A. PURPOSE

The purpose of this policy is to articulate Old Dominion University’s commitment to the free and open exchange of ideas by members of the University community, and to support freedom of expression. This policy provides general provisions for orderly campus demonstrations. It is the intent of this policy to ensure that all demonstrations on campus occur in compliance with the law and University policies, and that demonstrations are conducted through the appropriate use of campus services and facilities.

B. AUTHORITY

Code of Virginia Section 23.1-1301, as amended, grants authority to the Board of Visitors to make rules and policies concerning the institution. Section 6.01(a)(6) of the Board of Visitors Bylaws grants authority to the President to implement the policies and procedures of the Board relating to University operations.

C. DEFINITIONS

Amplified Sound – Sound volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting and group chanting are not amplified sound and are not subject to the special rules on amplified sound, but are subject to general rules on disruption.

Campus – Includes the Norfolk Main Campus, Virginia Beach Higher Education Center, Peninsula Higher Education Center and the Tri-cities Higher Education Center.

Demonstration – One or more individuals on campus, expressing one side of a particular viewpoint, with the goal of gaining attention for their stated viewpoint, including but not limited to, rallies, marches and “sit-ins.”

Facilities – Buildings, structures, and parking lots owned or leased by the University.

Freedom of Speech – The right, guaranteed by the First Amendment to the U.S. Constitution, to express beliefs and ideas without unwarranted government restriction.

Grounds – All other property that is owned or leased by the University that is not considered a building, structure or parking lot.
Space – The area inside a facility or defined area of grounds.

Symbolic Speech – A representation of one’s beliefs or messages in the form of non-verbal communication. This type of presentation can be found in venues of political activity in the form of silent rallies, marches, the wearing of apparel such as pins and armbands. Symbolic speech does not include activities “tending to cause violence” as expressly prohibited by Virginia law. These activities include, but are not limited to, the following:

- Burning crosses and other objects on the property of another or public place with intent to intimidate (Virginia Code 18.2-423-18.2-423.01)
- Placing swastika on certain property with intent to intimidate (Virginia Code 18.2-423.1)
- Displaying noose on property of another or public place with intent to intimidate (Virginia Code 18.2-423.2)

Student Organization – An identifiable group of students, as described in Board of Visitors Policy 1530, Code of Student Conduct, that has complied with requirements for registration as set forth by the Office of Leadership & Student Involvement. Included are groups that seek but have not yet been granted recognized status.

D. SCOPE

This policy applies to all employees, students, volunteers, employees of affiliated organizations who are paid through the University, and visitors to the institution. Employees include staff, administrators, faculty, full-time or part-time, and classified or non-classified persons who are paid by the University. Students include all persons admitted to the University who have not completed a program of study for which they were enrolled; student status continues whether or not the University’s programs are in session. Affiliated organizations are separate entities that exist for the benefit of the University through an operating agreement and include the Foundations, the Community Development Corporation, and the Alumni Association. Visitors include vendors and their employees, parents of students, volunteers, guests, uninvited guests and all other persons located on property owned, leased, or otherwise controlled by the University.

E. POLICY STATEMENT

The University affirms the right to examine and discuss all questions of interest and to express opinions publicly and privately. Members of the University community should always be free to support causes by orderly means that do not disrupt the regular and essential operations of the institution.

The University also affirms the right to engage in peaceful, orderly demonstrations within reasonably and impartially applied rules designed by the University. These rules reflect the educational purposes of the University, and are designated to protect the safety of members of the University community and others. The right to demonstrate does not include the right to engage in conduct that disrupts the University's operations or endangers the safety of others. The University may establish rules, therefore, regulating time, place, and manner of such activities and allocating the use of facilities, but these regulations shall not be used as a means of censorship.
F. PROCEDURES

1. To use any space on campus for meetings, gatherings, events or demonstrations, prior approval and a location reservation are required. All members of the University community must adhere to University Policy 3200, Use of Facilities and Grounds. It is expected that University community members adhere to applicable scheduling procedures, whenever practical. Failure to adhere to this procedure may result in disciplinary action and/or affect the ability to reserve space for future events. Students should refer to the Student Organization Handbook for specific guidance.

2. The Dean of Students or designee will talk with the individual(s) seeking to hold a demonstration in an attempt to resolve issues of concern.

3. The Dean of students or designee and ODUPD may also be present during demonstrations to help ensure all participants are afforded a safe forum that is conducive to freedom of speech and expression.

4. ODUPD may be called to assist in instances where demonstrations become unsafe or disruptive. A demonstration is disruptive or unsafe if it includes any activity that:

   a. Threatens the safety of any person.
   b. Denies or unreasonably interferes with the rights of other students, faculty, or staff of the University, including the rights of others to demonstrate.
   c. Occurs in a way that blocks entrances, exits, or passageways from or to any University building or vehicle traffic on or to campus. The approved event must cease in the event of an emergency or building evacuation.
   d. Unreasonably interferes with University operations. This may include, but is not limited to, the following:
      i. Interfering with the instruction, research or administration of the University.
      ii. Denying the use of offices, classrooms or other facilities to students, faculty staff, or visitors of the University.
      iii. Creates a volume of noise that creates a nuisance and unreasonably interferes with the University community from carrying on their normal activities; the use of any amplified sound (e.g., horns, speakers) is specifically prohibited.
   e. Fails to comply with any other University policy or any other lawful directive, including a directive to cease the event.

5. In all events (including but not limited to demonstrations), the University reserves the right to take appropriate measures in compliance with the law to ensure safety and end the disruption as described in 4a.-4e. When disruption occurs, the Dean of Students or designee may first attempt to resolve the situation through dialogue, when possible and appropriate, prior to taking any measures to cease the event.

6. Counter demonstrations will be held to the same standards and will be given the same rights and responsibilities as noted above. In an effort to promote dialogue while upholding safety and order of the University, a separate area may be designated for those persons with views that differ from the views held by the event organizers. In order to ensure the safety of all participants, ODUPD, the Dean of Students or designee may be required to be in attendance.
G. RETENTION

Applicable records must be retained and then destroyed in accordance with the Commonwealth’s Records Retention Schedules.

H. RESPONSIBLE OFFICER

Dean of Students

I. RELATED INFORMATION

Gun & Weapon Regulation
Board of Visitors Policy 1014 – Threat Assessment
Board of Visitors Policy 1502 – Student Rights and Freedoms
University Policy 1005 – Discrimination Policy
POLICY HISTORY

Policy Formulation Committee (PFC) & Responsible Officer Approval to Proceed:

/s/ Donald Stansberry  February 20, 2017
Responsible Officer  Date

Policy Review Committee (PRC) Approval to Proceed:

Chair, Policy Review Committee (PRC)  Date

Executive Policy Review Committee (EPRC) Approval to Proceed:

/s/ Ellen Neufeldt  February 20, 2017
Responsible Oversight Executive  Date

University Counsel Approval to Proceed:

/s/ R. Earl Nance  February 22, 2017
University Counsel  Date

Presidential Approval:

/s/ John R. Broderick  February 27, 2017
President  Date

Policy Revision Dates:  February 27, 2017

Scheduled Review Date:  February 27, 2018