



February 24, 2026

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Sent via U.S. Mail and Electronic Mail (cfrichmo@uillinois.edu)

Dear Mr. Richmond:

We appreciate your response to our February 4 letter regarding the University of Illinois Urbana-Champaign's public statement that it is conducting a Title VI review of the Illini Republicans' pro-ICE social media post.

Contrary to your assertion that UIUC's actions were required by federal law, federal law does not require UIUC to establish or maintain any particular process for reviewing Title VI discrimination complaints.¹ Nor does federal law require UIUC to publicly announce it is reviewing a social media post in response to complaints or publicly "condemn" the content of the post.²

UIUC does have a responsibility under Title VI to prevent discriminatory harassment, but in doing so it must not sacrifice its constitutional obligation to protect free speech.³ A publicly

¹ In contrast, Title IX regulations *do* require federally-funded institutions to "adopt, publish, and implement grievance procedures" for sex discrimination complaints. *See* 34 C.F.R. § 106.8(b). No parallel requirement for handling discrimination complaints exists under Title VI regulations. Rather, institutions must comply with Title VI's substantive nondiscrimination requirements, which prohibit discrimination "on the basis of race, color, or national origin." *See* 34 C.F.R. § 100.3.

² *See* Aidan Sadovi, 'Fell the enemies': Illini Republicans support ICE amid Minnesota killings, THE DAILY ILLINI (updated Feb. 2, 2026, 9:48 PM), <https://dailyillini.com/news-stories/university-news/student-organizations/2026/02/01/illini-republicans-ice-minnesota/> (recounting UIUC's statement in response to the Illini Republicans' Instagram post).

³ Enforcement of Title VI's nondiscrimination requirements focuses on institutions' substantive response to actual knowledge of peer discriminatory harassment. Administrators are "given broad latitude to resolve peer harassment and are liable only in 'certain limited circumstances.'" *Doe v. Galster*, 768 F.3d 611, 617 (7th Cir. 2014) (internal citation omitted). Institutional liability for student-on-student discriminatory harassment arises "only where [the university is] deliberately indifferent to ... harassment"—that is, where its "response to the harassment or lack thereof is clearly unreasonable in light of the known circumstances."

announced “review” of a social media post, combined with a statement that the institution “condemn[s] [such] rhetoric or imagery,” is likely to chill student speech because such a process implicitly threatens punishment for that speech—even when, like here, the review is ostensibly non-punitive.⁴ The question is not whether the institution actually imposes formal sanctions in a particular case, but whether its actions would “chill or silence a person of ordinary firmness from future First Amendment activities.”⁵

UIUC’s announcement that it was conducting a Title VI review was unnecessary and chilling given that the social media post in question is protected political expression. That chilling effect is only heightened by UIUC’s failure to follow up its original public announcement with a subsequent announcement of the review’s closure. Without public notice that the university closed the matter upon its determination that the reported social media post was protected speech, students may reasonably infer that the review is still ongoing three weeks after its initiation.⁶ A “review” that requires three weeks suggests a serious investigatory effort, not an ostensibly non-disciplinary review of an Instagram post that administrators should recognize as clearly protected speech merely by viewing the post.

Instead, where—as here—a complaint appears to allege no more than protected speech, the correct approach is to have administrators conduct a preliminary internal assessment. If administrators’ review confirms the alleged speech is protected, UIUC should close the matter without ever notifying the speaker or publicly announcing an ongoing review—thereby avoiding a chilling effect—while offering support to the complainant.⁷

As you may be aware, this case has already garnered quite a bit of public attention, necessitating a public response. More than 180 members of the public have signed on to our Take Action campaign calling for UIUC to end its “review” and refrain from further disciplinary action.⁸ While UIUC *implies* in its response to FIRE that no disciplinary action is forthcoming because its review process is “non-punitive,” UIUC has never explicitly confirmed—either in its

Menzia v. Austin Ind. Sch. Dist., 47 F.4th 354, 361 (5th Cir. 2022) (quoting *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 648, 650 (1999)).

⁴ See, e.g., *Levin v. Harleston*, 966 F.2d 85, 89 (2d Cir. 1992) (threat of discipline implicit in college president’s creation of ad hoc committee to study whether professor’s outside speech could be considered misconduct “was sufficient to create a judicially cognizable chilling effect on [the professor’s] First Amendment rights”); *White v. Lee*, 227 F.3d 1214, 1228 (9th Cir. 2000).

⁵ *Mendocino Envtl. Ctr. v. Mendocino Cty.*, 192 F.3d 1283, 1300 (9th Cir. 1999) (institutional response short of formal punishment can be unconstitutional if it “would chill or silence a person of ordinary firmness from future First Amendment activities”).

⁶ UIUC first revealed the existence of the Title VI review in its statement to the *Daily Illini* on February 2. See Sadovi, *supra* note 2.

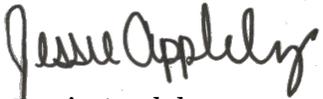
⁷ See Graham Piro & Alex Morey, *Report: Stanford student may need to ‘take accountability,’ ‘acknowledge harm’ for reading Hitler’s ‘Mein Kampf’*, FIRE (Jan. 25, 2023), <https://www.thefire.org/news/report-stanford-student-may-need-take-accountability-acknowledge-harm-reading-hitlers-mein>; Haley Gluhanich, *VICTORY: Stanford adopts FIRE recommendation, will no longer notify students accused of engaging in protected speech*, FIRE (Apr. 18, 2023), <https://www.thefire.org/news/victory-stanford-adopts-fire-recommendation-will-no-longer-notify-students-accused-engaging>.

⁸ See *Political Speech is Free Speech*, FIRE (Feb. 10, 2026), <https://www.fire.org/get-involved/take-action/political-speech-free-speech>.

response to FIRE or in its public statements—that the Illini Republicans’ Instagram post is indeed political speech protected by the First Amendment and therefore further investigation and disciplinary action is unwarranted. Given UIUC’s previous public statements, it must now assure concerned community members that it has properly closed this matter.

We urge UIUC to publicly announce that it has ended its review of the Illini Republicans’ Instagram post and no further action will be taken because the post is clearly protected political expression. We request a substantive response to this letter no later than March 10.

Sincerely,



Jessie Appleby
Program Counsel, Campus Rights Advocacy

Cc: Gioconda Guerra Perez, Interim Vice Chancellor for Access, Civil Rights, &
Community
Charles Isbell, Chancellor