



May 12, 2026

Brenda Kelly
Pensacola State College
1000 College Boulevard
Pensacola, Florida 32504

Sent via U.S. and Electronic Mail (president@pensacolastate.edu)

Dear Dr. Kelly:

FIRE's Student Press Freedom Initiative¹ appreciates your response to our May 1 letter.² However, we remain concerned about Pensacola State College's viewpoint-based denial of funding for *Just Opposed*, a student-designed arts and culture magazine.³

As you clarified, the students in Dr. Marisa Mills's classes were able to complete their class assignment, and the college only restricted their ability to print the publication after the class ended.⁴ As you note in your response, and assuming that the college takes no future negative action of any kind towards Dr. Mills, this means the college did not violate Dr. Mills' academic freedom rights. However, PSC's viewpoint-based denial of publication funding continues to violate the students' First Amendment rights.⁵ Moreover, the students' accounts of this event make clear PSC had every intention of publishing the magazine until you discovered the

¹ As you may recall from prior correspondence, the Foundation for Individual Rights and Expression is a nonpartisan nonprofit that defends free speech. You can learn more about our mission and activities at fire.org. SPFI defends free press on campus by advocating for the rights of student journalists at colleges and universities across the country.

² Encl.

³ The recitation of facts here reflects our understanding of the pertinent information. We appreciate that you may have additional information to offer and invite you to share it with us.

⁴ Email from Brenda Kelly, Associate Vice President, Academic Affairs, to Dominic Coletti, Program Officer (May 4, 2026, 3:02 PM) (on file with author).

⁵ A subsequent statement from the College offers a viewpoint-neutral explanation: the number of publications on campus. Rick Outzen, *PSC Clarifies Position on Student Magazine*, RICK'S BLOG (May 6, 2026) <https://ricksblog.biz/psc-clarifies-position-on-student-magazine/>. This statement also suggests the objectionable content could be submitted to *The Corsair*. However, the students' accounts and emails from the college make clear this was a post-hoc justification. *Id.*; email from Mike Will, English and Communications Department Head, to Coletti (May 1, 2026 2:26 PM) ("Due to Florida legislation and the proposed content, PSC is prohibited from funding the printing of the magazine.") (on file with author).

content.⁶ It's reported that you even suggested students cut or edit stories that made "mention of LGBTQ" in order to allow the magazine to be printed.⁷

As you know, the decisions and actions of a public college—including about the funding of student publications—must comply with the First Amendment.⁸ While the government is not obligated to subsidize student First Amendment activity like campus publications, it may not deny those subsidies based on the publications' viewpoints.⁹

PSC denied funding for *Just Opposed* because its administrators believed the publication's coverage of LGBTQ issues violated the Stop WOKE Act.¹⁰ Despite the college's post-hoc claims to the contrary, PSC administrators' contemporaneous accounts of their rationale make clear that their decision to deny funding was based on the articles' viewpoints. Furthermore, the alleged Stop WOKE Act issue concerned the Act's prohibition on college funding of dangerous ideas,¹¹ the exact kind of funding denial the First Amendment bars.¹² PSC may not withhold funding from *Just Opposed*—particularly funding it was *already planning to provide*—based on the ideas students dared express in its pages.

The college's persistent censorship of *Just Opposed*—and its attempt to cover up its unconstitutional motive—is an illustration of its "reckless or callous indifference to the federally protected rights of others."¹³ We remind you that a public college administrator who violates clearly established law, such as that barring the viewpoint-discriminatory denial of a subsidy,¹⁴ will not retain qualified immunity and can be held personally responsible for monetary damages for violating First Amendment rights.¹⁵

Given the ongoing violation of the *Just Opposed* authors' and editors' rights, we request a substantive response to this letter no later than the close of business on May 18, 2026,

⁶ *PSC Clarifies Position on Student Magazine*, *supra* note 5; Rick Outzen, *PSC Students Speak Out on Censorship Charge*, RICK'S BLOG (May 6, 2026) <https://ricksblog.biz/psc-students-speaks-out-on-censorship-charge/>.

⁷ Melanie Levi, *Pensacola State accused of censoring student journalists for not publishing LGBTQ stories*, WEAR NEWS 3 (May 4, 2026, 6:59 PM) <https://weartv.com/news/local/psc-accused-of-censoring-student-journalists-after-lgbtq-stories-pulled-from-magazine>.

⁸ *Koala v. Khosla*, 931 F.3d 887, 894 n.1 (9th Cir. 2019) (invalidating content-based denial of student activity fees for satirical magazine).

⁹ *Regan v. Tax'n With Representation of Wash.*, 461 U.S. 540, 548 (1983).

¹⁰ Email from Will to Coletti, *supra* note 5; *see also* Levi, *supra* note 7.

¹¹ *See* FLA. ADMIN. CODE §6A-14.0718; Memorandum re: Diversity, Equity and Inclusion (DEI) Spending from Kathryn Hedba, Florida College System Chancellor, to Florida College System Presidents (Dec. 19, 2025) (on file with author); FLA. STAT. §1004.06(2)(b); FLA. STAT. §1000.05(4)(a).

¹² *Cammarano v. United States*, 358 U.S. 498, 513 (1959); *see also Koala*, 931 F.3d at 887 (9th Cir. 2019) (invalidating viewpoint-discriminatory denial of student activity fee funds).

¹³ *Smith v. Wade*, 461 U.S. 30, 56 (1983).

¹⁴ *See Koala*, 931 F.3d at 898 (collecting cases).

¹⁵ *See Harlow v. Fitzgerald*, 457 U.S. 800, 818–819 (1982); *Gerlich v. Leath*, 861 F.3d 697, 709 (8th Cir. 2017) (upholding denial of qualified immunity to defendants—public university administrators—because plaintiffs' First Amendment right was clearly established).

confirming that PSC will restore funds to the publication and respect *Just Opposed's* press rights.

Sincerely,

A handwritten signature in black ink, appearing to read "Dominic Coletti", with a stylized flourish at the end.

Dominic Coletti
Program Officer, Campus Rights Advocacy

Cc: C. Edward Meadows, President
Mike Will, English and Communications Department Head

Encl.



Dominic Coletti <dominic.coletti@fire.org>

Response

Kelly, Brenda <bkelly@pensacolastate.edu>
To: Dominic Coletti <dominic.coletti@fire.org>
Cc: "Spicer, Erin" <espicer@pensacolastate.edu>

Mon, May 4, 2026 at 3:02 PM

Good afternoon, Mr. Coletti,

I am responding to the letter you sent Dr. Edward Meadows, President, Pensacola State College, on May 1, 2026. Please note that Dr. Mills' students completed the collaborative project without any intervention from me or any other PSC administrator. I had no interactions with Dr. Mills regarding this project until after it was completed, when I was informed about the articles the week before final exams on April 28, 2026. Dr. Mills confirmed that all graded work for the assignment had been submitted before I met her on April 29, 2026, to discuss the optional, not required, printing of the magazine. Dr. Mills' academic freedom was not violated, and students completed the project as assigned.

Brenda

Brenda K. Kelly, Ed.D.

Associate Vice President, Academic Affairs

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