

KEVIN P. NOLLknoll@robbins-schwartz.com**NATALIE A. JAKUBOWSKI**njakubowski@robbins-schwartz.com

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VIA U.S. MAIL AND ELECTRONIC MAIL

Dominic Coletti
Program Officer, Campus Rights Advocacy
FOUNDATION FOR INDIVIDUAL RIGHTS AND EXPRESSION
510 Walnut Street, Suite 900
Philadelphia, PA 19106

Dear Dominic Coletti,

As legal counsel on behalf of Elgin Community College (the “College”), this letter serves as the College’s response to your July 13, 2026, letter detailing concerns from the Foundation for Individual Rights and Expression (“FIRE”) related to the College’s media practices and Administrative Procedure.

The College generally disagrees with FIRE’s characterization of the College’s practices and the conclusions reached based on those characterizations. Nevertheless, the College welcomes this opportunity to provide clarification on its practices and to provide assurance that the College does not restrict lawful expression by students, faculty, or staff, or otherwise discourage legitimate newsgathering by student journalists.

The College’s substantive response to each of your concerns is detailed below.

I. Notification of Media Requests

In your letter, FIRE raises a concern that the College’s media policy (Administrative Procedure 3.907) unlawfully restricts employees’ constitutional right to speak with reporters in their personal capacities. The College acknowledges and respects its employees’ constitutional right to speak with reporters or the media in their capacity as a private citizen on matters of public concern.

Administrative Procedure 3.907 is intended to provide clear and consistent guidelines for when College employees, pursuant to their job duties, interact with news media representatives, and are thereby making statements on behalf of the College. A public employer in Illinois may lawfully adopt a media policy designating an official spokesperson and requiring employees to route media inquiries through official channels, given that the policy is limited to official speech and does not prohibit employees from speaking as private citizens.¹

Administrative Procedure 3.907 is not intended to impose a blanket prohibition on employees’ speech, and it is certainly not intended to prohibit an employee’s right to speak as a private citizen on matters of public

¹ *Samuelson v. LaPorte Cmty. Sch. Corp.*, 526 F.3d 1046, 1052 (7th Cir. 2008).

concern. However, the College has reviewed Administrative Procedure 3.907 in light of your concerns and has made revisions to ensure its consistent and clear implementation.

II. Press Interview Questions

Your letter also raises concerns about the College's alleged practice of demanding media interview questions in advance of interviews. The College acknowledges that the Illinois College Campus Press Act provides that campus media is not subject to prior review by public officials of an institution of higher education, regardless of whether the publication in question is campus-sponsored or not.²

As stated in your July 13, 2026, letter, the College does not review the text of every story before publication. Neither the College's Administrative Procedure 3.907 nor any Board Policy or Administrative Procedure requires prior review of student media, including approval of students' interview questions. Rather, employees, when acting pursuant to their job duties or when speaking in their individual capacities, may contact the Communications Department to seek guidance in preparing for or coordinating an interview. Employees may choose to request interview questions in advance (even if providing such questions in advance is not typically the journalistic practice). Student journalists have the right to decline to provide interview questions in advance when requested by an interviewee. Likewise, an interviewee has the right to decline an interview.

Additionally, the media will often reach out to the Communications Department to request to speak to someone at the College who is familiar with a topic they are interested in. In these cases, the Communications Department may ask for the general subject matter of the interview or the types of questions the reporter is expected to ask to help identify an appropriate College spokesperson with relevant knowledge or expertise. In these cases, the Communications Department is not approving interview questions but rather gathering general information to better assist the individual making the media request and connecting them with a College employee who is best suited to answer their questions.

Ultimately, any request for student interview questions in advance of an interview is voluntary and is not a requirement by the College. Further, the College does not authorize or decline interviews based upon the topic or the interview questions; that is the decision of the individual employee.

III. Board Meeting Designated Press Section

Finally, FIRE raises a concern with the media seating section at the College's Board meetings. There is no Illinois or federal law that explicitly prohibits a Board from designating a specific media section for seating purposes during a public Board meeting. In fact, designating a specific section for the media at public Board meetings is a convenience for the media, *i.e.*, ensuring that the media has a reserved seat, which the general public is not otherwise afforded.

The Illinois Open Meetings Act ("OMA") requires that public meetings be held at a location that is "convenient and open to the public".³ Moreover, under the First Amendment, a public Board meeting is

² The College Campus Press Act, 110 ILCS 13/10.

³ The Open Meetings Act, 5 ILCS 120/2.01.

treated as a designated or limited forum where content-neutral and reasonable restrictions are permissible.⁴ As such, a public body may implement reasonable time, place, or manner restrictions.⁵

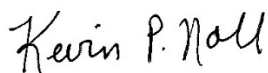
The College's designated media section serves logistical and operational purposes, including accommodating media coverage, maintaining clear sightlines, and managing movement within the room. The designated media section was used by media on two occasions during the past year, at Board meetings for which the College anticipated significant public attendance and multiple media outlets. The designated media section was provided as a courtesy to facilitate media coverage and was not a requirement for media representatives. The designated media section does not inhibit members of the media from attending or otherwise participating in Board meetings and it is not in any way retaliatory against journalists for engaging in journalism. Rather, it was intended to facilitate media coverage while accommodating the anticipated attendance at that meeting.

Finally, your letter asserts that the College's designated media section is somehow inferior to the seating section for the public. If student journalists attending Board meetings believe that to be the case, they may instead sit in any other available seat in the Board meeting room that is available to members of the general public.

Thank you for sharing your concerns with the College. Again, the College is dedicated to upholding and respecting the constitutional rights of all employees, students, and community members. Accordingly, the College has engaged in a substantive and good-faith review of your concerns and has revised Administrative Procedure 3.907 to provide greater clarity regarding the College's media practices.

Please do not hesitate to contact us should you have any questions.

Sincerely,



Kevin P. Noll



Natalie A. Jakubowski

cc: Dr. Peggy Heinrich, President

⁴ *Vega v. Chicago Bd. of Educ.*, 338 F. Supp. 3d 806, 811 (N.D. Ill. 2018) (“public Board meetings take place in a ‘designated public forum’ . . . and that the Board accordingly may ‘enforce reasonable time, place, and manner restrictions that are content neutral and narrowly tailored to serve a significant government interest, and that provide ample alternative channels of communication.’”(internal citation omitted)).

⁵ *Id.*