

## **STUDENT FREEDOM OF EXPRESSION**

### **STUDENT JOURNALISM RESPONSIBILITIES**

Consistent with professional journalism standards, students who work on official student publications determine the content of those publications and are responsible for their content. These students will:

- Determine the content of the student publication, including review for potentially “Prohibited Material”.
- Strive to produce a publication based upon professional standards of accuracy, objectivity, and fair play.
- Review material to improve sentence structure, grammar, spelling and punctuation.
- Check and verify all facts and verify the accuracy of all quotations.
- In the case of editorials or letters to the editor, determine the need for rebuttal comments and or opinions, and provide opportunity and space for such rebuttals as determined necessary.

### **STAFF/ADVISER RESPONSIBILITIES**

District staff and advisers who are in charge of student publications will:

- Provide students with the information necessary to acquaint students with the professional standards of journalism.
- Act as a guide and supervisor for students when applying professional standards of journalism and the contents of District Policy JC and Administrative Procedure JC-ADM to student publications.
- Be responsible for reporting any unauthorized published material to the building administrator for disciplinary action.

### **STUDENT OPINION**

Under the “fair comment rule,” a student is free to express an opinion on a matter of public interest. When doing so, it must be perfectly clear that the statement is an opinion and not necessarily fact. Specifically, a student may express an opinion on school policy or performance of teachers, administrators, school officials and other school employees.

## **ADVERTISING**

Advertising is a constitutionally protected expression. School publications may accept advertising. Acceptance or rejection of advertising will be the decision of the publication staff, who may accept any ads except for those products or services that are not, by law, permitted to minors, e.g. alcohol, tobacco, and other drugs

Political ads may be accepted. The publication should not accept ads on only one side of an issue or election. Student publications may charge a fee for advertising. Ref. Board Policy KJ, IGDF.

## **PROHIBITED MATERIAL**

1. Students cannot publish material that is “obscene as to minors.” “Minor” means any person under the age of 18. Material is “obscene as to minors” when:
  - The average person, applying contemporary community standards, would find the material, taken as a whole is offensive.
  - The material depicts or describes, in a clearly offensive way, sexual conduct such as intimate sexual acts (normal or perverted), masturbation or lewd exhibition of the genitals.
  - The material, taken as a whole, lacks serious literary, artistic, political or scientific value.
2. Students cannot publish material that is profane, lewd, indecent or offensive, including slurs or related expression based on race, religion, gender, disability or any other protected class.
3. Students cannot publish “libelous” material. “Libelous” statements are those which are false and defamatory, and which may do injury to a specific individual’s, business’, or organization’s, reputation in the community.

In determining potentially “libelous” statements the following must apply;

When the allegedly libeled party is a “public figure” or “public official,” as defined below, the offended must prove that the false statement was published “with actual malice,” i.e., that the student journalist knew that the statement was false or that they published it with reckless disregard for its truth - without trying to verify its truthfulness.

## **PROHIBITED MATERIAL (continued)**

### 3. Libelous Material (continued)

- A “public figure” is a person who either seeks the public’s attention or is well known because of personal achievements.
- A “public official” is a person who holds an elected or appointed public office.

When the allegedly libeled party is a private individual, the offended must prove that the false statement was published willfully or negligently, i.e., the student journalist has failed to exercise reasonably prudent care.

### 4. Students cannot publish material that presents a clear and present likelihood that it will cause “a material and substantial disruption of the proper and orderly operation of the school or school activities.” Heated discussion and or debate, alone, do not constitute this type of disruption.

“School activities” means educational student activities sponsored by the school and include, but are not limited to the following: Classroom and library activities, physical education classes, official assemblies and similar gatherings, school athletic contests, band concerts, school plays and lunch periods. Ref. District Policy KJA

Examples of prohibited disruptions include, but are not limited to the following:

- Student rioting.
- Unlawful seizures of property.
- Destruction of property.
- The use of obscene, profane, lewd or offensive language or gestures, including slurs or related gestures based on race, religion, gender, disability or any other protected class.
- Substantial student participation in a school boycott, sit-in, walk-out or other related form of activity.

For material to be considered “disruptive,” specific facts must exist upon which one could reasonably forecast that an immediate, substantial and material disruption to normal school activity would occur if the material was further published, or has occurred as a result of the material’s publication. Simple fear of disturbance is not enough; school administrators must be positively able to show actual facts that reasonably support a prediction of likely disruption.

## **PROHIBITED MATERIAL (continued)**

### 4. Disruptive Material (continued)

In determining whether material in a student publication is disruptive, consideration must be given to the context of the material. In this regard, consideration will be given to the following:

- Past experience in the school with similar material.
  - Past experience in the school dealing with and supervising the students in the school.
  - Current events influencing student attitudes and behavior.
  - Whether there has been any instance of actual or threatened disruption prior to or together with the circulation of the student publication in question.
5. Students cannot publish or distribute material that invades the privacy of another person or endangers the health or safety of another person.
6. Students cannot plagiarize material for publication. “Plagiarize” means to take ideas, writings or passages of another and present them as one’s own.

## **REVIEW OF POTENTIALLY PROHIBITED MATERIAL**

If, in the opinion of the student editor, student editorial staff or publication adviser, material proposed for publication may constitute Prohibited Material, the material must be submitted to the Building Administrator, District Administrator and/or Board of Education at least twenty-four (24) hours prior to the printer’s deadline for publication. In the event that permission to publish is denied, the reasons for denial will be provided in writing to the student editor and publication adviser.

Questions regarding whether material constitutes Prohibited Material should be directed first to the publication adviser and then to the school district’s attorney or the free legal services of the Student Press Law Center (202-466-5242). Legal fees charged in connection with a consultation will be paid by the Board of Education.

## **CONSEQUENCES OF NON-COMPLIANCE**

Any student found to be in violation of District Policy JC and/or Administrative Procedure JC-ADM will be subject to the following action(s):

(note: Any of the consequences for the first three violations may be omitted in cases that are judged by the administrator to be severe.

### **FIRST VIOLATION: The student will be:**

1. Restricted from participation in publication activities for at least two (2) weeks.
2. Referred to adviser for a review of District Policy JC and Administrative Procedure JC-ADM, and a review of the professional standards of journalism.
3. Required to follow through on any remedial action necessary.
4. Reported to parent/guardian.

### **SECOND VIOLATION: The student will be:**

1. Restricted from participation in publication activities for at least four (4) weeks.
2. Referred to adviser for a review of District Policy JC and Administrative Procedure JC-ADM and a review of the professional standards of journalism.
3. Required to follow through on any remedial action necessary.
4. Reported to parent/guardian.
5. Required to demonstrate in written form his/her understanding of the violation and how it could have been prevented.

### **THIRD VIOLATION: The student will be:**

1. Restricted from participation in publication activities for at least twelve (12) weeks.
2. Referred to adviser for a review of District Policy JC and Administrative Procedure JC-ADM, and a review of the professional standards of journalism.
3. Required to write an essay on the professional standards of journalism.
4. Required to follow through on any remedial action necessary.
5. Reported to parent/guardian.

### **FURTHER VIOLATIONS: The student may be:**

1. Restricted from participation in publication activities for the remainder of the current school year.
2. Subject to possible in-school or out-of-school suspension depending on the severity of the violations.