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HOUSE RESOLUTION NO. 431

Offered February 17, 2017

Encouraging public institutions of higher education in the Commonwealth to protect free speech.

Patrons—LaRock, Anderson, Bell, Richard P., Bourne, Campbell, Cline, Cole, Dudenhefer, Fowler, Freitas, Garrett, Gilbert, Greason, Hayes, Head, Helsel, Holcomb, Ingram, Landes, Lingamfelter, Marshall, D.W., Marshall, R.G., Morris, Pogge, Rasoul, Ware, Webert and Wright

Referred to Committee on Rules

WHEREAS, Article I, Section 12 of the Constitution of Virginia states that "the freedoms of speech and of the press are among the great bulwarks of liberty, and can never be restrained except by despotic governments . . . [and] any citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right . . ."; and

WHEREAS, public institutions of higher education in the Commonwealth have historically embraced a commitment to freedom of speech in institutional policy and should be citadels of free speech and inquiry; and

WHEREAS, public institutions of higher education in the Commonwealth are subject to both the provisions of the First Amendment to the United States Constitution and the control of the General Assembly; and

WHEREAS, in recent years, many public institutions of higher education in the Commonwealth have abdicated their responsibility to uphold free-speech principles and have become increasingly intolerant of speech that conflicts with certain viewpoints, and such failures make it appropriate for each public institution of higher education in the Commonwealth to restate and confirm its commitment to protect free speech on campus; and

WHEREAS, in 1974, the Committee on Free Expression at Yale issued a statement known as the Woodward Report that stands as a classic defense of free expression on campuses; in 2015, the Committee on Freedom of Expression at the University of Chicago issued a similar and widely respected report; and in 1967, the Kalven Committee Report of the University of Chicago articulated the principle of institutional neutrality regarding political and social issues and the essential role of such neutrality in protecting freedom of thought and expression at universities. The principles affirmed by these three highly regarded reports are inspiring articulations of the critical importance of free expression in higher education; and

WHEREAS, the House of Delegates views freedom of speech as being of such paramount importance that each public institution of higher education in the Commonwealth should ensure free, robust, and uninhibited debate and deliberation by enrolled students, whether on or off campus; and

WHEREAS, the House of Delegates has determined that it is a matter of statewide concern that each public institution of higher education officially recognize freedom of speech as a fundamental right; now, therefore, be it

RESOLVED by the House of Delegates, That the public institutions of higher education in the Commonwealth be encouraged to protect free speech; and, be it

RESOLVED FURTHER, That the House of Delegates hereby communicates the urgent need for the governing board of each public institution of higher education in the Commonwealth to develop and adopt a policy on free speech that specifies, at a minimum, that:

1. The primary function of a public institution of higher education is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate;

2. It is not proper for a public institution of higher education to shield individuals from speech that is protected by the First Amendment, including ideas and opinions that such individuals find unwelcome, disagreeable, or deeply offensive; and

3. The institution shall strive to remain neutral on current public policy controversies and shall not take action on any current public policy controversy in a manner that would require students or faculty to publicly express a particular view of public policy; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit a copy of this resolution to the chief executive officer of each public institution of higher education in the Commonwealth, requesting that each such chief executive officer further disseminate copies of this resolution to the governing boards of their respective institutions so that they may be apprised of the sense of the Virginia House of Delegates in this matter.

INTRODUCED

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