



**OLD DOMINION
UNIVERSITY**

November 24, 2021

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

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

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

Dear Governor Northam, Chairwoman Lucas, and Chairwoman Tyler:

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

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

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

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to our student leaders so that we may engage them in educating their peers, while also addressing their questions, ideas and/or concerns about this topic. We continue to provide platforms for students to express their views on topics involving politics and social justice.

Specifically, the following measures have been taken during the most recent reporting period ending December 1, 2021, to adhere to the above-referenced law:

- Updated the website (*Student Freedom of Speech and Activism*), which describes freedom of speech, refers to related policies and describes the means to report incidents, where freedom of speech has been disrupted. It now provides education on related topics, as well as and resource information.
- Updated the University's Demonstration Policy in order to promote rights and resources for students to exercise Freedom of Speech. **This policy is scheduled for final review and approval to become a permanent policy this academic year 2021-2022.**
- Hosted a Constitutional Day talk- "In Defense of the Constitution-The FBI Response to the Attack of the Capital," with Special Agent Scott Buchner of the FBI Field Office in Norfolk, VA. The presentation provided insights to attendees as to how the FBI works domestic terrorism investigations, what the FBI is authorized to investigate and not, due to First Amendment protections, even if the message from the individual or group is offensive.
- Provided all students (including first-year students as follow-up to their on-boarding/orientation) with the video (along with a link to the freedom of expression resource website) that explains freedom of expression. This information was also provided to University faculty leadership and faculty student organization advisors.
- Participating in a study conducted by a higher-education peer institution in North Carolina. This study is a review of how various institutions address "bias" related incidents. Old Dominion University has a system for collaborative response through the University's Freedom of Expression Team, (instead of a "bias" reporting system), as it pertains to addressing concerns involving protected forms of expression. The University Freedom of Expression Team supports and guides, responding in a manner which protects freedom of speech AND addresses outcomes and impact of that speech through education and outreach of involved parties and community. This team also consults with the University's law enforcement and officials responsible for determining whether expression needs to be addressed via the University's discrimination policy or Title IX sexual harassment policy-for compliance purposes. For more information about

the Freedom of Expression Team, please refer to this website:
<https://www.odu.edu/sees/free-speech/team>.

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

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

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

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

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

- Gun & Weapon Regulation
- Board of Visitors Policy 1014 -Threat Assessment
- Board of Visitors Policy 1403 - Academic Freedom
- Board of Visitors Policy 1502 - Student Rights and Freedoms
- Board of Visitors Policy 1530- Code of Student Conduct
- University Policy 1005 -Discrimination Policy
- 1008 Policy on Title IX - Sexual Harassment and Sex or Gender-Based Discrimination (Interim Policy)
- University Policy 3200 -Use of Facilities and Grounds
- Event Management Policies and Protocol
- 1700 University Demonstrations Policy (Interim Policy)

- Student Organization Handbook , (includes procedure for students for reserving space and planning events)
- Board of Visitors Policy 1011- Freedom of Expression

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

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

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

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

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

Sincerely Yours,

A handwritten signature in cursive script that reads "Traci Daniels".

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



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

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

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

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

11/24/2021

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