



July 13, 2026

Peggy Heinrich
President's Office
Elgin Community College
Building B, Room B235
1700 Spartan Drive
Elgin, Illinois 60123-7193

Sent via U.S. Mail and Electronic Mail (pheinrich@elgin.edu)

Dear President Heinrich,

The Student Press Freedom Initiative at FIRE¹ is concerned by Elgin Community College's policy requiring employees to notify the Director of Communications before speaking with the media,² which unlawfully restricts these employees' constitutional right to speak with reporters in their personal capacities.³ We are also concerned by ECC's practices of demanding press interview questions in advance and limiting student journalists' access to public meetings.⁴ As a public college bound by the First Amendment,⁵ ECC is obligated to protect its employees' right to speak as private citizens on matters of public concern as well as its student

¹ FIRE is a nonpartisan nonprofit that defends free speech on and off campus. You can learn more about our mission and activities at fire.org. FIRE's Student Press Freedom Initiative (SPFI) defends free press on campus by advocating for the rights of student journalists at colleges and universities across the country.

² *Procedure for Media Relations*, Guidelines for Media Engagement, ELGIN COMM. COLL. (updated May 8, 2024), <https://elgin.edu/about/legal-notice/procedures/procedure-for-media-relations-3907.php> [<https://perma.cc/753S-HQD6>]. The following recitation of facts reflects our understanding based on publicly available information. We appreciate that you may have additional information and invite you to share it with us.

³ See generally *Pickering v. Bd. of Educ.*, 391 U.S. 563 (1968) (a high school teacher's letter to the local newspaper was speech as a private citizen despite mentioning his title and discussing school issues).

⁴ See Shantel Lewis, *Editorial: Observer Newsroom Blues: ECC Communications Discourages Student Journalists*, THE OBSERVER (June 23, 2026), <https://elginobserver.com/25030/opinion/editorial-observer-newsroom-blues-ecc-communications-discourages-student-journalists/#>.

⁵ *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)).

journalists’ right to gather news. ECC must promptly cease its press-restrictive practices and amend its media policies to protect press freedom.

Reporters for *The Observer*, ECC’s student newspaper, report facing a series of barriers when they wish to speak with college employees, including faculty members, as part of their reporting.⁶ When those employees follow ECC’s rule requiring them to direct all requests to Director of Communications Andrea Watson,⁷ the student journalists report that she and her team “routinely” ask them to provide questions in advance.⁸ *Observer* journalists also report that the office does not respect journalists’ deadlines, at times responding days later, frustrating their efforts to timely report news.⁹ *Observer* journalists have also been forced to sit in a press section that is less well-located than the section open to the general public at public meetings, depriving them of full access to these meetings because they have been unable to see, hear, and photograph the proceedings.¹⁰

ECC’s policy of requiring employees to refer all comment requests to Watson chills the constitutionally protected speech of college employees who may wish to speak with the media in their personal capacities.¹¹ As a threshold matter, employees retain their right to speak as private citizens on issues that concern the public.¹² State institutions like ECC may only regulate employee speech when it is made *pursuant to* their job duties.¹³ A public employee’s opinion on policies and practices of a government body—including that speaker’s employer—is not automatically transformed into speech made on behalf of the employer.¹⁴ The “critical question” in determining whether the speech spoken in one’s capacity as an employee or private citizen is “whether the speech at issue is itself ordinarily within the scope of an employee’s duties, not whether it merely concerns those duties.”¹⁵ When employees’ duties generally do not include representing their government employer in an official capacity, as is certainly true for the vast majority of its professors and staff members, their speech to the media is generally assumed to be that of private citizens rather than government spokespeople.¹⁶

⁶ Lewis, *supra* note 4.

⁷ *Procedure for Media Relations*, *supra* note 2 (requiring employees to “[n]otify the Director of Communications” of media requests and barring faculty from responding directly to requests).

⁸ Lewis, *supra* note 4.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Pickering*, 391 U.S. at 574; *Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006).

¹² *Pickering*, 391 U.S. at 574.

¹³ *Garcetti*, 547 U.S. at 421.

¹⁴ *Lane v. Franks*, 573 U.S. 228, 240 (2014).

¹⁵ *Id.*

¹⁶ See, e.g., *Matthews v. City of New York*, 779 F.3d 167, 174 (2d Cir. 2015) (generally, when faculty speak to the media about their work, it is considered speech as a private citizen because speaking to the media is “neither part of [their] job description nor part of the practical reality of [their] everyday work”). See also *Timmins v. Plotkin*, 157 F.4th 1275, 1280–82 (10th Cir. 2025) (public employee’s statements critical of her employer to the

ECC's policy bars exactly that kind of public commentary, violating the college's constitutional obligations. While the college can restrict which employees may speak to the media *on behalf of* the university and when they may do so,¹⁷ it cannot claim jurisdiction to restrict *any* statement by its employees to the press.

By requiring employees to obtain administrative approval before sharing their opinions publicly, ECC also imposes an unconstitutional prior restraint,¹⁸ “the most serious and the least tolerable infringement on” freedom of expression.¹⁹ Such restraints present a risk to freedom of speech so great that the “chief purpose” in adopting the First Amendment was to prevent their use,²⁰ and they are valid only in the most extreme circumstances when needed to satisfy compelling government interests.²¹ For example, the Supreme Court has struck down prior restraints preventing the publication of personal attacks on a local business owner,²² and even the release of government documents classified for national security purposes.²³ ECC has failed to provide *any* reason why it needs to place a blanket restriction on its employees' ability to speak to the media, let alone one that would justify such an incursion on employees' rights. If the purpose is merely to protect administrators' or the college's reputation, that is hardly the type of weighty government interest that ECC might use to overcome the heavy presumption against constitutionality—especially when even national security interests may fall short of the high threshold needed.²⁴

Further, the college's practice of requiring student journalists to submit interview questions prior to authorization of interviews with campus personnel is functionally equivalent to prior review, giving college officials potentially intimate context about a story that would not otherwise be available before publication. Even though ECC does not review the text of every story before publication—as is the case in traditional prior review—requiring interview questions and reviewing employees' answers gives the college access to pre-publication information it would not otherwise possess. Regardless of form, administrative prior review of questions acts as a stamp of approval before answers to student journalists' questions can be shared, which “strikes at the very foundation of the freedom of the press by subjecting it to license and censorship.”²⁵

press retained First Amendment protection because “it was not ordinarily within the scope of her duties” and “[f]ew employees have a duty to inform or sway public opinion” either “directly or through the press”).

¹⁷ Indeed, ECC's policy provides that only employees the college designates as spokespeople may speak “on behalf of the College to the media.” *Procedure for Media Relations*, *supra* note 2.

¹⁸ *Garcetti*, 547 U.S. at 421.

¹⁹ *Neb. Press Ass'n. v. Stuart*, 427 U.S. 539, 559 (1976).

²⁰ *Near v. Minnesota*, 283 U.S. 697, 713 (1931).

²¹ *Id.* at 716.

²² *Org. for a Better Austin v. Keefe*, 402 U.S. 415 (1971).

²³ *N.Y. Times Co. v. United States*, 403 U.S. 713, 714 (1971).

²⁴ *Id.*

²⁵ *Lovell v. City of Griffin*, 303 U.S. 444, 451 (1938).

Finally, ECC cannot lawfully confine members of the press in a separate, inferior area at public meetings. Journalists are not imbued with any special access privileges because of their status as journalists, but they may not be afforded access inferior to that of the public. The First Amendment prohibits the government from retaliating against journalists for engaging in journalism.²⁶ ECC's practice has diminished journalists' ability to gather information from public meetings.²⁷ That kind of restriction impairs their First Amendment rights, something ECC and its administrators may not do.²⁸ Courts have recognized that members of the press act as "surrogates for the public" in keeping a watchful eye on the operations of powerful institutions.²⁹ As members of their campus communities, student journalists play an important part in informing the public of their colleges' undertakings and ensuring transparency. ECC's restrictions on both employees' and journalists' First Amendment rights impermissibly hamper student journalists' ability to perform their pivotal role.

Given the ongoing chill to ECC students' and employees' expression, we request a substantive response to this letter no later than the close of business on July 20, 2026, affirming ECC will honor its binding legal obligations by revising its policies and ending its press-restrictive practices.

Sincerely,



Dominic Coletti
Program Officer, Campus Rights Advocacy

Cc: Andrea Watson, Director of Communications

²⁶ *Media Matters v. Paxton*, 138 F.4th 563, 580 (D.C. Cir. 2025) ("the First Amendment 'protect[s] [information-gathering] activities from official harassment'" (quoting *Reps. Comm. for Freedom of the Press v. AT&T*, 593 F.2d 1030, 1064 (D.C. Cir. 1978))).

²⁷ Lewis, *supra* note 4.

²⁸ See *United States v. Nat'l Treasury Empls. Union*, 513 U.S. 454, 455; *Media Matters*, 138 F.4th at 580.

²⁹ *Richmond Newspapers v. Virginia*, 448 U.S. 555, 573 (1980).