



Radford
UNIVERSITY

Institutional Equity

November 22, 2024

Sent via email

The Honorable Glenn Youngkin
Governor of Virginia

The Honorable Ghazala F. Hashmi
Chairman of the Senate Committee on Education and Health
Senate of Virginia

The Honorable Sam Rasoul
Chairman of the House Committee on Education
Virginia House of Delegates

Dear Governor Youngkin, Chairman Hashmi, and Chairman Rasoul:

In accordance with §23.1-401.1 of the Code of Virginia, entitled “Constitutionally protected speech; policies, materials, and reports; report,” Radford University provides this compliance report, as detailed herein.

Radford University’s [Free Expression Policy](#) provides a framework to promote and facilitate free expression, provides a secure environment for such expression, preserves order within the University community, and protects and preserves University property. The policy further clarifies procedures for conducting free expression activities on University Property.

The Free Expression Policy defines the process of reporting incidents of disruption to the Office of Institutional Equity. Information about filing a complaint is also noted in the [Discrimination and Harassment Policy](#) in the Office of Institutional Equity and on the [Student Complaints](#) page on the Dean of Students website.

Other University policies, such as the [Standards of Student Conduct](#); [Discrimination and Harassment Policy](#); [Use of University Facilities Policy](#); and [Posting, Chalking, and Distribution of Informational Materials Policy](#) reinforce and support the University’s Free Expression Policy. Radford also developed the [Face Concealment Policy](#) this year to align with existing Virginia law. These policies are cross-referenced and are noted on University websites (e.g., Event Planning page of the Student Involvement

website, and the University Scheduling Office website). The University reviewed many of these policies this year and updated them to ensure specificity and clarity for students, staff, and others.

The [Basis and Rationale for the Standards of Student Conduct](#), Section 1.A, states:

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

University Policies are communicated through various communication channels such as e-mail communication, resource cards, and trainings (see Attachment 1 *Safety, Support, Policy, Learning*).

Using the guidance of the *Bipartisan Policy Center's Roadmap for Campus Free Expression*, the Radford University Task Force for Civil Discourse and Freedom of Expression, which met monthly from November 2022 through April 2023, aspired to create and support opportunities for students, faculty, and staff to build skills for and engage in constructive dialogue across differences with the goals of collaborative problem-solving, increasing a sense of trust and inclusion, and supporting the freedom of expression for all constituents. The task force solicited feedback from Faculty Senate, Administrative Professional Staff Senate, Classified Staff Senate, and the Student Government Association. The resulting action plans for the 2023-2024 and 2024-2025 academic years encompass curricular, co-curricular and administrative goals to build skills and dispositions for constructive dialogue across perspectives and differences; instill a sense of trust, inclusion, and belonging; align University policies and procedures with the University’s commitment to constructive dialogue and freedom of expression; and establish and maintain an advisory group and sustained opportunities over time for the practice of constructive dialogue and freedom of expression.

The Civil Discourse and Freedom of Expression Group began leading a series of discussions to which all employees and students were invited. The topics for each discussion were as follows:

May 1, 2024 - "How should universities respond to campus unrest, student civil disobedience and global crises?"

August 30, 2024 – “How can we talk about the election across political differences?”

October 8, 2024 - “Should I use AI to do my homework?” and “Should Radford University have an AI policy?”

October 23, 2024 - “Dialogue Across Differences: An Evening with Frank Bruni.” Bruni is a New York Times columnist and author of “The Age of Grievance,” which explores why Americans are so politically polarized and what we can do about it.

November 7, 2024 - "What now? Now that the election is over, how do we move forward together for the good of our communities and country?"

Additionally, the Civil Discourse and Freedom of Expression Group hosted a 2-day program on November 4 and 5, 2024, called "Highlanders Vote: Road to the ballot box." The two-day event featured panel discussions on interesting topics, debates, civil discourse, and a "mindful voting" session

The University's Division of Student Affairs facilitates programs and conversations centered around civil discourse as well as helping students feel comfortable and equipped to exercise their voices. In terms of programming, a training on civil discourse was offered to student clubs and organizations and to the Student Involvement student staff. While the training focused more on facilitating conversations, the Free Expression Policy was incorporated into the training. In addition to programming, the work of the Civil Discourse and Freedom of Expression Task Force was shared and discussed with the Student Affairs Leadership Team (see Attachment 2 *Free Speech Crisis Response*).

An additional accomplishment by the University this year in relation to free speech was its achievement of the top "green light" rating from the Foundation for Individual Rights and Expression (FIRE). At the time of the attainment, Radford was only one of four schools in Virginia, and one of only 63 nationwide, to earn this rating.

Radford University certifies that policies and materials on the policies have been established and the University has notified employees responsible for the discipline or education of enrolled students of such materials.

No complaint has been filed in a court of law since December 1, 2023, to initiate a lawsuit against Radford University, or any employee of Radford University in his or her official capacity, for an alleged violation of the First Amendment to the United States Constitution.

As stated in the Free Expression policy, the University celebrates the right to freedom of expression on University property. Free inquiry and free expression are indispensable to the vibrancy and vitality of the University community. The University values and honors diverse perspectives and believes opportunity should be provided to engage in peaceful and orderly protests and demonstrations.

Sincerely,



Andrea P. Zuschin, Ph.D.
Director of Institutional Equity

Enclosures

cc: Bret S. Danilowicz, Ph.D., President
Robert Hoover, Ed.D., Vice President for Finance and Administration
Lisa M. Ghidotti, Executive Director of Government Relations

Tricia Smith - [REDACTED]
Jen Rentschler - [REDACTED]
RUPD - 540-831-5500 (or 911)
Bonnie desk - 540-831-5420

Code of Virginia

§ 18.2-422. Prohibition of wearing of masks in certain places; exceptions.

It shall be unlawful for any person over 16 years of age to, with the intent to conceal his identity, wear any mask, hood or other device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, to be or appear in any public place, or upon any private property in this Commonwealth without first having obtained from the owner or tenant thereof consent to do so in writing. However, the provisions of this section shall not apply to persons (i) wearing traditional holiday costumes; (ii) engaged in professions, trades, employment or other activities and wearing protective masks which are deemed necessary for the physical safety of the wearer or other persons; (iii) engaged in any bona fide theatrical production or masquerade ball; or (iv) wearing a mask, hood or other device for bona fide medical reasons upon (a) the advice of a licensed physician or osteopath and carrying on his person an affidavit from the physician or osteopath specifying the medical necessity for wearing the device and the date on which the wearing of the device will no longer be necessary and providing a brief description of the device, or (b) the declaration of a disaster or state of emergency by the Governor in response to a public health emergency where the emergency declaration expressly waives this section, defines the mask appropriate for the emergency, and provides for the duration of the waiver.

Radford University Policy

- Discrimination and Harassment Policy
https://www.radford.edu/content/dam/departments/administrative/policies/GeneralPoliciesandProcedures/GEN-PO-1002_DiscriminationandHarassmentPolicy.pdf
 - This Policy applies to on-campus conduct involving students, employees, faculty and staff, visitors to campus (including, but not limited to, individuals participating in camps and programs, volunteers, non-degree seeking students, exchange students, and other students taking courses or participating in programs at Radford University), and contractors working on campus who are not Radford University employees, as well as to students, visiting students, employees, faculty, and staff participating in Radford University-sponsored activities off campus.
 - This Policy does not allow curtailment or censorship of constitutionally protected expression, which is valued in higher education and by Radford University. In addressing all reports of alleged violations of this Policy, Radford University will take all permissible actions to ensure the safety of students and employees while complying with any and all applicable guidance regarding free speech rights of students and employees.
 - Harassment is a form of discrimination in which unwelcome verbal, written, or physical conduct is directed toward an individual on the basis of their protected characteristics or statuses. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.
 - Hostile Environment may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent, or pervasive, and objectively offensive that it interferes with, limits, or denies the ability of an individual to participate in or benefit from Radford University's education programs, services, opportunities, or activities, or the individual's employment access, benefits, or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent, or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individual's education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct, and (e) the nature of higher education.
- Free Expression Policy
https://www.radford.edu/content/dam/departments/administrative/policies/GeneralPoliciesandProcedures/GEN-PO-1007_FreeExpressionPolicy.pdf
 - The University celebrates the right to freedom of expression on University property. Free inquiry and free expression are indispensable to the vibrancy and vitality of the University community. The University values and honors diverse perspectives and believes opportunity should be provided to engage in peaceful and orderly protests and demonstrations.
 - The right to freedom of expression includes the right to dissent, but these rights need not be exercised in the same forum at the same time. Intentionally or substantially interfering with the freedom of expression of others under this policy is prohibited. Responsible dissent requires sensitivity for the civil rights of others.

- In deciding whether a free expression activity is spontaneous or planned, the University may consider any relevant evidence including, but not limited to, whether: a. signs or placards used are commercially produced; b. amplification equipment is used; c. timing of any contact with security or the media; or d. other circumstances demonstrate advance planning by one or more organizations.
- Advance notification is intended solely to ensure that the exercise of free expression on University property is conducted in a manner that promotes the safety of the University community; does not interfere with the operation of the University; complies with federal, state, and local laws; and protects the rights of others.
- Additionally, free expression activity on any University property must not: a. attract a crowd larger than the location can safely contain. b. significantly disrupt University educational or administrative activities inside or outside of buildings, including classes. c. significantly disrupt previously scheduled University ceremonies or events. d. obstruct free passage of any person or persons (e.g. entrances or exits to buildings, vehicular or pedestrian traffic, etc.). Illegal obstruction is a violation of Virginia Criminal Law (Code of Virginia § 18.2-404). e. represent a threat to public safety, according to the discretion of the Chief of University Police. f. include camping or the use of temporary shelters (e.g. tents). g. affix items to any permanent structure (i.e. fences, buildings, trees, etc.). h. light any material on fire, except hand-held candles may be used upon receiving written permission from the Office of Environmental Health and Safety. Bonfires and other open flame devices are strictly prohibited.
- Posting, Chalking, and Distribution of Informational Materials Policy
https://www.radford.edu/content/dam/departments/administrative/policies/StudentAffairsPoliciesandProcedures/SA-PO-1302_PostingandChalking.pdf
 - The University does not permit the posting or distribution of informational materials that are unlawful or otherwise prohibited by law. Such informational materials include, but are not limited to, defamation, incitement to unlawful conduct, imminent threats of actual violence or harm, obscenity, fighting words, copyright or trademark violation, criminal or civil harassment, sexual harassment, trespass, and false advertising, or depictions that promote or encourage illegal activity
 - The nondisruptive distribution of noncommercial flyers, literature, or other informational materials is allowed in public areas on University property.
 - The distribution of informational materials must not obstruct, in any way, vehicular or pedestrian traffic, or the ability to freely enter or exit facilities, whether outdoor or indoor. Obstruction of public sidewalks and streets is a violation of Virginia Criminal Law (Code of Virginia § 18.2-404). Additionally, such distribution must not unreasonably interfere with the educational and administrative activities inside or outside of buildings.
- Use of Facilities Policy
 - Extracurricular events and activities must not hinder or disrupt curricular or other University events or activities.

Guidance for Engaging and Managing Campus Activism and Freedom of Expression Events

Culture and Context:

- We are in partnership together; we come to difficult situations already in community and are responsive to each other's concerns and needs. Continuously cultivating this community and culture is key to moving forward together and ensuring our educational and community objectives.
- We have taken great strides to develop policies and cultivate resources that will support free expression at Radford University and must remain self-critical and vigilant for actions or messages that might inhibit free expression. While Radford University has earned a "green light" speech code rating from the Foundation for Individual Rights and Expression (FIRE), we must keep in mind that this designation acknowledges only that we enforce "no written policies that seriously threaten student speech."¹ Without care and intention when responding to activism and speech, we risk threatening the right to speech through our actions and communications.
- We acknowledge that actions and activism are often responses to wicked problems; as such, they are difficult, have rich and varied contexts, exist in gray areas, and don't have easy or readily apparent solutions. They are also learning opportunities that often require experimentation and "failing forward." We also acknowledge that different stakeholders will have alternative perspectives on campus events (such as protest vs. direct action, etc.).
- Multiple stakeholders, including Student Affairs, Academic Affairs, and the Civil Discourse Working Group are already creating opportunities for the community to converse and collaborate across differences, and these skills and values should be reinforced during disruption. The University also has strong policies and procedures already in place to maintain the safe and transformative fulfillment of our mission.
- Responses to disruptive activism and expression beyond the direct parameters of policies must be consistent with Radford University's mission and values. The University "empowers students from diverse backgrounds by providing transformative educational experiences," alongside our core values of student empowerment and success, inclusiveness, and community.² Transformative educational experiences that lead to learning and growth involve encounters with difference and disagreement, and transformative education occurs at Radford University not just in our classrooms, laboratories, clinics, and studios, but also in the spaces where we meet, gather, live, and work.

¹ FIRE, "Totally Rad: Radford University Earns Top Rating for Free Speech," December 5, 2023, <https://www.thefire.org/news/totally-rad-radford-university-earns-top-rating-free-speech>.

² Radford University, "Our Vision, Mission, and Core Values," <https://www.radford.edu/content/radfordcore/home/about/mission.html>.

Objectives:

1. **Respect:** affirm the dignity and personhood of individuals, and the integrity of the community.
2. **Resilience:** maintain the central functioning of our learning institution, community, and individuals through learning opportunities before, during, and after disruption.
3. **Recovery:** enact a quick but mindful recovery plan that maintains trust in the institution, community, and individuals, and is not disproportionate.
4. **Reflection:** assess and make changes in policies or procedures based on what's learned.

Flexible Consultation Team:

- Susan Trageser, Vice President for Student Affairs
- Bethany Usher, Provost and Senior Vice President for Academic Affairs
- Tricia Smith, Associate Vice President for Student Life (working group member)
- Matthew J. Smith, Dean of the College of Humanities and Behavioral Sciences (working group member)
- Susan Richardson, University Counsel
- Eric Plummer, Chief of Radford University Police Department
- David Perryman, Associate Vice President of Strategic Communications
- Peter McCann, Director of Emergency Management
- Heather Keith, Executive Director of Faculty Development (working group chair)

Guiding Principles for Responding (*adapted from [Employment Law Alliance](#)*):

1. **Foster Strong Internal Relationships:** Cultivate a collaborative environment between legal, communication, and administrative departments. Prioritize establishing trust and open lines of communication long before a crisis emerges. This ensures a unified response when handling a crisis, balancing legal concerns with communication needs.
2. **Enact a Flexible Crisis Communication Plan:** Create concise, actionable playbooks that address both subject matter and process preparedness. These should outline potential crisis scenarios and define clear messaging strategies, while also ensuring rapid access to crucial information and contacts.
3. **Understand and Navigate Social Media Dynamics:** Recognize the impact of social media on crisis communications. While it's impractical to respond to every social media post, monitoring trends and being prepared to issue accurate, thoughtful responses is key.
4. **Embrace Decision-Making Under Pressure:** Accept that not every decision will please everyone and that some level of discontent is inevitable. Cultivate a culture where decisive action is valued and be prepared to stand by these decisions. Good judgment and the ability to withstand pressure are critical in navigating the complexities of crisis communications in higher education.

External Resources:

FIRE FAQ for Student Protests on Campus

<https://www.thefire.org/research-learn/fires-faq-student-protests-campus>

- Protest on public university campuses is permissible.
- Protests cannot be disrupted solely based on speech content.
- Reasonable time, place, and manner restrictions are permitted.
- Indoor and outdoor protests see differential regulation due to safety considerations and impedance of operations.
- Civil disobedience is not protected conduct.
- Violence, vandalism, underage drinking, and other unlawful acts are not protected aspects of protest.

[George Boggs, "Negotiating in a Protest Encampment," Inside Higher Ed, May 17, 2024](#)

[Talia Barnes, "Freedom or Safety? College Admins Don't Need to Choose," FIRE, Alrip 29, 2024, https://www.thefire.org/news/freedom-or-safety-college-admins-dont-need-choose.](#)

[Will Creeley, "As Campuses Reel, A Reminder of the First Amendment's Boundaries," FIRE, November 3, 2023](#)

[Traevana Byrd, "Crisis Planning: How to Prepare for Free Speech Conflicts on Campus," Higher Education Today, November 27, 2018.](#)

[AAC&U's Free Speech Statement 2024](#)

Radford University Policies and Resources:

Freedom of Expression Statement (Presidential Task Force on Freedom of Expression and Civil Discourse, 2023):

Radford University affirms freedom of expression and critical inquiry as foundations of higher education and democratic society. Intellectual freedom of our students, faculty, and staff is a core institutional value and ensures the free and open inquiry that fuels self-discovery and growth, understanding of other perspectives, knowledge of social and natural systems, creativity, technological advancement, and productive change.

The right to freedom of expression as protected by the First Amendment of the United States Constitution comes with responsibilities to other people and the processes which secure the privileges of a free society. Commonwealth and University policies, such as the [Student Code of](#)

Conduct and the Faculty Handbook, help to enable our commitment to intellectual and social growth, respect for others, and the safety and security of our constituents.

Likewise, freedom of expression and meaningful debate is built on a foundation of trust, belonging, and inclusion, rather than polarization, inequity, and antagonism. In our classes, curriculum, and community, we cultivate values of empathy and reflection, as well as skills for constructive dialogue that brings us together in addressing the most pressing problems of our time

[FIRE's collection of Radford University Speech Policies](#)