



November 21, 2025

By Email (richard.cullen@governor.virginia.gov)

The Honorable Glenn Youngkin
Governor of Virginia
By and Through Richard Cullen, Esq.
Counselor to the Governor
P.O. Box 1475
Richmond, Virginia 23218

By Email (senatorhashmi@senate.virginia.gov)

The Honorable Ghazala F. Hashmi
Chair, Senate Education and Health Committee
P.O. Box 396
Richmond, Virginia 23218

By Email (DelSRasoul@house.virginia.gov)

The Honorable Sam Rasoul
Chair, House Education Committee
P.O. Box 13842
Roanoke, Virginia 24037

Dear Governor Youngkin, Senator Hashmi, and Delegate Rasoul:

In accordance with § 23.1-401.1(D) of the Code of Virginia, the University of Virginia submits this report regarding our compliance with § 23.1-401.1.

The Foundation for Individual Rights in Education (FIRE) ranks the speech policies and speech climates of over 250 universities nationwide to identify those universities that have the most open environments for free speech. The University of Virginia has been given the Green Light speech code rating by FIRE and is currently ranked #21 in the nation. See <https://www.thefire.org/college-free-speech-rankings>.

The University of Virginia maintains a website, <https://freespeech.virginia.edu/> that features links to state regulations relevant to free speech, University policies, materials that are relevant to such policies, and the process to report incidents involving the disruption of constitutionally protected speech. The University's policies and regulations regarding constitutionally protected speech are located at: <https://freespeech.virginia.edu/policies-regulations>.

These same policies and regulations are also included in the University's online student handbook for undergraduate students and graduate students at <http://records.ureg.virginia.edu/index.php>. Materials on these policies and regulations in the form of Frequently Asked Questions (FAQs) also are featured on the website at <https://freespeech.virginia.edu/freedom-speech-faqs>. The homepage of this website prominently displays the reporting systems that our constituents may use to report an incident involving the disruption of constitutionally protected speech at <https://freespeech.virginia.edu/>, or directly at Just Report It at <https://justreportit.virginia.edu/>.

The University of Virginia's students and employees, including those responsible for student discipline or education of free speech materials, are notified of these policy resources and the process to report incidents of disruption of constitutionally protected speech throughout the year via various communication streams, such as the above mentioned websites, student information system enrollment module for new and returning students, *see* Exhibit 1, and the University Judiciary Committee training and education, *see* Exhibit 2.

New this year, the Office of Student Affairs distributed a printed Guide to the First Amendment to all incoming first-year students at the Convocation ceremony. In addition, a group of students created a printed Free Speech Toolkit written by students, for students which is being distributed to second-, third-, and fourth-year students at tables around Grounds. The latter was reviewed by counsel at FIRE as well as the University's general counsel.

In June 2021, the University's Board of Visitors unanimously approved the University's Statement on Free Expression and Free Inquiry, <https://freespeech.virginia.edu/statement-free-expression-and-free-inquiry>, put forth by a committee representing a broad array of individuals with widely divergent viewpoints and experiences. In addition, in September of 2024 the University issued a Statement on Institutional Statements which called for institutional neutrality as a way to protect academic freedom and prevent the chilling of dissent. <https://www.virginia.edu/institutional-statements/>

The University further demonstrates its commitment to freedom of expression through many initiatives, events, and curricular offerings throughout the year. In "Free Speech News," the University publishes an ongoing list of free-expression-related news and events on the free speech website: <https://freespeech.virginia.edu/news>.

The following are just some examples of this commitment from the past year:

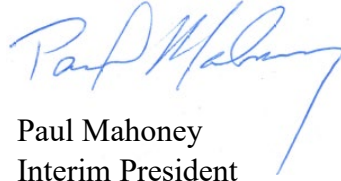
- (1) Free speech Fridays – Think Again, an initiative at UVA that promotes free expression, viewpoint diversity, intellectual humility, and critical thinking, hosted Free Speech Fridays every month. Students gather with faculty over free lunch in the historic Rotunda for events such as "Disagree with a Professor," in which faculty bring controversial statements of their own creation – some serious, some funny – and engage in constructive disagreement with students. <https://www.thinkagainuva.com/>

- (2) The Karsh Institute of Democracy’s Civic Cornerstone Fellowship – This program helps undergraduate and graduate students build dialogue skills, cultivate intellectual humility and curiosity, and practice self-regulation techniques that enable them to lean into difficult conversations. By integrating research and emphasizing viewpoint diversity, the program creates space for students to listen deeply, learn from one another, and engage constructively. What began as a small pilot has quickly become one of the Institute’s signature initiatives. In its first year (2024–25), the fellowship exceeded expectations, drawing more than 300 participants from across the university. Students are placed in intentional groups of 10 that span ideology, background, discipline, and year, ensuring meaningful exchange and connection. In 2025–26, participation has grown to 400 students, representing all 12 schools at UVA and reflecting the program’s expanding reach and impact.
<https://karshinstitute.virginia.edu/civic-cornerstone-fellowship>
- (3) Campus Discourse Project – Following up on last year’s gathering of free speech leaders at “Where do We Go From Here? The Future of Free Speech on College Campuses,” the Campus Discourse Project (CDP) launched this summer. CDP is a budding national network, led by UVA, which seeks to share resources for student-facing events that promote free speech and viewpoint diversity across universities and non-profit groups. Leaders met in late October at UVA to decide next steps.
<https://www.campusdiscourse.org/>
- (4) “Free Speech at UVA: Where is the Line?” – On October 6, the Blue Ridge Center and the Center for Politics at UVA sponsored a panel exploring the boundaries of free speech on Grounds, offering diverse perspectives and insights on this important topic. The conversation was moderated by Jeff Schapiro and panelists included Professors Gerard Alexander and Sherri Moore, alongside two student members of the Jefferson Society.
<https://centerforpolitics.org/event/free-speech-at-uva-where-is-the-line/>
- (5) UVA Student Oratory Contest – This fifth annual event was held on Monday, November 17 in the Rotunda. Students wrote and delivered five-minute speeches on the Declaration of Independence before a bipartisan panel of judges who are former White House speechwriters.
<https://www.thinkagainuva.com/general-7>
- (6) Karsh Institute’s Talking Across Difference - a web hub for events, programs, research, classes, and other opportunities at UVA to foster open dialogue among people with varying backgrounds, opinions, and perspectives.
<https://txd.karshinstitute.virginia.edu/>

Since December 1, 2024, no complaints have been filed in a court of law to initiate a lawsuit against the University of Virginia, or an employee of the institution in his or her official capacity, for an alleged violation of the First Amendment to the United States Constitution.

On behalf of the University, I am pleased to certify that the University has fulfilled the requirements in Virginia Code § 23.1-401.1. Thank you for your service to the Commonwealth. Should you need additional information, please do not hesitate to contact me.

Yours truly,



Paul Mahoney
Interim President

cc: Division of Legislative Automated Services (DLAS) - reportdocs@dlas.virginia.gov
Gary Nimax, Assistant Vice President for Compliance

Free Speech and Expression

In 2018, the Commonwealth of Virginia established by [statute](#) a requirement that “[e]xcept as otherwise permitted by the First Amendment to the United States Constitution, no public institution of higher education shall abridge the constitutional freedom of any individual, including enrolled students, faculty and other employees, and invited guests, to speak on campus.” The Commonwealth further required “[e]ach public institution of higher education [to] establish and include in its student handbook, on its website, and in its student orientation programs policies regarding speech that is constitutionally protected under the First Amendment to the United States Constitution and the [process](#) to report incidents of disruption of such constitutionally protected speech.

In 2021, the University’s Board of Visitors’ endorsed a [statement](#) affirming its commitment to free expression as put forward by the University’s Committee on Free Expression and Free Inquiry. This statement and the content below, published in the University’s Undergraduate and Graduate Records, reflect the University’s policies on free speech.

The University’s Statement of Students’ Rights and Responsibilities ([STAF-003](#)) begins by stating:

The University of Virginia is a community of scholars in which the ideals of freedom of inquiry, freedom of thought, freedom of expression, and freedom of the individual are sustained. The University is committed to supporting the exercise of any right guaranteed to individuals by the Constitution and the Code of Virginia and to educating students relative to their responsibilities.

The Statement of Students’ Rights and Responsibilities goes on to explain that:

...[T]he exercise and preservation of these freedoms and rights require a respect for the rights of all in the community to enjoy them to the same extent. It is clear that in a community of learning, willful disruption of the educational process, destruction of property, and interference with the orderly processes of the University or with the rights of other members of the University cannot be tolerated. Students enrolling in the University assume an obligation to conduct themselves in a manner compatible with the University’s function as an educational institution.

The First Amendment protects a wide range of speech, including on controversial topics of the day. It also protects much of what is often characterized as “hate speech.” As a result, there is natural tension between broad First Amendment rights to free expression in a public university and a desire to create and maintain a community in which everyone feels included, respected and supported. Some speech that is constitutionally protected, and thus outside the scope of formal University sanction through the University Judiciary Committee, may nonetheless impact certain members of the community disproportionately, with a potential negative impact on their educational experience. If the University is to achieve both important goals – a robust intellectual community where people feel free to speak their minds on important public issues and a diverse community where all feel included and welcome – we must be mindful of the power of our words.

To fulfill the University's mission, each student must feel empowered to speak their mind, but do so in a way that provides space for dissenting views and allows for a true exchange of ideas. This means making a sincere effort to think about the impact of hateful rhetoric and culturally insensitive statements even though a person may have a constitutional right to say these things. This also means engaging with those who disagree, even when the subject is a topic of great personal importance. Of course, there are some individuals who are not interested in engaging constructively or in truly listening to the views of others. They may also be interested solely in creating division or distrust, rather than seeking to understand and engage in healthy debate. Such individuals are likely to be the exception, however.

There are some forms of expression that are not constitutionally protected and are subject to sanction by the University. The most common of these include [harassment](#) as defined by University policy, including a subset of specific [gender-based harassment](#); disruption of University operations; preventing an invited or permitted [speaker](#) from speaking or being heard by others in attendance; directing threats to a person or group with the intention of placing them in fear of bodily harm or death; advocacy intended to and likely to incite imminent lawless action; and slander/libel/defamation. Virginia also has laws prohibiting: "[harassment by computer](#)," criminalizing communication via computer or computer network of certain [obscene](#), vulgar, profane, lewd, lascivious, or indecent language, or language threatening an illegal or immoral act, with the intent to coerce, intimidate, or harass an individual; and "[use of a person's identity with the intent to coerce, intimidate, or harass](#)," criminalizing publication of a person's name or photograph along with either their home address or certain other [personal identifying information](#), and done with the intent to coerce, intimidate, or harass them.

Even when a statement is constitutionally protected, the University or other members of the community may use their own respective voices to criticize, denounce, or express disagreement with that statement. We are not shielded from criticism, even if we may be shielded from formal University disciplinary action. Posting something online often has negative consequences, either by placing you or others in an unfavorable light or unleashing individuals trolling online who may respond in ways never intended or expected. Regardless of whether the "doxing" activity falls within the more narrow scope of prohibited criminal conduct, it nonetheless can be potentially dangerous to the person targeted. Students should promptly report any actual threats received as a result of doxing or other social media activity using [Just Report It](#), or by dialing 911 in an emergency.

The University's primary policy on freedom of expression on Grounds, [PRM-017](#), sets forth broad protections for the free expression rights of students, faculty and staff (collectively defined in the policy as "Affiliated Persons"). Under the First Amendment and applicable [state law](#), the University is permitted to put into place content-neutral, reasonable policies as to the time, place and manner of speech tailored to significant interests such as enabling the academic enterprise to proceed without disruption. These policies include when, where and how [amplified sound](#) may be used; the manner and location of [posting flyers and chalking](#) on sidewalks; how [space](#) may be reserved and used; and some regulations of demonstrations during certain [ceremonies and events](#). There are [Housing policies](#) specific to on-Grounds University residences. You may also wish to briefly review the helpful [FAQ](#) on PRM-017.

The information provided above is intended to offer insight into your broad rights to free expression as a student, links to relevant University policies and state laws, and important things to consider as you exercise these rights within a diverse intellectual community. Each of you should feel empowered to speak passionately on subjects of interest or importance, while working to respect each other and create a truly inclusive community.

☐ I acknowledge receipt of this statement.

Date

Save

First Amendment

FERPA

FOIA

Nerissa Rouzer, Assoc. General Counsel
Marsh Pattie, Assoc. VP of Student Affairs

Fall 2025

Agenda

1 A BASICS

FERPA

FOIA

DISCUSSION
& QUESTIONS



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

*Virginia
Code:
23.1-401*

No public institution of higher education shall impose restrictions on the time, place, and manner of student speech that

(i) occurs in the outdoor areas of the institution's campus and

(ii) is protected by the First Amendment to the United States Constitution unless the restrictions (a) are reasonable, (b) are justified without reference to the content of the regulated speech, (c) are narrowly tailored to serve a significant governmental interest, and (d) leave open ample alternative channels for communication of the information

*Virginia
Code:
23.1-401.1*

A. Except as otherwise permitted by the First Amendment to the United States Constitution, no public institution of higher education shall abridge the constitutional freedom of any individual, including enrolled students, faculty and other employees, and invited guests, to speak on campus.

B. Each public institution of higher education shall establish and include in its student handbook, on its website, and in its student orientation programs policies regarding speech that is constitutionally protected under the First Amendment to the United States Constitution and the process to report incidents of disruption of such constitutionally protected speech.

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.**

Your Role as a State Actor

Commonwealth (acting through the Governor and General Assembly) →

University of Virginia (acting through the BOV) →

UJC →

You!

Under law, UJC must not interfere with Constitutionally protected speech.

Why is Free Speech Important?

Free and open inquiry is the basis for the scientific method and all other modes of investigation that produce, expand, and refine knowledge.

The educational endeavor for students requires freedom to speak, write, inquire, listen, challenge, and learn, including through exposure to a range of ideas and cultivation of the tools of critical thinking and engagement.

While some ideas we may personally find distasteful, offensive, uncomfortable, or just plain bad, suppressing them removes an opportunity to explore and challenge them – and in doing so being able to connect with another person. Hearing other ideas helps us challenge and refine our own.

What is Free Speech?

Right of any person to express ideas, opinions, or viewpoints without punishment or interference from federal, state, or local government.

Speech can be written, verbal, or “symbolic” (clothing, signs, pictures/images, protests, and vigils).

Can include controversial or unpopular ideas. There is no “hate speech” exception to the First Amendment unless it also falls within well-recognized exceptions to free speech (e.g., obscenity, perjury, child pornography, incitement, true threats, etc.,)

Allowing speech to occur does not equate to condoning or endorsing the content of the speech

What isn't protected by the 1A?

Fighting words: Words which “by their very utterance, inflict injury or tend to incite an immediate breach of peace.” (provoke immediate and violent reaction)

Incitement: Speech that is directed to inciting or producing imminent lawless action, and the speech is likely to incite or produce such action.

Obscenity: Speech or materials may be deemed obscene (and therefore unprotected) if the speech meets the following (extremely high) threshold: It (1) appeals to the “prurient” interest in sex, (2) is patently offensive by community standards and (3) lacks literary, scientific or artistic value.

Defamation: An intentional and false statement about an individual that is publicly communicated in written (called “libel”) or spoken (called “slander”) form, causing injury to the individual. • Fraud and perjury • Speech integral to criminal conduct

What isn't protected by the 1A?

Fraud and perjury

Speech integral to criminal conduct

Certain types of harassment: Speech and/or conduct based on a protected category that is 1) so severe, persistent, or pervasive and 2) objectively offensive (reasonable person standard) that it 3) interferes with the victim's educational experience and the victim is effectively denied equal access to an institution's resources and opportunities.

Certain symbolic actions: But only if the actions are otherwise illegal, such as tagging, graffiti, littering or burning a cross on private property with the intent to intimidate.

Material and substantial disruption: An action that materially and substantially disrupts the functioning of the university or that substantially interferes with the protected free expression rights of others

Special Focus:

True Threats

UJC Context: SOC 2 - Conduct which intentionally or recklessly threatens the health or safety of any person on University-owned or leased property, at a University sanctioned function, at the permanent or temporary local residence of a University student, faculty member, employee or visitor, or in the city of Charlottesville or Albemarle County.

Speech (non-behavioral) context for SOC 2 must follow the True Threat Doctrine: Statements where the speaker **means** to communicate a **serious expression** of an intent to **commit an act of unlawful violence** to a particular individual or group of individuals.

Or the Incitement Doctrine: Speech that is intended to incite imminent lawless action and is likely to produce such action

Finding a True Threat

To find that an accused student violated SOC 2 based on the speech at issue, the Complainant must prove beyond a reasonable doubt that:

- 1) The Respondent subjectively intended to convey the speech at issue as a threat. That is, the Respondent said/communicated the words for the purpose of issuing a threat, or with knowledge that the speech will be viewed as a threat; and
- 2) The content of the speech contained a “true threat.” That is, an ordinary, reasonable recipient who is familiar with the context in which the speech/statement is made would interpret the words as a serious expression of an intent to do harm.

The Complainant need not prove that the Respondent had the intent or ability to carry out the threat in evaluating whether the speech at issue constituted a true threat.

United States v. White (4th Cir. 2016); Elonis v. United States (2015)

Harassment

University definition of harassment: Unwelcome conduct directed against a person based on one or more of that person's protected characteristics or statuses, which conduct is so severe or pervasive that it interferes with an individual's employment, academic performance or participation in University programs or activities, and creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive.

Based on federal and state laws and policies: Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, ADA of 1990, and others.

Protected characteristics or statuses: age, color, disability, gender identity or expression, marital status, military status (which includes active duty service members, reserve service members, and dependents), national or ethnic origin, political affiliation, pregnancy (including childbirth and related conditions), race, religion, sex, sexual orientation, veteran status, and family medical or genetic information.

Harassment

Jurisdiction: Speech that potentially qualifies as harassment falls under the jurisdiction of the University's Office for Equal Opportunity & Civil Rights (EOCR) (which includes Title IX).

The University must follow certain federal policies and investigatory standards in addressing these matters.

Questions of appropriate jurisdiction in potential UJC cases are discussed among UJC Exec, Assoc. VP of Student Affairs, University Counsel, and (where appropriate) Assoc. VP of EOCR

University policies related to speech

- PRM-017: DUTIES TOWARD SPEAKERS AND USE OF UNIVERSITY FACILITIES OR PROPERTY
- SEC-041: USE OF AMPLIFIED SOUND ON OUTDOOR UNIVERSITY PROPERTY
- PRM-008: EXTERIOR POSTING AND CHALKING
- SEC-039: PROTESTS, DEMONSTRATIONS, AND OTHER EXPRESSIVE ACTIVITIES DURING OFFICIAL UNIVERSITY CEREMONIES AND EVENTS HELD AT THE ACADEMICAL VILLAGE

[HTTPS://FREESPEECH.VIRGINIA.EDU/POLICIES-REGULATIONS](https://freespeech.virginia.edu/policies-regulations)

The UJC Role

- In case situations, determine appropriate jurisdiction in partnership with Student Affairs and University Counsel.
- Understand and comply with First Amendment requirements; support the University's statement on free speech and expression (remember, we are agents of the University and Commonwealth of Virginia).
- Serve as a resource for the University Community regarding free speech parameters (this can be challenging!!)
- Apply appropriate rules and standards (as clarified by Counsel) in cases that may involve speech related issues

FERPA

Family Educational Rights and Privacy Act

20 U.S.C. 1232g (FERPA statute)

34 CFR Part 99 (Implementing Regulations)

FERPA Basics

What rights do students have?

- To inspect and review their educational records.
- To obtain copies of their records (where review/inspection not possible).
- To receive a response from the University to reasonable requests for explanations of their records.
- To obtain an opportunity for a hearing to challenge the content of their records.
- To receive confidential treatment by the University of education records. Records may not be released without student consent unless authorized by a specific exception in the Act.
- To refuse to permit the release of their directory information.
- To file complaints with the Family Policy Compliance Office of the DOE concerning alleged failures by the University to comply with FERPA

What is an education record?

Those records that are:

1. Directly related to a student; and
2. Maintained by an educational agency or institution or by a party acting for the agency or institution

“Record” means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. This also includes text messages, email, etc. The definition of record is intentionally broad

Exceptions to FERPA

Permissible disclosures without consent of the student (most relevant for Honor/UJC):

- The disclosure is to other school officials within the institution whom the institution has determined to have legitimate educational interests. Generally, a school official has a legitimate educational interest if the official needs to review an education record in order to fulfill professional responsibilities. Honor and UJC members are school officials.
- The disclosure is to comply with a judicial order or lawfully issued subpoena.
- The disclosure is to anyone requesting the final results of a disciplinary hearing against an alleged perpetrator of a crime of violence or non-forcible sex offense where:
 - The student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and
 - With respect to the allegation made against them, the student is found to have committed a violation of UVA's rules or policies.

Always consult with Committee Advisor and General Counsel's Office prior to any records disclosure beyond Committee personnel.

FOIA

Virginia Freedom of Information Act
Va. Code § 2.2-3700 et seq.

All public records and meetings shall be presumed open, unless an exemption is properly invoked.

“Public Record” means all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business

FOIA Exemption

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

UVA may withhold scholastic records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof. However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.

UJC and Honor case records are exempt from FOIA disclosure . . .

however

FOIA Exemption

UJC and Honor non-case business communications and records are not exempt. They are considered public records reflecting the transaction of public business.

Examples: Budget and spending; meeting minutes/notes; constitution, bylaws, procedures; training materials; communications (including electronic) regarding any UJC and Honor related business; reflections on Committee operations, personnel, and processes; communications with other University officials regarding Committee or University business.

FOIA requests will come from staff in General Counsel's Office. If you receive a request from a different source, alert Marsh (UJC) or Evan (Honor). The University channels FOIA requests through GC's office.

Additional Information

STU-002: Rights of Students at the University of Virginia Pursuant to the Family Educational Rights and Privacy Act (FERPA)

<https://uvapolicy.virginia.edu/policy/STU-002>

Student Rights (FERPA)

<https://registrar.virginia.edu/ferpa>

FOIA Information

<https://universitycounsel.virginia.edu/foia>

Contacts

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Discussion and Questions

THANK YOU!!

