

November 3, 2025

Ann Stevens  
Division of Academic Affairs  
University of Colorado Boulder  
2055 Regent Drive, Room 360  
Boulder, Colorado 80309-0040

**URGENT**

*Sent via Overnight and Electronic Mail (ann.stevens@colorado.edu)*

Dear Provost Stevens:

FIRE appreciates the University of Colorado Boulder's October 23 response to our enclosed October 21 letter. While your response explained the disciplinary process to which Ašiihkionkonci Parker has been subjected, it raised further questions about how suspending a student journalist furthers the university's commitment to "supporting open dialogue, free expression and the essential role of professional and student journalism on campus" you cited. The disciplinary measures taken against Parker must end immediately if CU Boulder's words are to carry any weight.

On October 31, 2025, Christopher Paddock informed Parker that their interim suspension had been replaced with an interim exclusion, allowing Parker to be on campus 10 minutes before and 10 minutes after classes to accommodate for travel but otherwise precluding Parker from university access.<sup>1</sup> Neither the fact that the disciplinary action taken against Parker has changed nor the fact that these are interim measures makes CU Boulder's actions less chilling. Virtually any student would avoid covering on-campus protests if doing so would result in a two-week bar from being on campus,<sup>2</sup> not least because the ban prevents them from engaging even in non-controversial reporting. Not only will Parker self-censor, but other student journalists made aware of this situation will reasonably fear covering protests, as Parker has proved that doing so may result in a suspension and exclusion that lasts for one-tenth of the semester.

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<sup>1</sup> Letter from Christopher Paddock, Student Conduct and Conduct Resolution Associate Director, to Ašiihkionkonci Parker, student (Oct. 31, 2025) (on file with author).

<sup>2</sup> See *Smith v. Plati*, 258 F.3d 1167, 1176 (10th Cir. 2001); see also *Mendocino Env't Ctr. v. Mendocino Cnty.*, 192 F.3d 1283, 1300 (9th Cir. 1999).

As noted in our previous letter, Parker’s newsgathering is clearly protected First Amendment activity. Parker posed no disruption and complied with all applicable official directives. Parker cannot be punished for disruptive acts they did not commit. Moreover, CU Boulder cannot discipline Parker—or any student journalist—for violating the five-day notice requirement for filming in the University Memorial Center’s Photo/Film Policy.<sup>3</sup> Under this policy, students who wish to film Snapchat, Instagram, or TikTok videos in the UMC must first get approval from the university five days in advance. In addition to being impracticable and grounds for arbitrary enforcement, this over-restrictive requirement violates the First Amendment. The right of the press to gather information is well-established and includes the right to publicize lawfully obtained information.<sup>4</sup> That most certainly encompasses videos or photography in circumstances where there is no reasonable expectation of privacy,<sup>5</sup> such as the UMC, a 263,000 square foot student center that hosts “1.64 million visitors per year.”<sup>6</sup>

Further, this policy requires college officials’ pre-approval for any newsgathering that would occur in the UMC and grants CU Boulder administrators the authority to deny student journalists permission to photograph or film in a central hub of campus. Courts have criticized this kind of prior review—in which a government agency claims the power to prevent expression before it happens—as the “most serious and least tolerable infringement” on free speech.<sup>7</sup> Punishing Parker for violating this policy sets a dangerous precedent for student journalists who wish to film or photograph in the UMC.<sup>8</sup> Under the plain language of this policy, student journalists from *El Diario de la Gente* cannot even take photographs or videos in their own office, which is located in the UMC. Nor is it remotely possible that CU Boulder makes even a token effort to enforce the policy on a content- and viewpoint-neutral basis, as this would involve investigating every student who takes a selfie while eating at the building’s Panda Express. The policy, as written and enforced against Parker, is simply not defensible.

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<sup>3</sup> *UMC Photo/Film Policy*, UNIV. OF COLO. BOULDER, <https://www.colorado.edu/umc/about/umc-photofilm-policy>. [<https://perma.cc/L7CV-EPYW>] (“Anyone who would like to take pictures for a media or class project, video record, interview or use multimedia in the University Memorial Center (UMC) must complete a request form. Completion of the request form is required for all photo/film inquiries including class projects. Applicants must fill out a form at least 5 business days before the desired filming to allow for approval consideration.”).

<sup>4</sup> See *Branzburg v. Hayes*, 408 U.S. 665, 681 (1972).

<sup>5</sup> See, e.g., *Branzburg*, 408 U.S. at 681.

<sup>6</sup> *UMC Fact Sheet*, UNIV. OF COLO. BOULDER, <https://www.colorado.edu/umc/media/2945>.

<sup>7</sup> *Neb. Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976); see also *Watchtower Bible & Tract Soc’y of N.Y., Inc. v. Vill. of Stratton*, 536 U.S. 150, 165–66 (2002) (“It is offensive—not only to the values protected by the First Amendment, but to the very notion of a free society—that in the context of everyday public discourse a citizen must first inform the government of her desire to speak to her neighbors and then obtain a permit to do so.”); *N.Y. Times Co. v. United States*, 403 U.S. 713, 714 (1971) (*per curiam*) (“Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity.”) (cleaned up); *Lovell v. Griffin*, 303 U.S. 444, 451 (1938) (striking down an ordinance requiring city manager review of literature before distribution).

CU Boulder must immediately end the disciplinary measures taken against Parker. We request a substantive response to this letter no later than the close of business on November 7, 2025.

Sincerely,

A handwritten signature in black ink, reading "Marie McMullan". The signature is fluid and cursive, with the first name "Marie" written in a larger, more prominent script than the last name "McMullan".

Marie McMullan  
Student Press Counsel, Campus Rights Advocacy

Cc: Christopher Paddock, Associate Director of Student Conduct and Conflict Resolution  
Katherine Aidala, Senior Associate Counsel

Encl.