

# EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

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<b>SPEECH FIRST, INC.,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	Civil No. 4:18-cv-11451-LVP-EAS
<b>v.</b>	)	Hon. Linda V. Parker
	)	Mag. Judge Elizabeth A. Stafford
<b>MARK SCHLISSEL, et al.,</b>	)	
	)	
	)	
<b>Defendants.</b>	)	
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**DECLARATION OF EVELYN GALVAN**

I, Evelyn Galvan, submit this declaration in connection with the above-captioned matter and in support of Defendants’ opposition to Plaintiff’s motion for a preliminary injunction.

1. I am one of two Bias Incident Prevention and Response Team Coordinators on the Bias Response Team (“BRT”) at the University of Michigan. My responsibilities include reviewing bias incident reports and assisting students impacted by bias incidents to navigate the effects with appropriate resources. I have held this position since October 2017. In my capacity as a BRT Coordinator, I have personal knowledge about the mission and activities of the BRT.

2. I report to Julio Cardona, the Interim Assistant Dean of Students, who leads the BRT.

3. Anyone within the University community can contact the BRT concerning what they perceive to be a bias incident. Reports can come from students, faculty, staff, or other community members, although the vast majority of reports come from students. Many of the reports are made anonymously.

4. I enter each report that we receive on the Bias Incident Log. This log was launched last year to create greater transparency around the work of BRT. My entry is reviewed by Dr. Cardona and Laura Blake Jones, Dean of Students, before it is published. All entries are anonymized to the greatest extent possible. Every report we receive gets logged. There is no effort made to determine whether the conduct reported is actually a “bias incident” or not. That is, we do not make any judgments about whether we believe the report involves “bias.” We simply log all reports received. For that reason, the log notes that incidents summarized on the log “may, in some cases, include legally protected speech.”

5. Once we receive a report, I determine whether it clearly falls within the purview of University Housing, such as a roommate dispute, or the Office for Institutional Equity, which addresses incidents involving employees of the University. If it does, I will assign the report to the BRT member from one of those two offices to address it through those units’ own internal procedures. I handle the intake of all other incidents myself.

6. My first step after logging the bias incident report is to reach out to the person who made the report, if that person is known, within one working day to

schedule a meeting. By making a bias report, that person has no obligation to meet with me (or anyone else).

7. If the person who made the report wants to meet, I will get together with him or her to discuss the experience that prompted the bias report and the support that the University can offer. Depending on the incident, this support may include educating the reporter on healthy coping mechanisms in the face of bias or how to listen and respond to people with different views; safety planning; discussions about free speech law; a referral to Counseling and Psychological Services (“CAPS”); introductions to relevant student groups; or brainstorming on how to find a mentor or support network.

8. If the student indicates that he or she might want to utilize the Office of Conflict Resolution’s ACR pathways program, or if the pathways program seems like an appropriate resource, I may explain that program to the student and can facilitate an introduction to Carrie Landrum, who oversees it. The pathways program offers a variety of optional services to help students resolve conflict, including coaching and facilitated dialogue.

9. If the reporter or I believe that the reported bias incident possibly constitutes a violation of a law or the Statement of Student Rights and Responsibilities, I may also discuss with the reporter the possibility of him or her making a report to the Division of Public Safety and Security or filing a complaint with the Office of Student Conflict Resolution (“OSCR”). Although a BRT member could serve as the

complainant in an OSCR proceeding, I am not aware of that ever happening. Furthermore, BRT does not make an independent determination as to whether the conduct constitutes a Statement violation, nor does it conduct any investigation to make such a determination.

10. In fact, BRT does not conduct investigations into reported bias incidents and makes no formal findings or conclusions about whether “bias” occurred. Furthermore, if the reporter does not know the identity of the person about whom he or she is reporting, I make no attempt to identify him or her. BRT’s focus is on supporting the student who made the report, without making any judgment as to whether we believe what the student experienced was bias.

11. If the reporter does identify the person whose conduct he or she believes exhibited bias, and he or she would like me to reach out to that person, I typically do so by sending an email extending an invitation to that person to meet with me to discuss the report. A response to my request is entirely optional. BRT has no authority to require anyone to do anything. In fact, I do not reach out to the subject of the report in the majority of incidents reported to the BRT, and in my experience, many of the people to whom I do reach out decline to meet. If they do, I do not follow up with them.

12. Meetings with people accused of bias are intended to be educational and supportive. During the meeting, I inform the person of how their conduct impacted other students and help them navigate any reactions they may be experiencing on

campus as a result, if others know about what happened. We may also discuss strategies for how to express opposing views without harming others.

13. Since I started in my position in October 2017, only one person whose conduct was the basis for a bias incident report has agreed to meet with me. We had a brief, informal conversation about the impact his comments had had on the person who had reported them, and I affirmatively confirmed that he was not in trouble and that his comments were protected speech under the First Amendment. At the end of our discussion, he said to me that he understood how his comments had been hurtful. That meeting was the only contact BRT had with him.

14. BRT has recently changed its procedures for meeting with individuals who are the subject of bias reports. Under the new procedure, if that individual agrees to participate in a discussion about the report, then someone outside of BRT will be the one to meet with him or her—ideally someone who knows him or her already, like a faculty member or someone from the Dean of Students Office. Those meetings will remain entirely optional.

15. BRT does not impose or threaten sanctions against anyone. It does not force a student accused of bias to attend any bias trainings or other educational programs or participate in any type of “restorative justice” program. To the extent there is “individual education,” it is simply a voluntary conversation with me or another person as described above. Again, participation in the BRT process is entirely optional.

16. BRT does not take down signs, remove flyers, or erase speech on whiteboards or chalkboards at the University.

17. On a number of occasions, students who have reported bias to BRT have expressed frustration to me that BRT will not take action against someone for something they have said. I have explained to those students that the University cannot punish someone for speech that is protected by the First Amendment.

18. With the exception of the BRT members representing University Housing and the Office for Institutional Equity as described above, BRT members are typically not involved in the response to specific bias incident reports. Instead, the BRT team meets bi-weekly to discuss the types of incidents that have been reported, to review any trends that are appearing, and to brainstorm educational outreach projects on campus, such as discussions with fraternity leaders or presentations on how to report experiences with bias.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 6/14, 2018

Evelyn J. Galvan  
Evelyn Galvan