



May 14, 2025

Kyle E. Rowen
Principal Campus Counsel
UC Legal – UC Irvine, Office of Campus Counsel
510 Aldrich Hall
Irvine, California 92697

Sent via U.S. Mail and Electronic Mail (krowen@uci.edu)

Dear Campus Counsel Rowen:

FIRE appreciates your April 23 response to our April 21 letter articulating the First Amendment concerns with UC Irvine’s content-based enforcement of its housing policies governing outward-facing displays in apartments.¹ We are pleased to see your assurance that Roskin-Frazees is not facing imminent eviction. We are disappointed, however, that your response did not substantively engage with our concerns about UC Irvine’s enforcement of its housing policies. We also remain concerned that Roskin-Frazees and other students could face any level of discipline, including eviction, simply for having a noncompliant doormat. We urge UC Irvine to tailor its housing policies more narrowly to comply with its First Amendment obligations, and to cease any disciplinary process against Roskin-Frazees—or any other students—for their doormats.

Our previous letter addressed the constitutional issues with UC Irvine’s selective enforcement of policies against university-disfavored expression, such as Roskin-Frazees’s “No Warrant, No Entry” doormat. Today, our concerns today arise from the housing policy itself. Page 13 of UC Irvine’s Housing Code of Conduct states that doormats “without words or images are permitted on the ground immediately outside apartment front door.”²

The policy’s allowance for doormats only “without words or images” is a content-based restriction that cannot survive constitutional scrutiny.³ The policy bars students from displaying *any* expressive image, phrase, or symbol while solely permitting plain doormats

¹ Email from Kyle E. Rowen, Principal Campus Counsel, to Graham Piro, FIRE Faculty Legal Defense Fund Fellow (Apr. 23, 12:39 PM) (on file with author).

² *Graduate and Family Housing Policies – 2023-2024*, Walkways, Entryways, Sidewalks, and Stairs, UC IRVINE, <https://bpb-us-e2.wpmucdn.com/sites.uci.edu/dist/8/4424/files/2024/10/GFH-Policies-2024-25.pdf> [<https://perma.cc/7VRX-Z28A>] (as written).

³ See *Reed v. Town of Gilbert*, 576 U.S. 155, 163–64 (2015) (content-based rules are those that differentiate between “particular subject matter,” “function or purpose,” or the “topic discussed or the idea or message expressed”).

outside their apartments. Even the classic “Welcome” message is prohibited. Such a blanket restriction on expression is a content-based restriction that violates the First Amendment unless the university can show that the measure is “narrowly tailored”⁴ and the “least restrictive means” of advancing a “compelling” governmental interest.⁵ Here, the university does not even attempt to satisfy that burden.

UC Irvine may impose “reasonable restrictions on the time, place, or manner of protected speech,” provided they are content-neutral, narrowly tailored to advance a significant interest, and “leave open ample alternative channels” for expression.⁶ The university also has discretion to impose restrictions on unprotected speech, such as obscenity or images for which the university holds a copyright. But banning *any* expressive doormat, regardless of whether the doormat(s) pose any safety concerns or otherwise violate university policy or the law, is not a reasonable time, place, and manner restriction of protected speech. Narrowly tailored alternatives that could qualify as reasonable time, place, and manner rules include limitations on the size of doormats or on doormats’ proximity to apartment doors.

FIRE is further concerned by the “Posting” provision of UC Irvine’s “Graduate and Family Housing Policies.” The provision reads, in relevant part:⁷

No materials may be posted on windows, including windows in resident rooms, with the exception of public area windows on which approved materials for University business may be posted. ... All outward-facing signs, decorations, and expressions in windows/on doors are prohibited.

The university may have a “significant interest” in ensuring that posters or signs do not cover the entirety of windows or block door handles based on fire safety/emergency response concerns. But prohibiting “all outward-facing signs, decorations, and expressions in windows/on doors” oversteps and is ill-tailored to serve the university’s interest in ensuring safety. It is clear how the restriction on “outward-facing” items is a restriction on residents’ ability to use those signs to communicate a message to the outside world. But it is far less clear how outward facing displays and inward-facing displays would be differentiated regarding their impact on apartment safety. UC Irvine should improve this policy language by making clear that materials—facing outward or inward—are only forbidden to the extent they compromise the ability to safely open or close windows or doors.

We urge UC Irvine to narrow the scope of its doormat and posting policies to properly balance the university’s substantial interest in preserving physical safety in its apartment buildings with students’ expressive rights. Doormats and other forms of outward-facing expression are vital for students to express their ideas—whether those ideas are humorous, political, or personal. We are further concerned that UC Irvine would react to a student pointing out the

⁴ *R.A.V. v. City of Saint Paul*, 505 U.S. 377, 395 (1992).

⁵ *Sable Commc’ns of Cal. v. FCC*, 492 U.S. 115, 126 (1989).

⁶ *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).

⁷ Graduate and Family Housing Policies, *supra* note 2 at Posting.

selective enforcement of an overly strict policy by enforcing that policy more rigidly even more broadly, as opposed to examining the policy's potential for abuse.

We request a substantive response to this letter no later than May 22, 2025 confirming UC Irvine will reform its policies to comply with its First Amendment obligations,⁸ and will cease any disciplinary process against Roskin-Frazeo or any other students for their protected expression.

Sincerely,



Graham Piro
Faculty Legal Defense Fund Fellow

Cc: Ann Batenburg, Residence Life Coordinator
Jennifer Martinez, Associate Director of Apartment Life
Andrea Gunn Eaton, Chief Counsel

⁸ We would be glad to assist UC Irvine in its reform of these policies, free of charge in accordance with our charitable mission.