



March 17, 2021

Adam Steinbaugh
Foundation for Individual Rights in Education
510 Walnut Street, Suite 1250
Philadelphia, PA 19106
Via email: adam@thefire.org

Dear Mr. Steinbaugh,

I write in response to your March 15, 2021 letter regarding a sign posted by a University of Virginia (“UVA” or the “University”) student on the Lawn. The letter does not indicate that you represent a University student or that you have been engaged in this matter. Nonetheless, I write to provide additional information regarding the University’s actions in this matter, as it involves issues of importance to your organization and the University community.

As your letter acknowledges, UVA permits its students to express their views and defends their right to do so. Such protection is content-neutral and extends to speech critical of the University. As FIRE recently recognized, UVA respected the decision of the same student whose speech prompted your letter to post a profane sign last semester declaring “FUCK UVA” and criticizing the University. Several other students living on the Lawn also posted and continue to post profane or political signs disparaging the University. The University has taken no action to remove those signs or restrict the student speech, however critical or offensive it may be. Then, and now, UVA encourages our students to engage in robust dialogue. Indeed, our consistent approach to student speech issues has earned the University FIRE’s highest rating regarding free speech – a “green light” – consistently since 2010.

While our protection of student speech is strong, the sign at issue crosses the line from political advocacy to endangering the safety and security of the community. The sign includes words and images that encourage violence, particularly given the location in which it appeared. The words printed on the sign include a quote suggesting that nonviolence would be futile given that UVA has no “conscience.” The implication of the quote is that violence is the only means of influencing the University or impacting social change. The sign also includes the words “BURN IT ALL DOWN,” which is a direct invocation of violence.

The images surrounding those words further the impact of the sign as threatening or urging violence. The sign depicts the Rotunda – the centerpiece of the University that overlooks and is attached to the homes of students and faculty – engulfed in flames. The sign further includes a white hood associated with the Ku Klux Klan, an image that is associated with racism. The Grim Reaper hovers over the burning Rotunda – an image of death, which is the ultimate result of burning it all down.

The context in which the sign appears underscores the security threat it poses to our community. These words and images are posted on the historic Lawn of the University, which has been the scene of violence in the past. In August of 2017, white supremacists marched on the Rotunda with flaming torches, culminating in violence against peaceful anti-racist counter-protestors. These and other historical events make the sign's call to burn down the Rotunda at UVA more dangerous and threatening.

Given its advocacy of violence and the context in which it was posted, the sign creates a threat to the security of the University community. Our time, place and manner policy contemplates the restriction of speech that “generates security issues.” The Undergraduate Terms and Conditions of Housing that this student agreed to follow when accepting residence on the Lawn similarly allow the University to take action necessary to ensure the safety and health of the community. The sign that was removed directly threatens the health and safety of our community, given its impact. This threat to security provides ample basis for the sign's removal.

The student who placed the sign (and the rest of the community) remain free to criticize the institution, its history, and its leadership. Our past actions show that we have respected her right to do so. But the University must also uphold its obligation to protect its community from fear and violence.

Sincerely,



Gay Perez
Executive Director of Housing and Residence Life