

35th Annual Media and the Law Conference
April 20-21, 2023 in Kansas City, MO

Journalists Affiliated with Educational Institutions Under Attack

Moderator:

Lindsie Rank, Student Press Counsel, Foundation for Individual Rights and Expression, Philadelphia, PA

Panelists:

Dr. Genelle Belmas, Associate Professor, William Allen White School of Journalism and Mass Communications, Lawrence, KS

Steve Vockrodt, Investigative Editor, KCUR, Kansas City, MO

Sen. Barbara Anne Washington, Sponsor of the Cronkite Act, Missouri Senate, Kansas City, MO

PLEASE NOTE that all items listed that include a link are NOT physically included here. Items marked “ATTACHMENT” are physically included at the end of this outline in the order in which they appear.

1. Jonathan Peters, Genelle Belmas, and Piotr Bobkowski, *A Paper Shield? Whether State Privilege Protections Apply to Student Journalists*, 27 Fordham Intell. Prop. Media & Ent. L.J. 763 (2017), <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1667&context=iplj>
2. Genelle I. Belmas and Harrison M. Rosenthal, *Investigative vs. Mandatory Reporting: Weaponizing Title IX Against Journalists*, 24 New York University Journal of Legislation & Public Policy 67 (2022), https://nyujlpp.org/wp-content/uploads/2022/04/JLPP-24.1-Belmas_Rosenthal.pdf
3. Lindsie Rank, *Title IX weaponized against student journalists, again. This time, at Princeton*, Foundation for Individual Rights and Expression, September 28, 2022, <https://www.thefire.org/news/title-ix-weaponized-against-student-journalists-again-time-princeton>
4. 2023 Missouri SB 440, the “Cronkite New Voices Act” ATTACHMENT

5. Student Press Law Center, *New Voices in Missouri*, February 3, 2023, <https://splc.org/new-voices-missouri/> (summary of legislation related to the "Cronkite New Voices Act").
6. *Manhattan Community Access Corp. v. Halleck*, 587 U.S. ___, 139 S.Ct. 1921; 204 L.Ed.2d. 205 (2019) (holding private operators of public access channel are not state actors subject to First Amendment), https://www.supremecourt.gov/opinions/18pdf/17-1702_h315.pdf
7. Nancy J. Meyer, *Assuring Freedom for the College Student Press After Hazelwood*, 24 Val. U. L. Rev. 53 (1989), <https://scholar.valpo.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=2039&context=vulr>
8. Daniel A. Applegate, *Stop the Presses: The Impact of Hosty v. Carter and Pitt News v. Pappert on the Editorial Freedom of College Newspapers*, 56 Case W. Rsrv. L. Rev. 247 (2005), <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1637&context=caselrev>
9. *Hosty v. Carter*, No. 05-377 (2005), Petition for Review, U.S. Supreme Court, <https://web.archive.org/web/20060107213608/http://www.splc.org/gsu/hostypetition.pdf>
10. *Hosty v. Carter*, No. 05-377 (2005), Amicus Brief, U.S. Supreme Court, <https://www.thefire.org/research-learn/hosty-v-carter-amicus-brief-us-supreme-court>
11. Greg Luklanoff, *Supreme Court Denies Appeal in 'Hosty v. Carter'*, February 21, 2006, <https://www.thefire.org/news/supreme-court-denies-appeal-hosty-v-carter>

SENATE BILL NO. 440

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

0271S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapters 171 and 173, RSMo, by adding thereto two new sections relating to student journalists.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 171 and 173, RSMo, are amended by
2 adding thereto two new sections, to be known as sections 171.200
3 and 173.1551, to read as follows:

171.200. 1. This section and section 173.1551 shall
2 be known and may be cited as the "Cronkite New Voices Act".

3 2. As used in this section, the following terms mean:

4 (1) "School-sponsored media", any material that is
5 prepared, substantially written, published, or broadcast by
6 a student journalist at a public high school; distributed or
7 generally made available to members of the student body; and
8 prepared under the direction of a student-media advisor.
9 "School-sponsored media" does not include any media intended
10 for distribution or transmission solely in the classroom in
11 which the media is produced;

12 (2) "Student journalist", a public high school student
13 who gathers, compiles, writes, edits, photographs, records,
14 produces, or prepares content for dissemination in school-
15 sponsored media;

16 (3) "Student-media advisor", an individual employed,
17 appointed, or designated by a school district to supervise
18 or provide instruction relating to school-sponsored media.

19 3. Subject to the provisions of this section, the
20 freedom of the press in school-sponsored media shall be
21 protected. A student journalist has the right to exercise
22 freedom of speech and of the press in school-sponsored
23 media. Material in school-sponsored media shall not be
24 suppressed solely because it involves political or
25 controversial subject matter.

26 4. School districts and student-media advisors may
27 regulate the number, length, frequency, and format of school-
28 sponsored media. Review of material prepared for school-
29 sponsored media and encouragement of the expression of such
30 material in a manner that is consistent with professional
31 standards of English and journalism shall not be deemed to
32 be or construed as an abridgement of the right to freedom of
33 expression in school-sponsored media or a restraint on
34 publication of the material therein.

35 5. A school district shall not authorize any prior
36 restraint of any school-sponsored media except if the
37 administration or student-media advisor reasonably
38 determines or anticipates that the media:

- 39 (1) Is libelous or slanderous;
- 40 (2) Constitutes an invasion of privacy;
- 41 (3) Violates federal or state law;
- 42 (4) Is a threat of violence;
- 43 (5) Advertises a product or service that is illegal or
44 is not permitted to be sold to minors by law;
- 45 (6) Violates the rights of others;
- 46 (7) Is likely to incite students to commit an unlawful
47 act or to violate school district policy or procedure; or
- 48 (8) Is likely to materially and substantially disrupt
49 or interfere with the orderly operation of the school.

50 6. Subject to the limitations imposed by this section,
51 student journalists are responsible for determining the
52 news, opinion, and advertising content of school-sponsored
53 media. Student-media advisors are responsible for teaching
54 and encouraging free and responsible expression of material
55 and professional standards of English and journalism. No
56 student-media advisor shall be disciplined, terminated from
57 employment, transferred, or relieved of duties imposed under
58 this subsection for refusal to abridge or infringe upon the
59 right to freedom of expression conferred by this section.

60 7. No publication or other expression of matter by
61 students in the exercise of rights under this section shall
62 be deemed to be an expression of a school district's
63 policy. No school district, member of the board of
64 education, student-media advisor, or employee of a school
65 district shall be held liable in any civil or criminal
66 action for any publication or other expression of matter by
67 student journalists in the exercise of rights under this
68 section except to the extent that such persons or entities
69 actively participated in the conduct that is the subject of
70 the civil or criminal action or knew of the conduct and
71 failed to take timely action to prevent or withdraw such
72 publication or expression that is the subject of the civil
73 or criminal action. A student journalist who has attained
74 the age of majority may be held liable in any civil or
75 criminal action for material expressed in student
76 publications to the extent of such student journalist's
77 responsibility for and involvement in the preparation and
78 publication of such matter.

79 8. Each school district shall adopt a written policy
80 regarding the freedom of the press and expression by
81 students in accordance with this section. The policy shall

82 include reasonable provisions for the time, place, and
83 manner of student expression. The policy may also include
84 limitations regarding language that may be defined as
85 vulgar, obscene, offensively lewd, profane, harassing,
86 threatening, or intimidating.

173.1551. 1. As used in this section, the following
2 terms mean:

3 (1) "School-sponsored media", any material that is
4 prepared, substantially written, published, or broadcast by
5 a student journalist at a public institution of higher
6 education in this state; distributed or generally made
7 available to members of the student body; and prepared under
8 the direction of a student-media advisor. "School-sponsored
9 media" does not include any media intended for distribution
10 or transmission solely in the classroom in which the media
11 is produced;

12 (2) "Student journalist", a student of a public
13 institution of higher education who gathers, compiles,
14 writes, edits, photographs, records, produces, or prepares
15 content for dissemination in school-sponsored media;

16 (3) "Student-media advisor", an individual employed,
17 appointed, or designated by a public institution of higher
18 education in this state to supervise or provide instruction
19 relating to school-sponsored media.

20 2. Subject to the provisions of this section, the
21 freedom of the press in school-sponsored media shall be
22 protected. A student journalist has the right to exercise
23 freedom of speech and of the press in school-sponsored
24 media. Material in school-sponsored media shall not be
25 suppressed solely because it involves political or
26 controversial subject matter.

27 3. Subject to subsection 4 of this section, a student
28 journalist is responsible for determining the news, opinion,
29 feature, and advertising content of school-sponsored media.
30 This subsection shall not be construed to prevent a student-
31 media advisor from teaching professional standards of
32 English and journalism to student journalists.

33 4. This section does not authorize or protect
34 expression by a student that:

- 35 (1) Is libelous or slanderous;
36 (2) Constitutes an invasion of privacy;
37 (3) Violates federal or state law;
38 (4) Is likely to incite students to commit an unlawful
39 act or to violate institution policy or procedure; or
40 (5) Is likely to materially and substantially disrupt
41 or interfere with the orderly operation of the institution.

42 5. Except as provided in subsection 4 of this section,
43 a student journalist at a public institution of higher
44 education in this state shall not be disciplined for
45 exercising such student journalist's freedom of expression
46 in school-sponsored media.

47 6. A student-media advisor at a public institution of
48 higher education in this state shall not be dismissed,
49 suspended, disciplined, reassigned, transferred, or
50 otherwise retaliated against for protecting or refusing to
51 infringe on the rights of student journalists outlined in
52 this section.

53 7. No publication or other expression of matter by
54 students in the exercise of rights under this section shall
55 be deemed to be an expression of an institution's policy.
56 No public institution of higher education or member of the
57 institution's governing body or employee thereof shall be
58 held liable in any civil or criminal action for any

59 publication or other expression of matter by student
60 journalists in the exercise of rights under this section
61 except to the extent that such persons or entities actively
62 participated in the conduct that is the subject of the civil
63 or criminal action.

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