

**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."¹

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.

¹ 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.