



FIRE

Foundation for Individual
Rights and Expression

October 25, 2023

Suresh V. Garimella
Office of the President
85 South Prospect Street
348 Waterman Building
Burlington, Vermont 05405-0160

URGENT

Sent via U.S. Mail and Electronic Mail (president@uvm.edu)

Dear President Garimella:

FIRE¹ is concerned by the University of Vermont's modification of the format of tomorrow night's in-person lecture by Palestinian writer and poet Mohammed El-Kurd so that it occurs exclusively online, as the First Amendment bars intrusion on the expressive rights of the event organizers, the potential audience, and El-Kurd himself based on the unspecified, vague security concerns UVM has offered. We therefore urge UVM to restore the event to its originally scheduled location and format.

El-Kurd was scheduled to speak the evening of October 26 at UVM's Davis Center to discuss "representation and misrepresentation of Palestinians in the U.S." through the nonprofit Will Miller Social Justice Lecture Series, which sponsored the event with UVM's English and Sociology departments² On October 21, UVM's Division of Safety & Compliance informed the event's organizers that it could not proceed as planned because, the division said, "based on

¹ For more than 20 years, the Foundation for Individual Rights and Expression has defended freedom of expression, conscience, and religion, and other individual rights on America's college campuses. You can learn more about our recently expanded mission and activities at thefire.org.

² Peter D'Auria, *Citing safety concerns, University of Vermont cancels event with Palestinian writer*, VT DIGGER (Oct. 23, 2023, 4:12 PM) <https://vtdigger.org/2023/10/23/citing-safety-concerns-university-of-vermont-cancels-event-with-palestinian-writer/#:~:text=The%20university's%20Division%20of%20Safety,and%20journalist%20Mohammed%20El%2DKurd.This%20recitation%20reflects%20our%20understanding%20of%20the%20pertinent%20facts,based%20on%20public%20information.We%20appreciate%20you%20may%20have%20additional%20information%20to%20offer%20and%20invite%20you%20to%20share%20it%20with%20us.>

global, national, and local events,” it could not “adequately provide safety and security.”³ The division accordingly instructed that the event would now proceed in an online-only format.⁴

As a public university bound by the First Amendment,⁵ UVM cannot force organizers to move an event online based on what appear to be speculative disruptions that could pose an unspecified safety risk. If an expressive event is targeted for disruption by those opposed to the speaker or their message, universities must respond not by canceling or hamstringing the event, but rather by with “bona fide efforts” to protect the speaker’s and audience’s expressive rights “by other, less restrictive means.”⁶ Restricting expressive activity in response to vague, unsubstantiated “safety and security” concerns violates UVM’s obligations to protect its students’ and faculty’s rights and incentivizes the use of threats to shut down future events, putting the expressive rights of students and faculty in further jeopardy.

The university has not elaborated on the nature of severity of the “safety and security” concerns cited in canceling the event, or exactly why UVM could not arrange for substantial security to ensure the event could proceed without significant disruption or risk to attendees’ safety. If substantive and specific security risks *do* exist, it is incumbent on UVM to be as transparent as possible in addressing those security risks.

Given the urgent nature of this matter, we request a substantive response to this letter no later than close of business tomorrow, October 26, confirming UVM will restore the lecture to its previously planned space, and take the appropriate steps to address genuine, substantiated security concerns at the event, or provide necessary transparency for why that is not possible.

Sincerely,



Graham Piro
Program Officer, Campus Rights Advocacy

³ *Id.*

⁴ *Id.*

⁵ *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’”) (internal citation omitted).

⁶ *Bible Believers v. Wayne Cnty.*, 805 F.3d 228, 255 (6th Cir. 2018) (en banc).