

August 29, 2025

The Honorable R. Creigh Deeds  
Senate of Virginia  
11<sup>th</sup> Senatorial District  
Post Office Box 5462  
Charlottesville, Virginia 22905-5462

Senator Deeds:

We write on behalf of the Board of Visitors of the University of Virginia in further response to your letter dated August 1, 2025. The Board is committed to transparency and shared governance, appreciates the General Assembly's important role, and shares its goal of promoting the best interests of the University.

The Board also recognizes your interest in matters relating to the U.S. Department of Justice and shares the desire for transparency that would provide closure to the University community and dispel incorrect narratives.

As we explained in our August 15 correspondence, the Board is constrained in commenting about interactions with the Department of Justice. At the request of University President James E. Ryan and his senior team, McGuireWoods was retained to represent the University in connection with investigations that the Department initiated earlier this year. Counsel handling that matter—Farnaz Farkish Thompson and Jack L. White of McGuireWoods, copied here—have noted that we would interfere with ongoing discussions with the Department if our response addressed that topic. Although we would like to correct a number of inaccurate premises and assumptions in your letter, we are duty-bound to place the University's interests above all else, and we must honor our fiduciary obligation to the University.

It is worth reiterating what is publicly known: Counsel led and managed the process of responding to the Department's inquiries. As part of his and the University's efforts to address those inquiries, President Ryan requested that the Board of Visitors engage with the Department of Justice, and he was briefed on each of those very few interactions. It also bears noting that the events relating to the Department of Justice addressed in your letter occurred while Rector Robert Hardie led the Board. As we requested in our August 15 letter, we ask that you not draw conclusions or promote unfounded speculation when we are unable to share the facts.

We are able to address two topics that do not implicate the confidentiality of ongoing discussions: the March 7 "Resolution of the University of Virginia Regarding the President's Executive Order on Diversity, Equity, and Inclusion" and the presidential search committee process.

## **I. March 7 Board Resolution and Its Implementation**

The March 7 Resolution resulted from a collaborative process involving the Board, led by then-Rector Hardie, and President Ryan's senior leadership team at the University. The

unanimous adoption of the Resolution by the Board reflected, among other things, a recognition by all involved that the action was necessary to comply with federal and state law and fulfill the Board's fiduciary duties.

On January 21, 2025, President Trump issued Executive Order No. 14173, titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity," which aimed to eliminate preferences based on race, sex, and other protected categories in federal contracting and grant-making. EO 14173 also encouraged the private sector to end DEI practices. On February 14, 2025, the U.S. Department of Education issued a Dear Colleague Letter to clarify and affirm the nondiscrimination obligations of higher education institutions receiving federal funds, such as the University of Virginia. On March 1, 2025, the U.S. Department of Education issued a Frequently Asked Questions document providing additional information about the February 14 Dear Colleague Letter. Those directives state that compliance failures could lead to serious consequences, including the loss of federal funding on which the University relies.<sup>1</sup>

On March 1, 2025, President Ryan and Rector Hardie received a letter from the Secretary of Education of the Commonwealth of Virginia, Aimee Rogstad Guidera (the "Guidera Letter"). The letter was sent to presidents and rectors of all public universities in the Commonwealth of Virginia. It attached a Memorandum from Virginia's Attorney General, EO 14173, the February 14 Dear Colleague Letter, and the March 1 Frequently Asked Questions document.

Secretary Guidera's letter directed President Ryan and Rector Hardie to comply with federal and state directives; to investigate the University's admissions, hiring, and other practices; and to cease the use of any racial preferences that violate federal law. The Guidera Letter stated that "[t]he governing board of each public institution of higher education must review all policies and practices to determine potential violations of federal law." It also directed that "[p]olicies and programs found to be in violation of federal law must be rescinded or conformed to comply with federal law." Failure to comply, the letter and its attachments warned, could expose the University to "loss of federal funding."

The Guidera Letter directed the university boards to place compliance issues at the top of the agenda at their next meeting. Members of the University of Virginia's Board of Visitors received a copy of the Guidera Letter on March 2, 2025. The next regularly scheduled meeting of the University of Virginia's Board of Visitors was March 5-7, 2025.

Although Board members and University leaders held a range of views on the underlying issues, all recognized the need to take action. They worked together to formulate a draft resolution that could receive unanimous approval to address the federal and state directives. Rector Rachel W. Sheridan and Vice Rector Porter N. Wilkinson received the initial draft of the

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<sup>1</sup> See generally [U.S. Dep't of Educ., Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students for Fair Admissions v. Harvard, at 4 \(February 14, 2025\)](#) ("Institutions that fail to comply with federal civil rights law may, consistent with applicable law, face potential loss of federal funding.").

resolution from another Board member. Multiple Board members and senior members of President Ryan’s team reviewed and revised drafts in advance of the meeting.

At the March 7 meeting, the Board considered the resolution, titled “Resolution of the University of Virginia Regarding the President’s Executive Order on Diversity, Equity, and Inclusion.” Following further discussion and revision in closed session, every Board member at the meeting voted in favor, and the resolution passed by a unanimous vote of 16-0. On March 11, 2025, President Ryan sent an email to the University community concerning the March 7 resolution and the University’s efforts to ensure its policies and practices comply with applicable laws.

The final language of the resolution closely tracked the February 14 Dear Colleague Letter and EO 14173, providing that the University would “ensure that all University programs, policies, practices, and actions in every regard comply with the Equal Protection Clause of the U.S. Constitution, Title VI of the Civil Rights Act of 1964, and other federal civil rights laws.” The resolution “dissolved” the Office of Diversity, Equity, Inclusion, and Community Partnerships and stated that the University shall “immediately transfer permissible programs to a new organizational home.”<sup>2</sup> The resolution also provided that the University President would “update the Board of Visitors on compliance” with the resolution within 30 days. Other Virginia public universities have passed similar resolutions at their respective Board meetings.<sup>3</sup>

On March 19, 2025, President Ryan assembled a working group to implement the federal and state directives consistent with the March 7 resolution. The group first met on March 24, 2025, and on April 7, 2025, President Ryan submitted to the Board a three-page “Update on Implementation of March 7 Resolution” that summarized the progress of the working group and the activities undertaken in response to the March 7 resolution (“April 7 Update”). As the April

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<sup>2</sup> The same day, Governor Glenn Youngkin issued a statement concerning the March 7 Resolution. Neither Rector Sheridan nor Vice Rector Wilkinson had advance notice of that statement and were not involved in its drafting or issuance.

<sup>3</sup> See, e.g., [Resolution of Radford University Supporting an Environment Free from Discrimination](#) (adopted Mar. 21, 2025); [Resolution of Longwood University Regarding the Presidential Executive Order on Diversity, Equity, and Inclusion](#) (approved Mar. 21, 2025); [Resolution of Virginia Commonwealth University Regarding the Presidential Executive Order on Diversity, Equity and Inclusion](#) (approved Mar. 21, 2025); [Resolution of Virginia Polytechnic Institute and State University Regarding the Presidential Executive Order on Diversity, Equity, and Inclusion](#) (approved Mar. 25, 2025); Press Release, James Madison University, [University Leadership Affirms Values Amid Organizational Changes](#) (last updated Apr. 14, 2025) (“During the April 11 Board of Visitors meeting, and heeding guidance at the federal level, the board introduced and passed a resolution to end the university’s Division of Diversity, Equity and Inclusion.”); [Resolution of the Board of Visitors for the College of William & Mary on Merit-Based Excellence, Student Opportunity and Freedom from Discrimination](#) (approved April 25, 2025); [Resolution of George Mason University Regarding Merit-Based Excellence, Student Opportunity and Freedom from Discrimination](#) (approved Aug. 1, 2025).

7 Update stated, the working group convened to implement the March 7 resolution “completed an initial review of [the University’s] programs and activities for compliance with federal civil rights laws; launched a more comprehensive and granular compliance review, which is now underway; and dissolved the Division of Diversity, Equity, and Inclusion.” On April 28, 2025, President Ryan submitted to the Board a more detailed report of the working group’s efforts to carry out the directives of the March 7 resolution.

Rector Hardie convened a special meeting of the Board on April 29, 2025. At that meeting, the Board discussed the University’s progress and approved a resolution entitled “Advancing Free Inquiry and Viewpoint Diversity at UVA.” All participating Board members again voted in favor. The resolution, which was discussed among President Ryan, his senior leadership team, and the Board, stated that the University “has made progress on implementing the directives of the Board of Visitors’ March 7 resolution on Diversity, Equity, and Inclusion and additional work remains to be done.” The Board also discussed ongoing efforts to ensure viewpoint diversity at the University and, in the same resolution, called for the creation of a working group to consider efforts to “promote open inquiry, constructive conversation across differences, and development of a civic mindset.” The resolution further called for a report on the “work being done to ensure an intellectual climate and campus culture where all students, faculty, and staff are able to express politically diverse views.”

## **II. The Presidential Search Committee**

The Board of Visitors appreciates your interest in the process by which the University will select its next President. The 28-person Special Committee on the Nomination of a President (the “Special Committee”) was appointed on July 25, 2025, consistent with the Board’s responsibility under Virginia law and the University’s bylaws to select the President.

The Special Committee is more inclusive and representative than any previous presidential search committee at the University and draws on participation by students, faculty, staff, alumni, and current and former members of the Board. Notably, Ubunye, the official interest group for University Black alumni, wrote to “acknowledge and applaud the racial diversity of the membership of the” Special Committee. In forming the group, Rector Sheridan sought and received significant input from many in the University community and leadership, including then-Acting President Jennifer “J.J.” Wagner Davis, interim Provost Brie Gertler, interim Head of the Health System Dr. Mitchell Rosner, former rectors, and members of the current student council. Their views and suggestions were well received and helped to shape the composition of the Special Committee.

The Special Committee met for the first time on August 22, 2025, and issued a community statement the same day about the launch of that effort. We attach that statement here. During the inaugural meeting, search committee members pledged their commitment to shared governance, transparency, and University values. “This process is not about partisanship, ideology, or personal agendas,” the Special Committee affirmed in its statement to the community after the meeting. “It is about finding the right leader for the University of Virginia.”

The search process will rely on extensive input from all corners of the UVA community, through formal surveys, open forums, listening sessions, and direct outreach to students, faculty, staff, administrators, researchers, donors, alumni, and parents. The Special Committee has also launched a website (<https://presidentalsearch.virginia.edu/>) for community members and the public at large to contribute to the search for the University's next President and access information about the Special Committee's efforts.

We appreciate your interest and attention to our shared objective of ensuring that the University of Virginia remains the preeminent and world-class institution in which we all take such pride. We also appreciate your understanding of the limits on our ability to speak because of our duties to the University.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. A. O'Neil", written in a cursive style.

David A. O'Neil

cc: Jane Shvets, Debevoise & Plimpton LLP  
Farnaz Farkish Thompson, McGuireWoods LLP  
Jack L. White, McGuireWoods LLP

Attachment