VIRGINIA TECH

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November 18, 2026

The Honorable Abigail D. Spanberger
Governor of Virginia
Post Office Box 1475
Richmond, Virginia 23218

The Honorable Barbara A. Favola
Senate of Virginia
PO Box 687
Arlington, VA 22216

The Honorable Sam Rasoul
Virginia House of Delegates
P.O. Box 13842
Roanoke, VA 24037

Dear Governor Spanberger, Chairman Favola and Chairman Rasoul:

In accordance with §23.1-401.1(D) of the Code of Virginia, Virginia Tech provides this report regarding our compliance with §23.1-401., entitled "Constitutionally protected speech; policies, materials, and reports; report," as detailed herein.

In particular, Virginia Tech has developed and published materials and policies detailing constitutionally protected speech under the First Amendment on our Speech on Campus website (https://policies.vt.edu/speechoncampus).

Virginia Tech students, faculty and staff, including those responsible for student discipline or education, are notified of these policy resources on an ongoing basis through various communication streams such as our Hokies on Track student orientation mobile app, distribution of a "Speech on Campus" brochure, University-wide news communication, and the above mentioned Speech on Campus webpage housed on the university policies website.

A copy of this report may also be found via the Speech on Campus website.

Sincerely,

Kim O'Rourke, Vice President for Policy and Governance

cc: Timothy D. Sands, President
Elizabeth G. Hooper, Associate Vice President of Government and Community Relations

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Virginia Polytechnic Institute and State University

# Policy on Harassment, Discrimination, and Sexual Assault

## No. 1025

**Policy Effective Date:**
3/4/1991

**Last Revision Date:**
11/17/2026

**Policy Owner:**
President Sands

**Policy Author:**
*(Contact Person)*
Kelly Oaks
Kim O'Rourke

**Affected Parties:**
Undergraduate
Graduate Faculty
Staff
Others

**1.0 Purpose**
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## 1.0 Purpose

The university is subject to Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, as amended, the Age Discrimination in Employment Act, the Equal Pay Act, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Genetic Information Nondiscrimination Act of 2008 (GINA), Virginia Executive Order(s), and all other federal and state rules and regulations that are applicable.

## 2.0 Policy

### 2.1 University Statement on Non-Discrimination

Virginia Tech does not discriminate against employees, students, or applicants on the basis of age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, ethnic or national origin, political affiliation, race, religion, sexual orientation, or military status, or otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants, or on any other basis protected by law.

### 2.2 Applicability of Non-Discrimination Statement

The prohibition against discrimination and harassment applies to all levels and areas of university operations and programs, to undergraduate and graduate students, administrators, faculty, staff, volunteers, vendors and contractors. Such behavior is inconsistent with the university's commitment to excellence and to a community in which mutual respect is a core value as articulated in the Virginia Tech Principles of Community.

### 2.3 Reference to Policy on Title IX Sexual Harassment

Effective August 14, 2020, sexual misconduct that falls under Title IX Sexual Harassment, as defined by federal law, shall be governed by the university's Policy on Title IX Sexual Harassment and Responsible Employee Reporting (Policy No. 1026). If both this policy and Policy No.1026 apply, the procedures as outlined in Policy No. 1026 shall be utilized. For clarification on what sexual misconduct falls under Title IX Sexual Harassment, please see Policy No. 1026.

## 3.0 Scope

The university's jurisdiction includes on-campus incidents and off-campus incidents that cause continuing effects on campus and includes complaints filed by students or employees, or others on their behalf, alleging discrimination or discriminatory harassment (including sexual harassment and sexual violence) carried out by faculty, staff, other students, or third parties.

Virginia Tech is also committed to the free and vigorous discussion of ideas and issues. This policy does not allow curtailment or censorship of constitutionally protected expression, nor does it attempt to address behaviors that do not constitute discrimination or harassment. Offensive behavior that does not violate this policy should be addressed by the appropriate supervisor or administrator.

## 3.1 Contact Information

Questions and complaints of discrimination or discriminatory harassment involving faculty, staff, or students should be filed with:

The Associate Vice President for Civil Rights Compliance and Prevention Education
Office for Civil Rights Compliance and Prevention Education
Virginia Tech
220 Gilbert Street, Suite 5200
Blacksburg VA 24060
Phone: (540) 231-2010
civilrights@vt.edu

# 4.0 Procedures

The procedures referenced below provide for prompt and equitable response to reports of prohibited conduct. The procedures also provide for thorough and impartial investigations that afford all parties notice and an opportunity to present witnesses and evidence and to view the information that will be used in determining whether a policy violation has occurred. The university applies the preponderance of the evidence standard when determining whether this policy has been violated. "Preponderance of the evidence" means that it is more likely than not that a policy violation occurred.

The appropriate university avenue for resolving a complaint covered under this policy is determined by the status of the person accused.

All **undergraduate, graduate, and professional students** at the university are subject to the university's student code of conduct as outlined in the Student Code of Conduct, accessible at https://codeofconduct.vt.edu.

Faculty members at the university are subject to the rules included in the Faculty Handbook, accessible at https://www.provost.vt.edu/faculty_affairs/faculty_handbook.html. Staff members are subject to the rules included in university policies (https://www.hr.vt.edu/resources/current-employees/policies-handbooks.html) and the Virginia Department of Human Resource Management Policies (http://www.dhrm.virginia.gov/hrpolicy/policy.html#probper), with minor exceptions for University Staff.
Procedures for addressing staff and faculty violations of this policy are available from Human Resources.

## 4.1 Responsibilities of Administrators and Supervisors

University administrators, supervisors, and those performing instructional or academic advising duties have a responsibility to create and maintain a work and learning environment free of discrimination/harassment.

If an administrator, supervisor or individual with instructional responsibility becomes aware of an incident that might reasonably be construed as constituting discrimination/harassment, he or she must promptly contact the Office for Civil Rights Compliance and Prevention Education and coordinate with that office to take immediate steps to address the matter.

Administrators, supervisors and those with instructional responsibility should contact the Office for Civil Rights Compliance and Prevention Education whenever they learn—either directly or indirectly—about discrimination/ harassment. This obligation exists even if the complainant requests that no action be taken.

Administrators, supervisors and those with instructional responsibility (for their respective teaching obligation) have the legal responsibility to protect a complainant from continued discrimination, harassment or retaliation, including implementing interim measures necessary to protect the complainant. They must also protect persons accused of discrimination/ harassment from potential damage by false allegations. Administrators and supervisors will be held accountable for dealing with and taking necessary steps to prevent discrimination/harassment. It is not the responsibility of the complainant to correct the situation.

Employees are responsible for informing employees and students under their supervision of this policy and the name and contact information of the person responsible for addressing discrimination complaints covered under this policy.

## 4.2 Supplemental/Alternative Avenues for Formal Complaints

In addition to, or in lieu of, the procedures set forth above, individuals may pursue those remedies that are available to them, as appropriate, through the following agencies:

**Students and applicants for admission** may file formal complaints with the Office for Civil Rights of the U.S. Department of Education.

**Faculty members or applicants for employment** may file a charge with the federal Equal Employment Opportunity Commission and/or the Virginia Council on Human Rights within 300 days of the incident.

The following options are available to **staff members or applicants for employment:**

a) Non-probationary staff may file a grievance within 30 calendar days of the offense as outlined in the Grievance Procedure for State Employees, or

b) Salaried and wage staff may file a complaint using the Discrimination Complaint Procedure administered by the Office of Equal Employment Services in the state's Department of Human Resource Management.

c) Salaried and wage staff may file a complaint with the federal Equal Employment Opportunity Commission or the Virginia Council on Human Rights within 300 days of the alleged discrimination/harassment.

Additional information regarding this policy may be obtained from the Department of Human Resources.

Additional assistance and support may be obtained from the Women's Center, the Office of the Provost (faculty), the Department of Human Resources (staff and AP faculty), the Graduate School (graduate students), the Dean of Students Office, Cook Counseling Center, or Student Conduct (students).

We encourage victims of sexual violence, including rape, sexual assault, stalking, and dating and domestic violence, to exercise their right to file a complaint with the Virginia Tech Police Department if the crime occurs on Virginia Tech's property, regardless of the status of the victim. For crimes occurring away from Virginia Tech's property, victims may contact the local law enforcement in the appropriate jurisdiction.

# 5.0 Definitions

**Consent** means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. The existence of consent is based on the totality of circumstances, including the context in which the alleged consent occurred. Silence does not necessarily constitute consent and coercion, force, or threat of either party invalidates consent.

- Consent cannot be given where a person is incapacitated, such as due to drugs, alcohol or a medical condition; or is not of legal age to consent as defined by law.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent can be withdrawn at any time.
- Previous relationships or prior consent cannot imply consent to future sexual acts.

**Discrimination and/or Harassment** means conduct that conditions any element of a person's employment, enrollment as a student, receipt of student financial aid, or participation in university activities on that person's age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, ethnic or national origin, political affiliation, race, religion, sexual orientation, or military status, unless otherwise permitted or required by applicable law. Virginia Tech does not otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants nor on any other basis protected by law. Discrimination on the basis of sex in education programs and activities receiving federal financial funding as set forth in Title IX of the Education Amendments of 1972, as amended, is included in this definition of prohibited discrimination;

Conduct of any type (oral, written, graphic, electronic or physical) that is based upon a person's age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, ethnic or national origin, political affiliation, race, religion, sexual orientation, or military status and unreasonably interferes with the person's work or academic performance or participation in university activities, or creates a working or learning environment that a reasonable person would find hostile, threatening or intimidating; **and/or**

Conduct consisting of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment or education, or submission to or rejection of such conduct is used as a basis for employment or educational decisions affecting an individual.

**Retaliation** means any adverse action taken against a person for making a good faith report of conduct prohibited under this policy or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. The definition of retaliation does not preclude an individual from engaging in good faith actions, lawfully pursued, in response to a report of conduct prohibited under this policy.

**Sexual Harassment** means conduct any type (oral, written, graphic, electronic or physical) that is based upon a person's sex (including pregnancy), and unreasonably interferes with the person's work or academic performance or limits participation in university activities, or creates a working or learning environment that a reasonable person would find hostile, threatening or intimidating.

Sexual Harassment includes conduct of a sexual nature, including conduct consisting of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment or education, or submission to or rejection of such conduct is used as a basis for employment or educational decisions affecting an individual. This policy includes sexual violence, gender-based harassment, domestic violence, dating violence and stalking as forms of sexual harassment.

**Sexual Exploitation** means an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

**Sexual Violence** means 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 or is unable to give consent due to an intellectual or other disability. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

- **Rape** means penetration, no matter how slight, of the vagina or anus of a person with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** means the intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim, for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- **Incest** means sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.
- **Statutory Rape** means sexual intercourse with a person who is under the statutory age of consent.
- **Sexual Assault** means actual or attempted sexual contact with another person without that person's consent.
- **Sexual Coercion** means using physical or verbal aggression or pressure to force or attempt to force a person to touch another person's intimate parts without that person's consent.

**Dating violence** means violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2). the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

**Domestic Violence** means felony or misdemeanor crimes of violence committed by: (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of Virginia; or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Virginia.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's individual safety or the safety of others; or (b) suffer substantial emotional distress.

## 6.0 References

Presidential Policy Memorandum No. 112, University Non-Discrimination Statement
https://policies.vt.edu/assets/112-non-discrimination-statement.pdf

University Policy 1026, Policy on Title IX Sexual Harassment and Responsible Employee Reporting
http://www.policies.vt.edu/1026.pdf

University Policy 4075, Policy for University Accommodation of Persons with Disabilities
http://www.policies.vt.edu/4075.pdf

Virginia Department of Human Resources Management, Policy 1.60 Standards of Conduct
https://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1-60--standards-of-conduct-eff-1-1-2025.pdf?sfvrsn=7c0d724e_0

Virginia Department of Human Resource Management, Policy 2.05, Equal Employment Opportunity
https://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol2_05eeo.pdf?sfvrsn=4fd0b75_6

Virginia Department of Human Resource Management, Policy 2.35 Civility in the Workplace
https://www.dhrm.virginia.gov/docs/default-source/hrpolicy/policy-2-35-civility-in-the-workplace-policy.pdf

Virginia Department of Human Resource Management - Employment Dispute Resolution - Grievance Procedure Manual
http://www.dhrm.virginia.gov/employmentdisputeresolution, http://www.dhrm.virginia.gov/docs/default-source/edrdocuments/GPM-2017.pdf?sfvrsn=8

Virginia Tech, Expectations for Graduate Education
https://graduateschool.vt.edu/academics/expectations.htmlc

Virginia Tech, Faculty Handbook
https://www.provost.vt.edu/faculty_affairs/faculty_handbook.html

Virginia Tech, Student Code of Conduct
https://codeofconduct.vt.edu/

Virginia Tech, Principles of Community

# 7.0 Approval and Revisions

- Revision 1
  Revised by Commission on Faculty Affairs, December 17, 1990, the Faculty Senate, January 8, 1991, and the EO/AA Committee on January 8, 1991, with further revisions, February 12, 1991.
  Note: Policy 1025 initially was titled Sexual Harassment Policy and addressed only that issue. The title and scope of Policy 1025 were not expanded until Revision 3 in 2005.
  Approved March 4, 1991 by University Council.

- Revision 2
  Revised by the EO/AA Committee, March 29, 1994; approved by Commission on Faculty Affairs, May 13, 1994. The title of Policy 1025 remained Sexual Harassment Policy and dealt only with that topic.
  Approved October 3, 1994, by University Council.

- Revision 3
  Revised by the Commission on Equal Opportunity and Diversity, March 28, 2005. Approved by University Council, May 2, 2005.
  With this revision, the scope of the policy was expanded, and the title of Policy 1025 was changed to the Anti-Discrimination and Harassment Prevention Policy to reflect this expansion.
  For the first time, the university's official Non-Discrimination Statement stated in Presidential Policy Memorandum 112 was repeated in Policy 1025 under Section 1.0 Purpose. Presidential Policy Memorandum 112 remains the university's official Non-Discrimination Statement.
  Approved by the Board of Visitors, August 29, 2005.

- Revision 4
  Revised by the Commission on Equal Opportunity and Diversity, March 29, 2010. Approved by University Council, April 19, 2010.
  Approved by the Board of Visitors, June 7, 2010.

- Revision 5
  Section 4 – "faculty member" replaced with "individual with instructional responsibility." Approved March 16, 2011 by Charles W. Steger, University President.

- Revision 6
  April 24, 2013: Technical updates to:
  - reflect regulations, particularly those that add genetic information to the list of protected statuses;
  - clarify oversight responsibilities for sexual harassment complaints involving any student who is not acting in the capacity of an employee, volunteer, or contractor;
  - clarify that non-probationary employees have 30 "calendar" days to file a grievance; and
  - update references and hyperlinks.

  Approved June 3, 2013, by Charles W. Steger, University President, and the Board of Visitors.

- Revision 7
  Revised to include the addition of terms "gender identity" and "gender expression" in sections 1. Purpose, first paragraph, and 2.1 Prohibited Acts, first and second paragraphs.

  Approved September 15, 2014 by University President, Timothy D. Sands, and the Board of Visitors.

- Revision 8
  Revised to include definitions approved by the Board of Visitors on June 1, 2015, and add contact information for the Title IX Coordinator, and language encouraging victims to file a complaint with the appropriate law enforcement agency.

  Approved June 1, 2015 by University President, Timothy D. Sands, and the Board of Visitors.

- Revision 9
  Revised section 2.1 to include the sentence, "Virginia Tech does not otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants nor on any other basis protected by law." This is added to comply with Federal Executive Order 13665, issued by President Obama. Approved November 9, 2015 by University President, Timothy D. Sands, and the Board of Visitors.

- Revision 10
  Significant reorganization of information and to update Procedures section to reflect status of the individual(s) involved in the complaint/potential complaint. Policy name was also changed.

  Approved June 30, 2016 by University President, Timothy D. Sands.

- Revision 11
  - Revised section 2.1 to add "sex" to the non-discrimination statement, in accordance with Governor Northam's Executive Order Number One.
  - Revised section 3.1 to have all questions and complaints filed with The Assistant Vice President for Equity and Accessibility, who can further redirect the filing, if appropriate.

  Approved February 12, 2018 by University President, Timothy D. Sands.

- Revision 12
  Revised section 4.2 to include the University Ombuds Office (new office) and Graduate School Office of the Ombudsperson as confidential resources.

  Approved October 8, 2019, by University President, Timothy D. Sands.

- Revision 13
  Revisions throughout document to reflect new Title IX regulations promulgated by the United States Department of Education, effective August 14, 2020, which also resulted in the creation of a new University Policy on Title IX Sexual Harassment and Responsible Employee Reporting (No. 1026). Revision effective August 14, 2020.

  Approved August 13, 2020, by the Executive Committee of the Board of Visitors.

- Revision 14
  Revisions throughout document to reflect expansion of "veteran" status to "military" status as defined in Code of Virginia §2.2-2901.1.

  Approved August 31, 2021, by the Virginia Tech Board of Visitors.
- Revision 15
  Revision in Section 2.1 resulting from legislation (SB7/HB18) passed to expand "national origin" to include "ethnic or national origin" as defined in Code of Virginia §2.2-2901.1, 2.2-3904, and 2.2-3905, effective July 1, 2024.

  Approved July 1, 2024, by University President, Timothy D. Sands.
- Revision 16
  Technical revision to update organization and position titles in Section 3.1.

  Approved February 26, 2025 by Vice President for Policy and Governance, Kim O'Rourke.
- Revision 17
  Technical revision to remove Section 1.0 reference to Federal Executive Order 11246, which was rescinded in January 2025.

  Approved March 12, 2025 by Associate Vice President for Civil Rights Compliance and Prevention Education, Kelly Oaks.
- Revision 18
  Technical revision to update the definition of fondling in conformity with the FBI National Incident-Based Reporting System.

  Approved November 3, 2025 by Associate Vice President for Civil Rights Compliance and Prevention Education, Kelly Oaks.
- Revision 19
  Technical revision to update the definition of consent in alignment with ARSA Resolution passed on April 14, 2026.

  Approved November 17, 2026 by the Office of the Vice President for Policy and Governance.

Schedule B

Virginia Polytechnic Institute and State University

# University Real Property (Building, Grounds, Infrastructure) Usage and Events

## No. 5000

**Policy Effective Date:**
7/26/1990

**Last Revision Date:**
8/14/2024

**Policy Owner:**
Amy Sebring

**Policy Author:** *(Contact Person)*
Brennan Shepard

**Affected Parties:**
Undergraduate
Graduate
Faculty
Staff
Other


**1.0 Purpose**
**2.0 Policy**
**3.0 Procedures**
**4.0 Definitions**
**5.0 References**
**6.0 Approval and Revisions**


## 1.0 Purpose

This policy was developed to support the effective utilization of all Virginia Polytechnic Institute and State University ("Virginia Tech") Real Property. This policy applies to all University Real Property including facilities, infrastructure, grounds and public spaces owned or leased by the university, ensuring that all are used in a manner consistent with their intended purpose. Included within this policy are the rules and regulations for the approval and use of university Real Property, as well as the rules and regulations that govern activities sponsored by officially listed student organizations, university departments, university-affiliated organizations and non-university groups or organizations (see University Policy 8010, Classification of Student Organizations for more information).

## 2.0 Policy

By statute, the Virginia Tech Board of Visitors (BOV) is charged with the care, preservation, and improvement of university Real Property. The BOV delegates the responsibility for the management of Real Property to the president. The president delegates the acquisition, allocation, disposal, and general administration of Real Property to the Executive Vice President and Chief Operating Officer.

The Executive Vice President and Chief Operating Officer is responsible for establishing governance structures, procedures, and operations for the effective administration of Real Property.

Priority of use must be given to those activities related to the mission of the university. The Real Property must be used in a safe, professional manner so as not to endanger the university community or the general public. The university may restrict access to university Real Property to protect individuals, property and equipment. Events taking place on or in university Real Property must be registered and comply with this policy.

The Real Property of the university is intended for the use of its students, faculty, staff, and invited guests participating in university-approved events, programs, or activities, sponsored by or under the direction of the university or one of its related agencies or approved organizations. Use of university Real Property by the public is restricted to those activities in which the public interest is readily and safely accommodated and that do not conflict with university program needs and schedules.

Within the Principles of Community, Virginia Tech affirms the right of each person to express thoughts and opinions freely, and encourages open expression within a climate of civility, sensitivity, and mutual respect. Virginia Tech has established reasonable Time, Place, and Manner guidelines regarding the use of its university Real Property and resources so that individuals and groups exercising their legitimate rights do not infringe on the rights of others or disrupt the educational process or other business operations of the university.

Disrupting or obstructing the normal living and work environments of other members of the university community or the functions or activities of the university, including activities conducted on the university's property with its permission, is prohibited and may result in disciplinary action or constitute trespassing under Virginia state law.

Any person on or in university Real Property who engages in unlawful behavior or violates university policy, standards or guidelines may be asked by a university official authorized to act as an agent of the university to leave the property. Failure to comply with such requests may constitute trespassing under Virginia state law and may lead to disciplinary action and/or arrest. The university is not obligated to tolerate events that interfere with any lawful mission, process, or function of the institution. Request for approval of events may be denied if they pose a clear and present danger to university students, employees and facility users.

The Executive Vice President and Chief Operating Officer has the responsibility to approve exceptions to this Policy as well as associated standards, guidelines, and procedures.

## 2.1 General Rules for Events and Use of University Real Property

The following are rules for the use of university Real Property and any event held on campus. The university reserves the right to deny the activity or event if the requirements of this section are not met within the specified timeframe(s). Non-registered events taking place on or in university Real Property may be considered a violation of the policy and may be subject to disciplinary action.

The university makes its classroom, housing, athletic fields, dining and other Real Property available, particularly during the summer months, to internal and external groups interested in holding camps, conferences, and workshops on the Virginia Tech campus. Camps, conferences and workshops held at Virginia Tech, *other than the Inn at Virginia Tech*, should be for education, training, or other purposes consistent with the mission of the university.

In accordance with University Policy 6362, Policy Continuing and Professional Education, academic colleges, centers, and administrative units designing and delivering continuing and professional education activities, both on and off campus, under the auspices of the Virginia Tech brand must work through Continuing and Professional Education.

Residential camps, conferences or workshops are governed by the provisions of University Policy 5010, Residential Camps, Conferences and Workshops.

It is the policy of Virginia Tech to make its programs and services accessible to every qualified person without discrimination on the basis of disability. For more information on accessibility, refer to the university's accessibility portal: https://www.vt.edu/accessibility.html.

### 2.1.1 Safety, Security and Health

1. Virginia Tech sponsors or hosts numerous programs, events, and activities, and allows its Real Property to be used for programs, events, and activities. In accordance with University Policy 5615, University Safety and Security, the event planners (university scheduling office and university sponsor) are responsible for coordinating with the appropriate university offices (e.g., Virginia Tech Police Department, Emergency Management, Risk Management & Insurance) to ensure that appropriate arrangements are made for event security, emergency planning, and liability. The university departments listed below may establish and enforce deadlines by which the event planners must inform their offices and/or comply with certain requirements in order for the event(s) to be approved.

a. The Virginia Tech Police Department (VTPD) is responsible for determining the appropriate security for events.

   i. The department maintains a website (http://police.vt.edu/vtpd-services/event-security.html) that describes the types of events/activities that may require security and lists appropriate timelines for planning security services. University sponsors are expected to be sensitive to the need for security in unusual circumstances and should consult with the VTPD about security needs if the nature of the event suggests a possible need for security.

   ii. Should it be determined that security is required for the event, the VTPD will provide or arrange for appropriate security. Utilization of security agencies outside of the VTPD is prohibited without the written authorization of the Chief of Police and Director of Security or designee. The VTPD reserves the right to establish and manage competitively awarded contract(s) for security services, and to require that event sponsors use an approved, contracted company for security services.

   iii. Any additional costs for security must be paid by the organization sponsoring the event and must be paid prior to the event.

   iv. Any exceptions to these standards must be approved by the Chief of Police and Director of Security or designee.

b. A university scheduling office is responsible for notifying Emergency Management of events occurring in Real Property under their management. Should it be determined that additional emergency management preparedness is required, Emergency Management will notify the university sponsor. Emergency Management will assist the event sponsor in developing event preparedness plans as necessary. Event sponsors shall not proceed with an event prior to complying fully with all Emergency Management requirements.

c. Trained Crowd Managers must be provided for any event where more than 1,000 persons congregate. Additional information is available through Environmental Health and Safety (EHS).

d. The Office of Risk Management & Insurance provides guidance related to university insurance requirements, planning, and documentation, as well as assistance with certificates of insurance for events. Additional information may be obtained at https://risk.controller.vt.edu/vi/generalliability.html. All university sponsors are required to provide a Certificate of Insurance verifying appropriate coverage for their program or in the absence of insurance a signed indemnification statement clearly stipulating the responsibility of the sponsoring entity in the event of damage to Real Property or person as a result.

e. Individuals must comply with applicable laws and regulations regarding the wearing of masks. When asked by a university official authorized to act as an agent of the university, individuals must present a legally sufficient form of personal identification. (Virginia Code § 18.2-422)

2. Special permitting requirements:

   a. Temporary Facilities, Tents and Stages must be constructed and managed in accordance with University Policy 5406, Requirements for Temporary Facilities/Tents/Stages/Amusement Devices). An application (http://facilities.vt.edu/permits-inspections/building-code-compliance/forms.html) must be submitted to the University Building Official.

   b. Amusement devices, generators, and outdoor lighting equipment may require special permitting and/or inspection from the University Building Official.

   c. An open burn permit is required for outdoor fires on Virginia Tech property, including campfires,

bonfires, fire bowls, other recreational type fires, and Prescribed Burns. An application must be submitted to Environmental Health and Safety (EHS).

d. A permit is required for Flame Effects (e.g., Fireworks) inside state-owned buildings and outdoors on state-owned property before a proximate audience. An application must be submitted to the State Fire Marshal's Office and a copy must be provided to EHS. See https://www.vafire.com/state-fire-marshals-office/permits/fireworks-and-flame-effects/.

e. A Special Effects Permit must be filed in advance of any event where smoke, haze or fog machines will be used, or gunpowder is to be used (as with stage firearms). See https://ehs.vt.edu/. If a fire watch is required by EHS or if portions of the building fire alarm system must be impaired, any associated costs are the responsibility of the event sponsor.

3. Any department listed above may deny approval of an event or of a specific activity during an event if the university sponsor cannot meet the requirements set forth in the department's procedures.
4. Users of the Real Property must comply with all applicable health and safety regulations.
5. Special policies apply to any event on campus involving non-student participants under the age of 18 ("minors"). See University Policy 4815, Minors on Campus or Participating in University-Related Programs for further information.
6. The possession and use of alcoholic beverages is regulated by University Policy 1015, Alcohol Policy.
7. Smoking at events is governed by University Policy 1010, Policy on Smoking.
8. It is not the university's practice to make a centralized decision about cancelation of events *on weekends or holidays when there are no classes and administrative offices are closed*. If inclement weather, a natural disaster, or safety/security concerns occur on weekends or holidays, each event sponsor has the responsibility for canceling or delaying the event and communicating same to the respective constituency. Additionally, under these circumstances, university scheduling offices reserve the right to cancel or delay events in Real Property under their management.
9. No person may obstruct, disrupt, or attempt by physical force, or otherwise, to cancel or discontinue speech by any speaker, or the observation of speech by any person intending to see or hear a speaker.

### 2.1.2 Amplification

1. Amplification is not allowed in and around academic buildings and campus public spaces between 8 a.m. and 5 p.m. Monday through Friday. Amplification in and around academic buildings and in campus public spaces may only be used between 5 p.m. and 10:00 p.m. Monday through Friday, between 10 a.m. and 10 p.m. Saturday, and between noon and 10:00 p.m. Sunday.
2. Amplification in or around residence halls is not permitted during the weekdays or Sunday. Events utilizing amplification in and around residence halls shall normally be restricted to 11 a.m. to 10 p.m. on Saturdays and from 5 p.m. to 10 p.m. on Fridays.
3. Additional permissions or restrictions for amplification may be determined by the approving office for specified locations based on other activities occurring at the same time in or near the event for which amplification has been requested.

### 2.1.3 Sales, Solicitation, Fund-Raising and Advertising Activities

1. All sales (i.e., food, T-shirts, posters, etc.) must be sponsored by a university organization and are regulated by University Policy 5215, Sales, Solicitation and Advertising on Campus.
2. Notice of university events may be posted in accordance with University Policy 5215, Sales, Solicitation, and Advertising on Campus.

### 2.1.4 Vehicles and Aviation

1. Vehicles must remain on roadways and park only where legally permitted. Emergency vehicles and some service vehicles are exempt from this provision as necessary for the performance of the driver's job/volunteer duties.
2. Special activities involving vehicles (such as vehicular shows/displays) on plazas, sidewalks, and walkways must be situated such as not to impede or block the normal flow of traffic.
3. Refer to the annually revised *Parking and Traffic Regulations*, as well as University Policies 5005, Bicycle and Personal Transportation Devices and 5501, Electric/Gas Utility-type Vehicles, for additional requirements related to transportation equipment.
4. All aircraft, including helicopters and hot air balloons, must use the Virginia Tech Montgomery Executive Airport for landing and take-off; **no** campus sites are approved for this purpose. In the event of an emergency, VTPD, Virginia State Police, and other first response/rescue aircraft are exempt from this provision.
5. Any operation or use of unmanned aircraft systems (drones) must be in compliance with university policy 5820. (https://policies.vt.edu/assets/5820.pdf)

### 2.1.5 Animals

1. Animals are not permitted in university buildings except for:
    a. teaching;
    b. research;
    c. medical evaluation/treatment at the Veterinary Teaching Hospital;
    d. service animals in public locations and previously approved non-public areas;
    e. assistance/support animals in previously approved instances;
    f. Corps of Cadets live animal mascot program ("Growley"), subject to appropriate approvals from the Commandant and Housing and Residence Life; and
    g. animals residing with Residential Learning Coordinators and/or Faculty Principals in their private residences in campus residence halls, subject to appropriate approvals and guidelines published by Housing and Residence Life.
2. Service and assistance/support animals must be attended by and under the control of the owner in public spaces.
3. The Services for Students with Disabilities Office can assist **students** with a determination on the presence of service animals in non-public areas and the presence of assistance/support animals in on-campus housing (see Virginia Tech Guidelines on Service Animals and Assistance/Support Animals.
4. University ADA Services can assist **university employees** with disabilities with a determination on the presence of service animals and assistance/support animals on campus in non-public areas.
5. Any exceptions to the restrictions on non-service and non-assistance/support animals in campus buildings must be approved by the Dean(s) or Vice President(s) responsible for the department(s) housed in the proposed event location.

### 2.1.6 General Provisions

1. Scheduling offices may enact specific procedures and timeframes for arranging support services necessary to accommodate specific activities. University sponsors should check with the scheduling offices as far in advance as possible to ensure they follow appropriate procedures and allow enough time to complete necessary requirements.

2. Events on or in university Real Property must not be continuous or repetitive in nature. Any event taking place in a public or common space is limited to three consecutive days to allow other organizations to have at least two consecutive days in the same week and no event is permitted to extend overnight. An event registration may be denied by a university scheduling office if the duration of the event is deemed excessive in nature or exceeds a reasonable duration.
3. All waste materials (trash, recycling, debris, etc.), personal effects, and equipment associated with an event must be removed at the conclusion of an event. Sponsoring organizations will be charged actual costs of repair and restoration caused by events or activities. Events must not create unsanitary conditions.
4. In accordance with the Code of Virginia, the release of more than 50 balloons within a one-hour period is prohibited. The provisions do not apply to balloons released for scientific or meteorological purposes.
5. Camping on university Real Property is prohibited.
6. Overnight utilization of university Real Property by groups or individuals for an event will not be permitted. This does not include the use of university Real Property that has been wholly or partially designated as a sleeping area such as a residence hall.
7. The use of canopy tents (those without walls) is allowed for all scheduled events as long as they comply with Policy 5406. The use of all tents with walls, regardless of size, must be registered and approved in advance by the appropriate university scheduling office and comply with Policy 5406, if applicable. Canopy tents must comply with requirements to avoid disrupting or obstructing university functions, including impeding traffic, blocking ingress/egress, creating unsanitary conditions, amplified sound, or other specified disruptive activity. The event organizer(s) must comply with directions from a university official.
8. Use of specific site locations, such as the Drillfield, dining halls, residence halls, academic buildings, Library Plaza, War Memorial Chapel, Moss Arts Center, Recreational Sports facilities, and Athletic Department facilities will be in accordance with guidelines for those areas. University sponsors are expected to check with each university scheduling office for any additional specific guidelines that may be in place for the reserved facility/facilities.

## 2.2 Event Sponsorship

All events must have a university sponsor. The sponsor must be an officially listed student organization (as defined by University Policy 8010, Classification of Student Organizations), a university department, a university governance entity (as defined by the University Council By-laws), a state employee association, or a university-affiliated organization. Non-university groups or organizations must have a university sponsor to hold an event. A contractual agreement for hosting an event (between a university entity and an external individual, group or organization) is considered a form of sponsorship for the purpose of this Policy.

The university sponsor must reserve space to hold the event (see Section 2.2).

### 2.2.1 Student Organizations as Sponsors

The Vice President for Student Affairs is charged with implementing procedures to verify the eligibility of individuals to sponsor events on behalf of student organizations on campus. The responsibility for management of this process has been delegated to the Director of Student Engagement and Campus Life. The staff of the Student Engagement and Campus Life Event Planning Office will provide verification of student organization eligibility (and confirm the contacts authorized to do business with the university on behalf of each student organization) to those offices that have been delegated responsibility for scheduling specific Real Property.

Approval of student events must be obtained from the Student Engagement and Campus Life Event Planning Office when the event is considered major entertainment (as defined by University Policy 8215, Major Entertainment Sponsorship by a Registered Student Organization). If additional information or approvals are needed, the scheduling office may refer the sponsoring student organization to the Student Engagement and Campus Life Event Planning Office for assistance.

### 2.2.2 Employee Associations as Sponsors

State employee associations and university faculty and staff associations may use university meeting rooms where the time, place, and manner do not interfere with university business, do not violate any laws, leases, or other contracts, and are compatible with the safety and security of the particular Real Property and mission of the university. The use of university-owned or leased meeting rooms must be related to the university and state employee association's role in providing programs and services of general benefit to employees within the context of their employment. All applicable fees for use will apply.

### 2.2.3 Responsibilities of the University Sponsor

The university sponsor will:

a. serve as liaison with all university agencies supporting the event;
b. coordinate arrangements for use of university Real Property in accordance with the provisions of this Policy;
c. assist with registration/arrival/check-in and/or departure/check-out of attendees;
d. maintain responsibility for all record keeping associated with the event, in compliance with the state records retention schedules; and,
e. have a representative onsite or immediately available via telephone/internet conferencing throughout the event.

In accordance with University Policy 4815, Minors on Campus or Participating in University-Related Programs, the university sponsor for all events that involve minors must also:

a. make university students, faculty, staff, and volunteers aware of the need to complete appropriate training;
b. ensure criminal conviction checks are conducted on certain individuals who will be working with minors; and,
c. maintain a certification of compliance with the conviction check rules for non-university organizations and entities that operate programs or activities on campus.

## 2.3 Request to Use and Responsibility for Usage of Real Property

Use of university Real Property must be sponsored and scheduled (see Section 2.2, *Sponsorship and Request for Event Approval*) prior to the event.

The Executive Vice President and Chief Operating Officer may delegate the general responsibility for scheduling of university Real Property to specific departments ("university scheduling office"), and the university maintains a list of some of the more commonly requested event spaces (venues) (https://campuslife.vt.edu/secl_services/event_planning/resources.html). Parties interested in usage of a university Real Property should contact the appropriate university scheduling office for any specific information concerning usage of that Real Property. University scheduling offices may establish and enforce a minimum number of days that a request for space/approval must be submitted prior to the requested event. If the space is not listed in the linked document, contact the Student Engagement and Campus Life Event Planning Office or the department/unit assigned to the desired area.

### 2.3.1 Responsibilities of University Scheduling Offices

University scheduling offices will:

a. register any qualifying event that will occur in space(s) under their delegated authority (see Section 2.4, *Event Registration*); and

b. execute a contract with or provide an event confirmation to the entity and university sponsor (if not the same) conducting the event.

## 2.4 Shared Responsibilities

The university sponsor and the university scheduling office(s) will share responsibility for:

a. briefing the event director/organizer regarding university policies, emergency procedures, and location layout; and

b. ensuring accessibility in emergency situations.

The university sponsor and the university scheduling office(s), if different, should communicate with one another the actions taken to fulfill the above responsibilities.

## 2.5 Event Registration

All university scheduling offices are required to register in the database any qualifying events scheduled to occur in or on Real Property for which they have delegated scheduling authority. Events commonly referred to as camps, conferences and workshops are considered qualifying events and include but are not limited to: special programs or series of programs or activities on a particular subject, areas of interest, or projects, typically involving larger numbers of attendees, and/or external (non-Virginia Tech students or faculty/staff) participants. Examples of events which do **not** typically require registration include: departmental meetings, cross-departmental workgroup meetings, regularly-scheduled university classes, one-on-one or small group liaison meetings with external stakeholders, or Board of Visitors and Foundation/Alumni Board meetings. *Note: If an event would not typically meet the registration requirement but may have security, safety, or other special concerns, please contact the Student Engagement and Campus Life Event Planning Office for guidance.*

All university scheduling offices responsible for the scheduling of reservable space shall ensure that reservation data is available in a centralized database. The database will include the dates, times, locations, schedule and emergency contact numbers for all such events.

Failure to comply with the registration requirement or reporting of false information related to the registration requirements may result in loss of event scheduling privileges for Real Property by the scheduling office and/or loss of future use privileges by the external group or university sponsor. Failure to comply with such requests may constitute trespassing under Virginia state law and may lead to disciplinary action and/or arrest.

## 2.6 Major Venues and Major Entertainment Events

### 2.6.1 Major Venues

Major Venues include:

- Burruss Hall Auditorium
- Cassell Coliseum
- Graduate Life Center (GLC) Auditorium and Multi-Purpose Room
- Johnston Student Center

- Lane Stadium
- Outdoor Public Spaces
- Rector Field House
- Squires Student Center
- War Memorial Gymnasium

### 2.6.2 Major Entertainment Events

Major Entertainment sponsored by officially listed student groups and/or held in a Major Venue is regulated by University Policy 8215, Major Entertainment Sponsorship by a Registered Student Organization. Major Entertainment is defined as any event for which there are contracted performers AND which takes place in a Major Venue. University Policy 8215 does **not** apply to any event sponsored by a university department at locations other than Major Venues, or to any events held at the Moss Arts Center or the Inn at Virginia Tech.

## 2.7 Charges for Use of University Real Property

Actual rate schedules are developed by the Controller's Office and reviewed by the Office of Budget and Financial Planning in consultation with the unit responsible for the Real Property used. Please contact the scheduling office for each location to obtain the most current rate information.

For camps, conferences, and workshops sponsored by Conference and Guest Services or the Student Engagement and Campus Life Event Planning Office, an appropriate per-person administrative fee may be charged.

## 2.8 Specific Rules for Use of University Real Property by Faculty and Staff

Faculty and staff are not allowed to use university resources for private gain. However, under the following conditions, the compensated use of specialized Real Property or equipment will be allowed in support of approved consulting activities. Please refer to the Faculty Handbook, University Policies 5420, Policy on Facility Use Agreements), and 13010, Individual Conflicts of Interest for further clarification.

1. The Real Property or equipment must have a charge rate, established by the Controller's Office, which reflects all direct and indirect costs associated with the use of the Real Property or equipment and applies to use by parties outside the university. The charge rate will be applied to the actual use.
2. A Request to Engage in External Activity and Disclosure of Conflict of Interest/Commitment Form (13010, https://www.research.vt.edu/sirc/disclosure.html) must be filed, specifying the Real Property or equipment to be used and estimating, in time or charges, the extent of the proposed use.
3. The director or head or chair of the department responsible for the Real Property or equipment will verify, on the 13010 form, that the proposed use will not interfere with, or have priority over, anticipated university use of the Real Property or equipment.
4. The faculty or staff member's department head or chair and dean or vice president (and the Provost, when appropriate) in the approval of the 13010 form will determine that the consultation is of substantial professional merit and presents no conflict of interest in the use of the Real Property or equipment. Particular care will be given to the relationship of the consultation with current or potential grants or contracts and to the possibility of unfair competition with local firms and businesses.
5. If an employee uses equipment of a specialized service center, the employee will be charged the "commercial" or "consulting" rate for the center as determined by the Controller's Office. The charges will be billed tothe employee at the rate established for the service based on actual use. The deposit for the charges will be credited to the service center account that has been established by the Controller's Office.

If the employee uses Real Property such as those of the Virginia Tech Athletic Department, Moss Arts Center, or Student Engagement and Campus Life venues (including Squires Student Center, G. Burke Johnston Student Center, Burruss Hall Auditorium, the Graduate Life Center, and War Memorial Chapel), the employee will be charged at the rate established by the Controller's Office for such use. The deposit will be made to the appropriate department's account based on actual use charges. For Real Property other than specialized service centers or other Real Property for which a charge rate has been determined, the use of the Real Property must be authorized and reimbursed at a rate determined by the joint collaboration of the employee's department head and Controller's Office.

6. The use of library facilities in connection with consulting is exempt from the above regulations, since those facilities are available to the public.

### 2.9 Non-Blacksburg Site-specific Operational Guidelines Development

Virginia Tech locations beyond the Blacksburg campus may choose to develop site-specific operational guidelines consistent with the spirit and intent of this Policy that are tailored to the unique safety, security, and health considerations of their Real Property. All location-specific facility-use guidelines must be reviewed and approved by the Executive Vice President and Chief Operating Officer at initial implementation and when changes are proposed.

## 3.0 Procedures

### 3.1 Residential Camps, Conferences and Workshops

Please reference the procedures in University Policy 5010, Residential Camps, Conferences and Workshops.

### 3.2 Non-Residential Events

Non-university affiliated groups desiring to host a day-only event at any university or university-affiliated Real Property, *other than the Inn at Virginia Tech*, must be sponsored by an officially listed student organization, university department, or university-affiliated organization. The event sponsor is responsible for assisting the group with the responsibilities outlined in section 2.2. Housing and Residence Life Conference and Guest Services and the Student Engagement and Campus Life Event Planning Office sponsor certain external groups through contractual arrangements. There is no obligation for a university department or student organization to provide sponsorship of any event.

### 3.3 Events at the Inn at Virginia Tech

Groups or departments desiring to host an event at the Inn at Virginia Tech should contact the reservation desk or the Groups and Meetings staff at the Inn directly. More information is available on the hotel and conference center's website: http://www.innatvirginiatech.com/.

## 4.0 Definitions

**Advertising/Advertisement:** includes posting of signs or banners, the distribution of literature, or any other form of public notice designed to sell goods or services or publicize an event.

**Amplification:** includes the use of electronic or mechanical means of amplifying sounds (i.e. microphones, speakers, bullhorns).

**Assistance/Support Animal:** Any animal necessary to afford a person with a disability an equal opportunity to use and enjoy university housing. The animal may provide physical assistance, emotional support, calming, stability and other kinds of assistance, but does not perform work or tasks that would qualify them as **Service Animals** under the Americans with Disabilities Act ("ADA") regulations.

**Camp/Conference/Workshop:** includes, but is not limited to, special programs or series of programs or activities on a particular subject, area of interest, or project, involving larger numbers of attendees, and/or external (non-

Virginia Tech students or faculty/staff) participants. Does **not** typically include: departmental meetings, cross-departmental workgroup meetings, regularly-scheduled university classes, one-on-one or small group liaison meetings with external stakeholders, or Board of Visitors and Foundation/Alumni Board meetings. *Note: If an event sponsored by a department or university organization may have security, safety, or other special concerns, but does not meet the criteria described above, please contact the Student Engagement and Campus Life Event Planning Office for guidance.*

**Camping:** the act of using any part of the campus for living accommodation purposes, such as establishment of temporary or permanent living quarters, sleeping outdoors overnight, making preparations for overnight sleeping (including the laying down of bedding), storing personal belongings, using any tent, shelter, or similar structure regardless of size for sleeping, sleeping in, on or under parked vehicles, or setting up temporary or permanent sleeping areas outdoors or in structures not designated for human occupancy. Camping does not include the use of university Real Property that has been wholly or partially designated as sleeping areas, a tailgating activity in conjunction with a university event, or the use of temporary hammocks used in recreation or studying activities outside during non-overnight hours.

**Faculty and Staff Associations:** any university organization whose membership is limited to the employees of the university (such as faculty associations, staff associations, senates, etc.) with voluntary membership that provides programs and services of general benefit to employees within the context of their employment.

**Major Entertainment:** any event for which there are contracted performers AND which takes place in a Major Venue (listed in Section 2.6.1).

**Members of the University Community:** currently enrolled students and university departments' faculty and staff members.

**Minor:** a child under the age of eighteen (18) who is not enrolled or accepted for enrollment at the university.

**Public or Common Space:** lobbies, foyers, and atriums in student centers and university-owned or leased academic facilities; the Drillfield; and all other university-owned or leased outdoor campus space, except those specifically managed by Athletics, Recreational Sports, the Graduate Life Center, and the Moss Arts Center.

**Officially listed student organizations (as defined by University Policy 8010)** include: University Student Life Programs (USLP), University Chartered Student Organizations (UCSO), Registered Student Organizations (RSO), and Extended Campus Student Organizations (ECSO).

**Overnight:** the hours of 12:00 a.m. (midnight) through 6:00 a.m.

**Residential Camp/Conference/Workshop:** a camp, conference or workshop where attendees will stay overnight in university or university-affiliated Real Property other than The Inn at Virginia Tech.

**Sale:** the activity of offering or exchanging products or services in return for monies, goods, or other services. This includes raffles or auctions.

**Service Animal:** Any dog (or under particular circumstances a miniature horse) that meets the definition of "Service Animal" under the Americans with Disabilities Act ("ADA") regulations, and that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed must be directly related to the individual's disability.

**Solicitation:** the act of requesting money or funds for any reason, seeking agreement to pay, taking subscriptions, selling merchandise or services, seeking contributions of goods or services, offering materials or privileges to others via promotion or advertisement, or soliciting signatures for petitions.

**State Employee Association:** any non-profit organization with voluntary membership that provides programs and services of general benefit to state employees within the context of their employment. An association that is statewide and open to all employees who elect to voluntarily participate shall be limited to those associations on the State Comptroller's State Employees' association list.

**Student:** any individual who has accepted an offer of admission as an undergraduate, graduate, or professional student and who has not yet graduated or officially transferred to another institution.

**Trained Crowd Managers:** persons who have been trained in crowd management procedures and other duties appropriate to the event (including pre-event safety inspections and use of portable fire extinguishers as appropriate); may include contracted event security staff and/or VTPD officers. Training and more information can be obtained through Environmental Health and Safety.

**University-Affiliated Organizations**: are comprised of faculty and/or staff and are administered through a department to complement the departmental mission.

**University Business Operations:** the routine educational, research, co-curricular, and administrative operations of the university.

**University Real Property:** any location, either permanent or temporary, owned or leased by Virginia Tech, and includes satellite campuses and offices. This includes, but is not limited to, the buildings, grounds, infrastructure, outdoor spaces and the surrounding perimeters including the parking lots, field locations, classrooms, alternate work or class locations.

**University Scheduling Office:** a Virginia Tech office/department that has been delegated by the Executive Vice President and Chief Operating Officer the general responsibility for scheduling specific university Real Property.

**University Sponsor:** an officially listed student organization, a university department, or a university-affiliated organization who accepts responsibility for complying with the requirements of section 2.2.2 for a specific event.

## 5.0 References

Events on Main Campus (Blacksburg) Resource Website
https://campuslife.vt.edu/secl_services/event_planning.html

University Policy 1005, Health & Safety Policy
http://www.policies.vt.edu/1005.pdf

University Policy 1010, Policy on Smoking
http://www.policies.vt.edu/1010.pdf

University Policy 1015, Policy on Serving Alcohol
http://www.policies.vt.edu/1015.pdf

University Policy 3006, Catering Policy
http://www.policies.vt.edu/3006.pdf

University Policy 4815, Minors on Campus or Participating in University-Related Programs
http://www.policies.vt.edu/4815.pdf

University Policy 5005, Bicycle and Personal Transportation Devices
http://www.policies.vt.edu/5005.pdf

University Policy 5010, Residential Camps, Conferences and Workshops
http://www.policies.vt.edu/5010.pdf

University Policy 5215, Sales, Solicitation, and Advertising on Campus
http://www.policies.vt.edu/5215.pdf

University Policy 5420, Policy on Facility Use Agreements
http://www.policies.vt.edu/5420.pdf

University Policy 5501, Electric/Gas Utility-type Vehicles
http://www.policies.vt.edu/5501.pdf

University Policy 5600, Authorized Closings
https://policies.vt.edu/assets/5600.pdf

University Policy 5615, University Safety and Security
http://www.policies.vt.edu/5615.pdf

University Policy 5616, Campus and Workplace Violence Prevention
http://www.policies.vt.edu/5616.pdf

University Policy 5820, Operation of Unmanned Aircraft Systems
https://policies.vt.edu/assets/5820.pdf

University Policy 8010, Classification of Student Organizations
http://www.policies.vt.edu/8010.pdf
[Official list of student organizations: https://gobblerconnect.vt.edu/organizations]

University Policy 8215, Major Entertainment Sponsorship by a Registered Student Organization
http://www.policies.vt.edu/8215.pdf

University Policy 13010, Individual Conflicts of Interest
http://www.policies.vt.edu/13010.pdf

Faculty Handbook
https://faculty.vt.edu/faculty-handbook.html

Student Code of Conduct
https://codeofconduct.vt.edu/

Parking and Traffic Regulations, Virginia Tech Parking Services
www.parking.vt.edu

State Records Retention Schedule
https://www.lva.virginia.gov/agencies/records/sched_state/

Virginia Tech Guidelines on Service Animals and Assistance/Support Animals
https://ssd.vt.edu/content/dam/ssd_vt_edu/assets/docs/VirginiaTechGuidelinesonServiceAnimalsandAssistance_SupportAnimals_2021.pdf

Virginia Tech Guidelines on Time, Manner, Place
https://publicsafety.vt.edu/university-guidelines-for-time--place--and-manner.html

## 6.0 Approval and Revisions

Update February 2, 2006 to title in Sections 2.4 and 2.9.11 from "Donaldson Brown" to "The Inn at Virginia Tech and Skelton Conference Center."

- Revision 8
  Section 2.5.1: Added entire section to address responsibility for event security.
  Approved February 28, 2007 by Executive Vice President and Chief Operating Officer, James A. Hyatt.
- Revision 9
  May 12, 2008: Updates to position titles and/or responsibilities due to university reorganization.
- Revision 10
  Revised Section 2.9.12 for consistency with the new Policy 5005, Bicycle and Personal Transportation Devices.
  Approved June 5, 2009 by Vice President for Administration, Sherwood G. Wilson.
- Revision 11
  - Significant revision to combine multiple sections, update to match other existing Policies, update scheduling authorities, add appropriate references and definitions, and streamline information.
  - Renamed "Student Centers and Activities" to "Student Engagement and Campus Life" throughout document.
  - Updates to Section 2.6.1 - Safety, Security and Health consolidated security information from Policy 8220 - *Security Requirements for Events Sponsored by Student Organizations*, and with concurrence from the Vice President for Student Affairs, eliminated Policy 8220.

  Approved July 30, 2015 by Vice President for Administration, Sherwood G. Wilson.
- Revision 12
  - Revised Sections 2.2, 2.3 and 2.4 to clearly define the responsibilities of university sponsors and scheduling offices.
  - Added Section 2.5, *Event Registration*, to define responsibilities associated with, and require use of, the central event registration system.
  - Added Section 3, *Procedures*, to provide basic instructions for non-university entities.
  - Replaced sections/language with reference documents/links for lists of:
    - university scheduling offices and timelines for commonly used venues;
    - venue specific guidelines for commonly used spaces; and
    - procedures, guidelines, and timelines for safety and security approvals.
  - Technical corrections to form names and website links.

  Approved January 31, 2017 by Vice President for Administration, Sherwood G. Wilson.

- Revision 13
  Technical corrections to titles, office names, form names, and website links.

  Approved September 21, 2022 by Vice President for Policy and Governance, Kim O'Rourke.

- Revision 14
  Revisions include changing the title from Facilities Usage and Events to University Real Property Usage and Events; changing policy owner to EVPCOO and author to chief of staff; changed "facilities" to "Real Property" throughout the document; clarifying disruption of university business; clarifying that university sponsor is responsible for damages; prohibiting and defining camping; prohibiting overnight utilization; clarifying that non-compliance may constitute trespassing and lead to disciplinary action or arrest; requiring mask-wearers to produce ID upon request; prohibiting obstruction or disruption of event speaker; adding reference to Time, Place, and Manner Guidelines; creating new section on non-Blacksburg site operational guidelines; adding or modifying definitions and references; adding language regarding use of tents; and other technical updates.

  Approved August 14, 2024, by Executive Vice President and Chief Operating Officer Amy S. Sebring.

Virginia Polytechnic Institute and State University

# Sales, Solicitation and Advertising on Campus

**No. 5215**

**Policy Effective Date:**
7/3/2012

**Last Revision Date:**
3/10/2025

**Policy Owner:**
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**Policy Author:** *(Contact Person)*
Cassidy Blackmore
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**Affected Parties:**
Undergraduate
Graduate
Faculty
Staff
Other

**1.0 Purpose**
**2.0 Policy**
**3.0 Procedures**
**4.0 Definitions**
**5.0 References**
**6.0 Approval and Revisions**

## 1.0 Purpose

This policy outlines the guidelines relating to sales, solicitation, and advertising on the Virginia Tech campus and in university facilities.

In accordance with University Policy 5000, University Real Property (Building, Grounds, Infrastructure) Usage and Events, university facilities are intended for the use of its students, faculty, staff, and invited guests participating in university-approved programs or activities. In the interest of providing a productive living, learning, and working environment for students and employees and protecting the institution's authorized business activities and interests, the university has established policies and procedures for the approval of commercial, fundraising, informational, and advertising activities. Decisions regarding requests will take into account overall campus safety and security, any special circumstances relating to university activities, and the impact such activity may have on the university.

This policy applies to all university departments, university-affiliated organizations (student or non-student), commercial vendors, charitable organizations, faculty, staff, students, and third parties.

### 1.1 Policy Review

In spring 2012, University Policies 5205, Sales and Solicitation on Campus, and 5210, Advertising on Campus, were reviewed. The policies were reformatted into one policy to more concisely state the guidelines relating to sales, solicitation, and advertising on the Virginia Tech campus and in university facilities.

## 2.0 Policy

### 2.1 Sales and Solicitation

The sale or solicitation of any products, goods, food, beverages, or services on the campus requires prior written authorization and must be conducted in accordance with university policy and the regulations established by the authorizing office. See University Policy 5000, University Real Property (Building, Grounds, Infrastructure) Usage and Events for authorizing officials. Informational activities and solicitations of any type (e.g., donations, petition for signatures) also require prior written authorization. In most cases, per University Policy 5000, confirmation to reserve the location will also serve as event approval; if further event approval is required, the reserving authority shall communicate further requirements to the event sponsor in writing.

All commercial, fundraising, and informational activities require sponsorship by a university-affiliated organization. Activities should be occasional, non-continuous and specific in purpose and may be approved only for designated areas on campus. All proceeds from fundraising activities are to be returned to the organization's treasury for use for organization projects or activities or for the organization's charitable activities.

It is the responsibility of the sponsoring organization to obtain the appropriate approvals outlined in this policy. It is the responsibility of the designated authorizing offices to ensure that appropriate university policies are followed before approving requests.

Salespersons may not engage in misrepresentation or fraudulent trade practices nor other activities that are illegal or in violation of state or federal laws or university policies. Salespersons and any company involved will be held responsible if university policies are violated. Such violations may result in the sponsoring organization and/or the individual or company losing the privilege of conducting future sales on campus.

For purposes of regulation, distinctions are made among "commercial," "fundraising," "individual," and "informational" sales and solicitation activities.

### 2.1.1 Commercial Activity

Commercial activity is defined as any sale, solicitation, or promotion/marketing that results in securing a **profit or benefit for a non-university group, organization, or business**. This includes activities of university-affiliated organizations that:

- use vendors for the actual selling;
- are paid or receive any kind of sales commission (including percentage of sales, flat fee, or per unit sold fee);
- sell for the benefit of an external group, organization, or business (unless it is solely for the benefit of a nonprofit organization);
- provide product promotion or marketing for an external group, organization, or business even if no products are sold; **and/or**
- conduct employee recruitment activities for external employers, unless there is a university-approved collaboration agreement (except Career and Professional Development).

Commercial activities will generally be prohibited unless:

- the university or a university-affiliated organization does not offer the service or goods, **and**
- it is determined that the activity is either necessary to the purpose of the university, **or**
- it provides a direct benefit to the university or the sponsoring university-affiliated organization.

The benefit to the sponsoring university-affiliated organization must be included in the request for approval. Provisions for proceeds from any sales must also be included in the request for approval. However, such activities may not be approved or may be approved with restrictions by the authorizing office if they are determined to compete with or have a significantly adverse effect on the ongoing operations of the business activities of the university or university-related corporations.

Uninvited commercial activities, which include commercial presentations, door-to-door, and other commercial solicitations, and the making of sales agreements, are prohibited on Virginia Tech property, including but not limited to students' private rooms and the common areas of all residence and dining halls.

Sales to members of campus organizations are commercial activities but may be permitted during meetings of the organization without prior approval provided the salesperson is invited to the meeting for that purpose in advance by a member of the organization. No announcement concerning the sale may be posted or advertised beyond the membership of the organization.

Applicable fees for facility use will be charged for commercial activities in accordance with Policy 5000, University Real Property (Building, Grounds, Infrastructure) Usage and Events.

### 2.1.2 Fundraising Activities

Fundraising is defined as any activity which involves the solicitation or collection of monies that is specific in purpose, not for individual gain, non-recurring, **and for the sole benefit of a specific, sponsored nonprofit group or cause or the self-generated fundraising efforts of an officially listed student organization**. Types of fundraising activities may include: the selling of goods or services; the selling of tickets and/or charging of admission to public activities or events; and the solicitation of monetary contributions, goods, or services.

Fundraising activities conducted by university affiliated organizations may be approved on a limited basis with regard to time, place, safety, and the scope of the activity. Fundraising activities **may** be determined to be commercial activities if they are regular and recurring.

Private fundraising conducted on behalf of the university and/or groups affiliated with Virginia Tech is coordinated through University Advancement (see Policy 12100), with the exception of normal student fundraising activities. However, any fundraising activities by students involving direct mail solicitation of alumni and friends of Virginia Tech and/or requests for gifts of $1,000 or greater must be approved by University Advancement in accordance with University Policy 12100, Policy on Coordination of Private Fundraising.

Other permitted activities which are not considered "fundraising" include: (a) the collection of dues or membership fees from the members of an officially listed student organization; and (b) collection of voluntary contributions from individuals for departmental social activities or gifts.

Officially listed student organizations are encouraged to work with Virginia Tech Services, Inc. to procure goods for fundraisers. This university-related corporation has extensive on-campus and community-wide sales experience and can provide advice and guidance on how to achieve a successful event within the campus environment.

### 2.1.3 Informational Activity

Informational activity is defined as the distribution of literature and/or petitioning for signatures where no fee is involved nor donations or contributions sought.

Informational activities may be permitted if they are sponsored by a university-affiliated organization. Such activities require prior approval by the designated university scheduling office and are subject to university policies and the reasonable guidelines of the authorizing official.

### 2.1.4 Individual Activity

Individuals, including employees, are prohibited from engaging in commercial activities on university property, including the following: (a) the solicitation or sale of products, services or personal property; (b) the solicitation of orders for such products or services; or (c) the distribution of catalogs and literature promoting products or services by individuals, including university employees.

University email, departmental mailboxes and bulletin boards are not to be used to distribute commercial sales information or catalogs.

## 2.2 Advertising

Students and student organizations; university-affiliated individuals, organizations, and departments; and university-related corporations may distribute literature, post signs, publicize, and advertise on campus.

Advertising for commercial purposes by businesses, organizations, entities, or individuals not associated with the university is prohibited.

Failure to comply with these policies may subject the responsible organization and/or individuals to fines for property damage and/or clean-up costs.

Signs erected by contractors at construction sites on campus are not considered advertisements and are permissible.

### 2.2.1 Specific Provisions

- Advertisements, brochures, and portable signs for commercial activities may not be posted or displayed on university property.
- When the name of a product or non-university-affiliated entity appears on posted literature, the primary purpose of the poster must be a sponsorship to recognize support of the activity, event, or student organization, and not the commercial advancement of the non-university entity or the product.
- The promotion for sale or consumption of alcoholic beverages on campus or advertising of alcoholic beverages in university student publications may be prohibited or regulated by state or federal laws and/or the specific regulations developed by the Alcoholic Beverage Control Board.
- The university mail service, including on-campus mail, is for official university correspondence only. It should not be used for personal correspondence, advertising, or mass mailing.
- The university's computers, internal networks, and national networks are not to be used to distribute personal advertisements or information that will result in personal gain. Such use violates university policy and the laws of the Commonwealth of Virginia. Violations will be dealt with through University Policy 7000, Acceptable Use and Administration of Computer and Communication Systems); Acceptable Use Guidelines; state Standards of Conduct; or University Policies for Student Life.
- Student organization activities involving the sale of products with the name, insignia, or trademark(s) of Virginia Tech must be approved by Licensing & Trademarks prior to the date of the activity. Such items may also require the license authorization of Virginia Tech and the payment of the specified royalty fee. The Office of Licensing and Trademarks is responsible for overseeing and administering policies on university trademarks, logos and insignias. Additional information and related procedures can be found at: https://brand.vt.edu/content/brand_vt_edu/en/licensing.html

## 3.0 Procedures

The total number of people or organizations conducting sales, solicitation, and/or advertising activities in one place on campus will be limited. Preference for assignment of space will take into account the number of previous approvals for the group or activity, status as a major campus-wide activity, and time constraints of events that may be advertised. Priority will be given to activities conducted by students over those conducted by students with vendors.

These activities will also be limited in regards to time, place and manner of the proposed activity. Violation of any of these pre-approved agreements may result in permission for the activity being revoked.

## 3.1 Sales and Solicitation

The location and time of any commercial, fundraising, or informational activity occurring on or in university facilities must receive prior approval. The request must be submitted to the office charged with approving and scheduling events in that facility or area.

- See University Policy 5000, University Real Property (Building, Grounds, Infrastructure) Usage and Events for authorizing officials. All authorizing officials should collaborate with Virginia Tech Services, Inc. to provide students, student organizations, and university affiliated individuals, organizations, and departments with advice and guidance on sales and solicitation activities on campus.
- Requests must be submitted no later than 10 calendar days prior to the planned date of the solicitation. Note that some university offices may require an earlier request date to schedule the use of certain locations.
- Full details must be submitted, including the times, dates and locations requested; an explanation of the products or services that will be made available; benefit to the sponsoring university-affiliated organization; provisions for proceeds from sales or fundraising activities; whether or not on-campus delivery is anticipated; and any other information that may be needed by the authorizing official.

Commercial suppliers who have an established relationship with the university for the sale of products and services will coordinate campus visits, communications and activities with the Procurement Department as appropriate. Commercial suppliers who do not have established relationships with the university must either be invited to campus by a sponsoring university-affiliated organization, a university-related corporation, or by the Procurement office.

It is university policy that the university electronic mail systems and mail services are for official university business only. They should not be used for commercial correspondence, advertising, soliciting, or mass mailing. University departments and campus organizations may submit event postings or other information to Virginia Tech News (www.vtnews.vt.edu). Departmental mailboxes and bulletin boards are not to be used to distribute commercial sales information or catalogs.

### 3.1.1 Deliveries and Invited Guests on Campus

Food may be delivered to residence halls, academic/administrative offices, and outdoor locations by vendors. Such deliveries are permitted only in response to prepaid orders, or to specific orders by resident students and employees. Residential Experience designates for residence halls the hours during which deliveries may occur, the doors to be used, and the areas within residence halls where deliveries must take place.
Personal deliveries to employees such as dry cleaning and personal parcel deliveries are discouraged. Such activity could be disruptive to the workplace, and there is no liability coverage for stolen or damaged merchandise. The decision on whether to allow occasional, non-disruptive deliveries will be left to the discretion of the manager of the respective units. In making those determinations, managers should consider where items will be received and the space required for holding, the safety of those parcels, and confusion about a delivered item that may be opened by mistake.

## 3.2 Advertising

- The appropriate administrative official must approve the event, sale, or product prior to advertisement. Distribution of materials may only occur in the approved location(s).

- University departments, faculty and staff should review the Virginia Tech Brand Center (https://brand.vt.edu/) for guidance and contact vtbrand@vt.edu for any questions related to digital advertising for university-sponsored programs or events.
- Permission must be obtained in writing from Virginia Tech Athletics when advertising is to occur in athletic facilities.
- Permission must be obtained in writing from the Department of Recreational Sports when advertising is to occur in recreational facilities.
- Permission must be obtained in writing from Student Engagement and Campus Life when advertising is to occur in or around student center facilities and public space locations on campus (see additional details regarding reservations for these locations in University Policy 5000, University Real Property (Building, Grounds, Infrastructure) Usage and Events.
- Permission must be obtained in writing from Residential Experience when advertising is to occur inside the residence halls.
- Permission must be obtained in writing from Dining Services when advertising is to occur inside the dining halls.
- Permission must be obtained in writing from Virginia Tech Services, Inc. when advertising is to occur in or around campus bookstores or convenience stores.
- Advertising, including distribution of advertising materials, is generally not allowed in classrooms or facilities comprised predominantly of classrooms. Permission must be obtained in writing from the Registrar's Office when advertising is to occur in classrooms and other locations not specified above.

- The collection and distribution of literature, when necessary, will be limited to designated central locations.
- Slipping literature under doors and/or on door knobs inside residence halls is not permitted.
- The advertisement, publicity, sign, banner, flier, or literature must be appropriate for its intended purpose and comply with the law and university policies.
- The name of the sponsoring organization, meeting or event date, time, and location must be printed in English on the poster or notice. Any other writing on the poster that is not in English must be translated into English on the front of the poster, or a translation must be on file with the scheduling office(s) for the space(s) where it will be posted.

### 3.2.1 Distribution of Flyers

- Flyers may not be placed on windshields of vehicles parked on university-owned or leased property or parked in any university parking lot.
- Distribution of advertisements or literature must be accomplished in such a manner as to avoid litter or disruption.

### 3.2.2 Posted Materials

- Posted advertisements may be placed on general-purpose bulletin boards, A-frame boards, or wire signs designated for that purpose. Student Engagement and Campus Life Event Services Office must approve A-frame board or wire sign placement.

- Advertisements are not to be placed on interior and exterior doors, interior and exterior walls, windows, fences, directional and informational signs, lamp posts, light poles, barricades, trees, hydrants, and any other location that is not designated as permissible in this policy.
- Markings on walkways, roadways, or other permanent structures on campus with chalk, paint, or any other material is prohibited.
- Any posted advertisements which have not received prior approval for display, or which must be removed in the event of an emergency, shall be removed and disposed of by Virginia Tech. Virginia Tech shall not be responsible for any costs associated with removed advertisements.
- Posted advertisements approved for display shall not be installed more than seven days prior to the designated event.
- Posted advertisements must be removed no later than 24 hours after the event or Virginia Tech shall remove and dispose of the advertisements.
- No posting of any type is permitted in classrooms.

### 3.2.2.1 Bulletin Boards

- Student organizations may post advertising on bulletin boards marked "General Purpose Bulletin Boards," which are identified throughout the campus and labeled as such for use by students and student organizations to advertise such activities and events.
  - Responsibility for allocation and policy compliance of these boards is placed in the Division of Student Affairs.
  - All general-purpose bulletin boards will be cleared at the end of every semester.
  - No more than one poster or notice for the same advertised event may be placed on a bulletin board.
  - When posting announcements on general purpose bulletin boards, use the following guidelines:
    - Avoid placing posters on top of other posters.
    - Avoid posters larger than 11 inches by 17 inches.
    - Avoid having posters extend beyond the border of the bulletin board.
    - When posting personal notices, such as items for sale or ride needed, include the date the notice was posted. Personal notices must be removed within two weeks of their having been posted.
  - Each department and college will continue to maintain its own bulletin boards for academic and professional purposes.
  - Advertisements may not be placed on academic, resident advisors', or Residence Hall Federation bulletin boards unless prior permission is granted by the appropriate source of approval.

### 3.2.3 Banners

- Permission to Hang Banners
  - Permission to hang banners on certain academic buildings and student centers must be granted by the Student Engagement and Campus Life Event Services Office; these buildings include:
    - Squires Student Center
    - G. Burke Johnston Student Center
    - War Memorial Hall
    - Litton-Reaves Hall
    - Derring Hall
    - Pamplin Hall
    - Burruss Hall
  - Banners and signs are not permitted in any athletics facility, including Lane Stadium and Cassell Coliseum.
  - Banners are generally not permitted on Burruss Hall, with the exception of the official University Banner. Requests for any exceptions should be directed to Communications and Marketing.
  - The Assistant Vice President for Planning and University Architect must approve the siting of all other banners.
- The content and design, display dates, and locations of all banners on university buildings must be approved by Communications and Marketing . Additional information and procedures can be found at: https://brand.vt.edu/
- All banners containing university trademarks must be produced by licensed vendors.
- Banners must be removed from buildings within one business day following the event they advertised.

### 3.2.3.1 Light Post Banners

- Light post banners on campus are to be used to support university branding and to promote educational and cultural programs that align with the university mission.
- Banner content should have university-wide appeal.
- Banners may not be used for commercial advertising; advertising or promoting any political candidate, parties or issues; or identifying, advertising or promoting any religion. Banners must follow Virginia Tech Brand Center guidelines (https://brand.vt.edu/).
- The Office of University Planning must approve the siting of all light post banner installations. Information on pre-approved banner locations can be found on the Virginia Tech Brand Center (https://brand.vt.edu).
- Communications and Marketing must approve all light post banner designs and the reservation/location for specific designs prior to production and installation. Departments that want to request light post banners should email specific request information (i.e. location, dates, purpose) and draft designs to vtbrand@vt.edu.
- Facilities will manage light post banner installations and removals. Departments are responsible for requesting and funding installation and removal once they have obtained Communications and Marketing's approval of the design and location reservation. Departments that want to request installation and removal should email specific information (location, dates, department name, funding details) and a copy of Communication and Marketing's approval to vtrepair@vt.edu.

- The requesting department will bear all costs associated with light post banner design, production, installation, and removal.
- All banners containing university trademarks must be produced by licensed vendors.
- Light post banners that become tattered, faded, or torn may be removed without notice to the requesting department. Banners may also be removed without notice from any posts that show stress from the banner installation.

### 3.2.5 Web Pages and Social Media

- University web sites should remain an information source free of commercial intervention; therefore, advertising on university web pages (those maintained on any university file server or use any domain or subdomain on vt.edu) is prohibited. The Senior Associate Vice President for Communications and Marketing may grant exceptions to this policy to auxiliary organizations provided that the following procedures are followed:
  - Advertisements must adhere to other aspects of this policy.
  - Alcohol, beer, and cigarette advertisements are prohibited.
  - Advertisements should not comprise more than 130 x 130 pixels of a screen area on a standard desktop monitor. On mobile devices, logos cannot exceed 320 x 50 pixels.
  - The name, logo, or logotype of a company or organization may be posted to indicate sponsorship/partnership with that company or organization.
  - If a logo from a sponsor/partner of the university is intended to be clickable, it can link only to a page that lists other sponsors and must remain on the vt.edu domain. A text link to a sponsor's website is acceptable and not prohibited from any web page. Links to a sponsor's external website should open in a new window.
  - An advertisement on a university web site should consist of text or graphics that have been paid for by a non-university organization or are in exchange for goods and services.
- The following examples do not constitute a web advertisement:
  - General interest links to commercial web sites that may be of interest to web viewers and that are available free of charge (e.g., search services, Town of Blacksburg home page, area weather links, etc.);
  - Subscription services or site licenses that the university pays for to gain access to a commercial service (e.g., CollegeNET, etc.);
  - Icons that link to social media networks (e.g., Facebook, Twitter, YouTube, etc.);
  - Information that relates to or supports the teaching, research, or service mission of the university, such as academic departmental conferences; or,
  - Listings of sponsors for a special event.
- The Virginia Tech news website (http://www.vtnews.vt.edu/), and its corresponding products (a daily employee and subscription e-mail and a weekly student e-mail) can be used by campus departments and organizations to share information or promote non-commercial events. Information submitted must be relevant to the university community and/or occurring on university property.
- Refer to University Policy 1030, Social Media Policy, for guidance on social media use.

## 3.3 Newspaper/Magazine/Brochure Racks and Boxes

### 3.3.1 Newspapers/Magazines/Brochures for Interior Locations

- Newspapers/magazines/brochures for interior distribution shall be placed only in racks or boxes within building interior spaces, to include lobbies and related public spaces. Racks will not be placed at exterior locations.
- A limited number of racks/boxes are available on a first-come, first-served basis by emailing Communications and Marketing in accordance with the advertising regulations in this policy.
- After approval from Communications and Marketing is received, the Building Manager or Department Representative shall determine locations for newspaper/magazine/brochure racks or boxes within the subject building.
- It is the responsibility of the newspaper/magazine/brochure provider to keep the materials in the racks or boxes orderly. Overflowing, scattered or unsightly materials may be removed and discarded by university custodial staff.

## 3.3.2 Newspapers/Magazines/Brochures for Exterior Locations

### 3.3.2.1 Locations

- Newspapers/magazines/brochures for exterior locations shall be placed only at the following locations:
  - East side of Kent Street in front of the northwest entry to Newman Library on the existing concrete pad;
  - West side of War Memorial Hall on the existing concrete pad; and
  - Northwest side of McBryde Hall on the existing concrete sidewalk.
- These sites will be limited to six boxes placed in single file, one row.
- Communications and Marketing shall determine which entities may use the boxes placed at these locations.
- It is the responsibility of the newspaper/magazine/brochure provider to maintain the appearance of the boxes.
- Bins shall be fully contained and self-closing to minimize litter.

### 3.3.2.2 Size

- The maximum dimensions for a single box are 50 inches high, 24 inches wide, and 24 inches deep.
- The owner of each box must post his or her name, address, telephone number and email address on the box in a readily visible location. Boxes may not be used for any other advertising or promotional purposes.

### 3.3.2.3 Placement

Should additional exterior locations be identified, boxes may not be placed:

- Within fifteen (15) feet of any fire hydrant;
- In any curb cut designed to facilitate street access by disabled persons or within two (2) feet of any such curb cut;
- Within any bus stop;

- Within a crosswalk area;
- Within a corner area or within five (5) feet of any corner area;
- On any surface where such installation or maintenance will cause damage to or interference with the use of any pipes, vault areas, telephone or electrical cables or other similar locations;
- On, in or over any part of the roadway of any public street;
- Unless eight (8) feet of sidewalk width is preserved for unobstructed pedestrian passage;
- On any area of lawn, flowers, shrubs, trees or other landscaping or in such a manner that use of the box would cause damage to such landscaping;
- Where such placement, installation or maintenance endangers the safety of persons or property.

### 3.3.2.4 Enforcement

- If, after inspecting a box, Virginia Tech finds that it is not in compliance with this policy, Virginia Tech shall first notify the owner to correct the problem by sending a Notice of Correction. If the condition is not corrected, Virginia Tech will remove the box from the location.
- Additionally, Virginia Tech can remove a box from its location in the following circumstances:
  - Abandoned boxes: Virginia Tech can remove a box if the name, address or other identifying material of the box owner is not affixed to the box and the owner has not received written permission from Virginia Tech.
  - Emergency Circumstances: Virginia Tech can remove a box if it poses an imminent threat to public health or safety.
  - Construction: If a box is at a location to be used for public utility work, public transportation purposes, public safety purposes, or in connection with construction or a capital project, Virginia Tech must notify the owner to remove it. If the owner fails to remove the box within seven (7) days after notification, Virginia Tech may remove the box.
- Virginia Tech shall not be responsible for damage to any non-compliant box incurred during removal and/or storage.
- Virginia Tech will store removed boxes for thirty (30) days, during which time the owner may retrieve them. Unclaimed boxes will be disposed of in accordance with abandoned property rules administered by Surplus Property.

## 4.0 Definitions

**Advertising/Advertisement** - includes posting of signs or banners, the distribution of literature, electronic media, or any other form of public notice designed to sell goods or services or publicize an event.

**Auxiliary organization/unit** – self-supporting enterprises that provide goods and services to the university (or faculty, staff, and/or students) and that do not rely on state appropriations for operating support.

**Commercial activity** - any sale, solicitation, or promotion/marketing for the purpose of securing a profit or benefit for a non-university group, organization, or business.

**Fundraising activity** - any activity which involves the solicitation or collection of monies that is specific in purpose, not for individual gain, non-recurring, and for the sole benefit of a specific nonprofit group or cause or the self-generated fundraising efforts of an officially listed student organization.

**Individual activity** – (a) the solicitation or sale of products, services or personal property; (b) the solicitation of orders for such products or services; or (c) the distribution of catalogs and literature promoting products or services by individuals, including university employees.

**Informational activity** - the distribution of literature and/or petitioning for signatures where no fee is involved nor donations or contributions are sought.

**Nonprofit organization** - public, governmental, and charitable organizations that can provide proof of their nonprofit status.

**Campus Common Spaces** - all lobbies, foyers, and atriums in student centers and university-owned or leased academic facilities; the Drillfield; and all other university-owned or leased outdoor campus space, except those managed by Virginia Tech Athletics, Recreational Sports, the Graduate Life Center, and the Moss Arts Center (see additional details in Policy 5000).

**Officially listed student organizations –** are defined by university policy 8010 and include: University Student Life Programs (USLP), University Chartered Student Organizations (UCSO), Registered Student Organizations (RSO), and Extended Campus Student Organizations (ECSO).

**Sale** - the activity of offering or exchanging products or services in return for monies, goods, or other services. This includes raffles or auctions.

**Solicitation** - the act of requesting money or funds for any reason, seeking agreement to pay, taking subscriptions, selling merchandise or services, seeking contributions of goods or services, offering materials or privileges to others via promotion or advertisement, or soliciting signatures for petitions.

**Student** – any individual currently enrolled and registered to attend Virginia Tech.

**University facilities** - any location, either permanent or temporary, owned or leased by Virginia Tech, and includes satellite campuses and offices. This includes, but is not limited to, the buildings, grounds, and the surrounding perimeters, including the parking lots, field locations, classrooms, alternate work or class locations, and university owned or leased vehicles.

**University-affiliated individual** – any individual who is a faculty or staff member, currently on the Virginia Tech payroll.

**University-affiliated organization** - (a) officially listed student organizations; (b) university-related Corporations; (c) university departments; and (d) those organizations comprised of faculty and staff and are administered through a college, administrative division, or department to complement the departmental mission.

**University-related Corporations** - Corporations authorized by the Board of Visitors to provide support for the university, i.e. the Virginia Tech Foundation, Inc., Virginia Tech Services, Inc., etc.

## 5.0 References

University Policy 1030, Social Media Policy
https://policies.vt.edu/assets/1030.pdf

University Policy 3005, University-Related Business Activities
http://www.policies.vt.edu/3005.pdf

University Policy 3006, Catering Policy
http://www.policies.vt.edu/3006.pdf

University Policy 3600, Funds Handling and Deposit of State and Local Funds
http://www.policies.vt.edu/3600.pdf

University Policy 3610, Accepting and Handling Payment Card Transactions
http://www.policies.vt.edu/3610.pdf

University Policy 5000, University Real Property (Building, Grounds, Infrastructure) Usage and Events
http://www.policies.vt.edu/5000.pdf

University Policy 5810, Mobile Food Vendors
https://policies.vt.edu/5810.pdf

University Policy 7000, Acceptable Use and Administration of Computer and Communication Systems
http://www.policies.vt.edu/7000.pdf

University Policy 8010, Classification of Student Organizations
https://policies.vt.edu/8010.pdf

University Policy 12100, Policy on Coordination of Private Fundraising
http://www.policies.vt.edu/12100.pdf

Student Code of Conduct
https://codeofconduct.vt.edu/

Virginia Tech Brand Center
https://brand.vt.edu/

## 6.0 Approval and Revisions

Approved July 3, 2012 by Vice President for Administrative Services, Sherwood G. Wilson.

- Revision 1
  Technical updates to department and position titles and definitions.

  Approved February 16, 2016 by Vice President for Administration, Sherwood G. Wilson.

- Revision 2
  - Addition of Section 4 related to Newspaper/Magazine/Brochure Boxes and Racks.
  - Additional parameters included in Section 3.2.2 regarding timeline for posting and removal of posted advertisements.

  Approved February 17, 2017 by Vice President for Administration, Sherwood G. Wilson.

- Revision 3
  - Incorporated section regarding bulletin boards into section regarding posted advertisements.
  - Added Section 3.2.3.1 Light Post Banners.
  - Technical updates to department and position titles, terminology, and definitions.
  - Added references to student code of conduct, university brand guidance, and university policies regarding student organizations, mobile food vendors and social media.

  Approved August 25, 2020 by Senior Vice President and Chief Business Officer, Dwayne Pinkney.

- Revision 4
  - Technical updates to departments, position titles and hyperlinks.
  - Deleted the reference to the university's online calendar. As of September 18, 2023, login to calendar.vt.edu was disabled.

  Approved March 10, 2025 by Vice President for Facilities, Dwyn Taylor.

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# I. Introduction

The Virginia Tech community is guided by the university's motto, Ut Prosim (That I May Serve), and is based on the fundamental values expressed in the Principles of Community: to nurture learning and growth for all community members, to encourage open expression, and to respect our differences and common humanity.

When a student accepts admission to Virginia Tech as an undergraduate, graduate, or professional student, they also accept membership in the university community and responsibility for upholding its shared values and expectations. The Student Code of Conduct outlines policies established by the university that set standards for students' behavior, along with procedures for adjudicating and sanctioning violations of these standards. The code applies to all students and student organizations at Virginia Tech, as defined in this document. The university reserves the right to make changes to the code at any time.

Authority to approve policies and procedures for student discipline, as outlined in the Student Code of Conduct, lies with Virginia Tech's governing body, the Board of Visitors, as authorized under the Code of Virginia. The Vice President for Student Affairs has responsibility for the university conduct system, with direct supervisory oversight of disciplinary matters assumed by the Office of Student Conduct, under the direction of the Director of Student Conduct. The director serves as the Chief Student Conduct Officer for the university.

The Student Code of Conduct does not apply to matters of academic integrity. For information on policies and procedures related to student academic integrity, please refer to the following:

- Undergraduate Academic Integrity
- Graduate Honor System
- Doctor of Veterinary Medicine Honor Code (Virginia-Maryland School of Veterinary Medicine)
- Doctor of Medicine Honor Code (Virginia Tech Carilion School of Medicine)

## The Office of Student Conduct and the University Conduct System

The Student Code of Conduct is overseen by the Office of Student Conduct.
The university's conduct system supports the educational mission of the university by educating students about appropriate behavior and fostering a community in which students can flourish academically and personally.

The system assumes that students and student organizations have the capacity to assume responsibility for their own behavior and that the university has the authority to establish an internal structure for the enforcement of its policies and procedures, which students have agreed to accept by enrolling in the university. As part of its authority, Student Conduct may suspend or dismiss students from the university.

Conduct matters are addressed by professionals who have been appointed as hearing officers by the Director of Student Conduct. These individuals each have significant education and training on student development, student discipline, and university policies and procedures.

### Additional Community-Specific Regulations

As part of their education and life at Virginia Tech, students may also be involved in organizations, programs, or other entities for which additional and separate standards and policies, including potential sanctions for violations, have been established. Students should be aware of additional policies that may apply to their involvement in certain programs, organizations, or communities, including but not limited to students in the Corps of Cadets, student athletes, members of certain Greek-letter organizations under the Office of Fraternity and Sorority Life, and students in certain colleges or programs, such as the Virginia Tech Carilion School of Medicine or the Virginia-Maryland College of Veterinary Medicine.

These policies and processes do not supersede a student's responsibilities under the *Student Code of Conduct*. In situations involving potential violations of policies in the *Student Code of Conduct* and community-specific policies, the student is accountable first to the university's *Code*. Additional sanctions may be issued by programs/organizations that address a student's participation or membership in those communities, specifically. Student Conduct is responsible for coordinating adjudication processes with these various entities, when appropriate.

## II. Student Rights and Responsibilities

As individuals, Virginia Tech students enjoy basic rights. As members of the university community, they also accept certain responsibilities.

### Rights

1. Students at Virginia Tech will be treated fairly and with dignity regardless of age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or military status as described in university policy 1025.
2. Students at Virginia Tech enjoy those rights guaranteed by the Constitutions of the United States and the Commonwealth of Virginia as applicable. This includes activities protected under the First Amendment. In accordance with the Code of Virginia, incidents of disruption of constitutionally protected speech may be reported via the Speech on Campus webpage.
3. The Student Code of Conduct and the policies and procedures it outlines, under the administration of the Office of Student Conduct, provides an administrative process for resolving allegations of misconduct. This process includes certain procedural guarantees to ensure that students receive a fair and equitable resolution.

## Responsibilities

1. Students are responsible for understanding and following university policies and procedures, including the *Student Code of Conduct*, and for abiding by all applicable state, federal, and local laws.
2. University email is the primary means by which the university communicates with students; therefore, students are responsible for reading all official communications delivered to their university email address.
3. Students who are offered admission to Virginia Tech and choose to matriculate have a continuing duty to report to the Office of Student Conduct any summons received, arrests, conviction, or issuance of a protective order, other than for minor traffic violations. Additionally, students who are offered admission to Virginia Tech and choose to matriculate have a continuing duty to report to the Office of Student Conduct any Emergency Protective Order (EP), Preliminary Protective Order (PPO), Protective Order (PO) or Emergency Substantial Risk Order (ESRO) issued against them. This duty applies regardless of where the summons/conviction/order occurred and regardless of whether the university is in session at the time of the arrest/ summons/conviction, or issuance of a protective order. Students must notify Student Conduct in writing, using the Court Action Disclosure Form within 10 business days of the arrest/summons or within five business days of their conviction of a crime or issuance of an aforementioned order. Failure to comply with this continuing duty may result in disciplinary action under the *Student Code of Conduct.*

Schedule E



VIRGINIA TECH®

# 2026-27
# VIRGINIA TECH FACULTY HANDBOOK

# 2026-27
# VIRGINIA TECH FACULTY HANDBOOK

**Approved June 2, 2026**

***updated: August 2026 with technical corrections***

**Virginia Tech Board of Visitors**

**Office of the Executive Vice President and Provost**

**Office of Vice President for Policy and Governance**

This document is subject to change. Please refer to the provost's website for the most recent Faculty Handbook information.

University policies are available online, as are many important procedures maintained by the Procurement Department, Human Resources, and the Controller's Office websites are updated as policies and procedures change. Please refer to them for issues not addressed in the Faculty Handbook.

Virginia Tech does not discriminate against employees, students, or applicants on the basis of age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, ethnicity or national origin, political affiliation, race, religion, sexual orientation, or military status, or otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants, or on any other basis protected by law.

Faculty have the responsibility to be fully acquainted with and to comply with this handbook and the relevant policies of Virginia Tech.

## CHAPTER TWO: ALL FACULTY

### 2.0 Employment Policies for All Faculty

Faculty employment policies and appointments are under the purview of the Board of Visitors.

### 2.0.1 Virginia Tech Statement on Freedom of Expression and Inquiry

Virginia Tech unequivocally commits to upholding freedom of speech and academic freedom.

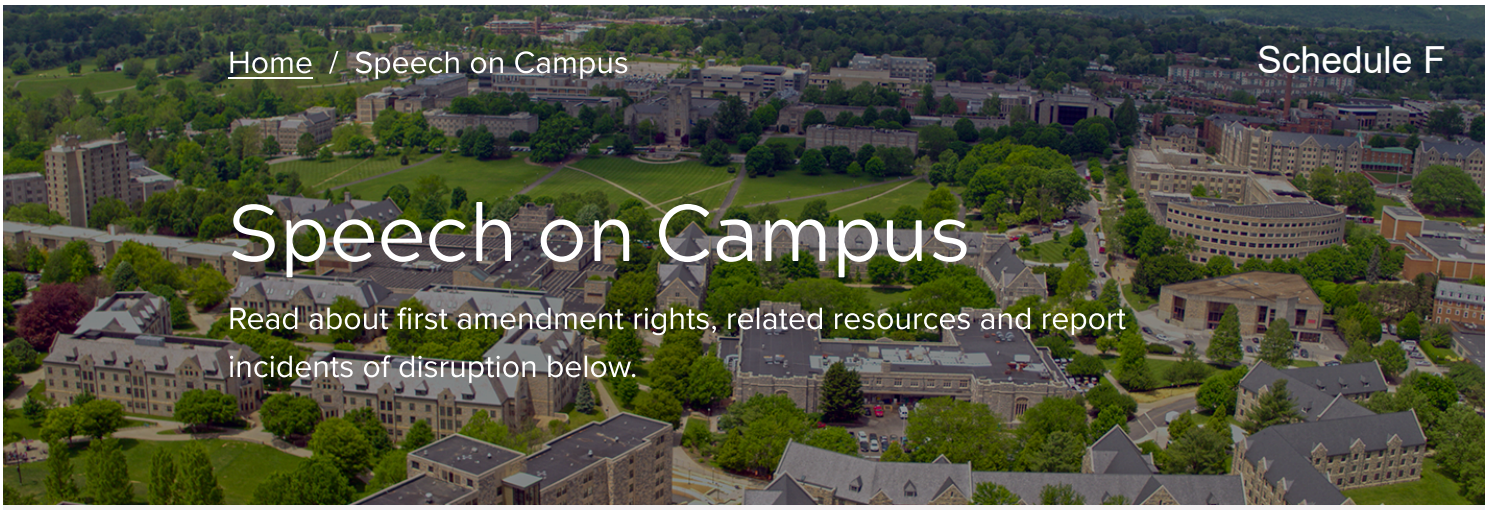
Virginia Tech affirms the rights guaranteed by the First Amendment of the U.S. Constitution, including the right to freedom of speech. The First Amendment requires the university to protect the expression of ideas and opinions, including those that people may find controversial, disagreeable, or offensive. Freedom of speech, like all rights in the Constitution, is not absolute. While most speech is protected by the First Amendment, it does not protect speech or actions that violate the law, such as incitement, defamation, threats, privacy violation, or intellectual property infringement, nor does it protect against unlawful harassment or discrimination. In addition, the First Amendment allows the university to regulate the time, place, and manner of expression. At Virginia Tech, freedom of speech should be exercised in a manner that ensures a learning environment that supports and promotes civil debate and mutual respect across differences.

Academic freedom, free expression, and open inquiry are core principles of higher education. Academic freedom enables scholars to conduct research, teach, speak, and publish within an area of expertise without interference or penalty. Academic freedom is essential to create and disseminate knowledge with the mission of improving the quality of life and the human condition within the Commonwealth of Virginia and throughout the world. Virginia Tech must ensure that all members of the university community can ask questions, listen to others, and learn through exposure to a range of ideas from a diverse community of scholars. Virginia Tech is committed to defending academic freedom and freedom of speech while providing a diverse and inclusive learning and work environment.

### 2.0.2 Annual Evaluation and Salary Adjustments

The Board of Visitors delegates the authority to the president or the president's designee for selected faculty appointments and compensation actions as outlined in the Amended Delegation of Authority for Selected Personnel Actions dated June 11, 2024.

The Board of Visitors annually approves a faculty compensation plan, including the authorization of an annual merit process guided by the university's Faculty Handbook and processes provided by the commonwealth. The faculty compensation plan provides information about the promotion and tenure process; the annual evaluation and salary adjustment process for teaching and research (T&R) faculty, administrative and





# Speech on Campus

Read about first amendment rights, related resources and report incidents of disruption below.

## 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.

## Our Responsibility

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.

# Reporting an Incident

To report an incident of disruption of constitutionally protected speech, please access the form below:

Free Speech Reporting Form

*For questions about reporting an incident of disruption to constitutionally protected speech, contact the Office for Civil Rights Compliance and Prevention Education at civilrights@vt.edu.*

## Related Resources

Policy No. 1025 — Policy on Harassment, Discrimination, and Sexual Assault

Policy No. 5000 — University Real Property (Building, Grounds, Infrastructure) Usage and Events

Policy No. 5215 — Sales, Solicitation and Advertising on Campus

Code of Conduct

Faculty Handbook

Academic Freedom and Free Speech

Virginia Tech Guidelines on Time, Manner, Place

Speech on Campus Flyer

In accordance with §23.1-401.1 Restrictions on student speech; limitations

of the Code of Virginia, as amended, view our annual compliance report.

**Virtual Orientation Government Mandated Content – 2026 Orientation Cycle**

*Screenshots below are taken from mandatory Virtual Orientation and the Hokies on Track mobile app*

- Free Speech
    - Safety and Policies > 6.6 Hokie Rights and Responsibilities






# Free Speech on Campus

Select the PDF Below to learn more about the VT Free Speech Policy.

PDFS

Free Speech on Campus



# Speech on Campus

"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*

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## RELATED POLICIES

**No. 1025** - Policy on Harassment, Discrimination, and Sexual Assault

**No. 5000** - University Facilities Usage and Event Approval

**No. 5215** - Sales, Solicitation and Advertising on Campus

**Hokie Handbook** (Student Handbook)

**Faculty Handbook**

## REPORT AN INCIDENT

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

## MORE INFORMATION

To learn more, please visit our Speech on Campus webpage:

***policies.vt.edu/speechoncampus***

VIRGINIA TECH

**Schedule H**

# Certification of § 23.1-401.1. Constitutionally protected speech; policies, materials, and reports; report

I hereby acknowledge that Virginia Tech is in compliance with Section C:

> "Each public institution of higher education shall develop materials on the policies established pursuant to subsection B and notify any employee who is responsible for the discipline or education of enrolled students of such materials."



Kim O'Rourke
Vice President for Policy and Governance

November 18, 2026

# What to know about speech on campus

5 **NOV** 2026

From: Office of the Vice President for Policy and Governance

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.

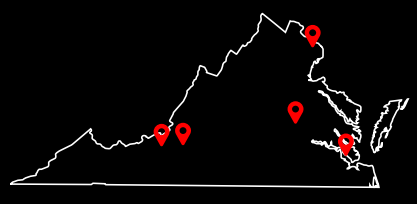
To learn more about speech on campus, including related campus policies, or to find printable materials regarding speech on campus, visit the Virginia Tech Speech on Campus webpage.

Questions? Contact the Office of the Vice President for Policy and Governance at (540) 231-6232 or vppg@vt.edu.

**Tags:** CAMPUS EXPERIENCE | POLICY AND GOVERNANCE | UNIVERSITY OPERATIONS

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VIRGINIA TECH

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Schedule J

Three complaints were filed in a court of law since December 1, 2025, to initiate a lawsuit against Virginia Polytechnic Institute and State University (Virginia Tech) or an employee of Virginia Tech in his or her official capacity for an alleged violation of the First Amendment to the United States Constitution. Copies of the complaints are attached.

CLERKS OFFICE US DISTRICT COURT
AT ROANOKE, VA
FILED
July 14, 2026
LAURA A. AUSTIN, CLERK
BY: /s/ Hannah Warren
DEPUTY CLERK

**UNITED STATES DISTRICT COURT**
**WESTERN DISTRICT OF VIRGINIA**
**ROANOKE DIVISION**

**DR. CHING-HSUN HUANG,**

**Plaintiff,**

**v.**

**CASE NO.:** 7:26CV570

**JURY TRIAL DEMAND**

**DR. PAUL WINISTORFER,**
***In His Individual and Official Capacities*,**

**DR. CYRIL R. CLARKE**
***In His Individual and Official Capacities***

**And**

**BOARD OF VISITORS OF VIRGINIA TECH**

**Defendants.**

# COMPLAINT

COMES NOW, Plaintiff Dr. Ching-Hsun Huang by counsel, and states as her Complaint against Defendants Dr. Paul Winistorfer, Dr. Cyril R. Clarke in their individual and official capacities, and Board of Visitors of Virginia Tech ("Virginia Tech"), the following:

## JURISDICTION AND VENUE

1. At all times relevant to this matter, Defendants served and acted under color of state law as officials of the Commonwealth of Virginia.

2. Venue is proper as the acts and omissions described below occurred within the Western District of Virginia.

3. This matter raises questions of federal law. Federal questions are presented

pursuant to 42 U.S.C. § 1983. This Court possesses jurisdiction over this matter. *See generally*, 28 U.S.C. § 1331. This Court has supplemental jurisdiction over Plaintiff's state law retaliation claims. 28 U.S.C. § 1367.

4. Plaintiff's federal law claim arises pursuant to 42 U.S.C. § 1983, to-wit, 1st Amendment retaliation. Plaintiff engaged in protected speech by reporting matters of public concern and was retaliated from having done so.

5. This Court has supplemental jurisdiction over this matter as it arises under the Virginia Fraud and Abuse Whistle Blower Protection Act ("F&A Act"), codified at Va. Code Ann. § 2.2-3009, *et seq*., and Virginia Common Law.

6. Plaintiff is a whistle blower pursuant to the F&A Act.

7. Va. Code Ann. § 2.2-3009:

> "Whistle blower" is defined as "an employee who witnesses or has evidence of wrongdoing or abuse and who makes or demonstrates by clear and convincing evidence that he is about to make a good faith report of, or testifies or is about to testify to, the wrongdoing or abuse to one of the employee's superiors, an agent of the employer, or an appropriate authority. "Whistle blower" includes a citizen of the Commonwealth who witnesses or has evidence of **wrongdoing or abuse** and who makes or demonstrates by clear and convincing evidence that he is about to make a good faith report of, or testifies or is about to testify to, the wrongdoing or abuse to an appropriate authority.

(emphasis added).

8. "**Abuse**" is "an employer's or employee's conduct or omissions that result in substantial misuse, destruction, waste, or loss of funds or resources belonging to or derived from federal, state, or local government sources." "**Wrongdoing**" is defined in the Act as "a violation, which is not of a merely technical or minimal nature, of a federal or state law or regulation, local ordinance, or a formally adopted code of conduct or ethics

of a professional organization designed to protect the interests of the public or employee."

9. The acts and/or omissions of Defendants from which the following causes of action arise, occurred within Montgomery County, Virginia.

10. The acts and/or omissions that led to this cause of action occurred in Montgomery County, Virginia.

11. Plaintiff and Defendants were employed by Virginia Tech at all times relevant to this matter.

12. Plaintiff works full-time and receives wages and benefits.

13. Pursuant to the F&A Act, Defendants were the "employer" of Plaintiff ("Employer" means a ***person*** supervising one or more employees, including the employee filing a good faith report, a superior of that supervisor, or an agent of the governmental agency.) All adverse employment actions and decisions related to employment matters complained of herein were authorized and endorsed by Defendants.

14. Defendants had notice of all of Plaintiff's protected activities under the F&A Act.

15. Claims under the F&A Act require timely initiation of the claim. Plaintiff commences this litigation within three (3) years of the adverse act complained of herein.

**FACTS**

16. Plaintiff works as a faculty member at Virginia Tech within the Department of Sustainable Biomaterials within the College of Natural Resources and Environment.

17. Plaintiff is employed by Virginia Tech pursuant to a Terms of Faculty Offer ("TOFO"), her official employment contract.

18. Plaintiff served as the Department Head of the Department from January 2, 2020, until her unlawful demotion, forcing her to step down effective June 30, 2025.

19. This demotion included a loss of supervisory authority, damage to reputation, a reduction in pay, and alteration of Plaintiff's career track, among other harmful effects.

20. This is a case of retaliatory demotion arising under a theory of whistle blower and first amendment retaliation.

21. Plaintiff was retaliated against by Defendants for engaging in acts that were protected by the F&A Act and protected speech pursuant to the First Amendment.

22. Plaintiff began a series of protected reports and speech beginning in July of 2024 and extending into 2025. All of these reports were made in good faith. All of these reports were both protected speech on matters of public concern and reports of wrongdoing and abuse pursuant to the F&A Act.

23. Plaintiff and the public were exposed to mold and other toxins. The premises in which Plaintiff occupied on campus was harmful.

24. Plaintiff worked in Cheatham Hall.

25. Plaintiff suffered significant medical ailments requiring medical treatment.

26. Virginia Tech knew of the dangers to Plaintiff and others.

27. Upon information and belief, Virginia Tech intentionally misrepresented material facts to Plaintiff.

28. Virginia Tech intentionally engaged in bad faith and fraudulent acts that harmed Plaintiff. Virginia Tech illegally concealed and communicated falsely concerning Plaintiff's working environment.

29. During Plaintiff's many hours spent in Cheatham Hall, she reported a water leak multiple times to Virginia Tech.

30. In the summer of 2024, Virginia Tech administered a sham mold test of Plaintiff's office space and the building. These are public spaces. Virginia Tech officials reported that no mold existed. This was false.

31. On or about July 15, 2024, Plaintiff reported that the test results were false to Defendant Winistorfer and others in the administration. In her report, Plaintiff reported:

a. "The assessment was incorrect."

b. "According to the attached EHS investigation, my office tested positive for black mold and has been sealed off."

c. "If I had not been persistent, my colleagues and I would have been continuously exposed to black mold, the most hazardous form of indoor mold, and it is highly toxic at a very low concentration."

d. "I wanted to bring this issue to your attention because your inaccurate assessment can subject VT employees and students to an unsafe environment with very severe consequences to their health."

e. "I recommend that you receive detailed training on how to properly survey for the presence of indoor mold, particularly black mold, or to ensure that someone on your staff is properly trained. If this is not possible, I recommend you hire a certified contractor to undertake this activity."

f. "I repeatedly reported the water leak that contributed to the issue."

g. "The response I consistently received was that this was a decade-long issue subject to ongoing litigation." Indeed, Defendant Winistorfer relied on this explanation as a pretext to dismiss Plaintiff's concerns and implied that no remedial action would be taken, despite the ongoing impact. This conduct

demonstrates a willful disregard for Plaintiff's right to a safe and healthy work environment.

h. "Prolonged exposure to mold in a building such as an office can dampen our immune system and trigger illnesses."

i. "Stachybotrys is highly toxic even at a very low concentration."

j. Plaintiff included pictures of the mold with her report.

32. Plaintiff made numerous follow-up reports related to the mold exposure, the office closure, and the unsafe environment after July 15, 2024. Her reports contained similar statements as those provided above. They were matters of public concern.

33. Plaintiff also reported that Virginia Tech and officials were covering up evidence of exposure and harm knowing that the environment was unsafe for employees and the public. Plaintiff construed this as wrongdoing and a matter of public concern.

34. Plaintiff became known in the Department as an advocate for the safety and health of all individuals who used Cheatham Hall.

**Defendants Retaliate**

35. Defendants retaliated against Plaintiff due to her good faith reporting and speech on a matter of public concern.

36. All Defendants were aware of Plaintiff's reporting and speech on a matter of public concern and acted in concert to harm her in retaliation.

37. Virginia Tech utilizes five-year reviews of Department Heads such as Plaintiff.

38. Though the five-year reviews are rooted in policy, they are inconsistently administered and applied in ways that create disparate outcomes. In Plaintiff's case, the

process was weaponized as a tool of retaliation, as evidenced by the survey irregularities and misrepresentations that distorted the outcome of the 2025 five-year review.

39. For example, several Department Heads within the College either had no five-year reviews or they were delayed by years.[1]

40. Defendant Winistorfer utilized a five-year review of Plaintiff in early 2025 and used it as a retaliatory tool.

41. Defendant Winistorfer used the results of a flawed internal survey as a basis to force Plaintiff to resign her position as Department Head.

42. During Plaintiff's 2025 five-year performance review, a member of Plaintiff's review committee raised serious concerns regarding the validity of the survey, the interpretation of the results, and the effect of the results. The survey was procedurally flawed, including the counting of unsubmitted responses, inflation of the reported response rate to 64.4% instead of the true 53% (24 of 45 completed surveys), and evidence of double-counting and mishandling of partial responses. Together, these anomalies prove the survey data were not handled consistently or reliably, and they are apparent upon closer review of the committee's own summary report. Defendant Winistorfer intentionally ignored these concerns, permitting a defective process to influence the outcome of the review.

43. During Plaintiff's 2025 five-year review, four retired SBIO faculty members – including one who retired in 2007 – were given access to the evaluation survey. Because Policy 6100 requires that such reviews be administered by current department faculty,

[1] As a timely and concrete example, on or about September 25, 2025, Plaintiff received an email invitation to participate in the five-year evaluation survey for Associate Dean Keith Goyne. Associate Dean Goyne began his role in January 2019, which means he has served for approximately seven years. Accordingly, his so-called five-year review is two years overdue and, notably, was only initiated by the new Dean after Defendant Winistorfer's July 31, 2025 retirement.

the inclusion of retired individuals inflated the faculty count and misrepresented actual departmental participation.

44. In the "Report on the SBIO Department Head 5-Year Review," the number of reported "respondents" exceeded the actual number of actual faculty and staff members in the Department, thereby undermining the integrity of the data. These irregularities were not limited to response rates and the mishandling of partial surveys; the report also misstated the number and identity of departmental respondents. It claimed 29 "departmental respondents," even though the Department had only 23 faculty and staff members, a figure that itself included individuals who did not report to Plaintiff and had never participated in departmental meetings or activities. By overstating participation and presenting it as departmental input, the review misrepresented the scope of faculty and staff involvement and undermined the integrity of the process under Policy 6100.

45. Plaintiff requested access to the survey data referenced by Defendant Winistorfer, but the request was denied, thereby preventing independent verification of the findings.

46. The refusal to provide the survey data deprived Plaintiff of transparency, undermined fundamental principles of due process, and also conflicted with Virginia Tech Policy 6100, which requires that the results of such evaluations be communicated to faculty in a clear and meaningful manner.

47. Plaintiff later became aware that the five-year review committee members, all Virginia Tech employees, were directed to destroy the survey data.

48. The five-year review process utilized by Defendant Winistorfer violated principles of due process and internal policies of Virginia Tech regarding the administration of performance reviews. This was retaliatory.

49. On or about April 24, 2025, Defendant Winistorfer reviewed the five-year review summary with Plaintiff and stated that he would consult with Defendant Clarke to determine whether Plaintiff could remain in the Department Head position. Defendant Winistorfer also threatened Plaintiff with termination from employment.

50. As Defendant Winistorfer's direct supervisor, Defendant Clarke failed to address Defendant Winistorfer's disparate treatment of Department Heads and allowed the review process to be used as a retaliatory tool.

51. On or about May 5, 2025, Defendant Winistorfer informed Plaintiff that Defendant Clarke had approved initiating a search for a new Department Head and further stated that Plaintiff would be removed from the position. Defendant Winistorfer also indicated that he had consulted with Vice Provost for Faculty Affairs Ron Fricker. Defendant Winistorfer offered Plaintiff the option to resign rather than be terminated.

52. Believing that senior administrators supported Defendant Winistorfer's decision and knowing that termination from the position was inevitable according to Defendant Winistorfer, Plaintiff agreed on May 5, 2025, to step down from the Department Head position, effective June 30, 2025. Defendant Winistorfer made clear that if Plaintiff did not resign, he would terminate her from the role, leading to the same outcome: a demotion.

53. On May 14, 2025, Defendant sent an email to the entire Department stating that a Department Head search would begin "if approved" by the Provost. This directly contradicted his earlier statement to Plaintiff that the Provost had already approved the search, demonstrating that Defendant Winistorfer misrepresented the facts to coerce Plaintiff into resigning. Defendant Clarke ultimately approved of removal of Plaintiff from the Department Head position.

54. On June 27, 2025, Plaintiff discovered that her Department Head stipend had been prematurely and intentionally cut off as of June 25, 2025, even though her appointment continued through June 30, 2025. This was a violation of Plaintiff's TOFO and she immediately raised the issue.

55. The Assistant Dean for Business and Finance initially resisted making a correction, and only after Plaintiff's firm objection did the Assistant Dean reluctantly agree to consult Human Resources regarding the stipend.

56. On July 1, 2025, the Dean's office informed Plaintiff that she would receive the missing five days of her stipend in the next payroll cycle. Defendant Winistorfer was copied on these electronic communications but offered no acknowledgement or apology for the error. This failure demonstrates a willful disregard of Defendant Winistorfer's responsibility and an indifference to both the mistake itself and the resulting misalignment between the duties Plaintiff performed and the compensation owed to her.

57. Additionally, Defendants attempted to convert Plaintiff's appointment from a calendar year to an academic year basis, which was another violation of her TOFO. Plaintiff was explicitly established as a calendar year employee. Converting her to an academic year employee would have also imposed unjust financial harm to Plaintiff and obstructed her equitable transition.

58. Defendant Winistorfer was scheduled to leave his own position on July 31, 2025. On August 1, 2025, the new Dean officially began her appointment.

59. By compelling Plaintiff's resignation before his own departure, Defendants prevented the new Dean from conducting her own independent evaluation of Plaintiff and making her own decision.

60. Defendants deliberately preempted the incoming Dean's authority and undermined the fair and impartial evaluation process guaranteed by Virginia Tech policies and procedures of due process.

61. Defendants orchestrated a retaliatory review process to support a retaliatory demotion of Plaintiff, demonstrating a clear pattern of misconduct and misuse of authority.

62. At all times pertinent to this Complaint, Plaintiff met the legitimate business expectations of Defendant Winistorfer.

63. Plaintiff has suffered emotional distress due to the actions of Defendants.

64. Plaintiff has suffered financial harm due to the actions of Defendants.

65. Defendants had actual notice of all of Plaintiff's protected speech and reports of wrongdoing prior to retaliating against her.

**COUNT I: FIRST AMENDMENT FREEDOM OF SPEECH RETALIATION**
**42 U.S.C § 1983**
**Against Defendants Winistorfer and Clarke**

66. Plaintiff incorporates by reference herein the preceding paragraphs of this Complaint.

67. Plaintiff engaged in constitutionally protected speech on matters of public concern.

68. Defendants had actual notice of Plaintiff's expression of speech.

69. Plaintiff's speech did not impede or conflicted with the performance of her job duties. Plaintiff did not engage in insubordination.

70. Plaintiff's speech did not interfere with the operation of or undermine the mission of Defendants.

71. Defendants wrongfully demoted Plaintiff in retaliation due to speaking on

matters of public concern.

72. Defendants violated Plaintiff's First Amendment rights and retaliated against her in violation of 42 U.S.C. § 1983.

73. Defendants retaliated against Plaintiff because of her constitutionally protected speech.

74. Defendants acted with reckless and/or callous indifference to Plaintiff's legal rights.

75. Plaintiff has suffered compensatory damages, emotional distress, and pecuniary losses due to Defendants' actions.

**COUNT II:**
**CLAIM FOR RETALIATION IN VIOLATION OF THE VIRGINIA FRAUD AND ABUSE WHISTLE BLOWER PROTECTION ACT, VA. CODE ANN. §§ 2.2-3009, *et seq*.**
**Against Defendants Winistorfer and Clarke**

76. Virginia Code § 2.2-3011 provides that no public employer, including counties, **may discharge, threaten, or otherwise discriminate or retaliate** against a whistle blower's disclosures of wrongdoing or abuse. Plaintiff reported wrongdoing and abuse in good faith and suffered retaliation. Defendants discriminated and retaliated against Plaintiff.

77. At all times relevant to this action, Plaintiff was an "Employee" and Defendants were considered an "Employer" as those terms are defined in § 2.2-3010 of the Code of Virginia.

78. At numerous times relevant to this action, Plaintiff reported "Abuse" and/or "Wrongdoing" as those terms are defined in § 2.2-3010. Though Plaintiff is not a lawyer, the unlawful wrongdoing and abuse she reported in good faith were violations of:

a. Va. Code § 40.1-1, *et seq*.

b. Va. Code § 36-97, *et seq*.

c. Va. Code § 2.2-1129, *et seq*.

d. Va. Code § 40.1-51.1(A)

e. Va. Code Title 2.2, Chapter 24 and Title 58.1

79. Plaintiff made a good faith report of wrongdoing and abuse and Defendants retaliated against Plaintiff for reporting the abuse and wrongdoing in violation of § 2.2-3011.

80. Defendants retaliated against Plaintiff by subjecting her to a retaliatory review process and demoting her.

81. The actions of Defendants constitute retaliation under the Virginia Fraud and Abuse and Whistleblower Protection Act, Virginia Code § 2.2-3011.

82. As a direct and proximate result of Defendants' actions in violation of § 2.2-3011, Plaintiff has suffered and continues to suffer injury including pain and suffering, humiliation, embarrassment, inconvenience, lost wages and benefits, lost career opportunities, emotional distress and the incurred attorney's fees and costs in this action, as well as other damages.

## COUNT III: NEGLIGENCE UNDER THE VIRGINIA TORT CLAIMS ACT VA. CODE § 8.01-195.1
**Against Defendant Board of Visitors of Virginia Tech**

83. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as though fully set forth herein.

84. At all times relevant hereto, Virginia Tech was an agency and instrumentality of the Commonwealth of Virginia subject to the Virginia Tort Claims Act, Va. Code § 8.01-195.1, *et seq*.

85. At all times relevant hereto, Virginia Tech owned, operated, maintained,

controlled, and was responsible for the condition and safety of Cheatham Hall and the offices and workspaces occupied by Plaintiff.

86. Virginia Tech owed Plaintiff a duty to exercise ordinary and reasonable care in the inspection, maintenance, repair, and operation of its premises and to provide a reasonably safe workplace free from unreasonably dangerous conditions.

87. Virginia Tech further owed Plaintiff a duty to reasonably investigate reports of water intrusion, moisture accumulation, mold contamination, and related environmental hazards within Cheatham Hall.

88. Virginia Tech knew, or in the exercise of reasonable care should have known, that water intrusion and moisture problems existed within Cheatham Hall for an extended period of time.

89. Plaintiff repeatedly reported water leaks and water intrusion within the building before the discovery of mold contamination.

90. Despite notice of these conditions, Virginia Tech failed to take reasonable measures to investigate, remediate, repair, and eliminate the hazardous conditions.

91. Virginia Tech further failed to adequately inspect the affected areas, failed to timely remediate mold contamination, failed to warn Plaintiff and other occupants of known environmental hazards, and failed to protect employees and members of the public from exposure to those hazards.

92. As a direct and proximate result of Virginia Tech's negligence, mold and other contaminants developed and/or remained present within Plaintiff's workplace.

93. Plaintiff was exposed to mold and other toxins while performing her duties in Cheatham Hall.

94. As a direct and proximate result of Virginia Tech's negligence, Plaintiff

suffered physical injury, illness, pain and suffering, inconvenience, emotional distress associated with her physical injuries, medical expenses, lost income, and other compensable damages.

95. The injuries sustained by Plaintiff were the natural, foreseeable, and probable consequence of Virginia Tech's negligent acts and omissions.

96. Plaintiff provided timely written notice of her claim pursuant to Va. Code § 8.01-195.6.

97. Plaintiff has satisfied all conditions precedent required by the Virginia Tort Claims Act.

98. Virginia Tech violated numerous duties to Plaintiff resulting in her injury.

**WHEREFORE**, Plaintiff Dr. Ching-Hsun Huang prays for judgment against the Board of Visitors of Virginia Tech, Dr. Paul Winistorfer, and Dr. Cyril R. Clarke, jointly and severally, for injunctive relief, equitable relief, reinstatement, back pay, front pay, full reinstatement of fringe benefits and seniority rights, compensatory damages, and punitive damages together with prejudgment and post judgment interest and attorneys' fees and costs, and for such other and further relief as may be just and equitable.

A TRIAL BY JURY ON ALL THINGS TRIABLE IS HEREBY REQUESTED.

Respectfully Submitted,

**DR. CHING-HSUN HUANG**

By: _____

Thomas E. Strelka, Esq. (VSB # 75488)
VIRGINIA EMPLOYMENT LAW
*Counsel for Plaintiff*

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**UNITED STATES DISTRICT COURT**
**WESTERN DISTRICT OF VIRGINIA**
**ROANOKE DIVISION**

CLERKS OFFICE US DISTRICT COURT
AT ROANOKE, VA
FILED
January 22, 2026
LAURA A. AUSTIN, CLERK
BY: /s/ Tallulah Costa
DEPUTY CLERK

**SHAWN JADRNICEK,**

**Plaintiff,**

**v.**

**CASE NO.:** 7:26-cv-00063

**JURY TRIAL DEMAND**

**DANNY PEEK, *In His Individual Capacity***

**Defendant.**

## COMPLAINT

COMES NOW, Shawn Jadrnicek, ("Plaintiff" or "Mr. Jadrnicek"), by counsel, and hereby presents this Complaint against Defendant Danny Peek ("Defendant" or "Defendant Peek"), in his individual capacity. Both parties worked together at the Virginia Cooperative Extension in Roanoke, Virginia. This agency is a division of Virginia Polytechnic Institute and State University | Commonwealth of Virginia ("Virginia Tech"). This is a public whistle blower action that arises out of employment. In support of his Complaint, Plaintiff provides the following:

## I. JURISDICTION AND VENUE

1. Plaintiff is a resident of Roanoke, Virginia.

2. At all times relevant to this matter, Defendant served under color of state law as the Southwest District Director of the Virginia Cooperative Extension.

3. Venue is proper as the acts and omissions described below occurred within the Western District of Virginia.

4. This matter raises questions of state and federal law. Federal questions are presented pursuant to 42 U.S.C. § 1983. This Court possesses jurisdiction over this

matter. *See generally*, 28 U.S.C. §§ 1331, 1367.

5. Defendant acted under color of state law at all times pertinent to this matter.

6. This is an employment matter in which Defendant retaliated against Plaintiff due to his engagement in protected whistle blower activities and protected speech on a matter of public concern. This Court has supplemental jurisdiction over Plaintiff's state law claim. Plaintiff's state law retaliation claim arises under the Virginia Fraud and Abuse Whistle Blower Protection Act ("F&A Act"), codified at Va. Code Ann. §§ 2.2-3009, *et seq*.

7. Plaintiff is a whistle blower pursuant to the F&A Act.

8. Va. Code Ann. § 2.2-3009:

> "Whistle blower" is defined as "an employee who witnesses or has evidence of wrongdoing or abuse and who makes or demonstrates by clear and convincing evidence that he is about to make a good faith report of, or testifies or is about to testify to, the wrongdoing or abuse to one of the employee's superiors, an agent of the employer, or an appropriate authority. "Whistle blower" includes a citizen of the Commonwealth who witnesses or has evidence of **wrongdoing or abuse** and who makes or demonstrates by clear and convincing evidence that he is about to make a good faith report of, or testifies or is about to testify to, the wrongdoing or abuse to an appropriate authority.

(emphasis added).

9. "**Abuse**" is "an employer's or employee's conduct or omissions that result in substantial misuse, destruction, waste, or loss of funds or resources belonging to or derived from federal, state, or local government sources." "**Wrongdoing**" is defined in the Act as "a violation, which is not of a merely technical or minimal nature, of a federal or state law or regulation, local ordinance, or a formally adopted code of conduct or ethics of a professional organization designed to protect the interests of the public or employee."

10. The acts and/or omissions of Defendant from which the following causes of action arise occurred within Blacksburg, Virginia.

11. Plaintiff worked at Virginia Tech as an Extension Agent of Agricultural and Natural Resources.

12. Plaintiff worked full-time and received wages and benefits.

13. Pursuant to the F&A Act, Defendant Peek was the "employer" of Plaintiff. ("Employer" means a ***person*** supervising one or more employees, including the employee filing a good faith report, a superior of that supervisor, or an agent of the governmental agency.) All adverse employment actions and decisions related to employment matters complained of herein were authorized and endorsed by Defendant Peek.

14. Defendant Peek had notice of all of Plaintiff's protected reports as provided below.

15. Defendant Peek had notice of Plaintiff's engagement in protected speech on a matter of public concern as provided below.

16. Claims under the F&A Act require timely initiation of the claim. Plaintiff commences this litigation within three (3) years of the adverse act complained of herein.

## II. FACTS

17. This is a case of termination all arising under a theory of whistle blower retaliation.

18. Plaintiff began working at Virginia Tech on or about September 6, 2021.

19. Plaintiff was retaliated against for engaging in acts that were protected by the F&A Act. At the time of his termination, Plaintiff worked as an Extension Agent for

Agriculture and Natural Resources. This position is affected by regulations enacted by the General Assembly of Virginia.

20. Plaintiff is not an attorney, but he has received training from the Commonwealth of Virginia regarding the regulations and legal responsibilities of his employment.

21. Plaintiff observed matters of concern that he considered wrongdoing under the F&A Act. He perceived that he was working in an unlawful environment and reported this in good faith. Plaintiff was retaliated against for this conduct.

22. Plaintiff conducted an analysis on farm profitability and, during his research, uncovered evidence of illegal activity. This illegal activity qualifies as "wrongdoing" pursuant to the F&A Act. Defendant retaliated against Plaintiff for engaging in this reporting.

23. As part of his work duties, Plaintiff pursued analysis to increase farm profitability for local farmers.

24. Plaintiff conducted an analysis of the profitability of southwest Virginia's farmers markets and community-supported agriculture ("CSA") marketplace in 2023.

25. In June of 2025, Plaintiff engaged in protected speech and protected reporting under state and federal law.

26. In performing an analysis on profitability, he uncovered evidence of false advertising regarding the Local Environmental Agriculture Project ("LEAP"). LEAP is a Roanoke-based 501c3 nonprofit.

27. LEAP sought to sell "farm shares" to the public. LEAP published marketing material and held itself out as a seller of "farm shares." However, Plaintiff investigated the claim that LEAP sold "farm shares." Plaintiff in good faith concluded that LEAP did

not sell “farm shares” and was engaged in fraud on a large scale. Plaintiff reported that what LEAP sold were products from “food aggregators and food hubs” not actual “farm shares”. Plaintiff reported that this distinction resulted in false advertising by LEAP and Virginia Tech. Plaintiff reported that sales of these “farm shares” resulted in fraudulent sales and unjust enrichment.

28. Plaintiff reported that a LEAP board member paid himself over six figures worth of taxpayer funds illegally. The funds were intended for public use but were taken for private use illegally by a LEAP board member. The board member funneled LEAP funds to himself in an illegal scheme of self-dealing.

29. Plaintiff reported that LEAP operated as a for-profit enterprise despite its organization as a nonprofit business. LEAP competed with for-profit grocery stores and for-profit farms and avoided taxation illegally by funneling revenue to LEAP and board members of LEAP.

30. Plaintiff reported in good faith that LEAP and individuals associated with LEAP had engaged in illegal activity. Plaintiff reported all of this in good faith after having uncovered evidence of the illegal activities.

31. Plaintiff reported these activities to his supervisor and management.

32. Plaintiff reported these activities on or about June 1, 2025 and June 15, 2025.

33. Plaintiff reported these activities in a workshop attended by members of the community and in a video posted to YouTube.

34. On July 2, 2025, Defendant sent a letter to Plaintiff. That letter is posted in its entirety here:

**Virginia Cooperative Extension**
Virginia Tech • Virginia State University

July 8, 2025

Shawn Jadrnicek
1839 Bluemont Avenue SW
Roanoke, VA 24015-2403

SUBJECT: NOTICE OF INTENT TO ISSUE SEVERE SANCTION

Dear Shawn:

This letter serves as formal notice of my intent to impose a severe sanction due to continued unacceptable performance in your role as Extension Agent, Agriculture and Natural Resources, with Virginia Cooperative Extension in Roanoke.

Specifically, the following incidents reflect unprofessional conduct and failure to follow supervisory guidance.

On June 1, 2025, you conducted a Farm Profitability Workshop that was shared publicly via YouTube and covered by a local television outlet. Prior to the event, on March 21, 2025, I provided specific guidelines intended to support a successful and constructive program. Following the workshop, I received concerns from several community partners. Upon review, I concluded that the workshop itself adhered to the guidelines I provided.

However, on June 16, 2025, your direct email response to the Executive Director of the Virginia Farmers Market Association (VAFMA) included critical comments regarding multiple partner organizations and individuals. In your message, you alleged unethical behavior by the Local Environmental Agriculture Project (LEAP), referenced a forced resignation from a leadership role with the Roanoke Foodshed Network (RFN), and suggested improper financial conduct by local producers, specifically naming one LEAP board member and producer. Additionally, you disclosed having been banned from Virginia Association of Biological Farming (VABF) programs, attributing this to your prior criticisms and asserting financial ties between the VABF director and LEAP.

You were previously issued a letter of minor sanction on June 7, 2024, with clear expectations for improvement in professionalism and communication. I provided continued guidance throughout late 2024 and into 2025, including e-mailed instructions to you on November 8, 2024, to cease allegations of business misconduct by LEAP publicly as a representative of Virginia Cooperative Extension. Formal complaints have been submitted to me and to university leaders from LEAP, RFN, VABF, VAFMA, and multiple producers referencing your misconduct. As outlined in your position description, you, as an Extension Agent, are empowered to identify and prioritize issues, challenges, and opportunities within your scope of responsibility. However, this authority does not extend to making public accusations against others regarding alleged misconduct, unethical behavior, or illegal activity.

Your ongoing public criticism of partner organizations and individuals has resulted in reputational harm to Virginia Cooperative Extension, strained key community relationships, and has prompted legal concerns. These actions demonstrate a serious lapse in professional judgment and are inconsistent with the standards expected of your position.

In accordance with the provisions afforded by the Faculty Handbook, this letter serves as notification of my intent to remove you from employment for just cause on these grounds, effective Monday, July 14, 2025. Section 7.6 of the Virginia Tech Faculty Handbook provides that "Members of the administrative and professional faculty may be dismissed for cause" with terms that include you being afforded at least three workdays to provide me with your response to the imposition of this severe sanction. Please submit your written response to me by 5:00 p.m. on Friday, July 11, 2025. After I've had time to review it, I will make a final decision and communicate that to you.

You are hereby instructed to turn in Virginia Tech, VCE, or other keys and then leave the premises. You will be on paid administrative leave until further notice. You are not to work remotely or return to the office for any reason.

If you have questions about this notice, you may contact April Wood, Senior Human Resources Manager for VCE, aprilwood@vt.edu, or Rodney Irvin, Director of Employee Relations, rirvin00@vt.du.

Sincerely,

Danny Peek
Southwest District Director

cc: Human Resources
Lonnie Johnson, Senior Associate Director for Operations and Administration
Dr. Michael Gutter, Associate Dean, Director for Virginia Cooperative Extension

35. Defendant terminated Plaintiff on or about July 8, 2025.

36. No justifiable reason existed for Plaintiff's termination.

37. Defendant lied in his letter to Plaintiff. Plaintiff never demonstrated performance issues or concerns. Plaintiff shined sunlight on illegal activities and was terminated to perpetuate the illegality.

38. Defendant retaliated against Plaintiff for speaking on a matter of public concern and reporting wrongdoing.

39. Plaintiff has suffered pecuniary and non-pecuniary losses due to the harm inflicted upon him by Defendant.

40. At all times relevant to this action, Plaintiff met the legitimate expectations of his employer.

41. As a direct and proximate result of Defendant's actions, Plaintiff has suffered and continues to suffer injury, pain and suffering, humiliation, embarrassment,

inconvenience, lost wages and benefits, lost career opportunities, incurred attorney's fees and costs in this action, emotional distress, as well as other damages.

**COUNT I: FIRST AMENDMENT FREEDOM OF SPEECH RETALIATION AND WRONGFUL TERMINATIONIN VIOLATION OF 42 U.S.C § 1983**

42. Plaintiff incorporates by reference herein the preceding paragraphs of this Complaint.

43. Plaintiff engaged in constitutionally protected speech on matters of public concern. All of this occurred regarding substantial financial impropriety regarding taxpayer funds.

44. Defendant had actual notice of Plaintiff's expression of speech.

45. Plaintiff's speech did not impede or conflict with the performance of his job duties.

46. Plaintiff's speech did not interfere with the operation of or undermine the mission of Defendant.

47. Defendant terminated Plaintiff's employment because he engaged in protected activity pursuant to his First Amendment rights.

48. Defendant violated Plaintiff's First Amendment rights and retaliated against him in violation of 42 U.S.C. § 1983.

49. Defendant retaliated against Plaintiff because of his constitutionally protected speech.

50. Defendant's termination of a public employee for expressing First Amendment rights is a violation of clearly established statutory and constitutional rights. These rights are clearly established in the law and should have been known to Defendant.

51. Defendant acted with reckless and/or callous indifference to Plaintiff's legal

rights.

**COUNT II: CLAIM FOR RETALIATION IN VIOLATION OF THE VIRGINIA FRAUD AND ABUSE WHISTLE BLOWER PROTECTION ACT, VA. CODE ANN. §§ 2.2-3009, *et seq*.**

52. Plaintiff incorporates by reference herein the preceding paragraphs of this Complaint.

53. Virginia Code § 2.2-3011 provides that no public employer, including counties, may discharge, threaten, or otherwise discriminate or retaliate against a whistle blower's disclosures of wrongdoing or abuse. Plaintiff reported wrongdoing in good faith and suffered retaliation. Defendant discriminated and retaliated against Plaintiff.

54. At all times relevant to this action, Plaintiff was an "Employee" and Defendant was considered an "Employer" as those terms are defined in § 2.2- 3010 of the Code of Virginia.

55. At all times relevant to this action, Defendant and others engaged in "Wrongdoing" as that term is defined in § 2.2-3010 of the Code of Virginia. Though Plaintiff is not a lawyer, the unlawful wrongdoing he reported in good faith was a violation of:

a. Va. Code § 18.2-95 / 96 (larceny);

b. Va. Code § 18.2-111 (embezzlement);

c. Va. Code § 18.2-178 (false pretenses);

d. Va. Code § 18.2-112.1 (public funds embezzlement); and

e. 26 U.S. Code § 501(c)(3) (requirements to maintain nonprofit status).

56. Plaintiff made a good faith report of wrongdoing and Defendant retaliated against Plaintiff for reporting wrongdoing in violation of § 2.2-3011.

57. The actions of Defendant constitute retaliation under the Virginia Fraud and Abuse and Whistleblower Protection Act, Virginia Code § 2.2-3011.

**WHEREFORE**, Plaintiff Shawn Jadrnicek prays for judgment against Defendant Danny Peek, for injunctive relief, equitable relief, reinstatement, back pay, front pay, full reinstatement of fringe benefits and seniority rights, compensatory damages, punitive damages, and actual damages, all together with prejudgment and post judgment interest and attorneys' fees and costs, and for such other and further relief as may be just and equitable.

A TRIAL BY JURY ON ALL THINGS TRIABLE IS HEREBY REQUESTED.

Respectfully Submitted,

**SHAWN JADRNICEK**

By: /s/ Thomas E. Strelka
Thomas E. Strelka, Esq. (VSB # 75488)
VIRGINIA EMPLOYMENT LAW
*Counsel for Plaintiff*

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CLERKS OFFICE US DISTRICT COURT
AT ROANOKE, VA
FILED
10/12/2026
LAURA A. AUSTIN, CLERK
BY: /s/ Hannah Warren
DEPUTY CLERK

**UNITED STATES DISTRICT COURT**
**WESTERN DISTRICT OF VIRGINIA**
**ROANOKE DIVISION**

**CYNTHIA ANN MARTEL,**

**Plaintiff,**

**v.**

**CASE NO.:** 7:26CV788

**JURY TRIAL DEMAND**

**SONYA FURGUSON,** ***In Her Individual and Official Capacities,***

**Defendant.**

# COMPLAINT

**COMES NOW** Plaintiff Cynthia Ann Martel ("Plaintiff" or "Martel"), by counsel, and files this action against Defendant Sonya Furguson ("Furguson"), individually under 42 U.S.C. § 1983 and in her official capacity under the Virginia Fraud and Abuse Whistle Blower Protection Act ("VFAWPA"), Va. Code §§ 2.2-3009 through 2.2-3014. Plaintiff states as follows:

## I. NATURE OF THE ACTION

1. For approximately thirteen years, Martel served the Virginia Cooperative Extension ("VCE"), a division of Virginia Polytechnic Institute and State University ("Virginia Tech"), as an Extension Agent. She performed at or above expectations and was never placed on a Performance Improvement Plan.

2. After Martel underwent major surgery related to a disability and returned to work with approved disability accommodations, Furguson's treatment of her changed dramatically. Furguson repeatedly expressed anger about the accommodations, challenged and attempted to undermine them, accused Martel of fraud, directed

subordinates to scrutinize Martel's travel records, calendars, and social media, and supplied false or chronologically impossible information to VCE accommodations personnel to portray Martel as violating medical restrictions.

3. Martel repeatedly reported Furguson's conduct to Furguson herself, Furguson's supervisor Lonnie Johnson, Human Resources, and the VCE Ombudsman. Her reports included that Furguson was falsifying and mischaracterizing data to create a false disciplinary record against a disabled employee, retaliating against Martel for exercising federally protected disability rights, and fostering or permitting threatening conduct by subordinates.

4. The retaliation escalated after those reports. Furguson stripped Martel of a longstanding 4-H leadership duty, falsely accused her of stealing workplace property, and created circumstances in which Martel reasonably understood that her termination had become inevitable regardless of what additional wrongdoing she reported.

5. This action asserts two distinct legal theories. First, Furguson, acting under color of state law, intentionally subjected Martel to materially different and adverse treatment because of her disability and approved accommodations, in violation of the Equal Protection Clause of the Fourteenth Amendment and 42 U.S.C. § 1983. Second, Furguson, in her official capacity as Martel's supervisory "employer," retaliated against Martel for her good-faith reports of wrongdoing in violation of VFAWPA.

## II. PARTIES

6. Plaintiff Cynthia Ann Martel is a resident of Wirtz, Virginia.

7. Martel began working for VCE at its Rocky Mount facility on or about February 6, 2012, and served as a full-time Extension Agent receiving salary and benefits.

8. Virginia Tech is a public university and instrumentality of the Commonwealth of Virginia. VCE is a division or component of Virginia Tech.

9. At all relevant times, Defendant Sonya Furguson was a VCE supervisory employee and Martel's supervisor. Furguson exercised supervisory authority over Martel's duties, performance, discipline, accommodations-related workplace interactions, and continued employment.

10. For Count I, Furguson is sued in her individual capacity. At all relevant times she acted under color of the laws, customs, policies, and authority of the Commonwealth of Virginia and Virginia Tech/VCE.

11. For Count II, Furguson is sued in her official capacity as a supervisory official of VCE. She was Martel's "employer" within Va. Code § 2.2-3010 because she was a person supervising Martel and an agent of the governmental agency.

## III. JURISDICTION AND VENUE

12. This Court has original federal-question jurisdiction over Count I pursuant to 28 U.S.C. §§ 1331 and 1343 because Count I arises under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

13. This Court has supplemental jurisdiction over Count II pursuant to 28 U.S.C. § 1367 because the VFAWPA claim forms part of the same case or controversy as the federal constitutional claim and arises from the same course of discriminatory and retaliatory conduct.

14. Venue is proper in the Roanoke Division of the Western District of Virginia because Martel worked at VCE's Rocky Mount facility, located within the Roanoke Division, and a substantial part of the events and omissions giving rise to the claims occurred within this Division.

## IV. PRIOR ACTION, NONSUIT, AND TIMELINESS

15. Martel timely filed an earlier action arising from the same transaction and occurrence in the Circuit Court for Montgomery County, Virginia, styled Cynthia Ann Martel v. Sonya Furguson, Case No. CL25-002421-00.

16. In that action, Furguson filed a Plea in Bar and Demurrer and a separate Motion to Strike Martel's jury demand and requests for non-statutory damages. Before an adjudication on the merits, Martel exercised her right to a voluntary nonsuit in August of 2026.

17. This action is recommenced within six months of the nonsuit and within the applicable limitations periods as tolled by Va. Code § 8.01-229(E)(3). That statute applies irrespective of whether the first action was filed in state court and the recommenced action is filed in another court.

18. Count I arises from the same operative facts and transaction or occurrence alleged in the nonsuited action. Section 1983 borrows Virginia's two-year personal-injury limitations period and Virginia's generally applicable tolling rules, including the nonsuit savings rule. See Scoggins v. Douglas, 760 F.2d 535, 537–38 (4th Cir. 1985).

19. Count II is also timely. VFAWPA provides a three-year limitations period for unlawful discharge, discrimination, or retaliation, and the prior timely action tolled that period under Va. Code § 8.01-229(E)(3).

## V. FACTUAL ALLEGATIONS

### A. Martel's Successful Employment and Disability Accommodations

20. Martel worked for VCE for approximately thirteen years. Throughout that period, she performed at or above legitimate expectations and was never placed on a Performance Improvement Plan.

21. On or about August 29, 2023, Martel underwent a major surgical procedure related to a disability and thereafter used approved medical leave to recuperate.

22. Martel returned to work in late January 2024. She was a qualified individual capable of performing the essential functions of her position with reasonable accommodations.

23. Upon her return, Virginia Tech/VCE approved disability-related accommodations, including telework three days per week and medical restrictions concerning driving and lifting.

24. The accommodations were approved through the employer's accommodations process. Furguson was required to administer Martel's work consistently with those approved restrictions.

**B. Furguson Targets Martel Because of Her Disability and Accommodations**

25. Furguson reacted with anger and frustration to Martel's use of medical leave and approved disability accommodations.

26. More than a month after Martel's surgery, Martel attended an evening meeting of the local women's committee of the American Farm Bureau Federation ("AFB"). Martel's husband drove her to the meeting, escorted her into the building, and helped physically support her with pillows while she attended.

27. In March 2024, Furguson and/or employees acting under her direction accused Martel of falsifying or abusing medical leave because she attended that after-hours meeting.

28. Martel explained that the meeting occurred after business hours, that her husband drove and physically assisted her, and that her attendance did not establish an abuse of medical leave.

29. After that explanation undermined the leave-abuse accusation, Furguson shifted grounds and accused Martel of a conflict of interest merely because she belonged to the AFB.

30. Martel explained that nearly every Extension Agent was also an AFB member. Other Extension Agents who belonged to AFB but were not then using Martel's disability accommodations were not subjected by Furguson to the same accusation based merely on AFB membership.

31. Furguson repeatedly expressed anger and frustration directly to Martel regarding the granting and modification of her accommodations.

32. As Martel's healthcare provider modified or updated her restrictions, Martel supplied the updated restrictions to Furguson. Furguson regularly lashed out at Martel and objected to the modifications even though the accommodations had been approved and did not prevent Martel from performing her job.

33. In approximately May or June 2024, Furguson falsely reported to VCE accommodations personnel that Martel was abusing her driving restrictions and had falsified her accommodations.

34. Furguson asserted, in substance, that she "knew" Martel was traveling beyond her restrictions and was "falsifying" them.

35. Furguson directed subordinate employees to review Martel's driving records, calendars, and social-media activity in an effort to build a case that Martel had violated her medical restrictions.

36. Furguson supplied a list of supposed dates on which Martel allegedly drove beyond her restrictions. The list was materially false or misleading. It included travel

occurring before Martel's August 2023 surgery—before the post-surgical driving restrictions at issue even existed.

37. Furguson disseminated the false or misleading information to VCE accommodations personnel by email and verbal communications in early summer 2024.

38. Furguson's conduct was not a neutral effort to administer accommodations. It was a targeted effort to discredit a disabled employee's approved accommodations, portray her as dishonest, and create grounds for discipline or removal.

**C. Martel Repeatedly Reports Furguson's Conduct**

39. Beginning in March 2024 and continuing through May 2025, Martel repeatedly objected to and reported Furguson's conduct in good faith.

40. Martel reported the hostility, false accusations, falsification and misuse of data, and retaliation directly to Furguson in March, June, and July 2024 and in February, March, and May 2025.

41. Martel reported the same course of conduct to VCE Human Resources in March, June, and July 2024 and in February, March, and May 2025.

42. Martel reported the conduct to Furguson's supervisor, Lonnie Johnson, in March 2024 and February 2025.

43. Martel also reported the conduct to the VCE Ombudsman in December 2024.

44. The majority of Martel's reports were verbal, but they were specific. Martel did not merely complain that Furguson was unpleasant or that she disagreed with ordinary supervision. She reported that Furguson was using false information to attack federally approved disability accommodations and to manufacture a basis to discipline or remove Martel.

45. Martel reasonably and in good faith believed that Furguson's intentional interference with and retaliation for the exercise of disability rights violated federal disability law, including § 504 of the Rehabilitation Act, 29 U.S.C. § 794, and the federal anti-retaliation protections incorporated into the standards governing disability discrimination in employment.

46. Martel also reported conduct she reasonably believed violated Virginia Tech/VCE's formally adopted anti-discrimination, anti-retaliation, honesty, and employee-conduct requirements designed to protect employees and the public from discriminatory and dishonest misuse of supervisory authority.

**D. February 2025 Report of Falsified Data and Threatening Conduct**

47. Furguson's subordinate employees, including Tania Rohlfs, Brenda Carol Haynes, and Amber Wilson, participated in creating or supplying material used against Martel at Furguson's direction.

48. On or about February 3, 2025, Rohlfs screamed at Martel in a physically threatening manner.

49. Martel promptly reported the incident and the broader course of misconduct to Furguson, Lonnie Johnson, and April Woods of Human Resources.

50. During that report, Martel specifically reported: (a) Furguson's hostility and retaliation connected to Martel's exercise of disability rights; (b) Furguson's falsification and mischaracterization of old data to create a retaliatory basis to terminate Martel; and (c) aggression and threats by coworkers that Martel believed Furguson had fostered, encouraged, or failed to correct.

51. When confronted through the supervisory process, Furguson denied that she had compiled a list of dates accusing Martel of driving outside her restrictions. Martel alleges that denial was false.

52. Furguson knew of Martel's protected reports. She was the subject of many of them, received some directly, and was involved in the supervisory process through which others were made.

**E. Escalating Adverse Actions and Constructive Discharge**

53. After Martel's repeated reports, the adverse treatment escalated.

54. On or about March 24, 2025, Furguson removed Martel from leading the 4-H Livestock Club, a significant responsibility Martel had performed for more than a decade.

55. On or about May 20, 2025, Furguson falsely accused Martel of stealing property from the workplace.

56. These actions followed a year in which Furguson had accused Martel of leave abuse, fraud, falsifying accommodations, violating driving restrictions, and a supposed conflict of interest, while directing scrutiny of Martel's records and supplying false or misleading data against her.

57. By early June 2025, Martel reasonably understood that Furguson and VCE had decided to end her employment and that no additional report of Furguson's conduct would prevent that result.

58. On June 5, 2025, after the escalating false accusations, stripping of duties, threats, and retaliatory paper trail, Martel wrote to Human Resources: "It is clear to me that I will be terminated no matter what I may report at this point. I hereby resign effective immediately."

59. Human Resources accepted the resignation that same day.

60. Martel's resignation was not a voluntary abandonment of satisfactory employment. It was the foreseeable culmination of a deliberate course of disability-based hostility and retaliation that had escalated from attacks on her accommodations to surveillance, false allegations of fraud and theft, restriction of longstanding duties, and the communicated certainty of termination.

61. A reasonable employee in Martel's position—after thirteen years of satisfactory service and facing an escalating, supervisor-created record of dishonesty, fraud, theft, and inevitable termination—would have felt compelled to resign.

62. Furguson intended, or at minimum deliberately created and maintained conditions foreseeably calculated, to force Martel from her position. Martel therefore alleges constructive discharge. In the alternative, the restriction of her longstanding duties, false disciplinary accusations, targeted surveillance, and other materially adverse actions independently constitute discrimination and retaliation even apart from the constructive discharge.

## COUNT I
## 42 U.S.C. § 1983 — FOURTEENTH AMENDMENT EQUAL PROTECTION
## (Against Furguson in Her Individual Capacity)

63. Martel incorporates the preceding paragraphs as if fully set forth herein.

64. The Equal Protection Clause prohibits state actors from intentionally treating similarly situated persons differently without constitutionally sufficient justification. Disability classifications are subject at least to rational-basis review, but a state actor may not arbitrarily discriminate against a person because of disability.

65. At all relevant times, Furguson acted under color of state law as a supervisory employee of Virginia Tech/VCE.

66. Martel was disabled and was known by Furguson to be disabled and to have approved disability-related accommodations.

67. Furguson intentionally treated Martel differently because of her disability and approved accommodations. Among other things, Furguson reacted angrily to accommodations, attempted to discredit them, subjected Martel to targeted surveillance, supplied false and impossible dates to portray her as violating medical restrictions, accused her of fraud and dishonesty, stripped longstanding duties, and escalated discipline against her.

68. The disparate treatment was purposeful. Furguson repeatedly linked her hostility and scrutiny to Martel's medical restrictions and accommodations and personally undertook efforts to prove that Martel was "falsifying" those restrictions.

69. The disparate treatment lacked a rational relationship to a legitimate governmental purpose. Using knowingly false or pre-restriction travel dates to manufacture an accommodations violation, shifting from a disproven leave-abuse accusation to a conflict-of-interest accusation based on membership shared by nearly every Extension Agent, and targeting a satisfactorily performing employee because she used approved accommodations do not rationally advance legitimate workplace administration.

70. Similarly situated employees who were not subjected to Martel's disability accommodations were not subjected to the same targeted treatment. In particular, nearly every Extension Agent belonged to AFB, yet Furguson singled out Martel's AFB membership as a supposed conflict only after the leave-abuse theory tied to Martel's disability failed.

71. Furguson's intentional disability-based disparate treatment caused Martel economic loss, emotional distress, humiliation, loss of employment, and other compensable injury.

72. Furguson's conduct violated Martel's rights under the Equal Protection Clause and is actionable under 42 U.S.C. § 1983. See Fauconier v. Clarke, 966 F.3d 265, 277–79 (4th Cir. 2020).

73. The constitutional claim is distinct from a statutory ADA or Rehabilitation Act claim. Martel seeks relief under § 1983 for intentional, arbitrary disability-based unequal treatment by a state actor, not merely for a failure to accommodate under a federal statute.

74. Furguson is liable in her individual capacity for compensatory damages. To the extent the evidence establishes evil motive or intent, or reckless or callous indifference to Martel's federally protected rights, punitive damages are also available under § 1983.

**COUNT II**
**42 U.S.C. § 1983 — FIRST AMENDMENT RETALIATION**
**(Against Furguson in Her Individual Capacity)**

75. Martel incorporates the preceding paragraphs as if fully set forth herein.

76. At all relevant times, Furguson acted under color of state law as a supervisory employee of Virginia Tech/VCE.

77. Martel's ordinary duties as an Extension Agent did not include investigating Furguson, investigating employment discrimination or retaliation, policing management misconduct, auditing Furguson's representations to Human Resources, investigating falsification of employment information, or reporting supervisory misconduct to Human Resources, the Ombudsman, or Furguson's superior.

78. In 2024 and 2025, Martel spoke outside those ordinary job duties when she repeatedly reported Furguson's alleged falsification and manipulation of information,

misuse of supervisory authority, retaliation, and other misconduct to Human Resources, Lonnie Johnson, the VCE Ombudsman, and other persons capable of investigating or correcting governmental misconduct.

79. Martel reported, among other things, that Furguson knowingly supplied false information concerning Martel's driving history and medical restrictions, relied on dates predating the existence of those restrictions, falsely accused Martel of violating approved restrictions, and later denied having compiled information that Martel alleged Furguson had created or disseminated.

80. Martel further reported that Furguson was using false and manipulated information to create a false governmental employment record for the purpose of engineering discipline, discrediting Martel, and removing her from public employment.

81. Martel's reports were not limited to seeking a personal accommodation or redress of a private workplace grievance. Martel reported that Furguson's conduct reflected a broader misuse of supervisory authority within a public institution and threatened the integrity of VCE's employment, accommodation, disciplinary, and reporting processes.

82. Martel's reports further suggested that Furguson's conduct affected or threatened other VCE employees because Furguson exercised supervisory authority over multiple employees and was allegedly willing to manipulate information, foster retaliatory conduct by subordinate employees, and use governmental employment processes against employees who challenged her conduct.

83. Martel also reported circumstances indicating that Furguson's conduct affected public operations. VCE and Virginia Tech are public institutions; their supervisors exercise authority using public resources and administer programs and employment

functions on behalf of the Commonwealth. Martel reported conduct that she believed compromised the honesty, reliability, and lawful operation of those public functions.

84. Martel's reports implicated the public's interest in whether supervisory officials at a public university and public extension service truthfully maintain and use governmental employment information, administer federally protected rights lawfully, refrain from retaliatory misuse of governmental authority, and operate public programs without falsification or intimidation.

85. Martel also reported aggression and threatened violence in the workplace that she alleged was fostered or encouraged by Furguson, further implicating the safe and lawful operation of a public workplace and the treatment of other public employees.

86. The content, form, and context of Martel's reports therefore concerned not merely her own employment dispute but the honesty and integrity of a public official, the reliability of information used in governmental decision-making, misuse of public supervisory authority, workplace safety, and the lawful operation of a public institution—matters of legitimate public concern.

87. Martel made these reports as a citizen and not pursuant to the tasks she was employed to perform as an Extension Agent. The fact that she learned of Furguson's conduct through her employment does not transform reporting supervisory misconduct to HR, an Ombudsman, and higher management into an ordinary Extension Agent job duty.

88. Martel's interest, and the public's interest, in exposing alleged dishonesty, falsification, retaliation, unsafe workplace conduct, and misuse of governmental authority outweighed any legitimate governmental interest in suppressing that speech.

89. Furguson knew of Martel's protected speech. Furguson was the subject of the reports, received some reports directly, and participated in the supervisory processes through which Martel's reports were made.

90. After and because of Martel's protected speech, Furguson intensified the adverse treatment, continued or approved the retaliatory paper trail, removed Martel from the 4-H Livestock Club responsibility she had successfully performed for more than a decade, accused Martel of stealing workplace property, and participated in conduct designed to bring about Martel's removal from employment.

91. Martel's protected speech was a substantial or motivating factor in Furguson's adverse actions. The timing, Furguson's knowledge, the escalating accusations after Martel's reports, and the alleged fabrication and manipulation of information support the causal connection.

92. Furguson's retaliation against Martel for speaking as a citizen on matters of public concern violated Martel's rights under the First and Fourteenth Amendments and is actionable under 42 U.S.C. § 1983.

93. At the time of the challenged conduct, it was clearly established that a public employer may not retaliate against an employee for speech made as a citizen on matters of public concern. See Jadrnicek v. Peek, No. 7:26-cv-00063 (W.D. Va. Aug. 17, 2026); Adams v. Trs. of Univ. of N.C.-Wilmington, 640 F.3d 550, 560–66 (4th Cir. 2011).

94. As a direct and proximate result of Furguson's unconstitutional retaliation, Martel suffered lost compensation and benefits, emotional distress, humiliation, inconvenience, loss of employment and career opportunities, and other compensable injury.

95. Furguson is liable in her individual capacity for compensatory damages and, to the extent the evidence establishes evil motive or intent or reckless or callous indifference to Martel's federally protected rights, punitive damages.

**COUNT III**
**VIRGINIA FRAUD AND ABUSE WHISTLE BLOWER PROTECTION ACT**
**VA. CODE §§ 2.2-3009 THROUGH 2.2-3014**
**(Against Furguson in Her Official Capacity)**

96. Martel incorporates the preceding paragraphs as if fully set forth herein.

97. Martel was an "employee" and a "whistle blower" within Va. Code § 2.2-3010.

98. Furguson was Martel's "employer" within the statutory definition because she supervised Martel and acted as an agent of the governmental agency.

99. Martel made good-faith reports to superiors, Human Resources, the Ombudsman, and Furguson herself concerning conduct she reasonably believed constituted "wrongdoing" within Va. Code § 2.2-3010.

100. The reported wrongdoing was not a merely technical or minimal disagreement about the day-to-day administration of an accommodation. Martel reported intentional falsification and mischaracterization of data by a public supervisor to manufacture evidence that a disabled public employee had committed fraud and violated federally protected medical restrictions; retaliatory interference with federally protected disability rights; and supervisory conduct intended to create a false basis for discipline and termination.

101. Martel identified the substance of the violations she believed had occurred, including intentional retaliation for federally protected disability activity and discriminatory interference with rights protected by § 504 of the Rehabilitation Act, 29

U.S.C. § 794, as well as violations of formally adopted Virginia Tech/VCE employee-conduct and anti-retaliation requirements.

102. Martel's reports were made in good faith, without malice, and upon reasonable cause to believe the reported facts were true. She identified concrete conduct, dates, actors, false data, and retaliatory actions; her reports were not generalized workplace grievances.

103. Furguson had actual knowledge of Martel's reports before the March 24, 2025 removal of Martel's longstanding 4-H duties, the May 20, 2025 theft accusation, and the events culminating in Martel's June 5, 2025 constructive discharge.

104. Because of Martel's protected reports, Furguson discharged, threatened, discriminated, and/or retaliated against Martel, including by restricting her duties, continuing and escalating false accusations, maintaining a retaliatory paper trail, and creating conditions that compelled Martel's resignation.

105. The close temporal relationship between Martel's February, March, and May 2025 reports and the March, May, and June 2025 adverse actions, together with Furguson's direct involvement in both the reported misconduct and the adverse actions, plausibly establishes causation.

106. But for Martel's good-faith whistleblowing, Furguson would not have subjected her to the adverse actions alleged herein.

107. Under the current law of this Court, a VFAWPA claim against a state supervisory "employer" proceeds in the supervisor's official capacity. *See Jadrnicek v. Peek*, No. 7:26-cv-00063, (W.D. Va. Aug. 17, 2026); *Brown v. Copeland*, No. 6:26-cv-00016, 2026 WL 1396219, at *2–3 (W.D. Va. May 19, 2026); *Young v. Rector & Visitors of the Univ. of Va.*, No. 3:25-cv-00083, 2026 WL 1557470, at *6 (W.D. Va. June 2, 2026).

108. VFAWPA's creation of a private right of action against a public employee's supervisory employer waives the sovereign immunity otherwise applicable to that statutory claim. *See Martin v. City of Waynesboro*, 87 Va. App. 67, 83–84, 926 S.E.2d 516, 524–25 (2026); *Jadrnicek, supra.*

109. Martel seeks under Count II only the remedies authorized by Va. Code § 2.2-3011(D): reinstatement to the same or an equivalent position, back pay, full reinstatement of fringe benefits and seniority rights, reasonable attorneys' fees and costs, and the statutory civil penalty payable as provided by law upon proof of a willful and knowing violation.

**PRAYER FOR RELIEF**

**WHEREFORE,** Plaintiff Cynthia Ann Martel respectfully requests that the Court enter judgment in her favor and grant the following relief:

A. On Counts I and II, compensatory damages against Furguson in her individual capacity in an amount to be determined by the jury;

B. On Counts I and II, punitive damages against Furguson in her individual capacity if supported by the evidence;

C. On Count III, reinstatement to Martel's former position or, if filled, an equivalent position;

D. On Count III, back pay and full reinstatement of fringe benefits and seniority rights as authorized by Va. Code § 2.2-3011(D);

E. On Count III, the statutory civil penalty authorized by Va. Code § 2.2-3011(D), payable as provided by statute, upon a finding of a willful and knowing violation;

F. Reasonable attorneys' fees and costs under 42 U.S.C. § 1988 and Va. Code § 2.2-3011(D), as applicable;

G. Prejudgment and post-judgment interest to the extent permitted by law; and

H. Such other relief as the Court deems just and proper and that is authorized by the causes of action pleaded herein.

**JURY DEMAND**

Plaintiff demands a trial by jury on all matters.

Respectfully Submitted,

**CYNTHIA ANN MARTEL**

By: _____

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