

Def.'s Opp'n to Prelim. Inj.

Exhibit 1

Declaration of Byron Hughes

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division

SPEECH FIRST, INC.,)	
)	
)	
Plaintiff,)	Civil Action No. 7:21-cv-203
)	
v.)	
)	
TIMOTHY SANDS,)	
)	
)	
Defendant.)	

DECLARATION OF BYRON HUGHES

I, Byron Hughes, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief.

1. I currently serve as the Dean of Students at Virginia Polytechnic Institute and State University (“Virginia Tech” or the “University”). I have served in that role since October 2018. Before becoming the Dean of Students, I served as the Director of Fraternity and Sorority Life, and the Assistant Director for Student Conduct. I have been at Virginia Tech since 2008, and I have worked in the higher education field for more than 20 years.

2. Within the organizational structure of the University, the Dean of Students reports to the Vice President for Student Affairs, Dr. Frank Shushok, Jr. Other offices that report, either directly or indirectly, to the Vice President for Student Affairs include the Office of Student Engagement and Campus Life and Student Conduct. Although these offices report to the same Vice President as the Dean of Students, they are entirely separate from my office and I have no supervisory authority over them. *See* Exhibit A, Student Affairs Organization Chart.

3. As the Dean of Students, I oversee an office of 10 professionals whose mission is to provide support, advice, services, and resources to students facing challenges in their personal or academic lives at Virginia Tech. We provide general support and advice with issues from housing to food insecurity to transportation to medical care, crisis and emergency response, student conduct referral advising, class absence verification, and myriad other services for Virginia Tech's tens of thousands of students.

4. Ensuring that the environment at Virginia Tech allows all students to thrive—both academically and personally—is the foundational goal of the Dean of Students Office. Creating and facilitating a culture of respect, equity, justice, responsibility, and safety is paramount for developing a learning community where all members can commit to unwavering curiosity, pursue self-understanding, and prepare for a life of leadership and service. To that end, throughout my tenure at Virginia Tech, the Dean of Students Office has facilitated a system by which community members—students, faculty, or otherwise—could report incidents of bias that occur within our University community.

5. Higher education professionals across the country recognize that a collegiate environment that encourages targeted expression or conduct based upon the targeted person's personal identifying factors—such as race, religion, gender, sexual orientation, or political affiliation, to name a few—negatively impacts the educational opportunities of not only the targeted student but also of the community as a whole. Accordingly, facilitating an environment where no student faces bias that interferes with their opportunities to work and learn is vital to the success of the University. Virginia Tech has affirmed the saliency of this concept through the adoption of its Principles of Community.

6. Prior to 2019, reports of bias-related incidents were forwarded directly to the Dean of Students, who determined the best course for addressing the concern. In evaluating how our system could be more effective, we determined that this approach did not adequately account for all perspectives that may be relevant to a bias-related incident. Moreover, a single incident could be reported to various offices providing student services within the University, between which there were no formal or even informal lines of communication. As a result, multiple offices—for example, the Dean of Students, Office of Fraternity and Sorority Life, and Housing and Residence Life—would each respond independently to a single bias-related incident, which meant that students involved might go through multiple different processes across the University to resolve the matter. This potential for duplication and redundancy suggested that University resources could be used more efficiently, and the prior procedure did not capture meaningful data that could alert the University to trends and other developments affecting students. I also received multiple inquiries from students expressing confusion about the process for reporting bias-related incidents.

7. In light of these concerns, in 2019, my office led the creation of the Bias Intervention and Response Team (“BIRT”) at Virginia Tech. The overarching goal of the revised BIRT process was to adopt and implement a more coordinated process to support students and further our Principles of Community at Virginia Tech. I oversaw the development of BIRT without consulting or reviewing any so-called “bias teams” at other colleges and universities. Our BIRT procedures are unique to Virginia Tech and the Dean of Students, and they are not modeled after any other structure at other institutions.

8. BIRT serves as a sort of “air traffic control” for bias-related complaints. *See generally* Exhibit B, Bias Intervention and Response Team. BIRT becomes involved in a bias-related complaint when the Dean of Students Office receives such a complaint via the online

reporting tool, email, or Twitter. Each complaint is reviewed and discussed by the members of BIRT during its weekly Monday meeting. If the members of BIRT collectively determine that a complaint identifies a bias-related incident, they then decide which University office is best-positioned to address the issues raised therein. BIRT will then refer the complaint to that office for follow-up and resolution.

9. Representatives from the following University offices serve on BIRT: the Dean of Students, the Office of Fraternity and Sorority Life, the Office for Equity and Accessibility, the Office for Inclusion and Diversity, Housing and Residence Life, Services for Students with Disabilities, the Corps of Cadets, Student Conduct, Cultural and Community Centers, and the Virginia Tech Police Department (“VTPD”). Notably, although a representative of VTPD serves on BIRT, VTPD will only become involved in a bias incident when the alleged facts credibly describe unlawful activity or otherwise necessitate a law enforcement response. VTPD does not build evidence or cases for BIRT.

10. The process BIRT follows in addressing a complaint of a bias incident is described in a document called “Bias Incident and Response Team.” *See* Exhibit B. I drafted and coordinated the approval of this document after I became the Dean of Students in late 2018. The Vice President for Student Affairs has the ultimate authority for approving the procedures outlines in this document, but the Dean of Students Office is responsible for interpreting, applying, and administering BIRT’s processes. The BIRT process is not a University policy or part of the Student Code of Conduct. It exists to facilitate one part of the Dean of Students’ key responsibility to serve as a central repository for complaints about and improvements to all aspects of the student experience—bias-related or not. My office exists to offer advising, care, and support to students. We have no role in student discipline.

11. The “Bias Incident and Response Team” document was intended to update and revise the “Bias-Related Incident Protocol: Reporting, Response, and Resources” document that my predecessor created in February 2016 and which I understand has been submitted by the plaintiff in this case. See Dkt. 4-2 at 86–96 (Exhibit H). Although the concerns about bias and its effects on the University community underlying that document and outlined therein remain true, the procedures described in that document are no longer in effect. The Dean of Students Office relies on the “Bias Incident and Response Team” document to govern the procedures of BIRT. More specifically, the Core Response Team described in the 2016 document no longer exists. BIRT now fills that role, following the procedures outlined in the “Bias Incident and Response Team” document that I outline below. The Core Response Team procedures are no longer applicable.

12. As outlined in Exhibit B (“Bias Incident and Response Team”), The first step in BIRT’s process is for the members of BIRT to collectively decide if the complaint implicates a bias-related incident. A “bias incident” is an expression against a person or group because of the person or group’s age, color, disability, gender (including pregnancy), gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, veteran status, or any other basis protected by law. *See* Exhibit C, “What is Bias?” available at https://dos.vt.edu/express_a_concern/bias-related-incident.html. BIRT applies the following framework in evaluating bias incidents:

- Does it seem the incident is bias-motivated?
- Does it violate University policy?
- Does it violate the shared values and expectations of university community members?

- Who is affected by the incident?
- Are there legal consequences?
- Might the incident be investigated as a hate crime?

13. If BIRT determines that a complaint does not implicate bias, a representative from the Dean of Students Office or another University office that is closer to the complaining party will follow up to explain that no bias was found. The reporting party will be offered other options that may exist on or off campus for support.

14. Part of this initial threshold evaluation of whether a complaint implicates bias is consideration of whether the complaint addressed speech protected under the First Amendment to the United States Constitution. Ex. B at 3. Virginia Tech is a community where free and civil exchange of ideas and each person's ability to express their perspective is important. BIRT's procedures recognize that the First Amendment protects many statements, expressions, and conduct that some would consider intolerant. BIRT does not intervene if a complaint addresses expressions that are protected speech. *Id.*

BIRT regularly declines to pursue complaints of bias because the underlying conduct involved speech protected by the First Amendment. For example, BIRT received a report from a professor regarding a student who displayed a flag, typically associated with conservative viewpoints, that the professor found objectionable in the background of the student's camera view during a Zoom meeting. The members of BIRT declined to take any action in response the complaint and informed the reporting professor that displaying a flag constitutes protected free speech. As the Dean of Students, I have also repeatedly declined to respond to bias complaints regarding students' involvement in political groups, on the grounds that the reported conduct is free speech protected by the First Amendment. For example, BIRT received reports regarding

certain statements by a member of a student organization that promotes capitalism and individual liberties at Virginia Tech. BIRT originally declined to respond to the reports because the alleged statements were the student's protected free speech. I did subsequently discuss the reports with the student after that student also made a report alleging that members of the organization had been subjected to bias. This is one of many examples of how my Office protects students' First Amendment rights while facilitating amicable relationships among students who hold many different and diverse sets of views.

15. If, at the first step of BIRT's analysis, the team determines that the alleged incident involved bias, the incident will then be evaluated to determine if the effect of the bias-related incident is localized, or if it impacts the broader community. *See* Exhibit D, Dean of Students Office: Bias Incident Review Process. This determination governs to which University office BIRT will choose to refer a complaint and other aspects of the potential response, including whether the safety of the broader community is implicated. For example, a complaint alleging an incident of bias between two roommates may be referred to Housing and Residence Life to address. A complaint alleging an incident of bias based on disability may be referred to Services for Students with Disabilities. A complaint describing an incident that may violate the Student Code of Conduct would be referred to the Student Conduct Office. Complaints alleging criminal activity, such as assault or the destruction of property, are referred to the Virginia Tech Police Department. Moreover, as described above, if BIRT does not find that a complaint makes an allegation of bias, it may nonetheless refer the Complaint to another office within the University because that office may be best positioned to meet other needs apparent from the complaint, such as conflict mediation between roommates.

The referral of complaints received by BIRT during the Spring 2021 semester provides a useful example of how BIRT resolves the reports it receives. BIRT referred 33 complaints for resolution as follows:¹ Office of Fraternity and Sorority Life (2), Corps of Cadets (3), Student Conduct (3), Office for Equity and Accessibility (6), Housing and Residence Life (6), Title IX (7), and Dean of Students (8). Notably, only cases that implicate an alleged violation of the Student Code of Conduct—that is, only cases that involve more than simply an expression of bias or a need for conflict resolution—are referred to Student Conduct. The Dean of Students Office has no special authority to refer cases to Student Conduct.

16. Once a complaint is referred to a specific office, it will remain on BIRT's agenda to monitor and ensure that some resolution was reached. This flexible approach allows BIRT to facilitate an array of potential responses to bias-related incidents that can be tailored to reflect the seriousness of the underlying incident. BIRT's process enables responses including: temporary or permanent changes to on-campus housing, addressing possible fears of retaliation, providing emergency phone numbers to reporting students, making additional referrals for counseling or medical care, recommending community alerts, and maintaining privacy and confidentiality.

17. In most cases, it is not BIRT but another University office who directly responds to address a bias complaint. For example, during the Spring 2021 semester, out of the 33 bias incident reports² BIRT received, the Dean of Students Office only sent 2 messages to responding students requesting a meeting regarding a bias incident report. And in cases where BIRT or the Dean of Students Office does directly respond, it does so by contacting both the reporting student and the responding student by letter or email to invite them to engage in a voluntary conversation with me

¹ Certain complaints were resolved through more than one office.

² As of May 5, 2021, the Dean of Students Office had received 33 bias incident reports during the Spring 2021 semester.

or a member of my office. If a student fails to respond to this message, or declines to meet with our Office, no further action is taken, and the student faces no consequences of any kind. Although BIRT does collect information about incidents to understand how best to respond, it does not conduct a formal investigation as Student Conduct or other University offices might. Nor does BIRT make any adjudication or responsibility finding. BIRT does not have the power to impose discipline on any student for any reason. Neither Student Conduct nor OEA report to BIRT. Nothing about BIRT's interaction with a student—as either a complaining party or a responding party—would ever appear on either a student's academic transcripts or disciplinary record. Records and correspondence associated with BIRT are housed within my office and may only be shared with Student Conduct on a need-to-know basis.

I have reviewed the Complaint in this case and I understand that Plaintiff alleges that BIRT “monitors” the speech and expression of Virginia Tech's students. ECF No. 1 ¶ 54. BIRT has neither the capacity nor the authority to proactively “monitor” student activities. BIRT is designed to be responsive to the student concerns brought to it, but it is not (and cannot) be Big Brother. The Complaint's allegation that BIRT “investigates, adjudicates, and advocates for students” is also incorrect. Dkt. 1 ¶ 65. As outlined above, these procedures are no longer applicable because the 2016 Bias-Related Incident Protocol document on which Plaintiff relies has been revised and no longer governs the way in which my office responds to allegations of bias.

18. In order to promote the bias incident reporting system to the University community, the former Dean of Students adopted the familiar and memorable slogan of “See something? Say something!” This slogan was selected to make students feel comfortable reporting experiences that negatively impact their academic careers and personal experiences at Virginia Tech. *See* Exhibit E, “See something? Say something!” available at https://dos.vt.edu/express_a_concern.html

(“Student Affairs is committed to creating and sustaining a community where every student can thrive. If you’ve had an experience that has negatively impacted your opportunity to do that, let us know.”). Accordingly, students are encouraged to focus on the quality of their own experiences, not on policing the activities of their fellow students. Moreover, the University has no mandatory reporting process for student for potential bias incidents and no student would ever face disciplinary action for choosing not to report. BIRT has received no complaints regarding another student’s failure to report or intervene in a potential bias-related incident.

19. Prior to the implementation of BIRT in 2019, the Dean of Students Office published semiannual and quarterly reports of bias incidents reported to the office. The office ceased publishing these numbers in 2019 because they provide an incomplete picture of bias incidents and how they are handled at Virginia Tech. BIRT is only aware of the incidents that are reported to it. Bias incidents handled exclusively by other offices within the University may not reach BIRT and are not included in these numbers. Although BIRT has enhanced my office’s ability to gather data and observe trends across the University Community, BIRT’s processes are neither mandatory nor formal. Because this data necessarily does not provide a full impression of what is happening at Virginia Tech, these numbers are of limited value.

20. Importantly, the University’s definition of “bias incident” includes expressions motivated by political affiliation. In the past, BIRT has received a report from students alleging bias against their political views. That is precisely what BIRT was designed to do: to centralize the complaint and response process to ensure that all rights are preserved and respected, and to mediate a positive resolution for all students involved. BIRT has also received and responded to reports of political signs for former President Donald Trump being torn down around campus. Because those complaints alleged the criminal destruction of property, the complaints were

referred to the Virginia Tech Police Department for follow-up and resolution. The fact that students with differing perspectives feel comfortable using BIRT as a resource shows not only that it is not suppressing speech but also that it provides a valuable service to the Virginia Tech community and protects the rights of all involved.

21. In addition to the deliberate approach BIRT takes to ensuring that it does not interfere with First Amendment protected speech, Virginia Tech also fastidiously complies with its statutory obligations pursuant to Virginia Code § 23.1-401.1. State law expressly requires that “no public institution of higher education shall abridge the constitutional freedom of any individual, including enrolled students, faculty and other employees, and invited guests, to speak on campus.” Va. Code § 23.1-401.1(A). Public institutions of higher education, including Virginia Tech, must also establish “in its student handbook, on its website, and in its student orientation programs policies regarding speech that is constitutionally protected under the First Amendment to the United States Constitution and the process to report incidents of disruption of such constitutionally protected speech.” Va. Code § 23.1-401.1(B). Virginia Tech has followed this directive by establishing a website to facilitate reporting incidents affecting the freedom of expression. That website is available at <https://policies.vt.edu/speechoncampus.html>, a printout of which is attached to this declaration as Exhibit F. When members of the Virginia Tech community submit a complaint through this form, it is forwarded directly to the Dean of Students Office to take action and respond, utilizing BIRT’s procedures if appropriate.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on May 20, 2021, at 12:00 pm, Virginia

A handwritten signature in black ink, appearing to read 'B. Hughes', written over a horizontal line.

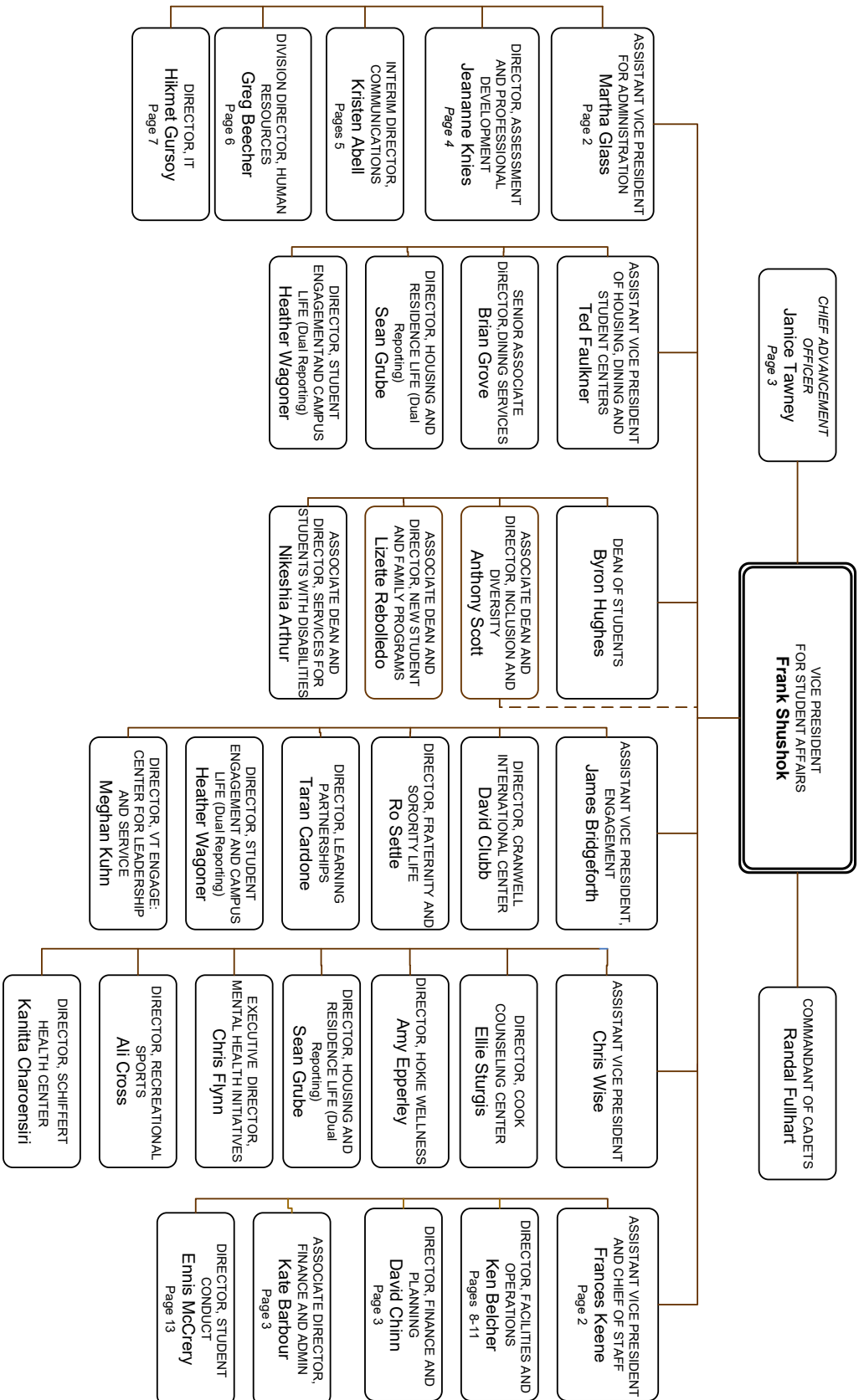
Dr. Byron Hughes
Dean of Students
Virginia Polytechnic Institute and State University

Hughes Decl. Ex. A



STUDENT AFFAIRS
HUMAN RESOURCES
VIRGINIA TECH

Effective 5/11/2021



Hughes Decl. Ex. B



109 East Eggleston Hall (0255)
500 Drillfield Drive
Blacksburg, Virginia 24061
P: (540) 231-3787 F: (540) 231-4035
dean.students@vt.edu
www.dos.vt.edu

Bias Intervention and Response Team

As a community, the faculty, employees, and students of Virginia Tech have defined their collective values based on mutual respect and understanding and have pledged to: a) affirm the inherent dignity and value of every person; b) create and maintain a respectful and welcoming environment for all; c) foster and sustain an increasingly diverse and inclusive community of learners; d) develop an appreciation for and understanding of the benefits of multicultural perspectives; and e) establish a set of policies, programs, practices, and resources necessary to achieve excellence, equity, and effectiveness in the research, teaching and learning, and outreach activities of the university.

Creating and facilitating a culture of respect, equity, justice, responsibility, and safety is paramount for developing a learning community where all community members can: commit to unwavering **curiosity**; pursue **self-understanding and integrity**; practice **civility**; prepare for a life of **courageous leadership**; and ultimately embrace *Ut Prosim* (That I May Serve) as a way of life. As such, the Bias Intervention and Response Team (BIRT) will be formed to meet bi-weekly (or more if necessary). The team's charge is to assure that Virginia Tech's *Bias-Related Incident Protocol* is implemented in a manner that is both proactive and responsive to the continuing challenges presented in a community where inclusion and dissent (Inazu, 2016) exist in a way that often results in marginalization, isolation, and loneliness.

Current Process

Complaints are reported to the Dean of Students Office (DOS) either in-person, by phone, or through email. Incidents are reviewed by DOS and recorded within its reporting system. If appropriate, the incident can be referred to:

- Virginia Tech or Blacksburg Police Department
- Threat Assessment Team
- Student Conduct Office
- Title IX Office

The response is determined based on whether it is a localized bias incident or community bias incident. BIRT can consider an array of responses to include: temporary or permanent changes to on-campus housing; address possible fears of retaliation; provide emergency phone numbers for the reporting students; make additional referrals to counseling, medical care, Student Conduct, police, etc.; recommend a community alert from the police department; with the assistance of police determine if the incident rises to the level of a crime; and review privacy and confidentiality issues.



109 East Eggleston Hall (0255)
500 Drillfield Drive
Blacksburg, Virginia 24061
P: (540) 231-3787 F: (540) 231-4035
dean.students@vt.edu
www.dos.vt.edu

Some incidents do not result in public disclosure. Effective and appropriate response to bias incidents must honor legal and constitutional standards, especially those that protect freedom of expression. BIRT will take in account the following when considering interventions:

- wishes of the reporting student(s)
- wishes of a targeted organization
- whether a case is under police investigation
- confidentiality due to situation
- difficulty in identifying the perpetrator

Examples of direct response to an incident could resemble the following:

Graffiti and/or vandalism to university or personal property:

- Notify Virginia Tech Police Department (VTPD).
- Markings of a bias, graphic, vulgar, obscene, or threatening nature will be covered or concealed in a manner that does not interfere with the original composition of the site.
- During concealment, caution will be taken to preserve the area.
- Once VTPD arrives, it has authority over the incident.
- VTPD will make photographs and collect needed evidence.
- VTPD must give permission to clean or clear the vandalism.

Verbal harassment

- Log details of the incident: time, location, etc.
- Determine if the incident was directed at an individual or intended victim.
- Record exactly what was said.
- Include bystander names.

Expansion of Current Process

Heifitz (1994) describes the challenges of offering technical solutions to adaptive challenges. Bias-related incidents often represent a conflict of competing and opposing values. Technical solutions will often triage and remedy the easily identifiable problem, but will rarely go far enough to do the adaptive work needed to resolves gaps between values, beliefs, and behavior. As a community we desire to both eliminate acts of bias and examine emerging trends that shape the culture of the Virginia Tech experience. BIRT has an opportunity to achieve this through not only its immediate direct or indirect responses to bias-related incidents, but an ongoing review and dialogue amongst key university leaders about adaptive strategies.

To achieve this end for a community that serves approximately 30,000 students representing both majority and marginalized identities, experiences, and backgrounds, BIRT will need to meet bi-weekly to review responses to bias-related incidents documented by community members. In this review, BIRT will also consider on an ongoing basis the trends emerging from particular forms



109 East Eggleston Hall (0255)
500 Drillfield Drive
Blacksburg, Virginia 24061
P: (540) 231-3787 F: (540) 231-4035
dean.students@vt.edu
www.dos.vt.edu

of biased behaviors. Annually, BIRT will compile a report for the community that offers a narrative about: acts of bias-related behavior, response to these acts, and any programmatic initiatives utilized by campus offices to shift our culture towards a more positive and pluralistic society.

Through this expanded process of response, BIRT membership shall include a representative from the following offices/areas:

- Cultural and Community Centers
- Dean of Students
- Fraternity and Sorority Life
- Housing and Residence Life
- Office for Equity and Accessibility
- Office for Inclusion and Diversity
- Student Conduct
- Virginia Tech Police Department

Additional representatives from offices may be called upon to participate with BIRT due to the nature of an incident.

Free Speech

Virginia Tech is a community where the free and civil exchange of ideas is valued and every person's perspective is important. Freedom of speech in the United States is protected by the First Amendment to the United States Constitution and by many state constitutions and state and federal laws. Free speech provisions protect many forms of intolerant statements, expressions, and conduct.

Depending on the circumstances, a bias-related incident may not be a crime. In certain contexts, courts have found hate speech to be protected even though many in the university community find it repugnant. If these expressions are inconsistent with the aims of a learning community and our *Principles of Community*, they may present an educational opportunity for better understanding protected speech and the role of inclusion in a pluralistic campus community.

BIRT will examine and review each complaint through the lens of free and protected speech. Some bias-related incidents may violate the Student Code of Conduct and may be adjudicated through the student conduct process. Virginia Tech cannot adjudicate matters that are deemed protected speech. Behavior that is discriminatory or otherwise hurtful to members of the community is addressed through educational interventions.

Regardless of whether incidents violate policy or are insensitive, it is crucial that response occurs in a timely and consistent manner. All community members involved – those who report such incidents as well as those accused – will be treated with respect, consideration, concern, and care.

Hughes Decl. Ex. C



What is Bias?

Bias incidents are expressions against a person or group because of the person's or group's age, color, disability, gender (including pregnancy), gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, veteran status, or any other basis protected by law.

The following questions should be considered in determining whether or not an incident is bias-related:

- Does it seem the incident is bias-motivated?
- Does it violate university policy?
- Does it violate the shared values and expectations of university community members?
- Who is affected by the incident?
- Are there legal consequences?
- Might the incident be investigated as a hate crime?

Examples of bias-related conduct include:

- words or actions that contradict the spirit of the **Principles of Community**
- jokes that are demeaning to a particular group of people
- holding a “date” or “slave” auction
- performing a skit in which participants use blackface or other ethnic group makeup or props
- hosting a culturally themed party
- assuming characteristics of a minority group for advertising
- posting flyers that contain demeaning language or images

Virginia Tech recognizes two categories of bias incidents. An incident does not need to meet all criteria listed below:

Localized bias incident:

- seen or heard by few people
- no violation of university policy
- no interest from media
- cannot be investigated as a hate crime

Community bias incident:

- seen or heard by many
- violates university policy
- Media and/or interest from outside the university community
- can be investigated as a hate crime

[Report a Bias-Related Incident](#)

Dean’s Staff | 109 East Eggleston Hall | 540-231-3787 | dean.students@vt.edu

5/17/2021

What is Bias? | Dean of Students | Virginia Tech

© 2021 Virginia Polytechnic Institute and State University. All rights reserved.

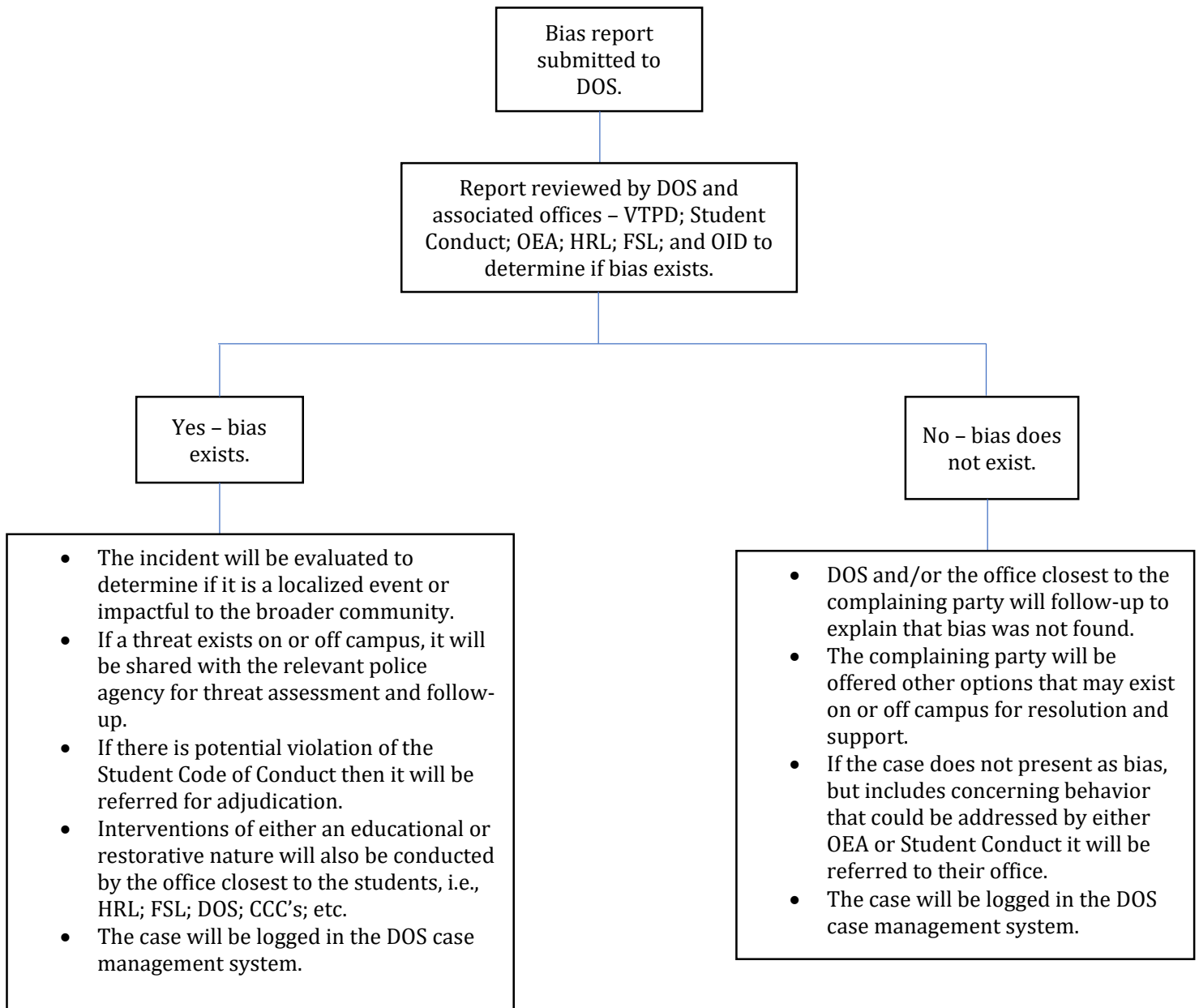


Hughes Decl. Ex. D

Dean of Students Office Bias Incident Review Process

Creating and facilitating a culture of respect, equity, justice, responsibility, and safety is paramount for developing a learning community where freedom of speech and expression should exist for all community members. The Dean of Students Office's charge is to assure that Virginia Tech's Bias-Related Incident Protocol is implemented in a manner that is both proactive and responsive to the continuing challenges presented in a community where inclusion and dissent exist in a way that often results in marginalization, isolation, and loneliness. From admission to commencement, a student (undergraduate, graduated, or professional) can be referred for bias-related behavior. The office will utilize the following types of interventions for addressing localized and/or community bias reported to the Dean of Students:

- Advocacy for community members impacted by mistreatment directed towards a protected characteristic;
- Referral to Student Conduct, law enforcement, and/or Equity and Accessibility when misconduct violates law or Code of Conduct policy;
- Reporting to the community that offers a narrative about acts of bias-related behavior, response to these acts, and programmatic initiatives that could transform campus culture;
- Education for campus to ensure that bias-incident reporting systems are publicized and known to all community members.



Hughes Decl. Ex. E



See Something? Say Something!



SEE SOMETHING? SAY SOMETHING!

Byron Hughes VT Insights



0:00 / 4:53



Search

Hello, my name is Byron Hughes and I serve as dean of students, and this is an InclusiveVT Insight. What happens when I report bias? As a community, the faculty, employees, and students of Virginia Tech have defined their collective values based on mutual respect and understanding and have pledged to: a) affirm the inherent dignity and value of every person; b) create and maintain a respectful and welcoming environment for all; c) foster and sustain an increasingly diverse and inclusive community of learners; d) develop an appreciation for and understanding of the benefits of multicultural perspectives; and e) establish a set of policies, programs, practices, and resources necessary to achieve excellence, equity, and effectiveness in the research, teaching and learning, and outreach activities of our university. Creating and facilitating a culture of respect, equity, justice, responsibility, and safety is paramount for developing a learning community where all community members can commit to unwavering curiosity; pursue self-understanding and integrity; practice civility; prepare for a life of courageous leadership; and ultimately embrace Ut Prosim (That I May Serve) as a way of life. Our hope when reviewing your concerns of bias is that we can be both proactive and

[Report a Bias-Related Incident](#)

Virginia Tech is committed to providing an environment of work, study, and leisure/recreation for students, faculty, and staff that is free from all forms of harassment, intimidation, fear, coercion, and exploitation. Harassment may be directed at individuals because of age, color, disability, gender (including pregnancy), gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, veteran status, or any other basis protected by law. Any such behavior is reprehensible and subverts the mission of the university. It can threaten the careers, educational experience, and well-being of all

A variety of student complaints is explained in the [Hokie Handbook](#). Potential areas of concern could include:

- Appeals for grade (undergraduate and graduate)
- Annoying electronic communication & Phone Calls
- Bias-related incident**
- Civil/criminal action or activity concerns
- Disability discrimination advice
- Sexual harassment complaints against a student or student organization

educational experiences, and well-being of all members of the community.

Student Affairs is committed to creating and sustaining a community where every student can thrive. If you've had an experience that has negatively impacted your opportunity to do that, let us know. Students can report experiences of bias, harassment, and discrimination, as well as file a complaint, ask for advice, express a concern, or simply tell someone.

Sexual harassment complaints against faculty, administration, staff or graduate student performing a teaching, advising, or supervisory role
Sexual misconduct complaints
University student conduct action

[Bias Incident Semiannual and Quarterly Reports](#) +

- [Bias Incident Report - Fall 2018](#) (pdf).
- [Bias Incident Report - Spring 2018](#) (pdf).
- [Bias Incident Report - Fall 2017](#) (pdf).
- [Bias Incident Report - Spring 2017](#) (pdf).

If you are unsure of the most appropriate avenue for addressing a specific concern or complaint, we encourage you to make a report to the Dean of Students or a member of that team. You can also [report it](#) online. As a student, if you hear or see something that feels like a bias incident, statement, or expression, we encourage you to make a report. In short, if you see something, say something!

Dean's Staff | 109 East Eggleston Hall | 540-231-3787 | dean.students@vt.edu

© 2021 Virginia Polytechnic Institute and State University. All rights reserved.



Hughes Decl. Ex. F



SPEECH ON CAMPUS

FIRST AMENDMENT






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

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

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

> [SPEECH ON CAMPUS FLYER \(PDF\)](#)

RELATED POLICIES

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

REPORT AN INCIDENT

Name (First and Last):

Email:

Describe the Incident:

Image Verification:
 I'm not a robot reCAPTCHA Privacy - Terms

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

5/17/2021

SpeechOnCampus



[HOME](#)

[PRINCIPLES AND FRAMEWORK](#)

[POLICY LIBRARY](#)

[POLICY DEVELOPMENT](#)

[OFFICIAL REFERENCES](#)

CONTACT

vppg@vt.edu
(540) 231-6232
800 Driffield Drive
Burruss Hall, Suite 319 (MC: 0125)
Blacksburg, VA 24061

- > [Acceptable Use Policy](#)
- > [EO/AA Statement](#)
- > [Speech on Campus](#)

- > [Vice President for Policy and Governance](#)
- > [University Governance](#)
- > [Board of Visitors](#)

Copyright 2018 | Virginia Polytechnic Institute and State University