

June 23, 2025

**VIA EMAIL**

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Re: West Virginia University's Response to FIRE's Letter dated June 16, 2025

Dear Jessie:

Thank you for your letter. As West Virginia University ("WVU") has conveyed in prior correspondence, we value and respect FIRE's efforts to advocate for First Amendment rights on college campuses. Like FIRE, WVU considers freedom of expression to be a vital part of its academic mission and campus culture.

As set forth in WVU Board of Governors Governance Rule 1.8 – Freedom of Expression, the University "acknowledges a First Amendment right of free speech and assembly and encourages open dialogue as an opportunity to expand the educational opportunities of our campus communities." <https://policies.wvu.edu/finalized-bog-rules/bog-governance-rule-1-8-freedom-of-expression>. We are committed to protecting expressive rights, even in difficult or contentious circumstances.

That said, your most recent letter appears to be based on an incomplete understanding of the facts related to the incident involving WVU student Adam Itkowitz. Because of that, your letter conveys an overly simplified account that does not reflect the actual sequence of events or the University's handling of the matter.

**I. Background and Chronology**

In the fall of 2024, [REDACTED] a Sodexo<sup>1</sup> employee [REDACTED]  
[REDACTED]

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<sup>1</sup> Sodexo previously served as WVU's external dining services vendor. The University recently terminated its contract with Sodexo, and a new vendor will assume dining operations on campus effective June 30.

Later that semester, [REDACTED]

[REDACTED] Mr. Itkowitz coordinated with a local rabbi to distribute a book titled *The Ten Big Anti-Israel Lies and How to Refute Them with the Truth*. In December, he handed out copies of that book in the Mountainlair student union, including one to the same Sodexo employee. She found the material offensive and contacted the University Police Department (“UPD”). UPD responded but did not take any enforcement action, as this conduct did not violate any law or University policy.

Approximately one month later, in January 2025, [REDACTED]

A report was filed alleging [REDACTED]. In response, the University conducted a preliminary review of the report, gathered additional background information, and only then initiated a formal investigation — a process consistent with best practices and aligned with what FIRE itself recommends.<sup>2</sup>

During the investigation, the University issued **mutual no-contact orders** to all individuals involved. [REDACTED]

[REDACTED] These temporary directives are issued as supportive, non-punitive measures intended to de-escalate tensions and prevent further interaction while the matter was under review. They are not disciplinary in nature and are commonly used in student conduct processes to help preserve a safe and respectful environment for all individuals involved. [REDACTED]

Following a full investigation, the University determined that no disciplinary charges would be brought [REDACTED]

[REDACTED] The matter is now closed, and the mutual no-contact orders have been lifted.

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<sup>2</sup> Contrary to the implication in your letter, the University did not immediately act on the initial report by issuing a notice of allegations. Rather, consistent with established practice, the University first conducted a preliminary review of the report and gathered relevant background information before proceeding with a formal investigation. We agree with FIRE’s position that such a review should take place prior to opening an investigation, and that is precisely what occurred in this case. The University remains committed to ensuring that this approach continues to guide its handling of future reports. [REDACTED]

## II. Corrections to FIRE's Assertions

It is important to be clear: WVU did not initiate this process in response to the student distributing a pro-Israel book. In fact, the University has confirmed in writing to the student's advisor that the book distribution did not violate University policy and is protected by the First Amendment. Rather, the investigation focused on later alleged conduct [REDACTED]—conduct which, if substantiated, could have reasonably constituted [REDACTED] regardless of the student's viewpoints.

Your letter references a January 27, 2025, notice of allegations and suggests that the underlying conduct was merely a private conversation and handing out a book. However, that is not accurate. [REDACTED]

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We respectfully ask that FIRE reconsider and correct the misleading headline on its website: "West Virginia University: University Investigates Student for Handing out Copies of Alan Dershowitz Book." That framing does not accurately reflect the scope or basis of the investigation.; Cases: *West Virginia University: University Investigates Student for Handing out Copies of Alan Dershowitz Book*, <https://www.thefire.org/cases/west-virginia-university-university-investigates-student-handing-out-copies-alan-dershowitz> (last visited June 22, 2025); see also Jessie Appleby, *WVU cracks down on dangerous idea: free books*, <https://www.thefire.org/news/wvu-cracks-down-dangerous-idea-free-books> (June 17, 2025).

We acknowledge that FIRE noted in its letter that the organization may not have access to the full record. That makes it particularly important to avoid public accusations—such as characterizing the University's conduct as "unlawful"—without first requesting or reviewing additional context or documentation. WVU remains committed to transparency and would have welcomed the opportunity to clarify these facts before your letter was issued. Because you now have

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<sup>3</sup> Although your letter acknowledges that the University may have additional information related to this matter, it is concerning that you cite at least one relevant document—the January 27, 2025, notice of allegations—without accurately reflecting its contents. Specifically, footnote 3 of your letter references this document, but your summary omits key context and allegations.

A full reading of the document would have shown that the matter involved more than a private comment or the distribution of a book. [REDACTED]

the complete and accurate information, we respectfully request that you correct your website and send corrections to any media outlets with which you shared these incomplete claims.

Lastly, your letter references another incident involving a student protestor, apparently based solely on a social media post. While we cannot share confidential details, we do note that the student in that case was not sanctioned for their viewpoint. We would refer you to your own website's discussion on a related topic: Nico Perrino, *No, a heckler's veto is not 'more speech'*, <https://www.thefire.org/news/no-hecklers-veto-not-more-speech> (May 2, 2023). If FIRE would like to discuss that matter further, we are open to doing so with the appropriate release from the student.

We continue to welcome dialogue with FIRE and remain committed to protecting expressive freedoms for all members of our campus community.

Best regards,



Stephanie D. Taylor  
*Vice President and General Counsel*  
*West Virginia University*