

TITLE 8. EDUCATION

VIRGINIA COMMONWEALTH UNIVERSITY

Final Regulation

REGISTRAR'S NOTICE: Virginia Commonwealth University is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth.

Title of Regulation: **8VAC90-30. Guidelines for Demonstrations on the Campuses of Virginia Commonwealth University (repealing 8VAC90-30-10 through 8VAC90-30-40).**

Statutory Authority: § 23.1-1301 of the Code of Virginia.

Effective Date: June 6, 2018.

Agency Contact: Jacqueline Kniska, University Chief Integrity and Compliance Officer, Virginia Commonwealth University, P.O. Box 842503, 918 West Franklin Street, Richmond, VA 23284, telephone (804) 828-3976, or email jkniska@vcu.edu.

Summary:

The action repeals Guidelines for Demonstrations on the Campuses of Virginia Commonwealth University (8VAC90-30) because the regulation is significantly outdated, ineffectual, and rendered obsolete by a recently approved universitywide policy.

Changes Since Proposed is not available

CHAPTER 30

GUIDELINES FOR DEMONSTRATIONS ON THE CAMPUSES OF VIRGINIA COMMONWEALTH UNIVERSITY (REPEALED)

8VAC90-30-10. Application. (Repealed.)

~~It is assumed that most demonstrations that occur on the campuses of Virginia Commonwealth University will be organized and conducted by students at the university. However, it is recognized that nonstudents may, from time to time, desire to come on the campuses to demonstrate or participate in a demonstration being organized by students. This chapter is applicable to all persons, both students and nonstudents, who demonstrate on the campuses of Virginia Commonwealth University.~~

~~The campuses of Virginia Commonwealth University are very different in their composition in that there are several spaces on the Academic Campus where demonstrations could be held without causing undue interference to classes and the normal operations of the campus. There are fewer such locations on the Medical College of Virginia (MCV) Campus, which is located in the midst of downtown Richmond. Thus, this chapter will vary somewhat for the respective campuses in order to accommodate differences in physical spaces and the locations of the campuses within the City of Richmond.~~

8VAC90-30-20. Demonstration categories. (Repealed.)

~~There are two types of demonstrations: those which are scheduled and planned in advance and those which are more spontaneous and are not scheduled in advance.~~

~~Demonstrations in progress may fall into one of four categories:~~

- ~~1. Orderly. There is no impact on normal university operations and classes.~~

~~2. Inconvenience. There is some inconvenience caused to normal university operations and classes as a result of the presence of the demonstration on the campus; however, operations and classes are able to continue.~~

~~3. Disruption. Normal operations and classes are disrupted by the demonstration to the extent that some operations or classes may cease or be cancelled.~~

~~4. Destruction. Persons participating in the demonstration are responsible for damage or injury to university property or the property of university students, faculty, or staff members, or cause injury to university students, faculty, staff, or visitors to the university.~~

8VAC90-30-30. Planned demonstrations. (Repealed.)

~~A representative from the registered student organization, ad hoc student group, or nonstudent group should contact the assigned university official to discuss a date, time, and location for the demonstration. The assigned university official for the Academic Campus is the Director of Student Activities, located on the second floor of the University Student Commons. The assigned university official for the MCV Campus is the Dean of Student Affairs for the MCV Campus, located in Bear Hall. The assigned university official or designee will continue to serve as a staff liaison with the representative or representatives from the group desiring to have a demonstration until the demonstration has been held. This liaison staff member will:~~

~~1. Schedule a date, space, and time for the demonstration. Preferred outdoor locations for demonstrations on the Academic Campus are the Commons Plaza, Shafer Court, unless classes are in session in the Hibbs Building, and the plaza between the Hibbs Building and the Performing Arts Center. Preferred outdoor locations for demonstrations on the MCV Campus are the grassy areas around the residence halls and the Larrick Student Center. Demonstrations on property under the jurisdiction of the City of Richmond, such as sidewalks and Monroe Park, shall meet the requirements of the city and are under the jurisdiction of the Richmond Police Department.~~

~~2. Review, as appropriate for each campus, all applicable provisions of the "Guidelines for Non-Instructional Use of Space on the Academic Campus of Virginia Commonwealth University," or "Guidelines for Non-Instructional Use of Space on the MCV Campus of Virginia Commonwealth University," including applicable costs for space, police coverage, use of alcohol, use of loudspeakers, etc.~~

~~3. Inform the Vice Provost for Student Affairs, VCU Police, and the Assistant Vice President for University Relations of the plans for a demonstration.~~

~~4. Be present at the time of the demonstration to monitor the demonstration.~~

~~5. Contact the demonstration leader during the event if problems arise:~~

~~a. If the demonstration ceases to be orderly, the demonstration leader will be informed by the staff liaison that the VCU Police will be called to the scene if the disorderly behavior does not cease.~~

~~b. If the demonstration causes inconvenience, the demonstration leader will be informed by the staff liaison that the VCU Police will be called to end the demonstration if the behavior causing the inconvenience does not cease.~~

~~c. If the demonstration causes disruption, the demonstration leader will be informed by the staff liaison that those persons responsible for the disruption will be subject to arrest by the VCU Police.~~

~~d. If the demonstration causes destruction, the demonstration leader will be informed by the staff liaison that those persons responsible for the destruction will be subject to arrest by the VCU Police.~~

~~6. Bring charges against individuals and student organizations under applicable university policies and procedures in the event a demonstration causes disruption or destruction.~~

8VAC90-30-40. Demonstrations not scheduled in advance. (Repealed.)

~~Although all student organizations, ad hoc student groups, or nonstudent groups are urged to contact the assigned university official (see 8VAC90-30-30) to discuss a date, time, and location in advance of the demonstration, it is recognized that there will be rare occasions when this does not occur.~~

~~Demonstrations on property under the jurisdiction of the City of Richmond, such as sidewalks and Monroe Park, shall meet the requirements of the city and are under the jurisdiction of the Richmond Police Department. Any spontaneous or unscheduled demonstration which occurs on the campuses of Virginia Commonwealth University is subject to the following:~~

~~1. The assigned university official or designee will, upon learning of the presence of a spontaneous demonstration, report to the scene of the demonstration and make contact with the apparent leader of the demonstration or with a representative group from the demonstration. The VCU Police, the Vice Provost for Student Affairs, and the Assistant Vice President for University Relations will be notified of the presence of the demonstration by the assigned university official or designee.~~

~~2. If the demonstration is not in one of the preferred locations (see subdivision 1 of 8VAC90-30-30), the group participating in the demonstration will be asked by the assigned university official to move to one of these locations. If the group refuses to move, the demonstrators may be allowed to continue at the location, providing the demonstration is being conducted within the intent of the definition of "orderly" as described in 8VAC90-30-20.~~

~~3. The assigned university official will monitor the demonstration.~~

~~4. The assigned university official will contact the demonstration leader during the demonstration if problems arise:~~

~~a. If the demonstration ceases to be orderly, the demonstration leader will be informed by the assigned university official that the VCU Police will be called to the scene if the disorderly behavior does not cease.~~

~~b. If the demonstration causes inconvenience, the demonstration leader will be informed by the assigned university official that the VCU Police will be called to end the demonstration if the behavior causing the inconvenience does not cease.~~

~~c. If the demonstration causes disruption, the demonstration leader will be informed by the staff liaison that those persons responsible for the disruption will be subject to arrest by the VCU Police.~~

~~d. If the demonstration causes destruction, the demonstration leader will be informed by the assigned university official that those persons responsible for the destruction will be subject to arrest by the VCU Police.~~

~~5. The assigned university official will bring charges against individuals and organizations under applicable university policies and procedures in the event a demonstration causes disruption or destruction.~~