

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

As Engrossed: H2/4/19 H2/6/19

# 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

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14 TO ENSURE THE FREEDOM OF EXPRESSION OF A  
15 STUDENT JOURNALIST AT A PUBLIC  
16 INSTITUTION OF HIGHER EDUCATION.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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:

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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 as part of a  
7 formal program of instruction and training at a public institution of higher  
8 education or as part of a recognized student organization at a public  
9 institution of higher education by gathering, compiling, writing, editing,  
10 photographing, or preparing information for dissemination through school-  
11 sponsored media;

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

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17 6-60-1002. Students' right of expression.

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

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

22 (A) Supported financially by the public institution of  
23 higher education;

24 (B) Produced using the facilities of the public  
25 institution of higher education; or

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

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

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

36 (d) A student media adviser shall not be dismissed, suspended, or

1 disciplined for:

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

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

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

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

12 (A) A public institution of higher education;

13 (B) An official of a public institution of higher  
14 education;

15 (C) An employee of a public institution of higher  
16 education; or

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

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19 6-60-1003. Prohibited expression.

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

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

24 (2) School-sponsored media that constitutes an unwarranted  
25 invasion of privacy;

26 (3) School-sponsored media that violates federal or state law;  
27 or

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

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

32 (B) A violation of a policy of:

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

35 (ii) The Department of Higher Education; or

36 (C) A material and substantial disruption of the orderly

1 operation of a public institution of higher education.  
2 (5) School-sponsored media that involves the unauthorized use of  
3 the marks or logos of a public institution of higher education.

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/s/Lowery