

NUMBER: 1011
TITLE: Freedom of Expression
APPROVED: August 27, 1970; April 22, 2022
SCHEDULED REVIEW DATE: April 2027

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

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

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

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

The [University's Demonstrations Policy](#) articulates the University's commitment to the free and open exchange of ideas by members of the University community and establishes general provisions for orderly freedom of expression in compliance with Federal and State laws and Board of Visitors Policy.



OLD DOMINION UNIVERSITY

University Policy

Policy #1700

UNIVERSITY DEMONSTRATIONS POLICY (INTERIM POLICY)

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

Date of Current Revision or Creation: October 1, 2020

A. PURPOSE

The purpose of this policy is to articulate Old Dominion University's commitment to the free and open exchange of ideas by members of the University community, to establish general provisions for orderly campus demonstrations, and to ensure that demonstrations are conducted in compliance with Federal and State law and University policies and through the appropriate use of campus services and facilities.

B. AUTHORITY

[Code of Virginia Section 23.1-1301, as amended](#), grants authority to the Board of Visitors to make rules and policies concerning the institution. Section 6.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

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

C. DEFINITIONS

Amplified Sound – Sound volume that is increased by any electric, electronic, mechanical, or motor-powered means. Shouting and group chanting are not amplified sound and are not subject to the special rules on amplified sound, but are subject to reasonable time, place and manner restrictions.

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

Demonstration – One or more individuals on campus, expressing one side of a particular viewpoint, with the goal of gaining attention for their stated viewpoint, including but not limited to, rallies, marches and “sit-ins.”

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

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

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

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

Symbolic Speech – A representation of one’s beliefs or messages in the form of non-verbal communication. This type of presentation can be found in venues of political activity in the form of silent rallies, marches, display of images, and the wearing of apparel such as pins and armbands. Protected symbolic speech does not include activities “tending to cause violence” or inciting imminent unlawful action as expressly prohibited by law. These activities include, but are not limited to, the following:

- Burning crosses and other objects on the property of another or public place with intent to intimidate ([Virginia Code 18.2-423](#) and [18.2-423.01](#))
- Placing swastikas on certain property with intent to intimidate ([Virginia Code 18.2-423.1](#))
- Displaying nooses on property of another or public place with intent to intimidate ([Virginia Code 18.2-423.2](#))

Student Organization – An identifiable group of students, as described in [Board of Visitors Policy 1530, Code of Student Conduct](#), that has complied with requirements for registration as set forth by the Office of Leadership & Student Involvement. Included are groups that seek but have not yet been granted recognized status.

D. SCOPE

This policy applies to all employees, students, volunteers, employees of affiliated organizations who are paid through the University, and visitors to the institution. Employees include staff, administrators, faculty, full-time or part-time, and classified or non-classified persons who are paid by the University. Students include all persons admitted to the University who have not completed a program of study for which they were enrolled; student status continues whether or not the University’s programs are in session. Affiliated organizations are separate entities that exist for the benefit of the University through an operating agreement and include the Foundations, the Community Development Corporation, and the Alumni Association. Visitors include vendors and their employees, parents of students, volunteers, guests, uninvited guests and all other persons located on property owned, leased, or otherwise controlled by the University.

E. POLICY STATEMENT

The University affirms the right to examine and discuss all questions of interest and to express opinions publicly and privately. Members of the University community are free to express opinions publicly and privately and support causes by orderly means, subject to reasonable time, place and manner restrictions, that do not disrupt the regular and essential operations of the institution.

The University also affirms the right to engage in peaceful, orderly demonstrations within reasonably and impartially applied non-content based rules designated by the University. These rules reflect the educational purposes of the University and are intended to protect the safety of members of the University community and others. The right to demonstrate does not include the right to engage in conduct that disrupts the University’s operations, endangers the safety of others, or incites others to imminent unlawful action. The University may establish rules

regulating time, place, and manner of such activities and allocating the use of facilities, but these regulations shall not be used as a means of censorship.

F. PROCEDURES

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

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

Brock Commons is available for reservations through the University's [Brock Commons Website](#).

2. For all events that are reasonably expected to attract over 50 attendees or otherwise necessitate coordination of timing or resources on the part of the University, prior approval and a location reservation are required. Prior approval and a location reservation are encouraged for all events with fewer than 50 participants in order to coordinate the use of any outdoor campus space. The Old Dominion University Police Department (ODUPD) and/or the appropriate University official may arrive to ensure the safety of all participants as described in Section F.5 or perform lawful activities authorized in F.6.
3. All members of the University community must adhere to [University Policy 3200, Use of Facilities and Grounds](#), when scheduling and conducting such events. Students should refer to the [Student Organization Handbook](#) for specific guidance.
4. The Dean of Students or designee may talk with students seeking to hold a demonstration. The Vice Provost for Academic Affairs or designee will be the point of contact for all other events.
5. ODUPD and/or the appropriate University official may also be present during demonstrations to help ensure all participants are afforded a safe and protected forum that is conducive to preserving the speakers' freedom of speech and expression.
6. ODUPD should be called to assist in instances where demonstrations become unsafe or disruptive. A demonstration is disruptive or unsafe if it includes any activity that:
 - a. Incites others to imminent unlawful action or threatens the safety of any person.
 - b. Denies or unreasonably interferes with the rights of other students, faculty, or staff of the University, including the rights of others to demonstrate.

- c. Occurs in a way that blocks entrances, exits, or passageways from or to any University building or vehicle traffic on or to campus. The approved event must cease if there is an emergency or building evacuation.
 - d. Unreasonably interferes with University operations. This may include, but is not limited to, the following:
 - i. Interfering with the instruction, research or administration of the University.
 - ii. Denying the use of offices, classrooms or other facilities to students, faculty, staff, or visitors of the University.
 - e. Fails to comply with any other University policy or any other lawful directive, including a directive to cease the event.
7. During all events (including but not limited to demonstrations), the University reserves the right to take appropriate measures in compliance with the law to preserve and protect the speakers' freedom of speech and expression, ensure safety, and end the disruption as described in sections 4a. through 4e. When disruption occurs, the appropriate University official may first attempt to resolve the situation through dialogue, when possible and appropriate, prior to taking any measures to cease the event.
8. Counter demonstrations will be held to the same standards and will be given the same rights and responsibilities as noted above. In an effort to promote dialogue while upholding safety and order of the University, a separate area may be designated for those persons with views that differ from the views held by the event organizers. In order to ensure the safety of all participants, ODUPD and/or the appropriate University official may be required to be in attendance.

G. RECORDS RETENTION

Applicable records must be retained and then destroyed in accordance with the [Commonwealth's Records Retention Schedules](#).

H. RESPONSIBLE OFFICER

Dean of Students

I. RELATED INFORMATION

[Gun & Weapon Regulation](#)

[Board of Visitors Policy 1014 – Threat Assessment](#)

[Board of Visitors Policy 1403 – Academic Freedom](#)

[Board of Visitors Policy 1502 – Student Rights and Freedoms](#)

[University Policy 1005 – Discrimination Policy](#)



To: Teaching and Research Faculty

From: Austin O. Agho, Ph.D., Provost and Vice President for Academic Affairs

Re: Guidelines for protecting scholars and researchers from attacks on social media, message boards, and other online forums

Date: July 1, 2022

Introduction

Old Dominion University (ODU) is committed to protecting academic freedom and supporting scholars and researchers as they teach and investigate difficult or controversial topics. Members of the University community must be allowed to rigorously pursue their research and scholarship without fear, coercion, or intimidation. To proactively address efforts to defame, attack, or misrepresent the scholarly work of our academic community, we need guidelines. Otherwise, the professional and personal lives of targeted faculty may be disrupted and student learning undermined.

This document outlines the actions to be taken at ODU to manage and respond to coordinated efforts that undermine the academic freedom of scholars and researchers. Faculty across the country have recently been the targets of such social media tactics as posting online messages to misrepresent the work of the faculty member, posting of threatening comments on third-party websites, and sending threatening emails to faculty, staff, and students with the intent of instilling fear. Trolling, defined as a “form of baiting online which involves sending abusive and hurtful comments across all social media platforms” is also a tactic used to intimidate scholars and researchers. Consequently, this document spells out the multilayered and organized approach ODU’s faculty, Department Chairs, Academic Deans, Office of Academic Affairs, Office of University Communications, Police Department, Office of Information Technology Services, and Threat Education Assessment and Management will follow to respond to attacks on scholars and researchers. Our approach borrows from documents developed by the University of Massachusetts Amherst, University of Minnesota, and the University of Illinois Urbana-Champaign.

Office of the Provost and Vice President for Academic Affairs
2004 Koch Hall, Norfolk, VA 23529 • Phone: 757/683-5421 • odu.edu/acadaffairs