



April 21, 2025

Andrea Gunn Eaton
University of California, Irvine Office of Campus Counsel
101 The City Drive South
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Orange, California 92868

URGENT

Sent via Electronic Mail (ageaton@uci.edu)

Dear Chief Counsel Eaton:

FIRE¹ is concerned by UC Irvine's threat to evict student Amelia Roskin-Frazee because of an expressive doormat outside her apartment saying "No Warrant, No Entry."² We are further concerned that a UC Irvine administrator admitted that the institution's housing policies are selectively enforced. We urge UC Irvine to rescind its demand that Roskin-Frazee remove the doormat outside her home and any eviction threat.

On November 30, 2023, Roskin-Frazee emailed Residence Life Coordinator Ann Batenburg to express her concerns, in her capacity as a tenant in a university-owned apartment complex, about a university policy banning "any signage in windows or on doors facing outside that have words on them."³ Roskin-Frazee pointed out that such a policy infringes on the expressive rights of students, and raised concerns about censorship of speech regarding LGBTQ+ issues or sexual assault awareness.⁴

In response, Batenburg cited a Graduate and Family Housing policy stating: "All outward-facing signs, decorations, and expressions in windows/on doors are prohibited."⁵ Alarminglly,

¹ For more than 25 years, the Foundation for Individual Rights and Expression has defended freedom of speech and other individual rights on America's college campuses. You can learn more at thefire.org.

² The recitation here reflects our understanding of the pertinent facts. We appreciate that you may have additional information to offer and invite you to share it with us. To these ends, please find enclosed an executed privacy waiver authorizing you to share information about this matter.

³ Email from Amelia Roskin-Frazee, student, to Ann Batenburg, Residence Life Coordinator (Nov. 30, 2023, 8:30 PM) (on file with author).

⁴ *Id.*

⁵ *Graduate and Family Housing Policies*, Posting, UNIV. OF CAL., 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>]. A provision of UC Irvine's Housing Code of Conduct also states: "Doormats without words or images are permitted on the ground immediately outside apartment front door [sic]." *UCI*

she added that the restrictions on outward-facing displays are often selectively enforced based on the displays' content.⁶ She explained the office likely would not ask a neighbor to remove a holiday snowflake display, but that it has asked “people to take down things like Pride flags, country flags, [posters supporting a labor strike],⁷ and advertisements for businesses hung in windows intentionally facing the outside.”⁸

Nearly a year and a half later, on April 14, 2025, Batenburg notified Roskin-Frazees that Residence Life staff had “observed item(s) outside of [her] front door that may be potential violations of Graduate and Family Housing Policy and/or the Housing Agreement – Terms and Conditions.”⁹ UC Irvine’s concern was with Roskin-Frazees’s doormat, which reads, “No Warrant, No Entry.”¹⁰ The letter informed Roskin-Frazees that the “only item allowed outside of your front door is a doormat without words or images on it. Anything else must be removed,” giving her a deadline of April 22 to remove the offending doormat.¹¹ The letter concludes by noting that violations of university rules may result in the university serving a three-day notice to “perform covenant or quit,” placing Roskin-Frazees under threat of eviction.¹²

Our concerns arise primarily from the selective content-based enforcement of this policy, as well as potential viewpoint-based enforcement thereof.¹³ It has long been settled law that the First Amendment binds public universities like UC Irvine,¹⁴ such that its actions and decisions—including the pursuit of disciplinary sanctions¹⁵ and maintenance of policies implicating student and faculty expression¹⁶—must comply with the First Amendment. UC Irvine cannot reconcile its content-based targeting of Roskin-Frazees’s doormat with these First Amendment obligations.

While the university may establish and enforce reasonable restrictions on the time, place, and manner of speech or expressive activity, its rules must be viewpoint- and content-neutral, narrowly tailored to serve a significant government interest, and leave ample alternative channels for communication.¹⁷ And UC Irvine most certainly cannot maintain speech-

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>.

⁶ Email from Batenburg to Roskin-Frazees (Dec. 1, 2023, 11:44 AM) (on file with author).

⁷ Batenburg referred to “strike posters that were up last year.”

⁸ *Id.*

⁹ Letter from Batenburg to Roskin-Frazees (Apr. 14, 2025) (on file with author).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Any potential issues with UC Irvine’s policies are outside the scope of this letter.

¹⁴ *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).

¹⁵ *Papish v. Bd. of Curators of the Univ. of Mo.*, 410 U.S. 667, 667–68 (1973).

¹⁶ *Dambrot v. Central Mich. Univ.*, 55 F.3d 1177 (6th Cir. 1995).

¹⁷ *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989); *see also Healy*, 408 U.S. at 192-93.

restrictive policies that it enforces only when staff or administrators disapprove of the content or viewpoint of speech.¹⁸

By stating that university policies are enforced against certain kinds of political expression, but not other forms of expression—as evidenced by Batenburg’s note that a holiday snowflake display that violates the policy would be unlikely to be removed, while Pride or strike-related posters would be—UC Irvine strongly indicates that it selectively enforces its policies.¹⁹ Would a poster concerning voting rights be punished because of its political content? What about a poster encouraging vaccination? Under this sort of arbitrary enforcement, residents cannot know what poster would or would not incur the enforcement of the policy—even the drastic step of a threat of eviction. UC Irvine’s policy and practice both invites unconstitutional viewpoint discrimination by leaving decisions to administrators’ unbridled discretion and chills expression through its vagueness.²⁰

Notwithstanding FIRE’s concerns about such a stringent policy banning all outwards facing expression within apartments, Roskin-Frazees must not be punished because of an arbitrarily enforced policy. Given the urgent nature of this matter, we request a substantive response to this letter no later than the close of business on April 22, 2025, confirming that Roskin-Frazees will not be evicted because of her doormat.

Sincerely,



Graham Piro
Faculty Legal Defense Fund Fellow

Cc: Ann Batenburg, Residence Life Coordinator
Jennifer Martinez, Associate Director of Apartment Life

Encl.

¹⁸ *Frederick Douglass Found., Inc. v. District of Columbia*, 82 F.4th 1122, 1142 (D.C. Cir. 2023) (“Neutral regulations may reasonably limit the time, place, and manner of speech, but ... cannot be enforced based on the content or viewpoint of speech.”); *Bus. Leaders In Christ v. Univ. of Iowa*, 991 F.3d 969, 985-86 (8th Cir. 2021) (selective enforcement of facially neutral non-discrimination policy against student group based on its views violated its free speech rights).

¹⁹ Email from Batenburg, *supra* note 6.

²⁰ See, e.g., *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995) (viewpoint discrimination is “an egregious form” of censorship antithetical to the First Amendment and a grave affront to students’ First Amendment rights.); *Grayned v. City of Rockford*, 408 U.S. 104, 108-09 (1972) (to comport with the First Amendment, university regulations must “give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that [they] may act accordingly[.]”).