

Statement of the Committee on Free Expression and Free Inquiry

The University of Virginia unequivocally affirms its commitment to free expression and free inquiry. All views, beliefs, and perspectives deserve to be articulated and heard free from interference. This commitment underpins every part of the university's mission. Free and open inquiry is the basis for the scientific method and all other modes of investigation that produce, expand, and refine knowledge. It is at the heart of the principles of academic freedom that protect faculty from interference with their research and their views. Likewise, the educational endeavor for students requires freedom to speak, write, inquire, listen, challenge, and learn, including through exposure to a range of ideas and cultivation of the tools of critical thinking and engagement. These tools are vital not only to students' personal intellectual development but also to their futures as citizen leaders equipped to assess contending arguments and to contribute to societal progress. For all of these reasons, expression of ideas should be given the widest possible latitude.

We endorse principles of free expression and free inquiry not because every idea is equally good. To the contrary, universities test and assess ideas every day, through myriad processes of research and inquiry. These processes identify errors and generate breakthroughs of immense value for local, national, and global communities. Indeed, the University has endeavored to acknowledge its own complex legacy while promoting the free exchange of ideas that creates future advances and progress. Academic commitment to free inquiry reflects the view that every idea must be heard so that it may be subjected to the rigorous scrutiny necessary to advance knowledge. This process requires deep critical engagement, as well as humility in the recognition that many commonly accepted views have proved mistaken, while many ostracized views have illuminated the path toward truth.

The University of Virginia has a unique connection to principles of free expression and inquiry. James Madison introduced the Bill of Rights, including what is now the First Amendment, as a member of Congress representing the district that would become home to the University. James Madison and Thomas Jefferson's Virginia and Kentucky Resolutions were among the earliest extended interpretations of the First Amendment, which, as the Supreme Court observed years later, "carried the day in the court of history" and "first crystallized a national awareness of the central meaning of the First Amendment."¹ Jefferson's vision for the University included the aspiration that "here we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it."²

At the same time, the University has not always fulfilled its aspirations, exploiting enslaved laborers and excluding Black Americans, women, and groups and viewpoints disfavored by the majority. Principles of academic freedom have not always withstood the pressures and fashions of the day, which remains an ongoing challenge. But freedom of speech is among the most powerful tools by which wrongs are righted and institutions are improved or abolished. Principles of free inquiry extend to robust discussion and critical examination of the past. Equally importantly, they live in the present and extend to the future, in a shared commitment to free expression for all speakers and all views.

The University's commitment to free expression and free inquiry arises not only from its role as an academic institution but also from its status as a public university. State institutions are bound by

¹ *New York Times v. Sullivan*, 376 U.S. 254, 273, 276 (1964).

² Thomas Jefferson to William Roscoe, December 27, 1820.

the Constitution, including the First Amendment. As Justice Thurgood Marshall wrote for the Supreme Court, “To permit the continued building of our politics and culture, and to assure self-fulfillment for each individual, our people are guaranteed the right to express any thought, free from government censorship.”³ Actions by the University implicate not only academic values but also this legal principle and the ideals behind it.

Under American law, principles of free expression have important limits. The University may regulate the time, place, and manner of expression for reasons unrelated to its content, including maintaining the normal operations of the University. Free expression also does not protect speech that violates the law, including legally defined categories of incitement, defamation, threats, privacy violation, and intellectual property infringement. In addition, various types of prohibited conduct can be partially or entirely composed of speech, including stalking, harassment, and unlawful discrimination. These exceptions are defined by law and represent narrow and necessary limits to an otherwise expansive commitment.

Free and open inquiry inevitably involves conflicting views and strong disagreements. Indeed, some ideas may be offensive, noxious, and even harmful. We act as responsible members of a shared community when we engage as empathetic speakers and generous listeners. We further our common project of academic inquiry with mutual respect and intellectual openness. Even as the University affirms values of mutual respect, however, both the First Amendment and principles of free inquiry forbid these values from becoming a basis for closing off discussion. The University must not stifle protected expression, permit others to obstruct or shut down such expression, or regulate the tone or content of responses that stop short of interfering with others’ speech or violating the law. Rather than seek to control speech or countenance its silencing, the University must promote values of mutual respect, while emphasizing that their vitality rests with the self-governance of speakers and listeners.

The University’s commitment to free expression and free inquiry represents a living ideal, reflected in policy and embodied in the actions of community members every day. We rearticulate and reaffirm it here, as a foundation for the University’s third century and beyond.

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³ *Police Dep’t of City of Chicago v. Mosley*, 408 U.S. 92, 95-96 (1972).