

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H2/4/19

A Bill

HOUSE BILL 1231

5 By: Representative Lowery
6

For An Act To Be Entitled

8 AN ACT TO ENSURE THE FREEDOM OF EXPRESSION OF A
9 STUDENT JOURNALIST AT A PUBLIC INSTITUTION OF HIGHER
10 EDUCATION; AND FOR OTHER PURPOSES.
11

Subtitle

12
13
14 TO ENSURE THE FREEDOM OF EXPRESSION OF A
15 STUDENT JOURNALIST AT A PUBLIC
16 INSTITUTION OF HIGHER EDUCATION.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code Title 6, Chapter 60, is amended to add an
22 additional subchapter to read as follows:

Subchapter 10 – Student Journalists

6-60-1001. Definitions.

As used in this subchapter:

23
24
25
26
27 (1) "Protected activity" means an expression of free speech or
28 freedom of the press as guaranteed by the First Amendment to the United
29 States Constitution and Article 2, § 6 of the Arkansas Constitution;

30 (2)(A) "School-sponsored media" means any material that is:

31 (i) Prepared, substantially written, published, or
32 broadcast by a student journalist at a public institution of higher
33 education;

34 (ii) Distributed or generally made available to
35 members of a student body at a public institution of higher education; and

36 (iii) Prepared under the direction of a student



1 media adviser.

2 (B) "School-sponsored media" does not include any media
3 that is prepared as a communication on behalf of a public institution of
4 higher education intended for distribution or transmission;

5 (3) "Student journalist" means a student at a public institution
6 of higher education who engages in journalistic activities by gathering,
7 compiling, writing, editing, photographing, or preparing information for
8 dissemination through school-sponsored media;

9 (4) "Student media adviser" means an individual who is employed,
10 appointed, or designated by a public institution of higher education to
11 supervise or provide instruction to a student journalist with respect to
12 school-sponsored media.

13
14 6-60-1002. Students' right of expression.

15 (a)(1) Except as provided in § 6-60-1003, a student journalist has the
16 right to engage in protected activities in school-sponsored media.

17 (2) This right exists regardless of whether the school-sponsored
18 media is:

19 (A) Supported financially by the public institution of
20 higher education;

21 (B) Produced using the facilities of the public
22 institution of higher education; or

23 (C) Produced in conjunction with a class in which the
24 student journalist is enrolled at the public institution of higher education.

25 (b) A student journalist is responsible for determining the news,
26 opinions, features, and advertising content of any school-sponsored media,
27 except as provided in § 6-60-1003.

28 (c) This section does not prevent a student media adviser or academic
29 supervisor from teaching student journalists professional standards and
30 responsibilities with respect to the English language and journalism or using
31 professional academic judgment to assign work or evaluate the student
32 journalist's performance as a journalist.

33 (d) A student media adviser shall not be dismissed, suspended, or
34 disciplined for:

35 (1) Protecting a student journalist who engages in a protected
36 activity under this subchapter; or

1 (2) Refusing to infringe on a student journalist's right to
2 engage in a protected activity under this subchapter.

3 (e)(1) A student journalist who engages in a protected activity under
4 this chapter does not represent an expression of the policy of a public
5 institution of higher education.

6 (2) The following individuals shall not be liable in any civil
7 or criminal action for actions taken by a student journalist who engages in a
8 protected activity under this subchapter:

9 (A) A public institution of higher education;

10 (B) An official of a public institution of higher
11 education;

12 (C) An employee of a public institution of higher
13 education; or

14 (D) A parent or legal guardian of a student journalist.

15
16 6-60-1003. Prohibited expression.

17 The following types of expression by a student journalist are not
18 protected activities under this subchapter:

19 (1) School-sponsored media that is libelous, slanderous, or
20 obscene, as defined by state law;

21 (2) School-sponsored media that constitutes an unwarranted
22 invasion of privacy;

23 (3) School-sponsored media that violates federal or state law;
24 or

25 (4) School-sponsored media that constitutes or incites students
26 as to create:

27 (A) An unlawful act or a clear and present danger of the
28 commission of an unlawful act;

29 (B) A violation of a policy of:

30 (i) The public institution of higher education at
31 which the activity is occurring; or

32 (ii) The Department of Higher Education; or

33 (C) A material and substantial disruption of the orderly
34 operation of a public institution of higher education.

35 (5) School-sponsored media that involves the unauthorized use of
36 the marks or logos of a public institution of higher education.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/Lowery