FIRE
Foundation for Individual Rights and Expression

November 25, 2026

Mark A. Nook
Office of the President
University of Northern Iowa
1227 West 27th Street
Cedar Falls, Iowa 50614

*Sent via Electronic Mail (mark.nook@uni.edu)*

Dear President Nook:

FIRE, a nonpartisan nonprofit that defends free speech,[1] is concerned by the University of Northern Iowa's investigation into a student's alleged statements that "there's a difference between black people and there's a difference between niggers" and "I don't have a problem with black people, I have a problem with niggers" in a Snapchat video that began circulating social media on October 28.[2] UNI issued a statement condemning the remarks as inconsistent with its values and announced that the incident was "under review."[3] While many find the use of racial slurs to be deeply offensive, such expression is nevertheless protected by the First Amendment, by which UNI is obligated to abide.[4] We therefore urge UNI to end its investigation and refrain from punishing the student.

As popular expression rarely needs protecting, an institution typically finds its commitment to free speech tested in moments of controversy. And at a public university like UNI, upholding this commitment is required by law. The Supreme Court has repeatedly, consistently, and

[1] For more than 25 years, FIRE has defended freedom of expression and other individual rights on America's university campuses. You can learn more about our mission and activities at fire.org.

[2] i Expose Racists (@SeeRacists), X, (Nov. 8, 2026, 4:01 PM), https://x.com/SeeRacists/status/2119535713574416511?a=40ihurFYwRmuIjaiN1g&s=20 [https://perma.cc/9KR4-KPME]. The recitation of facts reflects our understanding of the pertinent information based on publicly available information. We invite you to share any additional information.

[3] Lily Munnik, *Viral video containing racial slurs prompts responses from UNI, student organizations*, THE N. IOWAN (Nov. 11, 2026), https://www.northerniowan.com/27495/showcase/viral-video-containing-racial-slurs-prompts-responses-from-uni-student-organizations.

[4] *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).

clearly held that government actors may not restrict expression on the basis that others may find it offensive or hateful.[5] In holding the First Amendment protects protesters holding insulting signs outside of soldiers' funerals, the Court explained that, "[a]s a Nation we have chosen … to protect even hurtful speech on public issues to ensure that we do not stifle public debate."[6] In the university setting, courts have held the First Amendment protects both "offensive and sophomoric" skits depicting women and minorities in derogatory stereotypes[7] and "racially-charged emails" to a college listserv.[8] While the Snapchat video was no doubt offensive to many who viewed it, the First Amendment exists precisely to protect such "vigorous, robust, and unpopular speech"[9] from government sanction.

UNI's own policy reflects this reality. In accordance with state law,[10] UNI recognizes that "it is not the proper role of an institution of higher education to shield individuals from speech protected by the first amendment … which may include ideas and opinions the individual finds unwelcome, disagreeable, or even offensive."[11] Yet UNI appears to be investigating the student for precisely that kind of expression. Racial slurs and other expression various listeners may deem hateful remain protected unless they fall into one of the recognized, narrowly defined categories of unprotected expression (such as true threats[12] or discriminatory harassment[13]), none of which apply to this Snapchat video.

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[5] *Texas v. Johnson*, 491 U.S. 397, 414 (1989) (burning the American flag held protected by the First Amendment under the "bedrock principle" that government actors "may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable"); *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992) (striking down an ordinance that prohibited placing on any property symbols that "arouse[] anger, alarm or resentment in others on the basis of race, color, creed, religion or gender"); *Matal v. Tam*, 137 S. Ct. 1744, 1764 (2017) (refusing to limit speech viewed as "hateful" or demeaning "on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground").

[6] *Snyder v. Phelps*, 562 U.S. 443, 448, 461 (2011).

[7] *Iota Xi Chapter of Sigma Chi Fraternity v. George Mason Univ.*, 993 F.2d 386, 388–92 (4th Cir. 1993).

[8] *Rodriguez v. Maricopa Cnty. Cmty. Coll. Dist.*, 605 F.3d 703, 705 (9th Cir. 2009) (the First Amendment "embraces such a heated exchange of views").

[9] *Perez v. Ledesma*, 401 U.S. 82, 117 n.10 (1971).

[10] Iowa Code § 261H.2(1)(b)(1) (2021).

[11] *University Policies*, Freedom of Speech and Expression / First Amendment, UNIV. OF N. IOWA (updated Nov. 2021), https://policies.uni.edu/1310 [https://perma.cc/8XLG-AJD3].

[12] A true threat is when a speaker seriously expresses "an intent to commit an act of unlawful violence to a particular individual or group of individuals," *Virginia v. Black*, 538 U.S. 343, 359 (2003). The speaker must consciously disregard a substantial risk their speech would place another in fear of serious physical harm *Counterman v. Colorado*, 600 U.S. 66 (2023). Here, the use of "nigger" does not on its face or in the video's context indicate an intent to engage in any form of violence.

[13] Actionable discriminatory harassment requires that speech be (1) unwelcome, (2) discriminatory on the basis of a 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," *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 651 (1999). Even if the student's speech could be considered objectively offensive (and directed at any particular individual(s), which is not apparent here), it cannot be said to deprive a reasonable student from receiving his or her education.

Nor may UNI credibly claim that the student's speech—seemingly made off campus and shared via a private social media account—resulted in a prohibited "disruption or ... attempt to disrupt university activities."[14] Student expression does not lose First Amendment protection merely because others find it upsetting or offensive. As the Supreme Court has explained, "[l]isteners' reaction to speech is not a content-neutral basis for regulation," and speech cannot be "punished or banned, simply because it might offend a hostile mob."[15] This principle applies with particular force at public universities, where "the mere dissemination of ideas—no matter how offensive to good taste—" cannot be suppressed in the name of "conventions of decency."[16]

The First Amendment strictly limits the consequences government actors like UNI can impose on disfavored speech and plainly bars UNI administrators from punishing student speakers simply because some, many, or most people are offended by what those speakers say. That does not mean that unpopular speakers are shielded from every consequence of their speech—including harsh criticism by students, faculty, and the broader community, which are forms of the "more speech" remedy the First Amendment prefers to censorship.[17] UNI students and student organizations have already demonstrated a willingness to confront speech they dislike with more speech, rather than demands for censorship.[18] UNI should encourage that instinct, not undermine it by pursuing (unlawful) disciplinary action against protected expression.

We request a substantive response to this letter no later than December 2, 2026, confirming that UNI will end its investigation and refrain from punishing the student for protected expression.

Sincerely,



Sofia Lopez
Program Officer, Campus Rights Advocacy

Cc: Anne Bilder, General Counsel
Jennifer Yarrow, Assistant to President

[14] *Id.*, Additional First Amendment-related Considerations.

[15] *Forsyth County v. Nationalist Movement*, 505 U.S. 123, 134 (1992).

[16] *Papish v. Bd. of Curators of the Univ. of Mo.*, 410 U.S. 667, 670 (1973) (per curiam).

[17] *Whitney v. California*, 274 U.S. 357, 377 (1927) (Brandeis, J., concurring).

[18] Munnik, *supra* note 3.