



April 11, 2025

Khyla Breland  
Office of the Dean of Students  
University of Illinois Chicago  
1200 West Harrison Street, 3030 SSB  
Chicago, Illinois 60607

**URGENT**

*Sent via overnight mail and Electronic Mail (kbreland@uic.edu)*

Dear Associate Director Breland:

FIRE, a nonpartisan nonprofit that defends free speech,<sup>1</sup> is concerned by the University of Illinois Chicago's investigation into student Marie Ching for her social media posts criticizing another student's lack of participation in a group project. While the other student may have felt insulted or offended by Ching's posts, they are undoubtedly protected by the First Amendment, which bars UIC from investigating or meting out punishment in this matter. Accordingly, we urge you to cease the investigation into Ching.

Our concern arises from your April 1 correspondence to Ching requesting a meeting to discuss a third-party report that alleged Ching was "involved in a conflict with another student."<sup>2</sup> According to the report, Ching made "several" social media posts about student [REDACTED] "that included their email exchanges regarding a previous group work project overlaid with some disparaging words Marie wrote about [REDACTED]."<sup>3</sup>

The posts are as follows:

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<sup>1</sup> For more than 20 years, FIRE has defended freedom of expression, conscience, and other individual rights on America's university campuses. You can learn more about our mission and activities at [thefire.org](http://thefire.org).

<sup>2</sup> Letter from Khyla Breland, Assoc. Dir. for Cmty. Standards, to Marie Ching, student (Apr. 1, 2025) (on file with author). The recitation of facts here reflects our understanding of the pertinent information. We appreciate that you may have additional information 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.

<sup>3</sup> *Id.* The report also alleges Ching talked about [REDACTED] to other classmates.

Monday, February 24 2:32 AM  
 III Audio Unavailable

**UIC students are a joke ISTFG**

Oh yeah sorry, I will add some things to it, also I should be able to come tomorrow.

Also sorry I still had to do the video chat as well as an assignment where I had to

Marie: I will have to...

Okay, but I can't come earlier to practice the script tomorrow. What we perform is...

No, I went to the black ball on Saturday, watched my sisters cat, and just finished assignment for another class, so I didn't do the hw, also that's fine.

**Why is my exam partner explaining her procrastination to me!! 🙄**

**BFFR it's been 2 weeks.... 5 excuses**



Monday, February 24 2:57 PM

Marie (Allen): J'ai lu dans un livre... "bien, et toi?"

Marie: Je ne suis pas certain, aimes-tu Chicago?

Marie: Chicagoan: Chicago est bonne et mauvais.

Marie: On m'a dit que c'est chaud?

Marie: Ah, ça va!

Marie: C'est plus difficile!

Marie: Mais...

Marie: Enchantée!

Together: A bientôt!

**It really pissed me off when my partner read the script. Knowing that I wrote 100% of it**

**I know it's not a big deal. But damn, everyone else's partners seemed like they actually cared. So I'm jealous 🙄💔**

**I loved seeing everyone else genuinely act/joke/enjoy it. So it felt embarrassing that my partner was so lazy --- and proud of it too**

Wednesday, March 18 11:58 AM

**Lmao my French exam partner from last month came up to me and went "I wish you didn't complain to others using my name"**

**I said out loud, I'm sorry I do apologize for that 😊 you're right -- I'll say it to your face then**

**"But let me say this out loud for everyone in this hallway to know"**

**"You didn't work on the project with me AT ALL for several weeks, I have the right to be upset with you"**

**So do you have any objections? "Well uh" and then she left**

**The audacity of UIC students bro. I should've accepted the offer to Urbana**

FR 104 Printemps 2025 Examen 2  
 Faire du chemin : Deuxième Partie  
 Test : ... ans=69 pou  
 I. COMPRÉHENSION ORALE (17 pts)

Wednesday, March 19 3:09 PM

**She fr said "I don't like the way you talked to me over email, you were rude" 🙄🙄**

Marie Ching Feb 17

I'll be working on it this whole week. Since we have more time until next Monday.

My idea is to have us talk about how it's cold in Chicago. So if the alien wants to live here, "il faut que" buy winter jackets and boots stuff like that.

How about you? We can also set up a quick Zoom call this weekend to practice the script for a few minutes. It might make things easier for you too!

**You mean... emailing politely like a normal person...??**

**Tell me -- what in my email was considered rude? Somebody slide up cuz wtf**

At an April 7 meeting, you allegedly told Ching her posts may constitute harassment and cyberbullying. On April 9, you requested Ching submit a written “statement about what happened.”<sup>4</sup>

As a public institution bound by the First Amendment,<sup>5</sup> UIC may not punish or investigate constitutionally protected speech. This means UIC may not punish or investigate Ching merely because her speech offended someone else,<sup>6</sup> unless her speech reaches the Supreme Court’s strict definition of actionable harassment: conduct, including speech, that is (1) unwelcome, (2) discriminatory on the basis of gender or another protected class, and (3) “so severe, pervasive, and objectively offensive that it can be said to deprive the victim[] of access to the educational opportunities or benefits provided by the school.”<sup>7</sup> Nothing about Ching’s posts can be construed as severe or objectively offensive, nor were the posts discriminatory on the basis of a protected class. Further, unless an incident meets the criteria for actionable harassment, even “cyberbullying” is protected expression that public universities cannot constitutionally punish.<sup>8</sup>

To abide by its constitutional obligation to protect free speech, when UIC receives a complaint, it should undertake a cursory review of the complaint to first determine whether the conduct alleged solely constitutes protected expression. In such cases, UIC can offer support to the complainant without notifying or involving the accused student. This is because, even if an investigation resolves in favor of the speaker, investigations into protected speech can “chill silence a person of ordinary firmness from future First Amendment activities[.]”<sup>9</sup> Such a review would have allowed UIC to offer any needed support to [REDACTED] while also respecting Ching’s constitutional rights.

Given the ongoing threat to Ching’s free speech rights, we request a substantive response to this letter no later than April 18, 2025, confirming you have ceased the investigation into Ching.

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<sup>4</sup> Letter from Breland to Ching (April 9, 2025) (on file with author).

<sup>5</sup> *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).

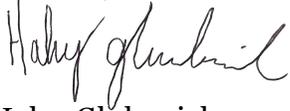
<sup>6</sup> *Texas v. Johnson*, 491 U.S. 397, 414 (1989) (burning the American flag is protected by the First Amendment, the “bedrock principle underlying” the holding being that government actors “may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable”).

<sup>7</sup> *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 651 (1999).

<sup>8</sup> *See, e.g., Grabowski v. Ariz. Bd. of Regents*, 69 F.4th 1110, 1113 (9th Cir. 2023) (bullying claim analyzed under *Davis* harassment standard); *see also Federal Laws*, Are there federal laws that apply to bullying?, stopbullying.gov, <https://www.stopbullying.gov/resources/laws/federal> (last visited Apr. 11, 2025) (noting that bullying allegations are instead covered by harassment rules).

<sup>9</sup> *Mendocino Env’t Ctr. v. Mendocino Cnty.*, 192 F.3d 1283, 1300 (9th Cir. 1999).

Sincerely,

A handwritten signature in black ink that reads "Haley Gluhanich". The signature is written in a cursive style with a large, looping initial "H".

Haley Gluhanich  
Senior Program Counsel, Campus Rights Advocacy

Cc: Marie Lynn Miranda, Chancellor

Encl.