

HOUSE RESOLUTION NO. 431

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

Agreed to by the House of Delegates, February 22, 2017

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 the provisions of the Constitution of Virginia and the First Amendment to the United States Constitution and the authority of the General Assembly; 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 communicate 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; and

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, 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.