

State of Arkansas
92nd General Assembly
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A Bill

HOUSE BILL 1231

By: Representative Lowery

For An Act To Be Entitled

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

Subtitle

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

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

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

Subchapter 10 – Student Journalists

6-60-1001. Definitions.

As used in this chapter:

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

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

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

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

(iii) Prepared under the direction of a student



1 media adviser.

2 (B) "School-sponsored media" does not include any media
3 intended for distribution or transmission solely in the classroom in which
4 the media is produced;

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 in a public forum, whether school-sponsored media or
9 independent media; and

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

14
15 6-60-1002. Students' right of expression.

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

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

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

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

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

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

29 (c) This section does not prevent a student media adviser from
30 teaching student journalists the professional standards with respect to the
31 English language and journalism.

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

34 (1) Protecting a student journalist who engages in a protected
35 activity; or

36 (2) Refusing to infringe on a student journalist's right to

engage in a protected activity.

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

(2) Except in the case of willful or wanton misconduct, the following individuals shall not be liable in any civil or criminal action for actions taken by a student journalist who engages in a protected activity under this chapter:

(A) A public institution of higher education;

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

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

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

6-60-1003. Prohibited expression.

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

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

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

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

(4) School-sponsored media that so incites students as to create:

(A) A clear and present danger of the commission of an unlawful act;

(B) A violation of a policy of:

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

(ii) The Department of Higher Education; or

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