

WHEREAS, Ms. Bassett was appointed the faculty representative to the Board of Visitors effective July 1, 2020, for a one-year term; and

WHEREAS, Ms. Bassett has been an active and engaged member of the Academic and Student Life Committee, the Finance Committee, and the Committee on The University of Virginia's College at Wise; and

WHEREAS, Ms. Bassett's keen insight on faculty issues have helped the Board make informed decisions;

RESOLVED, the Board of Visitors thanks Ellen M. Bassett for her exceptional service and wise counsel to the University and the Board, considers her a trusted friend and colleague, and wishes her continued success and happiness in all of her future endeavors.

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D.1. FREE SPEECH PRINCIPLES

ENDORSEMENT OF STATEMENT OF THE COMMITTEE ON FREE EXPRESSION AND FREE INQUIRY

WHEREAS, in February 2021 President Ryan and Provost Magill formed a committee charged with articulating the University's commitment to free expression and free inquiry and the role these play in the academic enterprise, that expresses the University's values, its history, and its legal obligations; and

WHEREAS, the composition of the Committee on Free Expression and Free Inquiry (the Committee) includes individuals with widely divergent viewpoints and experiences; and

WHEREAS, following several listening sessions engaging members of the University and Charlottesville communities, the Committee developed the attached statement, which is endorsed by all of the members of the Committee and President Ryan and Provost Magill; and

WHEREAS, the Statement of the Committee on Free Expression and Free Inquiry (the Statement) notes that Thomas Jefferson's "vision for the University included the aspiration that 'here we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it'"; and

WHEREAS, the Committee also notes that as a public university, the University is bound by the Constitution, including the First Amendment; and

WHEREAS, the Committee's statement includes a recognition that the University may regulate the time, place and manner of expression "for reasons unrelated to its

content, including maintaining the normal operations of the University” and that “[f]ree expression also does not protect speech that violates the law;” and

WHEREAS, the Statement sets forth the University’s position on free expression and free inquiry and suggests how we might act in accordance with our aspirations, as follows:

The University of Virginia unequivocally affirms its commitment to free expression and free inquiry. All views, beliefs, and perspectives deserve to be articulated and heard free from interference. This commitment underpins every part of the university’s mission. Free and open inquiry is the basis for the scientific method and all other modes of investigation that produce, expand, and refine knowledge. It is at the heart of the principles of academic freedom that protect faculty from interference with their research and their views. Likewise, the educational endeavor for students requires freedom to speak, write, inquire, listen, challenge, and learn, including through exposure to a range of ideas and cultivation of the tools of critical thinking and engagement. These tools are vital not only to students’ personal intellectual development but also to their futures as citizen leaders equipped to assess contending arguments and to contribute to societal progress. For all of these reasons, expression of ideas should be given the widest possible latitude...

Free and open inquiry inevitably involves conflicting views and strong disagreements. Indeed, some ideas may be offensive, noxious, and even harmful. We act as responsible members of a shared community when we engage as empathetic speakers and generous listeners. We further our common project of academic inquiry with mutual respect and intellectual openness. Even as the University affirms values of mutual respect, however, both the First Amendment and principles of free inquiry forbid these values from becoming a basis for closing off discussion. The University must not stifle protected expression, permit others to obstruct or shut down such expression, or regulate the tone or content of responses that stop short of interfering with others’ speech or violating the law. Rather than seek to control speech or countenance its silencing, the University must promote values of mutual respect, while emphasizing that their vitality rests with the self-governance of speakers and listeners.

RESOLVED, the Board of Visitors strongly endorses the Statement of the Committee on Free Expression and Free Inquiry; and

RESOLVED FURTHER, the Board thanks the members of the Committee for their impressive efforts in gathering input and crafting an eloquent and concise statement.

Statement of the Committee on Free Expression and Free Inquiry

The University of Virginia unequivocally affirms its commitment to free expression and free inquiry. All views, beliefs, and perspectives deserve to be articulated and heard free from interference. This commitment underpins every part of the university's mission. Free and open inquiry is the basis for the scientific method and all other modes of investigation that produce, expand, and refine knowledge. It is at the heart of the principles of academic freedom that protect faculty from interference with their research and their views. Likewise, the educational endeavor for students requires freedom to speak, write, inquire, listen, challenge, and learn, including through exposure to a range of ideas and cultivation of the tools of critical thinking and engagement. These tools are vital not only to students' personal intellectual development but also to their futures as citizen leaders equipped to assess contending arguments and to contribute to societal progress. For all of these reasons, expression of ideas should be given the widest possible latitude.

We endorse principles of free expression and free inquiry not because every idea is equally good. To the contrary, universities test and assess ideas every day, through myriad processes of research and inquiry. These processes identify errors and generate breakthroughs of immense value for local, national, and global communities. Indeed, the University has endeavored to acknowledge its own complex legacy while promoting the free exchange of ideas that creates future advances and progress. Academic commitment to free inquiry reflects the view that every idea must be heard so that it may be subjected to the rigorous scrutiny necessary to advance knowledge. This process requires deep critical engagement, as well as humility in the recognition that many commonly accepted views have proved mistaken, while many ostracized views have illuminated the path toward truth.

The University of Virginia has a unique connection to principles of free expression and inquiry. James Madison introduced the Bill of Rights, including what is now the First Amendment, as a member of Congress representing the district that would become home to the University. James Madison and Thomas Jefferson's Virginia and Kentucky Resolutions were among the earliest extended interpretations of the First Amendment, which, as the Supreme Court observed years later, "carried the day in the court of history" and "first crystallized a national awareness of the central meaning of the First Amendment."¹ Jefferson's vision for the University included the aspiration that "here we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it."²

At the same time, the University has not always fulfilled its aspirations, exploiting enslaved laborers and excluding Black Americans, women, and groups and viewpoints disfavored by the majority. Principles of academic freedom have not always withstood the pressures and fashions of the day, which remains an ongoing challenge. But freedom of speech is among the most powerful tools by which wrongs are righted and institutions are improved or abolished. Principles of free inquiry extend to robust discussion and critical examination of the past. Equally importantly, they live in the present and extend to the future, in a shared commitment to free expression for all speakers and all views.

The University's commitment to free expression and free inquiry arises not only from its role as an academic institution but also from its status as a public university. State institutions are bound by

¹ *New York Times v. Sullivan*, 376 U.S. 254, 273, 276 (1964).

² Thomas Jefferson to William Roscoe, December 27, 1820.

the Constitution, including the First Amendment. As Justice Thurgood Marshall wrote for the Supreme Court, “To permit the continued building of our politics and culture, and to assure self-fulfillment for each individual, our people are guaranteed the right to express any thought, free from government censorship.”³ Actions by the University implicate not only academic values but also this legal principle and the ideals behind it.

Under American law, principles of free expression have important limits. The University may regulate the time, place, and manner of expression for reasons unrelated to its content, including maintaining the normal operations of the University. Free expression also does not protect speech that violates the law, including legally defined categories of incitement, defamation, threats, privacy violation, and intellectual property infringement. In addition, various types of prohibited conduct can be partially or entirely composed of speech, including stalking, harassment, and unlawful discrimination. These exceptions are defined by law and represent narrow and necessary limits to an otherwise expansive commitment.

Free and open inquiry inevitably involves conflicting views and strong disagreements. Indeed, some ideas may be offensive, noxious, and even harmful. We act as responsible members of a shared community when we engage as empathetic speakers and generous listeners. We further our common project of academic inquiry with mutual respect and intellectual openness. Even as the University affirms values of mutual respect, however, both the First Amendment and principles of free inquiry forbid these values from becoming a basis for closing off discussion. The University must not stifle protected expression, permit others to obstruct or shut down such expression, or regulate the tone or content of responses that stop short of interfering with others’ speech or violating the law. Rather than seek to control speech or countenance its silencing, the University must promote values of mutual respect, while emphasizing that their vitality rests with the self-governance of speakers and listeners.

The University’s commitment to free expression and free inquiry represents a living ideal, reflected in policy and embodied in the actions of community members every day. We rearticulate and reaffirm it here, as a foundation for the University’s third century and beyond.

May 2021

Leslie Kendrick, vice dean of the School of Law, director of the Center for the First Amendment, Chair

Mary Kate Cary, practitioner senior fellow, Miller Center of Public Affairs

Rita Dove, Henry Hoyns Professor of Creative Writing and former U.S. Poet Laureate

Susan Kirk, M.D., professor and associate dean for Graduate Medical Education and chair-elect of the Faculty Senate

Joel Gardner, alumnus (A&S ’70, LAW ’74) and author of [From Rebel Yell to Revolution: My Four Years at UVA 1966-1970](#)

Allen Groves, University Dean of Students

John Griffin, Investor, visiting scholar at the School of Commerce, member, Board of Visitors

Kevin McDonald, vice president for diversity, equity, inclusion, and community partnerships

Jahan Ramazani, University Professor and Edgar F. Shannon Professor of English

Saonee Sarker, senior associate dean and Rolls Royce Professor of Commerce

Frederick Schauer, David and Mary Harrison Distinguished Professor of Law

Mazzen Shalaby, Batten School graduate student and student representative to the Board of Visitors

³ *Police Dep’t of City of Chicago v. Mosley*, 408 U.S. 92, 95-96 (1972).