



December 1, 2022

**Via Email Only (juliana.thomas@governor.virginia.gov)**

The Honorable Glenn A. Youngkin  
Governor of Virginia  
c/o Juliana Thomas  
Confidential Executive Assistant to the Governor

**Via Email Only (DelGDavis@house.virginia.gov)**

Delegate Glenn R. Davis  
Chair of the House Committee on Education  
Virginia House of Delegates

**Via Email Only (district18@senate.virginia.gov)**

Senator L. Louise Lucas  
Chair of the Committee on Education and Health  
Senate of Virginia

Dear Governor Youngkin, Delegate Davis, and Senator Lucas:

Pursuant to Va. Code § 23.1-401.1, James Madison University (“JMU”) submits this report to you regarding its compliance with that statute.

JMU, as an institution, is committed to protecting and promoting the freedom of speech guaranteed by the United States Constitution as well as the Constitution of Virginia and applicable Virginia law. Its mission as a university involves creating robust conversation and debate, listening to and learning from opposing views, and growing in our understanding as enlightened citizens. JMU’s campus is, of course, also public property, and, subject to lawful time, place and manner restrictions, is largely open for citizens to exercise their right to engage in constitutionally protected speech. JMU is deeply committed to upholding a welcoming and inclusive campus environment for all students, staff, and visitors to express a diversity of ideas, beliefs, and viewpoints, while reminding members of the JMU and surrounding communities that the freedom of speech carries important individual responsibilities as well. In fact, at both the new student orientation and the opening faculty/staff meeting, President Jonathan Alger discussed the importance of free speech and viewpoint diversity.

JMU’s policy regarding speech that is constitutionally protected as well as the process to report incidents of disruption of such constitutionally protected speech may be viewed at: <https://www.jmu.edu/JMUpolicy/policies/1121.shtml>. This policy is available within the University’s manual of policies and procedures and is available for anyone interested to review; it is also one of

several free speech resources available on the website for my office ([Office of University Counsel: Freedom of Speech - JMU](#)). Beyond this policy, though, members of the JMU community are assured of the University's commitment to free speech through other publications, resources and events.

The Faculty Rights and Responsibilities section of the JMU Faculty Handbook ([faculty-handbook.pdf \(jmu.edu\)](#)) contains a lengthy entry on Academic Freedom and states, in part, that "each member of the faculty has a right to the freedom of thought and expression, including a right to reasoned dissent, in the conduct of their professional activities" and that a "faculty member who is speaking or writing on matters of public concern is not subject to university censorship or discipline."

Similarly, the JMU Student Handbook ([Student Handbook: General Handbook Information - JMU](#)) affirms within the Students' Rights section that "[t]he student, as a citizen, has the rights of freedom of speech, freedom of the press, freedom of peaceful assembly and association, [and the] freedom of political beliefs [.]" Students are informed of Policy 1121 and informed that it explains how to file a complaint if the student feels freedom of speech rights have been violated.

The University's Center for Civic Engagement is currently creating a new free speech resources website, which will serve as a central and comprehensive location to which members of the JMU community and others may look for information about their First Amendment rights. The Center also recorded a Democracy Matters podcast on free speech, as well as a discussion forum for student Democracy Fellows and co-hosted an open forum for all JMU community members on the issue of free speech on campus. Other University efforts worth noting include: the offering of a communications class called *Free Speech in America*, the Madison Debate society and debate team sponsoring and participating in public debates on a wide variety of topics, JMU's annual Constitution Day event ([Constitution Day - JMU](#)) that promotes and celebrates constitutional rights and responsibilities, and President Alger hosting the Madison Vision series ([Madison Vision Series - JMU](#)) which brings speakers from a wide array of viewpoints on important public policy issues of the time. There are many others that could be mentioned.

Finally, I would also like to certify that the University is not aware of any complaint that has been filed in a court of law since December 1, 2020, to initiate a lawsuit against JMU or an employee of JMU in his or her official capacity for an alleged violation of the First Amendment to the United States Constitution.

Please feel free to contact me with any questions or comments at 540-568-5242 or via email at [knigh2jf@jmu.edu](mailto:knigh2jf@jmu.edu).

Respectfully,



John F. ("Jack") Knight  
University Counsel/  
Senior Assistant Attorney General