

## **Student Freedom of Expression**

### **1. Rationale**

The Braxton County Board of Education believes that the protections afforded by First Amendment of the United States Constitution are fundamental for a democratic society and apply to students. The free inquiry and exchange of ideas are essential parts of a democratic education, the goal of which, is to develop informed and civic minded citizens. The District respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular. This freedom of expression extends to school-sponsored media.

### **2. Definitions**

“Libel” means the willful or negligent publication of a false or misleading statements which are cause harm to a person’s reputation.

“Orderly Operation of the School” means school sponsored educational activity that takes place during the course of a normal school day, including, but not limited to, instruction, assemblies, recess, lunch periods, or school sanctioned extracurricular activities and events.

“Prior Restraint” means any action that prohibits or prevents the publication of speech or other expression

“School Day” means any 24-hour period of time in which students attend class, practice, or and school sponsored educational activities.

“School Sponsored Media” means any material that is prepared, substantially written, published, or broadcast, in any media, by a student journalist at a public high school, college, or university under the supervision of a student media adviser and distributed or generally made available to members of the student body. School-sponsored media does not include media intended for distribution or transmission for classroom purposes only.

“Slander” means speaking false or misleading statements which cause harm to a person’s reputation.

“Student journalist” means a public high school, college, or university student who writes, edits, photographs, records, or prepares information for inclusion in school-sponsored media.

“Student media adviser” means an individual employed, appointed, or designated by a public high school, college, or university to supervise or provide instruction relating to school-sponsored media.

### **3. Student Right’s to Free Express in School Sponsored Student Media**

A student journalist is responsible for determining the news, opinion, feature, and other news reporting content of school-sponsored media. Student journalists shall strive to produce media that:

- A. is accurate, fair, and objective;
- B. contains only verified facts and quotes;
- C. is free from spelling, punctuation, and grammatical errors;
- D. follows professional journalism standards for ethics and professionalism; and
- E. provides space for rebuttals and “letters to the editor.”

Student journalists will follow all applicable District policies and student codes of conduct and shall not publish content that

- A. Is libelous or slanderous;
- B. Constitutes an actionable invasion of privacy;
- C. Is obscene, vulgar, pornographic, or of sensual or illicit sexual content;
- D. Violates federal or state law;
- E. Promotes the purchase of a product or service that is unlawful for purchase or use by a minor; or
- F. Expressly incites students to engage in the commission of an unlawful act or acts, or violate a lawful school policy, or is likely to cause the material and substantial disruption of the operation of the school. Administrators must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

No student journalist shall be punished or sanctioned in anyway when acting in accordance with this policy.

There shall be no prior restraint of material prepared for official school publications except insofar as the material violates the standards of policy. School officials have the burden of showing prior justification for their limitation of student journalists’ expression. Student journalists may appeal any such action directly to the Superintendent within three business days.

Nothing in this section prohibits a student publication from establishing editorial procedures for determining what content to publish.

#### **4. Student Media Advisors**

Principals shall appoint student media advisors from the current District staff or approved volunteers. The principal shall ensure that the student media advisor understands the principals of professional journalism. The student media advisor provides guidance and support to student journalists and will assist them in any appeal to the Superintendent in accordance with this policy.

A student media adviser may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for acting in conformity with this policy.

#### **5. Disclaimer**

A statement or position made or taken by students in the exercise of free speech or free press rights shall not be considered to be an expression of school policy, and school officials shall not be held responsible in any civil or criminal action for any expression made or published by students in conformity with this policy.

Legal:

W. Va. Code §18B-21-4

W. Va. Code §57-3-10

*Dixon v. Ogden Newspapers*, 416 S.E.2d 237, (W.Va.)(1992)