

September 22, 2026

Patrick Warwick-Diaz
Office of Legal Affairs
Colorado Community College System
9101 East Lowry Blvd.
Denver, Colorado 80230

URGENT

Sent via Next-Day Delivery and Electronic Mail (patrick.warwick-diaz@cccs.edu)

Dear Mr. Warwick-Diaz:

FIRE's Student Press Freedom Initiative¹ is alarmed that the Community College of Aurora has instigated another student conduct proceeding against student journalist Andrew Green. As explained in our enclosed August 6 letter, CCA's demands that the student-run publication FoxTalk cease operations—the demands that predicate Green's charges—constitute an obvious and unlawful prior restraint on students' First Amendment-protected expression. As such, Green should never have been investigated or faced the threat of punishment.

Yet CCA has continued its efforts to coerce Green into silence. On August 31, Green received a notice of investigation alleging that he had engaged in "Abuse of Conduct Process" and "Deceitful Acts" in violation of CCA's Student Code of Conduct.² CCA alleged that Green "provided a directive on how to participate in the student conduct process for Fox Talk [sic] Interest Group" to one student journalist.³ Green, however, states he merely encouraged that student to exercise his rights under CCA's disciplinary process by reviewing evidence against him before his meeting. That isn't interference—rather, it reflects the Colorado Community College System's own policy.⁴

¹ FIRE's Student Press Freedom Initiative (SPFI) defends the rights of student journalists across the country. FIRE has secured litigation wins for student journalists whose rights have been violated. *See, e.g., Stanford Daily Pub'g Corp. v. Rubio*, --- F.Supp.3d ---, 2026 WL 2549090 (N.D. Calif. Aug. 28, 2026); *Nally v. Graham*, 551 F.Supp.3d 1062 (D. Kan. 2021).

² Notice of Investigation from Jacqueline Garcia, Project Coordinator for Student Engagement & Dev., to Andrew Green, student (Aug. 31, 2026) (on file with author).

³ Green requested we redact the names of the other students involved.

⁴ *SP 4-30a, Student Behavioral Expectations and Responsibilities Resolution Procedure*, Due Process, COLO. CMTY. COLL. SYS. PRO., <https://cccs.edu/about/governance/policies-procedures/sp-4-30a-student-behavioral-expectations-and-responsibilities-resolution-procedure/> (last visited Sept. 22, 2026) ("Due

CCA further alleges that Green “provided and falsified the Fox Talk [sic] Interest Group roster” after two other students denied they were a part of the publication.⁵ But Green did not falsify information; communications between those students⁶ and Green⁷ demonstrate they *were* involved in FoxTalk—and the fact they denied reporting for the publication illustrates the severe chilling effect of CCA’s continual assault on the press freedom rights of its students.

On September 18, Vice President of Student Success Reyna Anaya responded to our August 6 letter, acknowledging that “certain communications ... may have been understood as imposing general restrictions on publication, newsgathering activities, or communications with members of the College community.”⁸ Anaya’s letter notes that “[n]either the interest group nor its listed members were ultimately found responsible for any Code of Conduct violations related to failing to comply with directives issued by College staff,” but those directives⁹ and conduct proceedings should never have occurred in the first place.

That Green is now subjected to another chilling investigation predicated upon CCA’s violation of his First Amendment rights is unacceptable. CCA’s conduct is a particularly stark illustration of a “reckless or callous indifference to the federally protected rights of others.”¹⁰ The First Amendment’s prohibition on prior review by government entities is one of the most firmly established anchors of American constitutional jurisprudence. Accordingly, we remind you that a public college administrator who violates clearly established law will not retain qualified immunity and can be held personally responsible for monetary damages for violating First Amendment rights.¹¹

Given the urgent nature of this matter, we request a substantive response to this letter no later than the close of business on September 28, confirming CCA will end its investigation into Green, stop using its disciplinary authority to investigate FoxTalk members, and allow FoxTalk to publish freely as promised by the First Amendment.

process provides a student reported to be in violation of the Code, a written notice of the allegation of misconduct, time to examine the evidence and formulate a response, and the opportunity to explain their version of events to the SSAO.”)

⁵ Notice of Investigation, *supra* note 2.

⁶ Teams message to Green (Jul. 3, 2026, 10:30 AM) (on file with author).

⁷ Teams message to Green (Jun. 18, 2026, 6:49 AM) (on file with author).

⁸ Letter from Reyna M. Anaya, Vice President of Student Success, to Marie McMullan, program manager and counsel (Sept. 18, 2026) (on file with author).

⁹ Citing CCA’s processes, CCA administrators instructed FoxTalk and Green to “pause online stories and outreach until structure is built in coordination” with specific individuals affiliated with the school. Email from Julie LaRock, Dean of Student Success, to Green (Apr. 10, 2026, 10:00 AM) (on file with author). As explained in our August 6 letter, such a demand is a prior restraint, which is “the most serious and the least tolerable infringement on” free speech. *Neb. Press Ass’n v. Stuart*, 427 U.S. 538, 559 (1976).

¹⁰ *Smith v. Wade*, 461 U.S. 30, 56 (1983).

¹¹ See *Harlow v. Fitzgerald*, 457 U.S. 800 (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).

Sincerely,

A handwritten signature in black ink, reading "Marie McMullan". The signature is fluid and cursive, with the first name "Marie" and last name "McMullan" clearly distinguishable.

Marie McMullan

Student Press Program Manager and Counsel, Campus Rights Advocacy

Cc: Reyna Anaya, Vice President of Student Success
Jacqueline Garcia, Project Coordinator for Student Engagement & Development

Encl.