



**Vice President for Policy and Governance**

Burruss Hall, Suite 319  
800 Drillfield Drive (0125)  
Blacksburg, VA 24061  
540-231-6232  
[www.bov.vt.edu](http://www.bov.vt.edu) [www.vppg.vt.edu](http://www.vppg.vt.edu)

November 28, 2023

The Honorable Glenn A. Youngkin  
Governor of Virginia  
Post Office Box 1475  
Richmond, Virginia 23218

The Honorable L. Louise Lucas  
Senate of Virginia  
PO Box 700  
Portsmouth, VA 23705-0700

The Honorable John Avoli  
Virginia House of Delegates  
P.O. Box 1942  
Staunton, VA 24402

Dear Governor Youngkin, Chairman Lucas and Chairman Avoli:

In accordance with §23.1-401.1(D) of the Code of Virginia, Virginia Tech provides this report regarding our compliance with §23.1-401., entitled “Constitutionally protected speech; policies, materials, and reports; report,” as detailed herein.

In particular, Virginia Tech has developed and published materials and policies detailing constitutionally protected speech under the First Amendment on our Speech on Campus website (<https://policies.vt.edu/speechoncampus>). This webpage also provides a reporting mechanism for any individual to report incidents of disruption of constitutionally protected speech on campus.

Virginia Tech students, faculty and staff, including those responsible for student discipline or education, are notified of these policy resources on an ongoing basis through various communication streams such as our Hokies on Track student orientation mobile app, distribution of a “Speech on Campus” brochure, University-wide news communication, and the above mentioned Speech on Campus webpage housed on the university policies website.

A copy of this report may also be found via the Speech on Campus website.

Sincerely,

Kim O’Rourke, Vice President for Policy and Governance

cc: Timothy D. Sands, President  
Elizabeth G. Hooper, Associate Vice President of Government and Community Relations

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# Schedule A

Virginia Polytechnic Institute and State University

## Policy on Harassment, Discrimination, and Sexual Assault

### No. 1025

**Policy Effective Date:**  
3/4/1991

**Last Revision Date:**  
8/31/2021

**Policy Owner:**  
President Sands

**Policy Author:** *(Contact Person)*  
Kelly Oaks  
Kim O'Rourke

**Affected Parties:**  
Undergraduate  
Graduate  
Faculty  
Staff

- 1.0 Purpose
- 2.0 Policy
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- 4.0 Procedures
- 5.0 Definitions
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### 1.0 Purpose

The university is subject to Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, as amended, the Age Discrimination in Employment Act, the Equal Pay Act, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Federal Executive Order 11246, Genetic Information Nondiscrimination Act of 2008 (GINA), Virginia Executive Order(s), and all other federal and state rules and regulations that are applicable.

### 2.0 Policy

#### 2.1 University Statement on Non-Discrimination

Virginia Tech does not discriminate against employees, students, or applicants on the basis of age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or military status, or otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants, or on any other basis protected by law.

#### 2.2 Applicability of Non-Discrimination Statement

The prohibition against discrimination and harassment applies to all levels and areas of university operations and programs, to undergraduate and graduate students, administrators, faculty, staff, volunteers, vendors and contractors. Such behavior is inconsistent with the university's commitment to excellence and to a community in which mutual respect is a core value as articulated in the Virginia Tech Principles of Community.

#### 2.3 Reference to Policy on Title IX Sexual Harassment

Effective August 14, 2020, sexual misconduct that falls under Title IX Sexual Harassment, as defined by federal law, shall be governed by the university's Policy on Title IX Sexual Harassment and Responsible Employee Reporting (Policy No. 1026). If both this policy and Policy No.1026 apply, the procedures as outlined in Policy No. 1026 shall be utilized. For clarification on what sexual misconduct falls under Title IX Sexual Harassment, please see Policy No. 1026.

### 3.0 Scope

The university's jurisdiction includes on-campus incidents and off-campus incidents that cause continuing effects on campus and includes complaints filed by students or employees, or others on their behalf, alleging discrimination or discriminatory harassment



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(including sexual harassment and sexual violence) carried out by faculty, staff, other students, or third parties.

Virginia Tech is also committed to the free and vigorous discussion of ideas and issues. This policy does not allow curtailment or censorship of constitutionally protected expression, nor does it attempt to address behaviors that do not constitute discrimination or harassment. Offensive behavior that does not violate this policy should be addressed by the appropriate supervisor or administrator.

### 3.1 Contact Information

Questions and complaints of discrimination or discriminatory harassment involving faculty, staff, or students should be filed with:

The Assistant Vice President for Equity and Accessibility  
Office for Equity and Accessibility  
Virginia Tech  
North End Center  
300 Turner St.  
Blacksburg, VA 24061  
Phone: (540) 231-2010  
equityandaccess@vt.edu

## 4.0 Procedures

The procedures referenced below provide for prompt and equitable response to reports of prohibited conduct. The procedures also provide for thorough and impartial investigations that afford all parties notice and an opportunity to present witnesses and evidence and to view the information that will be used in determining whether a policy violation has occurred. 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 appropriate university avenue for resolving a complaint covered under this policy is determined by the status of the person accused.

All **undergraduate, graduate, and professional students** at the university are subject to the university's student code of conduct as outlined in the Student Code of Conduct, accessible at <https://www.hokiehandbook.vt.edu/>.

Faculty members at the university are subject to the rules included in the Faculty Handbook, accessible at [https://www.provost.vt.edu/faculty\\_affairs/faculty\\_handbook.html](https://www.provost.vt.edu/faculty_affairs/faculty_handbook.html). Staff members are subject to the rules included in university policies (<https://www.hr.vt.edu/resources/current-employees/policies-handbooks.html>) and the Virginia Department of Human Resource Management Policies (<http://www.dhrm.virginia.gov/hrpolicy/policy.html#probper>), with minor exceptions for University Staff. Procedures for addressing staff and faculty violations of this policy are available from Human Resources.

### 4.1 Responsibilities of Administrators and Supervisors

University administrators, supervisors, and those performing instructional or academic advising duties have a responsibility to create and maintain a work and learning environment free of discrimination/harassment.

If an administrator, supervisor or individual with instructional responsibility becomes aware of an incident that might reasonably be construed as constituting discrimination/harassment, he or she must promptly contact the Office for Equity and Accessibility and coordinate with that office to take immediate steps to address the matter.



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Administrators, supervisors and those with instructional responsibility should contact the Office for Equity and Accessibility whenever they learn—either directly or indirectly—about discrimination/ harassment. This obligation exists even if the complainant requests that no action be taken.

Administrators, supervisors and those with instructional responsibility (for their respective teaching obligation) have the legal responsibility to protect a complainant from continued discrimination, harassment or retaliation, including implementing interim measures necessary to protect the complainant. They must also protect persons accused of discrimination/ harassment from potential damage by false allegations. Administrators and supervisors will be held accountable for dealing with and taking necessary steps to prevent discrimination/harassment. It is not the responsibility of the complainant to correct the situation.

Employees are responsible for informing employees and students under their supervision of this policy and the name and contact information of the person responsible for addressing discrimination complaints covered under this policy.

### 4.2 Supplemental/Alternative Avenues for Formal Complaints

In addition to, or in lieu of, the procedures set forth above, individuals may pursue those remedies that are available to them, as appropriate, through the following agencies:

**Students and applicants for admission** may file formal complaints with the Office for Civil Rights of the U.S. Department of Education.

**Faculty members or applicants for employment** may file a charge with the federal Equal Employment Opportunity Commission and/or the Virginia Council on Human Rights within 300 days of the incident.

The following options are available to **staff members or applicants for employment**:

- a) Non-probationary staff may file a grievance within 30 calendar days of the offense as outlined in the Grievance Procedure for State Employees, or
- b) Salaried and wage staff may file a complaint using the Discrimination Complaint Procedure administered by the Office of Equal Employment Services in the state's Department of Human Resource Management.
- c) Salaried and wage staff may file a complaint with the federal Equal Employment Opportunity Commission or the Virginia Council on Human Rights within 300 days of the alleged discrimination/harassment.

Additional information regarding this policy may be obtained from the Department of Human Resources.

Additional assistance and support may be obtained from the Women's Center, the Office of the Provost (faculty), the Department of Human Resources (staff and AP faculty), the Graduate School (graduate students), the Dean of Students Office, Cook Counseling Center, or Student Conduct (students).

We encourage victims of sexual violence, including rape, sexual assault, stalking, and dating and domestic violence, to exercise their right to file a complaint with the Virginia Tech Police Department if the crime occurs on Virginia Tech's property, regardless of the status of the victim. For crimes occurring away from Virginia Tech's property, victims may contact the local law enforcement in the appropriate jurisdiction.

### 5.0 Definitions

**Consent** means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. The existence of consent is based on the totality of circumstances, including the context in which the alleged consent occurred. Silence does not necessarily constitute consent and coercion, force, or threat of either party invalidates consent.

- Consent cannot be given where a person is incapacitated due to drugs or alcohol; or where a person has a disability; or is not of legal age to consent as defined by law.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent can be withdrawn at anytime.
- Previous relationships or prior consent cannot imply consent to future sexual acts.

**Discrimination and/or Harassment** means conduct that conditions any element of a person's employment, enrollment as a student, receipt of student financial aid, or participation in university activities on that person's age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or military status, unless otherwise permitted or required by applicable law. Virginia Tech does not otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants nor on any other basis protected by law. Discrimination on the basis of sex in education programs and activities receiving federal financial funding as set forth in Title IX of the Education Amendments of 1972, as amended, is included in this definition of prohibited discrimination;

Conduct of any type (oral, written, graphic, electronic or physical) that is based upon a person's age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, national origin, political affiliation, race, religion, sexual orientation, or military status and unreasonably interferes with the person's work or academic performance or participation in university activities, or creates a working or learning environment that a reasonable person would find hostile, threatening or intimidating; **and/or**

Conduct consisting of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment or education, or submission to or rejection of such conduct is used as a basis for employment or educational decisions affecting an individual.

**Retaliation** means any adverse action taken against a person for making a good faith report of conduct prohibited under this policy or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. The definition of retaliation does not preclude an individual from engaging in good faith actions, lawfully pursued, in response to a report of conduct prohibited under this policy.

**Sexual Harassment** means conduct any type (oral, written, graphic, electronic or physical) that is based upon a person's sex (including pregnancy), and unreasonably interferes with the person's work or academic performance or limits participation in university activities, or creates a working or learning environment that a reasonable person would find hostile, threatening or intimidating.

Sexual Harassment includes conduct of a sexual nature, including conduct consisting of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment or education, or submission to or rejection of such conduct is used as a basis for employment or educational decisions affecting an individual. This policy includes sexual violence, gender-based harassment, domestic violence, dating violence and stalking as forms of sexual harassment.

**Sexual Exploitation** means an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any



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other non- legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

**Sexual Violence** means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol, or is unable to give consent due to an intellectual or other disability. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

- **Rape** means penetration, no matter how slight, of the vagina or anus of a person with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary or mental incapacity.
- **Incest** means sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.
- **Statutory Rape** means sexual intercourse with a person who is under the statutory age of consent.
- **Sexual Assault** means actual or attempted sexual contact with another person without that person's consent.
- **Sexual Coercion** means using physical or verbal aggression or pressure to force or attempt to force a person to touch another person's intimate parts without that person's consent.

**Dating violence** means violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

**Domestic Violence** means felony or misdemeanor crimes of violence committed by: (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of Virginia; or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Virginia.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's individual safety or the safety of others; or (b) suffer substantial emotional distress.

## 6.0 References

Presidential Policy Memorandum No. 112, University Non-Discrimination Statement  
<https://policies.vt.edu/assets/112-non-discrimination-statement.pdf>

University Policy 1026, Policy on Title IX Sexual Harassment and Responsible Employee Reporting  
<http://www.policies.vt.edu/1026.pdf>

University Policy 4075, Policy for University Accommodation of Persons with Disabilities  
<http://www.policies.vt.edu/4075.pdf>



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Virginia Department of Human Resources Management, Policy 1.60 Standards of Conduct  
[http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1\\_60.pdf?sfvrsn=2](http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1_60.pdf?sfvrsn=2)

Virginia Department of Human Resource Management, Policy 2.05, Equal Employment Opportunity  
[http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol2\\_05eeo.pdf?sfvrsn=2](http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol2_05eeo.pdf?sfvrsn=2)

Virginia Department of Human Resource Management, Policy 2.30 Workplace Harassment  
[http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol2\\_30wkplaceharrass.pdf?sfvrsn=2](http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol2_30wkplaceharrass.pdf?sfvrsn=2)

Virginia Department of Human Resource Management - Employment Dispute Resolution - Grievance Procedure Manual  
<http://www.dhrm.virginia.gov/employmentdisputeresolution>, <http://www.dhrm.virginia.gov/docs/default-source/edrdocuments/GPM-2017.pdf?sfvrsn=8>

Virginia Tech, Classified and University Staff Policies and Handbook  
<https://www.hr.vt.edu/resources/current-employees/policies-handbooks.html>

Virginia Tech, Expectations for Graduate Education  
[https://graduateschool.vt.edu/content/dam/graduateschool\\_vt\\_edu/expectations-pdfs/expectations-for-graduate-education-may-2017.pdf](https://graduateschool.vt.edu/content/dam/graduateschool_vt_edu/expectations-pdfs/expectations-for-graduate-education-may-2017.pdf)

Virginia Tech, Faculty Handbook  
[https://www.provost.vt.edu/faculty\\_affairs/faculty\\_handbook.html](https://www.provost.vt.edu/faculty_affairs/faculty_handbook.html)

Virginia Tech, Student Code of Conduct  
<http://www.hokiehandbook.vt.edu/>

Virginia Tech, Principles of Community  
<http://inclusive.vt.edu/Initiatives/vtpoc0.html>

## 7.0 Approval and Revisions

- Revision 1  
Revised by Commission on Faculty Affairs, December 17, 1990, the Faculty Senate, January 8, 1991, and the EO/AA Committee on January 8, 1991, with further revisions, February 12, 1991.  
Approved March 4, 1991 by University Council.
- Revision 2  
Revised by the EO/AA Committee, March 29, 1994; approved by Commission on Faculty Affairs, May 13, 1994.  
Approved October 3, 1994 by University Council.
- Revision 3  
Revised by the Commission on Equal Opportunity and Diversity, March 28, 2005. Approved by University Council, May 2, 2005.  
Approved by the Board of Visitors, August 29, 2005.





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- **Revision 4**  
Revised by the Commission on Equal Opportunity and Diversity, March 29, 2010.  
Approved by University Council, April 19, 2010.  
Approved by the Board of Visitors, June 7, 2010.
- **Revision 5**  
Section 4—"faculty member" replaced with "individual with instructional responsibility."  
Approved March 16, 2011 by Charles W. Steger, University President.
- **Revision 6**  
April 24, 2013: Technical updates to:
  - reflect regulations, particularly those that add genetic information to the list of protected statuses;
  - clarify oversight responsibilities for sexual harassment complaints involving any student who is not acting in the capacity of an employee, volunteer, or contractor;
  - clarify that non-probationary employees have 30 "calendar" days to file a grievance; and
  - update references and hyperlinks.Approved June 3, 2013, by Charles W. Steger, University President, and the Board of Visitors.
- **Revision 7**  
Revised to include the addition of terms "gender identity" and "gender expression" in sections 1. Purpose, first paragraph, and 2.1 Prohibited Acts, first and second paragraphs.  
Approved September 15, 2014 by University President, Timothy D. Sands, and the Board of Visitors.
- **Revision 8**  
Revised to include definitions approved by the Board of Visitors on June 1, 2015, and add contact information for the Title IX Coordinator, and language encouraging victims to file a complaint with the appropriate law enforcement agency.  
Approved June 1, 2015 by University President, Timothy D. Sands, and the Board of Visitors.
- **Revision 9**  
Revised section 2.1 to include the sentence, "Virginia Tech does not otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants nor on any other basis protected by law." This is added to comply with Federal Executive Order 13665, issued by President Obama.  
Approved November 9, 2015 by University President, Timothy D. Sands, and the Board of Visitors.
- **Revision 10**  
Significant reorganization of information and to update Procedures section to reflect status of the individual(s) involved in the complaint/potential complaint. Policy name was also changed.  
Approved June 30, 2016 by University President, Timothy D. Sands.
- **Revision 11**
  - Revised section 2.1 to add "sex" to the non-discrimination statement, in accordance with Governor Northam's Executive Order Number One.
  - Revised section 3.1 to have all questions and complaints filed with The Assistant Vice President for Equity and Accessibility, who can further redirect the filing, if appropriate.Approved February 12, 2018 by University President, Timothy D. Sands.



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- Revision 12  
Revised section 4.2 to include the University Ombuds Office (new office) and Graduate School Office of the Ombudsperson as confidential resources.  
Approved October 8, 2019 by University President, Timothy D. Sands.
- Revision 13  
Revisions throughout document to reflect new Title IX regulations promulgated by the United States Department of Education, effective August 14, 2020, which also resulted in the creation of a new University Policy on Title IX Sexual Harassment and Responsible Employee Reporting (No. 1026). Revision effective August 14, 2020.  
Approved August 13, 2020, by the Executive Committee of the Board of Visitors.
- Revision 14  
Revisions throughout document to reflect expansion of “veteran” status to “military” status as defined in Code of Virginia §2.2-2901.1.  
Approved August 31, 2021, by the Virginia Tech Board of Visitors



## Schedule B

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### University Facilities Usage and Events

#### No. 5000

**Policy Effective Date:**  
7/26/1990

**Last Revision Date:**  
9/21/2022

**Policy Owner:**  
Chris Kiwus

**Policy Author:** *(Contact Person)*  
Jon Clark Teglas

**Affected Parties:**  
Undergraduate  
Graduate  
Faculty  
Staff  
Other

- 1.0 Purpose
- 2.0 Policy
- 3.0 Procedures
- 4.0 Definitions
- 5.0 References
- 6.0 Approval and Revisions

#### 1.0 Purpose

This policy was developed to ensure the effective utilization of all Virginia Polytechnic Institute and State University facilities. Both the rules and regulations for the approval and use of university facilities and the rules and regulations that govern activities sponsored by officially listed student organizations, university departments, university-affiliated organizations and non-university groups or organizations are included (see [University Policy 8010, Classification of Student Organizations](#) for more information).

#### 1.1 Policy Review

In April 1994, all administrative policies relating to the use of university facilities were reviewed. The policies were reformatted into one overall policy to streamline the management of policies related to facility use and event approval and to facilitate ease of use for individuals seeking access to university facilities. From 2012 to 2014, the policy was collaboratively reviewed with a large cross-section of university leadership and significant revisions were completed for clarification. Additional reviews in 2014-15 implemented a registration requirement for many events to provide a central database of campus activities for safety and security purposes.

#### 2.0 Policy

This Policy applies to the Blacksburg, Virginia campus. Other Virginia Tech locations must develop site-specific policies consistent with the spirit and intent of this Policy that are tailored to the unique safety, security, and health considerations of their facilities. These location-specific facility-use policies must be reviewed by the University Safety and Security Policy Committee at initial implementation and when significant changes are proposed.

University facilities are to be used in a manner consistent with their intended purpose. Priority of use must be given to those activities related to the mission of the university. The facilities must be used in a safe, professional manner so as not to endanger the university community or the general public. The university may restrict access to land and buildings to protect individuals, property and equipment.

The facilities of the university are intended for the use of its students, faculty, staff, and invited guests participating in university-approved programs or activities, sponsored by or under the direction of the university or one of its related agencies or approved organizations. Use of university facilities by the public is restricted to those activities in which the public interest is readily and safely accommodated and that do not conflict with university program needs and schedules.



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The university makes its classroom, housing, athletic fields, dining and other facilities available, particularly during the summer months, to internal and external groups interested in holding camps, conferences, and workshops on the Virginia Tech campus. Camps, conferences and workshops held at Virginia Tech, *other than the Inn at Virginia Tech*, should be for education, training, or other purposes consistent with the mission of the university.

In accordance with [University Policy 6362, Policy on Continuing and Professional Education](#), academic colleges, centers, and administrative units designing and delivering continuing and professional education activities, both on and off campus, under the auspices of the Virginia Tech brand must work through Continuing and Professional Education.

A residential camp, conference or workshop is defined as an event where attendees will stay overnight in university or university-affiliated facilities, *other than the Inn at Virginia Tech*. These events are governed by the provisions of [University Policy 5010, Residential Camps, Conferences and Workshops](#).

Any person utilizing a university facility who engages in unlawful or disruptive conduct or violates university policy may be asked by a university official to leave the property. Failure to comply with such requests constitutes trespassing under Virginia state law and may lead to disciplinary action and/or arrest. The university is not obligated to tolerate events that interfere with any lawful mission, process, or function of the institution. Request for approval of events may be denied if they pose a clear and present danger to university students, employees and facility users.

It is the policy of Virginia Tech to make its programs and services accessible to every qualified person without discrimination on the basis of disability. For more information on accessibility, refer to the university's accessibility portal: <https://www.vt.edu/accessibility.html>.

The Vice President for Campus Planning, Infrastructure, and Facilities has the responsibility to implement appropriate procedures for events on campus and to approve exceptions to this policy and associated procedures.

### 2.1 Event Sponsorship

All events must have a university sponsor. The sponsor must be an officially listed student organization (as defined by [University Policy 8010, Classification of Student Organizations](#)), a university department, a university governance entity (as defined by the [University Council By-laws](#)), a state employee association, or a university-affiliated organization. Non-university groups or organizations must have a university sponsor to hold an event. A contractual agreement for hosting an event (between a university entity and an external individual, group or organization) is considered a form of sponsorship for the purpose of this Policy.

The university sponsor must reserve space to hold the event (see Section 2.2).

#### 2.1.1 Student Organizations as Sponsors

The Vice President for Student Affairs is charged with implementing procedures to verify the eligibility of individuals to sponsor events on behalf of student organizations on campus. The responsibility for management of this process has been delegated to the Director of Student Engagement and Campus Life. The staff of the Student Engagement and Campus Life Event Planning Office will provide verification of student organization eligibility (and confirm the contacts authorized to do business with the university on behalf of each student organization) to those offices that have been delegated responsibility for scheduling specific facilities.



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Approval of student events must be obtained from the Student Engagement and Campus Life Event Planning Office when the event is considered major entertainment (as defined by [University Policy 8215, Major Entertainment Sponsorship by a Registered Student Organization](#)). If additional information or approvals are needed, the scheduling office may refer the sponsoring student organization to the Student Engagement and Campus Life Event Planning Office for assistance.

### 2.1.2 Employee Associations as Sponsors

State employee associations and university faculty and staff associations may use university meeting rooms, where the time, place and manner do not interfere with university business, do not violate any laws, leases, or other contracts, and are compatible with the safety and security of the particular facility and mission of the university. The use of university-owned or leased meeting rooms must be related to the university and state employee association's role in providing programs and services of general benefit to employees within the context of their employment. All applicable fees for use will apply.

### 2.1.3 Responsibilities of the University Sponsor

The university sponsor will:

- a. serve as liaison with all university agencies supporting the event;
- b. coordinate arrangements for use of university facilities in accordance with the provisions of this Policy;
- c. assist with registration/arrival/check-in and/or departure/check-out of attendees;
- d. maintain responsibility for all record keeping associated with the event, in compliance with the state records retention schedules; and
- e. have a representative onsite or immediately available via telephone/internet conferencing throughout the event.

In accordance with [University Policy 4815, Minors on Campus or Participating in University-Related Programs](#), the university sponsor for all events that involve minors must also:

- a. make university students, faculty, staff, and volunteers aware of the need to complete appropriate training;
- b. ensure criminal conviction checks are conducted on certain individuals who will be working with minors; and
- c. maintain a certification of compliance with the conviction check rules for non-university organizations and entities that operate programs or activities on campus.

## 2.2 Request to Use and Responsibility for Facility Usage

Use of a facility must be sponsored and scheduled (see Section 2.2, *Sponsorship and Request for Event Approval*) prior to the event.

The Vice President for Campus Planning, Infrastructure, and Facilities has delegated the general responsibility for scheduling of university facilities to specific departments ("university scheduling office"), and the university maintains a list of some of the more commonly requested event spaces (venues) ([https://campuslife.vt.edu/secl\\_services/event\\_planning/resources.html](https://campuslife.vt.edu/secl_services/event_planning/resources.html)). Contact the appropriate university scheduling office for any specific information concerning usage of that facility. University scheduling offices may establish and enforce a minimum number of days that a request for space/approval must be submitted prior to the requested event. If the space is not listed in the linked document, contact the Student Engagement and Campus Life Event Planning Office or the department/unit assigned to the desired area.



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### 2.2.1 Responsibilities of University Scheduling Office

The university scheduling office will:

- a. register ([https://campuslife.vt.edu/secl\\_services/event\\_planning/resources.html](https://campuslife.vt.edu/secl_services/event_planning/resources.html)) any qualifying event that will occur in space(s) under their delegated authority (see Section 2.4, *Event Registration*); and
- b. execute a contract with or provide an event confirmation to the entity and university sponsor (if not the same) conducting the event.

### 2.3 Shared Responsibilities

The university sponsor and the university scheduling office will share responsibility for:

- a. briefing the event director/organizer regarding university policies, emergency procedures, and facilities layout; and
- b. ensuring accessibility in emergency situations.

The university sponsor and the university scheduling office, if different, should communicate with one another the actions taken to fulfill the above responsibilities.

### 2.4 Event Registration

The Registrar's Office, in collaboration with Student Engagement and Campus Life, will maintain a central event database ([https://campuslife.vt.edu/secl\\_services/event\\_planning.html](https://campuslife.vt.edu/secl_services/event_planning.html)) for the registration of all camps, sports camps, day camps, conferences, and workshops that are occurring on the main Virginia Tech campus in Blacksburg. The database will include the dates, times, locations, schedule and emergency contact numbers for all such events. The Registrar's Office is responsible for providing the Virginia Tech Police Department, the Office of Emergency Management, the Office of Insurance and Risk Management, Environmental Health and Safety, and other offices as required with access to the database.

All university scheduling offices are required to register in the database any qualifying events scheduled to occur in spaces for which they have delegated scheduling authority. Events commonly referred to as camps, conferences and workshops are considered qualifying events and include but are not limited to: special programs or series of programs or activities on a particular subject, area of interest, or project, typically involving larger numbers of attendees, and/or external (non-Virginia Tech students or faculty/staff) participants. Examples of events which do **not** typically require registration include: departmental meetings, cross-departmental workgroup meetings, regularly-scheduled university classes, one-on-one or small group liaison meetings with external stakeholders, or Board of Visitors and Foundation/Alumni Board meetings. *Note: If an event would not typically meet the registration requirement but may have security, safety, or other special concerns, please contact the Student Engagement and Campus Life Event Planning Office for guidance.*

Failure to comply with the registration requirement or reporting of false information related to the registration requirements may result in loss of event scheduling privileges for space(s) by the scheduling office and/or loss of future facilities use privileges by the external group or university sponsor.



## 2.5 Major Venues and Major Entertainment Events

### 2.5.1 Major Venues

Major Venues include:

- Burruss Hall Auditorium
- Cassell Coliseum
- GLC Auditorium and Multi-Purpose Room
- Johnston Student Center
- Lane Stadium
- Outdoor Public Spaces
- Rector Field House
- Squires Student Center
- War Memorial Gym

### 2.5.2 Major Entertainment Events

Major Entertainment sponsored by officially listed student groups and/or held in a Major Venue is regulated by [University Policy 8215, Major Entertainment Sponsorship by a Registered Student Organization](#). Major Entertainment is defined as any event for which there are contracted performers AND which takes place in a Major Venue. University Policy 8215 does not apply to any event sponsored by a university department at locations other than Major Venues, or to any events held at the Moss Arts Center or the Inn at Virginia Tech.

## 2.6 Charges for Use of University Facilities

Actual rate schedules are developed by the Controller's Office and reviewed by the Office of Budget and Financial Planning in consultation with the unit responsible for the facility used. Please contact the scheduling office for each facility to obtain the most current rate information.

For camps, conferences, and workshops sponsored by Conference and Guest Services or the Student Engagement and Campus Life Event Planning Office, an appropriate per-person administrative fee may be charged.

## 2.7 General Rules for Events and Use of University Facilities

The following are rules for the use of university facilities and any event held on campus. The university reserves the right to deny the activity or event if the requirements of this section are not met within the specified timeframe(s).

### 2.7.1 Safety, Security and Health

1. Virginia Tech sponsors or hosts numerous programs, events, and activities, and allows its facilities to be used for programs, events, and activities. In accordance with [University Policy 5615, University Safety and Security](#), the event planners (university scheduling office and university sponsor) are responsible for coordinating with the appropriate university offices (e.g., Virginia Tech Police Department, Emergency Management, Risk Management) to ensure that appropriate arrangements are made for event security, emergency planning, and liability. The university departments listed below may establish and enforce deadlines by which the event planners must inform their offices and/or comply with certain requirements in order for the event(s) to be approved.



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- a. The Virginia Tech Police Department (VTPD) is responsible for determining the appropriate security for events.
    - i. The department maintains a website (<http://police.vt.edu/vtpd-services/event-security.html>) that describes the types of events/activities that may require security and lists appropriate timelines for planning security services. University sponsors are expected to be sensitive to the need for security in unusual circumstances and should consult with the VTPD about security needs if the nature of the event suggests a possible need for security.
    - ii. Should it be determined that security is required for the event, the VTPD will provide or arrange for appropriate security. Utilization of security agencies outside of the VTPD is prohibited without the written authorization of the Chief of Police and Director of Security or designee. The VTPD reserves the right to establish and manage competitively awarded contract(s) for security services, and to require that event sponsors use an approved, contracted company for security services.
    - iii. Any additional costs for security must be paid by the organization sponsoring the event and must be paid prior to the event.
    - iv. Any exceptions to these standards must be approved by the Chief of Police and Director of Security or designee.
  - b. The university scheduling office is responsible for notifying the Office of Emergency Management (OEM) of events occurring in their facility/space. Should it be determined that additional emergency management preparedness is required, OEM will notify the university sponsor. OEM will assist the event sponsor in developing event preparedness plans as necessary. Event sponsors shall not proceed with an event prior to complying fully with all OEM requirements.
  - c. Trained Crowd Managers must be provided for any facility or event where more than 1,000 persons congregate. Additional information is available through [Environmental Health and Safety \(EHS\)](#).
  - d. The Office of Insurance and Risk Management provides guidance related to university insurance requirements, planning, and documentation, as well as assistance with certificates of insurance for events. All university sponsors are required to provide a Certificate of Insurance verifying appropriate coverage for their program. Additional information may be obtained at <https://risk.controller.vt.edu/vi/generalliability.html>.
2. Special permitting requirements:
- a. Temporary Facilities, Tents and Stages must be constructed and managed in accordance with [University Policy 5406, Requirements for Temporary Facilities/Tents/Stages/Amusement Devices](#). An application (<http://facilities.vt.edu/permits-inspections/building-code-compliance/forms.html>) must be submitted to the University Building Official.
  - b. Amusement devices, generators, and outdoor lighting equipment may require special permitting and/or inspection from the University Building Official.
  - c. An open burn permit is required for outdoor fires on Virginia Tech property, including campfires, bonfires, fire bowls, other recreational type fires, and Prescribed Burns. An application must be submitted to [Environmental Health and Safety \(EHS\)](#).
  - d. A permit is required for Flame Effects (e.g., Fireworks) inside state-owned buildings and outdoors on state-owned property before a proximate audience. An application must be submitted to the





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State Fire Marshal's Office and a copy must be provided to EHS. See

<https://www.vafire.com/state-fire-marshals-office/permits/fireworks-and-flame-effects/>.

- e. A Special Effects Permit must be filed in advance of any event where smoke, haze or fog machines will be used, or gunpowder is to be used (as with stage firearms). See <https://ehs.vt.edu/>. If a fire watch is required by EHS or if portions of the building fire alarm system must be impaired, the associated costs are the responsibility of the event sponsor.
3. Any department listed above may deny approval of an event or of a specific activity during an event if the university sponsor cannot meet the requirements set forth in the department's procedures (for example, if adequate security personnel cannot be present, the VTPD may deny approval for an event; likewise, if documentation of an open burn permit from the Fire Marshal is not provided, EHS may deny approval for an outdoor fire at an event).
  - a. Appeals of any department's decision will be reviewed by the department head (or the department head's supervisor if the department head made the decision).
  - b. If necessary, the Vice President responsible for the department will serve as the final arbiter.
4. Users of the facilities must comply with all applicable health and safety regulations.
5. Special policies apply to any event on campus involving non-student participants under the age of 18 ("minors"). See [University Policy 4815, Minors on Campus or Participating in University-Related Programs](#), for further information.
6. The possession and use of alcoholic beverages is regulated by [University Policy 1015, Alcohol Policy](#).
7. Smoking at events is governed by [University Policy 1010, Policy on Smoking](#).
8. In accordance with [University Policy 4305, Policy on Authorized Closings](#), it is not the university's practice to make a centralized decision about cancelation of events *on weekends or holidays when there are no classes and administrative offices are closed*. If inclement weather, a natural disaster, or safety/security concerns occur on weekends or holidays, each event sponsor has the responsibility for canceling or delaying the event and communicating same to the respective constituency. Additionally, under these circumstances, university scheduling offices reserve the right to cancel or delay events in venues/facilities under their management.

### 2.7.2 Amplification

1. Amplification is not allowed in and around academic buildings and campus public spaces between 8 a.m. and 5 p.m. Monday through Friday. Amplification in and around academic buildings and in campus public spaces may only be used between 5 p.m. and 10:00 p.m. Monday through Friday, between 10 a.m. and 10 p.m. Saturday, and between noon and 10:00 p.m. Sunday.
2. Amplification in or around residence halls is not permitted during the weekdays or Sunday. Events utilizing amplification in and around residence halls shall normally be restricted to 11 a.m. to 10 p.m. on Saturdays and from 5 p.m. to 10 p.m. on Fridays.
3. Additional permissions or restrictions for amplification may be determined by the approving office for specified locations based on other activities occurring at the same time in or near the event for which amplification has been requested.



### 2.7.3 Sales, Solicitation, Fund-Raising and Advertising Activities

1. All sales (i.e., food, T-shirts, posters, etc.) must be sponsored by a university organization and are regulated by [University Policy 5215, Sales, Solicitation and Advertising on Campus](#).
2. Notice of university events may be posted in accordance with [University Policy 5215, Sales, Solicitation, and Advertising on Campus](#).

### 2.7.4 Vehicles and Aviation

1. Vehicles must remain on roadways and park only where legally permitted. Emergency vehicles and some service vehicles are exempt from this provision as necessary for the performance of the driver's job/volunteer duties.
2. Special activities involving vehicles (such as vehicular shows/displays) on plazas, sidewalks, and walkways must be situated such as not to impede or block the normal flow of traffic.
3. Refer to the annually revised [Parking and Traffic Regulations](#), as well as [University Policies 5005, Bicycle and Personal Transportation Devices](#)) and [5501, Electric/Gas Utility-type Vehicles](#), for additional requirements related to transportation equipment.
4. All aircraft, including helicopters and hot air balloons, must use the Virginia Tech Montgomery Executive Airport for landing and take-off; **no** campus sites are approved for this purpose. In the event of an emergency, VTPD, Virginia State Police, and other first response/rescue aircraft are exempt from this provision.

### 2.7.5 Animals

1. Animals are not permitted in university buildings except for:
  - a. teaching;
  - b. research;
  - c. medical evaluation/treatment at the Veterinary Teaching Hospital;
  - d. service animals in public locations and previously approved non-public areas;
  - e. assistance/support animals in previously approved instances;
  - f. Corps of Cadets live animal mascot program ("Growley"), subject to appropriate approvals from the Commandant and Housing and Residence Life; and
  - g. animals residing with Residential Learning Coordinators and/or Faculty Principals in their private residences in campus residence halls, subject to appropriate approvals and guidelines published by Housing and Residence Life.
2. Service and assistance/support animals must be attended by and under the control of the owner in public areas.
3. The Services for Students with Disabilities Office can assist **students** with a determination on the presence of service animals in non-public areas and the presence of assistance/support animals in on-campus housing (see [Virginia Tech Guidelines on Service Animals and Assistance/Support Animals](#)).
4. University ADA Services can assist **university employees** with disabilities with a determination on the presence of service animals and assistance/support animals on campus in non-public areas.
5. Any exceptions to the restrictions on non-service and non-assistance/support animals in campus buildings must be approved by the Dean(s) or Vice President(s) responsible for the department(s) housed in the proposed event location.



### 2.7.6 General Provisions

1. Scheduling offices may enact specific procedures and timeframes for arranging support services necessary to accommodate specific activities. University sponsors should check with the scheduling offices as far in advance as possible to ensure they follow appropriate procedures and allow enough time to complete necessary requirements.
2. Events in public spaces may not be continuous or repetitive in nature. Any activity is limited to 3 consecutive days to allow other organizations to have at least 2 consecutive days in the same week. This does not apply to banner displays or A-Frame displays.
3. All trash and equipment utilized during the activity must be removed. Sponsoring organizations will be charged actual costs of repair and restoration caused by events or activities.
4. In accordance with the Code of Virginia, the release of more than 50 balloons within a one-hour period is prohibited. The provisions do not apply to balloons released for scientific or meteorological purposes.
5. Overnight utilization of university facilities (other than residence halls) by groups or individuals will not be permitted without prior authorization from the scheduling office and the VTPD.
6. Use of specific site locations, such as the Drillfield, dining halls, residence halls, academic buildings, Library Plaza, War Memorial Chapel, Moss Arts Center, Recreational Sports facilities, and Athletic Department facilities, will be in accordance with guidelines for those areas. University sponsors are expected to check with each university scheduling office for any additional specific guidelines that may be in place for the reserved facility/facilities.

### 2.8 Specific Rules for Use of University Facilities by Faculty and Staff

Faculty and staff are not allowed to use university resources for private gain. However, under the following conditions, the compensated use of specialized facilities or equipment will be allowed in support of approved consulting activities. Please refer to the [Faculty Handbook](#) and [University Policies 5420, Policy on Facility Use Agreements](#)), and [13010, Individual Conflicts of Interest](#), for further clarification.

1. The facility or equipment must have a charge rate, established by the Controller's Office, which reflects all direct and indirect costs associated with the use of the facility or equipment and applies to use by parties outside the university. The charge rate will be applied to the actual use.
2. A Request to Engage in External Activity and Disclosure of Conflict of Interest/Commitment Form (13010, <https://www.research.vt.edu/sirc/disclosure.html>) must be filed, specifying the facility or equipment to be used and estimating, in time or charges, the extent of the proposed use.
3. The director or head or chair of the department responsible for the facility or equipment will verify, on the 13010 form, that the proposed use will not interfere with, or have priority over, anticipated university use of the facility or equipment.
4. The faculty or staff member's department head or chair and dean or vice president (and the Provost, when appropriate) in the approval of the 13010 form, will determine that the consultation is of substantial professional merit and presents no conflict of interest in the use of the facilities or equipment. Particular care will be given to the relationship of the consultation with current or potential grants or contracts and to the possibility of unfair competition with local firms and businesses.
5. If an employee uses equipment of a specialized service center, the employee will be charged the "commercial" or "consulting" rate for the center as determined by the Controller's Office. The charges will be billed to the



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employee at the rate established for the service based on actual use. The deposit for the charges will be credited to the service center account that has been established by the Controller's Office.

If the employee uses facilities such as those of the Virginia Tech Athletic Department, Moss Arts Center, or Student Engagement and Campus Life venues (including Squires Student Center, G. Burke Johnston Student Center, Burruss Hall Auditorium, the Graduate Life Center, and War Memorial Chapel), the employee will be charged at the rate established by the Controller's Office for such use. The deposit will be made to the appropriate department's account based on actual use charges.

For facilities other than specialized service centers or other facilities for which a charge rate has been determined, the use of the facilities must be authorized and reimbursed at a rate determined by the joint collaboration of the employee's department head and Controller's Office.

6. The use of library facilities in connection with consulting is exempt from the above regulations, since those facilities are available to the public.

### 3.0 Procedures

#### 3.1 Residential Camps, Conferences and Workshops

Please reference the procedures in [University Policy 5010, Residential Camps, Conferences and Workshops](#).

#### 3.2 Non-Residential Events

Non-university affiliated groups desiring to host a day-only event at any university or university-affiliated facility, *other than the Inn at Virginia Tech*, must be sponsored by an officially listed student organization, university department, or university-affiliated organization. The event sponsor is responsible for assisting the group with the responsibilities outlined in section 2.2. Housing and Residence Life Conference and Guest Services and the Student Engagement and Campus Life Event Planning Office sponsor certain external groups through contractual arrangements. There is no obligation for a university department or student organization to provide sponsorship of any event.

#### 3.3 Events at the Inn at Virginia Tech

Groups or departments desiring to host an event at the Inn at Virginia Tech should contact the reservation desk or the Groups and Meetings staff at the Inn directly. More information is available on the hotel and conference center's website: <http://www.innatvirginiatech.com/>.

### 4.0 Definitions

**Advertising/Advertisement:** includes posting of signs or banners, the distribution of literature, or any other form of public notice designed to sell goods or services, or publicize an event.

**Assistance/Support Animal:** Any animal necessary to afford a person with a disability an equal opportunity to use and enjoy university housing. The animal may provide physical assistance, emotional support, calming, stability and other kinds of assistance, but does not perform work or tasks that would qualify them as **Service Animals** under the Americans with Disabilities Act ("ADA") regulations.

**Camp/Conference/Workshop:** includes, but not limited to, special programs or series of programs or activities on a particular subject, area of interest, or project, involving larger numbers of attendees, and/or external (non-Virginia



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Tech students or faculty/staff) participants. Does **not** typically include: Departmental meetings, cross-departmental workgroup meetings, regularly-scheduled university classes, one-on-one or small group liaison meetings with external stakeholders, or Board of Visitors and Foundation/Alumni Board meetings. *Note: If an event sponsored by a department or university organization may have security, safety, or other special concerns, but does not meet the criteria described above, please contact the Student Engagement and Campus Life Event Planning Office for guidance.*

**Faculty and Staff Associations:** any university organization whose membership is limited to the employees of the university (such as faculty associations, staff associations, senates, etc.) with voluntary membership that provides programs and services of general benefit to employees within the context of their employment.

**Major Entertainment:** any event for which there are contracted performers AND which takes place in a Major Venue (listed in Section 2.6.1).

**Members of the University Community:** currently enrolled students and university departments' faculty and staff members.

**Minor:** a child under the age of eighteen (18) who is not enrolled or accepted for enrollment at the university.

**Public Space Location or Public Area:** all lobbies, foyers, and atriums in student centers and university-owned or leased academic facilities; the Drillfield; and all other university-owned or leased outdoor campus space, except those specifically managed by Athletics, Recreational Sports, the Graduate Life Center, and the Moss Arts Center.

**Officially listed student organizations (as defined by University Policy 8010)** include: University Student Life Programs (USLP), University Chartered Student Organizations (UCSO), Registered Student Organizations (RSO), and Extended Campus Student Organizations (ECSO).

**Residential Camp/Conference/Workshop:** a camp, conference or workshop where attendees will stay overnight in university or university-affiliated facilities, *other than The Inn at Virginia Tech.*

**Sale:** the activity of offering or exchanging products or services in return for monies, goods, or other services. This includes raffles or auctions.

**Service Animal:** Any dog (or under particular circumstances a miniature horse) that meets the definition of "Service Animal" under the Americans with Disabilities Act ("ADA") regulations, and that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed must be directly related to the individual's disability.

**Solicitation:** the act of requesting money or funds for any reason, seeking agreement to pay, taking subscriptions, selling merchandise or services, seeking contributions of goods or services, offering materials or privileges to others via promotion or advertisement, or soliciting signatures for petitions.

**State Employee Association:** any non-profit organization with voluntary membership that provides programs and services of general benefit to state employees within the context of their employment. An association that is statewide and open to all employees who elect to voluntarily participate shall be limited to those associations on the State Comptroller's State Employees' association list.



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**Student:** any individual currently enrolled and registered to attend Virginia Tech

**Trained Crowd Managers:** persons who have been trained in crowd management procedures and other duties appropriate to the event (including pre-event safety inspections and use of portable fire extinguishers as appropriate); may include contracted event security staff and/or VTPD officers. Training and more information can be obtained through Environmental Health and Safety.

**University-Affiliated Organizations:** are comprised of faculty and/or staff and are administered through a department to complement the departmental mission.

**University Facilities:** any location, either permanent or temporary, owned or leased by Virginia Tech, and includes satellite campuses and offices. This includes, but is not limited to, the buildings, grounds, and the surrounding perimeters, including the parking lots, field locations, classrooms, alternate work or class locations.

**University Scheduling Office:** a Virginia Tech office/department that has been delegated (by the Vice President for Campus Planning, Infrastructure, and Facilities) the general responsibility for scheduling specific university space(s).

**University Sponsor:** an officially listed student organization, a university department, or a university-affiliated organization who accepts responsibility for complying with the requirements of section 2.2.2 for a specific event.

### 5.0 References

Events on Main Campus (Blacksburg) Resource Website  
[https://campuslife.vt.edu/secl\\_services/event\\_planning.html](https://campuslife.vt.edu/secl_services/event_planning.html)

University Policy 1005, Health & Safety Policy  
<http://www.policies.vt.edu/1005.pdf>

University Policy 1010, Policy on Smoking  
<http://www.policies.vt.edu/1010.pdf>

University Policy 1015, Policy on Serving Alcohol  
<http://www.policies.vt.edu/1015.pdf>

University Policy 3006, Catering Policy  
<http://www.policies.vt.edu/3006.pdf>

University Policy 4305, Policy on Authorized Closings  
<http://www.policies.vt.edu/4305.pdf>

University Policy 4815, Minors on Campus or Participating in University-Related Programs  
<http://www.policies.vt.edu/4815.pdf>

University Policy 5005, Bicycle and Personal Transportation Devices  
<http://www.policies.vt.edu/5005.pdf>



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University Policy 5010, Residential Camps, Conferences and Workshops

<http://www.policies.vt.edu/5010.pdf>

University Policy 5215, Sales, Solicitation, and Advertising on Campus

<http://www.policies.vt.edu/5215.pdf>

University Policy 5420, Policy on Facility Use Agreements

<http://www.policies.vt.edu/5420.pdf>

University Policy 5501, Electric/Gas Utility-type Vehicles

<http://www.policies.vt.edu/5501.pdf>

University Policy 5615, University Safety and Security

<http://www.policies.vt.edu/5615.pdf>

University Policy 5616, Campus and Workplace Violence Prevention

<http://www.policies.vt.edu/5616.pdf>

University Policy 8010, Classification of Student Organizations

<http://www.policies.vt.edu/8010.pdf>

[Official list of student organizations: <https://gobblerconnect.vt.edu/organizations>]

University Policy 8215, Major Entertainment Sponsorship by a Registered Student Organization

<http://www.policies.vt.edu/8215.pdf>

University Policy 13010, Individual Conflicts of Interest

<http://www.policies.vt.edu/13010.pdf>

Faculty Handbook

<https://faculty.vt.edu/faculty-handbook.html>

Student Code of Conduct

[https://codeofconduct.vt.edu/content/dam/codeofconduct\\_vt\\_edu/CodeOfConduct-Fall2021.pdf](https://codeofconduct.vt.edu/content/dam/codeofconduct_vt_edu/CodeOfConduct-Fall2021.pdf)

Parking and Traffic Regulations, Virginia Tech Parking Services

[www.parking.vt.edu](http://www.parking.vt.edu)

State Records Retention Schedule

[https://www.lva.virginia.gov/agencies/records/sched\\_state/](https://www.lva.virginia.gov/agencies/records/sched_state/)

Virginia Tech Guidelines on Service Animals and Assistance/Support Animals

[http://ssd.vt.edu/content/dam/ssd\\_vt\\_edu/assets/docs/VirginiaTechGuidelinesonServiceAnimalsandAssistanceSupportAnimals.pdf](http://ssd.vt.edu/content/dam/ssd_vt_edu/assets/docs/VirginiaTechGuidelinesonServiceAnimalsandAssistanceSupportAnimals.pdf)



## 6.0 Approval and Revisions

Update February 2, 2006 to title in Sections 2.4 and 2.9.11 from “Donaldson Brown” to “The Inn at Virginia Tech and Skelton Conference Center.”

- Revision 8  
Section 2.5.1: Added entire section to address responsibility for event security.  
Approved February 28, 2007 by Executive Vice President and Chief Operating Officer, James A. Hyatt.
- Revision 9  
May 12, 2008: Updates to position titles and/or responsibilities due to university reorganization.
- Revision 10  
Revised Section 2.9.12 for consistency with the new Policy 5005, Bicycle and Personal Transportation Devices.  
Approved June 5, 2009 by Vice President for Administration, Sherwood G. Wilson.
- Revision 11
  - Significant revision to combine multiple sections, update to match other existing Policies, update scheduling authorities, add appropriate references and definitions, and streamline information.
  - Renamed “Student Centers and Activities” to “Student Engagement and Campus Life” throughout document.
  - Updates to Section 2.6.1 - Safety, Security and Health consolidated security information from Policy 8220 - *Security Requirements for Events Sponsored by Student Organizations*, and with concurrence from the Vice President for Student Affairs, eliminated Policy 8220.Approved July 30, 2015 by Vice President for Administration, Sherwood G. Wilson.
- Revision 12
  - Revised Sections 2.2, 2.3 and 2.4 to clearly define the responsibilities of university sponsors and scheduling offices.
  - Added Section 2.5, *Event Registration*, to define responsibilities associated with, and require use of, the central event registration system.
  - Added Section 3, *Procedures*, to provide basic instructions for non-university entities.
  - Replaced sections/language with reference documents/links for lists of:
    - university scheduling offices and timelines for commonly used venues;
    - venue specific guidelines for commonly used spaces; and
    - procedures, guidelines, and timelines for safety and security approvals.
  - Technical corrections to form names and website links.Approved January 31, 2017 by Vice President for Administration, Sherwood G. Wilson.
- Revision 13
  - Technical corrections to titles, office names, form names, and website links.Approved September 21, 2022 by Vice President for Policy and Governance, Kim O’Rourke.





## Schedule C

Virginia Polytechnic Institute and State University

### Sales, Solicitation and Advertising on Campus

#### No. 5215

**Policy Effective Date:**

7/3/2012

**Last Revision Date:**

8/25/2020

**Policy Owner:**

Chris Kiwus  
Charlie Phlegar

**Policy Author:**  
(Contact Person)

Jon Clark Teglas  
Tracy Vosburgh

**Affected Parties:**

Undergraduate  
Graduate  
Faculty  
Staff  
Other

1.0 Purpose

2.0 Policy

3.0 Procedures

4.0 Definitions

5.0 References

6.0 Approval and  
Revisions

### 1.0 Purpose

This policy outlines the guidelines relating to sales, solicitation, and advertising on the Virginia Tech campus and in university facilities.

In accordance with University Policy 5000, University Facilities Usage and Event Approval, (<http://www.policies.vt.edu/5000.pdf>), university facilities are intended for the use of its students, faculty, staff, and invited guests participating in university-approved programs or activities. In the interest of providing a productive living, learning, and working environment for students and employees and protecting the institution's authorized business activities and interests, the university has established policies and procedures for the approval of commercial, fund-raising, informational, and advertising activities. Decisions regarding requests will take into account overall campus safety and security, any special circumstances relating to university activities, and the impact such activity may have on the university.

This policy applies to all university departments, university-affiliated organizations (student or non-student), commercial vendors, charitable organizations, faculty, staff, students, and third parties.

### 1.1 Policy Review

In spring 2012, University Policies 5205, Sales and Solicitation on Campus, and 5210, Advertising on Campus, were reviewed. The policies were reformatted into one policy to more concisely state the guidelines relating to sales, solicitation, and advertising on the Virginia Tech campus and in university facilities.

## 2.0 Policy

### 2.1 Sales and Solicitation

The sale or solicitation of any products, goods, food, beverages, or services on the campus requires prior written authorization and must be conducted in accordance with university policy and the regulations established by the authorizing office. See University Policy 5000, University Facilities Usage and Event Approval, (<http://www.policies.vt.edu/5000.pdf>), for authorizing officials. Informational activities and solicitations of any type (e.g., donations, petition for signatures) also require prior written authorization. In most cases, per University Policy 5000, confirmation to reserve the location will also serve as event approval; if further event approval is required, the reserving authority shall communicate further requirements to the event sponsor in writing.



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All commercial, fund-raising, and informational activities require sponsorship by a university-affiliated organization. Activities should be occasional, non-continuous and specific in purpose and may be approved only for designated areas on campus. All proceeds from fund-raising activities are to be returned to the organization's treasury for use for organization projects or activities or for the organization's charitable activities.

It is the responsibility of the sponsoring organization to obtain the appropriate approvals outlined in this policy. It is the responsibility of the designated authorizing offices to ensure that appropriate university policies are followed before approving requests.

Salespersons may not engage in misrepresentation or fraudulent trade practices nor other activities that are illegal or in violation of state or federal laws or university policies. Salespersons and any company involved will be held responsible if university policies are violated. Such violations may result in the sponsoring organization and/or the individual or company losing the privilege of conducting future sales on campus.

For purposes of regulation, distinctions are made among "commercial," "fund-raising," "individual," and "informational" sales and solicitation activities.

### 2.1.1 Commercial Activity

Commercial activity is defined as any sale, solicitation, or promotion/marketing that results in securing a **profit or benefit for a non-university group, organization, or business**. This includes activities of university-affiliated organizations that:

- use vendors for the actual selling;
- are paid or receive any kind of sales commission (including percentage of sales, flat fee, or per unit sold fee);
- sell for the benefit of an external group, organization, or business (unless it is solely for the benefit of a nonprofit organization);
- provide product promotion or marketing for an external group, organization, or business even if no products are sold; **and/or**
- conduct employee recruitment activities for external employers, unless there is a university-approved collaboration agreement (except Career and Professional Development).

Commercial activities will generally be prohibited unless:

- the university or a university-affiliated organization does not offer the service or goods, **and**
- it is determined that the activity is either necessary to the purpose of the university, **or**
- it provides a direct benefit to the university or the sponsoring university-affiliated organization.

The benefit to the sponsoring university-affiliated organization must be included in the request for approval. Provisions for proceeds from any sales must also be included in the request for approval. However, such activities may not be approved or may be approved with restrictions by the authorizing office if they are determined to compete with or have a significantly adverse effect on the ongoing operations of the business activities of the university or university-related corporations.

Uninvited commercial activities, which include commercial presentations, door-to-door, and other commercial solicitations, and the making of sales agreements, are prohibited on Virginia Tech property, including but not limited to students' private rooms and the common areas of all residence and dining halls.



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Sales to members of campus organizations are commercial activities but may be permitted during meetings of the organization without prior approval provided the salesperson is invited to the meeting for that purpose in advance by a member of the organization. No announcement concerning the sale may be posted or advertised beyond the membership of the organization.

Applicable fees for facility use will be charged for commercial activities in accordance with Policy 5000, University Facilities Usage and Event Approval, (<http://www.policies.vt.edu/5000.pdf>).

### 2.1.2 Fund-Raising Activities

Fund-raising is defined as any activity which involves the solicitation or collection of monies that is specific in purpose, not for individual gain, non-recurring, **and for the sole benefit of a specific, sponsored nonprofit group or cause or the self-generated fund-raising efforts of an officially listed student organization**. Types of fund-raising activities may include: the selling of goods or services; the selling of tickets and/or charging of admission to public activities or events; and the solicitation of monetary contributions, goods, or services.

Fund-raising activities conducted by university affiliated organizations may be approved on a limited basis with regard to time, place, safety, and the scope of the activity. Fund-raising activities **may** be determined to be commercial activities if they are regular and recurring.

Private fund-raising conducted on behalf of the university and/or groups affiliated with Virginia Tech is coordinated through University Advancement (see Policy 12100), with the exception of normal student fund-raising activities. However, any fund-raising activities by students involving direct mail solicitation of alumni and friends of Virginia Tech and/or requests for gifts of \$1,000 or greater must be approved by University Advancement in accordance with University Policy 12100, Policy on Coordination of Private Fundraising, (<http://www.policies.vt.edu/12100.pdf>).

Other permitted activities which are not considered "fund-raising" include: (a) the collection of dues or membership fees from the members of an officially listed student organization; and (b) collection of voluntary contributions from individuals for departmental social activities or gifts.

Officially listed student organizations are encouraged to work with Virginia Tech Services, Inc. to procure goods for fundraisers. This university-related corporation has extensive on-campus and community-wide sales experience and can provide advice and guidance on how to achieve a successful event within the campus environment.

### 2.1.3 Informational Activity

Informational activity is defined as the distribution of literature and/or petitioning for signatures where no fee is involved nor donations or contributions sought.

Informational activities may be permitted if they are sponsored by a university-affiliated organization. Such activities require prior approval by the designated university scheduling office and are subject to university policies and the reasonable guidelines of the authorizing official.

### 2.1.4 Individual Activity

Individuals, including employees, are prohibited from engaging in commercial activities on university property, including the following: (a) the solicitation or sale of products, services or personal property; (b) the solicitation of orders for such products or services; or (c) the distribution of catalogs and literature promoting products or services by individuals, including university employees.



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University email, departmental mailboxes and bulletin boards are not to be used to distribute commercial sales information or catalogs.

### 2.2 Advertising

Students and student organizations; university-affiliated individuals, organizations, and departments; and university-related corporations may distribute literature, post signs, publicize, and advertise on campus. Advertising for commercial purposes by businesses, organizations, entities, or individuals not associated with the university is prohibited.

Failure to comply with these policies may subject the responsible organization and/or individuals to fines for property damage and/or clean-up costs.

Signs erected by contractors at construction sites on campus are not considered advertisements and are permissible.

#### 2.2.1 Specific Provisions

- Advertisements, brochures, and portable signs for commercial activities may not be posted or displayed on university property.
- When the name of a product or non-university-affiliated entity appears on posted literature, the primary purpose of the poster must be a sponsorship to recognize support of the activity, event, or student organization, and not the commercial advancement of the non-university entity or the product.
- The promotion for sale or consumption of alcoholic beverages on campus or advertising of alcoholic beverages in university student publications may be prohibited or regulated by state or federal laws and/or the specific regulations developed by the Alcoholic Beverage Control Board.
- The university mail service, including on-campus mail, is for official university correspondence only. It should not be used for personal correspondence, advertising, or mass mailing.
- The university's computers, internal networks, and national networks are not to be used to distribute personal advertisements or information that will result in personal gain. Such use violates university policy and the laws of the Commonwealth of Virginia. Violations will be dealt with through University Policy 7000, Acceptable Use and Administration of Computer and Communication Systems, (<http://www.policies.vt.edu/7000.pdf>); Acceptable Use Guidelines; state Standards of Conduct; or University Policies for Student Life.
- Student organization activities involving the sale of products with the name, insignia, or trademark(s) of Virginia Tech must be approved by Licensing & Trademarks prior to the date of the activity. Such items may also require the license authorization of Virginia Tech and the payment of the specified royalty fee. University Relations is responsible for overseeing and administering policies on university trademarks, logos and insignias. Additional information and related procedures can be found at: [https://brand.vt.edu/content/brand\\_vt\\_edu/en/licensing.html](https://brand.vt.edu/content/brand_vt_edu/en/licensing.html)

### 3.0 Procedures

The total number of people or organizations conducting sales, solicitation, and/or advertising activities in one place on campus will be limited. Preference for assignment of space will take into account the number of previous approvals for the group or activity, status as a major campus-wide activity, and time constraints of events that may be advertised. Priority will be given to activities conducted by students over those conducted by students with vendors.



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These activities will also be limited in regards to time, place and manner of the proposed activity. Violation of any of these pre-approved agreements may result in permission for the activity being revoked.

### 3.1 Sales and Solicitation

The location and time of any commercial, fund-raising, or informational activity occurring on or in university facilities must receive prior approval. The request must be submitted to the office charged with approving and scheduling events in that facility or area.

- See University Policy 5000, University Facilities Usage and Event Approval, (<http://www.policies.vt.edu/5000.pdf>), for authorizing officials. All authorizing officials should collaborate with Virginia Tech Services, Inc. to provide students, student organizations, and university affiliated individuals, organizations, and departments with advice and guidance on sales and solicitation activities on campus.
- Requests must be submitted no later than 10 calendar days prior to the planned date of the solicitation. Note that some university offices may require an earlier request date to schedule the use of certain locations.
- Full details must be submitted, including the times, dates and locations requested; an explanation of the products or services that will be made available; benefit to the sponsoring university-affiliated organization; provisions for proceeds from sales or fund-raising activities; whether or not on-campus delivery is anticipated; and any other information that may be needed by the authorizing official.

Commercial suppliers who have an established relationship with the university for the sale of products and services will coordinate campus visits, communications and activities with either the Procurement Department or the Information Technologies Procurement and Licensing Solutions (ITPALS), as appropriate. Commercial suppliers who do not have established relationships with the university must either be invited to campus by a sponsoring university-affiliated organization, a university-related corporation, or by the Procurement or ITPALS offices.

It is university policy that the university electronic mail systems and mail services are for official university business only. They should not be used for commercial correspondence, advertising, soliciting, or mass mailing. University departments and campus organizations may submit event postings or other information to Virginia Tech News ([www.vtnews.vt.edu](http://www.vtnews.vt.edu)). Departmental mailboxes and bulletin boards are not to be used to distribute commercial sales information or catalogs.

#### 3.1.1 Deliveries and Invited Guests on Campus

Food may be delivered to residence halls, academic/administrative offices, and outdoor locations by vendors. Such deliveries are permitted only in response to prepaid orders, or to specific orders by resident students and employees. Housing and Residence Life designates for residence halls the hours during which deliveries may occur, the doors to be used, and the areas within residence halls where deliveries must take place.

Personal deliveries to employees such as dry cleaning and personal parcel deliveries are discouraged. Such activity could be disruptive to the workplace, and there is no liability coverage for stolen or damaged merchandise. The decision on whether to allow occasional, non-disruptive deliveries will be left to the discretion of the manager of the respective units. In making those determinations, managers should consider where items will be received and the space required for holding, the safety of those parcels, and confusion about a delivered item that may be opened by mistake.



## 3.2 Advertising

- The appropriate administrative official must approve the event, sale, or product prior to advertisement. Distribution of materials may only occur in the approved location(s).
  - University departments, faculty and staff should review the university brand website (<https://brand.vt.edu/>) for guidance and contact [vtbrand@vt.edu](mailto:vtbrand@vt.edu) for any questions related to digital advertising for university-sponsored programs or events.
  - Permission must be obtained in writing from the Athletics Department when advertising is to occur in athletic facilities.
  - Permission must be obtained in writing from the Department of Recreational Sports when advertising is to occur in recreational facilities.
  - Permission must be obtained in writing from Student Engagement and Campus Life when advertising is to occur in or around student center facilities and public space locations on campus (see additional details regarding reservations for these locations in University Policy 5000, University Facilities Usage and Event Approval, (<http://www.policies.vt.edu/5000.pdf>)).
  - Permission must be obtained in writing from Housing and Residence Life when advertising is to occur inside the residence halls.
  - Permission must be obtained in writing from Dining Services when advertising is to occur inside the dining halls.
  - Permission must be obtained in writing from Virginia Tech Services, Inc. when advertising is to occur in or around campus bookstores or convenience stores.
  - Advertising, including distribution of advertising materials, is generally not allowed in classrooms or facilities comprised predominantly of classrooms. Permission must be obtained in writing from the Registrar's Office when advertising is to occur in classrooms and other locations not specified above.
- The collection and distribution of literature, when necessary, will be limited to designated central locations.
- Slipping literature under doors and/or on door knobs inside residence halls is not permitted.
- The advertisement, publicity, sign, banner, flier, or literature must be appropriate for its intended purpose and comply with the law and university policies.
- The name of the sponsoring organization, meeting or event date, time, and location must be printed in English on the poster or notice. Any other writing on the poster that is not in English must be translated into English on the front of the poster, or a translation must be on file with the scheduling office(s) for the space(s) where it will be posted.

### 3.2.1 Distribution of Flyers

- Flyers may not be placed on windshields of vehicles parked on university-owned or leased property or parked in any university parking lot.
- Distribution of advertisements or literature must be accomplished in such a manner as to avoid litter or disruption.



### 3.2.2 Posted Materials

- Posted advertisements may be placed on general-purpose bulletin boards, A-frame boards, or wire signs designated for that purpose. Student Engagement and Campus Life Event Services must approve A-frame board or wire sign placement.
- Advertisements are not to be placed on interior and exterior doors, interior and exterior walls, windows, fences, directional and informational signs, lamp posts, light poles, barricades, trees, hydrants, and any other location that is not designated as permissible in this policy.
- Markings on walkways, roadways, or other permanent structures on campus with chalk, paint, or any other material is prohibited.
- Any posted advertisements which have not received prior approval for display, or which must be removed in the event of an emergency, shall be removed and disposed of by Virginia Tech. Virginia Tech shall not be responsible for any costs associated with removed advertisements.
- Posted advertisements approved for display shall not be installed more than seven days prior to the designated event.
- Posted advertisements must be removed no later than 24 hours after the event or Virginia Tech shall remove and dispose of the advertisements.
- No posting of any type is permitted in classrooms.

#### 3.2.2.1 Bulletin Boards

- Student organizations may post advertising on bulletin boards marked "General Purpose Bulletin Boards," which are identified throughout the campus and labeled as such for use by students and student organizations to advertise such activities and events.
  - Responsibility for allocation and policy compliance of these boards is placed in the Division of Student Affairs.
  - All general purpose bulletin boards will be cleared at the end of every semester.
  - No more than one poster or notice for the same advertised event may be placed on a bulletin board.
  - When posting announcements on general purpose bulletin boards, use the following guidelines:
    - Avoid placing posters on top of other posters.
    - Avoid posters larger than 11 inches by 17 inches.
    - Avoid having posters extend beyond the border of the bulletin board.
    - When posting personal notices, such as items for sale or ride needed, include the date the notice was posted. Personal notices must be removed within two weeks of their having been posted.
- Each department and college will continue to maintain its own bulletin boards for academic and professional purposes.
- Advertisements may not be placed on academic, resident advisors', or Residence Hall Federation bulletin boards unless prior permission is granted by the appropriate source of approval.



### 3.2.3 Banners

- Permission to Hang Banners
  - Permission to hang banners on certain academic buildings and student centers must be granted by the Student Engagement and Campus Life Event Services Office; these buildings include:
    - Squires Student Center
    - G. Burke Johnston Student Center
    - War Memorial Hall
    - Litton-Reaves Hall
    - Derring Hall
    - Pamplin Hall
    - Burruss Hall
  - Banners and signs are not permitted in any athletics facility, including Lane Stadium and Cassell Coliseum.
  - Banners are generally not permitted on Burruss Hall, with the exception of the official University Banner. Requests for any exceptions should be directed to University Relations.
  - The Assistant Vice President for Planning and University Architect must approve the siting of all other banners.
- The content and design, display dates, and locations of all banners on university buildings must be approved by University Relations. Additional information and procedures can be found at: <https://brand.vt.edu/>
- All banners containing university trademarks must be produced by licensed vendors.
- Banners must be removed from buildings within one business day following the event they advertised.

#### 3.2.3.1 Light Post Banners

- Light post banners on campus are to be used to support university branding and to promote educational and cultural programs that align with the university mission.
- Banner content should have university-wide appeal.
- Banners may not be used for commercial advertising; advertising or promoting any political candidate, parties or issues; or identifying, advertising or promoting any religion. Banners must follow university brand guidelines (<https://brand.vt.edu/>).
- The Office of University Planning must approve the siting of all light post banner installations. Information on pre-approved banner locations can be found on the university brand center (<https://brand.vt.edu/>).
- University Relations must approve all light post banner designs and the reservation/location for specific designs prior to production and installation. Departments that want to request light post banners should email specific request information (i.e. location, dates, purpose) and draft designs to [vtbrand@vt.edu](mailto:vtbrand@vt.edu).
- Facilities will manage light post banner installations and removals. Departments are responsible for requesting and funding installation and removal once they have obtained University Relations' approval of the design and location reservation. Departments that want to request installation and removal should email specific information (location, dates, department name, funding details) and a copy of University Relations' approval to [vtrepair@vt.edu](mailto:vtrepair@vt.edu).





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- The requesting department will bear all costs associated with light post banner design, production, installation, and removal.
- All banners containing university trademarks must be produced by licensed vendors.
- Light post banners that become tattered, faded, or torn may be removed without notice to the requesting department. Banners may also be removed without notice from any posts that show stress from the banner installation.

### 3.2.5 Web Pages and Social Media

- University web sites should remain an information source free of commercial intervention; therefore, advertising on university web pages (those maintained on any university file server or use any domain or subdomain on vt.edu) is prohibited. The Senior Associate Vice President for University Relations may grant exceptions to this policy to auxiliary organizations provided that the following procedures are followed:
  - Advertisements must adhere to other aspects of this policy.
  - Alcohol, beer, and cigarette advertisements are prohibited.
  - Advertisements should not comprise more than 130 x 130 pixels of a screen area on a standard desktop monitor. On mobile devices, logos cannot exceed 320 x 50 pixels.
  - The name, logo, or logotype of a company or organization may be posted to indicate sponsorship/partnership with that company or organization.
  - If a logo from a sponsor/partner of the university is intended to be clickable, it can link only to a page that lists other sponsors and must remain on the vt.edu domain. A text link to a sponsor's website is acceptable and not prohibited from any web page. Links to a sponsor's external website should open in a new window.
  - An advertisement on a university web site should consist of text or graphics that have been paid for by a non-university organization or are in exchange for goods and services.
- The following examples do not constitute a web advertisement:
  - General interest links to commercial web sites that may be of interest to web viewers and that are available free of charge (e.g., search services, Town of Blacksburg home page, area weather links, etc.);
  - Subscription services or site licenses that the university pays for to gain access to a commercial service (e.g., CollegeNET, etc.);
  - Icons that link to social media networks (e.g., Facebook, Twitter, YouTube, etc.);
  - Information that relates to or supports the teaching, research, or service mission of the university, such as academic departmental conferences; or,
  - Listings of sponsors for a special event.
- The Virginia Tech news website (<http://www.vtnews.vt.edu/>), and its corresponding products (a daily employee and subscription e-mail and a weekly student e-mail) can be used by campus departments and organizations to share information or promote non-commercial events. Information submitted must be relevant to the university community and/or occurring on university property.
- The university's online event calendar (<http://www.calendar.vt.edu/>) lists campus activities and events that are sponsored by Virginia Tech students, faculty, or staff organizations or held on the Virginia Tech campus and are open to the university or to the public. Virginia Tech News reserves the right to edit content.



- Refer to [University Policy 1030, Social Media Policy](#), for guidance on social media use.

### 3.3 Newspaper/Magazine/Brochure Racks and Boxes

#### 3.3.1 Newspapers/Magazines/Brochures for Interior Locations

- Newspapers/magazines/brochures for interior distribution shall be placed only in racks or boxes within building interior spaces, to include lobbies and related public spaces. Racks will not be placed at exterior locations.
- A limited number of racks/boxes are available on a first-come, first-served basis by emailing University Relations ([unirel@vt.edu](mailto:unirel@vt.edu)) and in accordance with the advertising regulations in this policy.
- After approval from University Relations is received, the Building Manager or Department Representative shall determine locations for newspaper/magazine/brochure racks or boxes within the subject building.
- It is the responsibility of the newspaper/magazine/brochure provider to keep the materials in the racks or boxes orderly. Overflowing, scattered or unsightly materials may be removed and discarded by university custodial staff.

#### 3.3.2 Newspapers/Magazines/Brochures for Exterior Locations

##### 3.3.2.1 Locations

- Newspapers/magazines/brochures for exterior locations shall be placed only at the following locations:
  - East side of Kent Street in front of the northwest entry to Newman Library on the existing concrete pad;
  - West side of War Memorial Hall on the existing concrete pad; and
  - Northwest side of McBryde Hall on the existing concrete sidewalk.
- These sites will be limited to six boxes placed in single file, one row.
- University Relations shall determine which entities may use the boxes placed at these locations.
- It is the responsibility of the newspaper/magazine/brochure provider to maintain the appearance of the boxes.
- Bins shall be fully contained and self-closing to minimize litter.

##### 3.3.2.2 Size

- The maximum dimensions for a single box are 50 inches high, 24 inches wide, and 24 inches deep.
- The owner of each box must post his or her name, address, telephone number and email address on the box in a readily visible location. Boxes may not be used for any other advertising or promotional purposes.

##### 3.3.2.3 Placement

Should additional exterior locations be identified, boxes may not be placed:

- Within fifteen (15) feet of any fire hydrant;
- In any curb cut designed to facilitate street access by disabled persons or within two (2) feet of any such curb cut;
- Within any bus stop;



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- Within a crosswalk area;
- Within a corner area or within five (5) feet of any corner area;
- On any surface where such installation or maintenance will cause damage to or interference with the use of any pipes, vault areas, telephone or electrical cables or other similar locations;
- On, in or over any part of the roadway of any public street;
- Unless eight (8) feet of sidewalk width is preserved for unobstructed pedestrian passage;
- On any area of lawn, flowers, shrubs, trees or other landscaping or in such a manner that use of the box would cause damage to such landscaping;
- Where such placement, installation or maintenance endangers the safety of persons or property.

### 3.3.2.4 Enforcement

- If, after inspecting a box, Virginia Tech finds that it is not in compliance with this policy, Virginia Tech shall first notify the owner to correct the problem by sending a Notice of Correction. If the condition is not corrected, Virginia Tech will remove the box from the location.
- Additionally, Virginia Tech can remove a box from its location in the following circumstances:
  - Abandoned boxes: Virginia Tech can remove a box if the name, address or other identifying material of the box owner is not affixed to the box and the owner has not received written permission from Virginia Tech.
  - Emergency Circumstances: Virginia Tech can remove a box if it poses an imminent threat to public health or safety.
  - Construction: If a box is at a location to be used for public utility work, public transportation purposes, public safety purposes, or in connection with construction or a capital project, Virginia Tech must notify the owner to remove it. If the owner fails to remove the box within seven (7) days after notification, Virginia Tech may remove the box.
- Virginia Tech shall not be responsible for damage to any non-compliant box incurred during removal and/or storage.
- Virginia Tech will store removed boxes for thirty (30) days, during which time the owner may retrieve them. Unclaimed boxes will be disposed of in accordance with abandoned property rules administered by Surplus Property.

## 4.0 Definitions

**Advertising/Advertisement** - includes posting of signs or banners, the distribution of literature, electronic media, or any other form of public notice designed to sell goods or services or publicize an event.

**Auxiliary organization/unit** – self-supporting enterprises that provide goods and services to the university (or faculty, staff, and/or students) and that do not rely on state appropriations for operating support.

**Commercial activity** - any sale, solicitation, or promotion/marketing for the purpose of securing a profit or benefit for a non-university group, organization, or business.



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**Fund-raising activity** - any activity which involves the solicitation or collection of monies that is specific in purpose, not for individual gain, non-recurring, and for the sole benefit of a specific nonprofit group or cause or the self-generated fund-raising efforts of an officially listed student organization.

**Individual activity** – (a) the solicitation or sale of products, services or personal property; (b) the solicitation of orders for such products or services; or (c) the distribution of catalogs and literature promoting products or services by individuals, including university employees.

**Informational activity** - the distribution of literature and/or petitioning for signatures where no fee is involved nor donations or contributions are sought.

**Nonprofit organization** - public, governmental, and charitable organizations that can provide proof of their nonprofit status.

**Campus Common Spaces** - all lobbies, foyers, and atriums in student centers and university-owned or leased academic facilities; the Drillfield; and all other university-owned or leased outdoor campus space, except those managed by Athletics, Recreational Sports, the Graduate Life Center, and the Moss Arts Center (see additional details in Policy 5000).

**Officially listed student organizations** – are defined by university policy 8010, and include: University Student Life Programs (USLP), University Chartered Student Organizations (UCSO), Registered Student Organizations (RSO), and Extended Campus Student Organizations (ECSO).

**Sale** - the activity of offering or exchanging products or services in return for monies, goods, or other services. This includes raffles or auctions.

**Solicitation** - the act of requesting money or funds for any reason, seeking agreement to pay, taking subscriptions, selling merchandise or services, seeking contributions of goods or services, offering materials or privileges to others via promotion or advertisement, or soliciting signatures for petitions.

**Student** – any individual currently enrolled and registered to attend Virginia Tech.

**University facilities** - any location, either permanent or temporary, owned or leased by Virginia Tech, and includes satellite campuses and offices. This includes, but is not limited to, the buildings, grounds, and the surrounding perimeters, including the parking lots, field locations, classrooms, alternate work or class locations, and university owned or leased vehicles.

**University-affiliated individual** – any individual who is a faculty or staff member, currently on the Virginia Tech payroll.

**University-affiliated organization** - (a) officially listed student organizations; (b) university-related Corporations; (c) university departments; and (d) those organizations comprised of faculty and staff and are administered through a college, administrative division, or department to complement the departmental mission.

**University-related Corporations** - Corporations authorized by the Board of Visitors to provide support for the university; i.e. the Virginia Tech Foundation, Inc., Virginia Tech Services, Inc., etc.



## 5.0 References

- University Policy 1030, Social Media Policy  
<https://policies.vt.edu/social-media-policy2.pdf>
- University Policy 3005, University-Related Business Activities  
<http://www.policies.vt.edu/3005.pdf>
- University Policy 3006, Catering Policy  
<http://www.policies.vt.edu/3006.pdf>
- University Policy 3600, Funds Handling and Deposit of State and Local Funds  
<http://www.policies.vt.edu/3600.pdf>
- University Policy 3610, Accepting and Handling Payment Card Transactions  
<http://www.policies.vt.edu/3610.pdf>
- University Policy 5000, University Facilities Usage and Event Approval  
<http://www.policies.vt.edu/5000.pdf>
- University Policy 5810, Mobile Food Vendors  
<https://policies.vt.edu/5810.pdf>
- University Policy 7000, Acceptable Use and Administration of Computer and Communication Systems  
<http://www.policies.vt.edu/7000.pdf>
- University Policy 8010, Classification of Student Organizations  
<https://policies.vt.edu/8010.pdf>
- University Policy 12100, Policy on Coordination of Private Fund-Raising  
<http://www.policies.vt.edu/12100.pdf>
- Student Code of Conduct  
[www.hokiehandbook.vt.edu](http://www.hokiehandbook.vt.edu)
- University Brand Guidance  
<https://brand.vt.edu/>

## 6.0 Approval and Revisions

Approved July 3, 2012 by Vice President for Administrative Services, Sherwood G. Wilson.

- Revision 1  
Technical updates to department and position titles and definitions.

Approved February 16, 2016 by Vice President for Administration, Sherwood G. Wilson.



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- Revision 2
  - Addition of Section 4 related to Newspaper/Magazine/Brochure Boxes and Racks.
  - Additional parameters included in Section 3.2.2 regarding timeline for posting and removal of posted advertisements.

Approved February 17, 2017 by Vice President for Administration, Sherwood G. Wilson.

- Revision 3
  - Incorporated section regarding bulletin boards into section regarding posted advertisements.
  - Added Section 3.2.3.1 Light Post Banners.
  - Technical updates to department and position titles, terminology, and definitions.
  - Added references to student code of conduct, university brand guidance, and university policies regarding student organizations, mobile food vendors and social media.

Approved August 25, 2020 by Senior Vice President and Chief Business Officer, Dwayne Pinkney.

# Schedule D



## STUDENT CODE OF CONDUCT



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## I. Introduction

The Virginia Tech community is guided by the [university's motto](#), Ut Prosim (That I May Serve), and is based on the fundamental values expressed in the [Principles of Community](#): to nurture learning and growth for all community members, to encourage open expression, and to respect our differences and common humanity.

When a student accepts admission to Virginia Tech as an undergraduate, graduate, or professional student, they also accept membership in the university community and responsibility for upholding its shared values and expectations. The Student Code of Conduct outlines policies established by the university that set standards for students' behavior, along with procedures for adjudicating and sanctioning violations of these standards. The code applies to all students and student organizations at Virginia Tech, as defined in this document. The university reserves the right to make changes to the code at any time.

Authority to approve policies and procedures for student discipline, as outlined in the Student Code of Conduct, lies with Virginia Tech's governing body, the Board of Visitors, as authorized under the [Code of Virginia](#). The Vice President for Student Affairs has responsibility for the university conduct system, with direct supervisory oversight of disciplinary matters assumed by the Office of Student Conduct, under the direction of the Director of Student Conduct. The director serves as the Chief Student Conduct Officer for the university.

The Student Code of Conduct does not apply to matters of academic integrity. For information on policies and procedures related to student academic integrity, please refer to the following:

- [Undergraduate Academic Integrity](#)
- [Graduate Honor System](#)
- [Doctor of Veterinary Medicine Honor Code \(Virginia-Maryland School of Veterinary Medicine\)](#)
- [Doctor of Medicine Honor Code \(Virginia Tech Carilion School of Medicine\)](#)

### **The Office of Student Conduct and the University Conduct System**

The Student Code of Conduct is overseen by the [Office of Student Conduct](#).

The university's conduct system supports the educational mission of the university by educating students about appropriate behavior and fostering a community in which students can flourish academically and personally.

The system assumes that students and student organizations have the capacity to assume responsibility for their own behavior and that the university has the authority to establish an internal structure for the enforcement of its policies and procedures, which students have agreed to accept by enrolling in the university. As part of its authority, Student Conduct may suspend or dismiss students from the university.

Conduct matters are addressed by Student Affairs professionals who have been appointed as hearing officers by the Director of Student Conduct. These individuals each have significant education and training on student development, student discipline, and university policies and procedures.

### **Additional Community-Specific Regulations**

As part of their education and life at Virginia Tech, students may also be involved in organizations, programs, or other entities for which additional and separate standards and policies, including potential sanctions for violations, have been established. Students should be aware of additional policies that may apply to their involvement in certain programs, organizations, or communities, including but not limited to students in the [Corps of Cadets](#), [student athletes](#), members of [certain Greek-letter organizations under the Office of Fraternity and Sorority Life](#), and students in certain colleges or programs, such as the [Virginia Tech Carilion School of Medicine](#) or the [Virginia-Maryland College of Veterinary Medicine](#).

These policies and processes do not supersede a student's responsibilities under the *Student Code of Conduct*. In situations involving potential violations of policies in the *Student Code of Conduct* and community-specific policies, the student is accountable first to the university's *Code*. Additional sanctions may be issued by programs/organizations that address a student's participation or membership in those communities, specifically. Student Conduct is responsible for coordinating adjudication processes with these various entities, when appropriate.

## **II. Student Rights and Responsibilities**

As individuals, Virginia Tech students enjoy basic rights. As members of the university community, they also accept certain responsibilities.

### **Rights**

1. Students at Virginia Tech will be treated fairly and with dignity regardless of age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or military status as described in [university policy 1025](#).
2. Students at Virginia Tech enjoy those rights guaranteed by the Constitutions of the United States and the Commonwealth of Virginia as applicable. This includes activities protected under the First Amendment. In accordance with the Code of Virginia, incidents of disruption of constitutionally protected speech may be reported via the [Speech on Campus webpage](#).
3. The Student Code of Conduct and the policies and procedures it outlines, under the administration of the Office of Student Conduct, provides an administrative process for resolving allegations of misconduct. This process includes certain procedural guarantees to ensure that students receive a fair and equitable resolution.



# 2023-24 VIRGINIA TECH FACULTY HANDBOOK

*Approved August 29, 2023*  
*Virginia Tech Board of Visitors*

**Office of the Executive Vice President and Provost**  
**Office of Vice President for Policy and Governance**

This document is subject to change. Please refer to the provost's website for the most recent Faculty Handbook information.

University policies are available online, as are many important procedures maintained by the Procurement Department, Human Resources, and the Controller's Office websites are updated as policies and procedures change. Please refer to them for issues not addressed in the Faculty Handbook.

Virginia Tech does not discriminate against employees, students, or applicants on the basis of age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or veteran status; or otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants; or any other basis protected by law.

Faculty have the responsibility to be fully acquainted with and to comply with this handbook and the relevant policies of Virginia Tech.

## 2.1.2 Tenure-Track and Tenured Faculty

### **Ranks: assistant professor, associate professor, professor**

Tenure-track and tenured faculty typically require a terminal degree and are appointed to regular positions. Employment policies and procedures for tenure-track and tenured faculty are in chapter three of this handbook.

## 2.1.3 Instructional Faculty not on the Tenure-track

### **Ranks: assistant professor, associate professor, professor**

College faculty may also be instructional faculty not on the tenure-track appointed to regular or restricted positions. Employment policies and procedures for faculty not on the tenure-track are described in chapter five of this handbook.

| <b>Track</b>                  | <b>Ranks</b>   |
|-------------------------------|--|
| Instructor                    | instructor, advanced instructor, senior instructor   |
| Visiting or Adjunct Professor | visiting/adjunct assistant professor, visiting/adjunct associate professor, visiting/adjunct professor |
| Professor of Practice         | assistant professor of practice, associate professor of practice, professor of practice                |
| Clinical Faculty              | clinical instructor, clinical assistant, clinical associate, clinical professor                        |
| Collegiate Professor          | collegiate assistant professor, collegiate associate professor, collegiate professor                   |
| Lecturer                      | administrative and professional faculty  |

## 2.1.4 University Libraries Faculty including Continued-Appointment Track

### **Ranks: assistant professor, associate professor, professor**

Employment policies and procedures for University Libraries faculty with continued appointment or on the continued appointment-track are in chapter four of this handbook. University Libraries faculty may or may not hold appointment in a college. They perform a unique and indispensable function in the educational process and share many of the professional concerns of their college colleagues. The university recognizes the need to protect the academic freedom of librarians in their responsibility to ensure the availability of information and ideas, no matter how controversial, so that teachers may freely teach, and students may freely learn.

The rank held by a University Libraries faculty member does not imply a particular rank in any college department. University Libraries faculty may hold concurrent adjunct status in a college department to formally recognize their contributions to the undergraduate or graduate program. [Guidelines for University Libraries faculty](#) can be found on the libraries website.

### 2.1.5 Extension Faculty

Employment policies and procedures for Extension faculty with continued appointment or on the continued appointment track are in chapter fourteen of this handbook. Extension faculty not on the tenure-track or continued appointment track are administrative and professional (A/P) faculty and covered by polices in chapter seven.

| Track                       | Ranks   |
|-----------------------------|---|
| Extension Agent             | associate Extension agent, Extension agent, senior Extension agent  |
| Extension Specialist        | associate Extension specialist, Extension specialist, senior Extension specialist<br><br>There are two types of Extension specialists: any faculty member with Virginia Cooperative Extension funding who is on the tenure-track, or A/P faculty member(s) with Virginia Cooperative Extension funding. |
| 4-H Center Program Director | associate 4-H center program director, program director, senior program director  |
| Continued Appointment       | assistant professor, associate professor, professor   |

Extension faculty may or may not hold an appointment in an academic college. They are, nonetheless, subject to high professional standards in the dissemination of knowledge through the Virginia Cooperative Extension programs and in the planning and delivery of educational programs and programs of assistance to industries and local governmental agencies. In these functions, Extension faculty share many of the professional concerns of their college colleagues, including the need for the protection of academic freedom in these responsibilities.

The rank held by a faculty member in Extension does not imply a particular rank in any college department. Extension faculty may hold concurrent adjunct status in a college department to formally recognize their contributions to the undergraduate or graduate program.

A departing faculty member may request permission to store personal property beyond the last day of employment. The following stipulations apply: the request to store personal property must be submitted prior to the last day of employment; such a request must be submitted to the department head, chair, school director, or authorized supervisor, and the department head, chair, or school director, or authorized supervisor has absolute discretion in approving or denying the request.

## **2.17 Reduction in Force (RIF)**

Termination refers to the involuntary cessation of employment of a tenured or continued appointment faculty member or of a faculty member on a fixed-term appointment before the end of the term. Termination takes place only as dismissal for adequate cause or in the case of a reduction in force (RIF).

Furlough refers to the involuntary interruption of employment of a tenured or continued appointment faculty member or of a faculty member on a fixed-term appointment before the end of the term. This differs from termination in that it conveys an intention of the university to reappoint affected faculty members within some reasonable period if circumstances permit.

A reduction in force is the termination or interruption of employment of a member of the general faculty under conditions of financial exigency or program reduction. Reduction in personnel by attrition, freezes on new hiring, across-the-board reductions of salaries and/or teaching schedules, and the offering of incentives for early retirement, whether at the program level or institution-wide, are not considered reductions in force. Rather, they are lesser remedies that may be implemented before any reduction in force.

Denial of tenure to an untenured faculty member or non-renewal of appointment of an untenured faculty member on probationary appointment, or non-renewal of appointment of an untenured member of the administrative and professional faculty, where usual procedures have been affected in each instance, is not considered a termination within the meaning of this policy.

For the procedures outlined below, seniority refers to the number of years served at the university by a member of the general faculty in tenured, tenure-track, or functionally equivalent positions. Service need not be continuous to contribute to an individual's seniority. Years of service include those during which a faculty member is employed at least half-time. Years during which a faculty member is employed less than half-time will not count toward years of service for purposes of this section.

### **2.17.1 Reduction in Force (RIF) Under Conditions of Financial Exigency**

Reductions in force (RIF) may occur when financial conditions disallow the usual operation of programs. While the university has a right to initiate reductions in force, including those affecting tenured faculty, it is the policy of the university (to the extent consistent with the degree of financial exigency) to ensure that the rights of tenure or continued appointment are preserved; to ensure

that the integrity of the university and its programs is preserved; to protect the contractual expectations of untenured faculty; to provide that the burden of corrective action is shared by the various categories of personnel of the university, including all members of the general faculty; and to ensure that any reductions that do occur follow an orderly and predictable process.

A financial exigency is an imminent financial crisis that threatens the survival of the university and that cannot be alleviated by ordinary budgeting practices. Reductions in force in response to conditions of financial exigency are determined and implemented as follows:

**Declaration of a state of financial exigency:** Should the president determine that so extraordinary a circumstance has arisen or is anticipated that it might be necessary to terminate or interrupt the appointments of faculty members, the president may declare a state of exigency. Upon such declaration, the president forms an ad hoc committee to review the budgetary situation and the president's plan for addressing it.

**Committee review:** The ad hoc committee is comprised of no fewer than nine members, a majority of whom are faculty members nominated by the Faculty Senate. This includes at least one representative from each college. Where a RIF may affect the University Libraries or Extension faculty, at least one representative from that faculty should also be selected to serve on the committee. Any person who resigns from or otherwise discontinues service on the committee is replaced by a new member chosen in the same manner as was the individual being replaced, and such replacement members are so selected that each college and, where appropriate, the University Libraries or Extension faculty retain at least one representative. Within the constraints of time and circumstance, the committee reviews the proposal submitted by the president and any alternative remedies that are available and recommends to the president a plan of action that may incorporate reductions in force of the administrative and support staff as well as the general faculty. The committee is charged with protecting both academic freedom and, insofar as circumstances permit, the presumption of continuous employment that tenure or continued appointment bestows and considers the curricular needs and goals of the university as well and the effects of any anticipated actions on the future financial well-being of the institution.

**Determination of policy:** After receiving the recommendations of the ad hoc committee, the president determines the response of the university to the declared state of exigency. If the president's decision is substantially at variance with the recommendations of the committee with specific regard to the implementation of RIFs, the committee may, by majority vote, appeal the president's actions to the Board of Visitors. In all other matters, and in cases where the president's decision to carry out a reduction in force accords with the recommendations of the ad hoc committee, no such appeal is available. The ad hoc committee consults with the president and receives periodic reports until the state of exigency ends and the committee determines that the obligations of the university to furloughed or terminated faculty are met.

**Implementation:** Reductions in force are implemented either within specified programs or across the institution. Whenever a RIF is undertaken, it is guided by the following considerations. Insofar as circumstances permit, all temporary or part-time faculty members and those not holding

### **2.19.5 Health and Safety**

[Policy 1005, “Health and Safety Policy.”](#) describes the university’s commitment to a healthy and safe campus and documents roles and responsibilities to help prevent accidents, illnesses and injuries; increase safety awareness; meet requirements of environmental, occupational health, and safety laws and regulations; reduce institutional liability; and establish safety responsibilities for members of the university community and visitors to university-owned or occupied property.

### **2.19.6 Safe Academic and Work Environment**

The university is committed to ensuring the safety and security of employees, students, visitors, and volunteers. Employees are responsible for compliance with environmental, health and safety laws and regulations and should make every effort to maintain a safe and healthy working environment. In the interest of promoting a safe and secure working, learning, and living environment for employees, students, and visitors, the university developed [Policy 5615, “University Safety and Security.”](#) As part of a larger and institution-wide commitment to a safe and secure campus, the university established offices specifically charged with security and safety responsibilities, created a committee structure, the University Safety and Security Policy Committee, to provide general oversight and leadership for the university’s security, safety, and violence prevention efforts, and lists responsibilities for department head, chair, or school director, and individuals in supervisory roles.

### **2.19.7 Policy on Misconduct in Research**

The university endorses high ethical standards in conducting research to ensure public trust in the integrity of research results. The university recognizes that deception in research erodes the credibility of an institution and the confidence of those who might benefit from the research. The university takes all reasonable and practical steps to foster a research environment that promotes the responsible conduct of research and research training (and activities related to that research or research training), discourages research misconduct, and deals promptly with allegations or evidence of possible research misconduct. The Research Integrity Office offers additional information. chapter 10 of this handbook includes additional information and procedures regarding misconduct in research.

### **2.19.8 Statement of Principles of Ethical Behavior**

The faculty of Virginia Tech believe that academic freedom is essential to attain our missions as scholars and teachers. We also recognize and accept the responsibilities attendant to academic freedom as fundamental to a scholarly community. We believe we must exercise our rights with due regard to the rights of others and we must meet our obligations fully as faculty members. We hold ourselves accountable to ensure that the faculty of Virginia Tech is recognized for its commitment and leadership to pursue knowledge, to promote the free expression of ideas, to teach our students, and to serve the citizens of Virginia.

**Scholarship:** Guided by a deep conviction of the worth and dignity of the advancement of knowledge, we recognize our primary responsibility to our disciplines is to seek and to state the truth. To this end, we devote our energies to developing and improving our scholarly competence.



We accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. We practice intellectual honesty and do not compromise our freedom of inquiry. At Virginia Tech, self-plagiarism is considered unethical behavior. Self-plagiarism occurs when authors reuse substantial parts of their own published work as new without providing appropriate references to the previous work if this reuse deviates materially from standard practice in the field.

**Students:** We encourage the free pursuit of learning in our students and exemplify the best scholarly and ethical standards of our disciplines. We value and promote differences among students and respect students as individuals and serve as their intellectual guides and counselors. We make every reasonable effort to foster honest academic conduct and to assure that our evaluations of students reflect each student's true merit. We respect the confidential nature of the relationship between professors and students. We avoid any exploitation, harassment, or discriminatory treatment of students and acknowledge significant academic or scholarly assistance from students. We do not engage in any romantic or sexual relationships with students whom we are in a position to evaluate by virtue of our teaching, research, or administrative responsibilities.

**Instruction:** We strive to be fair, compassionate, and effective teachers. We prepare classes adequately, present materials fairly, and make ourselves available to students for consultation and advice. We avoid bias and we respect diverse points of view.

**Colleagues:** We accept our obligations that derive from common membership in the faculty of Virginia Tech. We relate to colleagues and other university personnel in a responsible, professional, and civil manner, avoiding behaviors and actions that purposefully, consistently, and unnecessarily tend to disrupt, impede, harass, or abuse them in the performance of their assigned tasks and professional duties. We do not discriminate against colleagues, nor do we engage in romantic or sexual relationships with employees whom we are in a position to supervise or evaluate. We respect and defend free inquiry by all. In the exchange of criticisms and ideas, we show respect for the opinions of others, acknowledge significant academic or scholarly assistance, and strive to be open-minded and fair in our professional judgments. We accept our share of faculty responsibilities for the governance of Virginia Tech and take due care in the discharge of those responsibilities.

**University:** We seek above all to be effective in our assigned responsibilities. We give paramount importance to these responsibilities in determining the amount and character of work done outside of Virginia Tech. Although we observe the Faculty Handbook, we maintain our right to criticize and seek revision of university policy.

**Community:** As members of the larger community, we have the same rights and obligations as other citizens. We measure the importance of these rights and obligations in light of our responsibilities to our disciplines, to our professions, to our students, and to Virginia Tech. When we speak or act as private persons, we avoid creating the impression of speaking or acting for Virginia Tech. As citizens engaged in a profession that depends upon freedom for its welfare and

integrity, we have a particular obligation to promote conditions of free inquiry and of further public understanding of academic freedom.

## **2.20 Allegations of Unprofessional or Unethical Conduct**

The Faculty Senate Committee on Ethics receives, investigates, and considers allegations of unprofessional or unethical conduct for all types of faculty members, except administrative and professional faculty members. If the committee finds a serious breach of ethical conduct that leads to a recommendation for a severe sanction or dismissal for cause, the procedures for “Imposition of a Severe Sanction or Dismissal for Cause,” are followed in implementing such sanctions as described in chapter three of this handbook.

When the allegation is against an administrative or professional (A/P) faculty member without tenure or continued appointment, a special panel of five administrative and/or professional faculty members is selected to review the charges and hear the case, if appropriate. The chair of the Commission on Administrative and Professional Faculty Affairs (CAPFA) chooses panel members from among the A/P faculty at large. The CAPFA chair may invite an experienced member of the Faculty Senate Committee on Ethics to serve as a non-voting member of the panel. All potential members must disclose possible conflicts of interest concerning their participation in the case.

## **2.21 Faculty Senate Standing Committees on Ethics, Reconciliation, and Review**

External Faculty Senate Standing Committees serve the needs of the faculty as a whole, report to the vice president of the senate and are summarized in the Faculty Senate Constitution. See [Faculty Senate website](#) for information.

### **2.21.1 Faculty Senate Committee on Ethics**

The [Committee on Faculty Ethics](#) receives and considers charges of violations of faculty ethics that involve the abuse of professional responsibilities as outlined in the principles of ethical behavior as prescribed in the Faculty Handbook. It is the venue for the examination of possible violations of the standards for research, teaching, and appropriate behavior with colleagues and students that do not cross legal thresholds, such as behavior that is offensive but does not meet the standard for discrimination/harassment. The committee has an investigatory and reporting role.

### **2.21.2 Faculty Senate Committee on Reconciliation**

The [Committee on Reconciliation](#) offers advice and counsel to faculty members who seek it, particularly in relation to disputes with immediate supervisors or university administrators. The committee has a designated role within the grievance process to assist in resolving disputes that are eligible for consideration as a grievance if so requested by the faculty member, and can help facilitate conversations between faculty members and their supervisors with the goal of reaching mutually agreeable solutions. Faculty members may also consult the committee regarding serious disagreements with immediate supervisors or other university administrators over issues that are not eligible for consideration within the grievance process. In contrast to the Faculty Review

responsibility, but with reduced expectations for accomplishment proportional to the fractional appointment. Service responsibilities for faculty members on part-time appointments are generally proportional to their appointments. Faculty members on part-time appointments are not excused from regular department, school, college, or university service because of the part-time appointments.

The written agreement for either an initial appointment or a conversion of a full-time appointment to part-time status and any subsequent renewal requires the approval of the faculty member, department head, chair, or school director, and dean, and provost.

An initial term part-time appointment, either tenured or tenure-track, may be approved to accommodate a dual career hire if funding is not immediately available to support a full-time position, or if the faculty member seeks a part-time appointment consistent with the intent of this policy. The expectation is that the subsequent reappointment, if recommended, is for a full-time position, unless the faculty member requests a renewal of the term part-time appointment in accordance with these guidelines. A part-time appointment created for a dual career hire is approved through the usual approval processes for dual career hires. (See chapter two, "Dual Career Program.")

Faculty members on part-time appointments, whether term or permanent, retain all rights and responsibilities attendant to their appointment as a tenure-track or tenured faculty member.

### **3.3.1.1 Permanent Part-Time Tenured Appointments**

For permanent part-time tenured appointments with no end date, a return to a full-time appointment is not guaranteed. If tenured, the faculty member remains entitled to the tenured appointment on a part-time basis only. However, an increase in the percentage of the appointment up to full-time may be renegotiated between the faculty member and department head, chair, or school director if mutually agreeable and funds are available. The department or school and the college determine the best way to cover the costs of the academic work in the case of conversion to a permanent part-time appointment.

Faculty members on part-time appointments, whether term or permanent, retain all rights and responsibilities attendant to their appointment as a tenure-track or tenured faculty member.

Part-time appointments are made for any fraction 50 percent or greater of a full appointment; faculty members receive proportional salary. Faculty members considering such appointments are strongly encouraged to meet with the benefits office in Human Resources to gain a clear understanding of the consequences of the change to their benefits. Office and laboratory space may be adjusted for longer term or permanent part-time appointments.

## **3.4 Promotion and Tenure**

The university is committed to academic freedom. Virginia Tech endorses the "1940 Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors and the Association of American Colleges (AAUP Bulletin, September 1970).

### **3.5.4 Periodic Review of Academic Administrators: College Deans, Dean of University Libraries, Dean of the Honors College, Dean of Graduate Education, Senior Administrators, and Academic Vice Presidents**

*Note: See chapter seven for periodic review of A/P senior administrators who report to the provost.*

In addition to an annual performance evaluation, and in accordance with [Policy 6105, "Periodic Evaluation of Academic Deans and Vice Presidents."](#) academic deans, the dean of University Libraries, the dean of the Honors College, dean of graduate education, and academic vice presidents are subject to reviews every five years. If the review of a dean cannot be conducted in the fifth year as would usually be the case, the provost informs the officers of the relevant college or University Libraries faculty association as to the reason for the delay. A review may also be initiated at any time by the provost and/or at the request of at least one-third of the tenure-track faculty in the college, or in the case of University Libraries, one-third of the continued appointment faculty. If the review of a vice president who reports to the provost cannot be conducted in the fifth year, the provost notifies the deans and the chairs of the college and University Libraries faculty associations as to the reason for the delay. In the semester prior to a periodic review, the faculty association will be notified of the review and the association may schedule a meeting with the provost to discuss the upcoming review.

### **3.5.5 Annual and Periodic Review of Department Heads, Chairs, and School Directors**

[Policy 6100, "Department Head or Chair Appointments"](#) outlines the review process for academic department heads, chairs, and school directors. In addition, in consultation with the faculty, colleges should adopt more detailed a set of guidelines and procedures in accordance with the principles outlined in Policy 6100 so that reviews may be conducted consistently and appropriately across the college for those serving in academic leadership roles.

[Policy 6100, "Department Head or Chair Appointments."](#) outlines the review process for academic department heads or chairs. In addition, colleges should have adopted more detailed procedures in accordance with the broad guidelines below so that reviews may be conducted consistently and appropriately across the college for those serving in academic leadership roles.

The purpose of the periodic review is to support the success of the university's academic units by providing developmental feedback to promote fair and effective academic leadership. Reappointment of an individual to academic department head, chair, school director, academic dean, or academic vice president must be preceded by a periodic review conducted in accordance with guidelines outlined in Policy 6105 or in Policy 6100.

## **3.6 Imposition of a Severe Sanction or Dismissal for Cause\***

*\*Note: The procedures specified follow closely, but differ in occasional detail from, the "1976 Institutional Regulations on Academic Freedom and Tenure" approved by Committee A of the American Association of University Professors (AAUP).*

### 3.6.1 Adequate Cause

Adequate cause for imposition of a severe sanction or dismissal is related, directly, and substantially, to the fitness of faculty members in their professional capacity as teachers and scholars. Imposition of a severe sanction or dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights.

**Adequate cause includes:** violation of professional ethics (see chapter two, “Professional Responsibilities and Conduct”); incompetence as determined through post-tenure review; willful failure to carry out professional obligations or assigned responsibilities; willful violation of university and/or government policies; falsification of information relating to professional qualifications; inability to perform assigned duties satisfactorily because of incarceration; or personal deficiencies that prevent the satisfactory performance of responsibilities (e.g., dependence on drugs or alcohol).

Reason to consider the imposition of a severe sanction or dismissal for cause is usually determined by a thorough and careful investigation by an appropriately charged faculty committee (as in the case of allegations of ethical or scholarly misconduct, or through a post-tenure review) or by the relevant administrator (for example, the department head, chair, or school director, compliance officer, internal auditor, or Virginia Tech Police). Generally, these investigations result in a report of findings; some reports also include recommendations for sanctions. The report is directed to the relevant administrator for action; it is also shared with the faculty member. Imposition of a severe sanction or initiation of dismissal for cause proceedings, if warranted, follows the procedures set forth below.

### 3.6.2 Imposition of a Severe Sanction

**Definition and examples:** A severe sanction generally involves a significant loss or penalty to a faculty member such as, but not limited to, a demotion in rank and/or a reduction in salary or suspension without pay for a period not to exceed one year, imposed for unacceptable conduct and/or a serious breach of university policy.

Routine personnel actions such as a recommendation for no or a below-average merit increase, conversion from a calendar year to an academic year appointment, reassignment, or removal of an administrative stipend do not constitute “sanctions” within the meaning of this policy. A personnel action such as these may be a valid issue for grievance under procedures defined in the Faculty Handbook.

**Process for imposing a severe sanction:** The conduct of a faculty member, although not constituting adequate cause for dismissal, may be sufficiently grave to justify imposition of a severe sanction. Imposition of a severe sanction follows the same procedures as dismissal for cause beginning with step one. If the matter is not resolved at the first step, a standing or ad hoc faculty committee conducts an informal inquiry (step two). The requirement for such an informal inquiry is satisfied if the investigation was conducted by an appropriately charged faculty committee (as would be the case with an alleged violation of the ethics or scholarly misconduct

to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that the last proposed resolution was accepted as satisfactory. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of the Faculty Senate Review Committee in writing, and the chair of the Faculty Senate Review Committee determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the enforcement of the most recently proposed resolution. The finding on the matter by the chair of the Faculty Review Senate Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Senate Review Committee (or the vice president of the senate if the president is also chair of the Faculty Senate Review Committee) is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

#### **3.7.4 Valid Issues for Grievance**

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation; unreasonable merit adjustment or salary level; excessive teaching load/work assignments; substantive violations of promotion and tenure procedures including the appeal process (see appeal process in chapter three, "Appeals of Decisions on Reappointment, Tenure, or Promotion"); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

**Issues not open to grievance:** While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, or an appeals of non-reappointment, promotion and/or tenure) related to the merits of a promotion and/or tenure decision); the contents of personnel policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

**Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures:** If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the chair of the Faculty Senate Review Committee within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Senate Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Senate Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.

### **3.7.5 Particular Concerns and Definitions**

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that step of the discussion make such an agreement. (An agreement form to extend the grievance response time is available on the [provost's Faculty Forms page](#).)

Grievances that advance to step four during or close to the summer and/or teaching breaks during the academic year may require some extension of the stipulated time limits. The principals and the chair of the Faculty Senate Review Committee negotiate such an extension. Every effort is made, however, to stay within the stipulated time limits. In case of disagreement, the Faculty Senate president rules on time extension and procedure questions, which might include a hearing conducted by three rather than five panel members, or other recommendations designed to expedite the proceedings while providing peer review of the grievance.

If a faculty member is away from the assigned work location at the time the event or action is discovered and is the basis for a grievance, the 30-day period during which the grievant must meet with the immediate supervisor to initiate the grievance process begins when the faculty member returns to the assigned work location. If the date of return causes a delay of such length that the grievance, or its resolution, is not timely, the grievant may submit the grievance in writing

A semester of modified duties should be considered in addition to, not as a substitute for, sick leave, family leave and paid parental leave available to those giving birth or adopting during the period of the appointment (i.e., during the academic year for those on academic year appointments, or any time for those on calendar year appointments). There are no work expectations for individuals on approved sick or family leave.

Requests for outside consulting during the period of modified duties are not usually approved.

A faculty member should submit a request for modified duties as early as possible so the department can plan appropriately. The request form is available on the [provost's Faculty Forms page](#). The plan of proposed activities is developed in consultation with the department head, chair, or school director and the dean. The duties can be department- based, college-based, or a combination.

Subject to available funding, the Office of the Executive Vice President and Provost provides an allotment to the faculty member's unit to replace teaching (or to use in other ways relevant to the modification of duties) that is lost through the granting of a term of modified duties. Additional support from departments, schools, and colleges is strongly encouraged, and should be noted in the request.

Approval of the department head, chair, school director, dean, and provost is required. If the department head, chair, or school director does not support the request, the reasons for denial are provided in writing, and the request is automatically forwarded to the dean for further review. The decision of the dean is final.

## **CHAPTER FOUR**

### **LIBRARIES FACULTY WITH CONTINUED APPOINTMENT OR ON THE CONTINUED APPOINTMENT-TRACK**

#### **4.0 Employment Policies for University Libraries Faculty with Continued Appointment or on the Continued Appointment-Track**

##### **4.1 University Libraries Faculty with Continued Appointment or on the Continued Appointment-Track**

As the primary means through which students and faculty gain access to the storehouse of organized knowledge, the University Libraries perform a unique and indispensable function in the educational process. In this function, faculty members of the University Libraries share many of the professional concerns of their colleagues in all colleges. The university recognizes the need to protect the academic freedom of librarians in their responsibility to ensure the availability of



information and ideas, no matter how controversial, so that teachers may freely teach, and students may freely learn.

Continued appointment is the equivalent of tenure in the university's colleges. Faculty members in the University Libraries may hold continued appointment or may be on the continued appointment-track; just as college faculty may be tenured or on the tenure-track (see chapter three). Provisions for term (fixed period) appointments during a probationary period are parallel to those for members of the college faculty. Evaluation for continued appointment (in contrast to term appointment) is made no later than the sixth year of such a probationary period.

A University Libraries faculty member with continued appointment will have continued employment until retirement with termination of employment based only on unsatisfactory performance, proof of misconduct, discontinuance, or reduction in a segment of the university's research or educational program, or University Libraries reorganization because of changing patterns of University Libraries service or technological advances.

If a position held by a University Libraries faculty member with continued appointment is eliminated or changes to such a degree that the incumbent can no longer fulfill the requirements, every effort will be made to reassign the faculty member to another position. If the position of a University Libraries faculty member with continued appointment is terminated, it will not be re-established and refilled within a period of two years unless the appointment has been offered to and declined by the faculty member who was originally displaced.

Tenure awarded to faculty of the University Libraries before July 1, 1983, continues to be recognized.

The Library Faculty Association and the dean of University Libraries have developed procedures for probationary appointment, continued appointment, and promotion for faculty of the University Libraries, including evaluative criteria, to instill the highest professional standards in the University Libraries faculty. These procedures are contained in Procedures on Promotion and Continued Appointment in University Libraries.

The University Promotion and Continued Appointment Committee reviews recommendations for continued appointment and for promotion in rank above the level of assistant professor and makes recommendations to the provost.

The University Promotion and Continued Appointment Committee is comprised of representatives from the libraries and colleges who serve in staggered terms. The schedule of these appointments can be found on the [provost's Promotion & Tenure page](#).

## **4.2 University Libraries Faculty Ranks**

Specification of faculty rank in the University Libraries does not imply a particular rank in any college department. University Libraries faculty may be invited to hold concurrent adjunct status

excused from regular departmental, division, or university service because of the part-time appointments.

The written agreement for either an initial appointment or a conversion of a full-time appointment to part-time status and any subsequent renewal requires the approval of the faculty member, the appropriate supervisor, University Libraries dean and provost.

An initial term part-time appointment, either continued appointment or continued appointment-track, may be approved to accommodate a dual career hire if funding is not immediately available to support a full-time position, or if the faculty member seeks a part-time appointment consistent with the intent of this policy. The expectation is that the subsequent reappointment, if recommended, is for a full-time position, unless the faculty member requests a renewal of the term part-time appointment in accordance with these guidelines. A part-time appointment created for a dual career hire is approved through the usual approval processes for dual career hires. (See chapter two, "Dual Career Program.")

Faculty members on part-time appointments, whether term or permanent, retain all rights and responsibilities attendant to their appointment as a continued appointment and continued appointment-track faculty member.

#### **4.3.1.2 Permanent Part-Time Continued Appointments**

For permanent part-time continued appointments with no end date, a return to a full-time appointment is not guaranteed. If holding continued appointment, the faculty member remains entitled to the continued appointment on the part-time basis only. However, an increase in the percentage of the appointment up to full-time may be renegotiated between the faculty member and appropriate supervisor if mutually agreeable and funds are available. The department and the dean determine the best way to cover the costs of the work in the case of conversion to a permanent part-time appointment.

Faculty members on part-time appointments, whether term or permanent, retain all rights and responsibilities attendant to their appointment as a continued appointment and continued appointment-track faculty member.

Part-time appointments are made for any fraction 50 percent or greater of a full-time appointment; faculty members receive proportional salary. Faculty members considering such appointments are strongly encouraged to meet with representatives in the benefits office in Human Resources to gain a clear understanding of the consequences of the change to their benefits. Office and laboratory space may be adjusted for longer term or permanent part-time appointments.

#### **4.4 Continued Appointment and Promotion**

The university has a tradition of upholding academic freedom. It endorses the "1940 Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors and the Association of American Colleges (AAUP Bulletin, September 1970, pp.323-325).

Members of the University Libraries faculty not holding appointments in a college department may be considered for continued appointment or for promotion in faculty rank in recognition of appropriate professional accomplishments as noted in the sections above.

#### **4.4.1 Continued Appointment Eligibility**

Like tenure, continued appointment is for the protection of the academic freedom of University Libraries faculty who are engaged in creating new programs and scholarship. Eligibility for continued appointment consideration is limited to faculty members holding regular faculty appointments of 50 percent to 100 percent in the University Libraries. Continued appointment is not granted to faculty members with temporary appointments. Individuals holding continued appointment who are appointed to administrative positions, however, retain the status and privileges of continued appointment.

#### **4.4.2 Pre-Continued Appointment Probationary Period and Progress Reviews**

The term “probationary period” (“pre- continued appointment”) is applied to the succession of term appointments, which an individual undertakes on a full-or part-time regular faculty appointment, and during which evaluation for reappointment and for an eventual continued appointment takes place. The beginning of the probationary period for faculty members on term appointments is taken as July 1 or August 10 of the calendar year in which their initial full-time appointment begins, depending on whether they are on a calendar year or academic year appointment, regardless of the month in which their services are initiated. (The probationary period for new faculty appointed for spring semester begins the following fall even though the spring contract period officially begins December 25.)

Under usual circumstances, library promotion and continued appointment committees review the professional progress and performance of pre- continued appointment faculty members twice during the probationary period, usually in their second and fourth or third and fifth years. The timing of the reviews depends upon the nature of the faculty member’s discipline and must be clearly indicated in written departmental policies. The terms of offer (TOFO) identify the initial appointment period. Pre-continued appointment reviews may be delayed if there is an approved extension as described below. Changes or variations in the standard review cycle must be documented in writing.

The initial review for a part-time faculty member should be no later than the third year of service (regardless of percentage of employment) to give early feedback on their progress. At least two reviews should be conducted for part-time faculty members during their probationary period; more are recommended. The anticipated schedule for such reviews for appointment and for the mandatory review for continued appointment should be documented in writing as part of the agreement for the part-time appointment. Changes should be agreed upon and documented by the faculty member and the department.

The University Libraries' statements should affirm support for the basic principles of academic freedom and should express tolerance for minority opinions, dissent from professional orthodoxies, and honest and civil disagreement with administrative actions.

Departmental statements should include the expectation that faculty with continued appointment will adhere to the standards of conduct and ethical behavior as stated in the Faculty Handbook and/or promulgated through other official channels.

#### **4.5.4 Post-Continued Appointment Review**

Nothing in this section should be interpreted as abridging the university's right to proceed directly to dismissal for cause as defined in chapter four, "Dismissal for Cause," or the right of individual faculty members to pursue existing mechanisms of reconciliation and redress.

A post-continued appointment review is mandatory whenever a faculty member with continued appointment receives two consecutive annual evaluations of unsatisfactory performance. Annual reviews for years spent on leave without pay are disregarded for the purpose of this calculation. The library promotion and continued appointment committee (review committee) conducts the review unless the same committee was involved in the original unsatisfactory annual evaluations. In this case, the University Libraries faculty elect a committee to carry out the review function.

Upon recommendation of the dean, a post-continued appointment review may be waived or postponed if there are extenuating circumstances (such as health problems). The purpose of a post-continued appointment review is to focus the perspective of faculty peers on the full scope of a faculty member's professional competence, performance, and contributions to the University Libraries and university missions and priorities.

The faculty member has both the right and the obligation to provide a dossier with all documents, materials, and statements as the faculty member believes are relevant and necessary for the review. Ordinarily, such a dossier includes at least the following: an updated curriculum vitae, the past two or more faculty activity reports, teaching or client assessments, if any, and a description of activities and accomplishments since the last faculty activity report. The faculty member is given a period of no less than four weeks to assemble the dossier for the committee. The dean supplies the review committee with the last two annual evaluations, all materials that were considered in those evaluations, any further materials deemed relevant, and other materials the committee requests. Copies of all materials supplied to the review committee are given to the faculty member. The faculty member has the right to provide a written rebuttal of evidence provided by the dean.

The review committee weighs the faculty member's contributions to the discipline, the University Libraries, and the university through learning, discovery, and engagement. The burden of proving unsatisfactory performance is on the university. The review committee prepares a summary of its findings and makes a recommendation to the dean and provost. Final action and notification of the faculty member is the responsibility of the dean, with the concurrence of the provost.

The review may result in one of the following outcomes:

#### **4.5.5 Periodic Review of Dean of University Libraries, Unit/Division Supervisors, Senior Administrators**

In addition to an annual performance evaluation, and in accordance with [Policy 6105, "Periodic Evaluation of Academic Deans and Vice Presidents."](#) the dean of University Libraries is subject to reviews every five years. If the review cannot be conducted in the fifth year as would usually be the case, the provost informs the officers of the University Libraries faculty association as to the reason for the delay. A review may also be initiated at any time by the provost and/or at the request of at least one-third of the continued appointment faculty. In the semester prior to a periodic review, the faculty association will be notified of the review and the association may schedule a meeting with the provost to discuss the upcoming review.

[Policy 6100, "Department Head or Chair Appointments,"](#) outlines the review process for academic department heads or chairs and includes the appropriate unit and/or division supervisors in the University Libraries. In addition, the policy provides guidance on establishing evaluation procedures with general principles so reviews may be conducted consistently and appropriately across the college for those serving in academic leadership roles.

The periodic review is designed to support the success of academic units by providing developmental feedback that promotes fair and effective academic leadership. Reappointment of an individual to unit and/or division in the libraries must be preceded by a periodic review conducted in accordance with guidelines outlined in Policy 6105 or in Policy 6100.

#### **4.6 Imposition of a Severe Sanction or Dismissal for Cause\***

*\*The procedures specified follow closely, but differ in occasional detail from, the "1976 Institutional Regulations on Academic Freedom and Tenure" approved by Committee A of the American Association of University Professors (AAUP).*

##### **4.6.1 Adequate Cause**

Adequate cause for imposition of a severe sanction or dismissal is related, directly and substantially, to the fitness of faculty members in their professional capacity as teachers and scholars. Imposition of a severe sanction or dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.

**Adequate cause includes:** violation of professional ethics (see chapter two, "Professional Responsibilities and Conduct"); incompetence as determined through post-continued appointment review; willful failure to carry out professional obligations or assigned responsibilities; willful violation of university and/or government policies; falsification of information relating to professional qualifications; inability to perform assigned duties satisfactorily because of incarceration; or personal deficiencies that prevent the satisfactory performance of responsibilities (e.g., dependence on drugs or alcohol).

Reason to consider the imposition of a severe sanction or dismissal for cause is usually determined by a thorough and careful investigation by an appropriately charged faculty committee

such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that he or she accepted the last proposed resolution as satisfactory. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of the Faculty Senate Review Committee in writing, and the chair of the Faculty Senate Review Committee determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the chair of the Faculty Senate Review Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Senate Review Committee (or the vice president of the senate if the president is also chair of the Faculty Senate Review Committee) is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

#### **4.7.4 Valid Issues for Grievance**

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion and continued appointment procedures (see appeal process in chapter four, "Appeals of Decisions on Reappointment, Continued Appointment, or Promotion"); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

**Issues not open to grievance:** While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, or an appeal related to the merits of a promotion and/or continued appointment decision); the contents of personnel policies, procedures, rules, regulations, ordinances, and statutes; the routine

assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

**Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures:** If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the chair of the Faculty Senate Review Committee within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Senate Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Senate Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.

#### **4.7.5 Particular Concerns and Definitions**

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that step of the discussion make such an agreement. (An agreement form to extend the grievance response time is available on the [provost's Faculty Forms page](#).)

Grievances that advance to step four during or close to the summer and/or teaching breaks during the academic year may require some extension of the stipulated time limits. The principals and the chair of the Faculty Senate Review Committee negotiate such an extension. Every effort is made, however, to stay within the stipulated time limits. In case of disagreement, the Faculty Senate president rules on time extension and procedure questions, which might include a hearing conducted by three rather than five panel members, or other recommendations designed to expedite the proceedings while providing peer review of the grievance.

If a faculty member is away from the assigned work location at the time of discovery the event or action is the basis for a grievance, the 30-day period during which the grievant must meet with the immediate supervisor to initiate the grievance process begins when the faculty member returns to the assigned work location. If the date of return causes a delay of such length that the grievance, or its resolution, is not timely, the grievant may submit the grievance in writing to the immediate supervisor (step two), omitting personal meetings until such time as the faculty member returns to the assigned work location.

"Weekdays," as used in this procedure, include Monday through Friday only and only when those days are not national, state, or religious holidays relevant to the principals in the grievance.

To protect a grievant from undue pressure in the pursuit of a grievance, if a grievant becomes ill and takes sick leave the grievance process stops until such time as the grievant can resume duties. Exceptions to this provision are made at the request of the grievant, but only if the grievant

grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure, acceptance of the last proposed resolution as satisfactory is assumed. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of the Faculty Senate Review Committee in writing, and the chair of the Faculty Senate Review Committee determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the chair of the Faculty Senate Review Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Senate Review Committee (or the vice president of the senate if the president is also chair of the Faculty Senate Review Committee) is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

#### **5.7.4 Valid Issues for Grievance**

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion procedures (see appeal process in chapter five, "Appeals of Decisions on Promotion"); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

Issues not open to grievance: While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a



question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

The Faculty Senate Review Committee does not normally consider the subject of a grievance while it is simultaneously under review by another committee or panel of the university.

Information on the Faculty Senate Review Committee is in chapter two of this handbook and on the Faculty Senate website.

#### **6.12.4 Valid Issues for Grievance**

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion procedures (see chapter six, "Research Professor Ranks"); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

Issues not open to grievance: While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, or an appeal related to the merits of a promotion decision); the contents of personnel policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures: If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the chair of the Faculty Senate Review Committee within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Senate Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by

## **7.2 Policies Related to Administrative and Professional Faculty Appointments**

### **7.2.1 Protection of Academic Freedom**

The university recognizes the need to protect the academic freedom of administrative and professional faculty members when their responsibilities include instruction, direct support of the academic programs of the university, or an activity in which academic freedom is respected.

### **7.2.2 Initial Appointment and Reappointment**

Search procedures for administrative and professional faculty positions are similar to those for instructional faculty positions. Faculty search resources are available on the [Human Resources Faculty Recruiting Guidelines page](#). Please refer to that website for detailed information on the search process. Further guidance for searches involving senior administrative faculty positions (e.g., dean, vice president, or president) is included in other sections of this handbook.

Some administrative and professional faculty may be appointed on a “restricted” rather than “regular” appointment. The special conditions of temporary, restricted appointments are described in chapter two, “Restricted Appointments.”

Appointments to administrative and professional faculty positions are term appointments. No aspects of tenure or continued appointment are involved. Initial appointments to an administrative or professional faculty position are usually for a minimum of one calendar year or academic year, as appropriate. If the annual evaluation is positive, the faculty member can typically expect to continue employment. Important determinants in any reappointment decision are a productive and effective job performance and the continued need of the university for the Scope and level of services being provided.

To address budget reductions, and with a six-month written notice to the employee, the university is authorized to convert administrative and professional faculty on calendar year appointments to the traditional academic year appointment period, or to an alternate 9-, 10-, or 11-month appointment.

Appointment to an administrative or professional faculty position does not carry any aspect of tenure. Senior administrators who achieve tenure or continued appointment in an academic department retain their tenure or continued appointment. On occasion, requests are made by outside candidates, particularly for senior administrative appointments or administrative appointments in academic areas, for an appointment with tenure and rank in an academic department comparable to that held at the previous institution. Appointment with tenure requires review and approval by a subcommittee of the university promotion and tenure committee (see section 3.3 Procedures for Faculty Appointments with Tenure).

Review and approval by the department head or chair, the departmental promotion and tenure or continued appointment committee, the dean, the provost, and the president is required before a decision is made to extend a firm offer that includes the granting of tenure or continued

### **7.7.3 Timeliness of Grievance and Procedural Compliance**

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the date identified, or should have known, of the event or action that is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that the last proposed resolution is accepted as satisfactory. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the Administrative and Professional Faculty Senate Vice President in writing, who determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the Administrative and Professional Faculty Senate Vice President is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations, other than time limit issues, the Administrative and Professional Faculty Senate Vice President rules on the question, as in disputes about the validity of procedural issues qualifying for the grievance procedure. The Administrative and Professional Faculty Senate Vice President has the following options: The Administrative and Professional Faculty Senate Vice President can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the step one or step two administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point for that grievance with the last proposed resolution established as the final disposition of the case.

### **7.7.4 Valid Issues for Grievance**

For this process, a grievance is defined as a complaint by an A/P faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are termination for cause; improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation; unreasonable merit adjustment or salary level; excessive teaching load/work assignments; reprisals for activities protected by law or policy; substantive error in the application of policy; matters relating to academic freedom.

**Issues not open to grievance:** While A/P faculty disputes with the university administration may be dealt with using this grievance policy, the following issues may not be made the subject of a grievance: appropriate application of policy by the university administration or the university governance system; contents of university policies and procedures; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); normal actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; those items falling within the jurisdiction of other university policies and procedures “[Policy 1025 “Policy on Harassment, Discrimination, and Sexual Assault”](#) for complaints of unlawful discrimination or harassment; “[Policy 1026 “Policy on Title IX Sexual Harassment and Responsible Employee Reporting”](#), Faculty Handbook, chapter two “Allegations of Unprofessional or Unethical Conduct” for complaints related to unprofessional or unethical conduct; Faculty Handbook, chapter two “Non- Reappointment” for complaints related to non-reappointment or abolition of position).

Allegations of unprofessional or unethical conduct against an A/P faculty member are addressed using processes outlined in chapter two, “Allegations of Unprofessional or Unethical Conduct.” Information on the Faculty Senate Committee on Ethics is in chapter two, “Faculty Senate Committee on Ethics,” and on the Faculty Senate website.

The Administrative and Professional Faculty Senate do not consider the subject of a grievance while it is simultaneously under review by another committee or panel of the university.

Beyond the grievance process and the jurisdiction of other university policies and procedures available to manage complaints by A/P faculty members, additional sources of conflict resolution are available. A/P faculty are encouraged to seek reconciliation and mediation services for disputes. Reconciliation is offered through the Faculty Senate Committee on Reconciliation and mediation is offered through the conflict resolution program in Human Resources.

### **7.7.5 Particular Concerns and Definitions**

Timelines stated in the grievance policy indicate the number of days within which the other party should receive notification. Electronic submission from a departmental office within the specified time frame is acceptable. This is immediately followed by submission by mail of the original form and any related materials.

Time limits are subject to an extension by written agreement of both parties. The grievant and the administrator involved at that step of the discussion make such an agreement. (An agreement form to extend the grievance response time is available on the [provost’s Faculty Forms page](#).)

The principals and the Administrative and Professional Faculty Senate Vice President, if necessary, negotiate extensions of time limits at step three. In case of disagreement, the Administrative and Professional Faculty Senate Vice President rules on time extension and procedural questions or recommendations designed to expedite the proceedings while providing peer review of the grievance.

## **CHAPTER FOURTEEN**

### **EXTENSION FACULTY WITH CONTINUED APPOINTMENT**

#### **14.0 Virginia Extension Faculty with Continued Appointment or on the Continued Appointment-Track**

Virginia Cooperative Extension Faculty are of two types:

- Extension Faculty with Continued Appointment  
Ranks: assistant professor, associate professor, professor
- Extension Faculty with Administrative and Professional Faculty (A/P) appointment  
(Covered in chapter seven of the Faculty Handbook)

##### **Extension Agent**

Ranks: associate Extension agent, Extension agent, senior Extension agent

##### **Extension Specialist**

Ranks: associate Extension specialist, Extension specialist, senior Extension specialist

##### **4-H Center Program Director**

Ranks: associate program director, program director, senior program director

Extension faculty may or may not hold appointments in the college faculty. Specification of faculty rank in Extension does not imply a rank in a college department. Extension faculty may hold adjunct status in a college department to formally recognize their contributions to the undergraduate or graduate program.

They are, nonetheless, subject to high professional standards in the dissemination of knowledge through the Virginia Cooperative Extension programs and in the planning and delivery of educational programs and programs of assistance to industries and local governmental agencies. In these functions, Extension faculty members share many of the professional concerns of their collegiate colleagues, including the need for the protection of academic freedom in these responsibilities.

Continued appointment is the equivalent of tenure in a college. Extension faculty may hold continued appointment or may be on the continued appointment-track; just as college faculty may be tenured or on the tenure-track. Term appointments during a probationary period are the same as those for college faculty. Evaluation for continued appointment (in contrast to term appointment) is made no later than the sixth year of a probationary period.

An Extension faculty member with continued appointment can expect continued employment until retirement. Termination of employment is based only on unsatisfactory performance, proof of misconduct, discontinuance, or reduction in a segment of the university's Extension programs, or reorganization because of changing patterns of programming.

Faculty members on part-time appointments, whether term or permanent, retain all rights and responsibilities attendant to their appointment as a continued appointment and continued appointment-track faculty member.

Part-time appointments are made for any fraction 50 percent or greater of a full appointment; faculty members receive proportional salary. Faculty members considering such appointments are strongly encouraged to meet with representatives in the benefits office in Human Resources to gain a clear understanding of the consequences of the change to their benefits. Office and laboratory space may be adjusted for longer term or permanent part-time appointments.

### **14.3 Continued Appointment and Promotion**

The university has a tradition of upholding academic freedom. It endorses the “1940 Statement of Principles on Academic Freedom and Tenure” of the American Association of University Professors and the Association of American Colleges (AAUP Bulletin, September 1970, pp.323-325).

Members of the Extension faculty not holding appointments in an academic department in a college may be considered for continued appointment or for promotion in faculty rank in recognition of appropriate professional accomplishments as noted in the sections above.

#### **14.3.1 Continued Appointment Eligibility**

Like tenure, continued appointment is for the protection of the academic freedom of University Libraries and Extension faculty who are engaged in creating new programs and scholarship. Eligibility for continued appointment consideration is limited to faculty members holding regular faculty appointments of 50 percent to 100 percent in the University Libraries or Virginia Cooperative Extension. Continued appointment is not granted to faculty members with temporary appointments. Individuals holding continued appointment who are appointed to administrative positions, however, retain the status and privileges of continued appointment.

#### **14.3.2 Probationary Period and Progress Reviews**

The term “probationary period” (“pre-continued appointment”) is applied to the succession of term appointments, which an individual undertakes on a full-or part-time regular faculty appointment, and during which evaluation for reappointment and for an eventual continued appointment takes place. The beginning of the probationary period for faculty members on term appointments is taken as July 1 or August 10 of the calendar year in which their initial full-time appointment begins, depending on whether they are on a calendar year or academic year appointment, regardless of the month in which their services are initiated. (The probationary period for new faculty appointed for spring semester begins the following fall even though the spring contract period officially begins December 25.)

Under usual circumstances, divisional promotion and continued appointment committees review the professional progress and performance of pre-continued appointment faculty members twice during the probationary period, usually in their second and fourth or third and fifth years. The

annual ratings of unsatisfactory performance for a faculty member with continued appointment results in a post-continued appointment review.

### **14.4.3 Extension Divisional Minimal Standards**

The Extension divisions shall develop, maintain, and publish a statement of minimal standards for satisfactory faculty performance using the following process should be written with the participation of faculty in the division and approved by a vote of the continued appointment-track faculty in the division. Standards developed and approved by the Extension Division Promotion and Continued Appointment Committee and the director are then reviewed and approved by the provost. Once approved, the standards are published and available to all faculty members in the division. Revisions of divisional standards also follow these procedures.

The following guidance is provided for the development of Extension divisional minimal standards:

- Extension divisions should carefully assess and state the overall standards of professional performance and contribution they consider minimally acceptable for continued appointment faculty. Each division's evaluation mechanism should allow a distinction between performance that is deficient in one or more areas requiring improvement, and performance that is so seriously deficient as to merit the formal designation "unsatisfactory."
- Extension divisional standards should embrace the entire scope of faculty contributions. Expectations recognize differences in faculty assignments within the same department or unit. Extension divisional standards should typically address the individual's skill, effort, and effectiveness in contributing to all aspects of the instructional mission; the individual's activity in and contributions to the discipline; the individual's contributions to the collective life of the division and university; and the individual's activity in and contributions to the university's outreach mission.
- Extension divisional statements should affirm support for the basic principles of academic freedom and should express tolerance for minority opinions, dissent from professional orthodoxies, and honest and civil disagreement with administrative actions.
- Departmental statements should include the expectation that faculty with continued appointment will adhere to the standards of conduct and ethical behavior as stated in the Faculty Handbook and/or promulgated through other official channels.

### **14.4.4 Post-Continued Appointment Review**

Nothing in this section should be interpreted as abridging the university's right to proceed directly to dismissal for cause as defined in chapter two "Dismissal for Cause," or the right of individual faculty members to pursue existing mechanisms of reconciliation and redress.

A post-continued appointment review is mandatory whenever a faculty member with continued appointment receives two consecutive annual evaluations of unsatisfactory performance. Annual reviews for years spent on leave without pay are disregarded for the purpose of this calculation. The Extension Divisional Promotion and Continued Appointment Committee conducts the review

a summary report for the review committee following each meeting and at the end of the specified remediation period, at which time the review committee either certifies satisfactory performance or recommends dismissal for cause or a sanction other than dismissal for cause following the procedures described below.

**Sanction other than dismissal for cause:** An Extension division-level committee recommendation to impose a severe sanction, as defined in chapter fourteen, "Imposition of a Severe Sanction," is referred to the University Promotion and Continued Appointment Committee, which reviews the case as presented to the Extension division-level committee, provides an opportunity for the faculty member to be heard, and determines whether the recommendation is consistent with the evidence. The university committee may reject, uphold, or modify the specific sanction recommended by the Extension division-level committee. If the Extension division-level committee also recommends imposition of a severe sanction, then the same procedures used for dismissal for cause guide the process. The review conducted by the Extension division-level committee satisfies the requirement in step two for an informal inquiry by an ad hoc or standing personnel committee. Thus, in the case of a post-continued appointment review, this step is not repeated.

If a severe sanction is imposed or ultimately rejected, then the post-continued appointment review cycle is considered complete. An unsatisfactory rating in any subsequent year is counted as the first in any future sequence.

**Dismissal for cause:** If dismissal for cause is recommended, the case shall be referred to the Extension division-level Promotion and Continued Appointment Committee as described in chapter fourteen, "Procedures and Recommendations of Extension Division Level Promotion and Continued Appointment Committee," which reviews the case as presented to the divisional committee and determines whether the recommendation is consistent with the evidence. If the University Promotion and Continued Appointment Committee upholds the recommendation for dismissal, then the procedures specified in chapter fourteen, "Dismissal for Cause," begin immediately. The University Promotion and Continued Appointment Committee review satisfies the requirement for an informal inquiry by a standing personnel committee.

## **14.5 Imposition of a Severe Sanction or Dismissal for Cause**

The procedures specified follow closely, but differ in occasional detail from, the "1976 Institutional Regulations on Academic Freedom and Tenure" approved by Committee A of the AAUP.

### **14.5.1 Adequate Cause**

Adequate cause for imposition of a severe sanction or dismissal is related, directly and substantially, to the fitness of faculty members in their professional capacity as teachers and scholars. Imposition of a severe sanction or dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.



### **14.6.3 Timeliness of Grievance and Procedural Compliance**

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the time when he or she knew or should have known of the event or action that is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that he or she accepted the last proposed resolution as satisfactory. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of the Faculty Senate Review Committee in writing, and the chair of the Faculty Senate Review Committee determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the chair of the Faculty Senate Review Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Senate Review Committee (or the vice president of the senate if the president is also chair of the Faculty Senate Review Committee) is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

### **14.6.4 Valid Issues for Grievance**

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion and continued appointment procedures (see appeal process in chapter fourteen, "Appeals of Decisions on Reappointment, Continued

Appointment, or Promotion"); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

**Issues not open to grievance:** While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, or an appeal related to the merits of a promotion and/or continued appointment decision); the contents of personnel policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

**Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures:** If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the chair of the Faculty Senate Review Committee within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Senate Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Senate Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.

#### **14.6.5 Particular Concerns and Definitions**

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that step of the discussion make such an agreement. (An agreement form to extend the grievance response time is available on the [provost's Faculty Forms page](#).)

Grievances that advance to step four during or close to the summer and/or teaching breaks during the academic year may require some extension of the stipulated time limits. The principals and the chair of the Faculty Senate Review Committee negotiate such an extension. Every effort is made, however, to stay within the stipulated time limits. In case of disagreement, the Faculty Senate president rules on time extension and procedure questions, which might include a hearing conducted by three rather than five panel members, or other recommendations designed to expedite the proceedings while providing peer review of the grievance.

If a faculty member is away from his or her assigned work location when they discover the event or action that is the basis for a grievance, the 30-day period during which the grievant must meet with his or her immediate supervisor to initiate the grievance process begins when the faculty member returns to his or her assigned work location. If the date of return causes a delay of such



# Speech on Campus

Read about first amendment rights, related resources and report incidents of disruption below



## First Amendment

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

— The First Amendment to the U.S. Constitution.

## Our Responsibility

As an academic community, Virginia Tech values the rights guaranteed by the First Amendment of the United States Constitution and does not intend to restrict the exercise of these rights. However, all members of the university community are responsible for respecting conditions that preserve the freedom to learn. Protected activities do not violate university policy unless they interfere with university functions, violate the rights of others, or otherwise break the law.


If you would like to report an incident of disruption of constitutionally protected speech, you may fill out the form below.

## Report an Incident

Full name

Email

Describe the incident

I'm not a robot 

## Related Resources

[Policy No. 1025 — Policy on Harassment, Discrimination, and Sexual Assault](#)

[Policy No. 5000 — University Facilities Usage and Event Approval](#)

[Policy No. 5215 — Sales, Solicitation and Advertising on Campus](#)

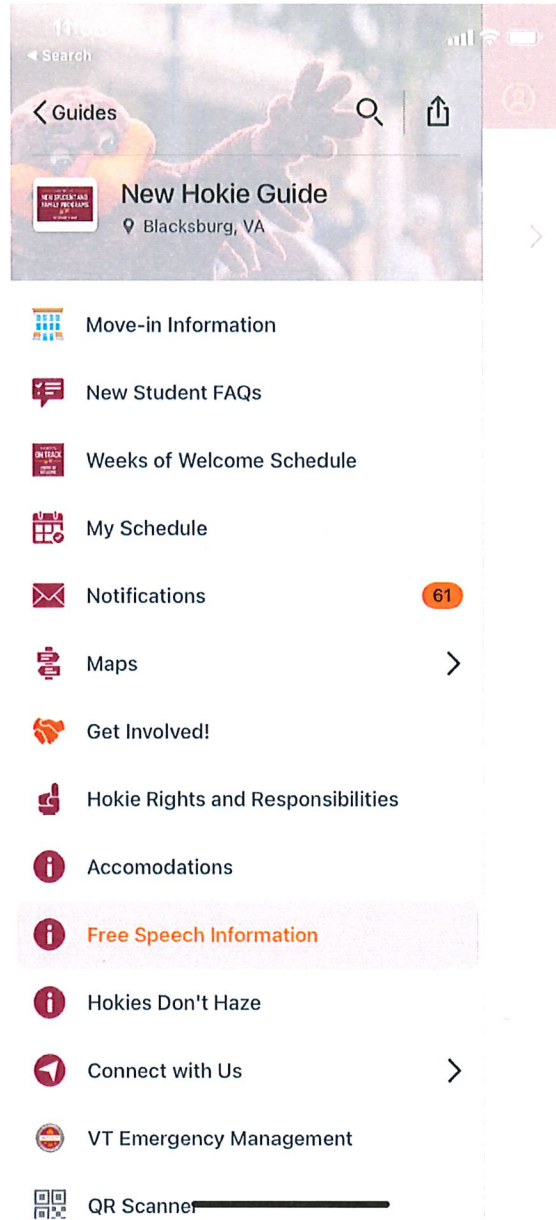
[Speech on Campus Flier](#)

[Hokie Handbook \(Student Handbook\)](#)

[Faculty Handbook](#)

In accordance with [§23.1-401.1 Restrictions on student speech](#); [limitations](#) of the Code of Virginia, as amended, our annual compliance report can be found [here](#).

# Schedule G



11:55



◀ Search



Details



## Free Speech On Campus

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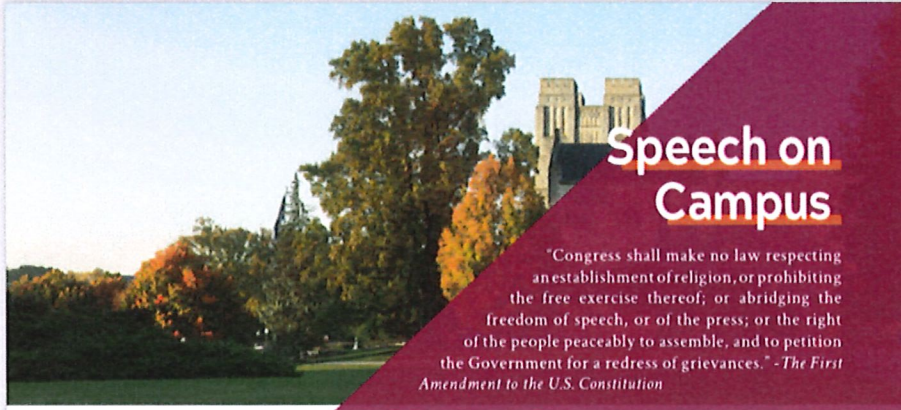


Select the PDF Below to learn more about the VT Free Speech Policy.

PDFS

Free Speech Policy





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**RELATED POLICIES**

- No. 1025** - Policy on Harassment, Discrimination, and Sexual Assault
- No. 5000** - University Facilities Usage and Event Approval
- No. 5215** - Sales, Solicitation and Advertising on Campus
- Hokie Handbook** (Student Handbook)
- Faculty Handbook**

**REPORT AN INCIDENT**

If you would like to report an incident of disruption of constitutionally protected speech, you may fill out the "Report an Incident" form on the webpage below.

**MORE INFORMATION**

To learn more, please visit our Speech on Campus webpage:

[policies.vt.edu/speechoncampus](https://policies.vt.edu/speechoncampus)



# Hokie Rights and Responsibilities

To preserve its worth and value, Hokies must protect the integrity and experience of the academic community through established policies and procedures.

## Student Code of Conduct

The Student Code of Conduct outlines policies established by the university for behavior standards and identifies procedures for handling violations.

- + FREE SPEECH
- + PRINCIPLES OF COMMUNITY
- + ADAM'S LAW
- + FERPA
- + Human Trafficking

i I would like to learn more about **Student Code of Conduct**.



# Hokie Rights and Responsibilities

To preserve its worth and value, Hokies must protect the integrity and experience of the academic community through established policies and procedures.

## Student Code of Conduct

The Student Code of Conduct outlines policies established by the university for behavior standards and identifies procedures for handling violations.

## X FREE SPEECH

All members of the university community are responsible for respecting conditions that preserve the freedom to learn. Activities that interfere with university functions, dismiss the rights of others, or break the law violate university policy. To report an incident, [click here](#). 

## + PRINCIPLES OF COMMUNITY

## + ADAM'S LAW

## + FERPA

## + Human Trafficking





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

I hereby acknowledge that Virginia Tech 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.”

---

Kim O'Rourke  
Vice President for Policy and Governance

November 28, 2023

**NEWS**

## University webpage on speech on campus now available

24 NOV 2018

Last modified: Sep 7, 2023, 11:22 a.m.

From: Office of the Vice President for Policy and Governance

As an academic community, Virginia Tech values the rights guaranteed by the First Amendment of the United States Constitution and does not intend to restrict the exercise of these rights. However, all members of the university community are responsible for respecting conditions that preserve the freedom to learn. Protected activities do not violate university policy unless they interfere with university functions, violate the rights of others, or otherwise break the law.

To learn more about speech on campus, including related campus policies, or how to report an incident of disruption of constitutionally protected speech on campus, or to find printable materials regarding speech on campus, visit the Virginia Tech [Speech on Campus](#) webpage.

**Questions?** Contact the Office of the Vice President for Policy and Governance at 540-231-6232 or [vppg@vt.edu](mailto:vppg@vt.edu).

Tags: CAMPUS EXPERIENCE

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## Schedule J

One complaint was filed in a court of law since December 1, 2022, to initiate a lawsuit against Virginia Polytechnic Institute and State University (Virginia Tech) or an employee of Virginia Tech in his or her official capacity for an alleged violation of the First Amendment to the United States Constitution. A copy of the complaint is attached.

RECEIVED  
SEP 12 2023  
BY: University Legal  
Counsel OBS

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

SEAN LOHR,  
Plaintiff,

v.

Case No. \_\_\_\_\_

BOARD OF VISITORS OF VIRGINIA  
POLYTECHNIC INSTITUTE AND STATE UNIVERSITY,

*Currently:*

Edward Baine,  
David Calhoun,  
Carrie Chenery,  
Sandy Davis,  
Nancy Dye,  
Greta Harris,  
Brad Hobbs,  
William Holtzman,  
Donald Horsley,  
Anna James,  
Letitia Long,  
Chris Petersen,  
John Rocovich, *and*  
Jeff Veatch,

Each in his or her official capacity,

Serve: Kay Heidbreder, University Legal Counsel  
236 Burruss Hall (0121)  
Blacksburg, VA 24061

and

RACHAEL TULLY,  
In her individual capacity,

Serve at: 511 Bainbridge St. Apt. 113  
Richmond, VA 23224-2378

Defendants.

COMPLAINT

Comes now your Plaintiff Sean Lohr, by counsel, and for this complaint against defendants, states  
as follows.

1. Plaintiff Sean Lohr is a citizen of the United States, and, at the time of the events giving rise to this lawsuit, he was a resident of Virginia and a student enrolled at Virginia Tech, in the last semester of his senior year, taking classes at the Blacksburg campus.

2. Pursuant to Virginia Code § 23.1-2600, the Virginia Polytechnic Institute and State University (“Virginia Tech”) is a corporation under the control of the General Assembly. It operates an institution of higher learning. Pursuant to Virginia Code § 23.1-2601, it is governed by a Board of Visitors, consisting of fourteen members. Pursuant to Virginia Code § 23.1-2603(B), “The board [of Visitors] shall regulate the government and discipline of the students.” Pursuant to Virginia Code § 23.1-2600, incorporating by reference Title 13.1, the Board of Visitors has the power to employ individuals on behalf of the corporation.

3. At the time of the events giving rise to her liability, Rachael Tully was employed by Virginia Tech as the Assistant Director for Student Conduct for Virginia Tech. In that capacity, she had authority, under color of law (see Code § 23.1-2603(B)), to manage student conduct hearings, issue determination letters following student conduct hearings, and impose discipline on students following student conduct hearings, thereby implementing the regulations established by the Board of Trustees for student discipline, as authorized by the statutory law of Virginia. She is currently a resident of the City of Richmond.

4. In the 2021-2022 school year, Sean Lohr was a regular participant of the so-called “Shirtless Boys,” a small number of men who unofficially and informally assembled together to cheer for the Virginia Tech women’s soccer team. The tradition was approximately ten years old, and participants had customarily—with full knowledge and the appreciation of the Virginia Tech athletics department—engaged in activities at the women’s soccer matches such as cheering loudly, encouraging others to cheer, and engaging in activities to encourage others to cheer, such as running along a platform in front of the bleachers, and running a flag along the platform of the bleachers.

5. Beginning in August of 2021, the Senior Associate Athletics director Reyna Gilbert-Lowry repeatedly complained to Lohr about the behavior of the Shirtless Boys, including falsely

representing that she received multiple complaints from multiple parents about their behavior. When Lohr asked concerning the specific substance of the complaints so that he could address the specific behavior allegedly causing an issue, Gilbert-Lowry refused to provide any specifics.

6. For instance, in the second half of an August 26, 2021, women's soccer match at home against Elon University, Ms. Gilbert-Lowry approached the Shirtless Boys and told them to stop doing what they were doing. They asked for clarification, and she responded, in a combative tone, "However you take it, that's what you need to do." She was unable or unwilling to provide specific direction about how to modulate their behavior, or what behavior was problematic, or why it was problematic. Lohr responded that we have not said or done anything inappropriate, and she replied, "You are entitled to your own opinion."

7. Following the August 26, 2021 incident, Lohr sent an email to the head coach of the women's soccer team, Coach Charles Adair, reporting Gilbert-Lowry's conduct and asking to be advised of any complaints against the Shirtless Boys, so that he could address the behaviors. Coach Adair responded, encouraging respectful behavior, but without providing any examples of inappropriate behavior that was problematic. He offered pizza to the Shirtless Boys at the upcoming home match and asked if the Shirtless Boys would be travelling to James Madison University for a match there.

8. Lohr made further efforts to determine the basis of any complaints against the Shirtless Boys, prompting Ms. Gilbert-Lowry's behavior, such as through an email of September 22, 2021 to Whit Babcock, the Virginia Tech Athletics Director. At no point was he provided any specific information about what behaviors of the Shirtless Boys should be altered or addressed, or why they should be altered or addressed.

9. At a home match against Duke on September 26, 2021, Virginia Tech fans became frustrated that one of the Duke players appeared to repeatedly fake injuries to obtain foul calls against Virginia Tech players. After this player did so again, Virginia Tech fans expressed their dissatisfaction loudly, including with profanities. The Shirtless Boys neither booed nor used profanities. Lohr recalls shouting "What? What?" in reference to the foul called against Virginia Tech at the time. Thereafter

Gilbert-Lowry and Virginia Tech sports psychologist Gary Bennett approached the Shirtless Boys. Gilbert-Lowry touched Lohr's shoulder from behind, prompting him to turn around and explain that it was not appropriate for her to touch him, and to request that she not do so again. She responded by telling Lohr to "tone it down." Lohr asked for clarification, and Gilbert-Lowry responded again "Whatever you think that means," or words to that effect. Lohr asked why she did not respect the Shirtless Boys, and Gilbert-Lowry decided to get the security team. Meanwhile, with Lohr backed against a fence, with Bennett in front of him, Bennett stated that Lohr was being "an asshole." Lohr asked him to repeat this, and Bennett did so. Lohr asked him how he was being an asshole, to which Bennett had no response. Bennett later admitted that they approached Lohr because Bennett thought he heard someone shouting "Get up! Get up!" with regard to the allegedly injured player, but he could not be sure who was shouting it in the crowd.

10. Both the mock injury and the administrative contact with Lohr had deadened the crowd's spirit. To rally the crowd in support of the Virginia Tech Team, Lohr began to run back and forth along the landing at the front of the bleachers, where he was permitted to be, and where the Shirtless Boys customarily moved about to cheer and rouse the crowd to cheer. He was urging the crowd to cheer for the home team. Gilbert-Lowry deliberately stepped into his pathway, in an apparent attempt to cause a collision, and Lohr moved around her without contact and made his way back to the Shirtless Boys. Security, at the prompting of Gilbert-Lowry, approached the Shirtless Boys and instructed them to leave, and the Shirtless Boys promptly complied. The crowd saw this and began to boo the administrators. Lohr yelled to the crowd Gilbert-Lowry's name, and told the crowd they should email Gilbert-Lowry's boss, if they thought she was overstepping her authority. He also expressed his opinion to her personally that she was a glorified PE teacher.

11. Over the course of the next week, Lohr made contact with several departments of Virginia Tech to try to determine how to make a formal complaint about the conduct of Gilbert Lowry. This included communicating his complaints with the Office of the Dean of Students. Meanwhile,

Gilbert-Lowry, on behalf of Virginia Tech, and acting under the color of law, attempted to ban Lohr from Thompson Field, where the home soccer games were played.

12. On October 5, 2021, Gilbert-Lowry filed a student conduct complaint against Lohr, the day after Lohr spoke with Office of the Dean of Students, Byron Hughes. Upon information and belief, she did so because someone reported to Gilbert-Lowry that Lohr sought to file a complaint against her.

13. On the morning of October 15, 2021, Lohr and the Shirtless Boys met with two members of the Virginia Tech Police Department, Adair, Gilbert-Lowry, Bennett, and Hughes. In this meeting, Bennett acknowledged he did not know who shouted "Get up!" at the Duke match, and he acknowledged that he called Lohr an asshole. Again, they could not provide specific behaviors of the Shirtless Boys that were inappropriate.

14. Shortly after the meeting, Lohr saw email notice of an impending Student Conduct hearing related to Gilbert-Lowry's complaint. It brought allegations of disorderly or disruptive conduct, failure to comply, and abusive conduct.

15. Following a hearing on October 22, 2021, conducted by Tully and in which Tully was the sole decision-maker, Lohr received a determination on October 29, 2021, signed by Tully. Her conduct was under color of law, though in violation of the U.S. Constitution. The determination letter stated that Lohr was not responsible on the charges of failure to comply or abusive conduct, but the charge of disorderly or disruptive conduct was substantiated, based on the events of September 26, 2021. The rationale expressly provided for substantiating the charge of disorderly conduct rested entirely on Lohr's expressive conduct of "running up and down the flat landing of the bleachers" to rally the crowd and "yell[ing] into the crowd" "while being escorted out of the stadium." See a copy of the letter, attached as Exhibit A. The statements therein are not adopted as true by Lohr, but for the limited purpose of showing the conduct of Tully.

16. As a result of this finding of misconduct based on Lohr's expressive conduct, Tully (acting under color of law) had Lohr suspended from the university, but the suspension was deferred until his graduation, so that if he was found in violation with any university policies prior to his graduation, he



could be subject to suspension. He was further denied his athletic privilege, but this too was deferred through his pending graduation, and he was advised that “behaviors similar to the one addressed during this incident are prohibit [sic] and will likely result in your denial of athletic privileges . . . without further review, in addition to the disciplinary action appropriate to the new violation. Should your athletic privileges be denied, you are prohibited from attending any Virginia Tech NCAA or Club Sport (home or away) athletic events.” Further, she placed a no-contact order on Lohr with respect to Gilbert-Lowry as a result of this finding (see a copy of the second letter, attached as Exhibit B), and Lohr was compelled to “Write one letter of acknowledgment to the community, specifically attendees of sporting events, and its members [sic] impacted by your actions.” But Tully asserted that “Because this case did not result in loss of privilege, there is no opportunity for appeal. Therefore, the decision is final.”

17. At that time and currently, Virginia Tech’s Code of Conduct for students defines “disorderly or disruptive conduct” as “Engaging in disorderly or disruptive conduct that interferes with university, community, or individual activities, including but not limited to studying, teaching, research, and university administration.” Similar language, in conjunction with conduct at a university sports stadium, was found to be both vague and overly broad under a First Amendment analysis. *Squire v. Pace*, 380 F. Supp. 269, 277 (1974), aff’d. 516 F.2d 240, cert. denied 423 U.S. 840, 46 L. Ed. 2d 58, 96 S. Ct. 68 (1975). *Cf. Williams v. W. Va. Univ. Bd. of Governors*, 782 F. Supp. 2d 219, 228 (2011) (university’s lack of guidance on the use of trespass bans unconstitutional). Notably, this language was specifically approved by the Board of Visitors on or about June 2, 2020. A copy of the resolution is attached as Exhibit C.

- A. Page 12 of 79 provides, “Students at Virginia Tech enjoy those rights guaranteed by the Constitutions of the United States and the Commonwealth of Virginia. This includes activities protected under the First Amendment.” Tully was aware of this.
- B. Page 18 of 79 provides the definition of “Disorderly or Disruptive Conduct.”
- C. Page 25-26 of 79 defines “Deferred Suspension,” the consequences of a suspension, and “Denial of Privileges or Associations” to include “removal from athletic events.”

- D. Page 27 of 79 shows by issuing a deferred suspension and deferred loss of privileges, Tully prevented an appeal, which could reverse “Unduly harsh or arbitrary . . . sanctions.” These were therefore some of the most severe measures (and largest deterrent against Lohr’s speech) Tully could impose without granting Lohr the right to review by a higher authority.
- E. Page 27 of 79 defines the scope of “Educational, Community, and Wellness Activities,” which was used as the basis to compel Lohr to write a letter.
- F. Page 29-30 of 79 defines the scope of using “No Contact Orders,” notably limiting it to “prevent communication between two or more students.” It does not authorize preventing contact with Virginia Tech administrators.
- G. Page 30 of 79 provides, “Violations of the Student Code of Conduct are maintained in a student’s conduct record for a period of five years from the date of the incident. This record is maintained electronically by the Office of Student Conduct and is separate from a student’s academic transcript, though it is considered part of a student’s educational record.”
- H. Lohr has sought expungement of the disciplinary record, as provided for on Page 32 of 79, and it was denied.

18. As a result of being found to have engaged in “disorderly or disruptive conduct,” even though it was for protected expressive activity, Lohr has suffered a blemish on his academic record which, upon information and belief, has or will damage his reputation and impair his ability to obtain employment in the field of his choice, particularly law enforcement, or to pursue graduate studies.

19. As a result of the sanctions imposed based on this finding of “disorderly or disruptive conduct,” for expressive activity, Lohr’s expressive activity was chilled, such as cheering for the Virginia Tech sporting teams, including at the women’s soccer home match against Ohio State on November 12, 2021, and complaining about the conduct of Virginia Tech administrators. He did not participate in cheering with the Shirtless Boys, he restrained his cheers for the team, and he restrained himself from

criticizing or encourage others in expressing their opinions about university official's actions.

Furthermore, upon information and belief, the conduct of others (including others among the Shirtless Boys) was similarly deterred.

20. As a result of the sanctions imposed as a result of being found to have engaged in "disorderly or disruptive conduct," for expressive activity, Lohr suffered injury in his reputation, as well as frustration and mental distress.

**COUNT I – REQUEST FOR DECLARATORY AND INJUNCTIVE RELIEF**  
**VIOLATION OF THE FIRST AMENDMENT**  
**INCORPORATED BY THE FOURTEENTH AMENDMENT, AND ACTIONABLE PURSUANT**  
**TO 43 U.S.C. § 1983**  
**AGAINST THE BOARD OF VISITORS**

21. The foregoing allegations are incorporated into this count, as if restated herein.

22. For a century, it has been the "unmistakable holding" of the Supreme Court of the United States that "First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (citing *Meyer v. Nebraska*, 262 U.S. 390 (1923), and *Bartels v. Iowa*, 262 U.S. 404 (1923)).

23. The decision to administer a disciplinary sanction on October 29, 2021, violated the First Amendment inasmuch as the policy under which it was administered was unconstitutional for overbreadth, as it would have a substantial number of impermissible applications, and vagueness, as a reasonable person would not understand what is prohibited or expected, giving the enforcer too much arbitrary discretion in its enforcement. *Newsom v. Albemarle County Sch. Bd.*, 354 F.3d 249, 257-258 (4<sup>th</sup> Cir. 2003); *Doe v. Fairfax Cty. Sch. Bd.*, 384 F. Supp. 3d 598, 610-611 (E. Dist. Va. 2019)

24. The decision to administer a disciplinary sanction on October 29, 2021, violated the First Amendment inasmuch as the policy was unconstitutionally applied to protected, expressive activity. The fact that the conduct may have offended some does not justify the discipline. *Morse v. Frederick*, 551 U.S. 393, 409 (2007). The conduct did not materially disrupt classwork or involve substantial disorder or

invasion of the rights of others. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 513 (1969). It was not inconsistent with the school's basic educational mission, such as by being vulgar or lewd, or being school-sponsored expressive activities reasonably related to legitimate pedagogical concerns. *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 266 (1988); *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 685, 106 S. Ct. 3159, 92 L. Ed. 2d 549 (1986). And this was not a true threat, within the meaning of the First Amendment. *United States v. Bly*, 510 F.3d 453, 458-59 (4th Cir. 2007). As such, it was protected speech. See *Kowalski v. Berkeley County Sch.*, 652 F.3d 565, 571 (4th Cir. 2011); *Bhattacharya v. Murray*, 515 F. Supp. 3d 436, 453-454 (2021). There was no important or compelling government interest, or serious and palpable governmental concern, with the content or the time, place, or manner, of the expressive activity of Lohr. See *Morse v. Frederick*, 551 U.S. 393, 408-409 (2007). The disciplinary sanction was adverse action, inter alia because it tended to deter a similarly situated person of ordinary firmness from engaging in protected, expressive activity. Indeed, it was designed to do so. *Martin v. Duffy*, 858 F.3d 239, 249 (4th Cir. 2017); *Constantine v. Rectors & Visitors of George Mason Univ.*, 411 F.3d 474, 499 (4th Cir. 2005). And the rationale for the discipline, as stated in the determination letter, shows the causal link between the speech and the disciplinary sanction. *Constantine v. Rectors & Visitors of George Mason Univ.*, 411 F.3d 474, 499 (4th Cir. 2005).

25. The administration of a disciplinary sanction on October 29, 2021, was recorded as a disciplinary infraction and a deferred suspension and loss of privileges on his academic record, damaging his ability to secure employment in the field of his choice, particularly law enforcement, or to pursue graduate studies.

26. The Court should therefore declare the October 29, 2021 finding of a violation of the disorderly or disruptive conduct policy by Lohr to be unconstitutional, either as the policy was unconstitutional or unconstitutionally applied, and enter an injunction compelling the Board of Visitors to set aside the disciplinary action against Lohr; and expunge all associated records, from the Plaintiff's academic and student conduct files.

**COUNT II – REQUEST FOR COMPENSATORY AND PUNITIVE DAMAGES**  
**VIOLATION OF THE FIRST AMENDMENT**  
**INCORPORATED BY THE FOURTEENTH AMENDMENT, AND ACTIONABLE PURSUANT**  
**TO 43 U.S.C. § 1983**  
**AGAINST RACHAEL TULLY**

27. The foregoing allegations are incorporated into this count, as if restated herein.

28. In addition to the violations of the First Amendment by the enforcement of the unconstitutional policy, or an unconstitutional application of the policy, by Tully against Lohr, Tully's decision to compel a student such as Lohr to write a letter of acknowledgement, under threat of acting on a deferred suspension and loss of academic privileges, further violates the First Amendment, inasmuch as it sought to compel affirmation of a belief and an attitude of mind concerning the inappropriateness of his conduct. *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943) (requiring students to salute the flag unconstitutional).

29. The administration of a disciplinary sanction on October 29, 2021, was recorded as a disciplinary infraction and a deferred suspension and loss of privileges on his academic record, damaging his ability to secure employment in the field of his choice, particularly law enforcement, or to pursue graduate studies.

30. The administration of a disciplinary sanction on October 29, 2021, caused Lohr actual damages, as described above.

31. Upon information and belief, the imposition of this disciplinary sanction, including a deferred suspension, a deferred loss of athletic privileges, a no-contact order, and compelled speech, for the type of innocuous expressive conduct Lohr engaged in shows a reckless indifference to his federally protected constitutional rights to free speech, justifying an award of punitive damages against Tully.

Wherefore, the Plaintiff respectfully requests:

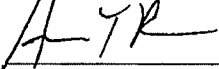
A. Declaratory judgment that the October 29, 2021 finding of a violation of the disorderly or disruptive conduct policy by Lohr was unconstitutional.

B. Injunctive relief ordering the Board of Visitors to expunge the disciplinary sanction on October 29, 2021, and all associated records, from the Plaintiff's academic and student conduct files.

C. A judgment for monetary damages against Rachael Tully, in her individual capacity, in the amount of \$50,000 in compensatory and/or punitive damages if the evidence establishes reckless and callous indifference to federally protected rights.

D. Costs, including attorney fees, pursuant to 42 U.S.C. § 1983.

Respectfully requested,  
SEAN LOHR

By: 

Andrew T. Bodoh, Esq. (VSB 80143)

andrew.bodoh@robertslaw.org

**THOMAS H. ROBERTS & ASSOCIATES, P.C.**

105 South 1st Street

Richmond, Virginia 23219

Tel: 804-783-2000

Fax: 804-783-2105

*Counsel for Plaintiff*