

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION

CHRISTIAN PARKS,

*Plaintiff,*

v.

The Members of the State Board of the Virginia Community College System—BRUCE J. MEYER, DORCAS HELFANT-BROWNING, BENITA THOMPSON BYAS, DARREN CONNER, JAMES CUTHBERTSON, LAVONNE ELLIS, IDALIA FERNANDEZ, ROBERT R. FOUNTAIN, STEPHEN GANNON, SASHA GONG, MIRTA M. MARTIN, DAVID NUTTER, ROBIN SULLENBERGER, MIKE THOMAS, MICHEL ZAJUR, all in their official and individual capacities; GLENN DUBOIS, Chancellor of the Virginia Community College System, in his official and individual capacities; JOHN T. DEVER, President of Thomas Nelson Community College, in his official and individual capacities; DANIEL LUFKIN, Vice President of Student Affairs at Thomas Nelson Community College, in his official and individual capacities; VICKI RICHMOND, Associate Vice President of Student Affairs for Thomas Nelson Community College, in her official and individual capacities; KADISIA ARCHER, Coordinator of Student Activities at Thomas Nelson Community College, in her official and individual capacities; KELVIN MAXWELL, Chief of Campus Police at Thomas Nelson Community College, in his official and individual capacities; and FRANK JOHNSON, law enforcement officer at Thomas Nelson Community College, in his official and individual capacities.

*Defendants.*

Case No. 4:14-cv-30

Hon. Raymond Jackson

CONSENT ORDER

Plaintiff and Defendants, by and through their respective counsel, hereby state as follows:

**RECITALS**

A. On March 13, 2014, Christian Parks filed a Verified Complaint in the United States District Court for the Eastern District of Virginia (hereinafter referred to as the “Litigation”), seeking injunctive, declaratory, and monetary relief for the violation of his rights under the First and Fourteenth Amendments to the United States Constitution.

B. In the Litigation, Mr. Parks challenged the constitutionality of Defendants’ campus demonstration policy that prohibits speech by individual students, requires student groups to get permission to speak on campus four days in advance, does not expressly allow spontaneous and anonymous student expression, and permits Defendants to adjust the exact location of students’ intended speech by agreement between the Defendants and student groups involved. This policy is attached to this Consent Order as Exhibit 1.

C. In the Litigation, Mr. Parks also challenged Defendants’ application of the challenged policy when he attempted to speak spontaneously on campus and officials at Thomas Nelson Community College prohibited him from doing so, claiming that Defendants’ actions pursuant to these policies violated his constitutional rights guaranteed by the First and Fourteenth Amendments to the United States Constitution.

D. On April 8, 2014, the Honorable Raymond Jackson, United States District Judge for the U.S. District Court for the Eastern District of Virginia, entered a consent order submitted by the Parties, which provided that Defendants were enjoined from enforcing the campus demonstration policy that Plaintiff challenged in this lawsuit. *See* Consent Order, Apr. 8, 2014, ECF No. 17.

E. In order to avoid the expense, risk, and cost of further proceedings in the Litigation, without any admission of liability upon the claims asserted in the Litigation, Plaintiff and Defendants desire to resolve the claims asserted in the Litigation in accordance with the terms and conditions set forth in this final Consent Order.

**IT IS HEREBY ORDERED AND DECREED:**

1. Defendants have agreed to change the aforementioned policies contained in the *Policy Manual*. Revised versions of the policies are attached to this order as Exhibit 2.

2. Defendants have already implemented the attached revised policies and published it to Virginia Community College System students on April 17, 2014.

3. Defendants are permanently enjoined from formally adopting or enforcing the challenged provisions in the old policy (Ex. 1) in the future, specifically the provisions that prohibited speech by individual students, required student groups to get permission to speak on campus four days in advance, did not expressly allow spontaneous and anonymous student expression, and permitted Defendants to adjust the exact location of students' intended speech by agreement between the Defendants and student groups involved.

4. In satisfaction of Plaintiff's claims for damages, Defendants agree to pay Plaintiff one dollar (\$1.00) in nominal damages. In satisfaction of Plaintiff's claims for attorneys' fees and costs under 42 U.S.C. § 1988, Defendants agree to pay the sum of twenty-four thousand, nine hundred and ninety nine dollars and no cents (\$24,999.00) to Plaintiff's attorneys. The Defendants shall make both of these payments in one check made payable to "Alliance Defending Freedom."

5. In exchange for the aforementioned payment, the Plaintiff shall provide to the Defendants an executed Settlement Agreement and Release.

6. The actions described in Paragraphs 4–5 shall be completed within thirty (30) days of the entry of this Order.

7. It is understood that this settlement and the consent to this Order by the Defendants are not admissions of any liability whatsoever for any wrongdoing with respect to Plaintiff or the Defendants' policy as previously enacted by the Defendants and/or by any person, employee, agent, representative, or board member of the Virginia Community College System, but is in compromise of a disputed claim.

8. This Consent Order is made in full satisfaction of Plaintiff's claims contained in his Verified Complaint.

9. Pursuant to this Order, Plaintiff's Verified Complaint will be dismissed with prejudice, each party to bear its own costs, except as otherwise provided herein, immediately upon the entry

of this Order.

10. The Court retains jurisdiction of this action solely for the purpose of enforcing this Order, should such need arise.

SO ORDERED this 3rd day of June, 2014.

**Raymond A. Jackson**  
The Honorable Raymond A. Jackson  
United States District Judge

**WE CONSENT TO THE FORM AND ENTRY OF THE ABOVE ORDER:**

CHRISTIAN PARKS, Plaintiff,

The Members of the State Board of the  
Virginia Community College System—BRUCE  
J. MEYER, et al., Defendants,

By his Attorneys,

By their Attorneys,

*/s/ Steven C. Taylor*

*/s/ John D. McChesney*

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Section 6

STUDENT DEVELOPMENT SERVICES

6.0 Admissions

6.0.0 Application for Admission (SB)

A common application for admission shall be used by each community college. This application shall include the basic data elements and information needed to admit the student to the college and to comply with state and federal reporting requirements. It shall also include the age, gender, and race disclosure statement, the official VCCS non-discrimination statement and the required data elements for students to apply to qualify for in-state tuition charges. Supplemental applications may be used by each community college for the admission of students.

6.0.0.1 Application for Readmission to the College (SB)

If a student in "good academic standing" (as defined in Section 5.6.6) has not been enrolled within the last three years (nine terms), he/she will be required to complete a new application for admission.

6.0.1 General Admission to the VCCS Colleges (SB)

Individuals are eligible for admission to the community college if they are high school graduates or the equivalent, or if they are eighteen years of age or older and able to benefit academically from study at the community college, as demonstrated by assessment in reading, writing, and mathematics. Minimum scores are noted in the chart below:

	VPT	Compass	Asset
Reading	ENF 1	62	35
Writing	ENF 1	32	35
Math	MTE 1	25	33

Exceptions to this policy may be made by the college president only for documented reasons.

The colleges reserve the right to evaluate and document special cases and to refuse or revoke admission if the college determines that the applicant or student poses a threat, is a potential danger, is significantly disruptive to the college community, or if such refusal or revocation is considered to be in the best interest of a college. The colleges also reserve the right to refuse admission for applicants that have been expelled or suspended from, or determined to be a threat, potential danger or significantly disruptive by, another college. Students whose admission is revoked after enrollment must be given due process. Each college must have a procedure for determining when denial is warranted.

Individuals may be admitted to VCCS colleges as curricular or non-curricular students.

For all curricular students, the following items are required:

- a. A completed official application for admission with social security number requested.
- b. Unless otherwise specified by the college, official transcripts from all high schools, colleges, and universities attended. Graduates who complete secondary school in a home school setting must provide a graduation date and may be required to provide documentation of coursework. The VCCS Student Information System academic records will be sufficient for colleges within the Virginia Community College System.
- c. Additional information as stated by the college for admission to specific programs or curricula.

For all non-curricular students, a completed official application for admission is required with social security number requested. Non-curricular students must satisfy all required course pre-requisites or placement testing requirements before enrolling in specific college-level courses.

It is the policy of the VCCS to maintain and promote equal employment and educational opportunities without regard to race, color, sex or age (except where sex or age is a bona fide occupational qualification), religion, handicap, national origin, or other non-merit factors.

#### 6.0.1.1 Dual Enrollment Student Admissions

Although high school and home school students are not normally qualified for general admission, colleges may offer admission to those students who meet additional criteria. Dual enrollment is restricted to high school juniors and seniors and home school students studying at the high school junior or senior levels. Home school students must also provide a copy of a home school agreement approved by the school district or a letter from the local school board or a copy of the letter filed by the parent/legal guardian declaring home school for religious exemption. Documentation of parental permission is required for all dual enrollment students.

Because admitting freshmen and sophomores is considered exceptional, the college ready status of each prospective freshman and sophomore student will be treated on a case-by-case basis. Formal approval by the college president is required for admitting freshmen or sophomores.

All students admitted under this section must demonstrate readiness for college by meeting the criteria below.

Students enrolling in a dual enrollment course must meet all course pre-requisites.

**Admission Criteria for Transfer Courses**

	Virginia Placement Test (VPT)	Compass	Asset	PSAT	SAT	ACT	SOL
English/ Writing	ENG 111	76	43	50	500	21	N/A
Reading	ENG 111	81	42	50	500	21	N/A
Mathematics	MTE 1	25	33	52	520	22	Algebra I - Pass

**Admission Criteria for CTE Courses**

	Virginia Placement Test (VPT)	Compass	Asset	PSAT	SAT	ACT	SOL
English/ Writing	ENF 1	32	35	50	500	21	N/A
Reading	ENF 1	62	35	50	500	21	N/A
Mathematics	MTE 1	25	33	52	520	22	Algebra I - Pass

**6.0.2 Admission to Specific Curricula (C)**

In addition to the general admission requirements listed in Section 6.0.1 above, each college may establish specific requirements for admission to its curricula. In establishing such requirements, colleges should consider such criteria as student preparedness, available spaces in the program, and standards established by professional accrediting bodies. Students not initially meeting admission requirements for a specific program may qualify to be placed in an appropriate curricula or will be considered non-curricular until such time as requirements are satisfied and they are granted admission to the curricula. The appropriate college officer shall officially notify students of their admission to the curriculum. Admission requirements to curricula will be published in the college catalog.

A person applying to enter one of the associate degree curricula (Associate in Science, Associate in Arts, Associate in Arts and Sciences, Associate in Applied Science, etc.) must be a high school graduate or the equivalent, or otherwise be considered eligible by the college.

6.0.2.1 Application for Readmission to a Curriculum (SB)

Colleges must have a published policy for readmitting students to a curriculum if the student has not been enrolled in that curriculum for a period of at least one year (three consecutive terms).

6.0.3 Special Admission Requirements for International Students (SB)

In addition to the general admission requirements of the college, all international applicants who wish to enroll as curricular students must demonstrate proficiency in both written and oral English through use of either a standardized national or a locally developed test. International applicants must comply with established college admissions policies specifically related to those requiring issuance of an I-20 Form of the U. S. Immigration and Naturalization Service.

6.0.4 Students with Documented Disabilities

Consistent with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, the VCCS guarantees that no qualified individual shall by reason of disability be denied access to, participation in, or the benefits of college. Each qualified person shall receive appropriate, reasonable accommodations upon request to insure full and equal access to educational opportunities, programs, and activities.

6.0.4.1 In order to provide appropriate, reasonable accommodations to students with disabilities who seek them, colleges should require documentation from a qualified professional that includes a full clinical description, current functional limitations, and a prognosis to include any expected future decline in functional ability. This documentation should also include information about the methodology used to make a diagnosis, specific results of the assessments used, summary data, and specific assessment scores based on adult norms where having such additional information will assist colleges in engaging in a deliberative and collaborative decision-making process that considers each student's unique situation and experience, but not where requesting such information becomes overly burdensome to a student.

6.0.5 Admission Priorities (SB)

When enrollments must be limited for any curriculum, priority shall be given to all qualified applicants who are residents of the political subdivisions supporting the college and to Virginia residents not having access to a given program at their local community college, provided such students apply for admission to the program prior to registration or by a deadline established by the college. In addition, residents of localities with which the college has clinical-site or other agreements may receive equal consideration for admission.

6.0.6 Students Transferring from Other Colleges (C)

Normally, transfer students who are eligible for re-entrance at the last college of attendance are also eligible for admission to the community college.

Transfer students who are ineligible to return to a particular curriculum in a previous college generally may not be allowed to enroll in the same curriculum in the community college until one semester elapses or until an approved preparatory program at the college is completed. The Admissions Committee of the college shall decide on each case and can impose special conditions for the admittance of such students.

Students transferring from another college should consult the appropriate office at the community college for an assessment of credits to determine their standing before registering for classes. Generally, no credit shall be given for courses with grades lower than "C". Transfer students may be advised to repeat courses if it would clearly be advantageous to their curriculum advancement.

Any VCCS course in which a student received a grade of "C" or better (excluding general usage courses) will transfer as the same course at any other college in the VCCS.

6.0.7 Transfer Between Curricula (C)

Each college should establish procedures for transfer between curricula and publish them in its student handbook and/or college catalog.

6.0.8 Health Information (C)

Appropriate arrangements shall be made at each college to discuss the health and accommodate the physical condition of each student admitted to the college. These arrangements must comply with Federal and State laws/regulations, and the requirements of the Southern Association of Colleges and Schools.

Student physical health records may be maintained for each student, and these records shall be available to persons able to demonstrate a legitimate need to access them. When symptoms indicate possible mental or emotional illness, a referral may be made to a proper source for assistance.

First aid services shall be made available to the student through arrangement with an outside agency/organization or by using qualified members of the college staff.

6.0.8.1 Contagious Diseases Policy (C)

Each college should have a contagious diseases policy.

6.0.9 AIDS Policy (SB)

Current knowledge indicates that students or employees with AIDS (Acquired Immunodeficiency Syndrome), ARC (AIDS-Related Complex), or a positive HIV antibody test normally do not pose a health risk to other students or employees in an academic setting. Therefore, students or employees who have AIDS, ARC, or a positive HIV antibody test should be allowed regular classroom attendance and use of all institutional facilities.

Mandatory screening or testing ordinarily is not appropriate for admissions of students or employment of faculty.

Programs providing clinical experiences should be guided by Center for Disease Control and OSHA guidelines. Recommendations of the American College Health Association may also be consulted.

A program of education should be implemented on each VCCS campus. Such a program may follow the ACHA guideline for educational progress as detailed in the "General Statement on Institutional Response to AIDS", ACHA Task Force on Acquired Immunodeficiency Syndrome, Revised January 1988.

6.0.10 Email Accounts

Electronic mail or "email" is an official method for communication at the Virginia Community College System (VCCS).

All official email communication will be distributed to VCCS email accounts only.

6.1 Student Domicile

The Virginia Community College System is guided by the Code of Virginia and the regulations of the State Council of Higher Education on determining domicile.

The individual performing the admissions function shall determine if a student has been domiciled in the Commonwealth of Virginia for at least one year immediately prior to the commencement of the semester for which in-state tuition is sought.

Students classified as out-of-state who can provide clear and convincing evidence that they were eligible for Virginia domicile on the first day of class for a term may have their tuition status changed for the current term. Students should follow the institution's domicile appeal policy.

In the event that a student's circumstances change after a semester has begun, the student's tuition status may be eligible for reclassification. This reclassification shall be effective for the next academic semester or term following the date of the application for reclassification. Students should follow the institution's domicile appeal policy.

6.2 Student Registration and Records

6.2.0 Registration Procedures (C)

Each community college shall establish registration procedures. Students must follow these procedures to register for a course or to change their program after registration.

In most cases students shall register for courses during the official registration period. Normally, students may not enter a new class after the add period for the course. Students who wish to enter a course after the add period must follow the established college procedures.

6.2.1 Late Registration Fee (SB)

See Section 4.3.1.3, Miscellaneous Education and General Program Fees (SB)

6.2.2 Add/Drop Procedures (C)

Each college shall establish and publicize post-registration program change procedures. In all cases, students shall be required to follow these established procedures. See Section 8.3.0.

6.2.3 Withdrawal (C)

To withdraw from a class or from the college for any reason, a student shall follow procedures established by the college. Failure to follow such procedures may result in the assignment of failing grades to the student's permanent record.

6.2.4 Student Grade Reports (C)

All colleges shall report grades as approved by the VCCS.

6.2.5 Student Permanent Record (C)

A uniform student permanent record shall be used by each community college. The permanent record, which meets the guidelines set up by the American Association of Collegiate Registrars and Admissions Officers, includes:

- a. The credits transferred from other institutions, including the number of credit hours given (the number of hours may change if the student transfers from one curriculum to another);
- b. The semester in which the student is currently enrolled;
- c. The student's social security number or ID number;
- d. The Academic Program and Plan;
- e. The course number, the course title, the hours attempted, the hours completed, and grade for each course. Course section shall be optional;
- f. A grade point average for each semester attended;
- g. The cumulative grade point average of the student; and
- h. Academic action taken against the student including academic probation, suspension, and dismissal.
- i. Degrees, diplomas, certificates, honors.

Disciplinary probation and disciplinary dismissal should not be placed on students' permanent records. The permanent records may be flagged while students are involved in disciplinary action. If students request that

transcripts of their records be sent to another college during the period in which they are involved in disciplinary action, statements may be placed on the transcripts stating "additional information available upon request from the designated college official."

6.2.6 Student Records Retention (SB)

Each college shall comply with the Virginia State Library and Archives Records Retention Schedule and procedures for destruction of records.

6.2.7 Privacy of Education Records (SB)

Each institution shall establish and publish information release policies that respect the rights of individual privacy, the confidentiality of records, and the best interests of the student and institution. As provided by the Family

Educational Rights and Privacy Act (FERPA), colleges may disclose the following VCCS directory information items without the student's prior consent:

1. Student's Name
2. Participation in officially recognized activities and sports
3. Address
4. Telephone Listing
5. Weight and height of members of athletic teams
6. Electronic mail address
7. Degrees, honors, and awards received
8. Major field of study
9. Dates of attendance
10. Grade level
11. The most recent educational agency or institution attended
12. Number of credit hours enrolled
13. Photos

Students must provide official notification to the office of the college's registrar to prevent the disclosure of directory information.

6.3 Classification of Students (SB)

All students are classified according to the categories indicated in Section 6.3.0.0 through 6.3.0.1.

6.3.0 General Student Classifications (SB; HEW Regulations, Higher Education Act of 1965, P.L. 89-329)

6.3.0.0 Curricular Student

A student shall be classified as a curricular student if the following three conditions are satisfied: (1) the student holds a high school diploma, a GED or its equivalent, or is otherwise determined qualified for admission; (2) the required documents for general admission to a curricular program are received by the Office of Admissions; and (3) the student has been admitted to one of the college's curricula including international students requiring issuance of an I-20.

6.3.0.1 Non-Curricular Student

Students who are not formally admitted to one of the regular curricula but who are classified according to the following student goals or conditions are considered non-curricular students (International students requiring issuance of an I-20 or students receiving Federal or State aid are not eligible for these categories):

- a. Upgrading Employment Skills for Present Job
- b. Developing Skills for New Job
- c. Career Exploration
- d. Personal Satisfaction and General Knowledge
- e. Transient Student

A student who maintains primary enrollment with another postsecondary institution and elects to enroll in the VCCS.

- f. High School Student dual enrollment or dual credit
- g. Auditing a Course

Students desiring to attend a course without taking the examination or receiving credit for the course may do so by registering to audit through the usual registration process and paying the normal tuition. Permission of the division dean or another appropriate academic administrator is required to audit a course. Audited courses carry no credit and do not count as part of the student's course load. Students desiring to change status in a course from audit to credit or from credit to audit must do so within the add/drop period for the course. Students who desire to earn credit for a previously audited course must re-enroll in the course for credit and pay normal tuition to earn a grade other than "X." Advanced standing credit should not be awarded for a previously audited course.

6.3.0.2 Senior Citizens (Refer to Policy Manual, Section 4.3.0.2)

6.3.1 Student Level

6.3.1.0 Freshman (SB)

Students are classified as freshmen until 30 semester credits of study have been completed.

6.3.1.1 Sophomore (SB)

Students are classified as sophomores after 30 semester hours.

6.3.2 Student Enrollment Definitions

6.3.2.0 Full-time Students (SCHEV)

Students enrolled for 12 or more credits in a semester are considered full-time students.

6.3.2.1 Part-time Students (SCHEV)

Students enrolled for fewer than 12 credit hours in a semester are part-time students. Students enrolled for the summer term are all defined as part-time students for SCHEV reporting purposes only--not for tuition computation.

6.4 Student Development

6.4.0 Counseling (C)

VCCS colleges shall maintain a staff of academic counselors and/or advisors to assist students in making decisions regarding career, educational, and personal/social plans. VCCS colleges do not provide mental health services. However, qualified staff may provide initial assessments and referrals to appropriate mental health services when necessary. VCCS colleges shall develop and implement guidelines that advise students, faculty, and staff of the proper procedures for addressing the needs of a student who may pose a threat to him/herself or to others.

6.4.0.0 Recruitment and High School Articulation (SB)

The college shall cooperate with the high schools in the region to provide pre-college counseling to those students planning to attend the community college. Students in the vicinity shall be kept informed of the offerings of the college. In addition, the college shall work closely with organizations in the community to determine the educational needs and interests of youth and adults in the region. A college representative shall respond to requests for information from all persons in the community.

6.4.0.1 Faculty Advisors (C)

All curricular students are assigned an academic advisor who is normally a member of the counseling staff or teaching faculty. Advisors act as academic consultants, helping students plan their

programs of study. Students should consult their advisors before each registration and are encouraged to confer with them frequently regarding academic matters.

6.4.0.1.1 Academic advising is a comprehensive program facilitated by counselors, teaching faculty, and student services personnel who share responsibility with advisees for student success. The advising relationship is a continuous developmental process involving open communication in an atmosphere of mutual respect and honesty. It assists students with the transition to college and the evaluation and attainment of their academic, career, and personal goals. By their participation in a range of advising activities, including individual and group advising sessions, classes, and workshops, students gain an understanding of campus and college resources and develop the skills to make informed, independent decisions.

6.4.0.2 Assessment (C)

Each college shall offer VCCS approved placement strategies that provide consistent and reliable assessment results for students applying to enroll in college courses and curricula. VCCS policies, guidelines, and procedures shall be followed when assessing students for college placement. Assessment should be offered through placement testing and other modalities as may be deemed appropriate by the respective colleges. Colleges should strive to offer the most current technological resources to meet the needs of all students during the assessment process.

6.4.0.2.1 Math Placement

Test scores are valid for two (2) years after the date of the test. Students who take the mathematics placement test and who do not enroll in developmental math are allowed to take one (1) retest within twelve (12) months. Students who attempt a developmental mathematics course will be ineligible for a retest. Exceptions to this retest policy may be made on a case-by-case basis in accordance with established college procedures. A student who provides official evidence of a minimum score of 520 on the mathematics section of the SAT or a minimum score of 22 on the mathematics section of the ACT, taken within the last two years may be exempt from taking the VCCS mathematics placement test based on the mathematics requirements in the student's academic plan.

6.4.0.2.2 English Placement

Test scores are valid for two (2) years after the date of the test. Students who take the English placement test and who do not enroll in developmental English are allowed to take one (1) retest within twelve (12)

months. Students who attempt a developmental English course will be ineligible for a retest. Exceptions to this retest policy may be made on a case-by-case basis in accordance with established college procedures. A student who provides official evidence of a minimum score of 500 on both the critical reading and writing sections of the SAT, or a minimum score of 21 on both the English Test and Reading Test of the ACT, taken within the last two years, is exempt from taking the VCCS English placement test.

6.4.0.3 Orientation/Student Development (C)

All curricular students placed in at least one developmental education course should take the student success course (SDV 100, 101, or 108) in their first semester of enrollment at the community college. All curricular students, except those in career studies certificate programs, must enroll in SDV 100, 101, or 108, within the first 15 credit hours of enrollment. The requirement may be waived for students who hold an Associate Degree or Bachelor's Degree from a regionally accredited institution. Other requests for a waiver may be considered on a case-by-case basis. Students must still successfully complete the required number of credits for their degree. Each college is encouraged to offer a pre-enrollment orientation experience to enhance student success.

6.4.1 Career Development (C)

Each college shall provide career development services, to include structured assessments that assist students in lifelong learning opportunities that expand an individual's knowledge, skills, and attitudes about work opportunities, employment, vocational choices, and personal management.

6.4.2 Financial Aid (SB)

6.4.2.0 Definition of Student Financial Aid

Student financial aid is a program of financial resources (grants, scholarships, loans, student employment) and assistance (financial counseling, budgeting, planning) made available to meet a student's needs associated with the expenses of an education at a Virginia community college. Each college shall have institutional policies and procedures relating to student financial aid.

6.4.2.1 Federal Student Financial Assistance Programs

Each VCCS college may participate in any of the financial assistance programs under Title IV of the Higher Education Act of 1965, as amended, except where State matching funds or administrative resources are not available to provide for program maintenance as specified by the Department of Education (DOE) regulations and guidelines.

All Federal student financial assistance programs shall be administered following the most current DOE regulations regarding Title IV as published in the Federal Register. The Federal Register and the current edition of the Student Financial Aid Handbook (available from the U. S. Department of Education, Office of Student Financial Assistance, Washington, D. C. 20202) shall serve as the primary authoritative sources of information on Federal financial assistance programs.

6.4.2.2 State Financial Assistance Programs (Virginia)

VCCS colleges shall aid students in applying for financial assistance programs administered by SCHEV.

6.4.2.2.0 College Scholarship Assistance Program (CSAP)

This program is authorized by the College Scholarship Assistance Act of 1973 (amended 1975) to provide need-based financial assistance to Virginia students attending both public and private institutions of higher education in Virginia.

6.4.2.3 Scholarships (Code of Virginia)

The Code of Virginia, Section 23-31, empowers the State Board to establish scholarships in the colleges of the VCCS under any conditions as they may prescribe, subject to the limitation established by law. (See Code of Virginia, Section 23-31 for a list of the limitations imposed on unfunded scholarships and Sections 23-33 through 23-35 for guidelines for special gifts and donations.)

6.4.2.4 Optional Financial Assistance Programs

VCCS colleges may choose to participate, at their discretion, in any Federal, State, private, or local student financial assistance program (not previously specified in 6.4.2.2 and 6.4.2.3) provided that required eligibility criteria and administrative requirements can be met in consonance with VCCS policies and procedures.

6.4.2.5 Contact With Need Analysis Agency

VCCS colleges shall use a system approved by the U. S. Secretary of Education to conduct financial aid need analyses when aid is to be awarded under Federal and/or State student financial assistance programs.

6.4.2.6 Applications and Reports

Each college shall provide student data as required by the System Office for mandated Federal, State and VCCS reporting requirements for student financial aid.

6.4.2.7 Student Consumer Information

Pursuant to Title I of the Education Amendments of 1976, Chapter I, Part 178, each VCCS college which receives an administrative cost allowance for any award period shall, for that award period, a) prepare material on the topics set forth in Part 178.4 and b) disseminate that information, or any requested portions of that information, to enrolled or prospective students who request all or part of that material.

6.4.2.8 Administrative Cost Allowance For Federal Programs

Pursuant to Title I of the Higher Education Amendments of 1976, Chapter I, Part 178.6, each VCCS college shall use the Federal administrative cost allowance first to carry out the provisions of Part 178 for the appropriate award period. If any funds remain, the college shall use the funds for other costs of administering student financial aid programs authorized under Title IV of the Higher Education Act for the appropriate award period.

6.4.2.9 Recordkeeping

VCCS colleges shall maintain for audit and reporting purposes, student financial aid records as prescribed by Federal, State, and VCCS regulations.

6.4.3 Housing

Colleges must use extreme care in listing housing opportunities and must not list any housing opportunities unless the owners agree to rent to individuals without regard to race, color, gender, age, religion, disability, national origin, sexual orientation or other non-merit factors.

Colleges shall make it explicitly clear that listings of housing are posted and distributed for informational purposes only.

6.4.4 Student Handbook (SB)

Each college in the VCCS shall have a student handbook or a publication which serves to inform students of pertinent information, policies, and procedures.

6.4.5 Requirements for Student Activities (SB)

The State Board encourages the development of a student activities program designed to promote educational and cultural experiences. Student activities are out-of-classroom activities that support the mission of the colleges and provide students avenues for personal growth and enrichment. Through participation in clubs and organizations, or other planned activities, students develop a wide range of abilities, including intellectual, communication, athletic, and leadership skills. Students develop self-confidence, interpersonal skills, and an appreciation for other cultures and lifestyles. Finally, students develop a sense of integrity, purpose, and social responsibility that empowers them to be productive within and beyond the college community.

The State Board shall recognize and encourage honorary, scholastic, service organizations, and sports clubs that do not restrict membership based on race, color, gender, age, religion, disability, national origin, sexual orientation or other non-merit factors. Private clubs, private associations, social fraternities, and social sororities shall not be recognized by the VCCS. The following regulations and procedures apply to all student activity programs in the community colleges of the VCCS:

- a. The entire program of student activities shall be under college supervision.
- b. There shall be a faculty or staff sponsor for each student organization.
- c. All student activity funds shall be deposited with and expended through the college business office, subject to State Board policies, procedures, and regulations pertaining to such funds.
- d. Each college, with the approval of its local board, shall adopt its own regulations and procedures to implement the above policy.
- e. All student activity programs and recognized organizations must comply with the VCCS's nondiscrimination policy, except as follows:

Any recognized religious or political student organization shall be authorized to limit certain activities only to members who are committed to furthering the mission of such organization. Such activities include ordering the organization's internal affairs, selecting the organization's leaders and members, defining the organization's doctrines, and resolving the organization's disputes.

6.4.5.0 Intramural Programs and Sports Clubs (SB)

The State Board encourages each community college to develop intramural programs or sports clubs on-campus and/or off-campus in community facilities. Such programs shall be designed to promote the physical well-being of the individual student and the development of recreational skills. Competition of intramural teams, including "all-star" teams, in civic leagues and competition between intramural or sports club teams of other institutions, is authorized with the approval of the local community college board providing that all direct expenses, including transportation, are paid from non-state funds. "A twelve-person board of directors, nominated by the colleges and selected by the Chancellor, will be responsible for developing guidelines, organizing leagues, and overseeing the operation of club sports in the VCCS."

6.4.5.1 Alcoholic Beverages at Social Functions (SB); Code of Virginia, Sections 4.1-100 and 4.1-200.

The State Board has delegated to each local community college board the responsibility for taking action on requests to serve alcohol at community college social functions in view of local mores and in accordance with State regulations.

Within the framework established by the State Alcoholic Beverage Control Board, a community college, under special conditions, may be permitted to obtain a one-day banquet license to serve alcohol at college sponsored functions provided that no person under 21 years of age is possessing, dispensing, or drinking alcoholic beverages.

The college administration and the local board must approve this type of activity before the Alcoholic Beverage Control Board is contacted.

Students who are 21 years of age or older may be permitted to consume alcoholic beverages at college-sponsored events that have previously been approved to serve alcohol.

#### 6.4.5.2 Student Newspapers (SB)

Colleges may publish a student newspaper.

A faculty advisor shall be assigned to assure that journalism in the college newspaper is maintained at a high level and that the papers are published within the canons of acceptable public newspapers. The role of the faculty advisor is not to act as a censor for the newspaper.

This advisory committee is not to be established to censor the newspaper.

### 6.5 Campus Conduct

#### 6.5.0 Student Conduct (C)

Each individual is considered a responsible adult, and it is assumed that students shall maintain standards of conduct appropriate to membership in the college community. Emphasis should be placed on standards of student conduct rather than on limits or restrictions of students. Guidelines and regulations governing student conduct shall be developed by representatives of the students, faculty, staff, and administration. The college should refrain from imposing a rigid code of discipline but should reserve the right to take disciplinary action compatible with its own best interests when it is clearly necessary.

The VCCS guarantees students the privilege of exercising their rights of citizenship under the Constitution of the United States without fear of prejudice. Special care must be taken to assure due process and to spell out defined routes of appeal when students feel their rights have been violated.

##### 6.5.0.1 Student Grievance

Each VCCS college will develop and publish a student grievance procedure which will provide for equitable and orderly processes to resolve complaints made by students for improper treatment. A grievance is defined as a written claim raised by a student alleging improper, unfair, arbitrary, or discriminatory action by an employee or a student involving the application of a specific provision of a college or rule/regulation or a board policy or procedure.

6.5.1 Authorization and Regulations for Campus Demonstrations (C)

Each campus organization participating in a demonstration must file three copies of the registration form (Table 6-1) in the office of the president of the college for all demonstrations 4 days in advance of the demonstration.

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5/05

Exhibit 01

Table 6-1

Date Filed \_\_\_\_\_

COLLEGE REGISTRATION OF DEMONSTRATIONS

1. Campus Organizations (Three copies of this form must be filed in the office of the President of the College four days in advance for each organization.)

- a. Registering organization \_\_\_\_\_
- b. All participating organizations \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Details of Demonstration

- a. Place (exact area of demonstration) \_\_\_\_\_
- b. Date \_\_\_\_\_
- c. Time (beginning and ending) \_\_\_\_\_
- d. Number to be expected \_\_\_\_\_

3. Rules and Regulations

- a. Only organizations recognized by the College may sponsor demonstrations on designated areas of College property.
- b. Outside picketing must not be carried on in a manner that interferes with entrance traffic or the normal flow of pedestrian or vehicular traffic.
- c. Precise boundaries shall be set by agreement among the College administration, the organizations involved, and those in charge of any building specifically involved.

As \_\_\_\_\_ of the \_\_\_\_\_  
 (Title of Officer) (Name of Registering Organization)

I will make known these rules and regulations to those involved in this demonstration.

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone No. \_\_\_\_\_

\_\_\_\_\_  
 (Signature)

\_\_\_\_\_  
 (Approved)

(FORM ADOPTED BY STATE BOARD  
 for COMMUNITY COLLEGES - 6/18/68)

\_\_\_\_\_  
 (Date)

The following regulations apply to authorized campus demonstrations:

- a. Only organizations recognized by the college may sponsor demonstrations on college property.
- b. Picketing is not permitted inside buildings.
- c. Outside picketing must not be carried on in a manner that interferes with entrance traffic or the normal flow of pedestrian or vehicular traffic.
- d. The form for registering campus demonstrations is Table 6-1.

6.5.2 Unauthorized or Disorderly Assembly (Demonstrations) (SB)

All assemblies or demonstrations on the campus must have prior registration with the office of the president of the college. Students or college employees who participate in or incite a riot or a disturbance or disorderly assembly are subject to suspension or dismissal.

- a. When an unauthorized campus assembly of students and/or college employees has been requested to disband by the president or other designated officer, those refusing to comply shall be subject to immediate suspension and/or dismissal and the trespass laws of Virginia.
- b. In the event that an assembly appears to be a demonstration related to grievances, those present should be advised that orderly procedures for the hearing of college grievances are available and must be followed. College officials shall not negotiate with any organization under conditions of duress i.e., unauthorized occupation of college property by such group.

6.5.2.0 Official Procedures for Dispersing Unauthorized Assembly

College presidents shall follow the protocol outlined in a memorandum from the Chancellor.

6.5.3 Illegal Substance Policy (SB)

Students of a Virginia community college shall not possess, sell, use, manufacture, give away or otherwise distribute illegal substances while on campus, attending a college sponsored off-campus event, or while serving as a representative of the college at off-campus meetings. Students who violate this policy shall have college charges processed against them in the normal manner of due process provided by college rules. Further, students who violate this policy shall have committed a criminal offense, and the college shall notify the appropriate agency of the Commonwealth of Virginia, county or city government for investigation and, if warranted, prosecution.

Each community college may develop more specific procedures and sanctions in this regard, and these shall be published.

6.5.4 Substance Abuse Programs (SB)

Each community college shall develop a substance abuse program to include drug and alcohol education and referral services for students.

6.5.5 Sexual Misconduct Policy (SB)

The Virginia Community College System shall not tolerate sexual misconduct in any form. Sexual misconduct is a flagrant violation of the values and behavioral expectations for a college community and all reported violations shall be investigated. Sexual misconduct may be punishable through civil and criminal proceedings, as well as through college disciplinary processes.

An educational institution is a community of trust whose very existence depends on the recognition of each individual's importance and value. This trust creates the freedom for each individual to live, think, act, and speak without fear of physical harm. Sexual misconduct shatters the bond of trust within a college community.

This policy shall apply to all employees and students of the Virginia Community College System.

6.5.5.1 Sexual Assault

Sexual assault is defined as sexual intercourse without consent, including rape (whether by acquaintance or stranger), sodomy, or other forms of sexual penetration. To constitute lack of consent, the acts must be committed either by force, threat of force, intimidation, or through use of victim's mental helplessness of which the accused was aware or should have been aware. Mental helplessness includes incapacitation by alcohol or other drugs. Sexual assault also includes intentionally touching, either directly or through clothing, of the victim's genitals, breasts, thighs, or buttocks without the victim's consent, as well as touching or fondling of the accused by the victim when the victim is forced to do so against his or her will.

Verbal misconduct, without accompanying physical contact as described above, is not defined as sexual assault. Verbal misconduct may constitute sexual harassment, which is also prohibited under VCCS regulations and is specifically addressed elsewhere in Section 6.5.6.

6.5.5.2 Sexual Harassment

- a. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or written communication of a sexual nature which is intimidating, hostile, or offensive. Sexual harassment shall be considered to have occurred when:
  1. Accepting or tolerating such conduct is made a term or condition of a student's status or an individual's employment either explicitly or implicitly;
  2. Accepting or rejecting such conduct is used as the basis for academic or employment decisions affecting the student or employee; or

3. Such conduct creates an intimidating, hostile, or objectively offensive working or learning environment that substantially interferes with an employee's work performance or a student's academic performance.
- b. Sexual harassment is contrary to the values of the Virginia Community College System. It shall not be tolerated in any form, as outlined in Part 1604.11, Discrimination Because of Sexual Harassment of Title VII, Section 703, of the Civil Rights Act of 1964, as amended. All reported instances of sexual harassment shall be investigated.

#### 6.5.5.3 Sexual Violence

Sexual violence is defined as 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. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX.

#### 6.5.5.4 College Policies and Procedures

- a. Each college shall use Section 6.5.6 as the basis for formulating its campus policy for sexual misconduct. Specific campus policies must include procedures, courses of action and legal remedies for the complainant, and for the rights of the accused. Anyone convicted of sexual misconduct will be subject to appropriate disciplinary actions which may include dismissal or expulsion. Further, these policies shall include provisions to safeguard the identity of the complainant outside the confidential proceedings of the college's disciplinary process, unless consent is secured from the complainant to reveal her or his identity. No part of a complainant's sexual history shall be included as a part of any campus proceedings.
- b. Each individual college shall designate one or more employees as "Title IX coordinators" to oversee compliance with Title IX regulations.

Colleges must have grievance or adjudication procedures providing for (i) prompt and equitable resolution of complaints of sexual harassment, including sexual violence; (ii) cessation of sexual harassment or sexual violence, and prevention of recurrence; and (iii) a remedy for any effects of the sexual harassment or sexual violence on the complainant.

As an alternative to filing a formal grievance, complaints may also be discussed and/or filed in writing with the Affirmative Action/Equal Employment Opportunity Officer (AA/EEO) of the college or other designated college official.

College policy must stipulate that no person will be reprimanded or retaliated against in any way for initiating an inquiry or lodging a complaint in good faith regarding sexual harassment or sexual violence. Any conduct constituting such a reprimand or retaliation is itself a violation of policy and equally subject to disciplinary action under such policy.

Colleges must provide periodic training programs for institutional personnel to ensure that legal concepts associated with sexual harassment and sexual violence are understood, that sexual harassment and sexual violence are prevented, that instances of sexual harassment and sexual assault are promptly investigated and remediated, and that support services are available for complainants.

conduct rather than on limits or restrictions of students. Guidelines and regulations governing student conduct shall be developed by representatives of the students, faculty, staff, and administration. The college should refrain from imposing a rigid code of discipline but should reserve the right to take disciplinary action compatible with its own best interests when it is clearly necessary.

The VCCS guarantees students the privilege of exercising their rights of citizenship under the Constitution of the United States without fear of prejudice. Special care must be taken to assure due process and to spell out defined routes of appeal when students feel their rights have been violated.

#### 6.5.0.1 Student Grievance

Each VCCS college will develop and publish a student grievance procedure which will provide for equitable and orderly processes to resolve complaints made by students for improper treatment. A grievance is defined as a written claim raised by a student alleging improper, unfair, arbitrary, or discriminatory action by an employee or a student involving the application of a specific provision of a college or rule/regulation or a board policy or procedure.

#### 6.5.1 Policy on Expressive Activity

This policy applies to all buildings, grounds, and other spaces owned or controlled by a college. The term "expressive activity" includes:

- Meetings and other group activities of students and student organizations;
- Speeches, performances, demonstrations, rallies, vigils, and other events by students, student organizations, and outside groups invited by student organizations;
- Distributions of literature, such as leafleting and pamphleting; and
- Any other expression protected by the First Amendment to the U.S. Constitution.

#### 6.5.2 Policy Statement

College property is primarily dedicated to academic, student life and administrative functions. But it also represents the "marketplace of ideas," and especially for students, many areas of campus represent a public forum for speech and other expressive activities. Colleges may place restrictions on expressive activities occurring indoors, but especially for students and student organizations, the outdoor areas of campus remain venues for free expression, including speeches, demonstrations, and the distribution of literature.

Indoors or outdoors, colleges shall not interfere with the rights of individuals and groups to the free expression of their views or impermissibly regulate their speech based on its content or viewpoint. Nevertheless, colleges may establish reasonable time, place, and manner restrictions on expressive activity. Such restrictions must be content-neutral, narrowly tailored to serve a significant governmental interest, and allow ample alternative channels for communication of the information.

No event or expressive activity shall be permitted to violate or hinder the rights of others within the campus community or substantially disrupt normal college operations.

6.5.2.0 Procedures

a. Reserving Campus Facilities:

1. If students, student organizations, or college employees desire to reserve campus facilities, they shall submit their requests to the appropriate college administrator. Colleges normally may not require more than twenty-four hours advance notice for reservation requests. More notice may be required to allow for sufficient logistical support and to ensure the safety and security of the campus.
2. If individuals or organizations who are not members of the college community (i.e., not students, student organizations, or college employees) desire to reserve campus facilities, they must be sponsored by a recognized student organization or the college to conduct expressive activities or events on campus.
3. Colleges may designate certain indoor facilities as not available for expressive activity, such as administration offices, libraries, and (during instructional hours) classrooms. Colleges shall make the campus community aware of such areas. Any other restrictions on expressive activities occurring in indoor facilities must (a) apply equally to all individuals and organizations and (b) not depend upon the content or viewpoint of the expression or the possible reaction to that expression.
4. Students, student organizations, and college employees may request to reserve campus facilities on a first-come, first-served basis. These requests may be denied for the following reasons only:
  - a. The requested venue is an indoor facility that the college has designated as not available for expressive activity under section 6.5.2.0(a)(3) of this policy;
  - b. The requested venue is an indoor facility and the request conflicts with restrictions enacted pursuant to section 6.5.2.0(a)(3) of this policy;

- c. The venue is already reserved for another event<sup>1</sup>;
  - d. The activity will attract a crowd larger than the venue can safely contain;
  - e. The activity will substantially disrupt another event being held at a neighboring venue<sup>2</sup>;
  - f. The activity will substantially disrupt college operations (including classes);
  - g. The activity is a clear and present threat to public safety, according to the college's police or security department;
  - h. The activity will occur during college examination periods; or
  - i. The activity is unlawful.
5. During an event, the student, student organization, or college employee requesting the reservation is responsible for preserving and maintaining the facility it reserved. If it causes any damage to those facilities, the person(s) or organization (and its officers, if applicable) shall assume responsibility.
  6. When assessing a request to reserve campus facilities, colleges and their administrators must not consider the content or viewpoint of the expression or the possible reaction to that expression. Colleges and their administrators may not impose restrictions on students, student organizations, or college employees due to the content or viewpoint of their expression or the possible reaction to that expression. In the event that other persons react negatively to a student's, student organization's, or college employee's expression, college officials (including college police or security) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.

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<sup>1</sup> In the event that multiple individuals or organizations submit conflicting reservation requests, the following order of precedence shall govern: (1) official college sponsored activities and events; (2) recognized student organization activities and events; (3) student activities and events; and (4) all other activities and events.

<sup>2</sup> The expression of competing viewpoints or multiple speakers in proximity to each other does not, without more, constitute a substantial disruption.

- b. Spontaneous Expressive Activity:
1. Colleges are not required to designate any indoor area as available for spontaneous expressive activities. In the event that colleges elect to do so, college officials shall prominently post the areas in which students, student organizations, and their sponsored guests may engage in spontaneous expressive activities. Any areas so designated must (a) apply equally to all students and student organizations and (b) not depend upon the content or viewpoint of the expression or the possible reaction to that expression.
  2. For outdoor campus facilities and areas, students, student organizations, and their sponsored guests may freely engage in spontaneous expressive activities as long as they do not (a) block access to campus buildings, (b) obstruct vehicular or pedestrian traffic, (c) substantially disrupt previously scheduled campus events,<sup>3</sup> (d) substantially disrupt college operations, (e) constitute unlawful activity; or (f) create a clear and present threat to public safety, according to the college's police or security department.
  3. No college personnel may impose restrictions on students, student organizations, or their sponsored guests who are engaging in spontaneous expressive activities due to the content or viewpoint of their expression or the possible reaction to that expression. In the event that other persons react negatively to these activities, college officials (including college police or security) shall take all necessary steps to ensure public safety while allowing the expressive activity to continue.
- c. All college policies on expressive activities must have prior approval from the Office of Legal Services.

6.5.3 Illegal Substance Policy (SB)

Students of a Virginia community college shall not possess, sell, use, manufacture, give away or otherwise distribute illegal substances while on campus, attending a college sponsored off-campus event, or while serving as a representative of the college at off-campus meetings. Students who violate this policy shall have college charges processed against them in the normal manner of due process provided by college rules. Further, students who violate this policy shall have committed a criminal offense, and the college shall notify the appropriate agency of the Commonwealth of Virginia, county or city government for investigation and, if warranted, prosecution.

Each community college may develop more specific procedures and sanctions in this regard, and these shall be published.

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<sup>3</sup> The expression of competing viewpoints or multiple speakers in proximity to each other does not, without more, constitute a substantial disruption.

6.5.4 Substance Abuse Programs (SB)

Each community college shall develop a substance abuse program to include drug and alcohol education and referral services for students.

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This policy shall apply to all employees and students of the Virginia Community College System.

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Sexual assault is defined as sexual intercourse without consent, including rape (whether by acquaintance or stranger), sodomy, or other forms of sexual penetration. To constitute lack of consent, the acts must be committed either by force, threat of force, intimidation, or through use of victim's mental helplessness of which the accused was aware or should have been aware. Mental helplessness includes incapacitation by alcohol or other drugs. Sexual assault also includes intentionally touching, either directly or through clothing, of the victim's genitals, breasts, thighs, or buttocks without the victim's consent, as well as touching or fondling of the accused by the victim when the victim is forced to do so against his or her will.

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  2. Accepting or rejecting such conduct is used as the basis for academic or employment decisions affecting the student or employee; or

3. Such conduct creates an intimidating, hostile, or objectively offensive working or learning environment that substantially interferes with an employee's work performance or a student's academic performance.
- b. Sexual harassment is contrary to the values of the Virginia Community College System. It shall not be tolerated in any form, as outlined in Part 1604.11, Discrimination Because of Sexual Harassment of Title VII, Section 703, of the Civil Rights Act of 1964, as amended. All reported instances of sexual harassment shall be investigated.

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Sexual violence is defined as 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. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX.

#### 6.5.5.4 College Policies and Procedures

- a. Each college shall use Section 6.5.6 as the basis for formulating its campus policy for sexual misconduct. Specific campus policies must include procedures, courses of action and legal remedies for the complainant, and for the rights of the accused. Anyone convicted of sexual misconduct will be subject to appropriate disciplinary actions which may include dismissal or expulsion. Further, these policies shall include provisions to safeguard the identity of the complainant outside the confidential proceedings of the college's disciplinary process, unless consent is secured from the complainant to reveal her or his identity. No part of a complainant's sexual history shall be included as a part of any campus proceedings.
- b. Each individual college shall designate one or more employees as "Title IX coordinators" to oversee compliance with Title IX regulations.

Colleges must have grievance or adjudication procedures providing for (i) prompt and equitable resolution of complaints of sexual harassment, including sexual violence; (ii) cessation of sexual harassment or sexual violence, and prevention of recurrence; and (iii) a remedy for any effects of the sexual harassment or sexual violence on the complainant.

As an alternative to filing a formal grievance, complaints may also be discussed and/or filed in writing with the Affirmative Action/Equal Employment Opportunity Officer (AA/EEO) of the college or other designated college official.

College policy must stipulate that no person will be reprimanded or retaliated against in any way for initiating an inquiry or lodging a complaint in good faith regarding sexual harassment or sexual violence. Any conduct constituting such a reprimand or retaliation is itself a violation of policy and equally subject to disciplinary action under such policy.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION

CHRISTIAN PARKS,

*Plaintiff,*

v.

The Members of the State Board of the Virginia Community College System—BRUCE J. MEYER, DORCAS HELFANT-BROWNING, BENITA THOMPSON BYAS, DARREN CONNER, JAMES CUTHBERTSON, LAVONNE ELLIS, IDALIA FERNANDEZ, ROBERT R. FOUNTAIN, STEPHEN GANNON, SASHA GONG, MIRTA M. MARTIN, DAVID NUTTER, ROBIN SULLENBERGER, MIKE THOMAS, MICHEL ZAJUR, all in their official and individual capacities; GLENN DUBOIS, Chancellor of the Virginia Community College System, in his official and individual capacities; JOHN T. DEVER, President of Thomas Nelson Community College, in his official and individual capacities; DANIEL LUFKIN, Vice President of Student Affairs at Thomas Nelson Community College, in his official and individual capacities; VICKI RICHMOND, Associate Vice President of Student Affairs for Thomas Nelson Community College, in her official and individual capacities; KADISIA ARCHER, Coordinator of Student Activities at Thomas Nelson Community College, in her official and individual capacities; Kelvin Maxwell, Chief of Campus Police at Thomas Nelson Community College, in his official and individual capacities; and FRANK JOHNSON, law enforcement officer at Thomas Nelson Community College, in his official and individual capacities.

*Defendants.*

Case No. 4:14-cv-30

Hon. Raymond Jackson

**NOTICE OF PROPOSED CONSENT ORDER**

Plaintiff and Defendants, by and through their respective counsel, notify this Court that they

have negotiated the accompanying, fully-endorsed Proposed Consent Order that resolves this litigation for this Court's consideration. In submitting this notification, the parties rely on the following facts:

1. Plaintiff filed a verified complaint in this case on March 13, 2014, challenging the constitutionality of Defendants' campus demonstration policy that prohibits speech by individual students, requires student groups to get permission to speak on campus four days in advance, does not expressly allow spontaneous and anonymous student expression, and permits Defendants to adjust the exact location of students' intended speech by agreement between the Defendants and student groups involved.

2. On April 10, 2014, this Court entered the Consent Order the parties jointly submitted, which suspended the policy Plaintiff had challenged and allowed Plaintiff and all other students to speak freely on campus until the Defendants adopted a new policy. *See* Consent Order, Apr. 10, 2014, ECF No. 17.

3. This Consent Order also required the parties to report to this Court on the status of settlement negotiations on or before May 2, 2014. *Id.* at 3.

4. Since the entering of this Consent Order, the parties have diligently pursued an amicable settlement of this litigation and agreed on a new policy to replace the one Plaintiff challenged.

5. On April 15, 2014, the Executive Committee of the State Board for the Virginia Community College System met and approved the policy changes the parties negotiated.

6. On April 15, 2014, attorneys for Plaintiff were notified that the Executive Committee of the State Board for the Virginia Community College System had approved the negotiated policy changes.

7. On May 20, 2014, this Court granted the parties a stay, giving them until May 30, 2014 to report on the status of the on-going settlement negotiations. *See* Order, May 20, 2014, ECF No. 22.

8. During this time, attorneys for Plaintiffs and Defendants have finalized all other elements of an overall settlement of this case, as outlined in the accompanying Proposed Consent Order.

Therefore, the parties respectfully request that this Court enter the accompanying, fully-endorsed Proposed Consent Order, which outlines the resolution of Plaintiff's claims and dismisses them with prejudice.

Respectfully, submitted this 29th day of May, 2014.

*/s/ Steven C. Taylor*

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 29, 2014, I electronically filed the parties' Notice of Proposed Consent Order with the Clerk of Court using the CM/ECF system, which automatically sends an electronic notification to the following attorneys of record:

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Respectfully submitted on this the 29th day of May, 2014.

*/s/ Steven C. Taylor*

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