



December 7, 2020

The Honorable Ralph Northam
Governor of Virginia
Post Office Box 1475
Richmond, Virginia 23518

The Honorable L. Louise Lucas
Chair of the Virginia Senate Education and Health Committee
P.O. Box 700
Portsmouth, Virginia 23705

The Honorable Roslyn Tyler
Chair of the House Committee on Education
Virginia House of Delegates
25359 Blue Star Highway
Jarratt, Virginia 23867

Dear Governor Northam, Chairwoman Lucas, and Chairwoman Tyler:

This report is being submitted in compliance with § 23.1-401.1 (D) of the Code of Virginia. This letter/report details Old Dominion University's implementation of § 23.1-401.1 entitled Constitutionally protected speech; policies, materials, and reports; report." This report is also included on the ***Student Freedom of Speech and Activism*** website at <https://www.odu.edu/life/dean-students/free-speech>

During this reporting cycle, we sought the guidance of our University Counsel and FIRE, (Foundation for Individual Rights in Education) in efforts to enhance our policies and practices to support freedom of speech. We are updating our policies based on this year's review schedule, and we have also enhanced our website to include guidance and resource information, as well as conducted various forums that provide a platform for students to express their views on topics involving politics and social justice. Specifically, the following measures have been taken during the most recent reporting period ending December 1, 2020, to adhere to the above-referenced law:

Division of Student Engagement & Enrollment Services
Office of the Vice President

1029 Koch Hall, Norfolk, VA 23529 • Phone: 757/683-6702 • Fax: 757/683-6885 • <http://odu.edu/sees>

Old Dominion University is an equal opportunity, affirmative action institution. Minorities, women, veterans and individuals with disabilities are strongly encouraged to apply.

- Updating the University's Demonstration Policy in to promote rights and resources for students to exercise Freedom of Speech. See current policy here. [1700 University Demonstrations Policy \(Interim Policy\)](#)
- Creating virtual forums for students to discuss issues involving social justice in support of freedom of speech.
- Updating the University's protocol for responding to student protests in a manner that affirms student's freedom of speech.
- Establishing a system for collaborative response through the University's Freedom of Expression Team, (instead of a "bias' reporting system), as it pertains to addressing concerns involving protected forms of expression. This protected expression is often controversial and offends members of the University community. By using an interdisciplinary team response, rather than a "conduct" driven reporting system- we avoid treating any speech (that is actually protected speech) as patently "offensive/biased" and thus warranting disciplinary action. Instead, the University Freedom of Expression Team responds and guides responding in a manner, which protects freedom of speech AND addresses outcomes and impact of that speech through education and outreach of involved parties and community.
- Enhancing the *(Student Freedom of Speech and Activism)*, which describes freedom of speech, refers to related policies and describes the means to report incidents, where freedom of speech has been disrupted. It now provides education on related topics, as well as and resource information.

In Response to Code of Virginia § 23.1-401.1 (D) 1

For University policies as described in § 23.1-401.1 (B), please refer to the following websites:

- [Gun & Weapon Regulation](#)
- [Board of Visitors Policy 1014 -Threat Assessment](#)
- [Board of Visitors Policy 1403 - Academic Freedom](#)
- [Board of Visitors Policy 1502 - Student Rights and Freedoms](#)
- [Board of Visitors Policy 1530- Code of Student Conduct](#)
- [University Policy 1005 -Discrimination Policy](#)
- [1008 Policy on Title IX \(Interim Policy\)](#)
- [University Policy 3200 -Use of Facilities and Grounds](#)
- [Event Management Policies and Protocol](#)
- [1700 University Demonstrations Policy \(Interim Policy\)](#)
- [Student Organization Handbook](#) , (includes procedure for students for reserving space and planning events)

- [Board of Visitors Policy 1011- Freedom of Expression](#)

As previously stated, we are employing the guidance from Counsel and FIRE, as we continue to review and update policies. We anticipate updating to be complete by the end of this upcoming reporting period (December 2020-November 2021). For access to materials on above policies as described in § 23.1-401.1 (C), please refer to the following websites.

- University Faculty Handbook <http://ww2.odu.edu/ao/facultyhandbook/facultyhandbook.pdf>.
- As previously stated, the *Student Freedom of Speech and Activism* Website at <https://www.odu.edu/life/dean-students/free-speech>, identifies related policies, as well as the Dean of Students as the point of contact for reporting incidents of disruption.

In Response to Code of Virginia § 23.1-401.1 (D) 2

Please find attached certification of compliance with § 23.1-401.1 (C).

In Response to Code of Virginia § 23.1-401.1 (D) 3

There have been no complaints filed to initiate a lawsuit against Old Dominion University or an employee of the institution, for an alleged violation of the First Amendment.

I appreciate your acceptance and review of this report. I am also providing a hard copy of this document, along with a copy of the policies cited. Should you need additional information, please do not hesitate to contact me at 757-683-6702.

Sincerely Yours,

A handwritten signature in black ink that reads "Traci Daniels". The signature is written in a cursive, flowing style.

Traci Daniels, Special Assistant to the Vice President
Division of Student Engagement & Enrollment Services

Certification of § 23.1-401.1 Constitutionally protected speech; policies, materials and reports; report

I hereby acknowledge that Old Dominion University is in compliance with Section C:

“Each public institution of higher education shall develop materials on the policies established pursuant to subsection B and notify any employee who is responsible for the discipline or education of enrolled students of such materials.”



Dr. Don Stansberry, Vice President
Division of Student Engagement & Enrollment Services

December 9, 2020

(Date)