



WILLIAM & MARY

CHARTERED 1693

OFFICE OF THE PRESIDENT

December 1, 2021

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

The Honorable L. Louise Lucas
Post Office Box 700
Portsmouth, VA 23705-0700
district18@senate.virginia.gov

The Honorable Roslyn C. Tyler
25359 Blue Star Highway
Jarratt, VA 23867
DelRTyler@house.virginia.gov

Dear Governor Northam, Senator Lucas, and Delegate Tyler,

In compliance with §23.1-401.1(D) of the Code of Virginia, this report assembles in a consolidated document William & Mary's:

1. Policies regarding speech that is constitutionally protected under the First Amendment to the United States Constitution and the process to report incidents of disruption of such constitutionally protected speech (see attachment); and
2. Certification of notification to employees of these policies;

No complaints for alleged violation of the First Amendment of to the United States Constitution have been filed against the university in a court of law since December 1, 2020, and thus no such complaints have been included.

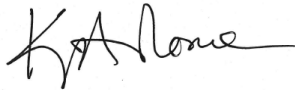
On behalf of the university, I certify that William & Mary notified all employees who are responsible for discipline or education of enrolled students of the existence of policies and rights articulated in the Student Handbook. This occurs annually through the Provost's "Essential Matters" communication, most recently distributed by email on October 6, 2021. A form to Report Disruption of Constitutionally Protected Speech is available to members of the William & Mary community, as well as unaffiliated individuals. This form is hyperlinked to the

centralized website (www.wm.edu/report), which is provided to all employees and students in back to school communications from the Provost and Vice President for Student Affairs, respectively, in fall 2021. During fall orientation, new students participated in the *Better Arguments Project*, a national civics initiative. The Panel Discussion engaged campus administrators and academics to present a new initiative at the university designed to help bridge divides by restoring civil discourse. A goal of the session was to provide tools for fostering debate and constructive conversation. A Free Expression on Campus webpage is maintained to provide a central location for policies relevant to free speech, materials about the policies and regulations, and the process to report incidents involving disruption of constitutionally protected speech.

I further certify that no complaint(s) were filed against William & Mary since December 1, 2020 to initiate a lawsuit against the institution or any employee of the institution in his/her official capacity for an alleged violation of the First Amendment to the United States Constitution.

William & Mary takes seriously our responsibility to uphold the constitutional freedoms provided under the First Amendment. In 2021, the university launched a new Democracy Initiative with a vision to establish William & Mary as a place where respectful dialogue takes place on challenging topics. Its aim is to promote a shared sense of purpose in preserving American democracy, including preservation of freedom of speech and freedom of association.

Sincerely,



Katherine A. Rowe
President

Attachments

- A. William & Mary Policies Regarding Constitutionally Protected Speech

Attachment: William & Mary Policies Regarding Constitutionally Protected Speech

In compliance with §23.1-401.1(B) of the Code of Virginia, William & Mary includes (1) in the Student Handbook, (2) on the website, and (3) in student orientation programs policies regarding speech that is constitutionally protected under the First Amendment to the United States Constitution and the process to report incidents of disruption of such constitutionally protected speech.

1. W&M Student Handbook

The Student Handbook section of Student Rights and Responsibilities, Section II.A. guarantees students' basic rights of freedom of expression and belief, freedom of association and peaceful assembly. All new students are informed of these policies, rights and processes in the orientation session prior to the beginning of the fall and spring semester. All students receive an annual "Fall Semester Announcements" email communication from the Vice President for Student Affairs that states:

FREE SPEECH & USE OF CAMPUS FACILITIES

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. Such a commitment to free expression is essential to fostering open discourse, argumentation, speaking, listening, learning and exploration of ideas.

More information about university policies concerning free speech can be found on our website, along with relevant links to the Student Handbook and the Use of Campus Facilities policies which apply to the scheduling and conduct of campus events and activities, e.g. 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. For assistance in scheduling and planning your activities, please contact the Scheduling Office in the Sadler Center.

2. W&M Website

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 for University Purposes Policy](#)
 - [Use of Campus Facilities for Non-University Purposes Policy](#)

- [Posting on Campus Policy](#)
- [Chalking Policy](#)

➤ Materials Relevant to Protected Rights & Responsibilities

- [Faculty Handbook](#)

Section I. A. 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.

1. Among the basic rights are freedom of expression and belief, freedom of association and peaceful assembly, and freedom from personal force and violence, threats of violence and personal abuse.

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 – Rights and Responsibilities](#)

Section II. Rights, Privileges and Immunities states in part that the members of the university 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, and freedom from personal force and violence, threats of violence and personal abuse.

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:

3. "discuss freely, inquire and express opinions inside the classroom"
6. "hear and study unpopular and controversial views on intellectual and public issues"
7. "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

3. *Student Orientation Program*

- Better Arguments Bring Us Together: Panel Discussion. Panelists Ginger Ambler (Vice President for Student Affairs), Ben Spencer (Dean, William & Mary Law School), and Jaime Settle (Associate Professor of Government) discuss the new Democracy Initiative at William & Mary designed to bridge divides and restore civil discourse. A goal of the session was to provide tools for fostering debate and constructive conversation as part of the Student Transition Engagement Programs.
- Tribe Values Opening Presentation by the Dean of Students Office to the entire new student body includes information about and affirmation of students' rights free expression and belief, freedom of association and peaceful assembly. The Use of Campus Facilities policies and Posting and Chalking policies are highlighted as resources for more information.