



# WILLIAM & MARY

CHARTERED 1693

## OFFICE OF THE PRESIDENT

November 30, 2018

The Honorable Ralph S. Northam  
Governor  
Commonwealth of Virginia  
Post Office Box 1475  
Richmond, VA 23218-1475  
c/o [clark.mercer@governor.virginia.gov](mailto:clark.mercer@governor.virginia.gov)

The Honorable Steve Newman  
Post Office Box 48  
Forest, VA 24551  
[district23@senate.virginia.gov](mailto:district23@senate.virginia.gov)

The Honorable R. Steven Landes  
Post Office Box 12  
Verona, 24482  
[steve@stevelandes.com](mailto:steve@stevelandes.com)

Dear Governor Northam, Senator Newman, and Delegate Landes,

In compliance with §23.1-401.1 of the Code of Virginia, William & Mary is committed to creating an environment in which all members of the community and invited guests are encouraged to speak freely and express themselves on university property. Consistent with the university's mission to "create a learning environment where teaching, research and public service are linked through programs designed to preserve, transmit, and expand knowledge", a commitment to free expression is essential to fostering open discourse, argumentation, speaking, listening, learning and exploration of ideas.

This report is designed to assemble the university's policies, protected rights of individuals, and process for reporting incidents of disruption of such speech in one consolidated document. Promotion of these materials is disseminated to employees annually through the Provost's Essential Matters communication. Students are informed and reminded of these policies, rights and processes in new student orientation and in an annual Welcome Back email communication to all students from the Vice President for Student Affairs. A dedicated webpage

on the university's website, Free Expression on Campus, also compiles the materials on free speech in a central location.

➤ Policies & Regulations Relevant to Free Speech

- [Use of Campus Facilities Policy](#)
- [Posting on Campus Policy](#)

➤ Materials Relevant to Protected Rights & Responsibilities

- [Faculty Handbook](#)

**Section I. Statement of Rights & Responsibilities** ensures that students, faculty and administrators shall enjoy all rights, privileges and immunities guaranteed to every citizen of the United States and the Commonwealth of Virginia.

A. Among the basic rights are freedom of expression and belief, freedom of association and peaceful assembly...

**Section III.A. Academic Freedom and Professional Ethics** safeguards a faculty member's ability to "encourage free discussion, inquiry, and expression" in the course of teaching and learning. Additionally, "(F)aculty members are also entitled to their political rights and should be free from institution censorship or discipline for exercising them".

- [Student Handbook](#)

**Section II. Rights, Privileges and Immunities** states in part that the members of the College community, as individuals, shall enjoy all rights, privileges, and immunities guaranteed every citizen of the United States and the commonwealth of Virginia, including:

**A. Basic Rights:** Among the basic rights are freedom of expression and belief, freedom of association and peaceful assembly...

**C.2. Right to Organize:** The right to hold public meetings, to invite speakers of his/her own choosing to campus, to post notices, to engage in peaceful, orderly demonstrations within reasonably and impartially applied rules (see Use of Campus Facilities Policy above)

**Section III. A. Rights and Responsibilities of Citizenship** articulates in part that students have the right to:

"discuss freely, inquire and express opinions inside the classroom"

"hear and study unpopular and controversial views on intellectual and public issues"

“expect that information about his/her views, beliefs and political associations which an instructor acquires in the course of his/her work as a teacher, advisor or counselor of the student be held in confidence.”

- Process for Reporting Disruption of Constitutionally Protected Speech
  - Online Report Form for community members or invited guests

On behalf of the university, I certify that William & Mary has complied with §23.1-401.1 by notifying all employees who are responsible for discipline or education of enrolled students of the existence of policies and rights articulated in the Student Handbook. A Free Speech Concerns reporting form and hyperlink to the centralized webpage ([www.wm.edu/report](http://www.wm.edu/report)) was provided to all employees and students in back to school communications from the Provost and Vice President for Student Affairs, respectively, in fall 2018. A new Free Expression on Campus webpage was created to provide a central location for policies relevant to free speech, materials about the polices and regulations, and the process to report incidents involving the disruption of constitutionally protected speech.

To my knowledge, only one legal complaint containing an alleged violation of the First Amendment to the Constitution has been filed against William & Mary since December 1, 2017. The complaint related to an employment dispute and was dismissed on April 23, 2018 following a settlement agreement between the parties. The complaint and the dismissal order are enclosed. Associate University Counsel Sarah Melchior is available to respond to any questions you may have about the complaint or the dismissal.

William & Mary is committed to informing the community about free speech policies and rights available to students, faculty, staff and invited guests. An ad hoc committee on Free Speech was created by the Provost and Vice President for Student Affairs earlier this month to review policies and procedures for protecting free speech on campus equitably and fairly. Recommendations from this committee will ensure continued compliance with §23.1-401.1 of the Code of Virginia.

Best regards,



Katherine A. Rowe  
President

# Essential Matters - Fall 2018

## Summary

Words from the Provost to highlight a number of matters for your attention.

## Full Description

I write to highlight a number of matters for your attention at this time of the year. Most are in the way of reminders, but in some cases there have been significant changes. This is a very long message, I realize, but I urge that you please take the time to (re)acquaint yourselves with each of these critical issues. It is important that you are familiar with them and the policies relating to them.

## General Matters

### Personnel Policies and Handbooks

All employees, including faculty, operate under personnel policies governing the terms and conditions of their employment. These policies, which are collected in handbooks for certain types of employees, are posted on both the Provost's Office and the Office of Human Resources websites as well as on [W&M's online policy library](#).

### Emergency Closings and Notifications

Only the Provost can cancel classes or alter work obligations of university employees (for VIMS and James Monroe's Highland, the Dean/Director and Executive Director, respectively, will make closing decisions), pursuant to the [Emergency Closing Policy](#). Please make sure that your phone number(s) and email address(es) are current in the Emergency Notification System. These can be [updated via Banner Self-Service](#).

### Free Speech

William & Mary shall not abridge the constitutional freedom of any individual, including enrolled students, faculty and other employees, and invited guests, to speak on campus. For more information about university policies concerning free speech, please review the [Statement of Rights and Responsibilities](#) and the [Use of Campus Facilities Policy](#). To report concerns about free speech or incidents of disruption of such protected speech, visit the [Report Concerns or Violations](#) website.

## Safety and Respectful Workplace

### Discrimination, Harassment and Sexual Violence

Please review W&M's policies on [Discrimination, Harassment, and Retaliation and Sexual Misconduct](#). Please also familiarize yourself with [campus resources for discrimination-related services](#).

### Violence Prevention and Threat Assessment

Faculty and staff are encouraged to review W&M's policy on [Violence Prevention](#) and how to [identify and respond](#)

to a threat or concern.

## **Faculty, Staff and Students with Disabilities - Requesting and Implementing Accommodation**

W&M modifies academic and working conditions and policies as necessary to accommodate students and employees with disabilities. Accommodations may be authorized only by [Student Accessibility Services](#) (221-2509) or the [Office of Diversity and Inclusion](#) (221-2617) (for faculty/employees with disabilities). It is essential that faculty take care to fully and promptly implement any specific student accommodations. If you have any questions, please contact [Student Accessibility Services](#) within the Dean of Students Office at 221-2512 ([sas@wm.edu](mailto:sas@wm.edu)) Sharron Gatling, Office of Diversity and Inclusion, at 221-2617 ([sggalt@wm.edu](mailto:sggalt@wm.edu)), or Carla Costello, ADA Coordinator, 221-1254 ([cacostello@wm.edu](mailto:cacostello@wm.edu)).

## **Building an Accessible Curriculum**

W&M encourages faculty to prepare course materials in an accessible format for students with visual impairments. Information and other resources are available at [www.wm.edu/campusaccess](http://www.wm.edu/campusaccess).

## **Preferred Name Option for Students**

Students are able to indicate a preferred name using the personal information questionnaire (PIQ) in Banner Self-Service. This preferred name will appear on course lists in Blackboard; we hope they will appear on class rosters by this spring. Please allow students to express a preferred name and, if appropriate, gender identity or pronoun, to you and use it in your interactions with students. The preferred name option is part of W&M's efforts to make transgender or genderqueer students feel welcome on campus; for more information, visit the [LGBTQ resource website](#).

## **Student Access to University Buildings**

Active William & Mary students have 24-hour/7-day card swipe access to Tyler, Ewell, Jones, and Morton Halls, and Swem Mews during each semester. Additionally, students will have access to Miller Hall from 6am-2am/7 days per week. Law School card swipe access will be provided on a 24-hour/7-day basis for students enrolled at the Law School and students enrolled in the MPA program. Student access to residence halls remains the same as in previous years. The Scheduling Office and Conference Services will coordinate building access for events scheduled through those offices. Access to university buildings outside of scheduled open hours may be arranged on a one-time or ongoing basis with approval of an Authorized Signatory as outlined in the [Access Control Policy for University Facilities](#). Contact the Facilities Management Work Control Office ([workor@wm.edu](mailto:workor@wm.edu) / 221- 2270) with any questions.

## **Ethical and Legal Standards in Student Referrals and Hiring**

As an institution, we are required to maintain an environment of equal employment opportunity and act in a fair and nondiscriminatory manner without regard of a student's race, gender, gender identity, ethnicity, sexual orientation, religion, national origin, disability, age, economic status, or any other classification protected by federal, state, or local law. Occasionally, employers and alumni may contact you to request the names of students who would be good candidates for internship and job opportunities. Though it may seem harmless to provide the names of your best students, there are potential legal and ethical pitfalls. Best practice suggests that in addition to any specific referral you might provide, you should send the information to the [Cohen Career Center](#) so that the position can be posted openly for all qualified candidates. The Cohen Career Center will also make appropriate referrals to the other career centers on campus for specific needs such as the Graduate Career Management Center in the Mason School of Business or the Office of Career Services-William & Mary Law School.

Contact any of these three offices if you have questions about referrals in hiring.

## Reporting Options and Obligations

### Centralized Reporting Website

The university has a [central website for reporting](#) various types of concerns and appeals as well as options for external reports. The individual making the report selects their role as either student, faculty/staff, or parent/alumnus/other; pull-down options on the specific page connect users directly to the appropriate reporting form, email address, or other contact information to make reporting easy and efficient. The university encourages reports to help ensure a safe and welcoming community and to support the core values of the university. If you have questions or concerns about reporting processes, contact the [Compliance & Equity Office](#).

### Reporting Obligations

There are certain situations that you are required to report to others, including threats and acts of violence and reports of certain crimes or sexual harassment. Information about these reporting requirements is available on the [mandatory reporting website](#).

### Concern about a Student

Faculty and staff are encouraged to contact the Dean of Students Office promptly with any concerns about an individual student – general welfare concerns (multiple class absences, personal or family crisis, disturbed/disturbing behavior), suspicions about hazing, conduct/honor violations, signs of substance abuse, or any other matter that raises concern. The Dean of Students website has an online [Care Report Form](#), and the Dean's professional staff will follow-up promptly based on the information provided. In cases of imminent safety concern, always contact the W&M Police at 221-4596.

### Student Honor Code

The Office of Community Values and Restorative Practices has [resources for faculty regarding the Honor Code](#). For undergraduate student cases, the [Honor System](#) permits faculty members to resolve certain low-level, first-time honor violations without need for a formal hearing. This process provides a non-adversarial means of resolution while also allowing for the teachable moment created by dialogue. Note that the process is only available for certain types of violations and only for first-time offenses; thus, consultation with the Office of Student Conduct is necessary prior to any resolution. The [Office of Community Values and Restorative Practices](#) and the [Honor Council](#) are available to speak with classes or meet with departments at any time. Please contact Dave Gilbert, Associate Dean of Students (221-2509), for more information.

## Environment, Health & Safety Compliance

The EH&S office is responsible for maintaining compliance with health, safety, and environmental regulations and standards. Please review and comply with [EH&S procedures](#), including all directives for fire/safety drills, safety inspections or routine “walk-throughs.” Per W&M policy, the EH&S Office has “stop work” authority if a dangerous situation is deemed to exist.

## Financial Items

### Conflicts of Interest

Our [Code of Ethics](#) requires that we avoid even the *appearance* of conflict of interest. One type of conflict arises when payments, gifts or other benefits are provided to faculty and staff from vendors or other service providers. External paid employment can also present a conflict, and, for faculty (other than adjuncts) and full-time professional employees such employment *must be approved in advance*. **You should also be aware that under Virginia law, the business and financial dealings of your spouse are imputed to you; thus, your obligation to avoid conflicts of interests extends to your spouse's activities.** [Find information and resources regarding conflicts.](#)

## Travel and Other Transactions Involving W&M Money

Regardless of funding source, when using funds through the university, including when you make a business-related purchase for which you later request reimbursement or travel on university business, you must follow applicable policies and procedures. For example, you must have an approved travel authorization prior to travel. Further information about buying goods or services is available from the [Office of Procurement](#) and information about travel expense reimbursement is available through [Financial Operations](#).

## Technology, Information and Intellectual Property

### Information Security and Sensitive Data

W&M is required by law to protect specific information defined as "sensitive data." The [Data Classification and Protection Policy](#) narrowly defines "sensitive data" and describes other important rules for handling such data. Most notably, be aware that storing sensitive data using services like Dropbox, Google Drive, Microsoft OneDrive or other cloud-based storage services is not permitted. Additionally, email is not a secure method of transmitting any personal or personally identifiable information. Instead, please use **Box**, W&M's file sharing, file storage and collaboration platform, to share sensitive data. Visit IT's [security policies website](#) for important information.

### Use of Copyrighted Materials

Please review W&M's [Policy and Guidelines for the Use of Copyrighted Work](#) (pdf); it is important and touches on matters such as assembling course materials. If you have any questions or need clarification or guidance, please contact Dean Carrie Cooper, who is W&M's designee in copyright matters.

### Intellectual Property, Technology Transfer, and Export Control

Along with various regulations, laws, and policies regulating research, all of which can be found in the Vice Provost for Research & Graduate Studies' semester compliance reminder letter, W&M employees are bound by and must comply with policies on Intellectual Property and Export Control. [Find the research reminder letter and policies.](#)

### Use of the Internet and Electronic Media and W&M computers

State policy on use of the Internet and electronic communications covers a broad range of devices such as smartphones and social media technologies including Facebook, LinkedIn, blogs, etc. Under the policy, personal use of these technologies is permitted as long as it does not (1) interfere with productivity or performance, (2) adversely affect systems, or (3) imply that the communication is made on behalf of W&M. Find the policy outlining [specific requirements and banned activities](#) (pdf). In addition, the *Code of Virginia* prohibits the use of W&M-owned or leased computers to access sexually explicit content, except when approved in advance by the Vice Provost for Research and Graduate/Professional Studies.

Of course, if you have any questions about any of the items listed above, please do not hesitate to contact your supervisor, department head, dean or my office. Thank you for your attention to these important matters.



# Use of Campus Facilities Policy

**Title: Use of Campus Facilities Policy**

**Revision Date: October 15, 2013**

**Responsible Office: Student Leadership Development**

## **I. Scope**

This policy applies to the scheduling and conduct of events and activities, other than conferences, facilities rentals for private events, and academic activities such as regularly scheduled courses and seminars. This policy applies to all buildings, grounds and other spaces owned or controlled by the College of William & Mary (the university). Examples of events and activities covered by this policy include:

- Meetings and other group activities of student organizations,
- Speeches, performances and other events by outside groups invited by student organizations,
- Demonstrations, rallies, vigils and other group free speech exercises, and
- Distributions of literature such as leafleting and pamphleting.

## **II. Policy Statement**

University property is primarily dedicated to academic, student life and administrative functions. Certain indoor and outdoor spaces are available for use by students, student groups or others for events and other organized or expressive activities. For the most part, use of these spaces must be scheduled in advance, but some of these spaces are set aside for spontaneous (unscheduled) activities, and this policy allows for spontaneous use of other spaces in specified situations.

The university will not interfere with the rights of individuals and groups to the free expression of their views as set forth in the Statement of Rights and Responsibilities. William & Mary does not regulate or discourage speech based on its content or viewpoint.

Door-to-door activities such as solicitation and distribution of literature in university buildings is prohibited with the exception of official university communications.

## **III. Standards and Procedures Governing Scheduling and Use of Facilities**

The Director of Student Leadership Development is the Administrator of the scheduling system. The Administrator will maintain a schedule of all events and activities to which space and facilities are allocated. Scheduling requests should be submitted to the Administrator through the Scheduling Office. The Administrator will make all inquiries necessary to evaluation and disposition of such requests.

**A. Prior Scheduling Is Generally Required.** Except for spontaneous activities permitted under paragraph B, below, groups and individuals desiring to use university space and facilities must submit requests through the Scheduling Office as far in advance as practical. Any requests not received sufficiently in advance to permit necessary evaluation and determine the appropriate location, applying the standards outlined in this section III, may be denied for that reason.

**B. Spontaneous Expressive Activities Permitted in Certain Circumstances and Locations.** William & Mary employees, students, and recognized student organizations may engage in spontaneous or unscheduled expressive events and activities in two situations:

- A number of areas are available, on a first-come-first-serve basis, for rallies, assemblies, demonstrations, vigils and other outdoor expressive activities without prior approval or scheduling. [A current list of areas designated for spontaneous activities is available from the Scheduling Office \(pdf\).](#)
- Spontaneous expressive activities may occur in other locations (a location other than those designated by the Scheduling Office) when advance scheduling is not practical, such as an activity responding to a university action, if (a) the designated locations are already in use or reserved for another activity, (b) the spontaneous activity is too large for the designated locations, or (c) the expressive value of the activity is significantly enhanced by it taking place in a different location, such as a protest against a specific office, which would be more powerful if held outside of or near to the office.<sup>[1]</sup>

If a spontaneous expressive activity does not satisfy these conditions, disrupts university operations or creates a safety hazard, university officials will require the activity to be relocated or rescheduled.

**C. Scheduling Priorities.** Activities of the university itself have precedence over all extracurricular events. Activities of recognized student organizations and groups have priority over those of other users.

**D. Only Certain Areas Available for Use.** Only designated facilities are available for events; for example, the following facilities are not available for scheduling: offices; department libraries, museums, lounges and special collection facilities; and laboratories and classrooms when not in academic use. The Scheduling Office can provide information about which facilities are available for a planned activity or event and can assist students and others with information about rules on use of certain facilities, such as the Sunken Garden, the Sadler Center and the Campus Center, the Crim Dell Meadow, and the Wren Building.

**E. Considering Scheduling Requests; Time, Place, Security Concerns, Etc.** For each event or activity, university officials will consider the anticipated size, required accommodations, traffic, noise, time, relationship to nearby areas and activities, security needs, and other relevant facts and circumstances to determine (a) whether a suitable location exists and (b) whether health and safety concerns require special precautions or arrangements.

Events will not be scheduled during the reading or examination periods.<sup>[2]</sup>

**F. Inviting Outside Speakers/Groups.** Recognized student organizations may invite or sponsor non-university speakers, performers or groups to conduct activities or events on campus. The outside speaker, performer or group may be given permission to use specific facilities through a written contract under terms and conditions that protect the university's institutional interests. Such groups may not state or imply university sponsorship of the organization or its program without written authorization.

Each sponsoring organization, in requesting to use university space or facilities, assumes a duty to self-regulate at events and activities to ensure that applicable laws, regulations and policies are observed. Failure to do so justifies revocation of permission to use facilities and space, both as to activities in progress and future activities, and may result in a referral to Student Conduct.

**G. Non-Invited Outside Groups.** William & Mary reserves the right to deny the use of its facilities to any non-university organization or individual seeking to rent or use university space. Only designated facilities are available for such use. Rental or usage fees will be charged, and additional contractual obligations will apply.

#### **H. Fees/Charges.**

- All users are responsible for costs of damage, repair and clean up arising from their use of university facilities.
- Routine costs associated with activities of recognized campus groups, such as maintenance and utility costs, normally will be absorbed by the university where insignificant in amount. Individuals or groups whose use of space and facilities entail added costs to the institution will be accountable for such expenses, and may be required to pay them as a condition of use. Examples of such expenses include the cost of providing tents, platforms, special fixtures and equipment, or the assignment of maintenance or security personnel.
- Organizations and individuals conducting activities for profit (charging admission or the like) will be charged commercially comparable usage fees. An activity will not be regarded as conducted for profit where all net proceeds are for the use of a charitable organization, or where designed only to cover or defray expenses, or where the group sponsoring the event derives substantially all proceeds from members. All activities of recognized student organizations will be regarded as non-profit if net proceeds are for the exclusive use of such an organization.

**I. Noise.** Amplified music at outdoor events must conclude by midnight. Activities may not disrupt classes or other university events.

**J. Compliance with Other Policies.** All events and activities must occur in compliance with applicable university policies and rules, such as those relating to alcohol, tents, filming and photography, smoking, weapons and parking.

#### **IV. Approval and Amendment**

This Policy is approved by the President. It was amended effective October 15, 2013, to (a) specify the conditions under which unscheduled expressive activities are permitted, (b) clarify and reduce discretion in application of the standards under which requests are considered, (c) clarify the scope of the policy, (d) improve organization and formatting, (e) indicate other policies applicable to facilities use and (f) update office/officials' titles.

#### **V. Related Policies**

[Policy on Posters, Banners, Signs, and Decorations](#)

[Events Where Alcoholic Beverages Served Policy](#)

[Parking Regulations \(pdf\)](#)

Smoking Policy (pdf)

Statement of Rights and Responsibilities

Tent Policy (pdf)

Weapons on Campus Policy (pdf)

[1] This does not allow students or others to occupy or conduct other expressive activities inside any campus office. These offices are reserved for administrative use.

[2] The University Registrar maintains the academic calendars and exam schedules, available at <http://www.wm.edu/offices/registrar/calendarsandexams/index.php>

# Posting on Campus

## The University Posting Policy reads as follows:

1. Recognized student organizations, departments and offices at the College, and members of the College community may place posters on kiosks, bulletin boards, and other specifically designated areas around campus. (Posters shall be defined as signs, advertisements, handbills, announcements, and other informational devices.)
2. Posters may be placed on campus bulletin boards with the following provisions:
  - They may not exceed 14 inches by 22 inches in size.
  - They must carry the name of the sponsoring organization and the date (week) of posting.
  - Posters must be removed at the end of two weeks unless an extension is granted.
  - No advertisements offering paid for research may be posted on campus. The College reserves the right to remove information posted in violation of this regulation.
3. Banners and signs in excess of 14 inches by 22 inches in size must be approved by the Director of the Office of Student Leadership Development prior to hanging and may be hung only in certain designated areas with the following provisions:
  - They must carry the name of the sponsoring organization.
  - Banners may be posted for no more than two weeks unless an extension has been granted by the Office of Student Leadership Development.
  - Signs and banners which are hung near entryways must not obscure vision or entry, and should be securely fastened. Signs must be constructed of material that can withstand adverse weather conditions.
4. Banners, signs, or posters MAY NOT be posted or hung on trees, poles, walls, doors, windows, or fences without special permission. Unauthorized signs will be removed.
5. All signs, posters, and banners must conform to acceptable community standards and to any applicable laws such as permissible wording by the Alcohol Beverage Control Commission.
6. Handbills must conform to acceptable community standard and carry the sponsoring organizations name. They must be distributed only outside campus facilities unless an exception has been granted by the appropriate person in charge of the event or facility.