

# GUIDELINES FOR STUDENT MEDIA

(Adapted from Student Press Law Center)

## I. STATEMENT OF POLICY

Freedom of expression and press freedom are fundamental values in a democratic society. The mission of any institution committed to preparing productive citizens must include teaching students these values, both by lesson and by example.

As determined by the courts, student exercise of freedom of expression and press freedom is protected by both state and federal law, especially by the First Amendment to the United States Constitution. Accordingly, school officials are responsible for encouraging and ensuring freedom of expression and press freedom for all students.

It is the policy of the Norwood school system that programs created for Mustang Media, the official, school-sponsored student media of Norwood High School have been established as a forum for student expression and as a voice in the uninhibited, robust, free and open discussion of issues.

The Mustang Media Program aims to provide a full opportunity for students to inquire, question and exchange ideas. Content will strive to reflect all areas of student interest, including topics about which there may be dissent or controversy.

It is policy in the commonwealth of Massachusetts, and within the Department of Education, that student journalists shall have the right to determine the content of student media. The statute, known as the *Student Free Expression Law*, provides students attending Massachusetts public high schools with added protection against administrative censorship. But some expressions are not protected in a school-setting. Accordingly, the following guidelines relate only to establishing grounds for disciplinary actions subsequent to publication.

## II. OFFICIAL STUDENT MEDIA

**A. RESPONSIBILITIES OF STUDENT JOURNALISTS** - Students who work on official, school-sponsored student publications determine the content of their respective publications and are responsible for that content. These students should:

1. Determine the content of the student media;
2. Strive to produce media based on professional standards of accuracy, objectivity and fairness;
3. Review material to improve sentence structure, grammar, spelling and punctuation;
4. Check and verify all facts and verify the accuracy of all quotations; and
5. In the case of editorials or letters to the editor concerning controversial issues, determine the need for rebuttal comments and opinions and provide space therefore if appropriate.

**B. UNPROTECTED EXPRESSION** - The following types of student expression will not be protected:

1. Material that is "obscene as to minors". Obscene as to minors is defined as material that meets all three of the following requirements:
  - (a) the average person, applying contemporary community standards, would find that the publication, taken as a whole, appeals to a minor's prurient interest in sex; and
  - (b) the publication depicts or describes, in a patently offensive way, sexual conduct such as ultimate sexual acts (normal or perverted), masturbation and lewd exhibition of the genitals; and
  - (c) the work, taken as a whole, lacks serious literary, artistic, political or scientific value. Indecent or vulgar language is not obscene.
2. Libelous material. Libelous statements are provably false and unprivileged statements of fact that do demonstrated injury to an individual's or business's reputation in the community. If the allegedly libeled party is a "public figure" or "public official" as defined below, then school officials must show that the false statement was published "with actual malice," i.e., that the student journalists knew that the statement was false or that they published it with reckless disregard for the truth ? without trying to verify the truthfulness of the statement.
  - (a) A public official is a person who holds an elected or appointed public office and exercises a significant amount of governmental authority.
  - (b) A public figure is a person who either has sought the public's attention or is well known because

of personal achievements or actions.

(c) School employees will be considered public officials or public figures in relationship to articles concerning their school-related activities.

(d) When an allegedly libelous statement concerns an individual who is not a public official or a public figure, school officials must show that the false statement was published willfully or negligently, i.e., the student journalist who wrote or published the statement has failed to exercise reasonably prudent care.

(e) Students are free to express opinions. Specifically, a student may criticize school policy or the performance of teachers, administrators, school officials and other school employees.

3. Material that will cause "a material and substantial disruption of Norwood school activities."

(a) Disruption is defined as student rioting, unlawful seizures of property, destruction of property, or substantial student participation in a school boycott, sit-in, walk-out or other related form of activity. Material such as racial, religious or ethnic slurs, however distasteful, is not in and of itself disruptive under these guidelines. Threats of violence are not materially disruptive without some act in furtherance of that threat or a reasonable belief and expectation that the author of the threat has the capability and intent of carrying through on that threat in a manner that does not allow acts other than suppression of speech to mitigate the threat in a timely manner. Material that stimulates heated discussion or debate doesn't constitute the type of disruption prohibited.

(b) For student media to be considered disruptive, specific facts must exist upon which one could reasonably forecast that a likelihood of immediate, substantial material disruption to normal school activity would occur if the material were further distributed or has occurred as a result of the material's distribution or dissemination. Mere undifferentiated fear or apprehension of disturbance is not enough; school administrators must be able affirmatively to show substantial facts that reasonably support a forecast of likely disruption.

(c) In determining whether student media is disruptive, consideration must be given to the context of the distribution as well as the content of the material. In this regard, consideration should be given to past experience in Norwood schools with similar material, past experience in the school in dealing with and supervising the students in the school, current events influencing student attitudes and behavior and whether there have been any instances of actual or threatened disruption prior to or contemporaneously with the dissemination of the student publication in question.

(d) School officials must protect advocates of unpopular viewpoints.

(e) "School activity" means educational student activity sponsored by Norwood High School and includes, by way of example and not by way of limitation, classroom work, official assemblies and other similar gatherings, school athletics, band concerts, school plays, and in-school lunch periods.

## C. LEGAL ADVICE

1. If, in the opinion of a student editor, student editorial staff or faculty adviser, material proposed for publication may be "obscene," "libelous" or would cause an "immediate, material and substantial disruption of Norwood school activities," the legal opinion of a practicing attorney should be sought. The free legal services of the Student Press Law Center (703/807-1904) is recommended.

2. Any legal fees charged in connection with the consultation will be paid by the board of education.

3. The final decision of whether the material is to be published will be left to the student editor or student editorial staff.

## D. PROTECTED SPEECH

1. Norwood school officials cannot:

a. Ban student expression solely because it is controversial, takes extreme, "fringe" or minority opinions, or is distasteful, unpopular or unpleasant;

b. Ban the publication or airing of material relating to sexual issues including, but not limited to, virginity, birth control and sexually-transmitted diseases (including AIDS);

c. Censor or punish the occasional use of indecent, vulgar or so called "four-letter" words;

d. Prohibit criticism of the policies, practices or performance of teachers, school officials, the school itself or of any public officials;

e. Cut off funds to official student media because of disagreement over editorial policy;

f. Ban student expression that merely advocates illegal conduct without proving that such speech is directed toward and will actually cause imminent unlawful action.

g. Ban the publication or distribution by students of material written by non-students;

h. Prohibit the endorsement of candidates for student office or for public office at any level.

2. Commercial Speech - Advertising is constitutionally protected expression. Student media may accept advertising. Acceptance or rejection of advertising is within the purview of the publication staff, which may accept any ads except those for products or services that are illegal for all students. Ads for political

candidates and ballot issues may be accepted; however publication staffs are encouraged to solicit ads from all sides on such issues.

## E. ONLINE STUDENT MEDIA AND USE OF ELECTRONIC INFORMATION RESOURCES

### 1. Online Student Media

Online media, including internet websites, email, listservs and social media groups, may be used by students like any other communications media to reach both those within the school and those beyond it. All official, school-sponsored online student publications are entitled to the same protections and are subject to no greater limitations than other student media, as described in this policy.

### 2. Electronic Information Resources

Student journalists may use electronic information resources, including Internet websites, e-mail, listservs and social media groups, to gather news and information, to communicate with other students and individuals and to ask questions of and consult with sources. School officials will apply the same criteria used in determining the suitability of other educational and information resources to attempts to remove or restrict student media access to online and electronic material. Just as the purchase, availability and use of media materials in a classroom or library does not indicate endorsement of their contents by school officials, neither does making electronic information available to students imply endorsement of that content. Although faculty advisers to student media are encouraged to help students develop the intellectual skills needed to evaluate and appropriately use electronically available information to meet their newsgathering purposes, advisers are not responsible for approving the online resources used or created by their students.

### 3. Acceptable Use Policies

The technical and networking environment necessary for online communication may require that school officials define guidelines for student exploration and use of electronic information resources. The purpose of such guidelines will be to provide for the orderly, efficient and fair operation of the school's online resources. The guidelines may not be used to unreasonably restrict student use of or communication on the online media. Such guidelines may address the following issues: file size limits, password management, system security, data downloading protocol, use of domain names, use of copyrighted software, access to computer facilities, computer hacking, etiquette and data privacy.

## III. ADVISER JOB SECURITY

The student media adviser is not a censor. No person who advises a student publication will be fired, transferred or removed from the advisership by reason of his or her refusal to exercise editorial control over student media or to otherwise suppress the protected free expression of student journalists.

## IV. NON-SCHOOL-SPONSORED MEDIA

A. Non-school-sponsored student media and the students who produce them are entitled to the protections provided in section II(D) of this policy. In addition, school officials may not ban the distribution of non-school-sponsored student media on school grounds. However, students who distribute material described in section II(B) of this policy may be subject to reasonable discipline after distribution at school has occurred.

1. Norwood school officials may reasonably regulate the time, place and manner of broadcast distribution.
  - (a) Non-school-sponsored media will have the same rights of distribution as official student media;
  - (b) "Distribution" means dissemination of media to students at a time and place of normal school activity, or immediately prior or subsequent thereto, by means of broadcasting on the closed circuit television station, on the internet, or by use of various social media platforms.
2. Norwood school officials cannot:
  - (a) Prohibit the distribution of anonymous student media or require that it bear the name of the sponsoring organization or author;
  - (b) Ban the distribution of student media because it contains advertising;
  - (c) Ban the sale of student media; or
  - (d) Create regulations that discriminate against non-school-sponsored media or interfere with the effective distribution of sponsored or non-sponsored media.

B. These regulations do not apply to media independently produced or obtained and distributed by students off Norwood school grounds and without school resources. Such material is fully protected by the First Amendment and is not subject to regulation by school authorities. Reference to or minimal contact with a school will not subject otherwise independent media, such as an independent,

student-produced website or social media account, to school regulation.

## V. PRIOR RESTRAINT

No student media, whether non-school-sponsored or official, will be reviewed by school administrators prior to distribution or withheld from distribution. The school assumes no liability for the content of any student publication, and urges all student journalists to recognize that with editorial control comes responsibility, including the responsibility to follow professional journalism standards each school year.

## VI. CIRCULATION

These guidelines will be included in the handbook on student rights and responsibilities and circulated to all students.

### **M.G.L.A. 71 § 82 - Right of Students to Freedom of Expression (1988)**

The right of students to freedom of expression in the public schools of the commonwealth shall not be abridged, provided that such right shall not cause any disruption or disorder within the school. Freedom of expression shall include without limitation, the rights and responsibilities of students, collectively and individually, (a) to express their views through speech and symbols, (b) to write, publish, and disseminate their views, (c) to assemble peaceably on school property for the purpose of expressing their opinions. Any assembly planned by students during regularly scheduled school hours shall be held only at a time and place approved in advance by the school principal or his designee. No expression made by students in the exercise of such rights shall be deemed to be an expression of school policy and no school officials shall be held responsible in any civil or criminal action for any expression made or published by the students.

\*\*For the purposes of this section the word "student" shall mean any person attending a public secondary school in the commonwealth. The word "school official" shall mean any member or employee of the local school committee.