speech Freedom on Campus Joseph Russomanno, 2020-11-17

Traditionally, the university or college is thought to be the ultimate location for the discovery and sharing of knowledge. After all, on these campuses are some of the great minds across all fields, as well as students who are not only eager to learn, but who often contribute to our shared wisdom. For those ideals to be achieved, however, ideas require access to some kind of virtual marketplace from which people can sample and consider them, discuss and debate them. Restricting the expression of those ideas for whatever reason is the enemy of not only this process, but also of knowledge discovery. Speech freedom on our college and university campuses, like everywhere else, is fragile. There are those who wish to suppress it, more often than not when the words express ideas, opinions, and even facts that conflict with their beliefs. Why is this effort, so completely at odds with the foundational values of this country, made? This topic explored in *Speech Freedom on Campus: Past, Present and Future* is multi-layered, and its analysis is best accomplished through multiple perspectives. Joseph Russomanno's edited collection does precisely that, utilizing 10 different scholars to examine various aspects and issues related to speech freedom on campus.

free speech for students: The Case Against Free Speech PE Moskowitz, 2019-08-13 A

hard-hitting expose that shines a light on the powerful conservative forces that have waged a multi-decade battle to hijack the meaning of free speech--and how we can reclaim it. There's a critical debate taking place over one of our most treasured rights: free speech. We argue about whether it's at risk, whether college students fear it, whether neo-Nazis deserve it, and whether the government is adequately upholding it. But as P. E. Moskowitz provocatively shows in *The Case Against Free Speech*, the term has been defined and redefined to suit those in power, and in recent years, it has been captured by the Right to push their agenda. What's more, our investment in the First Amendment obscures an uncomfortable truth: free speech is impossible in an unequal society where a few corporations and the ultra-wealthy bankroll political movements, millions of voters are disenfranchised, and our government routinely silences critics of racism and capitalism. Weaving together history and reporting from Charlottesville, Skokie, Standing Rock, and the college campuses where student protests made national headlines, Moskowitz argues that these flash points reveal more about the state of our democracy than they do about who is allowed to say what. Our current definition of free speech replicates power while dissuading dissent, but a new ideal is emerging. In this forcefully argued, necessary corrective, Moskowitz makes the case for speech as a tool-for exposing the truth, demanding equality, and fighting for all our civil liberties.

free speech for students: Free Speech and Koch Money Ralph Wilson, Isaac Kamola,

2021-11-20 In recent years hundreds of high-profile 'free speech' incidents have rocked US college campuses. Jordan Peterson, Ben Shapiro, Ann Coulter and other right-wing speakers have faced considerable protest, with many being disinvited from speaking. These incidents are widely circulated as examples of the academy's intolerance towards conservative views. But this response is not the spontaneous outrage of the liberal colleges. There is a darker element manufacturing the crisis, funded by political operatives, and designed to achieve specific political outcomes. If you follow the money, at the heart of the issue lies the infamous and ultra-libertarian Koch donor network. Grooming extremist celebrities, funding media platforms that promote these controversies, developing legal organizations to sue universities and corrupting legislators, the influence of the Koch network runs deep. We need to abandon the 'campus free speech' narrative and instead follow the money if we ever want to root out this dangerous network from our universities.

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Speech for Fascists explores the choice of anti-fascist protesters to demand that the opportunities for fascists to speak in public places are rescinded, as a question of history, law, and politics. It explains how the demand to no platform fascists emerged in 1970s Britain, as a limited exception to a left-wing tradition of support for free speech. The book shows how no platform was intended to be applied narrowly, only to a right-wing politics that threatened everyone else. It contrasts the rival idea of opposition to hate speech that also emerged at the same time and is now embodied in European and British anti-discrimination laws. Both no platform and hate speech reject the American First Amendment tradition of free speech, but the ways in which they reject it are different. Behind no platform is not merely a limited range of political targets but a much greater scepticism about the role of the state. The book argues for an idea of no platform which takes on the electronic channels on which so much speech now takes place. It shows where a fascist element can be recognised within the much wider category of far-right speech. This book will be of interest to activists and to those studying and researching political history, law, free speech, the far right, and anti-fascism. It sets out a philosophy of anti-fascism for a social media age.

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free speech for students: *Keep Calm and Call the Dean of Students* Art Munin, Lori S. White, 2023-07-03 The role of Dean of Students is pivotal: in students' lives; for their institutions as a conduit to senior administration about issues of concern to students; as a figure who can coordinate disparate campus constituencies -- from academic affairs and athletics to campus safety and relationships with parents and alums; and as a crisis manager. What preparation, skills, dispositions, and knowledge do DOSs need to be effective in their role; and, indeed, what areas and range of activities generally fall under their responsibility? Through chapters by experienced DOSs -- from early career to veterans and in between -- this book provides vivid first-hand accounts of what's involved in managing the multiple roles of the deanship, its immense personal rewards, the positive impact that practitioners can make in the lives of students, and on campus policy and environment, without glossing over the demands on time and the concomitant stresses. The contributors describe the paths they followed to take on the role, and what they do to keep current. Each chapter offers a wealth of anecdotes that provide an insider's feel for the daily life of the DOS, and how incumbents have found ways to integrate family and personal needs with the discharging of their often demanding responsibilities. The contributing authors offer valuable advice on setting priorities and dealing with issues as varied as setting budgets, creating an effective team, delegation, and addressing student conduct issues. They offer guidance on developing allies across campus, keeping up to date with trends and legislation, and building a network of mentors and advisors through professional associations and connection with their peers at institutions around the country. The book concludes with some perspectives about the meaning and purpose of the dean of students role in our current era and as we look to the future of higher education. The dean of students is a challenging role because it is often the one administrator thrust onto the frontlines to meet students not only at their best, but also at their worst. This person is an advocate and educator, disciplinarian and friend, confidant and counselor, and advisor and parent all rolled into one. *Keep Calm and Call the Dean of Students* offers a unique window into this challenging and rewarding position that will appeal to sitting deans; to those seeking this role; and to senior leaders in higher education seeking to appoint a DOS and/or organize a dean of students portfolio of responsibilities.

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