



# WILLIAM & MARY

CHARTERED 1693

## OFFICE OF THE PRESIDENT

November 21, 2024

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 Ghazala F. Hashmi  
Post Office Box 396  
Richmond, VA 23218  
[senatorhashmi@senate.virginia.gov](mailto:senatorhashmi@senate.virginia.gov)

The Honorable Sam Rasoul  
Post Office Box 13842  
Roanoke, VA 24037  
[DelSRasoul@house.virginia.gov](mailto:DelSRasoul@house.virginia.gov)

Dear Governor Youngkin, Senator Hashmi and Delegate Rasoul,

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

1. The institution has established policies regarding speech that is constitutionally protected under the First Amendment to the United States Constitution and a process to report incidents of disruption of such constitutionally protected speech. Information about the policies and complaint process is 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 affirms its unequivocal support of free expression and viewpoint diversity.

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 the policies on constitutionally protected speech and the process for reporting any disruptions of that speech as articulated in the Student Handbook. This occurs annually through the Provost's "Essential Matters" communication, most recently distributed by email on October 7, 2024. 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 was provided to all employees and students in Fall Semester Announcements from the Provost and Senior Vice President for Student Affairs & Public Safety in fall 2024.

In August, over 70 percent of the university's faculty and staff gathered for professional development specifically devoted to the vital skills of democratic engagement. The two-hour program included a presentation by Peter Atwater, adjunct professor in Economics, outlining the concepts detailed in his most recent book "The Confidence Map: Charting a Path from Chaos to Clarity" as well as testimonials from colleagues around the Aspen Institute's [Better Argument Principles](#). The program focused on techniques for productive conversation across differences. Throughout September, conversations among employees continued in multiple small workshops. Employees participated in interactive exercises to practice the skills of civil discourse around disagreements and finding commonalities.

In January 2024 and August 2024, during new student orientation, incoming freshmen and transfer students participated in "Engaging Across Difference Through Better Arguments". This presentation included the five principles of a better argument including:

- Take winning off the table
- Prioritize relationships and listen passionately
- Pay attention to context
- Embrace vulnerability
- Make room to transform

New students also heard from faculty, staff and administrators about how to have an open mind and willingness to respect conflict and its place within the university experience.

In addition, the Senior Vice President for Student Affairs & Public Safety, Dr. Ginger Ambler, specifically addressed students in a separate campus-wide email on "Practicing Civil Discourse" on August 27, 2024. Dr. Ambler highlighted the elements of the Aspen Institute's Better Arguments principles and provided students with tips and resources for engaging in constructive dialogue. These resources are centralized for students and recognized student organizations in a [Guidelines](#) webpage on the Student Affairs site, which includes a reference guide for using campus facilities to sponsor events and programs and engage in expressive activity.

On September 24, the Mason School of Business brought Lara Schwartz, Director of the Center for Civic Dialogue at American University, to campus. Her book, *Love the Questions*, focuses on belonging, communication, and democratic engagement.

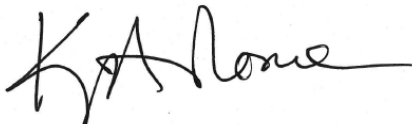
Revisions to the Use of Campus Facilities Policy and the Posting & Chalking Policy were made in August 2024. In the Use of Campus Facilities Policy, the updates codified the university's practices, particularly concerning usage of facilities between midnight and 6:00 a.m., and further clarified existing policies, including the Amplified Sound Policy. The Posting & Chalking Policy updates included the requirement for Recognized Student Organizations to display the name of their organization on non-traditional displays.

All members of the William & Mary community have free access to the [Constructive Dialogue Institute's](#) online learning program, *Perspectives*, an evidence-based tool that fosters empathy and mutual understanding across differences. It is designed to help you better understand yourself and others, and to equip you with the skills to engage in constructive dialogue.

The Office of Student Affairs created a new position of Director of Conflict Resolution & Education and in May, Emily Gerst was hired as the inaugural director. Ms. Gerst earned a master's degree in dispute resolution, and in her role, she provides training in practicing civil discourse and managing conflict to students. This semester, she developed "[Election Season Circles](#)" which brought together students with different viewpoints and focused on "building community and growing understanding across differences."

I further certify that since December 1, 2023, no complaints were filed against William & Mary 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
- C. 8/27/2024 email "Practicing Constructive Civil Discourse" sent to students, faculty and staff

## **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 Senior Vice President for Student Affairs & Public Safety 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 and exploration of ideas. More information about university policies concerning free speech can be found in the Use of Facilities policy, along with relevant links to the Student Handbook and the policies that 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). The Use of Facilities applies to individual students who wish to participate in expressive activity. This policy also shares information about the distribution of literature (pamphleting, etc.) and access to campus facilities by external/unaffiliated groups as well as Recognized Student Organizations. A vibrant campus often has advertising in the form of flyers, chalking, etc. Information regarding these activities can be found in the Posting & Chalking on Campus policy. For assistance in scheduling and planning your activities, please contact Student Unions & Engagement 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 and Property by Recognized Student Organizations and Individuals](#)
  - [Posting and Chalking on Campus 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. Right to Organize:** Each member of the university community has the right to organize their own personal life and behavior insofar as it does not violate local, State, or Federal law, university regulations, or agreements voluntarily entered into, and does not interfere with the rights of others. The following specific rights apply:

1. The right to associate with any legally established group or to create such groups, professional or other, as serve legitimate interests.
  - a. The membership, policies, and actions of an organization shall be determined by vote of those who hold membership in that organization
  - b. Affiliation with an extramural organization shall not disqualify an organization from institutional recognition.
  - c. An organization shall be officially recognized after its constitution and bylaws have been approved by the appropriate body as designated by the President, or the President's delegated representative, and when

consistent with the Bylaws of the Board of Visitors. A current list of officers, but not a membership list, may be required as a condition of recognition.

- d. Officially recognized organizations, including those affiliated with an extramural organization, shall be open to all on a non-discriminatory basis with regard to race, religion, creed, national origin, gender, or political belief, provided however that, to the extent permitted by law, membership in social organizations may be restricted to members of the same gender, and membership in organizations whose primary purpose is political or religious may be restricted to those members of the university community who have similar beliefs.
2. The right to hold public meetings, to invite speakers of their own choosing to campus, to post notices, to engage in peaceful, orderly demonstrations within reasonably and impartially applied rules designed by the President or the President's delegated representative, to reflect the educational purposes of the university, and to protect the safety of members of the university and community and others. The university may establish rules, therefore, regulating time, place, and manner of such activities and allocating the use of facilities, but these regulations shall not be used as a means of censorship. In the event that there is a clear and present danger, as reasonably determined by the appropriate university authority designated by the President, to the health or safety of the members of the university community or to the educational process, such meeting or demonstration may be prohibited. Sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed either by the sponsoring group or the institution.
  3. The right, when charged or convicted of violation of general law, to be free of university discipline for the same conduct, unless such discipline by the university community is determined to be for the protection of other members of the university community or the safeguarding of the educational process. Such determination shall be made by the appropriate university authority designated by the President.

**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

## Attachment C: Practicing Constructive Civil Discourse

**From:** [staff:request](#) on behalf of [Ambler, Ginger](#)  
**To:** [faculty](#); [staff](#)  
**Subject:** [staff\_send] FW: Practicing Constructive Civil Discourse  
**Date:** Tuesday, August 27, 2024 7:27:32 PM

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Colleagues,

For your awareness, the following message was just sent to our students. Best wishes as we start a new academic year!

Best regards,  
Ginger

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**From:** students-request <students-request@lists.wm.edu> **On Behalf Of** W&M Student Affairs  
**Sent:** Tuesday, August 27, 2024 7:13 PM  
**To:** students <students@wm.edu>  
**Subject:** [students] Practicing Constructive Civil Discourse

Dear William & Mary Students,

One of the great benefits of being a member of a university community is the ability to engage intellectually and critically with new ideas and to expand awareness of our role in promoting democracy. Learning how to express our viewpoints, engage counter-arguments constructively, and move toward effective action is core to the William & Mary student experience. This is particularly important as we head into another election season and at a time of ongoing international conflict.

While engaging across difference can be uncomfortable, there are tools and guiding principles to help when we encounter speech that unsettles us. The [Aspen Institute's Better Arguments](#) framework highlights such principles, noting, "American civic life doesn't need fewer arguments, it needs better arguments." At W&M we have chosen to embrace the principles of a better argument to give us a common language and healthy strategies for responding to conflict and disagreement:

- **Take winning off the table.**  
Lead with a desire to understand and learn.
- **Prioritize relationships & listen passionately.**  
Focus on building honest connections.
- **Pay attention to context.**  
Acknowledge the many factors that may influence beliefs.
- **Embrace vulnerability.**  
Consider the benefits of opening up.
- **Make room to transform.**  
Be open to new and varied perspectives.

Responses to speech with which we disagree can include engaging in constructive dialogue with those holding oppositional views, organizing counter-programming that publicly presents a different perspective, or simply ignoring speech that we find objectionable. Civic dialogue and engagement are learned skills, ones you will explore in

your classrooms, student organizations, living environments and service commitments.

W&M's policies help ensure that community members are free to express their opinions while safety is maintained and the university's core activities of teaching and learning continue. Last year, students told us it would be helpful for all relevant policies to be pulled together in one place for easy reference. We took that request to heart and have created a [new resources website](#) to do just that -- it is the first link included below.

We offer a wealth of other resources and opportunities to learn how to become more effectively engaged, and be able to confront ideas, not people:

- [Guidelines for Facilities Use](#) (collected policies for events, programs, and expressive activities)
- [Civic & Community Engagement](#)
- [Community Values & Connection](#)
- [Student Unions and Engagement](#)
- [Student Leadership Development](#)
- [Self-Governance in Residence Halls](#)
- [W&M Democracy Initiative](#)

I hope you'll make use of these resources. Skills in democratic engagement that you develop at William & Mary will strengthen your relationships with each other, distinguish you as a candidate for internships and employment, and amplify your impact in the world for years to come.

Best regards,  
Ginger Ambler

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**Virginia M. Ambler '88, Ph.D. '06**  
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William & Mary  
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