



# WILLIAM & MARY

CHARTERED 1693

## OFFICE OF THE PRESIDENT

November 30, 2022

The Honorable Glenn A. Youngkin  
Governor  
Commonwealth of Virginia  
Post Office Box 1475  
Richmond, VA 23218-1475  
[glenn.youngkin@governor.virginia.gov](mailto:glenn.youngkin@governor.virginia.gov)

The Honorable L. Louise Lucas  
Post Office Box 700  
Portsmouth, VA 23705-0700  
[district18@senate.virginia.gov](mailto:district18@senate.virginia.gov)

The Honorable Glenn R. Davis  
One Columbus Center #695  
Virginia Beach, VA 23462  
[DelGDavis@house.virginia.gov](mailto:DelGDavis@house.virginia.gov)

Dear Governor Youngkin, Senator Lucas, and Delegate Davis,

In compliance with §23.1-401.1(D) of the Code of Virginia, William & Mary submits this report documenting satisfaction of the following statutory requirements:

1. Institutional 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 are included in the student handbook, on the university's website, and in student orientation programs;
2. Certification that required employees have been notified of these policies;
3. Provision of a copy of any complaint filed in a court of law since December 1 of the preceding year to initiate a lawsuit against the institution or an employee of the institution in his 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. The university's Democracy Initiative, launched in 2021, aims to establish William & Mary as a place where respectful dialogue takes place on challenging topics. In the past calendar year, the Democracy Initiative has promoted over a dozen presentations, discussions, and events to engage students, faculty and staff. These actions


encourage a more robust understanding of democracy, civil discourse and citizenship both within our campus community and on local, state and national levels.

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 September 24, 2022. 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](http://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 2022.

During fall orientation, new students participated in a constructive dialog session based on the Aspen Institute's Better Arguments Project, "a national civic initiative created to help bridge divides." The session was moderated by the Dean of Students, and participating panel members included the Vice President for Student Affairs, the Associate Dean of the Law School, and the Associate Chair of the Government Department. The other panelists were five undergraduate students, each of whom shared a personal story with the audience of a time when they witnessed or experienced one of Aspen's principles of a "better argument" -- (1) Take winning off the table; (2) Prioritize relationships and listen passionately; (3) Pay attention to context; (4) Embrace vulnerability; (5) Make room to transform. The students effectively personalized the concepts and showed how those concepts play out in the lives of everyday students, both inside and outside the classroom. After the sharing of stories, the students joined the faculty and administrators in a lively conversation about free speech and the importance of embracing diverse viewpoints in a higher education environment, even (and especially) viewpoints that are different from one's own. Topics addressed through the panel discussion included the First Amendment and how it functions in society generally and in higher education particularly; the role of social media as a means for engaging around divergent viewpoints; the value of practicing the skills of democracy while living and learning at W&M.

I further certify that no complaints were filed against William & Mary since December 1, 2021 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. Thus, no such complaints have been included in this report.

Sincerely,



Katherine A. Rowe  
President

#### Attachments

- A. William & Mary Policies Regarding Constitutionally Protected Speech
- B. William & Mary Freedom of Expression on Campus Webpage Content

## **Attachment A: 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. outlines 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.

## Attachment B: William & Mary Freedom of Expression on Campus Webpage Content

➤ Policies & Regulations Relevant to Free Speech

- [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