

**Recommendations of the Faculty Working Group on  
Free Speech and Community  
August 15, 2024**

On July 3, 2024, Provost Bracey charged this working group to convene and discuss recommendations for consideration by the university regarding Free Speech and Community. We were asked to discuss how the university should balance Free Speech and Community, sustaining an environment that permits freedom of expression while also preserving a culture of respect and civility. We were provided an August 15th deadline and encouraged to specify at least 2-3 of your recommendations that could “reasonably be implemented within the 2024-2025 academic year”. We were also advised to consider the participation of the staff and/or students. However, given the limited time provided to complete our charge, we were unable to include members outside the working group. Nonetheless, our recommendations reflect our view that all members of our community must be involved in shaping our commitments and our policies.

To complete this task, we convened weekly after receiving the charge. Holding a total of six (6) meetings, we discussed the charge and produced the following set of recommendations that we submit now for review. It should be noted that the recommendations that follow were produced on a very tight timeline and within a shifting policy landscape at GW. This working group learned very late in our process that other members of the GW Faculty had been tasked with reviewing updates to policies related to the university’s current approach to free speech and academic freedom.

As this process is apparently still ongoing, the recommendations below should be viewed as “provisional.” We anticipate that dialogue about these recommendations will continue, and that the Provost’s and President’s Office will provide feedback on their substance and implementation throughout the AY 24-25.

**Preamble:**

George Washington University (GW) is a private research university located in the District of Columbia. Our mission is to educate individuals in liberal arts, languages, sciences, learned professions, and other courses and subjects of study and to conduct scholarly research and publish the findings of such research. Our values include integrity, collaboration, respect,

excellence, openness, diversity, and courage. These values serve as a guiding force, shaping our everyday lives on campus and helping ensure that we make the best decisions for our university community.

In accordance with the mission of the university and guided by the values that GW has adopted, we began this task with a reframing of the charge assigned to us from one that implied that free speech and community are conflicting values here at GW toward a vision valuing “*Free Speech within a Shared Community*.” We saw this not as a mere rhetorical modification, but a substantive change of focus. We sought to advance free speech values while acknowledging that they must be understood and applied within the context of the shared academic community that includes students, faculty, and staff.

Thus, our recommendations are intended to serve as a path forward for George Washington University to ensure that important discussions, debates, and dialogues take place in an impactful and civil manner. When we refer to the “university” in this document, we do not mean just the administration or the Board, but the entire community, including faculty, students, and staff.

Our recommendations are based on several broad principles. First, free inquiry and free expression are indispensable to the creation and maintenance of a Shared Community within an academic institution. As expressed on our [free expression webpage](#), GW aspires to be the leading educational institution located in the nation’s capital, Washington, D.C. Our committee's second principle is that the GW can and should invite all members of our shared community to engage deeply with critical and controversial issues of the day. A crucial part of this process is fostering respectful, thoughtful, and informed discussions, even on contentious subjects.

Furthermore, it is essential to both our aspirations and the process of achieving them that the university preserves and cultivates an environment where diverse views can be voiced and debated. It is the responsibility of all our community members to play a role in fostering such an environment, and it is the responsibility of the university administration, operating within a shared governance framework, to promulgate policies that empower community members to do exactly that.

Last year was an immensely challenging one for the GW community. It is our hope that the following recommendations, if integrated into university policy and used to inform our approaches to speech, will allow us to foster dialogue in a way that models productive

disagreement, meaningful engagement with consequential and controversial issues, and support for one another as we embrace principles of free speech within our shared community. An essential first step in realizing this hope is for these recommendations to be shared broadly, with an open invitation for the entire community to engage with these difficult questions.

### **Recommendation 1: Develop a Comprehensive Free Speech Framework**

The working group observes that George Washington University (GW) has articulated a clear and powerful commitment to free expression, as described on the [Free Expression at GW page of GW's website](#). However, we further observe that it is not clear to all members of our community how this commitment translates into our policies and that our practices may not always align with this commitment. We therefore recommend:

Employing an open and collaborative process, GW should promulgate a comprehensive framework outlining the university's commitment to and aspirations for the exercise of free expression within a shared community. This framework should speak to both the community we aspire to build and sustain and the importance of free expression to that community. Furthermore, it should inform and guide all policies related to freedom of expression and action.

Within this framework, we imagine that the university will define three categories of speech and assembly: encouraged (in the name of academic freedom and informed debate), permitted (even when offensive, to provide breathing room for the robust exchange of ideas), and prohibited (when it endangers the community itself). It should explain why the bedrock of academic inquiry is free speech and should include clear examples of each category of speech defined above. Our approach to free expression in a shared community should prioritize education, inculcation, and the production of a community that values and engages with free speech rather than relying heavily on regulations and sanctions. Speech and assembly policies should not be written or implemented to punish or constrain speech from particular political viewpoints.

This framework should:

- Be produced by a group that includes faculty, students, staff, and administrators.
- Be endorsed by the administration, Board of Trustees, Faculty Senate, Student Government Association, and Staff Council

- Be provided to students, faculty, and staff as part of their orientation to our community
- Be provided to new university administrators as part of their job orientation

After adopting the framework, the university should revisit its existing free speech policies to ensure that they are in line with our commitments. We caution against hasty policy changes ahead of the deliberative process necessary to establish our shared framework.

## **Recommendation 2: Develop Educational Resources**

It is not possible to sanction or regulate our way to the community and speech practices that we aspire to. As an institution with an educational mission, we believe that our primary approach should be, precisely, educational. To that end we recommend that the university—as a whole and through its various schools and programs—develop a range of activities under the rubric “How to Responsibly Engage in Free Speech in a Shared Community.” These activities might include public events, small group discussions, and courses.

As a shared community dedicated primarily to the pursuit of knowledge, George Washington University can strive to create opportunities for more discourse on topics in which there are strongly diverging views in the community. To this end, we recommend that GW facilitate regular public events that seek not only to further educate our community but also explain various definitions of and approaches to freedom of speech, academic freedom, etc.

GW should consider hosting a regular, facilitated series of small-group discussions around these topics. This could also include sponsoring a series of facilitated conversations. These conversations could be held with leaders of student groups, within residential neighborhoods, at staff, faculty, and student group meetings during orientation, etc. The focus of these conversations would center around how free speech principles apply to their activities, both internally and in relation to groups with conflicting views and agendas.

Students should be challenged to interrogate what this means to ensure their safety, recognizing that there are significant differences between discomfort and danger (that is, between behaviors that make individuals uncomfortable, those that undermine the learning environment, and those that threaten physical safety). Faculty and staff should be encouraged to model such engagement for and with students to illustrate how to disagree on topics in a respectful and civil manner.

Faculty should come together in partnership across the schools at GW to design and offer a course or series of related courses on “*Engaging Free Speech within a Shared Community.*” We envision that this course will broadly address misconceptions about free speech, including the scope and applicability of the First Amendment, competing definitions of academic freedom, the difference between legal and cultural definitions of free speech, and related issues and concerns. Such a course would be a mechanism for further modeling civil and respectful “dialogues across differences.” The logistics of setting up a course should be led by the university faculty, likely initially through the Faculty Senate, which should engage in a process that allows the input of all schools. Both existing and new resources must be marshaled to support this development.

**Recommendation 3: Review of Administration’s Responses to Last Spring’s Protests in Light of [Existing Free Speech Policies](#)<sup>1</sup>**

There should be a review of recent administrative responses - and specifically, the sanctions - to demonstration activity in the spring of 2024 to ascertain if they were consistent with the letter and spirit of GW’s [posted free speech policies](#) at the time of the demonstrations. Such a review could be performed by this Working Group or subsequent incarnations in cooperation with the Faculty Senate. For example, the review committee should consider whether the GW administration’s response to student actions is proportionate or appropriate for the infraction. We recommend that this review look specifically at the use of interim suspensions in the sanction process (and the criteria by which these were decided upon), the decision to request law enforcement involvement on the first day of the encampment (and subsequently), the closure of university spaces (Kogan, University Yard) for an extended period of time, the university’s involvement with court cases that followed arrests, including the inclusion of stay-away orders in the STET agreements, and the sanctions that students received. Reviewers should pay particular attention to whether and how the content of the speech and demonstrations affects the university’s decisions and actions.

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<sup>1</sup> Can be implemented within the 2024-2025 academic year.

#### **Recommendation 4: Preserving Community Members' Ability to Participate in the Full Life of the University<sup>2</sup>**

George Washington University (GW) should commit to responding to nonviolent protests in ways designed to minimize the disruption of all community members' ability to engage in non-prohibited speech. This requires the university to model and articulate what it means to engage in free speech within our shared community, valuing the robust exchange of contentious ideas in ways that foster dialogue and encourage all members of the campus community to speak. We should commit to preserving opportunities for speech, even when speakers engage in civil disobedience or offensive speech, and ensure where possible that those who may have engaged in such actions are still able to participate in the community. For example, this means that:

- Closure of venues should be a last resort, as limited in scope as possible, and maintained only so long as absolutely necessary for community safety.
- Law enforcement should not be asked to respond except in the most dire circumstances, informed by ethical principles that distinguish civil disobedience that is “inconvenient” from that which intolerably disrupts operations or creates an “imminent threat to safety.”<sup>3</sup>
- Discipline should not, where possible, curtail the student's or student group's ability to engage in the full life of the university, including by barring them from participating in or organizing on-campus events.

The university could partially implement this recommendation by hosting public events, reviewing policies, and implementing other separate recommendations from the working group. In addition, the university should, as soon as possible:

- Publicly express this commitment.
- Re-open all venues that had been fenced off or otherwise closed to demonstration activity, as well as ordinary use.
- Communicate to the appropriate Assistant U.S. Attorneys that the University does not favor a stay-away order or other prohibition on campus presence (as a condition for a stay)

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<sup>2</sup> Can be implemented within the 2024-2025 academic year.

<sup>3</sup> Fung, A. (2024, June 1). Campus protests and police force: An ethical framework. Harvard Kennedy School Ash Center for Democratic Governance and Innovation. <https://ash.harvard.edu/articles/campus-protests-and-police-force-an-ethical-framework/>

agreement or otherwise) for any current or former GWU student arrested at the encampment in May 2024, and that the University would favor dropping charges and the removal of any such condition previously agreed to or imposed.

- Revoke any student disciplinary penalty arising from nonviolent protest that barred a student from participating fully in student organizations, community events, and the ordinary life of the university.

### **Recommendation 5: Reforming the GW Student Code of Conduct.**<sup>4</sup>

George Washington University (GW) should more narrowly define the range of sanctions for students that violate the Student Code of Conduct through nonviolent protests and civil disobedience, adopting a less punitive approach that emphasizes proportionality and commitment to transparency. Policies should not simply refer to a list of minimal sanctions and draconian sanctions available to the entire spectrum of infractions but should link particular sanctions to particular levels of infraction in order to provide students and others with meaningful guidance as they deliberate about their actions and speech.

Because civil disobedience is an essential part of a peaceful democratic community with robust speech values, the fact that a protest may violate a rule or law (such as trespass) should not in itself carry the threat of expulsion. GW should be clear that threats and harassment undermine free speech within our shared community. However, it should be equally clear that sanctions that limit a student's future participation in the community will only be used in limited and clearly defined circumstances.

For example, the Student Code of Conduct "seeks to preserve flexibility." It lists "Status" sanctions, such as suspension and expulsion, and "Active" sanctions, such as community engagement, restitution, and reflection. This "flexibility" comes at a substantial cost, leaves the process open to biased or arbitrary sanctioning, and threatens students with the full range of sanctions even for nonviolent civil disobedience. To be sure, protests and other forms of speech are sometimes conducted in ways that are harmful and should be sanctioned on those occasions, but a commitment to "free speech within a shared community" requires a commitment to educate, rather than expel, where possible. The GW Office of Conflict Education and Student

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<sup>4</sup> Can be implemented within the 2024-2025 academic year.

Accountability should explicitly specify the kinds of sanctions that can be imposed when the rules are violated, linking particular sanctions to particular levels of infraction.

Accordingly, policies should clarify that the university will typically respond to nonviolent civil disobedience and offensive speech that is inconsistent with our values with educational sanctions (rather than punitive measures) and will typically be informed by restorative justice principles that harness empathy. Punitive sanctions should be limited to rare circumstances.

### **Recommendation 6: Model Respectful Dialogue in Official Statements**<sup>5</sup>

While we do not wish to constrain the abilities of our university president, nor any other member of the administration, to safeguard the institution's reputation and respond to incidents by exercising the GW's own institutional right to free speech, we believe that our primary obligation should be to promote responsible use of "Free Speech within a Shared Community."

As such, we recommend that the University immediately adopt a policy of exercising 'extreme caution' when condemning speech. Statements from university administrators that attack, single out, or otherwise ostracize members of our community should be used sparingly and only as a last resort. In the (hopefully rare) instances when George Washington University administrators deem it necessary to release a statement that condemns the speech (or protest) activity of members of the community, it should do so in relation to our values and mission, and it should clearly explain the logic behind the condemnation.

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<sup>5</sup> Can be implemented within the 2024-2025 academic year.



**Submitted By:**

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