

August 6, 2026

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Community College of Aurora
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URGENT

Sent via Next-Day Delivery and Electronic Mail (reyna.anaya@ccaaurora.edu)

Dear Vice President Anaya:

FIRE's Student Press Freedom Initiative¹ is appalled by the Community College of Aurora's continued efforts to suppress the student-run publication FoxTalk. CCA must immediately rescind the unlawful directives restraining FoxTalk staff from interviewing sources or publishing any content, drop the charges against any student who chooses not to comply with such unconstitutional demands, and forego further censorial practices.

CCA student Andrew Green sought to register FoxTalk, an independent student news outlet, as a formal student organization and filed a constitution and member roster on March 13.² FoxTalk publishes news on its website, whose header reads: "Student-led reporting for Colorado," "Founded at the Community College of Aurora," and "Independent and expanding statewide."³ On April 6, Green met with Executive Director of Communications and Special Initiatives Courtney Butler to discuss how FoxTalk could obtain official comment from CCA. Green followed up with Butler on April 9 to confirm whether FoxTalk could seek comment from CCA faculty and staff in their personal capacities without going through Butler's office.⁴ Butler

¹ For more than 25 years, the Foundation for Individual Rights and Expression (FIRE) has defended free expression and other individual rights on America's university campuses. The Student Press Freedom Initiative (SPFI) defends the rights of student journalists at colleges and universities across the country. You can learn more about our mission and activities at fire.org.

² See *FoxTalk Student Newspaper Constitution* (Mar. 4, 2026) (on file with author). 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. To these ends, please find enclosed an executed privacy waiver authorizing you to share information about this matter.

³ *Home*, FOX TALK (last visited Aug. 4, 2026) <https://www.readfoxtalk.com/>.

⁴ Email from Andrew Green, student, to Courtney Butler, Executive Director of Communications and Special Initiatives (Apr. 9, 2026, 8:45 AM) (on file with author). While Butler did not answer Green's question, the First

responded, asking that Green “pause” requests to her office before FoxTalk formalized its handling of “institutional topics,” content development, and information requests.⁵ On April 10, Dean of Student Success Julie LaRock wrote Green to enumerate the following requirements:⁶ receive staff approval before identifying themselves as FoxTalk staff, accessing non-public spaces,⁷ beginning work on each month’s stories, and publishing any content whatsoever.⁸

LaRock instructed FoxTalk to “pause online stories and student outreach until structure is built in coordination with [you, Butler LaRock, and English Professor Michael Levell].”⁹ On May 6, Butler sent specific language for Green to post on both the FoxTalk website and his personal Substack to place distance between the publications and school.¹⁰

Green raised concerns on June 3 with the directive that FoxTalk pause all publishing, asked administrators to clarify the exact contours of the college’s gag order, and informed them that the organization intended to continue its coverage of the June 30 primary election.¹¹ This included, among other things, sending staff to 9News’s Republican gubernatorial debate hosted at DU.¹² After your reply merely stated the need for FoxTalk to comply with generally applicable student organization policies,¹³ Green assumed FoxTalk was free to publish and wrote you to confirm that point.¹⁴ You replied that the publication ban remained in place until the structures undergirding FoxTalk are developed, and you raised concerns about the expressive and newsgathering activity of three rostered members of FoxTalk.¹⁵

Amendment does with a simple “yes.” Independent student media must be free to request comments from anyone they please. Government agencies cannot impose a blanket ban on employees speaking to the media in their private capacities on matters of public concern. See *Pickering v. Bd. of Educ.*, 391 U.S. 563 (1968).

⁵ Email from Butler to Green (Apr. 9, 2026, 3:23 PM) (on file with author).

⁶ Email from Julie LaRock, Dean of Student Success, to Green (Apr. 10, 2026, 10:00 AM) (on file with author).

⁷ It is unclear if this restriction is one against trespassing or invading others’ privacy or one that treats FoxTalk staff differently than other students. The latter would represent a constitutionally suspect content-discriminatory regulation. *Cf. R.A. V. v. City of St. Paul*, 505 U.S. 377 (1992).

⁸ Email from LaRock to Green, *supra* note 6.

⁹ Email from LaRock to Green (May 5, 2026, 4:12 PM) (on file with author).

¹⁰ Email from Butler to Green (May 6, 2026, 4:52 PM) (on file with author). Between this email and the next, Green was charged with and found responsible for failing to comply with officials’ requests pertaining to an alleged interview with a student at the college’s Lowry Studios. Green disputes the nature of the conversation with the student. Insofar as the “lawful order” with which Green failed to comply was one of the bans on FoxTalk’s newsgathering activity, the arguments later in this letter apply fully to the May 19 charge against Green as well.

¹¹ Email from Green to Reyna Anaya, Vice President for Student Success (June 3, 2026, 9:33 AM) (on file with author).

¹² See Emails from Green to KUSA-Next (May 19, 2026, 9:05 AM) (on file with author).

¹³ Email from Anaya to Green (June 10, 2026, 11:23 AM) (on file with author).

¹⁴ Email from Green to Anaya (June 11, 2026, 9:34 AM) (on file with author).

¹⁵ Email from Anaya to Green (June 12, 2026, 1:49 PM) (on file with author).

On July 14, Green was charged with interviewing students, continuing to post on the FoxTalk website, contacting employees, and violating the directives from the Division of Student Success and the organization's advisor.¹⁶ He was charged separately on July 23 with failure to comply with the lawful directives of a college official.¹⁷ A hearing in this conduct proceeding is scheduled for August 7.

CCA's conduct toward FoxTalk represents an egregious infringement on the First Amendment rights CCA is bound to uphold.¹⁸ The college has imposed a prior restraint on student expression, exceeded its authority in regulating FoxTalk's structure, and demanded that FoxTalk provide a roster with all active members, all of which threaten students' press and associational freedoms.

Preventing a student newspaper from publishing until its actions and structure satisfy administrators effectively stops speech, writing, or other expression before it happens, which is a prior restraint, "the most serious and the least tolerable infringement on" freedom of expression,¹⁹ presenting a risk so great that the "chief purpose" in adopting the First Amendment was to prevent their use.²⁰ Prior restraints are valid only in the most demanding of circumstances,²¹ and courts analyzing them impose a "heavy presumption against [their] constitutional validity."²² Courts have refused to tolerate even prior restraints justified on national security grounds.²³ If the federal government cannot bar the publication of embarrassing classified military records, surely CCA cannot impose a blanket ban on a student news organization's publishing simply because it wants to meddle with the group's structure and management. Likewise, CCA cannot ban the mere act of asking questions—itsself a form of expression.

¹⁶ There appears to be some dispute as to what, exactly, the advisor's directives entailed. Insofar as they mirrored the Division of Student Success's moratorium on newsgathering, the arguments later in this letter apply to those directives as well.

¹⁷ Letter from Jaqueline Garcia, Project Coordinator for Student Engagement & Development, to Green (July 23, 2026) (on file with author).

¹⁸ *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); see *Papish v. Bd. of Curators of the Univ. of Mo.*, 410 U.S. 667, 667–68 (1973); *Stanley v. Magrath*, 719 F.2d 279, 282 (8th Cir. 1983); see also *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829–30 (1995).

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 *New York Times Co. v. United States*, 403 U.S. 713, 714 (1971).

²³ *Id.*

Courts recognize the importance of newsgathering to protecting press freedom.²⁴ Government action that so much as chills that newsgathering is therefore constitutionally suspect.²⁵ CCA's actions, which go far beyond a mere chill, are dead on arrival. Indeed, the college's directives are the exact kind of prior restraint the First Amendment was designed to prevent.

And these constitutional defects in CCA's directive doom the college's efforts to punish Green for "failure to comply." CCA's Student Handbook requires compliance with "the lawful directives of College employees."²⁶ Because the First Amendment binds CCA's conduct, any lawful order must conform to its constitutional standards. CCA's restraint on FoxTalk's newsgathering and publication activity patently violates the First Amendment. Refusing to submit to such an unlawful restraint therefore does not violate college policy, and CCA cannot sanction students where no policy violation exists.

Even beyond CCA policy, the First Amendment itself also ties the college's disciplinary hand. Administrators are not laws unto themselves. They cannot order a student or student organization to cease their protected expression and then punish the student or group for violating the unlawful order.²⁷ Because Green and FoxTalk did not violate CCA policy, and administrators' directives constituted independent violations of FoxTalk's First Amendment rights, CCA must rescind the directive to stop publishing and drop the disciplinary charges against Green and FoxTalk.

In addition to this prior restraint, the college is attempting to review FoxTalk's non-compelled content in advance. There can be no place for prior review at a college bound by the First Amendment.²⁸ This holds true regardless of the motivation for review, whether it is concern with viewpoints the publication espouses or simply a desire to prevent typos. If the CCA

²⁴ *Branzburg v. Hayes*, 408 U.S. 665, 681–82 (1972) (“[R]eporters [are] free to seek news from any source by means within the law); see *id.* at 727 (Stewart, J., dissenting) (“A corollary of the right to publish must be the right to gather news.”).

²⁵ *Media Matters for America v. Paxton*, 138 F.4th 563 (D.C. Cir. 2025) (upholding injunction against Texas government for investigating journalists).

²⁶ *Student Success Guide*, The Student Code of Conduct, COMM. COLL. OF AURORA, 38, https://ccaurora.edu/wp-content/uploads/2026/07/Student-Success-Guide-2026_2027.pdf [<https://perma.cc/WHH9-2X2V>].

²⁷ See *Iacobucci v. Boulter*, 193 F.3d 14, 25 (1st Cir. 1999) (holding a police officer could not invent a law to stop a citizen from recording and then arrest the citizen for failing to comply).

²⁸ See, e.g., *Burch v. Barker*, 861 F.2d 1149, 1159 (9th Cir. 1988); see also *Lovell v. Griffin*, 303 U.S. 444, 451 (1938) (striking down an ordinance requiring city manager review of literature before distribution). Even were such review limited to grammatical concerns and any required changes kept purely corrective, the requirement to submit to review is still constitutionally infirm as content-based regulation of speech. See, e.g., *Reed v. Town of Gilbert*, 576 U.S. 155, 156 (2015) (any restriction which necessitates reference to the message conveyed by the speech itself is content-based). While grammatical errors in student media are perhaps unfortunate, journalists have the right to make them in an environment that respects a free press, to use any mistakes to hone their editing and writing skills and, ultimately, to improve as writers and reporters. See *Schiff v. Williams*, 519 F.2d 257, 261 (5th Cir. 1975) (while grammatical mistakes in a student newspaper “could embarrass, and perhaps bring some element of disrepute to the school . . . these faults are clearly not the sort” that would justify administrative regulation of the student press under the First Amendment); See *Neb. Press Ass’n.*, 427 U.S. at 560–61 (“We . . . remain intensely skeptical about those measures that would allow government to insert itself into the editorial rooms of this Nation’s press.”) (quoting *Miami Herald Publ’g Co. v. Tornillo*, 418 U.S. 241, 259 (1974) (White, J., concurring)).

administration lacks confidence in FoxTalk’s ability to publish important news accurately, the college may provide constructive criticism *post-publication* to assist the educational process. But the censorial practice of prior review and its implied need for a newspaper’s contents to meet official approval is wholly incompatible with a free student press.²⁹ CCA’s efforts to control FoxTalk are not only incompatible with the First Amendment, but they can also create liability for an institution like CCA. Time and again, plaintiffs’ efforts to recover damages from state colleges for their newspapers’ actions have been frustrated by editorial independence.³⁰ But refusing to grant that independence to FoxTalk risks exposing CCA to more liability, both for violating FoxTalk’s First Amendment rights and for anything the outlet publishes.

CCA must also rescind its requirement that Green and FoxTalk publish college-prescribed language distancing themselves from CCA. The corollary to the right to free speech is “the right to refrain from speaking at all.”³¹ The government may no more compel speech, especially speech professing a particular position,³² than it may restrict speech.³³ A mandate that individuals adopt government-mandated language to which they object requires an even more compelling interest than a law suppressing speech.³⁴ While CCA may have some interest in avoiding confusion about what messages it endorses,³⁵ such an interest likely could not overcome the First Amendment’s protection for expression *even if* FoxTalk were named something like “CCA News Now.”³⁶ There is no likelihood of confusion, and moreover, FoxTalk is using the name for non-commercial expression.³⁷ It is hard to imagine that, even without a disclaimer, a reasonable person would think the (factually true) fine print reading “Founded at the Community College of Aurora” represented the college’s endorsement. It is even harder to

²⁹ See *Burch*, 861 F.2d 1149 at 1159.

³⁰ See, e.g., *Doe v. N.Y. Univ.*, 6 Misc. 3d 866, 873–74 (Sup. Ct. N.Y. Cnty. 2004); *Mazart v. State of N.Y.*, 109 Misc. 2d 1092 (N.Y. Ct. Cl. 1981); *Joyner v. Whiting*, 477 F.2d 456, 461 (4th Cir. 1973).

³¹ *Wooley v. Maynard*, 430 U.S. 705, 714 (1977).

³² See *W.V. Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943) (“If there is any fixed star in our constitutional constellation, it is that no official, high or petty can prescribe what shall be orthodox in ... matters of opinion or force citizens to confess by word or act their faith therein.”).

³³ *Janus v. Am. Fed. of State, Cnty., and Mun. Empls., Council 31*, 585 U.S. 878, 892 (2018).

³⁴ *Id.* at 893 (citing *Barnette*, 319 U.S. at 633).

³⁵ But cf. *Rogers v. Grimaldi*, 875 F.2d 994, 1001 (2d Cir. 1989) (distinguishing the use of an individual’s name as part of an expressive work from more traditional false endorsement cases and imposing a more speech-protective standard for the former).

³⁶ See *Taubman Co. v. Webfeats*, 319 F.3d 770, 775 (6th Cir. 2003) (“[E]xpression embodying the use of a mark not ‘in connection with the sale ... or advertising of any goods or services,’ and not likely to cause confusion, is outside the jurisdiction of the Lanham Act and necessarily protected by the First Amendment.”); *CPC Int’l, Inc. v. Skippy, Inc.*, 214 F. 3d 456, 462 (4th Cir. 2000) (“It is important that trademarks not be ‘transformed from rights against unfair competition to rights to control language.’”) (quoting Mark A. Lemley, *The Modern Lanham Act and the Death of Common Sense*, 108 Yale L.J. 1687, 1710–11 (1999); see also *Checkpoint Systems, Inc. v. Check Point Software Tech., Inc.*, 269 F. 3d 270, 280 (3d Cir. 2001) (outlining factors for likelihood-of-confusion analysis in non-competing goods cases and holding similarly named, non-competing company was unlikely to create marketplace confusion).

³⁷ FoxTalk does not sell subscriptions or host advertising on its website. See *generally Home*, *supra* note 3. The use of CCA’s name in the header and articles is therefore noncommercial and protected by the First Amendment. See *Taubman*, 319 F.3d at 775.

imagine that somebody reading Green's *personal Substack* would think one student had received authorization to speak for the whole college.

Finally, while FIRE appreciates that CCA can ask for the names of students in organizational leadership for the purposes of maintaining institutional relations, the stipulation that organizations disclose a complete roster infringes on students' associational freedom. In *NAACP v. Alabama*, the Supreme Court unanimously ruled that the compelled disclosure of the names of NAACP members infringed this right.³⁸ The Court held that the risk of retaliation posed by Alabama's demand was likely to impose a "substantial restraint" on members' freedom of association.³⁹ CCA's policy invites a similar chill on student association. Requiring disclosure of a complete roster removes the shield of anonymity that CCA students can reasonably expect when engaging in expressive association. Further, this burdensome requirement casts a chilling effect on the rest of the student body who may want to participate anonymously in a student group but cannot do so because of the college's policy.

CCA must correct its blatant violation of Green's and FoxTalk's First Amendment rights. FIRE would be happy to assist CCA with rewriting its regulations to comply with the First Amendment, free of charge and in accordance with our charitable mission. Given the ongoing and egregious censorship the college has effected and the urgency of this matter, we request a substantive response to this letter no later than the close of business on August 7, 2026, confirming that CCA will end its investigation into FoxTalk, Green, and any other organizational members and will rescind its unconstitutional directives.

Sincerely,



Dominic Coletti
Program Officer, Campus Rights Advocacy

Cc: Mordecai Ian Brownlee, President
Courtney Butler, Executive Director of Communications and Special Initiatives
Julie LaRock, Dean of Student Success
Mandy Geddes, Dean of Transfer Success
Michael Levell, English Professor

Encl.

³⁸ 357 U.S. 449 (1958). CCA can require a roster of the group's executive officers as points of contact to discuss issues related to the group's official recognition, but no legitimate college interest justifies requiring disclosure of all members.

³⁹ *Id.* at 460, 462.