

April 2, 2025

Wren Baker  
Vice President and Director of Athletics  
West Virginia University  
P.O. Box 0877  
Morgantown, West Virginia 26507-0877

**URGENT**

Sent via U.S. Mail and Electronic Mail (wren.baker@mail.wvu.edu)

Dear Mr. Baker:

FIRE is disappointed not to have received a response to our enclosed March 17 letter regarding head football coach Rich Rodriguez's unconstitutional edict banning his football players from posting dancing videos on TikTok. As our previous letter outlined, this directive violates the First Amendment rights of WVU student-athletes, which the university is legally bound to protect.<sup>1</sup>

Though reporting suggests that Rodriguez's ban was delivered orally (as opposed to in writing), its existence and enforcement violates students' expressive rights.<sup>2</sup> As Name, Image and Likeness attorney Darren Heitner told Front Office Sports regarding this matter: "If the coach makes it clear that the act is impermissible, then whether it is oral or in writing, athletes will likely perceive the edict as effective."<sup>3</sup>

Coach Rodriguez and WVU continue to violate the First Amendment with this team rule. They must acknowledge that student-athletes do not shed their expressive rights when players join a sports team and clarify that posting dancing videos on TikTok is protected First Amendment activity. We again request a substantive response to this letter by Wednesday, April 9.

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<sup>1</sup> *Healy v. James*, 408 U.S. 169, 180 ("[T]he present of this court leaves 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 the community at large.").

<sup>2</sup> Alex Schiffer, *West Virginia Says Football TikTok Ban Is Not Written Policy*, Front Office Sports, Mar. 27, 2025, <https://frontofficesports.com/west-virginia-says-football-tiktok-ban-is-not-written-policy/>.

<sup>3</sup> A FOIA request from the news outlet Front Office Sports attempting to obtain the written policy came back empty. *Id.*

Sincerely,

A handwritten signature in dark ink, appearing to read 'Aaron P. Corpora', written in a cursive style.

Aaron Corpora  
Program Officer, Campus Rights Advocacy

Cc: Rob Alsop, Senior Deputy Athletic Director  
Rich Rodriguez, Head Football Coach  
E. Gordon Gee, President  
Stephanie D. Taylor, Vice President and General Counsel

March 17, 2025

Wren Baker  
Vice President and Director of Athletics  
West Virginia University  
P.O. Box 0877  
Morgantown, West Virginia 26507-0877

**URGENT**

Sent via U.S. Mail and Electronic Mail (wren.baker@mail.wvu.edu)

Dear Mr. Baker:

FIRE, a nonpartisan nonprofit that defends free speech,<sup>1</sup> is concerned by West Virginia University's head football coach Rich Rodriguez's reported directive that forbids WVU football players from posting videos of themselves dancing on TikTok because "we try to have a hard edge ... and you're in there in your tights dancing on TikTok, ain't quite the image of our program that I want."<sup>2</sup> Rodriguez has claimed, "I'm allowed to do that. I can have rules."<sup>3</sup> We appreciate that Rodriguez wishes to project a certain image of his team to the public, but this directive violates the First Amendment rights of his student-athletes. Accordingly, FIRE urges WVU to make clear to its football program that players are permitted to post dancing videos on social media platforms.

As a public institution, WVU is bound by the First Amendment to protect student expression,<sup>4</sup> including students' right to post on social media without interference from government actors.<sup>5</sup> WVU players don't hand in their expressive rights when Rodriguez hands out shoulder

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<sup>1</sup> For more than 20 years, FIRE has defended freedom of expression, conscience, and other individual rights on America's university campuses. You can learn more about our mission and activities at [thefire.org](https://thefire.org).

<sup>2</sup> *West Virginia coach Rich Rodriguez bans TikTok dancing*, ESPN (March 11, 2025), [https://www.espn.com/college-football/story/\\_/id/44209533/west-virginia-coach-rich-rodriguez-bans-tiktok-dancing](https://www.espn.com/college-football/story/_/id/44209533/west-virginia-coach-rich-rodriguez-bans-tiktok-dancing) (as written). The following is our understanding of the pertinent facts, based on public information. We understand that you may have additional information and invite you to share it with us.

<sup>3</sup> *Id.*

<sup>4</sup> *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.").

<sup>5</sup> *Packingham v. North Carolina*, 137 S. Ct. 1730, 1735 (2017) ("While in the past there may have been difficulty in identifying the most important places . . . for the exchange of views, today the answer is clear. It is cyberspace ... and social media in particular.").

pads at the start of training camp. Because student-athletes are students first,<sup>6</sup> their right to free expression off the field must be commensurate to other students on campus.

The Supreme Court confirmed this principle in 2021 in its decision in *Mahanoy Area School District v. B.L.*<sup>7</sup> In that case, the court ruled a Pennsylvania school district violated the First Amendment rights of a student member of a cheerleading team when it punished her posting, in her own free time, a picture of herself and a friend raising their middle fingers with the caption “Fuck school fuck softball fuck cheer fuck everything.”<sup>8</sup> As Justice Breyer presciently opined, “It might be tempting to dismiss [the student’s] words as unworthy of the robust First Amendment protections discussed herein, but sometimes it is necessary to protect the superfluous in order to preserve the necessary.”<sup>9</sup>

Posting TikTok dances is a common activity among athletes. From high school to college to the professional ranks, hundreds if not thousands of athletes have taken to the platform with choreographed or impromptu dance moves. And while the performance of these athletes has little to do with their First Amendment rights, star players like last year’s Heisman Trophy winner Travis Hunter<sup>10</sup> or the NBA’s Rookie of the Month Jared McCain<sup>11</sup> show that just because an athlete is dancing on camera does not mean he or she is not sufficiently committed to athletic excellence.

We request a substantive response to this letter no later than March 21, 2025, confirming Rodriguez has made it clear to his players that they are permitted to post dancing videos on TikTok.

Sincerely,



Aaron Corpora  
Program Officer, Campus Rights Advocacy

Cc: Rob Alsop, Senior Deputy Athletics Director  
Rich Rodriguez, Head Football Coach

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<sup>6</sup> *Frequently Asked Questions about the NCAA*, NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, <https://www.ncaa.org/sports/2014/1/8/frequently-asked-questions-about-the-ncaa.aspx> (last visited Mar. 14, 2025).

<sup>7</sup> *Mahanoy Area School District v. B.L.*, 594 U.S. 180 (2021).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Travis Hunter (@\_travishunter), TIKTOK (Dec. 18, 2024), [https://www.tiktok.com/@\\_travishunter/video/7449972474114084142](https://www.tiktok.com/@_travishunter/video/7449972474114084142).

<sup>11</sup> Jared McCain (@jaredmccain), TIKTOK (Dec. 22, 2024), <https://www.tiktok.com/@jaredmccain/video/7451271465468529951>.