

January 20, 2026

Timothy Shaw
Office of Legal Affairs
University of Texas at Dallas
800 W. Campbell Road, AD35
Richardson, Texas 75080

Sent via U.S. Mail and Electronic Mail (Tim.Shaw@utdallas.edu)

Dear Mr. Shaw:

FIRE's Student Press Freedom Initiative¹ is pleased to have begun a conversation with you about the state of the student press at the University of Texas at Dallas. However, we are disappointed and concerned about ongoing issues affecting student journalists, including the university's newsstand policy, its recently promulgated Student Media Bylaws, and interactions between student journalists and student media advisors. If UT Dallas is to deliver upon its promises to protect the student press² and uphold its First Amendment obligations, it must rectify these constitutional deficiencies.

UT Dallas has maintained a fraught relationship with the student press since the fall of 2024.³ However, the university has since made public commitments to protect the student press by "ensuring [student media] staff has the necessary resources to operate with the editorial independence critical for student journalists."⁴ The plan to institute more resources for

¹ As you may recall from our prior correspondence, FIRE is a nonpartisan nonprofit that defends free speech. You can learn more about our mission and activities at thefire.org. FIRE's Student Press Freedom Initiative (SPFI) defends the free press on campus by advocating for the rights of student journalists at colleges and universities across the country.

² *Maga Divides Over Iran. Plus, Inside the Crackdown on Student Journalists*, WNYC STUDIOS (June 20, 2025), <https://www.wnycstudios.org/podcasts/otm/articles/maga-divides-over-iran-plus-inside-the-crackdown-on-student-journalists> ("UT Dallas has always supported student journalists' editorial control and wants to create an environment where they can learn best journalistic practices and follow professional standards and guidelines."). The recitation of the facts here reflects our understanding of the pertinent information. We appreciate that you may have additional information and invite you to share it with us.

³ See Eden Shamy, 'Without us, there is no student media': UT Dallas student paper goes on strike, THE DAILY TEXAN (Sept. 30, 2024), <https://thedailytexan.com/2024/09/30/without-us-there-is-no-student-media-ut-dallas-student-paper-goes-on-strike/>; see also Jessica Priest, UT-Dallas students launch alternative newspaper after clash with administration, THE TEXAS TRIBUNE (Feb. 7, 2025), <https://www.texastribune.org/2025/02/07/ut-dallas-student-newspaper-palestinian-protest-coverage/>.

⁴ WNYC STUDIOS, *supra* note 2.

student journalists coincided with the revival of *The Mercury* student newspaper.⁵ Unfortunately, the results of these efforts have not strengthened any outlet's press rights, whether affiliated with or independent from the university.

As the new iteration of *The Mercury* began to roll out in August 2025, student press advocates were shocked by the ban of all *Retrograde* independent newspaper newsstands from UT Dallas's campus.⁶ On August 25, President Prabhas Moghe wrote to *The Retrograde*, informing the paper's staff that it would be allowed to distribute issues only in limited spaces across campus—the student union, activity center, and two spots in the student services building—as authorized by Regents' Rule 80103, Section 2.2.⁷ But the recently revived *Mercury* was not subject to these same limitations, despite the language of Section 2.2 appearing to include the *Mercury*.⁸ Students have informed SPFI that *The Mercury* is distributed across 36 newsstands on campus—nine times the amount the university has allowed for *The Retrograde*. This discrepancy is unreasonable and fails to leave ample channels for *The Retrograde* to distribute print editions of their paper.⁹ *Retrograde* staff report to SPFI that they continue to rely on distributing newspapers by hand, a burden their counterparts at *The Mercury* don't face, given their significantly higher number of newspaper kiosks.

Moreover, UT Dallas has not explained why *The Mercury* may distribute in nine times as many areas as *The Retrograde*. Instead, the university seems to apply this rule arbitrarily, and potentially in a viewpoint-discriminatory manner based on *The Retrograde*'s (past or anticipated) negative coverage of the university. UT Dallas simply may not make decisions that "cast disapproval on particular viewpoints of its students," or else it "risks the suppression of free speech and creative inquiry in one of the vital centers for the Nation's intellectual life, its college and university campuses."¹⁰ By subjecting *The Retrograde* to far more restrictive distribution requirements than it does *The Mercury*, the university sends a clear message as to which viewpoint has won its approval. Student journalism, whether independent¹¹ or affiliated with the school,¹² should be free from this kind of viewpoint discrimination.

⁵ Gregorio Olivares Gutierrez, *Student Affairs reveals plan to revive The Mercury*, THE RETROGRADE (March 3, 2025), <https://retrogradenews.com/2025/03/03/student-affairs-reveals-plans-to-revive-the-mercury/>.

⁶ Amanda Nordstrom, *FIRE statement on UT-Dallas student newspaper distribution*, FIRE (Aug. 29, 2025), <https://www.thefire.org/news/fire-statement-ut-dallas-student-newspaper-distribution>.

⁷ Letter from Dr. Prabhas Moghe, President, to *The Retrograde* staff (Aug. 25, 2025) (on file with author). Regents' Rule 80103, Section 2.2 authorizes the university president "to designate areas for the distribution, sale, or offer for sale of a newspaper, magazine, or other publication by means of an unattended rack." *Rule 80103: Solicitation*, Rule and Regulation, UNIV. OF TEXAS Sys., <https://www.utsystem.edu/board-of-regents/rules/80103-solicitation> [<https://perma.cc/VS48-V8CZ>].

⁸ *Rule 80103: Solicitation*, *supra* note 7. The plain language of the rule makes no distinction between student press affiliated with the university versus independent publications.

⁹ *See Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).

¹⁰ *Rosenberger v. Rectors & Visitors of the Univ. of Va.*, 515 U.S. 819, 836 (1995).

¹¹ *See Police Dep't. of Chicago v. Mosley*, 408 U.S. 92, 95 (1972) (the government "has no power to restrict expression because of its message, its ideas, its subject matter, or its content").

¹² *See Rosenberger*, 515 U.S. at 829.

All is not well for student media officially affiliated with UT Dallas, either. The university's revival of *The Mercury* coincided with efforts to revise the Student Media Bylaws to ensure they provide adequate protections for student journalists' editorial independence.¹³ Indeed, the Committee on Student Media was tasked with drafting "bylaws for all student media outlets consistent with ... First Amendment rights."¹⁴ Yet while COSM passed revised Student Media Bylaws on November 7, 2025, they remain largely unchanged from the previous versions that sparked UT Dallas's issues with the student press in the first place.

While under these bylaws "[t]he student newspaper editor, magazine editor, radio station manager and TV manager" purportedly "have final authority over what is published or broadcast in their respective mediums,"¹⁵ they repeatedly undermine the editorial independence at the heart of that promise. For example, Section 3.8 provides that the director of student media—a university administrator separate from the paper—is "responsible for general oversight of the *material, programming, business affairs and operating procedures* of all UTD student media."¹⁶ The bylaws further require student editors and station managers to withhold First Amendment-protected material based on its content and viewpoint, such as what the university deems "attacks of a personal nature" or "discriminatory" content.¹⁷ And *AMP*, the opinion and satire magazine, is no longer allowed to have a position that favors one side for any "issue or argument," and must "take submissions from all areas of the campus without favoritism to any opinion or division."¹⁸ Again, this is an *opinion and satire* magazine.

These selected provisions demonstrate that UT Dallas's commitment to editorial independence is a pretense, not university practice. If the university seeks to preserve student journalists' First Amendment right to be the final decisionmakers for what they publish,¹⁹ the

¹³ Gregorio Olivares Gutierrez, *supra* note 5.

¹⁴ *Committee on Student Media*, Policy Statement, UNIV. OF TEXAS AT DALL. (Apr. 9, 2025), <https://policy.utdallas.edu/utdpp1124> [<https://perma.cc/B5TF-YKHA>].

¹⁵ *Student Media Bylaws*, Section 2.8 Protection of Editorial Independence, UNIV. OF TEXAS AT DALL. (Nov. 7, 2025) (on file with author).

¹⁶ *Id.* at Section 3.8(a) (emphasis added).

¹⁷ *Id.* at Section 4.2(f). "Student editors and station managers shall withhold material from publication or broadcast that: (a) is directed to inciting or producing imminent lawless action and is likely to incite or produce such action; (b) contains material that is obscene (as outlined by the FCC), libelous or slanderous; (c) appears to be misleading, deceptive or which grossly exaggerates; (d) contains material where accuracy is in question; (e) appears to be attacks of personal nature or to be discriminatory on the basis of race, sex, disability, religion, national origin, age, sexual orientation or veteran status; or (f) violates good journalistic or broadcasting practice." Of the six proscribed areas under this subsection, a constitutional basis is only properly found for unprotected incitement, § 4.2(f)(a) and obscenity, libel, and slander, § 4.2(f)(b). While journalism ethics encourage journalists not to publish material covered by the other provisions, enforcement of these principles should fall under the authority of the student editors—not the university—or else their editorial independence comes under threat.

¹⁸ *Id.* at Section 4.3(b).

¹⁹ See *Neb. Press Ass'n. v. Stuart*, 427 U.S. 539, 560–61 (1976) ("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); *Bazaar v. Fortune*, 476 F.2d 570, 574 (5th Cir. 1973) (once a university opens a student publication, it may not unconstitutionally act as a censor)).

bylaws must not usurp those students' authority. In fact, bylaws that adequately address student journalists' editorial independence place constraints on the *university* in its authority and ability to censor—not on the student editors and broadcast managers whose rights they claim to protect.²⁰ This is a mutual benefit to the university and student media. Arrangements that grant university control over student newspaper content impair the ability of the school to avoid liability arising from a student outlet's publication.²¹ UTD and student media outlets will both benefit from substantive media bylaw revisions that ensure the university does not have any authority to decide what students publish. This allows students to remain free from institutional censorship or control, while limiting the risk of agency liability for the university for the paper's actions.²²

Along with the change in bylaws came a change in Office of Student Media leadership, as Karen Fioretti took on the role of director. Unfortunately, interactions between Fioretti, Assistant Director Jonathan Stewart, and two student journalists, Ellie Maguire and Kavya Racheeti, raise concerns about student journalists' speech beyond print and digital media. On December 8, Maguire, Marketing Director for *AMP*, and Racheeti, Radio UTD's Programming Director at the time, were asked by freshman Timo Kamgang to provide feedback on the latest copy of *The Mercury*. They heard out Kamgang's request, and Racheeti provided critiques and pointers for where the paper could be improved based on their past experiences at *The Mercury*. Fioretti stepped in and stopped the conversation, stating that any "complaints" should be directed to the paper's editor-in-chief. After Fioretti left, Kamgang asked for more feedback, which Racheeti provided. On December 11, Fioretti and Stewart brought Maguire and Racheeti into a meeting and reprimanded them for "openly critiqu[ing]" another student media outlet.²³ Fioretti characterized the conversation—one initiated by Kamgang, who *asked* for critiques—as "being mean, as opposed to being constructive" and that providing such feedback "in the public space is not appropriate, even if it's invited."²⁴

Prohibitions against providing feedback do not promote free expression. Feedback and criticism are protected by the First Amendment, and reprimands like this stifle that speech. UT Dallas is sending a clear, concerning message: critiques of the university are not to be tolerated. Critiques of the university's response to pro-Palestinian encampments, ongoing critiques of

²⁰ See, e.g., *SPLC model guidelines for college student media*, STUDENT PRESS LAW CTR. (Nov. 6, 2015), <https://splc.org/2015/11/splc-college-student-media-model-guidelines/>.

²¹ See, e.g., *Doe v. N.Y. Univ.*, 6 Misc.3d 866, 874 (N.Y. Sup. Ct. 2004) (factors such as financial support, office space, and use of "NYU" name insufficient to show agency relationship that would expose university to liability where it lacked editorial control over student newspaper); *Mazart v. State*, 109 Misc.2d 1092, 1095, 1102 (N.Y. Ct. Cl. 1981) (imposition of vicarious liability upon university unwarranted where university furnished office space and janitorial services to student paper but did not exercise editorial control); *Lewis v. St. Cloud State Univ.*, 693 N.W.2d 466, 473 (Minn. Ct. App. 2005) (affirming that university not liable as publishers of student-run paper due to university policy that prohibited SCSU from exercising editorial control); *Miller v. Turner*, 436 So.2d 1300, 1303, (La. Ct. App. 1983) (reversing trial court judgment against university on grounds university could not be liable for allegedly defamatory articles published by student editors because university did not exercise editorial control).

²² *N.Y. Univ.*, 6 Misc.3d at 874; *Mazart*, 109 Misc.2d at 1102.

²³ Recording of Karen Fioretti, Director of Student Media; Jonathan Stewart, Assistant Director of Student Media; Ellie Maguire, student; and Kavya Racheeti, student (on file with author).

²⁴ *Id.*

university actions by an independent newspaper, or critiques of the university-supported publication—which were sought after by a student who wanted feedback—are not free from interference by UT Dallas administrators.

UT Dallas should work towards fulfilling its First Amendment obligations and public commitments to student journalists, not undermining them. That is why UT Dallas must (1) update its newsstand practice to permit *The Retrograde* to distribute newspapers coextensively with *The Mercury*, (2) revise its Student Media Bylaws to match standards recommended by student press experts,²⁵ and (3) forego further attempts to silence student expression—including critiques. FIRE is more than happy to assist in policy revisions to ensure student press members' rights are protected alongside UT Dallas's institutional interests, free of charge and in accordance with our charitable mission. We want to help your university live up to its commitments to student journalists. We request a substantive response to this letter no later than the close of business on February 3, 2026, confirming UT Dallas will implement these measures.

Sincerely,



Marie McMullan
Student Press Counsel, Campus Rights Advocacy

²⁵ E.g., *SPLC model guidelines for college student media*, STUDENT PRESS LAW CENTER (Nov. 6, 2015), <https://splc.org/2015/11/splc-college-student-media-model-guidelines/>.