

**A RESOLUTION RECOMMENDING THE ADOPTION OF REVISED  
GUIDELINES FOR EXERCISING AND DEFENDING ACADEMIC FREEDOM (18/5)**

**WHEREAS,** On April 7, 2017, the Faculty Senate adopted, by unanimous vote, Resolution 17/4, entitled “A Resolution Recommending the Adoption of Guidelines for Exercising and Defending Academic Freedom,” attached hereto as Exhibit 1.

**WHEREAS,** The Faculty Senate hereby ratifies and reaffirms the principles of academic freedom (including freedom of expression and freedom of inquiry) and the findings of fact set forth in the **WHEREAS** clauses contained in Resolution 17/4.

**WHEREAS,** In his Inauguration Speech on November 13, 2017, Thomas LeBlanc, the University’s 17th President, expressed the following views, which fully accord with the general principles of academic freedom set forth in the Guidelines for Exercising and Defending Academic Freedom attached to Resolution 17/4:

“[Y]ou can’t test facts – you can’t evaluate ideas – unless you hear them first.

That’s why this university must always stand firmly for free speech and open inquiry. Without free speech, and the open and unfettered exchange of ideas, there can be no knowledge...no scholarship...no teaching...and no universities.

The great physicist Richard Feynman famously said: ‘I would rather have questions that can’t be answered...than answers that can’t be questioned.’

In any classroom, in any text, there is no such thing as a final answer...and there is no such thing as an unthinkable thought.

That is true here. That should always be true here.

Open, critical inquiry, vigorous discussion and assessment of divergent ideas must, and will define how we learn, how we teach, how we discover and how we create.

Without constraint, without compromise and without apology.”<sup>1</sup>

**WHEREAS,** The University Administration has requested several modifications to the Guidelines attached to Resolution 17/4 in order to harmonize those Guidelines with existing University policies, and the modifications requested by the Administration are shown on the marked copy of the revised Guidelines (attached to this Resolution as Exhibit 2).

**WHEREAS,** The Faculty Senate believes that the revised Guidelines, in the unmarked form attached to this Resolution as Exhibit 3, are consistent with the purposes of Resolution 17/4 and should be approved and recommended for adoption by the Board of Trustees on behalf of the University.

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<sup>1</sup> “President Thomas LeBlanc’s Full Inauguration Speech,” *GW Today* (Nov. 13, 2017), available at <https://gwtoday.gwu.edu/president-thomas-leblanc%E2%80%99s-full-inauguration-speech>.

**WHEREAS,** Article II of the *Faculty Code* recognizes the central importance of academic freedom to the teaching and research activities of the faculty and the overall success and accomplishments of the University, and Article II expressly affirms the right of the Faculty Senate to recommend the attached Guidelines and to make recommendations concerning any other guidelines proposed by the University that would affect academic freedom.

**WHEREAS,** Article IX.A. of the *Faculty Code* recognizes the right and responsibility of the regular faculty to participate in “the formulation of policy and planning decisions affecting the quality of education and life at the university,” and Article III, Section 1 of the *Faculty Organization Plan* designates the Faculty Senate as “the Faculty agency to which the President initially presents information and which he consults concerning proposed changes in existing policies or promulgation of new policies.”

**WHEREAS,** The Faculty Senate therefore expects (and requests) that the Senate will be given a reasonable opportunity to review and provide its recommendations concerning any future proposed changes in, or additions to, the attached Guidelines as well as any University policies affecting academic freedom (including without limitation the Policies referred to in the attached Guidelines).

**WHEREAS,** Based on the foregoing principles and considerations, the Faculty Senate approves and endorses the revised Guidelines for Exercising and Defending Academic Freedom in the form attached to this Resolution as Exhibit 3, and the Faculty Senate also recommends that, as contemplated by Article II of the *Faculty Code*, the Board of Trustees should adopt those Guidelines on behalf of the University.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY**

- (1) That the Faculty Senate hereby approves and endorses the revised Guidelines for Exercising and Defending Academic Freedom in the form attached to this Resolution as Exhibit 3.
- (2) That the Faculty Senate hereby recommends that the revised Guidelines for Exercising and Defending Academic Freedom should be adopted by the University as contemplated by Article II of the *Faculty Code*.
- (3) That the Faculty Senate hereby requests that the President of the University forward this Resolution and the revised Guidelines for Exercising and Defending Academic Freedom, in the form attached hereto as Exhibit 3, to the Board of Trustees for its consideration.
- (4) That the Faculty Senate expects (and requests) that the Senate will be given a reasonable opportunity to review and provide its recommendations concerning any future proposed changes in, or additions to, the attached Guidelines as well as any University policies

affecting academic freedom (including without limitation the University Policies referred to in the attached Guidelines).

Faculty Senate Committee on Professional Ethics and Academic Freedom  
February 16, 2018

Adopted by the Faculty Senate  
March 2, 2018

## **THE GEORGE WASHINGTON UNIVERSITY GUIDELINES FOR EXERCISING AND DEFENDING ACADEMIC FREEDOM**

1. As recognized in Article II of the University's *Faculty Code*, the University is committed to the principles of academic freedom, including free inquiry, free expression, and the vigorous discussion and debate on which the advancement of the University's educational mission depends. Consistent with these Guidelines and University policies referred to below, faculty members and other members of the University community enjoy the broadest possible latitude to inquire, speak, write, listen, challenge, and learn, except insofar as viewpoint-neutral and content-neutral limitations on that freedom are demonstrably necessary to permit the University to perform its academic and educational functions (including, for example, the holding of classes and the conduct of authorized research activities without interference or disruption by individuals or groups inside or outside the University community) and to fulfill its administrative responsibilities.
2. The ideas of different faculty members and of various other members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals within or outside the University from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community should show mutual respect (as recognized in Article II.C of the *Faculty Code*), concerns about civility and mutual respect cannot justify closing off the discussion of ideas protected by academic freedom and freedom of expression and inquiry, however offensive or disagreeable those ideas may be to some persons within or outside the University community. Indeed, fostering the ability of faculty members and other members of the University community to exercise their rights to engage in free inquiry, expression, debate, and deliberation is an essential part of the University's educational mission. Where there appears to be a conflict between the rights of free expression and free inquiry, on one hand, and concerns about potentially offensive statements, on the other, the University's educational mission requires it to give priority to the rights of free expression and free inquiry.
3. The freedom to debate and discuss the merits of competing ideas does not, of course, mean that faculty members and other members of the University community may say whatever they wish, whenever and wherever they wish, while carrying out their duties and fulfilling their respective roles within the University. In carrying out such duties and fulfilling such roles, faculty members and other members of the University community do not have the right to engage in expression that (1) violates clearly established law (for example, by making criminal or tortious threats or by engaging in tortious defamation or prohibited sexual harassment as defined by University policy), (2) constitutes a genuine threat to the safety of members of the University community or other persons, or (3) violates University policies that are viewpoint-neutral and content-neutral and are demonstrably necessary (A) to enable the University to maintain the integrity of scholarly standards of teaching and research, or (B) to regulate the time, place, and manner of expression in order to prevent disruptions of the University's academic and educational

functions, or (C) to enable the University to comply with applicable federal and local laws and otherwise fulfill its administrative responsibilities.

4. Article II.A of the *Faculty Code* provides that “[i]n speaking and writing outside the University, a faculty member shall not attribute his or her personal views to the University.” To comply with Internal Revenue Service restrictions, the University’s Policy on Political Activity provides that University employees “may not speak for or on behalf of the university when expressing support for or opposition to a candidate for public Office.”
5. Faculty members and other members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest the views of speakers who have been invited to express their views on campus. However, faculty members and other members of the University community may not obstruct or interfere with the rights of others on campus to express their views (for example, by blocking access to a University-sanctioned forum or by attempting to silence or shout down a speaker at such a forum). Appropriate disciplinary action may be taken under applicable University policies against members of the University community who intentionally obstruct or interfere with the exercise of academic freedom and freedom of expression and inquiry that are protected under these Guidelines as well as the University’s Policies on Demonstrations and Disruptions of University Functions.
6. If faculty members believe that their right to exercise academic freedom under Article II of the *Faculty Code* and these Guidelines has been restricted or impaired by actions or threats from persons within or outside the University, those faculty members may contact the Chair of the Faculty Senate Executive Committee, the Chair of the Faculty Senate Committee on Professional Ethics and Academic Freedom, or the Office of the Provost to obtain assistance. The University will take reasonable, customary, and lawful measures it deems appropriate under these Guidelines to protect faculty members against non-trivial impairments of their right to exercise academic freedom, including threats from persons within or outside the University community.
7. Nothing in these Guidelines shall be construed to modify or interfere with the University’s administrative employment relationships with University administrators and staff.

**THE GEORGE WASHINGTON UNIVERSITY  
GUIDELINES FOR EXERCISING AND DEFENDING ACADEMIC FREEDOM**

1. As recognized in Article II of the University's *Faculty Code*, the University is committed to the principles of academic freedom, including free inquiry, free expression, and the vigorous discussion and debate on which the advancement of the University's educational mission depends. Consistent with these Guidelines and University policies referred to below, faculty members and other members of the University community enjoy the broadest possible latitude to inquire, speak, write, listen, challenge, and learn, except insofar as viewpoint-neutral and content-neutral limitations on that freedom are demonstrably necessary to permit the University to perform its academic and educational functions (including, for example, the holding of classes and the conduct of authorized research activities without interference or disruption by individuals or groups inside or outside the University community) and to fulfill its administrative responsibilities.

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2. The ideas of different faculty members and of various other members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals within or outside the University from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community should show mutual respect (as recognized in Article II.C of the Faculty Code), concerns about civility and mutual respect cannot justify closing off the discussion of ideas protected by academic freedom and freedom of expression and inquiry, however offensive or disagreeable those ideas may be to some persons within or outside the University community. Indeed, fostering the ability of faculty members and other members of the University community to exercise their rights to engage in free inquiry, expression, debate, and deliberation is an essential part of the University's educational mission. Where there appears to be a conflict between the rights of free expression and free inquiry, on one hand, and concerns about potentially offensive statements, on the other, the University's educational mission requires it to give priority to the rights of free expression and free inquiry.

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3. The freedom to debate and discuss the merits of competing ideas does not, of course, mean that faculty members and other members of the University community may say whatever they wish, whenever and wherever they wish, while carrying out their duties and fulfilling their respective roles within the University. In carrying out such duties and fulfilling such roles, faculty members and other members of the University community do not have the right to engage in expression that (1) violates clearly established law (for example, by making criminal or tortious threats or by engaging in tortious defamation or prohibited sexual harassment as defined by University policy), (2) constitutes a genuine threat to the safety of members of the University community or other persons, or (3) violates University policies that are viewpoint-neutral and content-neutral and are demonstrably necessary (A) to enable the University to maintain the integrity of scholarly standards of teaching and research, or (B) to regulate the time, place, and manner of expression in order to prevent disruptions of the University's academic and educational

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functions, or (C) to enable the University to comply with applicable federal and local laws and otherwise fulfill its administrative responsibilities.

4. Article II.A of the Faculty Code provides that “[i]n speaking and writing outside the University, a faculty member shall not attribute his or her personal views to the University.” To comply with Internal Revenue Service restrictions, the University’s Policy on Political Activity provides that University employees “may not speak for or on behalf of the university when expressing support for or opposition to a candidate for public Office.”
5. Faculty members and other members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest the views of speakers who have been invited to express their views on campus. However, faculty members and other members of the University community may not obstruct or interfere with the rights of others on campus to express their views (for example, by blocking access to a University-sanctioned forum or by attempting to silence or shout down a speaker at such a forum). Appropriate disciplinary action may be taken under applicable University policies against members of the University community who intentionally obstruct or interfere with the exercise of academic freedom and freedom of expression and inquiry that are protected under these Guidelines as well as the University’s Policies on Demonstrations and Disruptions of University Functions.
6. If faculty members believe that their right to exercise academic freedom under Article II of the *Faculty Code* and these Guidelines has been restricted or impaired by actions or threats from persons within or outside the University, those faculty members may contact the Chair of the Faculty Senate Executive Committee, the Chair of the Faculty Senate Committee on Professional Ethics and Academic Freedom, or the Office of the Provost to obtain assistance. The University will take reasonable, customary, and lawful measures it deems appropriate under these Guidelines to protect faculty members against non-trivial impairments of their right to exercise academic freedom, including threats from persons within or outside the University community.
7. Nothing in these Guidelines shall be construed to modify or interfere with the University’s administrative employment relationships with University administrators and staff.

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**A RESOLUTION RECOMMENDING THE ADOPTION OF  
GUIDELINES FOR EXERCISING AND DEFENDING ACADEMIC FREEDOM (17/4)**

**WHEREAS,** Article II of the University's *Faculty Code* is entitled "Academic Freedom" and provides:

"Subject only to legal restrictions and such guidelines as shall be recommended by the Faculty Senate and adopted by the university:

- A. A faculty member shall enjoy freedom of expression. In the classroom (physical, virtual, and wherever located), a faculty member's exposition shall be guided by the requirements of effective teaching, adherence to scholarly standards, and encouragement of freedom of inquiry among students. In speaking and writing outside the University, a faculty member shall not attribute his or her personal views to the University.
- B. A faculty member shall enjoy freedom of investigation.
- C. Consistent with academic freedom, faculty members should show respect for the opinions of others and foster and defend intellectual honesty, freedom of inquiry and instruction, and the free expression of ideas."

**WHEREAS,** The University's *Statement of Ethical Principles*, which is quoted in Section 6.4 of the University's *Faculty Handbook*, includes the following statements under the headings "Integrity and Respect":

"The university community is diverse -- in race, background, age, religion, and in many other ways. The personal actions of each community member establish and maintain the culture of tolerance and respect for which we strive. **The university is committed to free inquiry, free expression, and the vigorous discussion and debate on which the advancement of its educational mission depends.** At the same time, trustees, senior officials, faculty, principal investigators, staff, student employees, and others acting on behalf of the university should respect the rights and dignity of others regardless of their differences, and must conscientiously comply with non-discrimination policies adopted by the university." (Emphasis added)

**WHEREAS,** The same sentence shown in bold type above is also included on page 1 of the University's Sexual Harassment and Sexual Violence Policy and Procedures. Page 3 of that document includes the following additional statements:

"Nothing in this policy limits academic freedom, guaranteed by the Faculty Code, which is a pre-eminent value of the university. This policy shall not be interpreted to abridge academic freedom. Accordingly, in an academic setting expression that

is reasonably designed or reasonably intended to contribute to academic inquiry, education or debate on issues of public concern shall not be construed as sexual harassment."

**WHEREAS,** Recent events occurring on university campuses and in political and social contexts (including online discussion groups) have included (1) violence and threats of violence that have resulted in disruptions or cancellations of speeches at university-sanctioned forums, and (2) the placing of faculty members (including members of this University's faculty) on "target lists" created by various groups based on the publicly-expressed views of those faculty members.

**WHEREAS,** The foregoing events have created serious concerns among members of the University's faculty regarding the potential vulnerability of the academic freedom of faculty members and the need for the University to adopt additional guidelines to defend faculty members and other members of the University community against attempts by persons within or outside the University to restrict or impair the exercise of academic freedom and freedom of expression.

**WHEREAS,** In remarks delivered by Supreme Court Justice Ruth Bader Ginsburg at a recent public event in the University's Lisner Auditorium, Justice Ginsburg told the audience that "the right to speak one's mind out" and "the right to think, speak and write as we believe" are essential features of "what makes America great."<sup>1</sup>

**WHEREAS,** The Faculty Senate has traditionally exercised great caution before deciding to consider resolutions advocating particular views or positions on political or social issues that are the subject of scholarly disagreement and debate, because such resolutions could have a chilling effect on the exercise of academic freedom and freedom of expression by the University's faculty and other members of the University community.

**WHEREAS,** The attached Guidelines for Exercising and Defending Academic Freedom have been drawn in part from similar policies upholding academic freedom and freedom of expression, which have been adopted by the University of Chicago and Princeton University.

**WHEREAS,** Based on the foregoing principles and considerations, the Faculty Senate approves and endorses the Guidelines for Exercising and Defending Academic Freedom in the form attached to this Resolution, and the Faculty Senate also recommends that, as contemplated by Article II of the *Faculty Code*, the University should formally adopt those Guidelines.

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<sup>1</sup> Ruth Steinhardt, "Ruth Bader Ginsburg: Be Mindful of What Makes America Great," *GW Today* (Feb. 24, 2017), available at <https://gwtoday.gwu.edu/ruth-bader-ginsburg-be-mindful-what-makes-america-great>.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE FACULTY SENATE OF  
GEORGE WASHINGTON UNIVERSITY**

- (1) That that Faculty Senate hereby approves and endorses the Guidelines for Exercising and Defending Academic Freedom in the form attached to this Resolution.
- (2) That the Faculty Senate hereby recommends that the attached Guidelines for Exercising and Defending Academic Freedom should be adopted by the University as contemplated by Article II of the *Faculty Code*.
- (3) That the Faculty Senate hereby requests that the President of the University forward this Resolution and the attached Guidelines for Exercising and Defending Academic Freedom to the Board of Trustees for its consideration.
- (4) That the Faculty Senate hereby requests that the Board of Trustees consult with the Faculty Senate and provide a reasonable opportunity for the Faculty Senate to adopt a resolution presenting its further recommendations before the Board of Trustees adopts guidelines related to academic freedom that are different from the attached Guidelines for Exercising and Defending Academic Freedom.

Faculty Senate Committee on Professional Ethics and Academic Freedom  
March 1, 2017

Adopted by the Faculty Senate  
April 7, 2017

## Appendix

### **THE GEORGE WASHINGTON UNIVERSITY GUIDELINES FOR EXERCISING AND DEFENDING ACADEMIC FREEDOM**

1. As recognized in Article II of the University's *Faculty Code*, the University is committed to the principles of academic freedom, including free inquiry, free expression, and the vigorous discussion and debate on which the advancement of the University's educational mission depends. The University therefore guarantees to faculty members and other members of the University community the broadest possible latitude to inquire, speak, write, listen, challenge, and learn, except insofar as viewpoint-neutral and content-neutral limitations on that freedom are demonstrably necessary to permit the University to perform its essential academic and educational functions (including, for example, the holding of classes and the conduct of authorized research activities without interference or disruption by individuals or groups inside or outside the University community).
2. The ideas of different faculty members and of various other members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals within or outside the University from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community should strive to maintain a climate of mutual respect, concerns about civility and mutual respect cannot justify closing off the discussion of ideas protected by academic freedom and freedom of expression and inquiry, however offensive or disagreeable those ideas may be to some persons within or outside the University community. Indeed, fostering the ability of faculty members and other members of the University community to exercise their rights to engage in free inquiry, expression, debate, and deliberation is an essential part of the University's educational mission. Where there appears to be a conflict between the rights of free expression and free inquiry, on one hand, and concerns about potentially offensive statements, on the other, the University's educational mission requires it to give priority to the rights of free expression and free inquiry.
3. The freedom to debate and discuss the merits of competing ideas does not, of course, mean that faculty members and other members of the University community may say whatever they wish, whenever and wherever they wish, while carrying out their duties and fulfilling their respective roles within the University. In carrying out such duties and fulfilling such roles, faculty members and other members of the University community do not have the right to engage in expression that (1) violates clearly established law (for example, by making criminal or tortious threats or by engaging in tortious defamation or prohibited sexual harassment), or (2) violates University policies that are viewpoint-neutral and content-neutral and are demonstrably necessary (A) to enable the University to maintain the integrity of scholarly standards of teaching and research, or (B) to regulate the time, place, and manner of expression in order to prevent disruptions of the University's essential academic and educational functions, or (C) to enable the University to comply with applicable federal and local laws.

4. Faculty members and other members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest the views of speakers who have been invited to express their views on campus. However, faculty members and other members of the University community may not obstruct or interfere with the rights of others on campus to express their views (for example, by blocking access to a University-sanctioned forum or by attempting to silence or shout down a speaker at such a forum). To this end, the University has a solemn responsibility to take reasonable, customary, and lawful measures to protect the exercise of freedom of academic inquiry, expression, debate, and deliberation by members of the faculty, other members of the University community, and invited guests when persons within or outside the University attempt to obstruct or interfere with that exercise. For example, the University should take appropriate disciplinary action against members of the University community who intentionally obstruct or interfere with the exercise of academic freedom and freedom of expression and inquiry that are protected under these guidelines.
  
5. If faculty members believe that their right to exercise academic freedom under Article II of the *Faculty Code* and these Guidelines has been restricted or impaired by actions or threats from persons within or outside the University, those faculty members may contact the Chair of the Faculty Senate Executive Committee, the Chair of the Faculty Senate Committee on Professional Ethics and Academic Freedom, or the Office of the Provost to obtain assistance. The University will take reasonable, customary, and lawful measures to protect faculty members against non-trivial impairments of their right to exercise academic freedom, including threats from persons within or outside the University community.