



November 24, 2021

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 have reviewed policies to be updated based on the University policy review schedule. This year, we promoted our freedom of expression resource website to inform our student body. During this fall semester, the University hosted a speaker to discuss (in part) First Amendment protections in the context of FBI investigations. Students were also provided information and resources regarding freedom of speech as we continue to promote the use of our freedom of expression website. We have begun providing follow-up education

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

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

to our student leaders so that we may engage them in educating their peers, while also addressing their questions, ideas and/or concerns about this topic. We continue to provide platforms 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, 2021, to adhere to the above-referenced law:

- Updated the website (***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.
- Updated the University's Demonstration Policy in order to promote rights and resources for students to exercise Freedom of Speech. **This policy is scheduled for final review and approval to become a permanent policy this academic year 2021-2022.**
- Hosted a Constitutional Day talk- "In Defense of the Constitution-The FBI Response to the Attack of the Capital," with Special Agent Scott Buchner of the FBI Field Office in Norfolk, VA. The presentation provided insights to attendees as to how the FBI works domestic terrorism investigations, what the FBI is authorized to investigate and not, due due to First Amendment protections, even if the message from the individual or group is offensive.
- Provided all students (including first-year students as follow-up to their on-boarding/orientation) with the video (along with a link to the freedom of expression resource website) that explains freedom of expression. This information was also provided to University faculty leadership and faculty student organization advisors.
- Participating in a study conducted by a higher-education peer institution in North Carolina. This study is a review of how various institutions address "bias" related incidents. Old Dominion University has 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. The University Freedom of Expression Team supports 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. This team also consults with the University's law enforcement and officials responsible for determining whether expression needs to be addressed via the University's discrimination policy or Title IX sexual harassment policy-for compliance purposes. For more information about

the Freedom of Expression Team, please refer to this website:

<https://www.odu.edu/sees/free-speech/team>.

In Response to Code of Virginia § 23.1-401.1 B and C

In addition to the above-described educational efforts, the University uses websites so that the University community (including students) have access to current policy.

- University Faculty Handbook <https://www.odu.edu/content/dam/odu/offices/human-resources/docs/faculty-handbook.pdf> . The faculty handbook includes the following policies that are also cited below:
 - Statement on Freedom of Expression (p.117)
 - Policy on Title IX – Sexual Harassment and Sex or Gender-Based Discrimination (Interim Policy) (p. 150)
 - Discrimination Policy (p. 151)
 - Use of Facilities and Grounds (p. Gun & Weapon Regulation (p.264)
 - Threat Assessment (p.272)
 - University Demonstrations Policy (Interim Policy) (p.274)
- 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 resources pertaining to free speech. The website also identifies the Special Assistant to the Vice President for Student Engagement & Enrollment Services as the point of contact for reporting incidents or concerns involving the disruption of such constitutionally protected speech.

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 - Sexual Harassment and Sex or Gender-Based Discrimination (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

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 cursive script that reads "Traci Daniels".

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

11/24/2021

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Attachment A

Gun & Weapon Regulation

Project 3048 - none

OLD DOMINION UNIVERSITY

Gun & Weapon Regulation

CHAPTER 10

WEAPONS ON CAMPUS

8VAC65-10-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Police officer" means law-enforcement officials appointed pursuant to Article 3 (§ 15.2-1609 et seq.) of Chapter 16 and Chapter 17 (§ 15.2-1700 et seq.) of Title 15.2, Chapter 17 (§ 23-232 et seq.) of Title 23, Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, or Chapter 1 (§ 52-1 et seq.) of Title 52 of the Code of Virginia or sworn federal law-enforcement officers.

"University property" means any property owned, leased, or controlled by Old Dominion University.

"Weapon" means (i) firearms; (ii) knives, machetes, straight razors, spring sticks, metal knucks, or blackjacks; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration having at least two points or pointed blades, that is designed to

be thrown or propelled and that may be known as a throwing star or oriental dart; and (v) any electrical conduction weapon including tasers. "Weapon" does not mean knives used for domestic purposes, pen or folding knives with blades less than three inches in length, or box cutters and utility knives kept or carried for use in accordance with the purpose intended by the original seller.

8VAC65-10-20. Possession of weapons prohibited.

Possession or carrying of any weapon by any person, except a police officer, is prohibited on university property in academic buildings, administrative office buildings, student residence buildings, or dining facilities, or while attending sporting, entertainment, or educational events. Entry upon the university property described in this section in violation of this chapter is expressly forbidden.

8VAC65-10-30. Person lawfully in charge.

In addition to individuals authorized by university policy, Old Dominion University police officers are lawfully in charge for the purposes of forbidding entry upon or remaining upon university property while possessing or carrying weapons in violation of this chapter.

Attachment B

Board of Visitors Policy 1014 – Threat Assessment

NUMBER: 1014

TITLE: Threat Assessment

APPROVED: September 17, 2009; Revised June 13, 2013

- A. PURPOSE: Old Dominion University is committed to preserving an environment that enables community members to reach their fullest potential. In responding to behaviors of concern, we aspire to protect, as much as possible, the health, safety and welfare of the University community from violence.
- B. AUTHORITY: Virginia Code § 23-9.2:10
- C. THE TEAM includes the following:
1. Chief of Police
 2. Designee(s) of the Provost & Vice President for Academic Affairs
 3. Designee(s) of the Vice President for Student Engagement & Enrollment Services
 4. Designee of the Vice President for Human Resources
 5. Director of Student Conduct & Academic Integrity
 6. Director of Counseling Services
 7. University Counsel or designee (*ex officio*)

In addition, other individuals may be consulted as needed

The President shall appoint the chair and the chair shall serve at the will of the President

- D. SCOPE: "Behaviors of Concern" include actions and communications that cause concern among community members where the actor may be planning or preparing to carry out an act of violence that places an individual or group at risk of serious harm. Warning signs of impending violence may include, but are not limited to, the following: verbal threats; written threats; homicidal/suicidal ideation or behaviors; and disturbing writings, drawings, self-produced videos or Internet communications containing violent fantasy content. Other indicators that should raise concern about potential violence include an actor's ideas or plans about injuring him/herself or attacking an institution or its members; communications or writings that suggest the person has an unusual or worrisome interest in school attacks; comments that express or imply the person is considering mounting an attack at an institution; recent weapon-seeking behavior, especially if weapon-seeking is linked to ideas about attack or expressions about interest in attack; communications or writings suggesting the person condones or is considering violence to redress a grievance or solve a problem; and rehearsals of attacks or ambushes.
- E. REPORTS OF BEHAVIORS OF CONCERN: All behaviors of concern should be reported to a member of the Team or may be directed to the Old Dominion University Police. **In**

cases of imminent emergency, always contact the Old Dominion University Police Department.

All concerns and complaints must and will be taken seriously and will be reviewed. The TEAM understands that, at times, members of the community will come to the attention of the TEAM when little or no need exists for further assessment or case management.

1. Any person may make a report of a concern to any member of the Team or anonymously through the Silent Witness Form. Reports submitted anonymously will be investigated as thoroughly as possible.
2. Any person who believes he/she may become or is a victim of violence (domestic or other) should immediately notify their supervisor if the person is a member of the faculty, staff, or otherwise a University employee. If the person is a student, that person should contact the Office of Student Engagement & Enrollment Services. If a protective order exists, a copy of the order should accompany the notification.
3. Persons who report a behavior of concern and persons who assist in the investigation and disposition of such reports shall not be subject to harassment, interference, intimidation, or retaliation. It shall be a violation of University policy to submit a deliberately false or misleading report to the Police or to the Team, or to knowingly or intentionally provide information one knows, or should know, to be false as part of a Team investigation. If a student, faculty member, employee or visitor is discovered to have provided information in violation of this policy, appropriate disciplinary action will be taken.

F. THE RESPONSIBILITIES OF THE TEAM:

1. Educating the campus community to identify and report threats and other behaviors of concern;
2. Evaluating the risk of targeted violence posed by an individual or group reported to the Team;
3. Evaluating the risk of self harm;
4. Recommending an appropriate response congruent with the investigation and risk assessment, including victim assistance, referrals to appropriate University officials, mental health professionals and/or law enforcement agencies;
5. Consulting with University community members who have concerns about the safety or well-being of students, faculty or staff members of Old Dominion University;
6. Creating, revising, or recommending policies, procedures and protocols that advance campus safety and/or threat assessment team functions; and

7. Providing recommended action for those who exhibit behaviors of concern.
 - a. Any recommendations made by the Team shall be forwarded to the University official having general charge or supervision over the person of concern.
 - b. In the event an investigation necessitates institutional administrative action to condition or to terminate an individual's continued enrollment, residence, employment or other participation in University affairs, such actions will be undertaken pursuant to those policies that are appropriate for such purposes in light of the individual's student, employment, visitor or volunteer status.

Attachment C

Board of Visitors Policy 1403 – Academic Freedom

NUMBER: 1403

TITLE: Academic Freedom

APPROVED: September 22, 1994

The University subscribes to the following 1940 statement on academic freedom of the American Association of University Professors, which has been endorsed by nearly all important national organizations of higher education.

- (a) Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
- (b) Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.
- (c) College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all time be accurate, should exercise appropriate restraint, should show respect for the opinion of others, and should make every effort to indicate that they are not speaking for the institution.

Attachment D

Board of Visitors Policy 1502 – Student Rights and Freedoms

NUMBER: 1502

TITLE: Student Rights and Freedoms

APPROVED: August 12, 1971; Revised April 13, 1978; Revised June 13, 2019

A statement of the rights and freedoms of students in attendance at Old Dominion University is set out in this document. Such rights and freedoms will be recognized by the administration until changed or otherwise modified by the Board of Visitors.

Rights and freedoms should always be exercised within a framework of responsible behavior. They should not be used as a vehicle for division. Rather, they should serve as a point of departure from which administration, faculty, and students can work together to continue the advancement of Old Dominion University as an outstanding institution.

I. Access to Higher Education

A. Admissions

Admission to Old Dominion University is open to all qualified students without regard to race, sex, color, age, religion, national origin, veteran status, sexual orientation, gender identity, political affiliation, or otherwise qualified persons with disabilities.

B. Continuance

Continuance requirements are set by the University. The policies for continuance shall be made clear and orderly procedures shall be established for appeal if extenuating circumstances warrant such action.

II. Academic Affairs

Instructors shall always endeavor to provide opportunities for discussion, inquiry, and expression in an atmosphere conducive to learning. Academic performance shall be evaluated solely on an academic basis.

A. Protection of Freedom of Expression

Students shall be free to take reasoned exception to the material or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study in which they are enrolled.

B. Protection Against Improper Academic Evaluations

Students shall have protection against prejudiced or capricious academic evaluations. Orderly procedures have been established (see "Grade Appeals" section of the Undergraduate or Graduate Catalog) through which students may appeal grades judged to have been given as result of prejudice or caprice. However, students are responsible for maintaining the standards of academic performance established for each course in which they are enrolled.

C. Protection Against Unprofessional Academic Conduct (see Faculty Handbook and AAUP Joint Statement on Rights and Freedoms of Students)

Students shall have protection against the improper and unprofessional conduct of faculty members. Such behavior could include the following:

1. Repeated failure to meet classes
2. Repeated failure to be available for conferences during published office hours
3. Repeated failure to present relevant, in-class materials, and to provide assessment on such materials
4. Discriminatory actions in the classroom against individuals or groups

Orderly procedures have been established through which students may lodge complaints of unprofessional conduct without jeopardizing their grades.

D. Protection Against Improper Disclosure of Personal Information

Information of judgments about a student's views, abilities, or character (information faculty members acquire in the course of their work as instructors, advisors, or counselors) may be discussed by those faculty members only if such discussion is guided by standards of professional obligation. Private or confidential matters brought by a student to the attention of a faculty member should not be disclosed without the prior consent of the student, except where required by law.

III. Student Engagement and Enrollment Services

A. Freedom of Association

1. Students shall be free to organize and join associations that promote common interests.
2. Affiliations with external or national organizations shall not of themselves disqualify student organizations from institutional recognition.

3. Honorary and professional organizations may restrict their membership on the basis of clearly established and published criteria that have been approved by the University as part of the recognition process.
4. The facilities and services of the institution shall be open to all enrolled students through established procedures and used in accordance with University Policies 3200, "Use of Facilities and Grounds," and 1700, "University Demonstrations Policy."

B. Freedom of Inquiry and Expression

1. Students and student organizations shall be free to examine and discuss all questions of interest to them and to express opinions privately and publicly. They should always be free to support causes by orderly means that do not disrupt the regular and essential operations of the institution.
2. In their discussion of issues and expressions of opinions, students shall be free from duress, coercion, attempts to intimidate, or attempts to otherwise persuade by use of force.
3. Institutional control of campus facilities shall not be used as a device of censorship, but student organizations will be required to adhere to University Policy 3200, "Use of Facilities and Grounds."
4. The university shall not tolerate actions by individuals or groups that seek to restrict the exercise of the rights just described in sections 1 through 3. In accordance with Code of Virginia Section 23.1-401.1, members of the campus community cannot obstruct speakers and presenters. While students and members of the university community cannot disrupt a speaker or free speech, they can assemble to express alternate points of view (see University Policy 1700, "University Demonstrations Policy.")

C. Student Media

1. Student media shall be free of censorship and advance approval of copy.
2. All student publications published and financed by the university shall explicitly state that the opinions expressed therein are not necessarily those of the university or the student body.
3. Students shall be free to publish, distribute, and, in accordance with university regulations, post literature on campus.

E. Financing of Student Organizations

After considering student recommendations, the university shall establish orderly procedures for financing student activities. These procedures and the criteria for funding recognized student organizations will be publicized and uniformly observed. The budget for student activities shall annually be made available to the student body.

Attachment E

Board of Visitors Policy 1530 – Code of Student Conduct

NUMBER: 1530

TITLE: Code of Student Conduct

APPROVED: August 27, 1970; Revised April 5, 1979; Revised April 6, 1984; Revised February 14, 1985; Revised February 12, 1987; Revised December 8, 1994; Revised June 20, 1996; Revised June 18, 1998; Revised June 17, 1999; Revised September 14, 2000; Revised June 16, 2001; Revised December 10, 2004; Revised April 7, 2006; Revised June 13, 2008; Revised June 17, 2010; Revised September 15, 2011; Revised June 14, 2012; Revised December 3, 2015

I. BASIS AND RATIONALE FOR A CODE OF STUDENT CONDUCT

Old Dominion University ("the University") is committed to fostering an environment that is: safe and secure; inclusive; and conducive to academic inquiry, student engagement and student success. A community exists on the basis of shared values and principles. At Old Dominion University, student members of the community are expected to uphold and abide by standards of conduct that form the basis of the Code of Student Conduct ("the Code"). These standards are embodied within a set of core values that include *integrity, fairness, respect, community, and responsibility*. When student members of the community fail to exemplify these values, student conduct proceedings are used to assert and uphold the Code. All students are expected to assume responsibility for their conduct, and to assume reasonable responsibility for the behavior of others. The student conduct process exists to protect the interests of the community, and to educate and respond to those students whose behavior is not in accordance with our standards.

II. OBJECTIVES OF THE STUDENT CONDUCT SYSTEM

1. Create an environment that provides the best opportunity for academic inquiry and learning;
2. Assure students a fundamentally fair opportunity to resolve allegations when they have been accused of violating the Code;
3. To protect members of the University community from harm resulting from the misconduct of the few students who fail to respect the rights of others; and
4. To help ensure order in the University community.

III. AUTHORITY

Old Dominion University is governed by its Board of Visitors and supported by the Commonwealth of Virginia. The Board is specifically authorized to establish rules and regulations for the conduct of students in accordance with Code of Virginia Section 23-9.2:3, as amended.

IV. DEFINITIONS

When used in this Code:

- A. *Director of Student Conduct & Academic Integrity* (hereafter "Director") means the University Official with primary responsibility for the administration of the student conduct system as outlined in this document. This official may delegate all or part of this responsibility to such other persons as she/he deems appropriate, and may take any action deemed necessary to

ensure fundamental fairness consistent with this Code. In the event there is no Director, the Vice President for Student Engagement & Enrollment Services will designate a University Official to oversee this responsibility.

- B. *University Official* means any person given authority by the University to perform administrative or professional responsibilities, including, but not limited to: University police officers, resident/community assistants, graduate/teaching assistants, administrative support staff, and custodial and groundskeeping staff. For the purposes of this Code, the term "University Official" is inclusive of "Faculty Member" as defined in IV.D.
- C. *Student* means a person who (1) has been admitted to the University and (2) has not completed a program of study for which she/he was enrolled. Student status continues whether or not the University's academic programs are in session. For the purposes of pursuing alleged violations of this Code, each student will be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end (even if the student's conduct is not discovered until after a degree is awarded).
- D. *Faculty Member* means any person employed by the University to conduct classroom, lab, or teaching activities, including practica/internships.
- E. *Academic Exercise* means all forms of work (oral, written, electronic, or otherwise) submitted for credit, grading, continuance, graduation, honors, awards, scholarships, or recognition at the University as well as materials submitted to other institutions, associations, or organizations for evaluation (including evaluation for awards or scholarships) or for publication. The term "Academic Exercise" does not include "Misconduct in Scientific Research and Other Scholarly Activity" as defined in BOV 1426: Policy, Procedures and Timeline for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity. Students found to be responsible for violating BOV 1426 may be referred to the Office of Student Conduct & Academic Integrity for application of sanctions under this Code.
- F. *Respondent* means any student or student organization accused of violating the Code.
- G. *Complainant* means any person alleging a violation of the Code (or a proxy for that person).
- H. *Student Organization* means an identifiable group of students who have complied with requirements for registration as set forth by the Office of Student Activities & Leadership. Included are groups that seek, but have not yet been granted, recognized status.
- I. *Conduct Officer* means the University Official or Officials assigned by the Director to facilitate conduct conferences or hearings as described in this Code.
- J. *Academic Integrity Council* means a panel authorized to hear alleged academic integrity violations contained in this Code.
- K. *University premises* means all land, buildings, facilities, and other property in the possession of or owned, used, rented or controlled by the University.

- L. *University activity* means any activity on or off University premises that is initiated, aided, authorized, sponsored or supervised by the University.
- M. *University community* includes any person who is a student, faculty member, staff member, University Official, or any other person employed by the University.
- N. *Possession* is determined by control over an object with or without regard to ownership. For the purposes of this Code, an object is determined to be possessed by a student when it is located in a place where the student has a reasonable degree of control, such as an assigned space or common area of a suite-style apartment in which the student resides.
- O. *Amnesty* means granting an exemption from resolution via a conduct conference or hearing as described in XII.C, or any sanctions that may result, in cases involving underage drinking or drug use reported in accordance with Sections VIII. F and/or G. Amnesty will only be available for violations related to the use of alcohol or drugs in violation of the Code and will not normally be applied for other Code violations. Students granted amnesty may be required to participate in educational activities or meet other conditions in order to bypass application of sanctions and creation of a student conduct record. Amnesty granted in accordance with this Code does not prevent any independent action that may be taken by any law enforcement agency, including University police.
- P. *Business day* means any weekday the University is open, regardless of whether classes are in session.

V. STANDARDS OF CLASSROOM BEHAVIOR

The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. Longer separations from a class must be preceded by a conduct conference or hearing as outlined in Section XII.C. Faculty who encounter disruptive classroom behavior are encouraged to follow the procedures outlined in the Guidelines and Policy on Dealing with Disruptive Students published in the Faculty Handbook. A student dismissed from class may be required to meet with a Department Chair, Program Director, the faculty member or the Director of Student Conduct & Academic Integrity, or designee, before the student is permitted to return to the class from which the student was directed to leave.

VI. APPLICABILITY OF THE CODE OF STUDENT CONDUCT

The Code may be applied to conduct that takes place whenever a person has a continuing relationship with the University as a student. Students who withdraw from the University after allegedly violating the Code will still be considered “students” for the purposes of pursuing alleged violations. A student-initiated withdrawal from the University may delay resolution of a referral only when felony criminal charges are pending as described in Section VII.A.

- A. **Visitors and Guests:** the Code applies to all guests and visitors of students, meaning a student may be held accountable for the misconduct of their guest(s)/visitor(s). Visitors to and guests of the University are also protected by the Code and may initiate referrals for violations of the Code allegedly committed by students against them.

B. Time Limitations: the University reserves the right to extend its jurisdiction to misconduct that occurs prior to, but is not reported until after, the graduation of a student as long as the misconduct is reported within 6 months of its discovery. Otherwise, there is no time limit on reporting of violations, as long as the student has a continuing relationship with the University. However, the longer someone waits to report a suspected violation, the harder it becomes for the University to obtain information and witness statements, and to make a determination regarding alleged violations. Those who are aware of misconduct are encouraged to report it promptly to the Office of Student Conduct & Academic Integrity and/or University Police.

C. Location of Violation: Because the Code is based on shared values, it sets a range of expectations for University students and student organizations no matter where or when their conduct may take place. Therefore, the Code will apply to behaviors that take place on University premises and at University-activities. The Code may also apply to conduct occurring off University premises when the Director, or designee, determines that the conduct affects a substantial University interest.

A substantial University interest is any factor that adversely affects the University's mission and may include, but is not limited to, the following:

1. Any action that could constitute a criminal offense. This includes violations of any local, state or federal law, or ordinance committed in the City of Norfolk. Most felony offenses, especially those relating to any form of violence; burglary; robbery; or drug possession, use, or distribution will be considered to affect a substantial University interest.
2. Any situation where it appears that the student or student organization may present a danger or threat to the health or safety of the University community.
3. Any situation that significantly infringes upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder.

D. Student Athletes: All students are subject to the provisions of this Code, including students who participate in varsity intercollegiate athletics. As an NCAA member institution, these students must also comply with all applicable rules and regulations of the NCAA and Conference partners in the conduct of its intercollegiate athletics program, as published in the University Student Athlete Handbook. If a student athlete is charged with an NCAA violation that also involves a violation of this Code, sanctions may be imposed by both the Athletic Director and Office of Student Conduct & Academic Integrity. Incidents regarding the enforcement of this Code provision will be reported annually to the Board of Visitors, in accordance with the *Code of Virginia 23-2.5*.

E. Student Organizations: The Code applies both to the conduct of individual students as well as recognized student organizations. The following criteria will be utilized when determining whether conduct might reasonably be associated with a student organization. Specifically, the conduct (which may be an act of commission or an act of omission) must involve one or more members of a student organization. Members may be general members, officers, or new/associate members. Additionally, the conduct must meet one or more of the following criteria:

1. The conduct is sanctioned by the student organization and/or any of its officers ("sanctioned by" may include, but is not limited to, the following: active or passive consent or encouragement; having prior knowledge that the conduct was likely to occur; or helping to plan, advertise, or promote the conduct); or
2. The conduct is committed during the course of an activity financed by the organization, or financed as a result of one or more members of the student organization contributing personal funds in support of the activity or conduct in question; or
3. The conduct occurred on property owned, controlled, rented, leased, or used by the organization or any of its members; or
4. The purpose of the activity was related to initiation, admission into, affiliation with, or as a condition for continued membership in the student organization; or
5. Non-members of the student organization learned of the activity through members, advertisements, or communications associated with the student organization, or otherwise formed a reasonable belief that the conduct or activity was affiliated with or sanctioned by the student organization; or
6. Members of the student organization attempted to conceal the activity or protect other members who were involved; or
7. One or more officer(s) of the organization had prior knowledge or reasonably should have known that the incident would take place.

At the discretion of the Director, student organization violations may be processed by the appropriate self-governing bodies provided they have received adequate training from the Office of Student Conduct & Academic Integrity. Any such bodies will follow the same procedures and guidelines outlined in this Code and will convene with a Chairperson appointed by the Director.

- F. Decisions of the Faculty:** The Code does not cover decisions made by the faculty in any academic program, department, or professional school as to the character or professional disposition required of a student for the purposes of awarding a degree or certificate, for continuation as a candidate for such degree or certificate, for eligibility to maintain an assistantship, or any other activity typically within the purview of the faculty. Therefore, such decisions are not subject to review within the procedures established in the Code unless specifically stated within the Code.

VII. VIOLATIONS OF LAW

The student conduct process is different from criminal proceedings. Therefore, when a student is arrested, charged, indicted for, or found guilty of a crime, the University may take action against that student when the conduct occurs on University premises, at University-activities, or off University premises when the conduct affects a substantial University interest. Proceedings under this Code may be carried out prior to, concurrently with, or following criminal proceedings. Determinations made or sanctions imposed under this Code will not be subject to change because criminal charges arising out of the same set of facts were dismissed, reduced, or resolved in favor of

or against the criminal law defendant. When criminal charges are pending, the University may not be able to conduct its own investigation, and/or hold a student conduct hearing. In such cases, the University may delay its hearing until it can obtain sufficient information upon which to proceed. Nothing in this paragraph should be regarded as limiting the authority of the University to impose an interim suspension, or determine what level of information is sufficient to proceed with a complaint.

A. Withdrawal Due to Pending Felony. It may be in the best interests of students accused of a felony to withdraw from the University until the criminal charges are resolved. The University has an existing procedure for voluntary administrative withdrawals that may be applied, with the following conditions:

1. During the withdrawal, the student may not be present on University premises or attend University-activities.
2. The student may not register for or attend any classes, including course offerings through Distance Learning.
3. A hold will be placed on the student's registration, graduation, and/or transcripts.

The student must agree that in order to be eligible to reenroll at the University, they must first be subject to and fully cooperative with a campus investigation (if conducted) and hearing, and must comply first with sanctions, if assigned, that are administered arising from a hearing. Readmission to a specific college or academic degree program is subject to that college or program's approval.

Students prepared to meet these conditions may submit a written request to the Director seeking a voluntary withdrawal due to a pending felony. If the request is approved, the Director will forward the request for a withdrawal to the Director of Student Ombudsperson Services who will notify faculty of the withdrawal. A student who is granted a voluntary administrative withdrawal while felony criminal charges are pending will follow the same procedures and will be subject to the same conditions as outlined in the Administrative Withdrawal from the University policy as published in the Undergraduate and Graduate Catalogs, except as outlined in this section.

VIII. GENERAL PROVISIONS

- A. Attempted Violations:** The University will treat attempts to commit any of the violations listed in this Code as if those attempts had been completed.
- B. University as Complainant:** As necessary, the University reserves the right to initiate a complaint, to serve as complainant, appoint a proxy complainant, and/or to initiate conduct proceedings without a formal complaint by the alleged victim of misconduct.
- C. Placement of Holds:** A hold may be applied to prevent course registration and/or graduation when: the student has failed to complete sanctions by assigned deadlines; the student is suspended or expelled from the University; the student is not presently enrolled and a conduct conference or hearing is pending; or the student has a pending conduct case that must be resolved prior to graduation.

- D. False Reports:** The University will not tolerate intentional false reporting of incidents. It is a violation of the Code to make an intentionally false report of any policy violation.
- E. Being In the Presence of Code Violations:** A student in the presence of others where a violation of this Code occurs may risk being referred through the student conduct process. However, being in the presence of others violating the Code is not in and of itself a violation, absent other factors that may support a violation.
- F. Amnesty for Victims/Complainants:** The University encourages the reporting of Code violations and crimes by victims. Sometimes, victims are hesitant to report to University Officials because they fear that they may personally face sanctions due to policy violations involving underage drinking or drug use at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to University Officials. To encourage reporting, the University has a policy of giving such victims amnesty from policy violations involving underage drinking or drug use at the time of the incident.
- G. Amnesty for Help-Seeking:** The University encourages students to seek medical assistance for those in need, including oneself. Sometimes, students are hesitant to seek medical assistance for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to seek help for another student who is incapacitated due to alcohol or drug use, or who has been the victim of sexual misconduct). The University has a policy of giving amnesty from policy violations involving underage drinking or drug use at the time of help-seeking for students who actively seek medical help for themselves or others, or for students who provide help-seeking assistance to victims.
- H. Notification of Outcomes:** The outcome of a student conduct proceeding is considered part of a respondent's education record and is protected from unauthorized disclosure under the Family Educational Rights and Privacy Act (FERPA). However, the University may release the final results¹ of any conduct conference or hearing, without a respondent's prior consent, in the following circumstances where permitted, or required, by law:
1. Complainants in sexual misconduct, sexual harassment, stalking, intimate partner violence, and other incidents that are gender-based (and therefore governed by Title IX) will be informed of the final results of any complaint, in writing, without condition or limitation, regardless of the outcome of the complaint.
 2. The University will release the final results of any student conduct proceeding to an alleged victim of any crime of violence² or non-forcible sex offense³. All disclosures will occur regardless of the outcome of the complaint and will be made only when requested, in writing, by the alleged victim (or the alleged victim's next of kin if the alleged victim is deceased). Disclosures authorized under this paragraph will occur on the condition that the party to whom information is disclosed will not disclose the information to any other party without the prior consent of the respondent.

¹ Limited to the name of the student, the violation(s) committed, and any sanction(s) imposed.

² A "crime of violence" includes: arson, assault offenses, burglary, robbery, criminal homicide, sex offenses, destruction/damage/vandalism of property and kidnapping/abduction.

³ A "non-forcible sex offense" includes incest and statutory rape.

3. University Officials will be notified of any final resolution that requires their action. In all academic integrity cases, the faculty member will be notified of the final outcome so that an appropriate grade may be assigned.
- I. **Parental Notification:** Old Dominion University reserves the right to notify parents or guardians when a student is found responsible for serious or repeated violations of University policy related to the use or possession of alcohol or a controlled substance as permitted by FERPA. Notification may occur when the student is under the age of 21 at the time of the disclosure to the parents or guardians.
- J. **Defenses:** Students accused of policy violations may try to defend their actions with mitigating explanations, such as prescription drug interactions, self-defense, disabilities, etc. The University's policy on defenses is clear. Defending actions is admitting to a policy violation. "Yes, we fought, but s/he started it." This still means there was a fight, and that violates University standards of behavior. While a defense will not excuse violations of the Code, the legitimacy of a defense will be taken into consideration in assigning sanctions.
- K. **Online Misconduct:** Students are cautioned that they can be subject to the student conduct system for behavior occurring online, such as harassment delivered by email, or acts of bullying or discrimination posted in video form or on gossip sites accessed through University computing resources. Students must also be aware that information posted to blogs, webpages, social networking sites such as Twitter and Facebook, or other online postings are in the public sphere, and are not private. These postings can subject a student to allegations of Code violations, if information supporting the existence of a Code violation is posted online. The University does not regularly monitor online activities, but may take action if and when such information is discovered.

IX. PROHIBITED CONDUCT

- A. Academic Integrity violations, including:
 1. **Cheating:** Using unauthorized assistance, materials, study aids, or other information in any academic exercise (Examples of cheating include, but are not limited to, the following: using unapproved resources or assistance to complete an assignment, paper, project, quiz or exam; collaborating in violation of a faculty member's instructions; and submitting the same, or substantially the same, paper to more than one course for academic credit without first obtaining the approval of faculty).
 2. **Plagiarism:** Using someone else's language, ideas, or other original material without acknowledging its source in any academic exercise. ⁴ Examples of plagiarism include, but are not limited to, the following: submitting a research paper obtained from a commercial research service, the Internet, or from another student as if it were original work; or making simple changes to borrowed materials while leaving the organization,

⁴ In formulating this definition of plagiarism, Old Dominion University has adopted the position of the Council of Writing Program Administrators (WPA) as expressed in *Defining and Avoiding Plagiarism: The WPA Statement on Best Practices*. This statement provides "Ethical writers make every effort to acknowledge sources fully and appropriately in accordance with the contexts and genres of their writing. A student who attempts (even if clumsily) to identify and credit his or her source, but who misuses a specific citation format or incorrectly uses quotation marks or other forms of identifying material taken from other sources, has not plagiarized. Instead, such a student should be considered to have failed to cite and document sources appropriately." Faculty members may consider this misuse of sources when evaluating the student's academic performance.

content, or phraseology intact. Plagiarism also occurs in a group project if one or more of the members of the group does none of the group's work and participates in none of the group's activities, but attempts to take credit for the work of the group.

3. *Fabrication*: Inventing, altering or falsifying any data, citation or information in any academic exercise. Examples of fabrication include, but are not limited to, the following: citation of a primary source which the student actually obtained from a secondary source; or invention or alteration of experimental data without appropriate documentation (such as statistical outliers).
 4. *Facilitation*: Helping another student commit, or attempt to commit, any Academic Integrity violation, or failure to report suspected Academic Integrity violations to a faculty member. An example of facilitation may include circulating course materials when the faculty member has not explicitly authorized their use.
- B. Making, possessing, or using any forged, altered, or falsified document, record, or identification.
 - C. Knowingly furnishing, or causing to be furnished, false information to the University or to a University Official.
 - D. Impersonating any University Official.
 - E. Engaging in conduct that interferes with the legitimate activities of any person or University activity.
 - F. Classroom disruption, defined as any behavior that substantially interferes with the conduct of a class. Examples may include, but are not limited to, the following: persistent late arrivals or leaving early in a manner that disrupts the regular flow of the class; talking while the instructor is talking; speaking in class without first obtaining recognition and permission to speak; use of electronic equipment such as cell phones, computers, MP3 players, etc. in a manner that disrupts the class; or becoming belligerent or verbally abusive when confronted as a result of his/her inappropriate behavior.
 - G. Intentionally or recklessly causing physical harm to any person.
 - H. Intimidation, defined as implied or articulated threats or acts that cause a reasonable person to fear harm.
 - I. Holding or transporting another person against their will, or otherwise unreasonably impeding a person's ability to exit any property.
 - J. Conduct that threatens or endangers the health or safety of any person.
 - K. Unauthorized creation, use, maintenance, display or transfer of any recording (audio, video, digital, pictorial, etc.) taken without another person's knowledge and effective consent and used, maintained, displayed or transferred without the person's express permission.
 - L. Indecent exposure, defined as the exposure of the private or intimate parts of the body, in a lewd manner when the student may be readily observed.
 - M. Improper use or possession of alcohol or other controlled substances, including:
 1. The unlawful use or possession of alcohol;
 2. The unlawful furnishing, distribution, or manufacturing of alcohol;
 3. The use or possession of marijuana⁵;
 4. The possession of drug paraphernalia;
 5. The unlawful use or possession of narcotics, controlled substances, or other illegal drugs; and

⁵ Federal law, including the Drug Free Schools and Communities Act, continues to prohibit marijuana; therefore, the use and/or possession of marijuana, (e.g., medical or recreational) is prohibited on University premises and at University activities even if in compliance with state law.

6. Cultivating, growing, manufacturing, distributing, selling, or possessing with the intent to distribute any illegal or controlled substance.
- N. Destroying, damaging, possessing, or taking the property of the University or the personal property of another without permission (including the knowing possession of stolen property).
- O. Unauthorized access, use, or misuse of University facility, property, or service.
- P. Violation of any University policy approved by the Board of Visitors or the President.
- Q. Violation of any conduct policy published in the *Housing & Residence Life Policies and Procedures Manual*.
- R. Unauthorized download, creation, sale, transfer, access, reproduction or distribution of: copyrighted material or patented inventions, including but not limited to audio materials, video materials, or research materials; or of any course materials, whether copyrighted or not, distributed by the faculty member (such as the faculty member's notes or PowerPoint presentations, handouts, tests, outlines, and similar materials).
- S. Unauthorized or inappropriate usage of information technology resources as prohibited by *University Policy 3500: Policy on the Use of Computing Resources*.
- T. Failure to comply with directions of University officials or other law enforcement officers during the performance of their duties and/or failure to accurately identify oneself to these persons when requested to do so.
- U. Carrying or maintaining firearms, weapons, or related devices in violation of *BOV 1013: Firearms, Weapons, and Certain Related Devices*.
- V. Initiating, or causing to be initiated, any report or warning of fire, explosion, or other emergency known to be false.
- W. Violation of state, local, or campus fire policies, including:
 1. Failure to evacuate a University-owned building during a fire alarm;
 2. Improper use or possession of University fire safety equipment;
 3. Tampering with or improperly engaging a fire alarm, smoke detector or sprinkler head in a University building;
 4. Intentionally or recklessly causing a fire which damages University or personal property, or which causes injury to any member of the University community.
- X. Violations of federal, state or local laws or ordinances which affect a substantial University interest.
- Y. Smoking inside any University facility, or within 20 feet of the entrance to any University facility, as prohibited in *University Policy 3220: Smoking Policy*.
- Z. Sexual misconduct, including non-consensual sexual activity and/or sexual exploitation as defined in *University Policy 1005: Discrimination Policy*.
- AA. Stalking, as defined in *University Policy 1005: Discrimination Policy*.
- BB. Abuse of the student conduct system, including:
 1. Falsifying, distorting, or misrepresenting information presented to any Conduct Officer or panel;
 2. Failure to provide, destroying or hiding information during any investigation of an alleged policy violation, or otherwise impeding or obstructing an investigation of suspected Code violations;
 3. Attempting to discourage or impede an individual's proper participation in, or use of, the student conduct system;
 4. Harassment (verbal or physical) and/or intimidation of a Conduct Officer or panel member prior to, during, and/or after any conduct conference or hearing;
 5. Disrupting or otherwise interfering with any conduct conference or hearing;
 6. Failure to comply with instructions provided during any conduct meeting or hearing;

- 7. Failure to comply with the terms of any facilitated conflict resolution process, including a mediated agreement;
- 8. Failure to complete any sanction by an assigned deadline;
- 9. Influencing or attempting to influence another person to commit an abuse of the student conduct system.
- CC. Helping any student violate, or attempt to violate, the Code.
- DD. Retaliation.
- EE. The unreasonable use or taking of complimentary materials and/or supplies provided for the benefit or consumption of the University community.

X. VIOLATIONS OF HOUSING & RESIDENCE LIFE CONDUCT POLICIES

This Code applies to all students, including those students who live in or visit residence halls and apartment communities that are owned or controlled by the University. Misconduct occurring in University owned or controlled residence halls or apartment communities will typically be addressed by Conduct Officers in Housing and Residential Life regardless of where individual respondents live unless the nature of the offense or the cumulative conduct record of the respondent will result in a review for suspension or dismissal. In suspension and expulsion-level cases, the Director, or designee, will assign a Conduct Officer.

XI. SANCTIONS

The following sanctions may be applied to any student or, where applicable, student organization:

A. Reprimand

A reprimand is an official written notice that the respondent is in violation of the Code. Subsequent violations of the Code will normally be met with more severe sanctions, including conduct probation.

B. Conduct Probation

Conduct probation is a period of fixed duration during which the fitness of a respondent to continue at the University is evaluated. A student or student organization placed on probation is not considered to be in good conduct standing with the University. Subsequent violations which occur during the probationary period will normally result in a review for suspension or expulsion from the University.

C. Educational or Restorative Measures

Educational or restorative measures may include, but are not limited to, the following:

- Active or passive sanctions, such as research or reflection papers, projects, meetings, or attending or organizing appropriate educational activities;
- A specified number of community restitution hours in which a student or student organization must perform service to a designated community;
- Participation in classes, assessments, counseling, programs, modules, or workshops.

D. Loss of Privileges

Loss of privileges includes denial or restriction of privileges for a designated period of time. Loss of privileges may include, but are not limited to, the following:

- Restriction or exclusion from University premises or University activities, or from hosting visitors or guests on University premises.

- Withdrawal or transfer from a course in which the student is currently enrolled (tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog).

E. Restitution to the University

Restitution may include reasonable compensation for loss or damage to University property, funds or premises.

F. Termination of the Housing Agreement

Termination of the Housing Agreement occurs when the student's current (and/or future) Housing Agreement is cancelled or revoked for violating this Code. When a Housing Agreement is terminated, the student will remain financially responsible for the entire cost of the agreement period for the assigned building.

G. Suspension of Student Organization Status

Student organizations may have their status as a student organization suspended on a temporary or permanent basis. An organization whose status is suspended is no longer eligible to receive benefits normally afforded to student organizations including, but not limited to, the ability to utilize University facilities or funds to support any student organization related activity. A deferment of suspension may be granted if the organization complies with certain conditions. A suspended organization must comply with any conditions imposed as well as any reactivation or recognition privileges in effect at the time the suspension is set to expire.

H. Conduct Suspension

Conduct suspension is the separation of a student from the University for a pre-determined period of time, normally no less than 1 semester and not more than 2 years. Suspension may include satisfaction of conditions for re-enrollment in the University as established by a Conduct Officer or panel. Reenrollment in a specific College or academic degree program is subject to that College or program's approval. During a suspension, the suspended student is not permitted on University premises or at University activities without express permission from the Director. A registration hold is placed on the student during the suspension. In cases of suspension, tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog. A deferment of suspension may be appropriate if the student complies with certain conditions set forth by the Conduct Officer.

I. Conduct Expulsion

Conduct expulsion is the permanent separation of a student from the University with no opportunity for re-enrollment. The expelled student is not permitted on University premises or at University activities, and may also be subject to trespass orders. In cases of expulsion, tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog.

J. Revocation of Admission and/or Degree

Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violations of institutional standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

XII. PROCEDURES

A. Reporting Suspected Violations

1. The Office of Student Conduct & Academic Integrity will accept a referral of a suspected Code violation from any person. All referrals must be submitted in writing. Anonymous referrals may not be accepted.
 - a) Any referral alleging an Academic Integrity violation that originates from a person other than the faculty member overseeing the academic exercise in question will be forwarded to the faculty member for action consistent with the procedures outlined in Section XII.D.
2. After reviewing the referral, the Director, or designee, will determine whether sufficient information exists to allege that a respondent engaged in any prohibited conduct listed in this Code and, if so, will determine which violations apply.

B. Preliminary Measures

1. A respondent will be advised of the allegations via a written Notice of Alleged Violation (hereafter "the Notice"). The Notice will cite relevant portions of the Code allegedly violated and will invite the respondent to meet with a Conduct Officer at a specified date, time and place for either a conduct conference or hearing as outlined in XII.C.

The Notice will be sent to the respondent's official University-supplied email address.⁶ Notices for student organizations will be emailed to the organization's representative (normally the president on file with the Office of Student Activities & Leadership). Students who fail to appear as requested by a Notice will forfeit their opportunity to appeal any outcome reached in their absence. Failure to read and comply with any instructions contained in the Notice will not be suitable grounds for appeal.

2. Prior to issuing a Notice, the Director, or designee, may request the appearance of any student at a mandatory administrative meeting to discuss the referral and/or gather additional information. If the Director, or designee, subsequently determines the referral lacks merit, it will be dismissed and there will be no further proceedings.

C. Resolution Options

Any of the following resolution options may be offered to a respondent at the discretion of the Director, or designee. When more than one respondent is involved in the same incident, conduct conferences and/or hearings may be combined, though separate findings will be made for each respondent.

1. **Conduct Conference.** Respondents whose referral will not result in a review for suspension or expulsion from the University may be provided with a conduct conference

⁶ Email is the official communication method used for all Code proceedings, including when classes are not in session and during academic break periods.

(hereafter “conference”). Referrals involving Academic Integrity violations or other complex referrals (especially those depending upon the participation of witnesses) will proceed directly to a hearing.

Conferences are closed meetings that permit respondents to discuss the referral informally with a Conduct Officer. After considering all relevant information, the Conduct Officer will determine whether it is more likely than not that the respondent violated any policies contained in the Notice and will provide a written outcome via the respondent’s official University-supplied email address. A Conduct Officer has the discretion to convert a conference into a hearing at a later date once proper notice is given. Respondents scheduled to participate in a conference will be provided:

- a) Written notice of an alleged violation no less than 3 business days prior to the occurrence of the conference;
 - b) Reasonable access to any referrals, reports other supporting documentation or media that is relevant to the pending allegations;
 - c) An opportunity to request a new Conduct Officer in advance of the conference as outlined in Section XII.E.1;
 - d) An opportunity to present relevant information on one’s own behalf during the conference;
 - e) An opportunity to be accompanied by an advisor as described in Section XIII.E.11;
2. **Hearing.** If no conduct conference is offered to a respondent, or the conference does not result in a final resolution, the respondent will be afforded an opportunity for a hearing with either a Conduct Officer or appropriate panel (such as an Academic Integrity Council). All hearings will observe the criteria and procedures outlined in section XII.E. in addition to any special procedures noted elsewhere in this Code. Respondents will normally be sent a Notice for a hearing no less than 5 business days prior to the occurrence of any hearing. The Director may develop subsidiary conduct boards to hear select cases of non-academic misconduct. Any such boards must receive adequate training from the Office of Student Conduct & Academic Integrity. Subsidiary conduct boards will follow the same procedures and guidelines outlined in this Code and will convene with a Chairperson appointed by the Director.
3. **Facilitated Conflict Resolution.** Referrals may be resolved via mediation or other facilitated conflict resolution (FCR) processes within or outside of the University when relevant parties agree to such a diversion and the Director, or designee, agrees that the proposed FCR is an acceptable way to resolve the referral. The Office of Student Conduct & Academic Integrity will maintain written descriptions of FCR processes offered by the University (such as mediation, shuttle diplomacy, facilitated dialogue, restorative conferences, etc.). Any voluntary resolutions resulting from FCR processes will be binding on all students involved.

D. Academic Integrity Procedures

1. Faculty members who believe that a student may have engaged in an academic integrity violation are encouraged to consult with the Office of Student Conduct & Academic Integrity regarding the applicability of this Code, potential courses of action, and guidance on imposing appropriate sanctions.
 - a) Faculty who suspect a graduate student may have violated one or more standards of Academic Integrity should consult with the Office of Student Conduct & Academic Integrity, as graduate students are normally reviewed for suspension or expulsion, even for a first Academic integrity violation.
2. Faculty should submit a written referral to the Office of Student Conduct & Academic Integrity within 10 business days of the alleged violation's discovery. The referral should include, when available: a description of the information giving rise to the allegation; the names of any witnesses; a copy of the course syllabus; the student's accumulated grade for the course (notwithstanding the academic exercise in question); and any other relevant information, documents or correspondences concerning the allegation. The referral should indicate whether the student and faculty have reached a voluntary resolution in accordance with XII.D.a), or if the matter is being referred for a hearing. Faculty are encouraged to meet with the student prior to submitting a referral in order to discuss the allegation and/or seek a voluntary resolution.
 - a) **Voluntary Resolution.** If the faculty member meets with the student, the student acknowledges the violation, and the faculty member is satisfied that the incident can be effectively resolved with a grade sanction:
 - i. The faculty member will assign an appropriate grade sanction, usually an F in the course or an F for the assignment or exam during which the Academic integrity violation occurred. Faculty may also assign a transcript notation in accordance with Section XIII.D.4.
 - ii. The faculty member will submit a written referral to the Office of Student Conduct & Academic Integrity after meeting with the student. The referral should include the information described in Section XIII.D.3 in addition to student's written acknowledgement of the Academic integrity violation and acceptance of the proposed resolution. Submitting written referrals is essential to the University's ability to address patterns of academic integrity violations, and to developmentally determine appropriate sanctions based on the totality of the student's record.
 - iii. Upon receipt of the referral, the Office of Student Conduct & Academic Integrity will contact the student to review the resolution and the standards of behavior related to academic integrity.
 - iv. The Office of Student Conduct & Academic Integrity will place the student on conduct probation for one calendar year from the date of the resolution. If the student is currently on conduct probation, or if the

student has previously acknowledged an academic integrity violation, a hearing will be instituted to determine if additional sanctions are appropriate. Such sanctions may include suspension or expulsion from the University.

b) **Hearing Resolution.** If the faculty member meets with the student, and the student does not accept the proposed resolution, or if the faculty member chooses not to meet with the student:

i. The faculty member will forward a written referral to the Office of Student Conduct & Academic Integrity. The referral should include the information described in Section XII.D.2 as well as what grade sanction, if any, the faculty member intends to impose if the student is found responsible.

ii. The Director, or designee, will refer the case to an Academic Integrity Council (hereafter "Council") unless a referral to a Conduct Officer is necessary to provide a more timely resolution.

a. **Academic Integrity Council.** The Council will be drawn primarily from a pool of students and faculty nominated by the Student Government Association and the Faculty Senate. The Office of Student Conduct & Academic Integrity may also nominate students or University Officials to serve on the Council. Nominees who complete initial and ongoing training provided by the Office of Student Conduct & Academic Integrity will be recognized as Council members and eligible to serve as a panelist for any given Council hearing. Appointments to the Council will be valid for one year and are renewable. Council members will not be eligible to serve more than 3 consecutive years.

1. Two University Officials and two students will normally serve as panelists for a Council hearing. A Council hearing may proceed with as few as three members, including a Council Chairperson appointed by the Director to oversee Council hearings, one faculty member, and one student.

2. The Council Chairperson will not normally vote, except in cases of a tie.

iii. The reporting faculty member and any relevant witnesses will be given the opportunity to provide information at any hearing that occurs on the basis of the faculty member's report. The faculty member is strongly encouraged to participate in the hearing.

iv. No grade sanction should be assigned by the faculty member until the referral is finally resolved, including the process of considering the student's appeal, if any. Should the referral not be resolved prior to the

end of the semester, a grade of "I" should be assigned by the faculty member.

- v. If a student withdraws from a course in which the alleged violation occurs prior to the final resolution of the allegations, and the student is found responsible for the violation and a grade sanction is assigned, the grade sanction will appear on the student's transcript even when the student has previously withdrawn with a grade of "W."
 - vi. Students may not utilize the grade forgiveness policy to retake the class in which the academic integrity violation occurred. Nothing about this provision is intended to prevent a student from retaking a course required for advancement within the student's intended course of study.
 - vii. In all academic integrity cases, the faculty member will be notified of the final outcome so that an appropriate grade may be assigned.
 - viii. If a student accused of an academic integrity violation is not found responsible for the allegation(s), the student will have the option to withdraw from the course without notation on the student's academic transcript, even if the deadline to withdraw without a grade of "W" has passed. Furthermore, a faculty member may not issue a grade sanction in cases where a student has not been found responsible for an academic integrity violation.
3. Students found responsible for an academic integrity violation will normally have a notation placed on the student's academic transcript.
- a) A student may petition the Director to have the notation removed from the student's academic transcript if:
 - i. The student's period of conduct probation has expired; and
 - ii. The student has successfully completed the University's "Academic Integrity Matters" seminar, or alternate educational activity approved by the Director, and any other outstanding sanctions; and
 - iii. The student has not been found to have engaged in other Academic Integrity violations during the student's tenure at the University.
 - b) The Director will normally notify the student of the decision whether to remove the notation within 15 business days of receiving the petition.
 - c) The notation will not be removed from the student's transcript when the violation involved substantial premeditation of deliberate conduct.

- d) A student may only petition to have one notation removed from the student's transcript. Any subsequent violations that result in a transcript notation will not be eligible for removal.
4. Students may file a grade appeal utilizing the Grade Appeal procedures outlined in the appropriate University Catalog if a grade sanction for an alleged academic integrity violation occurs without substantial adherence to the above procedures. Grade recommendations made by Conduct Officers or the Council are not subject to appeal using the Appeal Procedures outlined in Section XIII.F.

E. Hearing Procedures

Hearing participants are advised that hearings are not comparable to civil or criminal trials. Formal rules of evidence and procedure used in courts of law do not apply in student conduct hearings. Hearings should, whenever feasible, promote an informal give-and-take between participants rather than a confrontational exchange. It is expected that any participant in a hearing will contribute to an atmosphere of dignity, civility, respect, and candor among all involved.

These guidelines will apply to all hearings conducted by individual Conduct Officers or panels. The Director, or designee, may develop additional policies or procedures for hearings that are consistent with this Code. Unless otherwise stated, the term "Chairperson" will be used in this section to refer to the leader of any panel authorized to conduct a hearing in accordance with this Code.

1. ***Removal of Conduct Officer or Panel Member.*** Conduct Officers and panel members should remove themselves from a hearing if they believe they cannot be impartial. A respondent may also request the removal of a Conduct Officer or panel member due to perceived partiality. A Conduct Officer or panel member's prior contact with the respondent or mere familiarity with relevant facts of a case is not normally a valid reason for granting a request for removal. Requests for a new Conduct Officer or Chairperson should be submitted via email to the Director at least 2 business days prior to the scheduled hearing. Requests should state the precise reasons why the respondent believes an adjudicator cannot be impartial. The Director will decide if the Conduct Officer or Chairperson should be reassigned and notify the respondent accordingly. Removal of panel members other than the Chairperson should be directed to the Chairperson immediately prior to the start of the scheduled hearing. The Chairperson will determine whether the challenged Council member may participate in the hearing.
2. ***Closed Hearings.*** All hearings will be closed. Only individuals with a legitimate role in the hearing will be permitted to attend or participate for the duration appropriate to their role.
3. ***Availability of Information.*** Respondents may contact the assigned Conduct Officer in advance of the hearing to make arrangements to review and/or receive a copy of any referrals, reports, other supporting documentation or media that is relevant to the pending allegations. Respondents scheduled to appear before a panel should contact

the Office of Student Conduct & Academic Integrity to obtain access to this information in advance of the hearing.

4. ***Rights of the Respondent.*** Respondents called to a hearing will have the right:
 - a) To be present at the hearing and hear all statements made;
 - b) To present relevant information on one's own behalf;
 - c) To be accompanied by an advisor as described in Section XII.E.11;
 - d) To question available witnesses as described in Section XII.E.12; and
 - e) To choose not to attend the hearing, or refuse to answer any questions at the hearing. Students exercising this right are cautioned that a decision will be made based on the information available at the time of the hearing and previously withheld information will not be considered in subsequent appeal requests.
5. ***Standard for Decision-Making.*** If the Conduct Officer (or a majority of panelists) determines it is more likely than not that the respondent violated the policies as alleged, the student will be found responsible.
6. ***Maintaining Order.*** The Conduct Officer or Chairperson has the responsibility and authority to maintain order and determine the proper sequence of events during a hearing. Any person who fails to comply with instructions provided by the Conduct Officer or Chairperson, or who otherwise disrupts or obstructs a hearing, may be directed to leave the hearing, which will proceed in the dismissed participant's absence.
7. ***Credibility and Relevance.*** Conduct Officers (or Chairpersons) will determine the relevance and admissibility of any information presented. Conduct Officers and panelists will determine the credibility of participants. Reasonable deference will be made to these discretionary determinations on any appeal.
8. ***Postponement of a Hearing.*** A respondent's request to postpone a hearing must be emailed to the Conduct Officer or, in cases of a panel hearing, the Director, no later than 2 business days prior to the respondent's scheduled hearing. Requests to postpone a panel hearing should be emailed to the Director. A hearing may be rescheduled if the request is for reasonable cause. Hearings are not normally postponed because a respondent's work schedule conflicts with the scheduled hearing, a preferred advisor is unavailable, or because related criminal charges are filed and pending in court. Any postponement granted should not adversely impact a faculty member's ability to participate in the hearing as a witness. Nothing about this paragraph should limit the Director's ability to postpone a hearing without a student's request.
9. ***Request for Accommodations.*** Students with a documented disability may request the provision of auxiliary aids or services, or other reasonable accommodations, to ensure an equitable opportunity to participate fully in any hearing. Specific modifications or accommodations are determined by the Director, or designee, on a case-by-case basis after consulting with the Office of Educational Accessibility. Any student with a disability who wishes to request an accommodation should adhere to the procedures and documentation guidelines established by the Office of Educational Accessibility. Students should advise the Director, in writing, of the student's intention to request

accommodations no later than 2 business days prior to the respondent's scheduled hearing in order to permit sufficient time to consider the student's request and make any necessary arrangements.

10. **Obtaining Additional Information.** The Conduct Officer or Chairperson will have the ability to reconvene the hearing at a later time or date; to call additional witnesses; request additional information or documents; or conduct additional investigation before making a final determination regarding the outcome of any hearing.
11. **Advisors.** The respondent may choose an advisor from the University community and have that advisor present during the hearing. An advisor may have no other role in the hearing (such as a witness), and may not be a lawyer unless related criminal charges are filed and pending. In cases where a lawyer serves as a respondent's advisor, the student is responsible for any lawyer's fees incurred. An advisor's role is limited to providing unobtrusive assistance and support to the respondent before, during, and/or after the hearing. In concert with this role, advisors will not be permitted to speak or otherwise participate directly in any hearing, or make requests on behalf of the student. Respondents are strongly encouraged to meet with an advisor prior to participating in their hearing. Respondents must provide the Conduct Officer, or in the case of a panel hearing, the Director, with notice of their intent to be accompanied by an advisor no later than 2 business days prior to the respondent's scheduled hearing. The respondent will be expected to provide a signed consent designating that person as the advisor and permitting the University to communicate otherwise private information. A Conduct Officer or Chairperson may also be assisted by an advisor.
12. **Witnesses.** A witness is regarded as someone who has personal knowledge of the incident at issue. Witnesses may have no other role in the hearing, such as an advisor, and should be present only during their opportunity to provide information and answer questions. The Conduct Officer or Chairperson will decide whether the respondent or complainant may question witnesses directly, or if questions must be submitted to the Conduct Officer or Chairperson, who will decide which of the questions to ask. Character witnesses are not relevant and therefore not permitted. Should a respondent seek to invite any witnesses not identified in the Notice, it will be the student's responsibility to email a list of witnesses and a summary of each witness's expected statements to the Conduct Officer no later than 2 business days prior to the respondent's scheduled hearing. Witness lists for panel hearings should be emailed to the Director no later than 2 business days prior to the respondent's scheduled hearing.
13. **Remote Participation.** Any party, including the respondent, complainant or any witness, may participate in a hearing remotely by way of telephone, videoconferencing, or other appropriate means provided the identity of the person participating remotely is known to all parties and all other guidelines and procedures described in this Code are followed.
14. **Recordings.** The Conduct Officer or Chairperson may create a single, verbatim audio recording of the hearing (not to include any deliberations in cases heard by a panel). Hearing recordings will become the property of Old Dominion University. Students may be given reasonable access to the recording for the purposes of preparing an appeal. Any request to review a recording should be made via email to the Director.

15. **Hearing Outcome.** The Conduct Officer or Chairperson will provide a written outcome via the respondent's email account after the Conduct Officer or panel has determined whether the respondent is responsible or not responsible for the alleged policy violations. A rationale for the decision will be provided and, if the respondent is found responsible, the correspondence will describe any sanctions imposed.

F. Appeal Procedures

1. Only respondents who attend and participate in a hearing have the opportunity to appeal a decision of a Conduct Officer or panel. Complainants who attend and participate in a hearing involving allegations of sexual misconduct, sexual harassment, stalking, intimate partner violence, and other incidents that are gender-based (and therefore governed by Title IX) will also have the opportunity to appeal a decision of a Conduct Officer.
2. Not all sanctions may be appealed. Only outcomes that include sanctions involving separation (termination of the housing agreement, revocation of admission and/or degree, suspension of student organization status, conduct suspension, or conduct expulsion) are eligible to be appealed on the basis of XII.F.4.a.
3. Requests for appeal should be emailed to the Director, or designee, within 5 business days from the date on which the hearing decision letter was sent. Requests received after this date will only be accepted for good cause. Any request for an appeal should describe, as thoroughly and precisely as possible, the basis for the request, as an appeal will normally be limited to a review of applicable records. When the Director, or designee, requests to speak with any party regarding the appeal, the purpose will be to gather information related to the appeal request, not to rehear a case.
4. A student may request an appeal for the following reasons only:
 - a) To determine whether sanctions involving separation (termination of the housing agreement, revocation of admission and/or degree, suspension of student organization status, conduct suspension, or conduct expulsion) were appropriate in light of all relevant factors (other sanctions are not eligible for appeal).
 - b) To determine whether a significant departure from any provision of this Code unfairly and materially impacted the outcome of the hearing (deviations from procedures outlined in the Code will only be instructive when significant prejudice to the appealing student occurs);
 - c) To determine whether a finding of responsibility was reasonable based on the information available to the Conduct Officer or panel; and
 - d) To consider new information, not known or reasonably available to the appealing student at the time of the hearing, that could be sufficient to substantively modify the outcome of the hearing.

5. The original decision may be upheld, modified, overturned, or sent back to a Conduct Officer or panel to remedy any prior errors or to consider new information. The decision of the Director is final and not subject to further appeal.

G. Additional Considerations in Cases of Alleged Sexual Misconduct

1. Upon receipt of a referral, the Director, or designee, may order the respondent not to have any contact, directly or indirectly, with the complainant.
2. Both the complainant and respondent will have the same opportunities to:
 - a) Meet with a professional staff member in the Office of Student Conduct & Academic Integrity to review the student conduct process and its application to sexual misconduct cases;
 - b) Review and/or receive a copy of any referrals, reports or other supporting documentation or media that is relevant to the pending allegations, in advance of the hearing as described in Section XII.E.5;
 - c) Seek removal of a Conduct Officer as described in Section XII.E.1;
 - d) Be present at the hearing, in person or remotely as described in Section XII.E.13, and hear all statements made;
 - e) Request a postponement of the hearing as described in Section XII.E.8, and be advised when the other party makes a request for postponement, and the outcome of that request;
 - f) Request the provision of auxiliary aids or services, or other reasonable accommodations as described in Section XII.E.9;
 - g) Be accompanied to the hearing, or any other related meeting, by an advisor as described in Section XII.E.11;
 - h) Invite and/or question relevant witnesses as described in Section XII.12;
 - i) Present relevant information at a hearing as described in this Code. The past sexual history of the complainant or respondent will not generally be discussed or considered;
 - j) Be informed of the final results of a hearing, in writing, without condition or limitation, at the same time;
 - k) Be provided with reasonable access to any hearing recording for the purpose of preparing an appeal request;
 - l) Appeal the final results of a hearing in accordance with the criteria and procedures set forth in Section XII.F.
 - m) Be notified of a receipt of an appeal request submitted by the other party, any changes to the party's status pending review of the appeal, and the final results of the appeal.
3. Retaliation against the complainant or against any witness involved by the respondent or others acting on the respondent's behalf will be considered a violation of the Code.
4. Mediation will not be used to resolve any sexual misconduct allegation.

XIII. RECORD MAINTENANCE

The Director is the official custodian of records maintained in accordance with this Code and has final decision-making authority on all requested disclosures. All records maintained in accordance with this Code will be retained by the Office of Student Conduct & Academic

Integrity for a period of no less than 7 years to facilitate compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Records associated with cases resulting in suspension or expulsion will be retained permanently. In cases where an FCR process or amnesty resolves a referral in lieu of a conduct conference or hearing, related records will not be classified as student conduct records, though they will be similarly maintained for a period of no less than 7 years. Amnesty and FCR records are generally considered both private and confidential among the parties, and will therefore not generally be disclosed to third parties making inquiries about past misconduct of students, except as permitted by the student or as required by law.

Attachment F

University Policy 1005 – Discrimination Policy



OLD DOMINION UNIVERSITY

University Policy

Policy #1005 DISCRIMINATION POLICY

Responsible Oversight Executive: Vice President for Human Resources
Date of Current Revision or Creation: August 6, 2021

A. PURPOSE

The purpose of this policy is to establish uniform guidelines in order to promote a work and education environment that is free from harassment and discrimination, as defined below, and to affirm the University's commitment to foster an environment that emphasizes the dignity and worth of every member of the Old Dominion University community. This policy also details the process to address complaints or reports of retaliation, as defined by this policy.

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 7.01(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.

Title IX of the Education Amendments of 1972

Title VII of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964

Equal Pay Act of 1963

The Age Discrimination in Employment Act (ADEA)

Americans with Disabilities Act (ADA)

Section 504 of the Rehabilitation Act of 1973

The Genetic Information Nondiscrimination Act of 2008

Virginia Governor's Executive Order Number One (2018) - Equal Opportunity

Virginia Department of Human Resource Management Policy 2.35 - Civility in the Workplace

Board of Visitor Policy 1001 – The Mission of the University

Board of Visitor Policy 1012- Resolution Adopting Executive Order Number One (2018) "Equal Opportunity"

C. DEFINITIONS

Administrative Leave – Leave granted with the approval of Human Resources to cover periods of investigation of wrongdoing and to provide paid leave during the time management renders a decision on investigative results.

Complainant - A University community member or visitor who files a complaint under this policy.

Complaint - The written document or verbal statement of alleged facts used to initiate action under this policy.

Complaint Commencement Date - The date on which the complainant provides a written complaint or a verbal statement that includes a statement of alleged facts describing the offense.

Consensual Relationship – Two or more individuals (including spouses and partners) involved by mutual consent in a romantic, physically intimate, and/or sexual relationship.

Day - A business day. When the end of a specified period of days falls on a day when classes are not scheduled, that period shall be deemed to end on the next scheduled class day. (Example: A specified time period will not end during spring break or on any day between the end of the last summer session and the first scheduled class day of the fall semester. The specified time period will be continued until the next official class day.)

Discrimination - Inequitable and unlawful treatment based on an individual's protected characteristics or statuses – race (or traits historically associated with race including hair texture, hair type, and protective styles such as braids, locks, and twists), sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, political affiliation, marital status, disability, or any other status protected by law -- that excludes an individual from participation in an educational program or activity, denies the individual the benefits of an educational program or activity, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in an educational program or activity. Discrimination does not have to include intent to harm or involve repeated incidents.

Harassment - A form of discrimination in which unwelcome verbal, written, or physical conduct is directed toward an individual on the basis of his or her protected characteristics or statuses by any member of the University community. Harassment does not have to include intent to harm or involve repeated incidents. Harassment violates this policy when it creates a hostile environment, as defined below or when enduring the conduct becomes a condition of continued employment.

Hostile Environment - May be created by unwelcome conduct that is sufficiently severe, persistent or pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs, services, opportunities, or activities or the individual's employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals' education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; and (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of a violation.

Respondent - An employee, student or affiliate of the University or visitor against whom a complaint under this policy is filed.

Retaliation - Overt or covert acts of discrimination, harassment, interference, intimidation, penalty, reprisal or restraint against a group or individual exercising rights under this policy or cooperating in an investigation of complaints under this policy. Retaliation shall be deemed to constitute harassment and, therefore, will be considered a separate violation of this policy.

Sexual Harassment - A form of discrimination based on sex. It is defined as unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature including: verbal (e.g., specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats); non-verbal (e.g., sexually suggestive emails, other writings, articles or documents, objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures); or physical (e.g., touching, pinching, brushing the body, any unwelcome or coerced sexual activity, including sexual assault). This conduct is sexual harassment when it constitutes a term or condition of employment and/or hostile environment as described above. Sexual harassment can involve persons of the same or different sexes. Sexual harassment may also include sex-based harassment directed toward stereotypical notions of gender identity or a failure to conform to those gender stereotypes.

The types of sexual harassment prohibited by this policy are (1) Term or Condition of Employment (often referred to as "quid pro quo" harassment), which occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a University program or activity; and (2) Hostile Environment, which occurs when verbal, non-verbal and/or physical conduct is sexual and/or based on sex, gender, gender identity or sexual orientation (actual or perceived), and is sufficiently severe, persistent or pervasive and objectively offensive that it interferes with, limits, or denies the ability of an individual to participate in or benefit from the educational programs, services, opportunities, or activities or the individual's employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals' education or employment; (b) the nature, scope, frequency, duration and location of the incident(s); (c) the identity, number and relationships of persons involved; and (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of a violation.

D. SCOPE

This policy applies to conduct on property owned, leased or controlled by the University involving students, employees, employees of affiliated organizations who are paid through the University, visitors to the institution, contractors working on campus who are not University employees, and students and employees participating in University-sponsored activities. 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. Employees include all staff, administrators, faculty, full- or part-time, and classified or non-classified persons who are paid by the University. Affiliated organizations are separate entities that exist for the benefit of the University through and operating agreement and include the Foundations, the Community Development Corporation, and the Alumni Association. Visitors

include, but are not limited to, 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. This policy also is applicable to any conduct that occurs on non-University property that has continuing effects that create a hostile environment on campus. To the extent that the alleged conduct would satisfy the definition of sexual harassment under both this policy and the Policy on Title IX, the Policy on Title IX will supersede this policy for resolution of complaints and reports of such alleged conduct.

To the extent that this policy incorporates certain provisions of Virginia's Civility in the Workplace Policy, conduct that violates those provisions and that occurs outside of the workplace may be grounds for disciplinary actions, up to and including termination, when the conduct has a sufficient nexus to the workplace or the University's operations, services, or reputation.

E. POLICY STATEMENT

The University is committed to promoting a work and education environment that is free from harassment and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, disability, pregnancy, political affiliation, marital status, and genetic information, or based on any other status protected by law. The University will take steps to prevent recurrence of harassment and/or discrimination when incidents occur, remedy any discriminatory effects on the complainant and others (including measures to protect other students, if appropriate), and address complaints or reports of retaliation.

F. PROCEDURES

The Role of the Office of Institutional Equity and Diversity (OIED)

The OIED serves as an impartial resource for the resolution of concerns and complaints under this policy. Therefore, the OIED does not serve as an advocate for either the complainant or the respondent. The OIED will explain to all identified parties the procedures outlined below, including confidentiality. The OIED will provide all identified parties with information regarding the complaint procedure, including the availability of informal resolution options.

The OIED will explain to all involved parties the process of a prompt, reliable, and impartial investigation, including the opportunity for both the complainant and respondent to review and respond to the allegations, identify witnesses, provide other evidence, and review and/or respond to evidence. The OIED will explain to all identified parties the right to have a personal advisor present. Personal advisors may only advise their party and may not participate directly in the complaint process. For instance, advisors may not make oral or written argument or speak on behalf of the party. Finally, OIED will explain to the parties and witnesses that retaliation for reporting alleged discrimination or harassment or participating in an investigation of an alleged violation, is strictly prohibited and that any retaliation should be reported immediately and will be addressed promptly.

Complaints and Reporting

Complaints of discrimination and harassment should be made to the OIED. The OIED is responsible for overseeing the investigation of all complaints and reports of alleged discrimination, harassment, and retaliation and is trained to help individuals who file complaints find resources, investigate complaints, and informally resolve matters as appropriate. Complaints under this policy can be filed by using the online [complaint form](#).

An individual who is no longer a member of the University community or a visitor, but who was a

member or a visitor when at least a substantial portion of the alleged wrongful behavior occurred, is eligible to file a complaint. A complaint filed by a complainant who has no further connection with the University, or against a respondent who has no further connection with the University, may be dismissed by the OIED if the University has no means to take appropriate steps to eliminate the discrimination/harassment, prevent its recurrence, or address its effects.

Complainants are encouraged to report matters to the ODU Police Department or local law enforcement in instances involving a possible criminal violation and will not be dissuaded by the University from doing so at any time. The University also strongly encourages all individuals who may witness or otherwise know of a suspected violation of this policy to report it to the appropriate University official.

Anonymous complaints may also be filed by using the complaint form which can be submitted online or hand-delivered. Complaints may also be initiated by scheduling a meeting with an OIED investigator and providing a verbal statement. Nevertheless, individuals who believe they have been the subject of conduct in violation of this policy are encouraged to make detailed written statements of the facts, including the name(s) of the offending individual(s) and any witness(es), promptly after an incident. It is a violation of this policy for a student or an employee to interfere with an individual's right to file a complaint under this policy.

Complainants will be contacted within three business days after the date of the complaint or report by a member of OIED. Third-party reporters will be contacted as necessary to gather additional information.

Criminal Reporting and Coordination

The OIED will make all complainants aware of the right to also file a report with the Old Dominion University Police Department (ODUPD) or local law enforcement agency in cases involving potential criminal activity. The University will comply, to the fullest extent legally permissible, with all requests by the ODUPD or local law enforcement for cooperation in investigations. Such cooperation may require the OIED to briefly suspend the fact-finding aspect of a TIX investigation detailed in the procedures below while the ODUPD or the local law enforcement agency gathers evidence. The OIED will promptly resume any investigation once the University is informed that the ODUPD or local law enforcement has completed the evidence-gathering phase of the criminal investigation. Otherwise, the OIED's investigation will not be altered or precluded on the grounds that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

Confidentiality, Privacy, and Anonymity Requests

Every effort will be made to respect and safeguard the privacy interests of all individuals involved in a manner consistent with the need for a careful assessment of the allegation and any necessary steps to eliminate the conduct, prevent its recurrence, and address its effects. Information related to a report or complaint under this policy will only be shared with those individuals who need to know in order to assist in the active review, investigation, or resolution of the concern. While not bound by confidentiality, these individuals must be discreet and respect the privacy of all individuals involved in the process. OIED may be limited in the ability to investigate an anonymous complaint unless sufficient information is furnished to enable the OIED to conduct a meaningful and fair investigation.

If the complainant requests confidentiality, anonymity, or that an investigation not be conducted, the University may be limited in the actions it is able to take and its ability to respond while

respecting the request. The OIED will take all reasonable steps to respond to the complaint consistent with the request.

Timely Warnings

The University is required by Federal law to issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to members of the University community. The University will ensure [to every extent possible] that a victim's name and other identifying information is not disclosed, while still providing enough information for members of the University community to make decisions to address their own safety in light of the potential danger. For more information on Timely Warning see University Policy 3012 - Safety and Security Policy.

Consensual Relationships

Employees, whether faculty or staff, shall not engage in a consensual relationship with students when the employee has a "position of authority" with respect to the student in such matters as teaching or otherwise evaluating, supervising, advising, or coaching a student as part of a University program or employment situation. Likewise, a supervisor and an employee shall not engage in a consensual relationship. The University views such relationships as a conflict of interest. Employees have a duty to comply with the University's Conflicts of Interest policy.

A faculty member or graduate assistant who enters into a consensual relationship with a student or supervisor who enters into a consensual relationship with an employee where a "position of authority" exists should be aware that, if a charge of sexual harassment is subsequently filed, it will be exceedingly difficult to prove a defense on the grounds of mutual consent.

If conduct of a sexual nature has occurred or is occurring in an apparently consensual relationship, and, if a complaint of sexual harassment regarding such conduct is filed by the student against the faculty member or graduate assistant, or by the employee against the University official, then sexual harassment shall be presumed in such cases when:

1. The relationship is between a faculty member or graduate assistant and a student and:
 - a. The faculty member or graduate assistant is in a position to determine the student's grade or otherwise affect the student's academic performance or advancement; and
 - b. The relationship began after the faculty member or teaching assistant was in such a position.
2. The relationship is between an employee and a University official who is in a position to supervise the employee or otherwise influence the conditions of the employee's work, and the relationship began after the supervisor was in such a position.

Informal Resolution Procedure

1. Informal Discussion: The OIED shall encourage an employee or student who has a complaint of alleged discrimination or harassment to discuss the complaint with the individual who took the action that is the basis for the complaint.
2. Informal Resolution: Both parties to the complaint shall attempt to effect a resolution of the complaint through informal discussions. The OIED may advise parties of informal resolution options and may facilitate resolution of the complaint or report.

3. The complainant may request, at any time during the informal process, to proceed with a formal complaint, as described below.

Although there are no time limitations for filing a complaint, the passage of time may impact the University's ability to investigate and/or resolve the complaint.

Formal Resolution Procedure

1. A formal complaint may be submitted either in written format or through a verbal interview of the complainant. The complainant is not required to submit a written complaint to the OIED to commence an investigation. In the case of a reported concern by a third party, a member of the OIED's staff will contact the third party and they will be instructed to refer the alleged victim to the complaint process. The complaint may be supplemented by additional supporting documents, evidence, recommendations for witnesses to be interviewed during the course of the investigation. The complainant must also disclose if a formal complaint has been filed with another university, State, or Federal entity for the same offense.
2. The OIED also will confirm that the matter involves an alleged violation of this policy, thereby conferring jurisdiction to the OIED. If it is determined that the OIED does not have jurisdiction, a referral will be made to the appropriate on-campus or off-campus resources to address the issues.
3. A formal complaint will be assigned to an investigator from the OIED's staff, and co-investigators may be assigned as appropriate. Externally trained investigators may be assigned in certain cases if appropriate. All investigations of complaints alleging violations of this policy shall be overseen by the Director of Equity and EO/AA.
4. The OIED will discuss the complaint with the complainant and the respondent as appropriate, including providing information about the formal investigation procedure and resources. The OIED will explain to the parties that each has the opportunity to provide evidence and to suggest witnesses to be interviewed during the course of the investigation.
5. The OIED will advise each party that they have the right to an advisor and that neither party's advisor will be permitted to speak to participants other than quietly to the advisee in any process. Advisors violating this requirement may be asked to leave or refrain from participation. The advisor is not permitted to question witnesses or make oral or written argument on behalf of the party being advised. If lawyers or other advisors are permitted in any stage of the proceedings, they must be permitted equally for both parties.
6. The investigator(s) will consider whether involvement of other University administrators is appropriate.
7. The investigator(s) will conduct a prompt, adequate, reliable, and impartial investigation of the complaint. All parties will be notified of the expected time frame.
8. Both the complainant and respondent will have the same opportunity to review and respond to evidence obtained during an investigation before the investigation reports are released. The University shall strive to make the process transparent and fair to all parties.
9. The investigator(s) shall prepare a written investigation report fairly summarizing the relevant evidence. The report shall be provided to both the complainant and the respondent concurrently.

10. Reporting the Investigation Results:

- a. In the case of a student respondent, once the investigation is completed, the investigation report shall be provided to the Office of Student Conduct and Academic Integrity for evaluation and determination of responsibility.
 - b. In the case of a faculty member respondent, once the investigation is completed, the investigation shall be provided to the Provost or designee for evaluation and determination of responsibility.
 - c. In the case of all other employees, once the investigation is completed, the investigation report shall be provided to the respective Vice President or designee for evaluation and determination of responsibility.
11. Determinations of responsibility under this policy shall be made using the preponderance of the evidence standard. Preponderance of the evidence means that it is more likely than not, or greater than 50%. The parties will be informed in writing of the determination within 15 business days from the issuance of the investigation report. The written determination should include a rationale explaining the reason(s) for the decision. The OIED shall be provided a copy of the written determination.

Appeals

1. General Considerations: The parties must have an equal opportunity to present relevant information in the appeals.
2. A complaint involving a student as respondent may be appealed by either party as allowed by the Code of Student Conduct.
3. A complaint involving a faculty member, Administrative and Professional (AP) faculty member, or classified employee as respondent may be appealed to the OIED within 15 business days from issuance of the written determination of finding on the following bases:
 - a. There is new evidence that may change the outcome of the case.
 - b. There was a conflict of interest in either the investigation or the determination of responsibility that affected the outcome of the case.
 - c. There was a procedural inconsistency in either the investigation or the determination of responsibility that affected the outcome of the case.

The Director of Equity and EO/AA will designate an appellate officer to make a final determination on appeal.

4. This policy does not amend any rights that inure to employees arising from Board of Visitor or University policies or the policies of the Commonwealth of Virginia (i.e., Grievance Policies).

Sanctions

1. Sanctions for students will be determined in accordance with student regulations and policies. Sanctions may include, but are not limited to, disciplinary penalties described in the Code of Student Conduct, suspension or dismissal/ expulsion.
2. Sanctions for teaching and research faculty will be determined by the Provost in accordance with the Teaching and Research Faculty Handbook. Possible sanctions include, but are not

limited to, counseling, training, or the initiation of termination proceedings.

3. Sanctions for AP faculty and other non-classified staff shall be determined by the supervisor of the employee in consultation with the Department of Human Resources and in accordance with Board of Visitors Policy 1490, Administrative and Professional Faculty. Possible sanctions include, but are not limited to, counseling, training, reassignment, or the initiation of termination proceedings.
4. Sanctions for classified employees will be determined by the supervisor of the employee in consultation with the Department of Human Resources in accordance with the Commonwealth's Standards of Conduct Policy. Sanctions that may be imposed by the University include, but are not limited to, verbal counseling, additional training, and issuance of a Written Notice, suspension, or termination of employment.
5. The University reserves the right to require a Contractor to remove from campus any employee who violates this policy. Contractors shall assign for duty only employees acceptable to the University.
6. Visitors who violate this policy will be directed to leave campus immediately and may be subject to a permanent ban from campus.
7. The OIED shall be notified of any sanctions imposed. Complainants may not always be informed of sanctions imposed due to applicable privacy laws and personnel practices.

Deferral of Action

Should a discrimination, harassment, or retaliation complaint be raised in another internal procedure (for example, in the student conduct process or faculty grievance process), the other internal procedure may be deferred until the conclusion of this discrimination procedure.

Complainants may pursue external complaints with State and Federal agencies. These agencies include but are not limited to the Commonwealth of Virginia Department of Human Resource Management, the U.S. Equal Employment Opportunity Commission, the Office for Civil Rights, the U.S. Department of Justice, and the U.S. Department of Labor, including the Office of Federal Contract Compliance Programs. Any external complaint of allegations covered by this policy will result in the dismissal of the internal complaint upon notice to the University that an external complaint has been filed.

G. RECORDS RETENTION

The OIED will maintain, in a confidential manner, all complaints, reports, witness statements, documentary evidence, written investigation reports, resolutions, and appeal hearings and associated documents for a period consistent with Federal and State record retention policies for paper or electronic files. Applicable records must be retained and then destroyed in accordance with the Commonwealth's Records Retention Schedules.

H. RESPONSIBLE OFFICER

Interim Assistant Vice President for Institutional Equity and Diversity

I. RELATED INFORMATION

University Policy 1008 – Policy on Title IX – Sexual Harassment and Sex or Gender-Based Discrimination

University Policy 6600 - Standards of Conduct for Classified Employees

University Policy 6602 - Classified Employees Grievance Procedure

/s/ Ariana Wright July 20, 2021
Responsible Officer Date

/s/ Donna W. Meeks April 27, 2021
Chair, Policy Review Committee (PRC) Date

/s/ September Sanderlin August 3, 2021
Responsible Oversight Executive Date

/s/ James D. Wright July 20, 2021

University Counsel Date

/s/ Brian O. Hemphill
President

August 6, 2021
Date

Policy Revision Dates: March 16, 2015 (INTERIM); August 11, 2015; August 6, 2021

Scheduled Review Date: August 6, 2026

Attachment G

1008 Policy on Title IX (Interim Policy)



OLD DOMINION UNIVERSITY

Policy #1008

POLICY ON TITLE IX - SEXUAL HARASSMENT AND SEX OR GENDER-BASED DISCRIMINATION (INTERIM POLICY)

Responsible Oversight Executive: Vice President for Human Resources

Date of Current Revision or Creation: September 24, 2020

A. PURPOSE

The purpose of this policy is to establish uniform guidelines in order to promote a work and education environment that is free from sexual harassment and sex or gender-based discrimination, as defined below, and to affirm the University's commitment to foster an environment that emphasizes the dignity and worth of every member of the Old Dominion University community. This policy also details the process to address complaints or reports of sexual harassment, sex or gender-based discrimination and retaliation.

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.

Title IX of the Education Amendments of 1972

Title VII of the Civil Rights Act of 1964

Equal Pay Act of 1963

Jeanne Clery Act (Clery Act)

Violence Against Women Reauthorization Act of 2013 (VAWA)

Code of Virginia Section 23.1-900

Executive Order One (2018)

Board of Visitors Policy 1001 – The Mission of the University

C. DEFINITIONS

Actual Knowledge - Actual knowledge means notice of allegations of sexual harassment or sex discrimination to the University's Title IX Coordinator or other Responsible Employee. Notice includes, but is not limited to, a report of sexual harassment or sex discrimination to the Title IX Coordinator.

Administrative Leave - Leave granted with the approval of Human Resources to cover periods of investigation of wrongdoing and to provide paid leave during the time management renders a decision on investigative results.

Advisor - A person who gives advice and/or support to a party in the complaint process. Advisors may be, but are not required to be, attorneys; advisors may not be witnesses. While the advisor may provide support and advice, the advisor may not speak on behalf of the party or otherwise directly participate (except as specifically allowed under this policy), or in any manner disrupt any proceeding. The University reserves the right to remove any individual whose actions are disruptive to the proceedings.

Campus Security Authority - As defined by the Clery Act, it is an official of the institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

Complainant - A University community member or visitor who files a formal complaint under this policy. For purposes of this policy, the term "victim" may be used interchangeably with Complainant. This definition includes persons who are alleged to have been subjected to conduct that could constitute sexual harassment or sex discrimination in a third-party report.

Complaint Commencement Date - The date on which the formal complaint is received.

Consensual Relationship - Two or more individuals (including spouses and partners) involved by mutual consent in a romantic, physically intimate, and/or sexual relationship.

Consent - Consent is knowing, voluntary and clear permission, by word or action, which a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts.

Important points regarding consent:

Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent.

- Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).
- The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred.
- Incapacitation of an individual to consent to sexual activity, whether caused by age, disability, use of drugs or alcohol, or any other reason, may result in a determination that the individual was unable to provide necessary consent. The use of alcohol or drugs does not diminish one's responsibility to obtain Consent and does not excuse conduct that constitutes a violation of this Policy.

Consent cannot be inferred from:

- Silence, passivity, or lack of resistance alone
- Accepting a meal, a gift or an invitation for a date
- A person's manner of dress or flirtatious behavior

Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. A social relationship of a romantic or intimate nature means a relationship that is characterized by the expectation of affection or sexual involvement between the parties. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Day - A business day. When the end of a specified period of days falls on a weekend or on a day when classes are not scheduled, that period shall be deemed to end on the next scheduled class day. (Example: A specified time period will not end during spring break or on any day between the end of the last summer session and the first scheduled class day of the fall semester. The specified time period will be continued until the next official class day.) Business day does not include official university closures.

Deputy Title IX Coordinators - The designated officials within the University who may receive and report complaints as defined in this policy. Generally serve as the first point of contact and assist in initiating discussions about potential Title IX issues with the Office of Institutional Equity and Diversity and the Deputy's respective area. Assist with oversight of Title IX compliance requirements, including but not limited to training, data gathering, and reporting.

Duties:

- Facilitate communication between Office of Institutional Equity and Diversity and the person from their respective area who has reported the potential violation.
- Responsible for answering general policy and procedural inquiries.
- Communicate between their respective department and the Office of Institutional Equity and Diversity.
- Ensure complaint tracking system (Maxient) reports are made to Office of Institutional Equity and Diversity by the person who receives initial information.
- Assist with training efforts.
- Assist with data gathering and reporting for Title IX compliance.

Domestic Violence – A felony or misdemeanor crime of violence committed: (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the law of the Commonwealth of Virginia; or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the Commonwealth of Virginia including parents or stepparents. Domestic violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse.

FERPA - The Family Educational Rights and Privacy Act ("FERPA") is a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations at 34 C.F.R. Part 99. FERPA protects the privacy of student Education Records. FERPA grants to eligible students the right to access, inspect, and review Education Records, the right to challenge the content of Education Records, and the right to consent to the disclosure of Education Records.

Formal Complaint - A document filed by a Complainant or signed by the Title IX Coordinator (or designee) alleging sexual harassment against a Respondent and requesting an investigation of the alleged sexual harassment. A formal complaint may be filed in person, by mail or email, or via the online complaint form, and must be signed or otherwise indicate that the Complainant is the person filing the formal complaint. If the Title IX Coordinator (or designee) signs a formal complaint, the Title IX Coordinator does not become a Complainant or party during the complaint process.

Incapacitation - When a person lacks the ability to make informed, rational judgments about whether to engage in sexual activity. They are unable, temporarily or permanently, to give consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

Intimate Partner - A person who has a close personal or sexual relationship.

Intimidation- Threatening or emotionally distressing conduct or harassment with the intent of impeding participation in an investigation or filing a report.

Mediation – A confidential, fair, and voluntary process in which neutral, impartial mediators assist parties in exploring potential joint resolutions in a complaint. The mediators aid the parties in making decisions together, based on an understanding of their own views, the other's views, and the situation they face.

Party - A Complainant or Respondent in the complaint process.

Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Reasonable Person - A person under similar circumstances with an ordinary degree of reason, prudence, care, foresight or intelligence.

Respondent - An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or sex discrimination.

Responsible Employee - Includes any employee who has the authority to take action to redress incidents in violation of this policy (including sex discrimination, sexual harassment, sexual violence, dating and domestic violence, and stalking); who has been given the duty of reporting such incidents or any other misconduct to the Title IX Coordinator or designee; or whom an employee or student could reasonably believe has this authority or duty. All employees in a supervisory role including but not limited to all teaching and research faculty, administrative professional faculty, and classified and hourly employees; graduate teaching assistants; graduate research assistants; residential assistants; law enforcement; and campus security authorities are Responsible Employees.

Retaliation - Overt or covert acts of discrimination, interference, penalty, reprisal or restraint against a group or individual who, in good faith, exercise their rights under this policy or participate in an investigation of complaints under this policy, including but not limited to direct and indirect intimidation, threats, and harassment. Charges against an individual for violations that do not involve sex discrimination or sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX and this policy, constitutes retaliation. Retaliation shall be deemed to constitute harassment and, therefore, will be considered a separate violation of this policy.

Sex or Gender-Based Discrimination (also termed "Sex Discrimination") - Adverse treatment of an individual based on sex or gender, rather than individual merit. Sex discrimination may include harassment and other abusive behavior, whether verbal or physical, that is based on sex or gender, including actual or perceived gender roles, including seeking sex or sexual favors. Examples of conduct that can constitute discrimination because of sex, sexual orientation, gender identity or gender expression include but are not limited to:

- Singling out or targeting an individual for different or adverse treatment (e.g., more severe discipline, lower salary increase)
- Failing or refusing to hire or allow participation by an individual in a university activity
- Terminating or removing an individual from employment or an educational program
- Verbally harassing, abusing or demeaning a targeted individual in a manner that is sufficiently severe, pervasive/persistent and objectively offensive to have the effect of

unreasonably interfering with an individual's educational experience, working conditions or living conditions by creating an intimidating, hostile or offensive environment.

Sexual Assault - Non-consensual contact of a sexual nature. It includes any sexual contact when the victim does not or is unable to consent through the use of force, fear, intimidation, physical helplessness, ruse, impairment or incapacity (including impairment or incapacitation as a result of the use of drugs or alcohol, knowingly or unknowingly); intentional and non-consensual touching of, or coercing, forcing, or attempting to coerce or force another to touch, a person's genital area, groin, inner thigh, buttocks or breast; and non-consensual sexual intercourse, defined as anal, oral or vaginal penetration with any object.

Sexual Exploitation - Any act of taking non-consensual, unjust or abusive sexual advantage of another person for one's own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Sexual exploitation includes, but is not limited to:

- Causing or attempting to cause another person to be Incapacitated in order to gain a sexual advantage over such person;
- Prostituting another person (i.e., personally gaining money, privilege or power from the sexual activities of another);
- Non-consensual videotaping, photographing, or audiotaping of sexual activity and/or non-consensual distribution of these materials via media such as, but not limited to, the Internet, or the threat of such distribution;
- Exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge of or consent from all participants);
- Voyeurism; and
- Knowingly or recklessly transmitting a sexually transmitted disease to another individual.

Sexual Harassment - Any of three types of misconduct on the basis of sex which jeopardize equal access to education:

- Quid pro quo - an employee of the University conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
- Any unwelcome sex-based conduct that a reasonable person would find so severe, persistent/pervasive and objectively offensive that it denies a person equal educational access. Unwelcome conduct on the basis of sex should be reviewed from the perspective of a reasonable person in the shoes of the Complainant such that age, abilities, and relative positions of authority of the individuals involved in an incident are taken into account.
- Any instance of sexual assault, dating violence, domestic violence, or stalking.

Sexual Violence - Sexual assault, rape, sexual exploitation, dating violence and domestic violence.

Stalking - In the context of intimate partner relationships, it is a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or the safety of others;
- Suffer substantial emotional distress;

For purposes of this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. For purposes of this definition, "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling; and "reasonable

person" means a reasonable person under similar circumstances and with similar identities to the victim.

Supportive Measures – Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the Complainant or Respondent, before or after the filing of a formal complaint or where no formal complaint has been filed. These services are designed to restore or preserve equal access to education, protect the safety of all parties involved as well as the safety of the University community, and deter violations of this policy. Supportive measures may include but are not limited to counseling, academic or housing adjustments, schedule adjustments, no-contact orders, escort services, and increased security or monitoring of certain areas of campus.

Third-Party Report - Any report of conduct that may constitute a violation of this policy submitted by an individual other than the Complainant.

Title IX Coordinator - The position designated by the University to coordinate the institution's compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), as amended and related sexual harassment laws and regulations. The University's Title IX Coordinator has oversight responsibility for handling Title IX-related reports and complaints and for identifying and addressing any patterns or systemic problems involving sexual harassment or sex discrimination. The Title IX Coordinator or designee is available to meet with individuals who are involved with or concerned about issues or university processes, incidents, patterns or problems related to sexual harassment or sex discrimination on campus or in university programs. All allegations involving sexual harassment or sex discrimination should be directed to the Title IX Coordinator or other designated university individuals or offices as outlined in this Policy. The name of, and contact information for, the University's Title IX Coordinator are listed in Appendix A to this Policy.

Title IX Liaison - Generally serves as the first point of contact and assists in initiating discussions about potential Title IX issues with the Office of Institutional Equity and Diversity and their respective area.

Duties:

- Facilitates communication between Title IX unit and the person from their respective area who has reported the potential violation;
- Responsible for answering general policy and procedural inquiries;
- Communicates between their respective department and the Title IX unit; and
- Ensures complaint tracking system (Maxient) reports are made to Title IX unit by the person who receives initial information.

University Program or Activity – Includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the alleged conduct occurred. This also includes buildings owned or controlled by recognized student organizations.

Witness - A person other than a party to a complaint who has first-hand knowledge of an event or circumstance that is relevant to the case from personal observation or experience. An expert witness must have special knowledge or proficiency in a particular field that is relevant to the case in order to provide expert witness testimony. Parties are responsible for any costs related to securing expert witnesses.

D. SCOPE

This policy applies to conduct on property owned, leased or controlled by the University involving students, employees, employees of affiliated organizations who are paid through the University, visitors to the institution, contractors working on campus who are not University employees, and students and employees participating in University-sponsored activities. Students include all persons admitted to the University who have not completed a program of study for which they were enrolled; student status continues regardless of whether the University's programs are in session. Employees include all staff, administrators, faculty, full or part-time, classified or hourly persons who are paid by the University. 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, but are not limited to, 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.

The University must respond to sexual harassment incidents that occur in University programs or activities, against a person in the United States, of which the University has actual knowledge.

Sexual harassment allegations that do not meet the sexual harassment definition provided by Title IX under this policy may be addressed by Policy #1005, Discrimination Policy. To the extent that the alleged conduct would satisfy the definition of sexual harassment under both this policy and the Discrimination Policy, this policy will supersede the Discrimination Policy for resolution of complaints and reports of such alleged conduct.

E. POLICY STATEMENT

The University is committed to promoting a work and education environment that is free from sexual harassment and sex discrimination. The University will take steps to prevent recurrence of sexual harassment and/or sex discrimination when incidents occur, remedy any discriminatory effects on the Complainant and others (including measures to protect other students, if appropriate), and address complaints or reports of retaliation. It is a violation of this policy for any member of the University community to make an intentionally false accusation of sexual harassment or sex discrimination.

F. PROCEDURES

1. Training

The University shall provide training to all employees likely to witness or receive reports of sexual harassment, including faculty, University law enforcement employees, administrators, University counselors, general counsels, athletic coaches, health personnel, and resident advisors. Training for employees will include practical information about how to prevent and identify sexual harassment, including same-sex sexual harassment; the behaviors that may lead to and result in sexual harassment; the attitudes of bystanders that may allow conduct to continue and bystander intervention methods; the potential for re-victimization by responders and its effect on students; appropriate methods for responding to a student who may have experienced sexual harassment, including the use of nonjudgmental language; the impact of trauma on victims; and, as applicable, the person(s) to whom such misconduct must be reported. Additionally, the training for Responsible Employees will explain the Responsible Employees' reporting obligation, including what should be included in a report and any consequences for the failure to report, the procedure for responding to Complainant's requests

for confidentiality, and the process to provide the contact information for the University's Title IX Coordinator. The University will train Responsible Employees to inform Complainants and/or Respondents of: the reporting obligations of Responsible Employees; options to request confidentiality and available confidential advocacy, counseling, or other support services; and the right to file a Title IX complaint with the University and to report a crime to campus or local law enforcement.

Individuals who conduct the complaint procedures under this policy will receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation, how to conduct Title IX hearings, and appeal process that protect the safety of the Complainants and promote accountability.

Training should also encourage students and employees to report incidents of sexual harassment. On-going training for all students will be provided in accordance with Federal law.

The University will publish training received by the Title IX Coordinator, Deputy Title IX Coordinators, Title IX Liaisons, investigators, decision-makers, and persons who facilitate informal resolutions on the University's website or make the materials available upon request for inspection by members of the public.

2. Confidentiality, Privacy, Anonymity and Requests Not to Pursue Title IX Investigation

For any third-party report and complaint under this policy, every effort will be made to respect and safeguard the privacy interests of all individuals involved in a manner consistent with the need for a careful assessment of the allegation and any necessary steps to eliminate the conduct, prevent its recurrence, and address its effects. Information related to a report or complaint under this policy will only be shared with those University employees who "need to know" in order to assist in the active review, investigation, or resolution of the matter, consistent with FERPA and other applicable privacy laws. While not bound by confidentiality, individuals must be discreet and respect the privacy of all individuals involved in the process. If a Complainant of conduct in violation of this policy or another reporting party wishes to keep a report confidential, such report must be made to licensed health care providers or licensed counselors and/or their support staff, or an accredited rape crisis or domestic violence counselor. These individuals are designated as confidential officials and are employed with University Counseling Services, Student Health Services, the Women's Center, and the YWCA of Hampton Roads. The Office of Student Engagement and Enrollment Services maintains the current directory of these staff members. A list of resources, including confidential resources, can be found at: <https://www.odu.edu/sees/sexual-assault-resources>.

Confidential officials may encourage Complainants to report the incident to the ODU Police Department (ODUPD), the Title IX Coordinator, or local law enforcement agency. Responsible Employees, including student Responsible Employees, who otherwise happen to work with the confidential officials in the areas listed above, cannot keep reports confidential. Responsible Employees receiving reports of conduct in violation of this policy are mandated to report the incident but will maintain privacy to every extent possible without compromising the University's ability to investigate and respond in accordance with applicable law and regulations. The University may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to conduct a meaningful and fair investigation.

For confidentiality purposes, the University may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, physiologist, or

other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless voluntary, written consent to do so is provided by the party.

A Complainant who submits a formal complaint may request confidentiality. A Complainant may also request in writing to withdraw their complaint or that an investigation not be conducted. The University may be limited in the actions it is able to take and its ability to respond while respecting such requests. The Title IX Coordinator will take all reasonable steps to respond to the complaint consistent with the request, including measures that can be taken while honoring the request such as increased monitoring, supervision, or security at locations or activities where the misconduct occurred, or providing training and education materials or sessions to students and employees. The Title IX Coordinator will consider the reasons for the request, including concerns about continued safety of the person reportedly harmed as well as the safety of members of the University community.

In cases in which a Complainant requests confidentiality or that an investigation not be pursued, or in cases where the Complainant requests to withdraw their formal complaint, but the Title IX Coordinator has concerns that not proceeding with a formal complaint may endanger the health or safety of members of the campus community, the Title IX Coordinator will initiate confidential consultation with appropriate individuals who may include, as appropriate, the Vice President of Human Resources, the Vice President for Student Engagement and Enrollment Services, the Provost, the University Chief of Police, the Threat Education Assessment & Management Team (T.E.A.M.), and University Counsel. The Title IX Coordinator will make the ultimate decision on whether to sign a formal complaint to initiate an investigation or informal resolution, or to respond in another manner, including the use of supportive measures.

Factors that will be considered in weighing a request by a Complainant for confidentiality or not to proceed with a formal complaint include, but are not limited to, the seriousness of the alleged violation, the use of weapons or other aggravating circumstances, the respective ages and positions of the Complainant and the Respondent, means of obtaining evidence other than a Title IX investigation such as physical evidence or video footage, and the Respondent's right to receive information.

The University will also consider any circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual harassment or other violence including whether there have been other sexual harassment complaints about the Respondent, whether the Respondent has a history of arrests or records indicating a history of violence, whether the Respondent threatened further sexual harassment or other violence against the Complainant or others, and whether the sexual harassment was committed by multiple persons. Other circumstances that might suggest there is an increased risk of future acts of sexual harassment include a pattern of perpetration, such as via use of drugs or alcohol, or a pattern of incidents at a given location or by a particular group.

3. Timely Warnings

The University is required by Federal law to issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to members of the University community. The University will ensure [to every extent possible] that a victim's name and other identifying information is not disclosed, while still providing enough information for members of the

University community to make decisions to address their own safety in light of the potential danger. For more information on Timely Warning see University Policy 3012 - Safety and Security Policy.

4. Consensual Relationships

Employees, whether faculty or staff, shall not engage in consensual relationships with students when the employee has a “position of authority” with respect to the student in such matters as teaching or otherwise evaluating, supervising, advising, or coaching a student as part of a school program or employment situation. Likewise, a supervisor and an employee shall not engage in a consensual relationship. The University views such relationships as a conflict of interest. Employees have a duty to comply with the University’s Conflicts of Interest policy.

A faculty member who enters into a consensual relationship with a student or supervisor who enters into a consensual relationship with an employee where a “position of authority” exists should be aware that, if a charge of sexual harassment is subsequently filed, it will be exceedingly difficult to prove a defense on the grounds of mutual consent.

If conduct of a sexual nature has occurred or is occurring in an apparently consensual relationship, and, if a complaint of sexual harassment regarding such conduct is filed by the student against the faculty member or graduate assistant, or by the employee against the University official, then sexual harassment shall be presumed in such cases when:

- a. The relationship is between a faculty member or graduate assistant and a student and:
 - i. The faculty member or graduate assistant is in a position to determine the student’s grade or otherwise affect the student’s academic performance or advancement; and
 - ii. The relationship began after the faculty member or teaching assistant was in such a position.
- b. The relationship is between an employee and a supervisor or University official and:
 - i. The supervisor or University official is in a position to supervise the employee or otherwise influence the conditions of the employee’s work; and
 - ii. The relationship began after the supervisor or University Official was in such a position.

5. Reports

Responsible Employees are required to report any potential violation of this policy to the Title IX Coordinator or designee. When receiving information that could constitute a violation of this policy, Responsible Employees should not conduct independent efforts to determine the merit of the information before reporting. Additionally, the University strongly encourages all individuals who witness or otherwise know of a suspected violation of this policy to report it to the appropriate University official. Reports may be anonymous; however anonymous reports may limit the University’s ability to respond and/or investigate the reported matter.

Reports of conduct in violation of this policy should be made without undue delay after the incident and may be made in person, by mail, by telephone, electronic mail, or through the online reporting form to any of the individuals identified in Appendix A, or by any other means that results in the Title IX Coordinator, or designee, receiving the person’s verbal or written report.

Notwithstanding the forgoing, individuals making reports under this policy are encouraged to make detailed written statements of the facts, including the name(s) of the Complainant(s) and Respondent(s) and any witness(es), promptly after an incident.

Promptly after the date of the report, the Complainant will be contacted to discuss the availability of supportive measures with or without filing of a formal complaint, consider the Complainant's wishes with respect to supportive measures, and explain to the Complainant the process for filing a formal complaint.

The Title IX Coordinator will make all Complainants aware of the right to also file a report with the Old Dominion University Police Department (ODUPD) or local law enforcement agency in instances involving a possible criminal violation. Complainants are encouraged to report matters to the ODU Police Department or local law enforcement in such instances and will not be dissuaded by the University from doing so at any time. If the Complainant is unable to file a report themselves, the University encourages reporting of the incident to the police by a third party.

6. Coordination with Criminal Reporting

The University will comply, to the fullest extent legally permissible, with all requests by the ODU Police Department (ODUPD) or local law enforcement for cooperation in investigations. Such cooperation may require the Title IX Coordinator to briefly suspend the fact-finding aspect of a Title IX investigation detailed in the procedures below while the ODUPD or the local law enforcement agency gathers evidence. The Office of Institutional Equity and Diversity will promptly resume its Title IX investigation once the University is informed that the ODUPD or local law enforcement has completed the evidence-gathering phase of the criminal investigation. Otherwise, the Title IX investigation will not be altered or precluded on the grounds that criminal or other charges involving the same incident have been filed or that charges have been dismissed or reduced.

7. Supportive Measures

The University offers a wide range of resources for students and employees, whether as Complainants or Respondents, to provide support and guidance throughout the initial investigation, and resolution of a formal complaint of sexual harassment and/or sex discrimination. The University will offer reasonable and appropriate measures to protect and facilitate continued access to University employment or education programs and activities. These measures may be both remedial (designed to address safety and well-being and continued access to educational opportunities) or protective. Supportive measures, which may be temporary or permanent, may include no-contact orders, residence modifications, academic modifications and support, referral and coordination of counseling and health services, escorts on campus work schedule modifications, interim suspensions, suspension from employment, and pre-disciplinary leave (with or without pay). Supportive measures are available regardless of whether a Complainant pursues a complaint or investigation under this policy. The University will, to the extent allowed by law, maintain the privacy of any supportive measures provided under this policy and will promptly address any violation of the protective measures. The Title IX Coordinator has the responsibility for coordinating the implementation of supportive measure based on all available information and is available to meet with a Complainant or Respondent to address any concerns about the provision of supportive measures.

In instances involving a Respondent's interim suspension, suspension from employment, or pre-disciplinary leave from employment, an individualized safety and risk analysis must determine that an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment justifies removal. The individualized safety and risk analysis should be conducted by the Office of Student Conduct and Academic Integrity for student Respondents, and by the Threat Education Assessment & Management Team (T.E.A.M.) for employee Respondents. The student or employee subject to such suspension or leave will be given the opportunity to meet with the Title IX Coordinator to show cause why the suspension or leave should not be implemented. The Title IX Coordinator may consult with University officials and units such as the Office of Student Conduct & Academic Integrity, Academic Affairs, Human Resources, and the THREAT team to make a final determination. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

The University may provide reasonable supportive measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any relationship with the University.

8. Filing Formal Complaints

A formal complaint alleging sexual harassment and/or sex discrimination and requesting that the University investigate must be filed with the Office of Institutional Equity and Diversity to the attention of the Title IX Coordinator.

Complainants are encouraged to file formal complaints as soon as possible, as the passage of time may impact the University's ability to respond or take appropriate action. There is no time restriction for filing a complaint. However, the Complainant must, at the time of filing a formal complaint, be participating in or attempting to participate in a University program or activity. A formal complaint may be filed with the Title IX Coordinator in person, by mail, fax, or by electronic mail at the contact information listed in Appendix A, or by submitting the online complaint form. It is a violation of this policy for a student or an employee to interfere with an individual's right to file a complaint under this policy.

Considerations when filing a formal complaint:

- a. Only formal complaints will be processed under this policy.
- b. Nothing herein prohibits referral to supportive measures when a formal complaint is not an option, or a person chooses not to go forward with a formal complaint.
- c. Once a formal complaint is filed, the Title IX Coordinator will review the formal complaint to determine the following factors:
 - i. The person submitting the formal complaint qualifies as a Complainant as defined in this policy, including the requirement that they be participating in or attempting to participate in a University program or activity.
 - ii. The conduct alleged, if proven, would constitute sexual harassment and/or sex discrimination as defined by this policy.
 - iii. The conduct alleged occurred against a person in the United States.
 - iv. The conduct alleged occurred within a University program or activity.

If the formal complaint does not meet one or more of the factors listed above, the formal complaint will be dismissed for purposes of this policy and a referral will be made to other applicable policies and procedures as appropriate. The Title IX Coordinator will send prompt written notice of the dismissal, including the reasons for the dismissal, to the parties. A Complainant may appeal this dismissal to the Vice President of Human Resources. The Respondent may raise the defense that one or more of the factors listed above were not met once the Respondent is provided notice of the formal complaint.

- d. A formal complaint may also be dismissed if the Respondent is no longer enrolled or employed by the University or if specific circumstances prevent the gathering of sufficient evidence to reach a determination as to the formal complaint or allegations therein. Upon such dismissal, the Title IX Coordinator will send prompt written notice of the dismissal, including the reasons for the dismissal, to the parties. A complainant may appeal this dismissal to the Vice President of Human Resources.
- e. Following the Title IX Coordinator's review of a formal complaint, but no more than three days after the complaint commencement date, the Complainant will receive acknowledgement of the formal complaint by issuance of the "Title IX Letter." Following a reasonable time to gather sufficient information from the Complainant, the Respondent will also receive acknowledgement of the formal complaint by issuance of the Title IX Letter. The Title IX Letter will include:
 - i. A description of the allegations potentially constituting a violation of this policy.
 - ii. Sufficient details about the incident known at the time, including: the names of the parties involved, and the date and location of the incident.
 - iii. A description of the available informal resolution procedures.
 - iv. A statement that the Respondent is presumed not responsible for the alleged conduct until a determination of responsibility is made following the hearing process.
 - v. A statement informing the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney.
 - vi. A statement informing the parties that making false statements or knowingly submitting false information during the complaint process is prohibited.
 - vii. A statement informing parties of their right to inspect and review evidence gathered during the investigation, as well as their ability to suggest witnesses to be interviewed during the course of the investigation.
 - viii. A description of available resources.
 - ix. An attached copy of this policy.

If during an investigation, new allegations are identified for investigation, a new Title IX Letter will be provided to the parties whose identities are known.

- f. A Complainant may withdraw their formal complaint, or any allegations therein, at any time during an investigation or hearing by submitting a written request to the Title IX Coordinator. The Title IX Coordinator will process this request consistent with the procedures in section F.2. The Title IX Coordinator will send prompt written notification of the outcome of the request to the parties.
- g. In cases where the Complainant cannot or is unwilling to file a formal complaint or participate in an investigation, the Title IX Coordinator, or designee, has discretion to file a formal complaint by submitting a written and signed complaint form. In such cases, the Title IX Coordinator does not become a party to the complaint. The Respondent will receive

prompt acknowledgement of the formal complaint by issuance of the Title IX Letter.

- h. Multiple formal complaints may be consolidated for investigation and hearing purposes where the allegations of sexual harassment or sex discrimination arise out of the same facts or circumstances.

9. Investigation of Formal Complaints

Old Dominion University will investigate the allegations in any formal complaint, unless both parties provide voluntary informed and written consent to informally resolve the formal complaint.

Parties have the right to have an advisor present during investigation proceedings. However, advisors will not be permitted to speak to participants other than quietly to the advisee to avoid disruptions. Advisors violating this requirement may be asked to leave or abstain from participation. If a Complainant or Respondent does not have an advisor, the University shall offer one free of charge. The University will take all reasonable efforts to ensure equitable advisement of the parties. Requests for University-provided advisors may not be applied retroactively. Complainants and Respondents needing a University-provided advisor are encouraged to make their request as soon as possible in the process.

- a. A team of two investigators from the Office of Institutional Equity and Diversity will conduct a prompt, adequate, reliable, and impartial investigation of the formal complaint.
- b. Written notice of the time, location, participants and purpose of investigation proceedings will be provided to the parties with sufficient time to prepare.
- c. Typically, an investigation, not including the time necessary for a hearing and potential appeals, will be completed within 75 days of the complaint commencement date. If extension of the investigation beyond 75 days is necessary, all parties will be notified of the expected timeframe.
- d. The Respondent shall be presumed not responsible for the alleged conduct until a determination of responsibility has been made at the conclusion of the hearing and any subsequent appeals. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University.
- e. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- f. Character witnesses and character statements are considered not relevant for purposes of the investigation.
- g. Both the Complainant and Respondent will have the same opportunity to inspect and review evidence obtained during an investigation. The University shall strive to make the process transparent and fair to all parties.

- h. Recording of investigation interviews is not permissible.
- i. Prior to the conclusion of the investigation report, the Complainant and Respondent and their respective advisors, if any, shall receive for review all evidence obtained as part of the investigation that is directly related to the allegations raised. The parties will have 10 days to submit a written response to the evidence, which the investigators will consider prior to completion of the investigation report.
- j. At the conclusion of the investigation, and at least 10 days prior to the hearing, an investigation report that fairly summarizes the relevant evidence shall be provided to the complainant and the Respondent concurrently as well as their respective advisors, if any. A notice containing information about hearing and appeal procedures shall accompany the investigation report.
- k. The investigation report and the evidence obtained during the investigation shall be provided to the hearing officer(s). The evidence shall be made available to the parties during the hearing so that they may make reference to the evidence, including for cross-examination.
- l. Within 10 days of issuance of the investigation report, the parties may submit a written response. The written response(s) to the investigation report will be provided to the hearing officer(s) for review, and the opposing party shall simultaneously be provided a copy of the written response(s).
- m. No additional documentation or evidence will be allowed to be introduced prior to or during the hearing.

10. Hearings and Determinations of Responsibility

General Considerations:

A live hearing will determine responsibility for allegations of conduct in violation of this policy. The hearing procedures referenced below are guided by the same principles of fairness and respect for Complainants and Respondents. The University applies the “preponderance of the evidence” standard when determining whether this policy has been violated. “Preponderance of the evidence” means that it is more likely than not that a policy violation occurred.

The University shall not require the participation of parties or witnesses. However, if a party or witness does not attend the live hearing or does not submit to cross-examination, the hearing officer(s) must not rely on any statement of the party or witness in reaching a determination of responsibility. Notwithstanding an individual’s absence or refusal to submit to cross-examination, inferences cannot be drawn about responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination questions.

Either party may request that the live hearing be conducted virtually. Live hearings will be conducted in person or via video conference, at the discretion of the hearing officer(s). All parties and witnesses shall be afforded the opportunity to participate orally, and in real time. Audio or audiovisual recording, or transcript, of any live hearing will be created.

The hearing will allow cross-examination by each party’s advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the advisor and never by a party personally. Only relevant cross-examination and follow-up questions may be asked of a party or witness. Before a party or witness answers a cross-examination or other question, the hearing officer(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are presumed not relevant. Such questions and evidence may only be permitted if they are offered to prove that someone other than the Respondent committed the conduct alleged to be in violation of this policy, or if they concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a party does not have an advisor present at the hearing, the University will provide an advisor of its choice, without fee, to conduct cross-examination on behalf of that party. However, advisors will not be permitted to speak to participants other than to conduct cross-examination and for the purpose of providing advice to the advisee. Advisors must participate in a non-disruptive manner and may be asked to leave or abstain from participation by the hearing officer(s) if in violation of this requirement.

A written notice of the outcome of a hearing will be provided to the parties simultaneously and will include:

- a. The allegations of conduct in violation of this policy;
- b. A description of procedural steps taken in the formal complaint process;
- c. An analysis of the application of this policy to the facts of the case;
- d. A statement of the determination of responsibility for each allegation, including a rationale and findings of fact supporting the determination(s);
- e. The availability of appeal procedures.

The Title IX Coordinator will also be notified of the outcome of the hearing. Following a determination made in the hearing and at the conclusion of any appeal, a party may have further rights should sanctions be imposed.

General Considerations for the Hearing Panel:

For each hearing, a panel of three hearing officers will be selected from a pool of representatives from across the University. The representation in the pool will include, but is not limited to, Academic Affairs, Human Resources, Student Engagement and Enrollment Services, Athletics, and the University Police Department. The Title IX Coordinator will ensure that hearing officers have no conflicts of interest and are appropriately trained.

11. Sanctions

- a. Sanctions for students will be determined in accordance with student regulations and policies and, where necessary or appropriate, in consultation with the Director of Student Conduct & Academic Integrity or designee. Sanctions may include, but are not limited to, disciplinary penalties described in the Code of Student Conduct, suspension or dismissal/expulsion.
- b. Sanctions for teaching and research faculty will be determined in accordance with the Board of Visitor's Policy 1450 in the Faculty Handbook. Possible sanctions include, but are not

limited to, counseling, training, reassignment, suspension, with or without pay, removal from administrative positions, or proceedings to dismiss.

- c. Sanctions for Administrative/Professional faculty shall be determined in accordance with Board of Visitors Policy 1490, Administrative and Professional Faculty and the Administrative Faculty Guidebook. Possible sanctions include, but are not limited to, counseling, training, reassignment, suspension, with or without pay, or proceedings to dismiss.
- d. Sanctions for classified employees will be determined in accordance with the Commonwealth's Standards of Conduct Policy. Possible sanctions include, but are not limited to, verbal counseling, training, reassignment, issuance of a Written Notice, suspension, with or without pay, or termination of employment.
- e. Where a Respondent is both a student and an employee, the Respondent may be subject to any of the sanctions applicable to students or employees.
- f. The University reserves the right to require a Contractor to remove from campus any employee who violates this policy. Contractors shall assign for duty only employees acceptable to the University.
- g. Visitors who violate this policy will be directed to leave campus immediately and may be subject to a permanent ban from campus.
- h. A determination regarding the imposition of sanctions shall be made following the outcome of the hearing determining responsibility, unless either party files an appeal. The parties shall be informed in writing simultaneously by the individual imposing any applicable sanctions. Included in this notification will be the rationale for any applicable sanctions. The Title IX Coordinator shall be provided a copy of such written notification. The Title IX Coordinator also will disclose in writing to the Complainant the final results of a disciplinary proceeding involving the Respondent with regard to an alleged forcible or non-forcible sex offense, act of stalking, domestic violence, or dating violence on the Complainant, as permitted by State and Federal law including FERPA and the Virginia Freedom of Information Act.

12. Appeals

- a. Either party may appeal a determination regarding responsibility on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.

All appeals must be in writing and must be filed within 15 calendar days from the date of issuance of the written notice of the outcome of the hearing. All documents or evidence to be considered must be included with the written appeal. The written appeal should include the basis for the appeal as described in the paragraph above.

General Considerations: As with the hearing process, the parties must have an equal opportunity to present relevant information in the appeals. The University will permit the parties' lawyers or other advisors to participate in the appeal process. The University shall not require the participation of the Complainant, and parties and witnesses shall be afforded

the opportunity to participate remotely (tele-conference) from another location. Both parties must be notified, in writing, of the outcome of the appeal.

- i. A complaint involving a student as Respondent may be appealed by either party as allowed by the Code of Student Conduct.
 - ii. A complaint involving faculty, administrators or staff as Respondent may be appealed by either party to the respective Vice President/Provost or designee within 15 calendar days of the notice of the outcome of the hearing. The decision of the Vice President/Provost or designee is final.
- b. Either party may appeal a dismissal of a formal complaint or any allegation therein, on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter. The appeal must be submitted within 15 calendar days of the dismissal of the complaint and must be submitted in writing to the Vice President of Human Resources.

Decisions regarding appeals shall be based on the written record (the investigation report, the notice of hearing outcome, and the written appeal) and any new evidence. Appeals shall not constitute a reinvestigation of the matter in question.

The decision on an appeal is final under this policy and is not subject to further university appeal or grievance. However, nothing in this policy invalidates post-adjudication rights as provided by state and federal law (i.e., State Grievance Procedure, under Chapter 30 (§ 2.2-3000 et. seq.) of Title 2.2 of the Code of Virginia; the Office for Civil Rights; and/or the Equal Opportunity Employment Commission).

13. Transcript Notation Requirement

Pursuant to the Code of Virginia § 23.1-900, as amended, 1950:

A prominent notation will be placed on the academic transcript of each student who has been suspended for, permanently dismissed for, or who withdraws from the University while under investigation for an offense involving sexual violence under this Policy, stating that such student was suspended for, permanently dismissed for, or withdrew from the University while under investigation for an offense involving sexual violence under the Policy. Such notation shall be substantially in the following form: "[Suspended, Dismissed, or Withdrew while under investigation] for a violation of the Title IX Sexual Harassment and Sex or Gender-Based Discrimination Policy."

The Title IX Coordinator shall notify each student that any such suspension, permanent dismissal, or withdrawal will be documented on the student's academic transcript. The Title IX Coordinator will also ensure prompt removal of such notation from the academic transcript of any student who is subsequently found not to have committed an offense involving sexual violence under this Policy.

A student whose transcript has been notated as described in this section may request expungement of the notation for good cause shown. Requests for expungement must be submitted in writing to the Title IX Coordinator. After a period of three years, a student may also request expungement of the transcript notation and must submit their request in writing to

the Title IX Coordinator. A notation of suspension pursuant to this section shall be removed from a student's transcript if the student (a) completes the term and any conditions of the suspension and (b) is determined to be in good standing according to the University's code, rules, or set of standards governing such a determination.

14. Informal Resolution

The informal resolution process may be offered to all students, faculty, administrators and staff. This process offers an opportunity to facilitate informal resolution options, such as mediation, so long as both parties give voluntary, informed, written consent to attempt informal resolution of a formal complaint. This process will be facilitated by a trained professional.

Parties are not required to participate in an informal resolution process and may only elect to participate in an informal resolution process once a formal complaint is filed.

Any party has the right to withdraw from the informal resolution process and resume the formal complaint process at any time prior to agreeing to an informal agreement.

The informal resolution process is not applicable to facilitate resolution of allegations that an employee (whether faculty, administrator, or staff) sexually harassed a student.

Confidentiality

All writings and communications made during, or in connection with, the informal resolution process that relate to the substance of the complaint shall be regarded as confidential by all mediators, parties, and OIED staff. Confidentiality surrounding informal resolutions must be kept pursuant to Virginia Code § 8.01-581.22. No informal resolution-related documents are to be kept as part of a student educational record or personnel file. Recording of the informal resolution process, secretly or otherwise, is strictly prohibited. Disclosing the fact that informal resolution took place is not a breach of confidentiality. A violation of the confidentiality requirement of this section may constitute a separate violation of this policy. If a resolution cannot be reached, then the Office of Institutional Equity and Diversity will determine further guidance.

15. Deferral of Action

Should a complaint of sexual harassment or sex discrimination be raised in another internal procedure, the other internal procedure shall be deferred until the conclusion of review and investigation, if applicable, under this policy.

Any complaint filed by an employee or student with the Commonwealth of Virginia Department of Human Resource Management, the U.S. Equal Employment Opportunity Commission or the Office for Civil Rights will result in the dismissal of the internal complaint upon notice to the University that a complaint has been filed.

16. Documentation and Recordkeeping

The Title IX Coordinator will maintain, in a confidential manner, all complaints, witness statements, documentary evidence, written investigation reports, resolutions, and appeal hearings and associated documents for a period consistent with Federal and State record retention policies for paper or electronic files.

G. RECORDS RETENTION

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

H. RESPONSIBLE OFFICER

Director of Equity and EO/AA

I. RELATED INFORMATION

Title IX of the Education Amendments of 1972

University Policy 6220 – Conflicts of Interests

University Policy 6600 - Standards of Conduct for Classified Employees

University Policy 6602 - Classified Employees Grievance Procedure

APPENDIX A

The Title IX coordinator's primary responsibility is to coordinate the University's compliance with Title IX and related laws and guidance, including the procedures for resolving Title IX complaints. This responsibility includes monitoring outcomes, identifying and addressing any patterns, and assessing effects on the campus climate.

The University's designated Title IX Coordinator is listed below with their contact information:

Ariana Wright
4111 Monarch Way Ste. 106
Norfolk, VA 23529
757.683.3141
titleixcoordinator@odu.edu

The University's designated Deputy Title IX Coordinators are listed below with their contact information:

Kimberly Cain
Assistant Director of Equity and Diversity
757.683.3141
kcain@odu.edu

For Student-Athletes:

Annamarie Ginder
Associate Athletic Director/Student-Athlete Academic Services
757.683.3375
aginder@odu.edu

For All Other Students:

Traci Daniels
Special Assistant to the Vice President for SEES
757-683-5890
tdaniels@odu.edu

The University's designated Title IX Liaisons are listed below with their contact information:

For Faculty:

Kate Hawkins
Vice Provost for Faculty Affairs and Strategic Initiatives
757.683.4423
kwhawkin@odu.edu

For Administrative & Professional Faculty and All Other Employees:

JaRena Whitehead
AVP of Human Resources
757.683.4564
jwhitehe@odu.edu

POLICY HISTORY

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

Responsible Officer

Date

Policy Review Committee (PRC) Approval to Proceed:

Chair, Policy Review Committee (PRC)

Date

Executive Policy Review Committee (EPRC) Approval to Proceed:

Responsible Oversight Executive

Date

University Counsel Approval to Proceed:

University Counsel

Date

Presidential Approval:

/s/ John R. Broderick
President

September 24, 2020
Date

Policy Revision Dates:

Scheduled Review Date: September 24, 2021

Attachment H

University Policy 3200 – Use of Facilities and Grounds



OLD DOMINION UNIVERSITY

University Policy

Policy #3200

USE OF FACILITIES AND GROUNDS

Responsible Oversight Executive:

Vice President for Administration and Finance

Date of Current Revision or Creation:

August 4, 2014

A. PURPOSE

The purpose of this policy is to promote the use of the University's facilities and grounds in a manner consistent with the University's mission and to outline the responsibilities in the use of the University's facilities and grounds.

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.

Code of Virginia Section 23.1-401, as amended, entitled "Restrictions on Student Speech; limitations (which was enacted by the 2014 General Assembly and will be added to the *Code of Virginia*, effective July 1, 2014), states, "Public institutions of higher education shall not impose restrictions on the time, place, and manner of student speech that (i) occurs in the outdoor areas of the institution's campus and (ii) is protected by the First Amendment to the United States Constitution unless the restrictions (a) are reasonable, (b) are justified without reference to the content of the regulated speech, (c) are narrowly tailored to serve a significant governmental interest, and (d) leave open ample alternative channels for communication of the information.

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.

Board of Visitors Policy 1001 – The Mission of the University

C. DEFINITIONS

Academic Department – Any unit, organization, program, or project recognized and sanctioned by the University's Organizational Chart, which reports to the Provost and Vice President for Academic Affairs.

Administrative Work - Work done in support of academic work or the University's overall mission.

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

Grounds - All other property that is owned or leased by the University that is not considered a building, structure or parking lot.

Non-University Groups – Groups or individuals without an official affiliation to the University seeking to use facilities/grounds for a purpose unrelated to the University’s mission.

Space - The area inside a facility or defined area of grounds.

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 all staff, administrators, faculty, full- 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 use of University facilities and grounds, either owned or leased, must be consistent with the mission of the University and the general nature of the facility. The academic work of the University will hold a primary place in the use of facilities and all uses for other purposes must be arranged so as not to hinder or adversely affect academic activities.

While fee-based use by non-University groups is permitted in limited circumstances, their use must be consistent with the mission of the University and sponsored by a University group. Fee-based commercial use will not be permitted unless the use is clearly consistent with the mission of the University.

All users must abide by applicable laws, regulations, and policies.

F. PROCEDURES

1. University Space Committee

The University’s Space Committee is chaired by the Provost and Vice President for Academic Affairs and includes the Vice Presidents for Administration and Finance, Student Engagement & Enrollment Services, Research, Human Resources and University Advancement. The University Space Officer in the Office of Design and Construction will act as the administrative arm of the Committee and will develop internal procedures as directed by the Committee and published in the University’s Space Management Policy Manual.

The Space Committee is charged with assessing the space needs of the University and assigning facilities and grounds space based on the following categories: academic, research, administrative, student housing, athletic, recreational sports, or other. The facilities and grounds, once categorized, will be assigned to management as listed below.

a. Academic Space

Academic space is assigned to the Provost and Vice President for Academic Affairs in support of the University's instructional mission. Academic space, other than classrooms, is then reassigned by the Provost and Vice President for Academic Affairs to the Deans of the Colleges, as appropriate.

Classrooms are the scheduling responsibility of the University Registrar. The University Registrar will develop procedures to reserve and efficiently manage the University's classroom and instructional laboratory space and publish the procedures prior to the fall, spring and summer terms. The University Registrar will ensure compliance with the State Council for Higher Education in Virginia's (SCHEV) Standards for the Utilization of Instructional Classroom and Instructional Laboratory Space.

Additions to or deletions from the University's inventory of instructional classroom and instructional laboratory space will be the responsibility of the University's Space Committee.

b. Research Space

Research space is assigned to the Vice President for Research in support of the University's research mission. The University's research space is then reassigned by the Vice President for Research to the Deans of the Colleges, when appropriate.

c. Administrative Space

Administrative space is assigned to administrative units across the University. Once assigned, administrative space will be managed by the Vice President for the administrative unit to which it is assigned.

d. Student Housing

Student Housing is assigned to the Vice President for Student Engagement & Enrollment Services and reassigned to the Executive Director of Housing & Residence Life. Assignment of individual students to housing is governed by the Housing & Residence Life Policies and Procedures Handbook.

Student Housing may also be used to house visitors attending conferences, camps, or other activities. The Office of Housing & Residence Life manages overnight accommodations and issues policies and procedures for their use.

e. Athletic Space

Athletic space will be under the supervision of the Athletic Director and will include all athletic fields and facilities owned or leased by the University, whether located on or off campus. While the use of these facilities and grounds by student-athletes is a priority, the Athletic Director may permit use by others subject to the other provisions of this policy. Procedures for scheduling athletic facilities may be found on the Intercollegiate Athletics website.

f. Recreational Sports Space

Recreational sports space is the space located in the Student Recreation Center (other than classroom space) where students and employees are permitted access to the pool, certain sports activity areas and equipment to promote the physical health of the students and employees. This space shall be under the direct administration of the Vice President for Student Engagement & Enrollment Services and the supervision of the Director of Recreation and Wellness.

g. Other

Other space includes, but is not limited to: arts facilities, Webb University Center, Perry Libraries, Student Success Center, Ted Constant Convocation Center, and outdoor space. Policies for the use of these spaces/areas are established by the departments/units to which they are attached.

2. Approval of Use of Facilities and Grounds by Non-University Groups

The Director of Facilities Management is the approver of requests from non-University groups for use of Educational and General (E&G) facilities and grounds. Requests for use of Auxiliary facilities and grounds (e.g., Webb University Center, Athletics, Ted Constant Convocation Center) by non-University groups are handled by their respective organizations. If police presence is required, the Old Dominion University Police Department should be contacted in a timely manner.

Non-University groups permitted to use University owned facilities or grounds will be responsible for reimbursing the University for expenses associated with utilities, supplies, cleanup, etc. See the Office of Facilities Management's Policy on Reimbursement of Costs Associated With the Use of Old Dominion University Facilities and Grounds By Non-ODU Related Organizations.

3. Catering – Use of University facilities and grounds shall be subject to the University's exclusivity contract with its caterer.

4. Posting or Display of Information

Resources are provided throughout academic and administrative buildings on property owned or leased by the University for the purpose of posting or displaying information relevant to the mission of the University. These resources will be maintained by department heads or their designees located in the areas where they reside. Affixing items to doors, entrances, windows, building exteriors, or interiors (except as noted above), benches, poles or placing flyers on vehicles is prohibited and these items will be removed.

5. Keys

- a. Residence hall keys are issued to residence hall students upon check-in and procedures are detailed in the Housing & Residence Life Policies and Procedures Handbook. Students are responsible for the cost of the key and rekeying the lock should they lose the key or fail to return the key at the end of the term of the agreement or upon early departure from campus. Fees associated with lost keys are published annually in the Schedule of Tuition, Fees, and Service Charges.

- b. Facility keys may only be issued to University employees and graduate students at the request of their supervisor and upon the approval of the department head, in accordance with the forms and procedures posted on the Department of Facilities Management website. The Director of Facilities Management is responsible for maintaining a record of all keys issued. Keys must NOT be transferred to other employees/supervisors; when keys are no longer required, they must be returned to the Department of Facilities Management. Duplication of University keys by anyone other than a University Locksmith is prohibited. Employees may be responsible for the cost of the key(s) and rekeying the locks should they lose the key(s) or fail to return the key(s) to Facilities Management at the end of their employment or transfer to another department. Fees associated with lost keys are published annually in the Schedule of Tuition, Fees, and Service Charges.

Master keys may only be issued upon the approval of the Superintendent of the Structural Department, Director of Facilities Management and Vice President for Administration and Finance. Locks may be changed in a University facility only upon the express authorization of the Director of Facilities Management.

6. Permitting of Tents, Stages and Amusement Devices

The use of tents, stages and amusement devices is governed by State law which requires that tents greater than 900 square feet, stages and all “amusement devices” (including inflatables, gravity rides, bounce houses, go-carts, climbing walls, bungee jumping, etc.) are appropriately permitted and inspected. See the Department of Facilities Management Procedure on Tent, Stage and Amusement Device Permit Requirements.

G. RECORDS RETENTION

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

H. RESPONSIBLE OFFICER

Director of Facilities Management

I. RELATED INFORMATION

University Policy 1600 – Solicitation Policy
University Policy 3220 – Policy on the Use of Tobacco and Smoking-Related Products, and Electronic Cigarettes and Vaporizers
Monarch Catering Services

POLICY HISTORY

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

/s/ R. Dillard George July 29, 2014
Responsible Officer Date

Policy Review Committee (PRC) Approval to Proceed:

/s/ Donna W. Meeks May 27, 2014
Chair, Policy Review Committee (PRC) Date

Executive Policy Review Committee (EPRC) Approval to Proceed:

/s/ Robert L. Fenning July 31, 2014
Responsible Oversight Executive Date

University Counsel Approval to Proceed:

/s/ James D. Wright July 31, 2014
University Counsel Date

Presidential Approval:

/s/ John R. Broderick August 4, 2014
President Date

Policy Revision Dates: December 1, 1988; September 11, 2003; August 4, 2014

Scheduled Review Date: August 4, 2019

Attachment I

Event Management Policies and Protocol

Old Dominion University

Webb Center & Outdoor Event Guidelines and Procedures

LSI Scheduling Rec and Wellness Scheduling

Reservation Process

- **How do I make a Webb Center or Outdoor Space reservation?**
 - All reservations must be made by appropriate campus sponsor – please see Webb Center and Outdoor Space Scheduling Policy for more information.
 - Log on to the Virtual EMS website at spacereservations.odu.edu
 - Select one of the following forms:
 - Indoor Student Recreation Center
 - Use this form when requesting activities and facilities in the Student Recreation Center (SRC)
 - This form must be submitted by 11am, 14 days before the event date.
 - Indoor Webb Event
 - Use this form to request space for basic and advance events. North Café can only be reserved through this form.
 - This form must be submitted by 12pm, 5 days before the event date.
 - Webb Meeting Request
 - Use this form to request space for meetings only. These events will usually only consist of tables, chairs, a head table, and food tables.
 - This form must be submitted by 10am the day before the event (media cannot be guaranteed if request submitted less than one week before meeting).
 - Outdoor Event Request
 - Use this form to request Kaufman Mall, Whitehurst Beach, Whitehurst Field, Williamsburg Lawn, Bolling Square, Runte Quad, Perry Library/ Engineering Field, Powhatan Pavilion, and Dominion House Lawn.
 - This form must be submitted by 11am, 21 days before the event date.
 - Tabling
 - Use this form when requesting tabling in North Mall, South Mall, and Kaufman Mall.
 - This form must be submitted by 10am the day before the event.
- **Who may reserve space?**
 - Every space reservation must have an official sponsor that is affiliated with the university. A sponsor is an official ODU department/office or student organization.
 - ODU departments and faculty use their staff MIDAS ID and password to log onto the website.

- Student organizations are allowed 2 Virtual EMS Representatives. The 2 representatives can be any active members or advisors of the organization. To submit or change your 2 Virtual EMS Representatives follow this link: <https://orgsync.com/3698/forms/246405>
 - For Free Speech purposes, individual students are allowed to reserve outdoor space. This right for individual students only applies to outside space for Free Speech purposes.
- ***When can I reserve space?***
 - You can reserve space anytime as long as you meet the needed times for each space (see above in How Do I Reserve Space section).
 - There is a calendar for advanced scheduling dates for meetings and complex events. Meetings can be booked up to one semester in advance and events up to one year. See below for exact dates.
 - Advanced Scheduling
 - April 15th- Starting date to make meeting requests for meetings taking place through December and complex events taking place through the following spring semester.
 - October 15th- Starting date to make meeting requests for meetings taking place through April and complex events taking place through the following fall semester.
- ***Hours of operation?***
 - For Webb Center: Spring and Fall Semesters: Monday-Sunday 7 a.m. until 11:30 p.m.
 - *Facilities not available for programming by student organizations from the first day of finals through the last day of finals.
 - *Webb Center North Cafeteria only available for event reservations after 5pm Tuesday and Thursday and regular reservation hours Monday, Wednesday, Friday, Saturday, and Sunday.
 - Summer Semester: Monday-Sunday 7 a.m. until 9 p.m.
 - Webb Center will be closed for certain national holidays and university closings.
- ***What can I reserve space for?***
 - Meetings
 - Meetings are defined as simple gatherings of individuals for the purpose of conducting general business.
 - Sponsors are responsible for the general behavior and activities of persons leading and attending meetings. Sponsors should be aware of other meetings or events occurring in the facility and ensure their activities do not infringe upon other meetings or events.
 - The usual set up for a meeting will consist of tables, chairs, and basic catering needs.

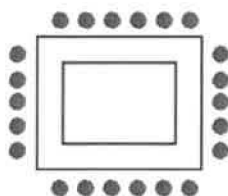
- Reservations for meetings may be made up to 10am the day before the meeting through the Virtual EMS system with no media required. If media requested, meeting reservations must be made 5 days in advance.
- Rooms for the purposes of academics classes cannot be reserved in Webb Center.
- Indoor Events
 - Indoor events are defined as events outside the scope of a meeting. They usually are identified as a “program”
 - Sponsors are responsible for the general behavior and activities of persons leading and attending events. Sponsors should be aware of other meetings or events occurring in the facility and ensure their activities do not infringe upon other meetings or events.
 - Set-up for Indoor Events can vary, depending on needs
 - Reservations can be made by noon up to five (5) business days in advance but must include ALL set-up information.
 - These types of events can be trainings, retreats, speakers, etc.
- Indoor Complex Events
 - Events categorized as “complex” are required to meet with the Scheduling staff to ensure all aspects of the event are planned and coordinated to meet all applicable University guidelines, procedures and policies.
 - Sponsors are responsible for the general behavior and activities of persons leading and attending events. Sponsors should be aware of other meetings or events occurring in the facility and ensure their activities do not infringe upon other meetings or events.
 - Reservations must be made 21 days in advance.
 - An event will be defined as “complex” at the discretion of LSI scheduling staff when the event includes two or more of the following items:
 - Space Used is North and/or Center Cafeteria and Kaufman Mall
 - Attendance (expected or historical) set at 250 or above
 - Tickets (paid or free)
 - Contracted Services (performance contract, etc.)
 - Advance Audio Visual Support
 - Complex Room Set-Up
 - Open Floor Room Set-Up
 - More than two room reservations (i.e. Conferences)
 - Alcohol will be served at the event
 - Off campus guests or VIP’s invited

- **What set ups can my space have?**
 - See below chart for all the rooms in Webb Center and their capacities depending on room set-up

Webb Center Rooms Capacities								
Room	Dimensions	Banquet	Auditorium	Classroom	U-Shape	Square	Conference	Clear Room
BOV		x	36	x	22	22	22	x
Cape Charles	21' x 40'	24	80	32	29	36	30	97
Cape Charles-I of W	21' x 80'	64	165	68	69	76	30	148
Chesapeake	21' x 40'	24	80	32	29	32	30	105
Ches-Ports	21' x 72'	64	160	68	61	68	30	151
Ches-Ports-VaB	21' x 91'	96	220	112	81	88	30	223
Executive Dining Room	37' x 38'	50	50	37	25	30	24	
Hampton	38' x 33'	48	94	48	35	42	26	125
Hampton-Newport News	38' x 66'	80	246	120	52	80	30	251
Isle of Wight	21' x 40'	16	50	16	19	26	30	84
James-Lynnhaven	23' x 38'	40	55	34	33	38	30	109
James Lynnhaven York	23' x 54'	64	100	61	47	52	30	124
James River	23' x 22'	16	15	14	11	24	18	63
Lynnhaven York	23' x 32'	24	27	22	14	22	26	92
Lynnhaven River	23' x 16'	8	20	6	19	24	10	46
Newport News	38' x 33'	32	78	44	35	42	26	125
Norfolk	23' x 40'	36	x	x	x	x	x	x
North Cafeteria	70' x 65'	192	408	x	x	x	x	569
North/Center Cafeteria	70' x 100'	368	668	x	x	x	x	875
Portsmouth	21' x 32'	16	50	24	23	30	20	67
Potomac River	23' x 22'	16	15	14	11	24	18	63
Potomac-York	23' x 38'	40	55	34	33	38	30	109
Pot-York-Lynn	23' x 54'	64	100	61	47	52	30	124
Rabbi Reich	15' x 23'	8	x	x	x	x	8	x
River Rooms (James Lynn York Pot)	23' x 76'	88	155	79	75	80	30	175
Suffolk	28' x 21'	x	x	x	x	x	20	x
U-Center Conference Room		X	X	X	X	X	16	x
Virginia Beach-Portsmouth	21' x 51'	48	110	56	48	40	30	139
Virginia Beach	21' x 19'	8	20	8	11	18	8	46
Virginia Rice Webb	20' x 34'	24	50	24	19	24	24	45
Williamsburg	16' x 23'	x	x	33	x	x	x	x
York River	23' x 16'	8	20	6	19	24	10	46

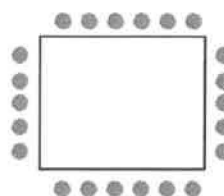
- **What are my room set up options? (See photo)**

- The Board Room, Norfolk Room, Williamsburg Room, Suffolk Room, Rabbi Reich Room, U-Center Conference Room and Mane Hub Conference Room are “as is” spaces, meaning the room set up cannot be changed. Tables and chairs should not be moved in the room during your reservation time. Failure to comply may result in loss of future bookings for the room.



Square Style

Conference tables placed in a square or rectangular outline with open space in the middle. Great for medium or larger group meetings.

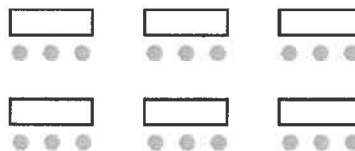


Conference Style

Conference tables placed in a square or rectangular shape with the middle filled in. Ideal for small groups or project meetings.

Classroom Style

Rows of tables with 2-3 chairs at each one, with tables arranged to face the front of the room. Most desirable for groups who will be listening while taking notes or working on an activity.



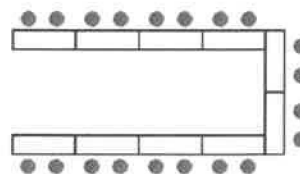
Auditorium Style

Rows of chairs facing the front of the room, usually divided by center and/or side aisles. Appropriate for lectures or larger groups that do not require extensive note-taking.



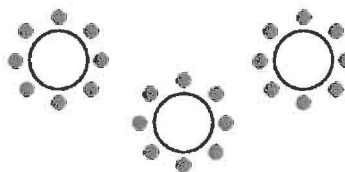
U-Shape

U shaped table set up with chairs on outside perimeter. Perfect for presentations that include group discussions, note-taking or handouts.



Banquet Style

Round tables with 8 chairs. Perfect for served meals and/or conference sessions with small breakout or discussion groups.



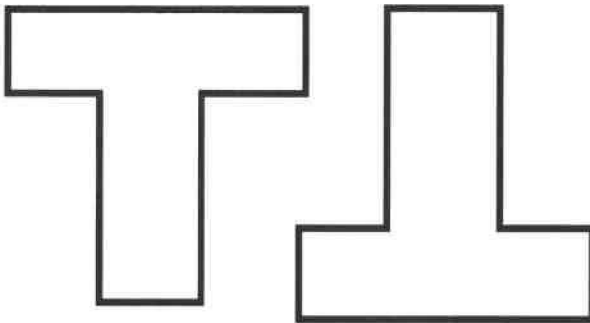
- **What are my different stage options for North Café?**

- Stage options can vary based on the need and type of event. Webb Center has 12 stage pieces that can be moved around to cater to your event. If you wish to have the stage removed from North Café for your event, you will need to notify LSI Scheduling 10 days prior to your event.
- A standard stage is 24 x 12 feet and the large stage is 24 x 18 feet.
- Each stage piece is 8 feet wide and 6 feet deep.
- Options for your stage are listed below:



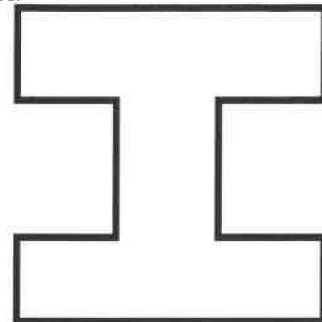
Standard Stage:
Standard Stage most commonly used in North Café.

Large Stage :
Larger stage used most commonly for dance performances.



T- Shape Stage :
Stage most commonly used for Fashion Shows or Pageants. You can choose to have the stage facing either direction shown. Stage may limit seating in some capacity.

I- Shape Stage:
This stage is rarely used but has been done for fashion shows and pageants. Space for seating will be limited in some spots because of the shape.



- **What do the different statuses mean on my confirmation?**

- Confirmed: the meeting request has been submitted, approved, and final
- Confirmed- Pending Meeting: the space is available for use and held for the group, however the request is determined to be a "complex event." In order move the reservation to final approval (confirmed), the event sponsor must meet with Scheduling office at least three (3) weeks in advance to the event to finalize details.
- Confirmed- Pending Set-Up : the space is available and held for the group, however we must you may have stated in the "set up instructions" or somewhere else in your reservation that you will have a diagram or will send set-up closer to the event. In order to move the

reservation to final approval (confirmed), the sponsor must send the set-up to the Scheduling office no later than 10 days prior to the event.

- Tentative: Scheduling is unclear what your event entails/not enough details were given in the description. Once the event host and Scheduling Office speak then the status can be changed.
- Denied: The event is not approved to proceed and space is denied to use. The reasons for this can include the space is not available or the event does not follow University, Webb Center, or LSI Scheduling policy.

“Other” Spaces for use by Student Organizations

- I. There are times when student organizations want to use other spaces around campuses besides Webb Center and Outdoor space. Here are the other spaces and how to reserve them:
 - A. Academic Space
 1. Submit academic space form to reserve an academic classroom:
http://ww2.odu.edu/forms_admin/viewform.php?formid=15438
 2. The request goes through LSI Scheduling to confirm registered student organization then sent to Registrar for Scheduling. A confirmation will be sent if space is available for use.
 - B. Broderick Dining Commons –
 1. The meeting facilities on the 2nd floor of the Kate and John R. Broderick Dining Commons were constructed as new meeting space for the Old Dominion University Board of Visitors. On certain occasions, the meeting facilities in the Broderick Dining Commons may be used by other University groups, under the following conditions:
 - Only the Dining Room (2201) and Committee Rooms A (2203) and B (2205) may be scheduled for appropriate events
 - The furniture in these rooms may not be reconfigured
 - Board of Visitors events and those sponsored by the President’s Office and President’s Cabinet members have priority, in that order.
 - The Board Room is only for the Board of Visitors or University President to use.
 - Food is allowed only in the Dining Room and must be catered by Dining Services
 - Requests for these rooms must go through LSI Scheduling and must be approved in advance by the requestor’s respective Vice President
 - Vice President’s may, at their discretion, impose further restrictions for use the facility by faculty, administrators, and students within their organizations
 2. Procedures:
 - Requestors must first obtain approval from their respective Vice President for use of the facility
 - Requests must be made in writing from the Vice President (via email) with the date, time, purpose of the proposed function and attendees.
 - If approved, the requestor forwards the request, with the Vice President’s approval) to LSI Scheduling (LSIScheduling@odu.edu) to check availability.
 - If the requested space is available, LSI Scheduling confirms the reservation.

- Requestor works with LSI Scheduling on meeting logistics and submits catering requests through Dining Services' online catering system (<https://educatering.catertrax.com>)

C. Education Building Multipurpose Room

1. Fill out this form to reserve:

<https://www.odu.edu/education/about/building#.WSMYvBMrKov>

2. This room has NO tables and chairs in the room. A work order must be done to have a room set-up. LSI Scheduling will do the work order for any student organization that has the space. We must have at least TWO (2) weeks' notice to do the work order. No exceptions. There will be a fee by facilities for the set-up work order to be paid by sponsoring organization.

D. Any other spaces – please visit LSI Scheduling for any questions about other spaces on campus.

Specific Event Guidelines

I. Alcohol

- A. Student organizations requesting alcohol at any event must follow the policy governing permissible student events at which alcohol is served (in student organization handbook).
- B. In order to serve alcohol at an event, you need to fill out a Student Organizations Events with Alcohol Request via Monarch Link. The form must be submitted at least seven days prior to the event. The event must comply with the Alcohol Policies, and SGA funding cannot be used to purchase alcohol.

II. Amplified Sound

- a. Amplified sound can only be played inside Webb Center during Activity Hour (Tuesday/Thursday from 12:30pm-1:30pm) and after 5pm.
- b. Kaufman Mall - Sound amplification is restricted to Activity Hour (12:30-1:30 PM) Tuesdays and Thursdays and after 4 PM on Friday through Sunday at 10pm. Friday and Saturday nights no amplified sound after 11pm due to City of Norfolk Noise Ordinance.
- c. Perry Library/ Engineering Field - No sound amplification at all allowed.
- d. Any amplified music in public spaces MUST adhere to FCC Guidelines and be "radio" friendly versions.

III. Animal Events

- a. Events with animals must be sponsored by an officially recognized and licensed business or animal shelter. No events using personal animals allowed. There must be tarp laid down. Animals are not allowed on the stage and must be away from any food.
- b. Must have Directors approval for animals

IV. Auctions/ Date Nights

- a. Events that auction students for date nights, service or other purposes must only have participants that are ODU Students. LSI can check that contestants are registered ODU Students. Students must be allowed to back out if they are at any point uncomfortable.

V. Banners

- a. Banners can be requested to be hung on campus.
- b. No grommets should be on the sides of the banners. There should be 4 on top and 4 on the bottom of the banner.
- c. They should be double hymed.
- d. In order to hang the banner, only LSI will complete the work order, all other requests will be denied.
- e. The banner can be hung for 2 weeks max.
- f. Banners are hung on a first come first serve basis.

VI. BOV Room in Webb Center

- a. The BOV Room can be used by student organizations for meetings.
 - 1. This room is As-Is set-up only.
 - 2. SGA has priority and needs to give LSI dates by May 15th for the entire next academic year.
- b. No food or drinks are allowed in this room. No catered events.

VII. Car/ Piano Smashing

- a. Events with Car or Piano smashings must have a work order for event clean up. Safety gear must be worn when smashing the car or piano. For cars, all liquids and glass must be removed. The group is responsible for delivery of car or piano.

VIII. Decorations

- a. No helium balloons are allowed in Webb Center.
- b. Only painter's tape is allowed to hang decorations on walls.
- c. No decorations can be hung from the ceiling and touch the ground.
- d. Open-air flames including but not limited to sky lanterns, grills (except as noted below), and bonfires are not permitted on campus. Candles are permitted for outdoor events (vigils) only candles are prohibited in all University buildings.

IX. Dress Rehearsals/Practices

- a. Student organizations frequently request space for dress rehearsals and practices for their events in the future (such as pageants, fashion shows, cultural shows, etc.). Here are protocol for those requests:
 - 1. Each group can have one dress rehearsal in North Cafeteria in Webb Center with stage set up (no chairs) and media.
 - 2. Practices can be in other rooms throughout the building.

X. Dunk Tanks

- a. Dunk tanks on campus require preapproval.
- b. Must be for outside use only and requires facilities approval for water source.

XI. Free Speech Demonstrations

- a. 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 form here: <https://orgsync.com/3698/forms/263950> can be used to reserve outside space for Free Speech purposes. While all indoor space has to be reserved by a sponsoring student organization or department, outside space for the purpose of Free Speech can be reserved and sponsored by individual students to express a viewpoint. Students or organizations sponsoring Free Speech events must be present and at the event during time reserved.

XII. Fundraising

- a. In order to host a fundraiser on campus, this form found on Monarch Link: <https://orgsync.com/3698/forms/50428>. Must be completed at least one week prior to the event date.

XIII. Gambling

- a. Poker, Card Games, or other casino-type games that have cash entry are illegal and not permitted to be conducted on campus. Casino nights can absolutely not be used as fundraisers.
- b. Casino Nights, Poker, card games or other casino-type games can be played on campus and hosted by student organizations only if there is no money charged to the player to buy-in, donate, stake, etc.
- c. The only games of chance allowed to charge a fee of participants is raffles, bingo, and duck races (as long as proceeds are less than \$25,000). A fundraising form must be filled out by the Student Organization and approved by LSI.

XIV. Helium Balloons

- a. Helium balloons are not permitted in Webb Center.

XV. Inclement Weather

- a. During times of inclement weather it may be necessary for the university to close facilities and curtail services.
 - 1. When the university announces an official closure or late opening, Webb Center will remain open, however, all events will be cancelled for the time the university is closed.
 - 2. The Webb Information Desk (WID) will remain open.
- b. Rain Location Policy
 - 1. If you are planning an outdoor event you are allowed to reserve an indoor space for a rain location either on the same date OR a different date, but only one.
 - 2. Rain calls for outside space must be made by noon, the working day prior to the event.

XVI. Information Tables and Fairs

- a. Information Tables and Fairs are held in South Mall, Front Lobby, and North Mall in Webb Center.
 - 1. To reserve an information table you must choose your location (South Mall, Front Lobby, or North Mall) then choose a table(s). The tables are labeled A-I. When you reserve one of the lettered tables it reserves one table and 2 chairs, if you would like more than one table then reserve more than one lettered table.
 - 2. South Mall is allotted 9 tables, Front Lobby is allotted 8 tables, and North Mall is allotted 8 tables for individual information tables.

- b. If you are planning on having a fair type of event or would like to reserve the entire South Mall, Front Lobby, or North Mall you must reserve "All of ____" (South Mall, Front Lobby, or North Mall)

1. For fairs or events that use an entire mall/lobby additional tables are put into the space.

1. South Mall is allotted 10 tables, Front Lobby is allotted 8 tables, and North Mall is allotted 32 tables for fairs and events that reserve all of the lobby/mall.
2. The number of tables listed is the max amount for capacity. If more are needed, you may select tables to have in another lobby/mall if they are available.

XVII. Lock-Ins

- a. Lock-ins are overnight events for student organizations to stay in one room until the next morning. There are no in and out for lock-ins and they are not to be used to just get a later closing time for event. A lock-in is has a 6am out time at earliest and all reservations must include ending time. They are only allowed Friday and Saturday nights. City Rooms upstairs in Webb Center are the preferred rooms for these events.

XVIII. Lion's Den

- a. The Lion's den is the game Room located on the first floor of Webb Center. It can be reserved for private events for \$30 for two hours. E-mail Lsischeduling@odu.edu to reserve. Payment will be made to Webb Center. Payment can be made by check or through IDT.

XIX. Loading Dock of Webb Center

- a. Webb Center Loading Dock is available to student organizations, and campus groups. The Loading Dock should be used for events and programs that have items to be loaded in and out. Arrangements to use the Loading Dock should be made at the time of the reservation with the Webb Center Director. When necessary, other arrangements to use the Loading Dock may be made with the Webb Center Director at least two (2) business days prior to the event. Webb Center Director – Shannon Sauerwald ssauerwa@odu.edu or 757-683-7141.

XX. Movie Showings

- a. Any copyrighted film (DVD, Blue-ray disc, streamed content, etc.) in any University facility, other than a private residence hall room, cannot be shown unless a public performance license to show the film is obtained or special permission from the owner of the copyright is received. This requirement is mandatory regardless whether or not an admittance fee is charged. See Event Management Website

(<https://www.odu.edu/event-management/policies/#tab210=1>) for more information on the Film Policy and how to obtain a license.

XXI. Outdoor Event Clean-Up

- a. Clean-up by Facilities Management will be assigned to an event if there is food at the event or if more than 50 people are anticipated to attend the event. Trash cans will be assigned at a ratio of one can per fifty people. Departments will be required to pay for these services. Student Organization events with over 250 people will be required to pay for the additional services; the University will pay the costs up to 250 people. See costs for clean-up in number XVII Outdoor Event Costs.

******The scheduling department and/or Dean of Students may, in his or her sole discretion, require a greater number of event clean-up resources than stated above.

XXII. Outdoor Event Tables and Chairs

- a. Sponsoring departments or organization may want tables and chairs for their outside events. These can be acquired in this way:
 1. Kaufman Mall - has 10 tables and 45 chairs for use free of charge. Anything above that will need to be ordered from facilities and sponsoring group charged for those expenses. Work orders for tables and chairs have to be done at least one week in advance, no exceptions.
 2. Any other outside space - Student organizations are permitted up to 5 tables and 10 chairs at no cost for outdoor events. Additional tables and chairs will result in a cost to the Student Organization. University departments and private events are responsible for the full cost of tables, chairs, and delivery.

XXIII. Outdoor Event Costs

- a. There are costs associated with certain items for outside events. Here is a list of the items and costs associated with them:

ITEM	COST	NOTES
Permits	\$150 per item	
Inspection	\$400 per device	
Tables	\$50	
Chairs	\$50	
Recycling Bins	No Charge	
Set Up/ Take down outside stage	\$95	
Flood Lights	\$100 per flood Light	
Pipe and Drape Set up and Take Down	\$50 each	

Electrician	\$27/hour during routine hours, \$40/hour during overtime	Routine hours are M-F 7AM-3:30PM
Generator	\$25 per event, per generator for small generator, \$50 per event, per generator for large generator	Large generator is 6kw, small generator is 1-2kw
Hang/ Take down a Banner	\$30 each	
Trash Cans	No cost for cans to be rented. \$0.50 per trash bag	2 bag minimum per can
Event Clean Up	\$20/hour/person	2 hour minimum outside of M-F 7AM-3:30PM
Irrigation Turned Off	\$20/hour	Usually will not exceed 1 hour
Tarp for Event	\$20 per 12x16 general purpose tarp	TBD if needs exceed this
Mark Irrigation	\$20/hour/person	Minimum 2 hours. Subject to contractor pricing if in house staff unavailable

XXIV. Paint Nights

- a. Paint Nights are allowed on campus but tables and floors must be covered with tarps.
- b. Student Organizations are responsible for covering tables and floors.

XXV. Pie Throwing

- a. Pie Throwing is only permitted outdoors. Event is required to have a work order for a tarp and event clean up and will be charged through their Student Organization Budget.

XXVI. Pipe and Drape

- a. Pipe and Drape are available for use for events for set-up needs in Webb Center. Pipe and Drape is not permitted for outdoor events. If Pipe and Drape is needed, it must be requested through LSI Scheduling and will be added to your reservation if it is available.

XXVII. Scavenger Hunts

- a. Scavenger hunts are not permitted as a timed event and are not permitted as an event that has a prize.

XXVIII. Sunday Meeting space

- a. Sundays are used frequently for student organizations meetings. The only buildings open and available for Sunday meeting space on campus are Webb Center, BAL, MGB, and the Cave.

- b. For reservations in Constant, ONCPS and KAUF the Dean must be contacted for approval of the space.

XXIX. Table Covers

- 1. If you are having food at your event and want table cloths (meetings, events, etc.), you must request table cloths through Monarch Catering on your Catertrax order.
- 2. If you are not having food at your event but want table clothes, Webb Center has certain amount of table covers that can be used for events. Please reserve through EMS scheduling and quantities are limited.

XXX. Tent, Stage, Amusement (Rides/Inflatables), and Other Event Support Services

- a. Event tents, staging and amusements require a permit for use, therefore event reservations must be submitted at least four weeks prior to the event date. Completed requests will be evaluated by Facilities Management to determine whether a Commonwealth permit is required, suitability of item for the intended area and/or levels and type of support necessary to ensure the success of the event. More information is available at [Permit Requirements](#)

XXXI. Tye Dye Events

- a. Tye Dye events are only permitted outdoors and must only take place in the grass area. Clean up may be required.

XXXII. Vigils

- a. Candlelight Vigils can be sponsored by any student organization. Space must be reserved but normal reservation timeframe requirements are not necessary. LSI can support vigils by providing candles and lighters.

Night Party/ Dance Events

I. Student Organization Night Party Events

- a. Night Party Events are social events hosted by student organizations that include Webb Jams, Nighttime Activity Hours, Block Parties, Dances, or other similar events. These night events typically fall into one of two categories: Free, social gatherings (Type D such as nighttime activity hours) and dances that serve as fundraisers (Type E such as Webb Jams).
- b. Reserving Space
 - i. Student Organizations must reserve space to hold a night party event. The only space allowed for these events is North Cafeteria in Webb Center.
 - ii. Student organization must reserve the space at least 21 days in advance.
 - iii. Once space request is submitted, student organization must have a meeting with LSI Scheduling staff to fill out and sign event checklist.
- c. General Conditions/Requirements for both Night Party Events (Nighttime Activity Hours, Webb Jams and Formal Events)
 1. LSI Scheduling determines type of event.
 2. Student Organization Advisor (Faculty/Staff or Chapter) must be present for all late night events.
 3. Student organization must have volunteers to work during the entire time of event.
 4. The Webb Info Desk can be used to sell tickets in advance.
 5. Security will be required – LSI and ODU PD to determine.
 6. WID Event Staff and full time staff member will be in attendance at event.
 7. No re-entry for any guests
 8. Once capacity is reached, no other guests allowed in. There will be no out/in policy (one guest leaves, and someone in line can get in).
 9. Ability to have up to 12 Nighttime Activity Hours/Webb Jams per academic year (6 per semester). The events are booked as first come, first served basis.
 10. Please see next section on specific protocol for these events.
 11. The University covers the security expenses for Nighttime Activity Hours. If an organization is utilizing a Webb Jam for a fundraising event then the organization is responsible for covering security expenses.

II. Nighttime Activity Hours/ Block parties (TYPE D):

- a. Nighttime Activity Hours can only occur Sunday – Thursday evenings until 11pm.

- b. Capacity is 500 for these events
- c. These events are only hosted in the North Café, are free of charge, and may not exceed 4 hours.
- d. Entrance will be into North Cafeteria from North Mall
- e. The University covers the security expenses for Nighttime Activity Hours. The organization is responsible for all other expenses.
- f. Leadership & Student Involvement will provide at a minimum one staff member per event. The organization is responsible for providing event volunteers and LSI will determine the number needed.
- g. Free tickets for non ODU college students are distributed at the Webb Information Desk with a limit of 100 non-ODU College tickets. Non-ODU College tickets will require a name to be recorded for the event entrance list and must match the ID at the door of the event to receive entry. Tickets will stop being sold at noon the day of the event.
- h. ODU Students must pick up a ticket at the Webb Information Desk and present the ticket at the event to receive entry to the event. No re-entry is permitted. ODU students will be swiped at the door to check currently enrolled at ODU.
- i. Guest list of alumni will be provided by the organization(s) hosting to LSI by noon on event day and will be deducted from the 100 non-ODU College tickets available at the Webb Information Desk. Alumni tickets will be given at a "will-call" counter at the event. The number of alumni tickets requested will need to be determined before tickets go on sale at the WID.
- j. Tickets will not be sold at the event. All tickets must be picked up by noon day of the event.
- k. Metal Detector Wanding will occur at entrance
- l. Lights have to be partially on in room.
- m. Organization Advisor must be present at event.
- n. Space must be booked at least 21 days in advance of event.
- o. There will be 6 officers in attendance to help with crowd and event control.
- p. If cancelled, LSI Scheduling must be notified no later than 48 hours in advance.

II. **Webb Jams (TYPE E):**

- a. Webb Jams can only occur Friday and Saturday evening until 1am and are only open to current ODU students. No re-entry is permitted.
- b. These events are only hosted in the North Café, are a fundraiser hosted by the student organization, and may not exceed 5 hours.
- c. Entrance will be into North Cafeteria from North Mall
- d. Capacity is 800 for these events.
- e. If an organization is utilizing a Webb Jam for a fundraising event (charging admission) then the organization is responsible for covering security expenses. The expenses are as follows:

Capacity	Cost to the Organization
500 or less	\$1000
600	\$1100
700	\$1300
800	\$1400

- f. Leadership & Student Involvement will provide at a minimum one staff member per event. The organization is responsible for providing event volunteers and LSI will determine the number needed.
- g. Metal Detector Wanding will occur at entrance
- h. Organization Advisor must be present at event.
- i. Space must be booked at least 21 days in advance of event.
- j. If event is cancelled, LSI Scheduling must be contacted no later than 48 Hours prior to the event. If the organization does not contact within the time frame, they will be subject to still pay the cost of security.

III. Formal Events (Type F):

- a. Formal Events can occur any night of the week.
- b. Capacity for these events is 300
- c. These events are only hosted in North Café
- d. Space must be booked at least 21 days prior to the event.
- e. Event must have 2 officers and the Student Organization is responsible for payment.
- f. Organization Advisor must be present for the duration of the event.
- g. Event is only open to the sponsoring organization and their guests
- h. Must have a ratio of one ODU student organization member to one guest.
- i. If the event is cancelled, LSI Scheduling must be notified 48 hours prior to the event. If the organization does not contact within the time frame, they will be subject to still pay the cost of security.

Student Organization Event Security for Indoor Events

ODU PD is required at certain events for the protection of attendees and the University campus. Events are categorized based on factors including, but not limited to, the type of event, location, and potential risk. The Director Leadership and Student Involvement, or a designated staff member, will assign an event category to a proposed event after consultation with event sponsors. Once the category has been determined, the event sponsor is responsible for proper planning and adherence to these guidelines and other applicable University policy. The decision regarding the category assigned to a particular event may be appealed to the Dean of Students whose decision is final. The Director of Leadership and Student Involvement and the Dean of Students may, in his or her sole discretion, require a greater number of police officers or security guards for a particular event than is stated below.

I. Types of Events

- a. Type A – This type of event is a seated event and the set-up is usually banquet rounds or auditorium style. Examples of this type of event include dinners, banquets, and award ceremonies. There is no admission charged for these types of events.
- b. Type B – This type of event is a seated event for spectating and the set-up is usually banquet rounds or auditorium style. Examples of this type of event include speaker/ performance, pageants, and fashions shows. There can be an admission charged or no admission charged.
- c. Type C – This type of event is a combination style event, with guests in a combination of seated or activity stations. At this event, the guests actually participate in activities. The set up usually consists of part of the room being seated, part of the room at tables doing different events. Examples of this type of event include Friday Night Lives, Service events, or events that have different activities.
- d. Type D – This type of event is a standing/ dancing event and the set-up is usually a cleared floor. Examples of this type of event include Nighttime Activity Hours, Block Parties, and concerts. There is no admission charged. For Type D events, sponsoring organization must adhere to the Night Party/ Dance Events policies and procedures. An advisor must be present for the duration of the event.
- e. Type E - This type of event is a standing/ dancing event and the set-up is usually a cleared floor. Examples of this type of event include Webb Jams and concerts. There is usually an admission charged. For Type E events, sponsoring organization must adhere to the Night Party/ Dance Events policies and procedures. An advisor must be present for the duration of the event.
- f. Type F – This type of event is a formal dancing event, or catered dinner followed by dancing event and the set up usually includes a cleared floor. Example of this type of event is Formals or Galas for student organizations. There can be an admission charged or no admission charged. Type F events are only open to the sponsoring organization's members and their guests. Type F events must have a ratio of one ODU student organization member for each guest. The roster for student organization membership

will be pulled from Monarch Link. An advisor must be present for the duration of the event.

II. General Security Requirements

- a. LSI will order officers for all events deemed necessary. Requests must go in at least two (2) weeks in advance.
- b. For Type A, B, and C events – capacity under 500 participants does not require an officer. Any capacity of over 500 requires one officer.
 - i. LSI will pay for one officer per event.
- c. For Type A, B, and C events, if an admission charge in cash is taken at the door that automatically adds one officer to the requirement.
 - i. If accepting electronic payments then an officer is not needed.
- d. All Type D and E events must have minimum of 6 officers.
- e. Type F events requires 2 officers.
- f. See below grid for security requirements:

Type of Event	Capacity	Charging Cash at Door	# of Officers	Organization Cost
A	Less than 500	No	n/a	n/a
A	Greater than 500	No	1	LSI covers cost
A	Less than 500	Yes	1	LSI covers cost
A	Greater than 500	Yes	2	\$38/ hour for one officer
B	Less than 500	No	n/a	n/a
B	Greater than 500	No	1	LSI covers cost
B	Less than 500	Yes	1	LSI covers cost
B	Greater than 500	Yes	2	\$38/ hour for one officer
C	Less than 500	No	n/a	n/a
C	Greater than 500	No	1	LSI covers cost
C	Less than 500	Yes	1	LSI covers cost
C	Greater than 500	Yes	2	\$38/ hour for one officer
D	500	No	6	LSI covers cost
E	500 or less	Yes or No	6	\$1000
E	600	Yes or No	6	\$1100
E	700	Yes or No	7	\$1300
E	800	Yes or No	8	\$1400
F	300	Yes or No	2	\$38/ hour for one officer

Outdoor Student Organizations Events

All Guidelines applies to student organization events with the addition of the following protocols. The following protocols do not pertain to University departments.

- I. Brock Commons is only for University Department or Community Engagement events. Student Organizations are not permitted to host events at Brock Commons unless they serve as a co-sponsor to a University Department event. A University Department employee must serve as the point of contact for all communication and be available onsite for day of event needs. To reserve Brock Commons, Please contact Isis Harrington in Arts and Letters at 757-683-3382 or iharring@odu.edu.

- II. All outdoor spaces must be sponsored and reserved by student organizations or University departments. Community requests must have a campus sponsor or be approved and managed by the Office of Community Engagement. A University employee must serve as the event's point of contact for all communication regarding the event with University event services including being onsite at the event.

- III. The following outdoor event types must conclude by 7:00 p.m., Sunday – Saturday, for Student Organization events. University departments are permitted after 7:00 p.m. (see Event Management Protocol for further details.)
 - Festivals
 - Novelties
 - Concerts/music
 - Sporting events
 - Speakers/ performances
 - Informational tabling
 - Demonstrations

The following outdoor event types must conclude by noise ordinance policy:

 - Vigils
 - Outdoor movies

- IV. Advisors - Advisors are required to be at complex events. A student organization event may be defined as "complex" at the discretion of Scheduling staff when the event includes at least two or more of the following items:
 - a. Attendance (expected or historical) set at 100 or above
 - b. Audience includes community members (open event)
 - c. Contracted Services (performance contract, etc.)
 - d. Advance Audio Visual Support/ Amplified Sound
 - e. Multiple work orders required (tables/ chairs, electrician, clean-up, etc)

V. Outdoor Event Security

In addition to the outdoor security matrix in the Event Management Protocol:

	Student Organizations Only					
	0 – 49, closed event	0 – 49, open event	50 – 249	250 – 500	500 – 1000	+1000
Informational tabling	No security required unless deemed by the scheduling office.					
Number of Police Officers for speakers, ceremonies, sporting events, etc.	0	1	1	1	1	2
Number of Police Officers for festivals, parties, carnivals, etc.	0	1	1	2	3	4

- VI. The University covers the expense of one Officer for a maximum time of four hours when necessary. Student Organizations are responsible for additional security expenses.
- VII. Department events are expected to have employed ODU faculty/ staff in attendance for the duration of the event.
- VIII. Any activity that is deemed to pose serious security management concerns may not be held on campus.
- IX. An EMT and ambulance may be required by the scheduling office for events with large attendance and/or the type of the event.

Monarch Dining Policies and Protocol

- I. All catering, food and beverage must be provided by Monarch Dining (Aramark).
- II. There are limited number of Outside Caterer/ Restaurant waivers available for events on campus. Groups must submit an application (available from Monarch Dining) and meet all requirements. The application must include the outside Caterer/ Restaurant application, the Outside Caterer/ Restaurant Waiver Policy and well as the Outside Caterer/ Restaurant Guidelines. Monarch Dining approves will notify group if approved or denied.
- III. Fundraisers/ Sales – No bake sales, candy, sales, donut sales, food sales, etc. are allowed on campus. Groups can choose to purchase pre-packaged product from Monarch Dining for sales. No sales are allowed from stores or vendors outside Monarch Dining.
- IV. Homemade and Baked Goods give-aways or sales are not permitted on campus. The one exception is Relay for Life once a year. Homemade food can be made and sold at that event. There are no other exceptions.
- V. Donated Food – Groups can accept food donations to be given away at events ONLY if meet two criteria: a. donated by restaurant or b. donated by business or store and therefore prepackaged. However donated food events cannot be “sponsored” by these outside entities so there can be no signage, named sponsored event advertising, and/or no on-site advertising. It must be a philanthropic donation and noted on space reservation as such.
- VI. Brown Bag Lunch events are allowed and approved through space reservation requests.
- VII. Potlucks are not allowed in reserved spaces on campus.
- VIII. Food Eating contests are prohibited.
- IX. Outdoor Grills – outdoor grills around campus are allowed for personal use. Grills cannot be reserved and are used on a first come first serve basis.
- X. Table Cloths – If table clothes are desired for an event, they can be added to Catertrax order at \$5 each. Blue and White are colors available or special colors by notice one month out only. If you are having catering at your event, you must request table cloths through Catertrax. If you are not having food at your event and would like table cloths, then you can reserve them through LSI Scheduling.

Public Relations/Advertisement

- I. Banner Protocol
 - a. Student organizations and departments may request placement of banners to advertise events and/or marketing to accomplish a goal of the university. Please submit a request in Monarch Link (<https://orgsync.com/3698/forms/195927/submissions>) using the Webb Center Banner Request Form. The following information and guidelines also apply:
 - i. Banners must be professionally made and can be hung in the following locations only: Outside on the front grill of Webb Center facing Kaufman Mall, inside Webb Center hanging from the north or south catwalks.
 - ii. All banners must be double hymed. No grommets should be on the sides of the banners. There should be 4 on top and 4 on the bottom of the banner.
 - iii. Requests to hang banners must be made at least two weeks in advance
 - iv. All banners outside must be hung by Facilities Management. A work order for hanging and taking down banners will be placed by LSI and costs incurred charged to the department or organization.
 - v. Banners on or in Webb Center can be hung for a maximum of two weeks.
- II. Posters
 - a. All posters that are hung in Webb must first be taken to the Webb Information Desk and signed for approval and can stay hung in Webb Center for two (2) weeks.
- III. Chalking
 - a. Student organizations may use chalk to advertise upcoming events by submitting a Chalking Request form in Monarch Link (<https://orgsync.com/3698/forms/68200/submissions>) to LSI Scheduling and must comply with the following guidelines:
 - i. Chalking may only be done in designated areas (Kaufman Mall, BAL, and Student Recreation Center).
 - ii. The chalk may only advertise an event sponsored by a student organization on campus (i.e. no personal announcements such as "Happy Birthday" or announcements for meetings)
 - iii. The advertisement must be approved by Leadership and Student Involvement.
 - iv. Events may only be advertised two days prior to the event.
 - v. Failure to follow the chalking guidelines will result in loss of chalking privileges.
- IV. Axis TV
 - a. To put an advertisement on the Webb Center TVs, students should email the advertisement as a PowerPoint slide to axistv@odu.edu. Only one slide is allowed per event/advertisement. The beginning and end date for the amount of time the slide should run must be included in the email.

ODU Resources For You

- I. ODU Event Management
 - a. If you have any questions about Webb Center, hosting an event, or Webb Center policies/protocols please visit <http://odu.edu/event-management> or call LSI Scheduling at 757-683-3436 or email us at lsischeduling@odu.edu
- II. Webb Media (http://ww2.odu.edu/forms_admin/viewform.php?formid=5877.)
 - a. Use this form to request A/V needs (projector, microphone, podium) in any room in Webb Center.
 - b. If you have any questions about this form please contact Webb Media at 757-683-6228 or webbmedia@odu.edu
- III. Monarch Catering (<https://oducatering.catertrax.com/index.asp?intOrderID=&intCustomerID>)
 - a. Use this form to request all food for events occurring in Webb Center. Please see "Monarch Dining Policies and Protocol" on Page #9 for more details on Monarch Dining.
 - b. If you have any questions about this form please contact Monarch Catering at 757-683-4691 or catering@odu.edu or sxboone@odu.edu
- IV. Ticket Sales Request Form (<https://orgsync.com/3698/forms/53029>)
 - a. Use this form if you would like to sell tickets for your event at the Webb Information Desk located in the Front lobby of Webb Center.
 - b. If you have any questions about this form please contact the Leadership & Student Involvement Office at 757-683-3446 or studentinvolvement@odu.edu
- V. Parking Request Form
 - a. Use this form if you would like to request parking
 - b. If you have any questions about this form please contact Transportation & Parking services at 757-683-4004 or parking@odu.edu.

Attachment J

1700 University Demonstrations Policy (Interim Policy)



OLD DOMINION UNIVERSITY

University Policy

Policy #1700

UNIVERSITY DEMONSTRATIONS POLICY (INTERIM POLICY)

Responsible Oversight Executive: Vice President for Student Engagement & Enrollment Services

Date of Current Revision or Creation: October 1, 2020

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, to establish general provisions for orderly campus demonstrations, and to ensure that demonstrations are conducted in compliance with Federal and State law and University policies and 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.

Code of Virginia Section 23.1-401, as amended. Constitutionally protected speech; policies, materials, and reports; report.

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 reasonable time, place and manner restrictions.

Campus – Includes all facilities and grounds owned, leased or controlled by the University.

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, leased or controlled by the University.

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

Grounds – All other property that is owned, leased or controlled by the University that is not considered a facility.

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, display of images, and the wearing of apparel such as pins and armbands. Protected symbolic speech does not include activities "tending to cause violence" or inciting imminent unlawful action as expressly prohibited by 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* and *18.2-423.01*)
- Placing swastikas on certain property with intent to intimidate (*Virginia Code 18.2-423.1*)
- Displaying nooses 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 are free to express opinions publicly and privately and support causes by orderly means, subject to reasonable time, place and manner restrictions, 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 non-content based rules designated by the University. These rules reflect the educational purposes of the University and are intended 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, endangers the safety of others, or incites others to imminent unlawful action. The University may establish rules

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. All members of the University community may use any publicly available outdoor area of campus for meetings, gatherings, events or demonstrations, so long as such use does not cause a material and substantial disruption to University activities or cause the University to incur significant costs. The following outdoor areas are available for reservations through the University's Virtual Event Management (EMS) Website:

- a. Bolling Square
- b. Dominion House Lawn
- c. Kaufman Mall
- d. Perry Library/Engineering Field
- e. Powhatan Pavilion
- f. Runte Quad
- g. Student Recreation Backfield
- h. Whitehurst Beach
- i. Whitehurst Field
- j. Williamsburg Lawn

Brock Commons is available for reservations through the University's Brock Commons Website.

2. For all events that are reasonably expected to attract over 50 attendees or otherwise necessitate coordination of timing or resources on the part of the University, prior approval and a location reservation are required. Prior approval and a location reservation are encouraged for all events with fewer than 50 participants in order to coordinate the use of any outdoor campus space. The Old Dominion University Police Department (ODUPD) and/or the appropriate University official may arrive to ensure the safety of all participants as described in Section F.5 or perform lawful activities authorized in F.6.
3. All members of the University community must adhere to University Policy 3200, Use of Facilities and Grounds, when scheduling and conducting such events. Students should refer to the Student Organization Handbook for specific guidance.
4. The Dean of Students or designee may talk with students seeking to hold a demonstration. The Vice Provost for Academic Affairs or designee will be the point of contact for all other events.
5. ODUPD and/or the appropriate University official may also be present during demonstrations to help ensure all participants are afforded a safe and protected forum that is conducive to preserving the speakers' freedom of speech and expression.
6. ODUPD should 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. Incites others to imminent unlawful action or 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 if there is 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.
 - e. Fails to comply with any other University policy or any other lawful directive, including a directive to cease the event.
7. During all events (including but not limited to demonstrations), the University reserves the right to take appropriate measures in compliance with the law to preserve and protect the speakers' freedom of speech and expression, ensure safety, and end the disruption as described in sections 4a. through 4e. When disruption occurs, the appropriate University official may first attempt to resolve the situation through dialogue, when possible and appropriate, prior to taking any measures to cease the event.
8. 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 and/or the appropriate University official may be required to be in attendance.

G. RECORDS 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 1403 – Academic Freedom

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:

Responsible Officer

Date

Policy Review Committee (PRC) Approval to Proceed:

Chair, Policy Review Committee (PRC)

Date

Executive Policy Review Committee (EPRC) Approval to Proceed:

Responsible Oversight Executive

Date

University Counsel Approval to Proceed:

University Counsel

Date

Presidential Approval:

/s/ John R. Broderick
President

October 1, 2020

Date

Policy Revision Dates: February 27, 2017; April 12, 2018; October 1, 2020

Scheduled Review Date: October 1, 2021

Attachment K

Student Organization Handbook

Printed excerpt includes procedure for students for reserving
space and planning events

- SEES Mission Critical Events (ex: Relay for Life, Unity Fest, etc. Max of 15 per year)

SECTION 6: WEBB CENTER & OUTDOOR EVENT GUIDELINES AND PROCEDURES

RESERVATION PROCESS

- How do I make a Webb Center or Outdoor Space reservation?
 - All reservations must be made by appropriate campus sponsor – please see Webb Center and Outdoor Space Scheduling Policy for more information.
 - Log on to the Virtual EMS website at spacereservations.odu.edu
 - Select one of the following forms:
 - Indoor Student Recreation Center
 - ✓ Use this form when requesting activities and facilities in the Student Recreation Center (SRC)
 - ✓ This form must be submitted by 11am, 14 days before the event date.
 - Indoor Webb Event
 - ✓ Use this form to request space for basic and advance events. North Café can only be reserved through this form.
 - ✓ This form must be submitted by 12pm, 5 days before the event date.
 - Webb Meeting Request
 - ✓ Use this form to request space for meetings only. These events will usually only consist of tables, chairs, a head table, and food tables.
 - ✓ This form must be submitted by 10am the day before the event (media cannot be guaranteed if request submitted less than one week before meeting).
 - Outdoor Event Request
 - ✓ Use this form to request Kaufman Mall, Whitehurst Beach, Whitehurst Field, Williamsburg Lawn, Bolling Square, Runte Quad, Perry Library/ Engineering Field, Powhatan Pavilion, and Dominion House Lawn.
 - ✓ This form must be submitted by 11am, 21 days before the event date.
 - Tabling
 - ✓ Use this form when requesting tabling in North Mall, South Mall, and Kaufman Mall.
 - ✓ This form must be submitted by 10am the day before the event.
- Who may reserve space?
 - Every space reservation must have an official sponsor that is affiliated with the university. A sponsor is an official ODU department/office or student organization.
 - ODU departments and faculty use their staff MIDAS ID and password to log onto the website.
 - Student organizations are allowed 2 Virtual EMS Representatives. The 2 representatives can be any active members or advisors of the organization. To submit or change your 2 Virtual EMS Representatives follow this link: <https://orgsync.com/3698/forms/246405>

- For Free Speech purposes, individual students are allowed to reserve outdoor space. This right for individual students only applies to outside space for Free Speech purposes.
- When can I reserve space?
 - You can reserve space anytime as long as you meet the needed times for each space (see above in How Do I Reserve Space section).
 - There is a calendar for advanced scheduling dates for meetings and complex events. Meetings can be booked up to one semester in advance and events up to one year. See below for exact dates.

Advanced Scheduling

 - April 15th- Starting date to make meeting requests for meetings taking place through December and complex events taking place through the following spring semester.
 - October 15th- Starting date to make meeting requests for meetings taking place through April and complex events taking place through the following fall semester.
- Hours of operation?
 - For Webb Center: Spring and Fall Semesters: Monday-Sunday 7 a.m. until 11:30 p.m.

*Facilities not available for programming by student organizations from the first day of finals through the last day of finals.

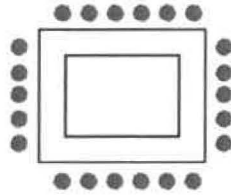
*Webb Center North Cafeteria only available for event reservations after 5pm Tuesday and Thursday and regular reservation hours Monday, Wednesday, Friday, Saturday, and Sunday.
 - Summer Semester: Monday-Sunday 7 a.m. until 9 p.m.
 - Webb Center will be closed for certain national holidays and university closings.
- What can I reserve space for?
 - Meetings
 - Meetings are defined as simple gatherings of individuals for the purpose of conducting general business.
 - Sponsors are responsible for the general behavior and activities of persons leading and attending meetings. Sponsors should be aware of other meetings or events occurring in the facility and ensure their activities do not infringe upon other meetings or events.
 - The usual set up for a meeting will consist of tables, chairs, and basic catering needs.
 - Reservations for meetings may be made up to 10am the day before the meeting through the Virtual EMS system with no media required. If media requested, meeting reservations must be made 5 days in advance.
 - Rooms for the purposes of academics classes cannot be reserved in Webb Center.
 - Indoor Events

- Indoor events are defined as events outside the scope of a meeting. They usually are identified as a “program”
 - Sponsors are responsible for the general behavior and activities of persons leading and attending events. Sponsors should be aware of other meetings or events occurring in the facility and ensure their activities do not infringe upon other meetings or events.
 - Set-up for Indoor Events can vary, depending on needs
 - Reservations can be made by noon up to five (5) business days in advance but must include ALL set-up information.
 - These types of events can be trainings, retreats, speakers, etc.
- Indoor Complex Events
 - Events categorized as “complex” are required to meet with the Scheduling staff to ensure all aspects of the event are planned and coordinated to meet all applicable University guidelines, procedures and policies.
 - Sponsors are responsible for the general behavior and activities of persons leading and attending events. Sponsors should be aware of other meetings or events occurring in the facility and ensure their activities do not infringe upon other meetings or events.
 - Reservations must be made 21 days in advance.
 - An event will be defined as “complex” at the discretion of LSI scheduling staff when the event includes two or more of the following items:
 - ✓ Space Used is North and/or Center Cafeteria and Kaufman Mall
 - ✓ Attendance (expected or historical) set at 250 or above
 - ✓ Tickets (paid or free)
 - ✓ Contracted Services (performance contract, etc.)
 - ✓ Advance Audio Visual Support
 - ✓ Complex Room Set-Up
 - ✓ Open Floor Room Set-Up
 - ✓ More than two room reservations (i.e. Conferences)
 - ✓ Alcohol will be served at the event
 - ✓ Off campus guests or VIP’s invited

- What set ups can my space have?
 - See below chart for all the rooms in Webb Center and their capacities depending on room set-up

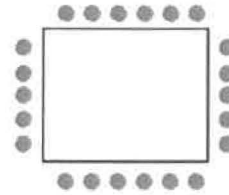
Webb Center Rooms Capacities								
Room	Dimensions	Banquet	Auditorium	Classroom	U-Shape	Square	Conference	Clear Room
BOV		x	36	x	22	22	22	x
Cape Charles	21' x 40'	24	80	32	29	36	30	97
Cape Charles-I of W	21' x 80'	64	165	68	69	76	30	148
Chesapeake	21' x 40'	24	80	32	29	32	30	105
Ches-Ports	21' x 72'	64	160	68	61	68	30	151
Ches-Ports-VaB	21' x 91'	96	220	112	81	88	30	223
Executive Dining Room	37' x 38'	50	50	37	25	30	24	
Hampton	38' x 33'	48	94	48	35	42	26	125
Hampton-Newport News	38' x 66'	80	246	120	52	80	30	251
Isle of Wight	21' x 40'	16	50	16	19	26	30	84
James-Lynnhaven	23' x 38'	40	55	34	33	38	30	109
James Lynnhaven York	23' x 54'	64	100	61	47	52	30	124
James River	23' x 22'	16	15	14	11	24	18	63
Lynnhaven York	23' x 32'	24	27	22	14	22	26	92
Lynnhaven River	23' x 16'	8	20	6	19	24	10	46
Newport News	38' x 33'	32	78	44	35	42	26	125
Norfolk	23' x 40'	36	x	x	x	x	x	x
North Cafeteria	70' x 65'	192	408	x	x	x	x	569
North/Center Cafeteria	70' x 100'	368	668	x	x	x	x	875
Portsmouth	21' x 32'	16	50	24	23	30	20	67
Potomac River	23' x 22'	16	15	14	11	24	18	63
Potomac-York	23' x 38'	40	55	34	33	38	30	109
Pot-York-Lynn	23' x 54'	64	100	61	47	52	30	124
Rabbi Reich	15' x 23'	8	x	x	x	x	8	x
River Rooms (James Lynn York Pot)	23' x 76'	88	155	79	75	80	30	175
Suffolk	28' x 21'	x	x	x	x	x	20	x
U-Center Conference Room		X	X	X	X	X	16	x
Virginia Beach-Portsmouth	21' x 51'	48	110	56	48	40	30	139
Virginia Beach	21' x 19'	8	20	8	11	18	8	46
Virginia Rice Webb	20' x 34'	24	50	24	19	24	24	45
Williamsburg	16' x 23'	x	x	33	x	x	x	x
York River	23' x 16'	8	20	6	19	24	10	46

- What are my room set up options? (See photo)
 - The Board Room, Norfolk Room, and Williamsburg room are “as is” spaces, meaning the room set up cannot be changed.



Square Style

Conference tables placed in a square or rectangular outline with open space in the middle. Great for medium or larger group meetings.

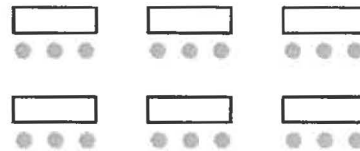


Conference Style

Conference tables placed in a square or rectangular shape with the middle filled in. Ideal for small groups or project meetings.

Classroom Style

Rows of tables with 2-3 chairs at each one, with tables arranged to face the front of the room. Most desirable for groups who will be listening while taking notes or working on an activity.



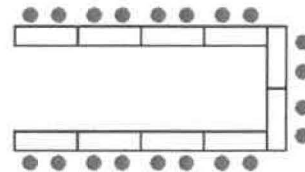
Auditorium Style

Rows of chairs facing the front of the room, usually divided by center and/or side aisles. Appropriate for lectures or larger groups that do not require extensive note-taking.



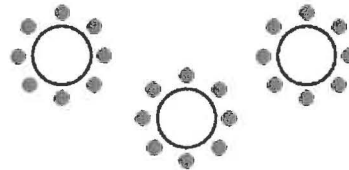
U-Shape

U shaped table set up with chairs on outside perimeter. Perfect for presentations that include group discussions, note-taking or handouts.



Banquet Style

Round tables with 8 chairs. Perfect for served meals and/or conference sessions with small breakout or discussion groups.



- What do the different statuses mean on my confirmation?
 - Confirmed: the meeting request has been submitted, approved, and final
 - Confirmed- Pending Meeting: the space is available for use and held for the group, however the request is determined to be a “complex event.” In order move the reservation to final approval (confirmed), the event sponsor must meet with Scheduling office at least three (3) weeks in advance to the event to finalize details.

- Tentative: Scheduling is unclear what your event entails/not enough details were given in the description. Once the event host and Scheduling Office speak then the status can be changed.
- Denied: The event is not approved to proceed and space is denied to use. The reasons for this can include the space is not available or the event does not follow University, Webb Center, or LSI Scheduling policy.

OTHER SPACES FOR USE BY STUDENT ORGANIZATIONS

There are times when student organizations want to use other spaces around campuses besides Webb Center and Outdoor space. Here are the other spaces and how to reserve them:

- Academic Space
 - Submit academic space form to reserve an academic classroom:
http://ww2.odu.edu/forms_admin/viewform.php?formid=15438
 - The request goes through LSI Scheduling to confirm registered student organization then sent to Registrar for Scheduling. A confirmation will be sent if space is available for use.
- Broderick Dining Commons
 - The meeting facilities on the 2nd floor of the Kate and John R. Broderick Dining Commons were constructed as new meeting space for the Old Dominion University Board of Visitors. The meeting facilities in the northwest wing of Webb University Center are still available for use by the campus community; however, on certain occasions, the meeting facilities in the Broderick Dining Commons may be used by other University groups, under the following conditions:
 - Only the Dining Room (2201) and Committee Rooms A (2203) and B (2205) may be scheduled for appropriate events
 - The furniture in these rooms may not be reconfigured
 - Board of Visitors events and those sponsored by the President's Office and President's Cabinet members have priority, in that order.
 - Food is allowed only in the Dining Room and must be catered by Dining Services
 - Requests for these rooms must go through Webb Center Scheduling and must be approved in advance by the requestor's respective Vice President
 - Vice President's may, at their discretion, impose further restrictions for use the facility by faculty, administrators, and students within their organizations
 - Procedures:
 - Requestors must first obtain approval from their respective Vice President for use of the facility
 - Requests must be made in writing from the Vice President (via email) with the date, time, purpose of the proposed function and attendees.
 - If approved, the requestor forwards the request, with the Vice President's approval) to LSI Scheduling (LSIScheduling@odu.edu) to check availability.
 - If the requested space is available, LSI Scheduling confirms the reservation.
 - Requestor works with LSI Scheduling on meeting logistics and submits catering requests through Dining Services' online catering system (<https://oducatering.catertrax.com>)

- Education Building Multipurpose Room
 - Fill out this form to reserve:
<https://www.odu.edu/education/about/building#.WSMYvBMrKov>
 - This room has NO tables and chairs in the room. A work order must be done to have a room set-up. LSI Scheduling will do the work order for any student organization that has the space. We must have at least TWO (2) weeks' notice to do the work order. No exceptions. There will be a fee by facilities for the set-up work order to be paid by sponsoring organization.
- Board Of Visitors Room in Webb Center
 - The BOV Room can be used by student organizations for meetings.
 - This room is As-Is set-up only.
 - SGA has priority and needs to give LSI dates by May 15th for the entire next academic year.
 - No food or drink is allowed in this room. No catered events.
- Any other spaces – please visit LSI Scheduling for any questions about other spaces on campus.

SPECIFIC EVENT GUIDELINES

- Alcohol
 - Student organizations requesting alcohol at any event must follow the policy governing permissible student events at which alcohol is served (in student organization handbook).
 - In order to serve alcohol at an event, you need to fill out a Student Organizations Events with Alcohol Request via Monarch Link. The form must be submitted at least seven days prior to the event. The event must comply with the Alcohol Policies, and SGA funding cannot be used to purchase alcohol.
- Amplified Sound
 - Amplified sound can only be played inside Webb Center during Activity Hour (Tuesday/Thursday from 12:30pm-1:30pm) and after 5pm.
 - Kaufman Mall - Sound amplification is restricted to Activity Hour (12:30-1:30 PM) Tuesdays and Thursdays and after 4 PM on Friday through Sunday at 10pm. Friday and Saturday nights no amplified sound after 11pm due to City of Norfolk Noise Ordinance.
 - Perry Library/ Engineering Field - No sound amplification at all allowed.
 - Any amplified music in public spaces MUST adhere to FCC Guidelines and be "radio" friendly versions.
- Animal Events
 - Events with animals must be sponsored by an officially recognized and licensed business or animal shelter. No events using personal animals allowed.
- Decorations

Attachment L

Board of Visitors Policy 1011 – Freedom of Expression

NUMBER: 1011

TITLE: Freedom of Expression

APPROVED: August 27, 1970

Old Dominion University will at all times defend the right of free expression, including the right of free assembly.

This right will be protected in behalf of all persons associated with the academic community -- students, faculty, administration, and official guests. No action by an individual or a group which seeks to restrict the exercise of these rights by any other individual or group on this campus will be tolerated.

Old Dominion University will not condone or allow any unauthorized occupation of university facilities, nor will it permit any interference with its normal and regular activities.

No discussion of any issue will be carried on or be conducted under any form of duress, nor will attempts to intimidate, frighten, or otherwise promote by force be tolerated.

Any attempt by individuals or a group to intimidate or otherwise force demands of any kind by occupation of buildings, or interference with the business and purpose of the university, will be dealt with by sufficient means to relieve the situation.