

May 14, 2024

Amy Jessee  
Executive Director of University Communications  
Office of University Communications  
University of Mary Washington  
1301 College Avenue  
Fredericksburg, VA 22401  
[foia@umw.edu](mailto:foia@umw.edu)



P.O. Box 26464  
Richmond, VA 23261  
(804) 644-8022  
[acluva.org](http://acluva.org)

**BY ELECTRONIC MAIL**

RE: FOIA Request, UMW's Response to Gaza-related Protests

Dear Director Jessee:

The American Civil Liberties Union Foundation of Virginia ("ACLU of Virginia"), through the undersigned citizen of Virginia, makes this request for records regarding the recent protests (hereinafter referred to as "Gaza-related protests") from University of Mary Washington ("UMW"). This request is pursuant to the Virginia Freedom of Information Act ("VFOIA"), Va. Code Ann. § 2.2-3700, et seq.

Specifically, we request the following records from March 1, 2024 to the date this request is processed:

1. All communications between UMW administration (including but not limited to the Office of the President, the President's Cabinet, and the Board of Visitors) and the Office of Governor Glenn Youngkin concerning the Gaza-related protests.
2. All communications between UMW administration (including but not limited to the Office of the President, the President's Cabinet, and the Board of Visitors) and the Virginia Attorney General's Office concerning the Gaza-related protests.
3. All communications between UMW administration (including but not limited to the Office of the President, the President's Cabinet, and the Board of Visitors) and the Virginia State Police concerning the Gaza-related protests.
4. All communications between UMW administration (including but not limited to the Office of the President, the President's Cabinet, and the

Board of Visitors) and the UMW Police Department concerning the Gaza-related protests.

5. All communications between the UMW Police Department and the Virginia State Police concerning the Gaza-related protests.

6. All records (including directives, agreements, communications, memoranda, and notes) relating to UMW's expressive activity policy, and any changes made to the policy or administrative directives issued pursuant to the policy in response to the Gaza-related protests.

7. All records (including directives, agreements, communications, memoranda, and notes) relating to any UMW policy that was enforced by police or university officials in response to the Gaza-related protests.

8. All records (including directives, agreements, contracts, communications, memoranda, and notes) relating to the proposal, approval, or authorization to deploy police (UMW Police Department and/or Virginia State Police) in response to the Gaza-related protests.

9. Records sufficient to identify the total amount of funds expended by UMW on the police response (UMW Police Department and/or Virginia State Police) to the Gaza-related protests.

10. All records (including directives, communications, memoranda, and notes) relating to disciplinary action proposed or taken against students involved in the Gaza-related protests. We do not seek personal identifying information, such as student names or social security numbers. We do expect, however, the release of all segregable portions of otherwise exempt materials, as required by Va. Code Ann. § 2.2-3700.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as emails to which the subjects of this request were cc'ed or bcc'ed.

Please exclude records consisting solely of news articles, press clippings, and other publicly available material, if the records include no accompanying discussion by government officials.



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If it is your position that any portion of the requested records is exempt from disclosure, please provide with reasonable particularity the volume and subject matter of the withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding. If some portions of the requested records are properly exempt from disclosure, please redact those portions and produce the remainder of the requested records.

Please provide the requested records or respond as required by state law (§ 2.2-3704B) within 5 days from your receipt of this letter. Our preferred form for public records is digital (.ppt, .docx, or .pdf files) sent as email attachments to [mgolski@acluva.org](mailto:mgolski@acluva.org). If records are only available in paper form or any other physical medium, please mail them to Attn: Molly Golski, ACLU of Virginia, P.O. Box 26464, Richmond, VA 23261 or advise of a manner in which I may retrieve them.



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Should transcription to a digital medium or any other activities required for retrieval and transmission of the requested records incur a cost more than \$100, please provide me with an estimate before processing this request per §2.2-2704F of the Code of Virginia. However, I would also like to request a waiver of all fees. I am a paralegal with the ACLU of Virginia, a non-profit civil rights organization, and I attest that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of government activities. This information is not being sought for commercial purposes.

In the estimate of costs, please separate any cost for accessing or searching for the records from the cost of duplication so I may decide whether to exercise my right to inspect the records during normal business hours before asking to have any records duplicated.

Thank you for your prompt attention to this matter. Should you have any questions, please do not hesitate to contact me at (804) 494-8149 or [mgolski@acluva.org](mailto:mgolski@acluva.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Molly Golski".

Molly Golski  
Paralegal

**From:** [Amy Jessee \(ajessee\)](#)  
**To:** [Molly Golski](#); [FOIA](#)  
**Subject:** Re: FOIA Request; UMW's Response to Gaza-related Protests  
**Date:** Tuesday, May 21, 2024 4:58:00 PM

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You don't often get email from [ajessee@umw.edu](mailto:ajessee@umw.edu). [Learn why this is important](#)

Ms. Golski,

Your FOIA request has been received on May 14, 2024. Based on the scope of the request and formats requested, it is estimated to cost more than \$200 to respond to your request. If you would like us to proceed with the request and calculate the costs, please respond with that intent.

Based on the subject matter for the records requested in sections 1-5, we anticipate that records will be withheld pursuant to:

- § 2.2-3705.1(2) as “Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other information protected by the attorney-client privilege.”
- § 2.2-3705.2(14) as “Information contained in (i) engineering, architectural, or construction drawings; (ii) operational, procedural, tactical planning, or training manuals; (iii) staff meeting minutes; or (iv) other records that reveal any of the following, the disclosure of which would jeopardize the safety or security of any person; governmental facility, building, or structure or persons using such facility, building, or structure; or public or private commercial office, multifamily residential, or retail building or its occupants.”
- § 2.2-3705.7(2) as working papers and correspondence of the president or other chief executive officer of any public institution of higher education in the Commonwealth.

If you will need to know the volume of the records withheld, we would need to conduct the searches and will first estimate the costs to do so.

The responsive record to section 6 is available online at <https://students.umw.edu/student-affairs/free-speech/>. No changes were made.

Responsive records to question 7 for the expressive activity policy referenced in 6 may also be withheld pursuant to § 2.2-3706.1(C) as criminal investigative files relating to an ongoing criminal investigation or proceeding.

Responsive records to question 8 would be withheld pursuant to § 2.2-3705.2(14). If you

would like the volume of those records for 7 or 8, we would need to calculate the costs to complete the search first.

There are no responsive records for section 9.

The responsive record to section 10 is available online in our Code of Conduct: <https://students.umw.edu/studentconduct/policies-and-conduct-expectations/code-of-conduct/>. Resolution of cases is part of the scholastic record and would be exempt from disclosure in accordance with §2.2-3705.4 of the Code of Virginia and prohibited from release in accordance with FERPA. Please see the student conduct section of our website. <https://students.umw.edu/studentconduct/general-information/judicial-record-retention-and-privacy-policy/>.

Amy Jessee  
Executive Director of University Communications  
**University of Mary Washington**

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**From:** Molly Golski <mgolski@acluva.org>  
**Sent:** Tuesday, May 14, 2024 4:37 PM  
**To:** FOIA <foia@umw.edu>  
**Subject:** FOIA Request; UMW's Response to Gaza-related Protests

Good afternoon,

Please find attached a FOIA request to University of Mary Washington. Thank you.

Best,  
Molly

**Molly Golski** (she/her)  
Paralegal  
ACLU of Virginia  
P.O Box 26464  
Richmond, VA 23261  
[mgolski@acluva.org](mailto:mgolski@acluva.org)  
O: 804-494-8149  
C: 804-774-6975  
[www.acluva.org](http://www.acluva.org)

*This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately*

STUDENT AFFAIRS

# Campus Free Speech

## Campus Free Speech

In order to sustain an environment rich in the exchange of ideas, perspectives, and intellectual pursuits, the *University of Mary Washington* values the freedom of

expression. The University is committed to supporting the exercise of constitutionally-protected speech in all of its programs and facilities while maintaining a safe atmosphere free from major disruption. In keeping with and maintaining these freedoms, the University utilizes established policies and guidelines for the use of its facilities in order to preserve its mission and properties, to secure its operational objectives, and to safeguard the community.

## Report an Incident

You may report an incident of disruption of constitutionally-protected speech (including, but not limited to public speaking under the [Expressive Activity by Members of the University Community](#) and [Request to Address the Campus Community](#) policies) in the following ways:

For emergency incidents, call the UMW Police at 4444.

For non-emergency incidents, you may file a report in the following ways:

- **Current UMW Students:** File a report under the [Student Grievance and Complaints Procedure](#).
- **For Faculty Members:** File a report under the [Faculty Grievance Policy and Procedure](#).
- **For A/P Faculty Members:** file a report under the [A/P Grievance Policy and Procedure](#).
- **For Classified Staff Members:** file a report under the [State Classified Staff Grievance Procedure](#).

[Annual Report 2023](#)

[UMW Certification Letter 2023](#)

[Student Handbook](#)

# Student Affairs

**Student Affairs**

**Eagles in Recovery**

**Life @MaryWash**

**Division of Student Affairs**

**Departments and Offices**

**Violence Prevention & Threat Assessment**

**Campus Free Speech**

**Message from the VP**

**Resources**

**Wellness**

**Contact Us**

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## STUDENT CONDUCT AND RESPONSIBILITY

# Code of Conduct

## Code of Conduct

The Code of Conduct lists specific violations of community standards which are addressed through UMW's conduct system:

A. Alcohol violations, including, but not limited to, the following. Also see "[Alcohol Policy](#)":

1. Intoxication (resulting in a student's arrest or transport to the hospital), as determined by instrumentation, or by behavioral or physical manifestations. Any student under the age of 21 with a blood alcohol level of 0.02% or higher will be considered to be intoxicated.
2. Intoxication (not resulting in a student's arrest or transport to the hospital) as determined by instrumentation, or by behavioral or physical manifestations. Any student under the age of 21 with a blood alcohol level of 0.02% or higher will be considered to be intoxicated.
3. Consumption or possession of alcohol by persons under the age of 21
4. Any public display of alcohol (includes drinking with room door open or consumption of alcohol in common areas

5. Possession of, or use of any objects used to enhance the ingestion of alcohol such as, but not limited to, “beer bong”
6. Purchasing or supplying alcohol to any underage person

B. Violations of the Drug Policy, including, but not limited to, the following. Also see [“Drug Policy.”](#)

1. Incidents in which the University has taken possession of illegal drugs or controlled substances other than marijuana
2. Incidents in which the University has taken possession of marijuana and the student is under the age of 21
3. Incidents in which the University has not taken possession of controlled substances or illegal drugs
4. Incidents in which a student 21 years of age or older uses or is in possession of marijuana anywhere on UMW property
5. Possession or use of drug paraphernalia by individuals under the age of 21
6. Other violations of the Drug Policy

C. Actions endangering the mental or physical health or safety of a student, or involving the destruction or removal of property, that are associated with initiation, admission into, affiliation with, or continued membership in a group or organization. Also see [“Hazing Policy”](#)

D. Engaging in physical violence or credible threats of physical violence against another individual or group of individuals

E. Conduct that intentionally or recklessly threatens or endangers the health or safety of any person

F. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other official University activities, or authorized non-University sponsored activities, when the activity occurs on University premises

G. Possession of fake or altered official identification, or the manufacturing, acquisition, or attempted acquisition of fake or altered official identification for oneself, or for other individuals

H. Unauthorized entry or exit. Also see “Unauthorized Entry or Exit”.

I. Failure to comply with the directives of a University official who is attempting to enforce the policies and procedures of the University. Such directives include identifying oneself and providing documentation (e.g., an EagleOne Campus ID card) of one’s identity when requested to do so. University officials include, but are not limited to, the following:

- University administrators and faculty members
- University Police
- Honor Council and Student Conduct Review Board
- Residence Life staff members (including Resident Assistants and Senior Resident Assistants)

J. Abuse of University computing resources and facilities, including, but not limited to:

1. Unauthorized entry into a file for any purpose
2. Unauthorized transfer of a file
3. Unauthorized use of another individual’s identification and password
4. To interfere with the work of another student, faculty member, or University official
5. To interfere with the normal operating procedures of the University computing system
6. To make copies of, or make available to others, copyrighted material without authorization
7. Other abuse of University computing resources and facilities

K. Making, using, disclosing, or distributing a recording of a person in a location or situation in which that person has a reasonable expectation of privacy and is unaware of the recording or does not consent to it; and any other conduct that constitutes an invasion of the privacy of another person under applicable law or University policies.

Such conduct includes, without limitation, unauthorized recording of personal conversations, images, meetings, or activities.

L. Fire safety violations, including, but not limited to:

1. Arson/setting fire
2. Tampering with, removing from its intended location, or needlessly discharging a fire extinguisher
3. Tampering with, or removing from their intended location, fire alarms or smoke detectors, or emergency or exit lighting
4. Open flames (from oil lamps, etc.), candles, and incense. These are prohibited in any University building (unless with express written permission)
5. Failing to vacate a building during a fire alarm
6. Other fire safety violations

M. Illegal or unauthorized possession of firearms, weapons, or related devices. Also see [“Weapons.”](#)

N. Smoking or nicotine use violations, including, but not limited to the following. Also see “Smoking.”

1. Possession of tobacco products, nicotine vapor products, and alternative nicotine products, with the exception of FDA-approved nicotine replacement products, by students under the age of 21.
2. Smoking (to include vaping) in residence halls, within 50 feet of a residence hall, or in a non-smoking area, as determined by the Office of Residence Life
3. Other smoking or nicotine use violations

O. Disorderly or obscene conduct

P. Throwing, or causing to be projected, any object or substance that has potential for defacing or damaging University or private property, or for causing personal injury or disruption. Also see [“Projectiles.”](#)

Q. Illegal or unauthorized possession of explosives, fireworks, or other dangerous chemicals or substances. Also see “Fireworks, Explosives, and Dangerous or Hazardous Chemicals. ”

R. Violation of published University policies, conduct expectations, or regulations:

1. Housing and Dining Services Agreement
2. Network and Computer Use Policy
3. Other University policies, conduct expectations, or regulations

S. Abuse of the student conduct system including, but not limited to:

1. Failure to obey the summons of a conduct body or University official
2. Attempting to discourage an individual’s proper participation in or use of the conduct system
3. Attempting to influence the impartiality of a member of a conduct body prior to, and/or during the course of, the conduct proceeding
4. Harassment and/or intimidation of a member of a conduct body prior to, during, and/or after a conduct proceeding
5. Failure to comply with a sanction imposed by the conduct system
6. Influencing, or attempting to influence, another person to commit an abuse of the conduct system
7. Other abuse of the student conduct system

T. Property violations, including but not limited to:

1. Conduct which results in damage to any property
2. Redistributing University furniture
3. Unsanitary, cluttered, or obstructive conditions
4. Throwing objects from roofs, windows, or balconies
5. Theft of University, public, or personal property
6. Other property violations

U. Failure to abide by quiet hours or courtesy hours conduct expectations in a residential facility

V. Visitation violations including, but not limited to, the following:

1. Visiting a residence hall which does not have visitation at the time
2. Allowing a guest to exceed the allowed number of overnight residence hall visits
3. Exceeding the allowed number of guests in a residence hall room or apartment
4. Other visitation violations

W. Sports or related activities in the residence halls

X. Unauthorized presence on balconies, roofs, or ledges of any University building

Y. Unauthorized possession, duplication or use of keys to any University premises

Z. Misuse of a telephone or a personal communication device, including but not limited to:

1. Unauthorized entry into another individual's telephone or personal communication device to access to its contents, functions, or apps
2. Unauthorized use of another individual's passcode
3. Other misuse of a telephone or a personal communication device

AA. Responsibility for guests. Hosts may be held accountable, through the Conduct System, for the conduct of their non-UMW guests, if the guests' behavior is inconsistent with UMW's Code of Conduct

BB. Housing or hosting in a residential facility any animal which could reasonably be described as a pet (exception—aquarium fish)

CC. Violation of the University's motor vehicle policies and regulations, including, but not limited to:

1. Bringing a vehicle to campus without authorization (First-year residential students are not permitted to bring cars to campus)

2. Failing to register a vehicle with Parking Management
3. Transferring a University-issued parking decal without authorization
4. Other motor vehicle violations

DD. Obstruction of the free flow of pedestrian or vehicular traffic

EE. Other prohibited items and activities

FF. Violation of federal, state, or local law

## Office of Student Conduct and Responsibility

**Student Conduct and Responsibility**

**Student Conduct Process**

**Policies and Conduct Expectations**

**Code of Conduct**

**Alcohol Policy**

**Drug Policy**

**Hazing Policy**

**Weapons and Projectiles**

**Information for Families**

**Student Conduct Review Board (SCRB)**

## Helpful Links

**Report an Incident, Violation, or Concern**

**Appeal Request Form**

**Alcohol & Drug Reports and Notifications**

**Student Handbook**

**Eagles in Recovery**



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## STUDENT CONDUCT AND RESPONSIBILITY

# Student Conduct Record Retention and Privacy

## Student Conduct Record Retention and Privacy

Student conduct records are confidential to the extent allowed by University policy and the law, and the conduct-related contents of a student's educational files cannot be shared with other individuals unless student signs a release permitting the information to be shared with specific individuals or, in the case of a student who is a minor, the eligible parent or legal guardian, except as stipulated by the Registrar's Office and with the four following exceptions:

1. Conduct-related information may be shared with other educational institutions and other university personnel considered those who have a legitimate need to know this information, such as a coach in his or her role as an advisor to a student athlete, or the Director of Athletics;
2. Conduct-related information pertaining to repeated or major violations of the drug and alcohol policies may be shared with parents or other legal guardians. This exception does not apply if the student is 21 years old or over, if the [Safe Sammy](#) policy has been applied, or if the student can demonstrate that they are financially independent.

3. Parental notification may occur if the student's actions result in hospitalization.
4. Conduct-related information may be shared subject to a valid subpoena or other court order.

Copies of incident documentation are not released to students by default. Any copies of incident documentation that are released to students may be redacted. Any students who do not respect the privacy of other individuals with respect to conduct-related documentation may be subject to conduct action.

Conduct-related records in the Office of Student Conduct and Responsibility (OSCAR) are retained in the student's educational file while they are a student at the University of Mary Washington and until three years after they have last attended the University. However, in the case of conduct-related suspensions or expulsions from the University, relevant conduct records are retained indefinitely.

Students are encouraged to keep in mind that potential employers, in addition to graduate institutions, law enforcement, and the military, frequently request conduct information concerning candidates during the hiring or admissions process, and that the University complies with such requests whenever possible.

## Office of Student Conduct and Responsibility

**Student Conduct and Responsibility**

**Student Conduct Process**

**Student Conduct Procedures**

**Rights for Accused Students and Complainants**

**Conduct Sanctions**

**Appeal Process**

**Student Access to Documentation**

**Student Conduct Record Retention and Privacy**

**Safe Sammy**

- [FAQs About the Conduct System](#)
- [Policies and Conduct Expectations](#)
- [Information for Families](#)
- [Student Conduct Review Board \(SCRB\)](#)

## Helpful Links

- [Report an Incident, Violation, or Concern](#)
- [Appeal Request Form](#)
- [Alcohol & Drug Reports and Notifications](#)
- [Student Handbook](#)
- [Eagles in Recovery](#)

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