



June 4, 2024

VIA EMAIL

Virginia Tech
Bobbie Jean Norris
FOIA Officer
315 Burruss Hall, MC0229
800 Drillfield Drive
Blacksburg, VA 24061
foia@vt.edu

Re: Virginia Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Virginia Freedom of Information Act, Va. Code Ann. § 2.2-3700, I, Anisha Hindocha, a resident of Virginia, make the following request for records.

Since April 18, 2024, more than 2,700 people have been arrested or detained on college campuses across the United States.¹ These actions by law enforcement—typically at the request of university leadership—have been driven by a rise in student-led demonstrations related to the Israel-Palestine conflict. I seek records with the potential to shed light on state, university, and law enforcement official responses to civic expression on college campuses and related matters of free speech and academic freedom.

Requested Records

I request that your agency produce the following records within five working days:

All email communications (including email messages, complete email chains, calendar invitations, or any attachments thereto) sent by any of the Virginia Tech officials listed below—or anyone communicating on their behalf, such as a chief of staff, assistant, or scheduler—and containing any of the following key terms, also listed below.

Virginia Tech Officials:

1. Cyril Clarke, Executive Vice President and Provost
2. Kay Heidbreder, University Legal Counsel
3. Elizabeth McClanahan, CEO, Virginia Tech Foundation
4. Kim O'Rourke, Vice President for Policy and Governance, Secretary to the Board of Visitors

¹ *Where Protestors on U.S. Campuses Have Been Arrested or Detained*, N.Y. Times (May 8, 2024, 4:18 PM), <https://www.nytimes.com/interactive/2024/us/pro-palestinian-college-protests-encampments.html>.

5. Charlie Phlegar, Senior Vice President for Advancement
6. Chris Yianilos, Vice President for Government and Community Relations
7. Mike Mulhare, Interim Associate Vice President for Public Safety
8. Rector Edward Baine
9. Vice Rector David Calhoun
10. Board of Visitors Member Carrie Chenery
11. Board of Visitors Member Sandy Davis
12. Board of Visitors Member Nancy Dye
13. Board of Visitors Member Greta Harris
14. Board of Visitors Member Brad Hobbs
15. Board of Visitors Member William Holtzman
16. Board of Visitors Member Donald Horsley
17. Board of Visitors Member Anna James
18. Board of Visitors Member Letitia Long
19. Board of Visitors Member Chris Petersen
20. Board of Visitors Member John Rocovich
21. Board of Visitors Member Jeff Veatch

Key Terms:

- a. Columbia
- b. Agitator
- c. Encampment
- d. Peaceful
- e. Palestine
- f. Palestinian
- g. Gaza
- h. Israel
- i. Hamas
- j. Divest
- k. "free speech"
- l. "freedom of speech"
- m. "first amendment"
- n. VSP
- o. "state police"
- p. "state trooper"
- q. 1A
- r. "1st amendment"
- s. Shafik
- t. "Pepper spray"

In an effort to accommodate your office and reduce the number of potentially responsive records to be produced, I have limited this request to emails sent by the listed officials. To be clear, however, I request that complete email chains be produced, displaying both sent and received messages. This means that if a listed official sent an email responding to an incoming message, both that official's response and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from April 21, 2024, through the date the search is conducted.

Please notify me of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, I provide the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or X—formerly Twitter—direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. I seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- My request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to this request, this request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled

basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to me, please do not hesitate to reach out to my representative at the contact information listed below to discuss this request. I welcome an opportunity to discuss this request with you before you undertake your search or incur search or duplication costs. By working together at the outset, we can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email to the address listed below. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

Conclusion

We share a common mission to promote transparency in government. I look forward to working with your agency on this request. If you do not understand any part of this request, please contact David Kronig at records@americanoversight.org or (202) 897-3915.²

Sincerely,

/s/ Anisha Hindocha
Anisha Hindocha

² My colleagues at American Oversight are authorized to act as my representatives in connection with this request. *See* Va. Code Ann. § 2.2-3713(A). Please note that, although Mr. Kronig is not admitted to the Virginia bar, he represents me on this request pursuant to Rule of Professional Conduct 5.5(d)(4)(ii). He is admitted in the District of Columbia, with an office address of 1030 15th St. NW, Suite B255, Washington, D.C. 20005.