

May 14, 2024

Jennifer Mackrous  
FOIA Officer, Office of the University Counsel  
University of Virginia  
P.O. Box 400225  
Charlottesville, VA 22904  
[foia@virginia.edu](mailto:foia@virginia.edu)

**BY ELECTRONIC MAIL**

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



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

Dear FOIA Officer Mackrous:

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 the University of Virginia (“UVA”). 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 UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the Office of Governor Glenn Youngkin concerning the Gaza-related protests.
2. All communications between UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the Virginia Attorney General’s Office concerning the Gaza-related protests.
3. All communications between UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the Charlottesville Police Department concerning the Gaza-related protests.
4. All communications between UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the Albemarle County Police Department concerning the Gaza-related protests.

5. All communications between UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the Virginia State Police concerning the Gaza-related protests.

6. All communications between UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the UVA Police Department concerning the Gaza-related protests.

7. All communications between the UVA Police Department and the Charlottesville Police Department concerning the Gaza-related protests.

8. All communications between the UVA Police Department and the Albemarle County Police Department concerning the Gaza-related protests.

9. All communications between the UVA Police Department and the Virginia State Police concerning the Gaza-related protests.

10. All records (including directives, agreements, communications, memoranda, and notes) relating to UVA's tent permitting policy and UVA's assembly policy, and any changes made to either policy or administrative directives issued pursuant to either policy in response to the Gaza-related protests.

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

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

13. All records (including directives, agreements, contracts, communications, memoranda, and notes) relating to the proposal, approval, or authorization to permit the deployment of chemical irritants, such as tear gas or pepper spray, and/or the use of automatic or semi-automatic firearms in response to the Gaza-related protests.

14. All records (including communications, memoranda, and notes) memorializing the use of chemical irritants in response to the Gaza-related protests.



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15. Records sufficient to identify the total amount of funds expended by UVA on the police response (UVA Police, Charlottesville Police Department, Albemarle County Police Department and/or Virginia State Police) to the Gaza-related protests.

16. 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.



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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.

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.

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).

**ACLU**

AMERICAN CIVIL LIBERTIES UNION

Virginia

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

Sincerely,



Molly Golski  
Paralegal

**From:** [University of Virginia FOIA](#)  
**To:** [Molly Golski](#)  
**Subject:** Freedom of Information Act Request :: V003776-051424  
**Date:** Wednesday, May 22, 2024 3:31:08 PM

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--- Please respond above this line ---

May 22, 2024

Dear Molly Golski:

I am writing in response to your request for records under the Virginia Freedom of Information Act (FOIA), Va. Code § 2.2-3700 et seq., for the following records:

- *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 the University of Virginia (“UVA”). 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 UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the Office of Governor Glenn Youngkin concerning the Gaza-related protests.*

*2. All communications between UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the Virginia Attorney General’s Office concerning the*

*Gaza-related protests.*

*3. All communications between UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the Charlottesville Police Department concerning the Gaza-related protests.*

*4. All communications between UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the Albemarle County Police Department concerning the Gaza-related protests.*

*5. All communications between UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the Virginia State Police concerning the Gaza-related protests.*

*6. All communications between UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the UVA Police Department concerning the Gaza-related protests.*

*7. All communications between the UVA Police Department and the Charlottesville Police Department concerning the Gaza-related protests.*

*8. All communications between the UVA Police Department and the Albemarle County Police Department concerning the Gaza-related protests.*

9. *All communications between the UVA Police Department and the Virginia State Police concerning the Gaza-related protests.*

10. *All records (including directives, agreements, communications, memoranda, and notes) relating to UVA's tent permitting policy and UVA's assembly policy, and any changes made to either policy or administrative directives issued pursuant to either policy in response to the Gaza-related protests.*

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

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

13. *All records (including directives, agreements, contracts, communications, memoranda, and notes) relating to the proposal, approval, or authorization to permit the deployment of chemical irritants, such as tear gas or pepper spray, and/or the use of automatic or semi-automatic firearms in response to the Gaza-related protests.*

14. *All records (including communications, memoranda, and notes) memorializing the use of chemical irritants in response to the Gaza-related protests.*

*15. Records sufficient to identify the total amount of funds expended by UVA on the police response (UVA Police, Charlottesville Police Department, Albemarle County Police Department and/or Virginia State Police) to the Gaza-related protests.*

*16. 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.*

*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. 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.*

*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.*

Under Virginia FOIA, a request shall identify requested records with reasonable specificity. Va. Code § 2.2-3704(B). As currently worded, your request lacks reasonable specificity and does not provide me with sufficient detail to know which records you are seeking.

Regarding your request for:

- *1. All communications between UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the Office of Governor Glenn Youngkin concerning the Gaza-related protests.*

Both “UVA administration” and “including but not limited to” are imprecise. Please identify the specific custodians whose records you seek. Please see this [link](#) to the staff in the Office of the President, this [link](#) to the Executive Leadership, and this [link](#) for the Board of Visitors. With respect to custodians in the “Office of Governor Glenn Youngkin,” do you use that term as defined in Virginia Code § 2.2-3705.7(2)? If not, do you prefer either to provide us with specific custodians associated with the “Office of Governor Glenn Youngkin” or for us to use the subdomain “governor.virginia.gov” to process your request?

Given this specific request focuses on communications involving President Ryan’s communications and communications with the Office of the Governor, there may be a large volume of records responsive to your request but nevertheless exempt from disclosure under VFOIA’s working papers/correspondence exemption. *See* Va. Code § 2.2-3705.7(2).

Regarding your request for:

- *2. All communications between UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the Virginia Attorney General’s Office concerning the Gaza-related protests.*

Both “UVA administration” and “including but not limited to” are imprecise. Please identify the specific custodians whose records you seek. Please see this [link](#) to the staff in the Office of the President, this [link](#) to the Executive Leadership, and this [link](#) for the Board of Visitors. Do you prefer either to provide us with specific custodians at the Virginia Office of the Attorney General or do you prefer for us to search for emails with the “oag.state.va.us” subdomain?

Given this specific request focuses on communications involving President Ryan’s communications and communications with the Office of the Attorney General, there may be a large volume of records responsive to your request but nevertheless exempt from disclosure under VFOIA’s working papers/correspondence and attorney-client privilege/work product doctrine exemptions. *See* Va. Code §§ 2.2-3705.1(3), 3705.7(2).

Regarding your request for:

- *3. All communications between UVA administration (including but not limited to the*

*Office of the President, Executive Leadership, and the Board of Visitors) and the Charlottesville Police Department concerning the Gaza-related protests.*

Both “UVA administration” and “including but not limited to” are imprecise. Please identify the specific custodians whose records you seek. Please see this [link](#) to the staff in the Office of the President, this [link](#) to the Executive Leadership, and this [link](#) for the Board of Visitors. Do you wish to provide specific Charlottesville Police Department custodians for which we search, or do you wish for us to search for any emails with the “Charlottesville.gov” domain?

Given this specific request focuses on communications involving President Ryan’s communications and communications with Charlottesville Police Department, there may be a large volume of records responsive to your request but nevertheless exempt from disclosure under VFOIA’s working papers/correspondence, criminal investigation, operational plans/public safety, and attorney-client privilege/work product doctrine exemptions. *See Va. Code §§ 2.2-3705.1(3), 3705.7(2).*

Regarding your request for:

- *4. All communications between UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the Albemarle County Police Department concerning the Gaza-related protests.*

Both “UVA administration” and “including but not limited to” are imprecise. Please identify the specific custodians whose records you seek. Please see this [link](#) to the staff in the Office of the President, this [link](#) to the Executive Leadership, and this [link](#) for the Board of Visitors. Do you wish to provide specific Albemarle County Police Department custodians for which we search, or do you wish for us to search for any emails with the “Albemarle.org” domain?

Given this specific request focuses on communications involving President Ryan’s communications and communications with Albemarle County Police Department, there may be a large volume of records responsive to your request but nevertheless exempt from disclosure under VFOIA’s working papers/correspondence, criminal investigation, operational plans/public safety, and attorney-client privilege/work product doctrine exemptions. *See Va. Code §§ 2.2-3705.1(3), 3705.7(2), 3705.2, 3706.1.*

Regarding your request for:

- *5. All communications between UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the Virginia State Police concerning the Gaza-related protests.*

Both “UVA administration” and “including but not limited to” are imprecise. Please identify the specific custodians whose records you seek. Please see this [link](#) to the staff in the Office of the President, this [link](#) to the Executive Leadership, and this [link](#) for the Board of Visitors. Do you wish to provide specific Virginia State Police custodians for which we search, or do you wish for us to search for any emails with the “vsp.virginia.gov” domain?

Given this specific request focuses on communications involving President Ryan’s

communications and communications with Virginia State Police, there may be a large volume of records responsive to your request but nevertheless exempt from disclosure under VFOIA's working papers/correspondence, criminal investigation, operational plans/public safety, and attorney-client privilege/work product doctrine exemptions. *See* Va. Code §§ 2.2-3705.1(3), 3705.7(2), 3705.2, 3706.1.

Regarding your request for:

- *6. All communications between UVA administration (including but not limited to the Office of the President, Executive Leadership, and the Board of Visitors) and the UVA Police Department concerning the Gaza-related protests.*

Both "UVA administration" and "including but not limited to" are imprecise. Please identify the specific custodians whose records you seek. Please see this link to the staff in the Office of the President, this link to the Executive Leadership, and this link for the Board of Visitors. Do you wish to provide specific UVA Police Department custodians for which we search, or do you wish for us to search for any emails with the UVA Police Department subdomain?

Given this specific request focuses on communications involving President Ryan's communications and communications with UVA Police Department, there may be a large volume of records responsive to your request but nevertheless exempt from disclosure under VFOIA's working papers/correspondence, criminal investigation, operational plans/public safety, and attorney-client privilege/work product doctrine exemptions. *See* Va. Code §§ 2.2-3705.1(3), 3705.7(2), 3705.2, 3706.1.

Regarding your request for:

- *7. All communications between the UVA Police Department and the Charlottesville Police Department concerning the Gaza-related protests.*

Do you wish to provide specific Charlottesville Police Department custodians for which we search, or do you wish for us to search for any emails with the "Charlottesville.gov" domain? As for UVA Police Department custodians, do you wish to identify specific custodians for which we search, or do you wish for us to search every custodian we reasonably think might have records?

Given this specific request seeks communications between police departments, there may be a large volume of exempt records under the criminal investigation and operational plans/public safety exemptions. *See* Va. Code §§ 2.2-3705.2, 3706.1.

Regarding your request for:

- *8. All communications between the UVA Police Department and the Albemarle County Police Department concerning the Gaza-related protests.*

Do you wish to provide specific Albemarle County Police Department custodians for which we search, or do you wish for us to search for any emails with the "Albemarle.org" domain? As for UVA Police Department custodians, do you wish to identify specific custodians for which we search, or do you wish for us to search every

custodian we reasonably think might have records?

Given this specific request seeks communications between police departments, there may be a large volume of exempt records under the criminal investigation and operational plans/public safety exemptions. See Va. Code §§ 2.2-3705.2, 3706.1.

Regarding your request for:

- *9. All communications between the UVA Police Department and the Virginia State Police concerning the Gaza-related protests.*

Do you wish to provide specific Virginia State Police custodians for which we search, or do you wish for us to search for any emails with the “VSP.virginia.gov” subdomain? As for UVA Police Department custodians, do you wish to identify specific custodians for which we search, or do you wish for us to search every custodian we reasonably think might have records?

Given this specific request seeks communications between police departments, there may be a large volume of exempt records under the criminal investigation and operational plans/public safety exemptions. See Va. Code §§ 2.2-3705.2, 3706.1.

Regarding your request for:

- *10. All records (including directives, agreements, communications, memoranda, and notes) relating to UVA’s tent permitting policy and UVA’s assembly policy, and any changes made to either policy or administrative directives issued pursuant to either policy in response to the Gaza-related protests.*

Please provide a definition or example of “directive” and “administrative directive.”

Regarding your request for:

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

Please clarify whether “UVA Policy” means any policy other than IRM-013, PRM-017, PRM-018, SEC-001, SEC-013, SEC-039, SEC-041, and STAF-003.

Regarding your request for:

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

Given this request seeks “all records” relating to law enforcement involvement, there may be a large volume of exempt records under the criminal investigation and operational plans/public safety exemptions. See Va. Code §§ 2.2-3705.2, 3706.1.

Regarding your request for:

- *13. All records (including directives, agreements, contracts, communications, memoranda, and notes) relating to the proposal, approval, or authorization to permit the deployment of chemical irritants, such as tear gas or pepper spray, and/or the use of automatic or semi-automatic firearms in response to the Gaza-related protests.*

Please advise whether the records you seek reside with UVA Police Department or elsewhere. If the search is non-exclusive to UVA Police Department, please identify the custodians to be searched.

Regarding your request for:

- *14. All records (including communications, memoranda, and notes) memorializing the use of chemical irritants in response to the Gaza-related protests.*

Please advise whether the records you seek reside with UVA Police Department or elsewhere. If the search is non-exclusive to UVA Police Department, please identify the custodians to be searched.

Regarding your request for:

- *16. 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.*

Given this request seeks student records, there may be a large volume of exempt records under FERPA and VFOIA's scholastic records exemption.

### ***Costs***

Va. Code §2.2-3704(F) provides that a "public body may make reasonable charges not to exceed its actual cost" in fulfilling a FOIA request and, "shall make all reasonable efforts to supply the requested records at the lowest possible cost." Further, public bodies shall "inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records." Any costs we incur in estimating the cost of supplying the requested records shall be applied toward the overall charges to be paid for the supplying of such requested record." In this case, the University can provide a free estimate of costs, as detailed

below.

Regarding your above-referenced request for email correspondence, we would incur actual costs at two steps to process this request and we estimate them to be as follows:

**Step 1:** Ingestion, search and processing - \$50/gigabyte. In this step, we will locate, collect and electronically process all email accounts of specified records custodians. We will set up searches in those accounts for any potentially responsive records according to specified parameters.

**Step 2:** Records Review – Variable hourly rate based on reviewer. In this step we will review all potentially responsive emails to ascertain whether they constitute responsive records. For responsive records, we will review to determine whether they contain exempt information to be withheld or redacted under FOIA, or whether other provisions of law prohibit their disclosure. At this step we would also collect all potentially responsive non-email records for review. This step will incur additional recoverable costs, which we cannot reasonably estimate until we know the scope of collection that results from Step 1.

Please provide the request clarification so that we may proceed with processing your request.

Sincerely,

Freedom of Information Act Officer

University of Virginia  
[www.virginia.edu/foia](http://www.virginia.edu/foia)

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To monitor the progress or update this request please log into the [Public Records Center](#).