

1 State of Arkansas As Engrossed: H2/4/19 H2/6/19 S2/21/19 S2/28/19

2 92nd General Assembly

# A Bill

3 Regular Session, 2019

HOUSE BILL 1231

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5 By: Representatives Lowery, Beck, A. Collins, A. Davis, Della Rosa, D. Garner, Godfrey, J. Mayberry,  
6 McCullough, Scott, Sorvillo, D. Whitaker, Wing

7 By: Senator M. Johnson

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## For An Act To Be Entitled

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

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## Subtitle

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TO ENSURE THE FREEDOM OF EXPRESSION OF A  
17 STUDENT JOURNALIST AT A PUBLIC  
18 INSTITUTION OF HIGHER EDUCATION.

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

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### Subchapter 10 – Student Journalists

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#### 6-60-1001. Definitions.

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#### As used in this subchapter:

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(1) "Protected activity" means an expression of free speech or  
30 freedom of the press as guaranteed by the First Amendment to the United  
31 States Constitution and Article 2, § 6 of the Arkansas Constitution;

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

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

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(ii) Distributed or generally made available to



1 members of a student body at a public institution of higher education; and  
2 (iii) Prepared under the direction of a student  
3 media adviser.

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

7 (3) "Student journalist" means a student at a public institution  
8 of higher education who engages in journalistic activities as part of a  
9 formal program of instruction and training at a public institution of higher  
10 education or as part of a recognized student organization at a public  
11 institution of higher education by gathering, compiling, writing, editing,  
12 photographing, or preparing information for dissemination through school-  
13 sponsored media;

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

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19 6-60-1002. Students' right of expression.

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

22 (2) This right exists regardless of whether the school-sponsored  
23 media are:

24 (A) Supported financially by the public institution of  
25 higher education;

26 (B) Produced using the facilities of the public  
27 institution of higher education; or

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

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

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

1 journalist's performance as a journalist.

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

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

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

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

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

14 (A) A public institution of higher education;

15 (B) An official of a public institution of higher  
16 education;

17 (C) An employee of a public institution of higher  
18 education; or

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

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21 6-60-1003. Prohibited expression.

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

24 (1) School-sponsored media that are libelous, slanderous, or  
25 obscene, as defined by state law;

26 (2) School-sponsored media that constitute an unwarranted  
27 invasion of privacy;

28 (3) School-sponsored media that violate federal or state law; or

29 (4) School-sponsored media that constitute or incite students as  
30 to create:

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

33 (B) A violation of a policy of:

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

36 (ii) The Department of Higher Education; or

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

3                    (5) School-sponsored media that involve the unauthorized use of  
4 the marks or logos of a public institution of higher education.

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