



October 29, 2026

Dr. Jenn Capps
President's Office
Cabrillo Community College
6500 Soquel Drive
Aptos, California 95003

Sent via Electronic Mail (jecapps@cabrillo.edu)

Dear President Capps:

FIRE, a nonpartisan nonprofit that defends freedom of speech and of the press,¹ is concerned by Cabrillo Community College administrators' efforts to restrict student filmmaker Joel Froloff from interviewing willing students for a class documentary about the college's Dental Hygiene Program. While students themselves may decline to be interviewed, the administration may not impose a blanket prohibition on protected, voluntary conversations between students or punish them for speaking candidly to other students about the program. We urge Cabrillo to confirm that Froloff may interview willing students without prior administrative approval and that dental hygiene students may speak to him freely, without fear of retaliation.

On September 10, while developing a documentary for his film production class at Cabrillo, Froloff and his production team approached a group of dental hygiene students who were on a break outside their building and told them about the project.² According to Froloff, the students were friendly and receptive, and Froloff left the conversation planning to return the following week to schedule interviews.³ However, on September 17, Dental Hygiene Program Director Faye Khoury confronted him outside the Health and Wellness building. Khoury insisted to Froloff that all interviews with dental hygiene students "go through [her]" and that Froloff could not "show up [there] without emailing [her] first." After Khoury confronted him, Froloff and a classmate approached another group of students on a break outside their building

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

² The following reflects our understanding of the pertinent facts. 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 To our knowledge, although Froloff entered the building with a classmate and spoke with two instructors whose office doors were open, all attempts to arrange interviews with students occurred outside the building.

to schedule interviews. One student subsequently told Froloff they were not allowed to speak to him and claimed Froloff had previously been warned not to return to the Dental Hygiene Department—warnings he denies receiving. On September 24, Dean of Student Services Michelle Donahue emailed Froloff that campus staff had discussed with him the impact his attempts to interview students had on “the sense of safety of some students,” that she wanted to “underscore their message,” and that “this isn’t okay.”⁴ Froloff does not recall anyone raising a safety concern with him before that email.

As a public institution, Cabrillo’s policies and practices must comply with the First Amendment.⁵ Yet Khoury’s insistence that all interviews go through her, coupled with reports that other students have been prohibited from speaking with Froloff, raises serious concerns that the First Amendment rights of both Froloff and students who may wish to speak with him are being violated.

By requiring Froloff to obtain administrative approval before interviewing dental hygiene students, Cabrillo imposes an unconstitutional prior restraint on expression, “the most serious and the least tolerable infringement on First Amendment rights.”⁶ Restraints like these present a risk so great that the “chief purpose” in adopting the First Amendment was to prevent their use.⁷ They are valid only in the most extreme circumstances,⁸ and courts analyzing prior restraints impose a “heavy presumption against [their] constitutional validity.”⁹ Public college administrators therefore cannot simply require students to obtain approval before engaging in speech protected by the First Amendment (that is, the vast majority of speech), including interviews for student documentaries.¹⁰ And while Cabrillo may take steps to address genuine safety concerns, an unspecified concern about students’ “sense of safety” does not, by itself, justify requiring students to get administrative permission to schedule or conduct interviews with other students.

Furthermore, Cabrillo’s dental hygiene students have their own First Amendment right to speak about their educational experiences.¹¹ As participants in the program, these students

⁴ Email from Michelle Donahue, Dean of Student Services, to Joel Froloff, student (Sept. 24, 2026) (on file with author).

⁵ *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.’”) (citation omitted); see also *DeJohn v. Temple Univ.*, 537 F.3d 301, 314 (3d Cir. 2008) (on public campuses, “free speech is of critical importance because it is the lifeblood of academic freedom.”).

⁶ *Neb. Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976)

⁷ *Near v. Minnesota*, 283 U.S. 697, 713 (1931).

⁸ *Id.* at 716.

⁹ *N.Y. Times Co. v. United States*, 403 U.S. 713, 714 (1971). It is difficult to imagine an interest more compelling than national security, which the Supreme Court held could not justify a prior restraint on the publication of classified information about the Vietnam War. *Id.*

¹⁰ *How and why the Constitution does not allow prior restraint*, FIRE, <https://www.fire.org/research-learn/how-and-why-constitution-does-not-allow-prior-restraint> (last visited Oct. 13, 2026).

¹¹ *Healy*, 408 U.S. at 180.

have firsthand knowledge about how instruction, training, and day-to-day operations are carried out, making their perspectives especially valuable to anyone seeking to understand the program. That protection does not depend on their viewpoints about the program. Students remain free to praise or criticize the college, its administrators, and the education they receive.¹² While program administrators may themselves decline an interview or refuse to endorse the documentary, they have no authority to silence students who wish to participate in their individual capacities. Even without a formal threat of punishment, such a directive will chill students from speaking freely about their experiences because they may reasonably perceive such a directive as carrying consequences.¹³ Nor may administrators punish Cabrillo students who dare to express negative sentiments about the program.¹⁴ A public college like Cabrillo simply may not lawfully turn its authority over an academic program into authority over students' personal speech about that program.

We request a substantive response no later than November 11, 2026, confirming Cabrillo will let Froloff interview willing students without prior administrative approval and allow dental hygiene students to speak with Froloff in their individual capacities without fear of retaliation.

Sincerely,



Sofia Lopez
Program Officer, Campus Rights Advocacy

Cc: Faye Koury, Program Director, Dental Hygiene
Michelle Donahue, Dean of Student Services
Ronnette Smithcamp, Confidential Executive Assistant to the
Superintendent/President & the Governing Board

Encl.

¹² *Healy*, 408 U.S. at 187-88 (“The College, acting here as the instrumentality of the State, may not restrict speech or association simply because it finds the views expressed by any group to be abhorrent.”).

¹³ *Mendocino Env’t Ctr. v. Mendocino Cnty.*, 192 F.3d 1283, 1300 (9th Cir. 1999) (stating that a chilling act is one that would silence “a person of ordinary firmness from future First Amendment activities.”).

¹⁴ *Id.* (recognizing that government action deterring or chilling protected speech violates the First Amendment when “such deterrence was a substantial or motivating factor” in the government’s conduct.).