**FAQ on Free Speech, Academic Freedom and Public Demonstrations
11-10-2023 (with edits from Collin Richmond)**

**Why don’t you take disciplinary action against students, staff and faculty for hate speech?**

* As a public institution, the University is legally required to permit speech protected by the First Amendment.
* Our student and employee codes of conduct, policies and disciplinary practices cannot override or contradict applicable state and federal laws and regulations. As a result, the university cannot punish speech that is protected by the First Amendment.
* State and federal law classify certain criminal acts as “hate crimes,” but offensive (or even hateful) speech alone is not covered by these laws. “Hate speech” is not a crime, nor is it legally recognized as a category of speech falling outside First Amendment protections by virtue of being hateful.
* Personal threats of violence against an individual or inciting others to take actions that pose an immediate risk of violent or unlawful acts may not be protected speech.
* But broad, non-specific threats or calls to action that don’t meet the legal criteria for true threats or other unprotected speech acts (such as calling for the elimination of a specific country, social-economic class, etc.) are generally protected speech under the law, even if they cause concern or distress to others.

**Why do you allow faculty who support violence/war/terrorism to continue to teach our students? How are you monitoring the teaching and research activities of faculty?**

* The University of Illinois Urbana-Champaign is committed to academic freedom. Academic freedom includes the right of faculty to express ideas and to research and reach conclusions on topics they choose, even if some might disagree with those conclusions.
* As citizens, our faculty have the same rights of free speech and free expression as all of us under the U.S. Constitution.

**Why are you allowing demonstrations or protests that support violent actions/activities?**

* As a public institution, our campus is often a gathering point for public activities for our faculty, staff and students, as well as community members.
* Just because a group is holding an event on our campus, it does not mean they are affiliated with the university, nor does it mean they have reserved any space or given us any notice of their planned activities.
* Our ability to restrict public gatherings and assemblies in outdoor, publicly accessible areas of university property is generally limited to considerations of the time, place and manner of the activities.
* Our Campus Administrative Manual has a policy on [Expressive Activity on Campus](https://cam.illinois.edu/policies/fo-82/).
* We cannot prevent or prohibit lawful protests or demonstrations based on their subject or topic or based on what speakers or participants might possibly do or say. That sort of prior restraint is not allowed under the law.
* We generally cannot end or disrupt demonstrations based on the content or subject matter of the event or because of opinions expressed by participants. The university can respond to demonstrations that substantially disrupt the university’s academic mission, threaten research, interfere with the free speech of others, or pose a direct and immediate risk to safety to ensure compliance with laws and university policies.
* It is our usual practice when we know in advance of public demonstrations to have UIPD officers (in uniform and/or plainclothes) and other university staff present in order to protect the physical safety of demonstrators and counterdemonstrators, and also to facilitate everyone’s First Amendment right to free expression.

**Why aren’t you pressing charges and/or firing or expelling students, staff and faculty for participating in these demonstrations and protests?**

* In cases where we learn of situations where students or employees may have violated university conduct rules or policies, we follow a detailed, comprehensive and confidential disciplinary review process.
* Individual disciplinary outcomes are confidential and typically cannot be shared publicly.
* Allegations of criminal activity, including hate crimes, by a student or any other individual may also be addressed separately by local law enforcement and by the Office of the Champaign County State’s Attorney.
* The university has no authority or role in the State’s Attorney decisions to file or not to file criminal charges.