

Scholastic Media Law & Ethics in New Voices Illinois



*“The world of free speech begins with young people learning to express themselves.
And thanks to their high school media advisers,
many join the adult world thinking critically, with strength and passion.
They become adults who use their free speech privileges with a sense of purpose,
understanding the power of language and the responsibilities that come with that power.”*

**Dr. Sally Renaud,
executive director of the
Illinois Journalism Education Association**

A Curriculum for Student Media Advisers and Scholastic Journalism Programs in *Illinois* High Schools



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Scholastic Media Law & Ethics in New Voices Illinois, authored by Amanda C. Bright, MJE, is available in the following formats:

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Scholastic Media Law & Ethics in New Voices Illinois
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OUR PURPOSE

On July 29, 2016, Illinois became a New Voices state when the Speech Rights of Student Journalists Act (HB 5902) became law. The Illinois Journalism Education Association was elated at the bill's passage, but we also recognized the responsibility that this legislation necessitated to both understand and nurture our state's scholastic media advisers and staffs in this new era.

Therefore, in order to provide direction, context, and support to scholastic journalism advisers in our state, the Illinois Journalism Education Association has created this curriculum to use with your journalism students and media staffs.

How to Use This Curriculum

The curriculum is built to be flexible. It can be used in any increment that fits your needs – from one to five days in length (or even 10 days, if all reading is completed during class and extra project ideas are used). Please note that no strictly objective assessments are included in this curriculum because those materials are available through the [Journalism Education Association Curriculum](#) and other textbook or open educational resources. Instead, we hope that you formatively assess throughout this project-based, experiential curriculum in order to benefit your student journalists and media staffs personally and directly. Also, each day is tied to Common Core State Standards.



Illinois' Journey to New Voices. Journalism students from throughout Illinois stand with Rep. Will Guzzardi (D-Chicago) in Springfield on April 6. A bill to protect student journalists' free speech rights was unanimously voted through the House committee that day.

Regardless of how you use it, we ask that you both push and allow your students to dive deep into the law and ethics that both protect and hold accountable their work as scholastic journalists. As much as possible, we also ask you to share the materials and writings students create with the various stakeholders for student media – administrators, school boards, school colleagues, local media, community members, and the like. We want to reinforce the concept that the students in our newsrooms are *journalists* — with all the power and responsibility that designation confers.



AN OVERVIEW

Day One: *What is the Speech Rights of Student Journalists Act?*

Readings and Discussion: Student Press Law Center and Illinois Journalism Education articles on history and passage of law.

Project One: Students dissect actual text of the law and create a mission or action statement that clarifies the purpose and benefactors of the law.

Project Two: Students create a visual display—whether digital or print—that communicates the key aspects of the law.

Day Two: *Why is this law a big deal for Illinois?*

Readings: Excerpts, podcasts on *Tinker v. Des Moines* and *Hazelwood v. Kuhlmeier*.

Discussion: Students discuss Tinker standard and Hazelwood standard and Illinois' new law.

Project One: Students research and present on social, political, and economic contexts of each of the decisions and hypothesize why 2016 was the year that New Voices passed in Illinois.

Project Two: Students research where scholastic press freedom stands in other states, notably about a New Voices veto in Arizona, and the New Voices movement overall, to write opinion pieces about the journey and the law's effects.

Day Three: *What about the First Amendment and censorship?*

Readings: Text of the First Amendment; *SPLC's Manual for Student Media Advisers on Responding to Censorship*; sections from Part One of *Protocol for Free & Responsible Student News Media*.

Discussion: Students provide the gist of sections in groups. Then, they talk about the who, what, when, where, why, and how regarding censorship.

Project One: Students create a text-based plan for student media to address censorship.

Project Two: Students create a visual plan for dealing with censorship and beta test it through role-playing situations in small or large groups.

Day Four: *What does this mean from a student perspective?*

Readings: House testimony and article regarding Taylorville High School student; Downers Grove North Omega editorial; Washington Post story on Kansas student media.

Discussion: Students discuss what motivated these students, what motivates them and their own staffs, as well as what they want to accomplish in light of the Illinois law.

Project One: Students brainstorm lists of topics to cover within parameters of Speech Rights of Student Journalists Act and evaluate them based on elements of newsworthiness.

Project Two: Students fully story plan for one of those ideas with responsible convergence.

Day Five: *Do we understand our rights (and the ethics behind them)?*

Readings: SPJ Code of Ethics; Primers on libel, slander and journalistic ethics.

Discussion: Students unpack scholastic media scenario as a group, applying readings.

Project One: Students use second scenario in groups to talk through roles/perspectives.

Project Two: Students look at a number of scenarios, and craft responses outlining what they would do and why in a multimedia format.



DAY ONE

What is New Voices of Illinois – the Speech Rights of Student Journalists Act?

OVERVIEW: Starting with the most recent development in our state’s scholastic media law, this first day will give students a sense of precisely what the law in Illinois protects—and doesn’t protect. What students create through this analysis can be added to staff manuals or a mission statement.

OBJECTIVE: Students will be able to apply the elements of the Speech Rights of Student Journalists Act by summarizing and illustrating them in written and visual form.

COMMON CORE STANDARDS:

CCSS.ELA-LITERACY.CCRA.R.2: Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.

CCSS.ELA-LITERACY.CCRA.L.6: Acquire and use accurately a range of general academic and domain-specific words and phrases sufficient for reading, writing, speaking, and listening at the college and career readiness level; demonstrate independence in gathering vocabulary knowledge when encountering an unknown term important to comprehension or expression.

CCSS.ELA-LITERACY.CCRA.R.7: Integrate and evaluate content presented in diverse media and formats, including visually and quantitatively, as well as in words.1

SS.CV.3.9-12: Analyze the impact of constitutions, laws, and agreements on the maintenance of order, justice, equality and liberty.

OPENING: Can our student media publish an article critical of the principal? Are we allowed to use language or images that many would deem offensive or obscene? Can someone in authority in the district prevent our student media from publishing if he or she doesn’t like a story? What do you think determines the answers to tough questions like these?

READINGS:

- [“Illinois governor signs landmark measure protecting high school journalists against censorship”](#) by Evelyn Andrews, Student Press Law Center
- [“BREAKING NEWS: Speech Rights of Student Journalists bill is law! Journalism advisers herald return to 'Tinker Standard'”](#) by Amanda Bright, Illinois Journalism Education Association
- [“Editorial: Law will give students better view of how free press works”](#) by The Daily Herald Editorial Board

DISCUSSION: Have students list one or two key ideas that they were unaware of before these readings and then discuss them with a partner. How has this knowledge changed their perspective on student media rights in Illinois?



PROJECT ONE: Students dissect the [actual text of the law](#) (**Public Act 099-0678**). Students should both critically read and annotate to find elements that are: unclear, surprising, exciting, etc., and clarify what their rights are under this legislation. (They will likely have to look up terminology as well.) Then, based on their reading, have students in small groups create a mission or action statement that clarifies BOTH the *freedoms and responsibilities of the law*. These statements can be drafted individually, workshopped, and then refined and combined into one final statement. (*Note:* Perhaps the statement can be incorporated in your media or manual.)

Evaluation: See the **Mission Statement Rubric** for possible assessment.

PROJECT TWO: Students create a visual—whether digital or print—that communicates the key aspects of the law and can be displayed in the staff newsroom or as part of a digital media presence, as a reminder of both the freedoms and responsibilities that come with the Speech Rights of Student Journalists Act. (*Note:* If compact enough, this could become a social media or website image or header.)

Evaluation: See the **Mission Illustration Rubric** for possible assessment.



Illinois governor signs landmark measure protecting high school journalists against censorship

By Evelyn Andrews (<http://www.splc.org/staff/evelyn-andrews>) | Published 07/29/16 6:39pm | ✉ Email ([mailto:?subject=SPLC:%20Illinois governor signs landmark measure protecting high school journalists against censorship&body=Hi%20there.%20%20Check%20out%20this%20article%20from%20The%20Student%20Press%20Law%20Center:%20http://www.splc.org/article/2016/07/illinois-new-voices-bill-signed](mailto:?subject=SPLC:%20Illinois%20governor%20signs%20landmark%20measure%20protecting%20high%20school%20journalists%20against%20censorship&body=Hi%20there.%20%20Check%20out%20this%20article%20from%20The%20Student%20Press%20Law%20Center:%20http://www.splc.org/article/2016/07/illinois-new-voices-bill-signed)) | 🖨 Print | © Reprint this story (/page/reprint)

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An Illinois bill protecting student journalists' rights was signed by Gov. Bruce Rauner Friday and is effective immediately.

The state had existing protections for college journalists, but the bill adds similar protections for students in public high schools as well.

Students in public high schools will now have a legally protected right to choose what content will be part of their publications, even those produced for credit as part of a class. The law does not restrict a school from removing material that is libelous, obscene, invasive of privacy, or likely to provoke disruptive or unlawful behavior. However, the law places the burden on school administrators for demonstrating, without undue delay, that speech fits within one of the unprotected categories before it may be restrained.

HB 5902 (<http://www.ilga.gov/legislation/publicacts/fulltext.asp?name=099-0678&GA=99&SessionId=88&DocTypeId=HB&DocNum=5902&GAID=13&Session=>) was sponsored by Rep. Will Guzzardi, D-Chicago, and handled in the Senate by Sen. Daniel Biss, D-Skokie. It passed 117-0 in the House on this session's last day before adjournment. The Senate previously passed the bill 51-0 after approving an amendment clarifying that students cannot insist on publishing content that encourages students to violate school rules. The bill would have taken effect as of Aug. 27 with or without the governor's signature, as long as it was not vetoed.

The bill's enactment makes Illinois the second-largest state, after California, with legal protection for student journalists, and the third in the last two years, following North Dakota and Maryland. The bill is part of a nationwide movement, New Voices (<http://newvoicesus.com>), which has produced bills in eight states so far, with legislation still pending in Michigan, Minnesota and New Jersey.

This law will reverse the effects of *Hazelwood School District v. Kuhlmeier*, a 1988 Supreme Court case that gave high school administrators a free hand to censor school-sponsored publications so long as there was a justification "reasonably related to legitimate pedagogical concerns."



Stan Zoller, a longtime high school journalism adviser and chair of the legislative committee for the Illinois Journalism Education Association, was a major proponent of the bill and said the signing came as a pleasant surprise.

"We are absolutely positively thrilled and we were amazed when we heard about it," Zoller said.

The signing coming a time of such political importance in the country makes the passage of the bill even more significant, he said.

"The timing couldn't be better," Zoller said. "We are about to send these students into the biggest civic duty possible -- voting. It is a great opportunity to empower them so they can cover this freely."

Zoller was inspired by the work of James Tidwell, a longtime Eastern Illinois University journalism professor and nationally recognized expert on First Amendment rights, who nearly succeeded in passing a similar law 18 years ago. Tidwell died two years ago, and the



(https://s3.amazonaws.com/media.spl/971_i

✉ Email ([mailto:?subject=SPLC:%20Illinois governor signs censorship&body=Hi%20there.%20%20Check%20out%20new-voices-bill-signed](mailto:?subject=SPLC:%20Illinois%20governor%20signs%20censorship&body=Hi%20there.%20%20Check%20out%20new-voices-bill-signed))

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law stands as a lasting legacy of his work, Zoller said.

"We had to do this for James," he said. "This is a tribute to him because he was our inspiration."

✉ Email (mailto:?subject=SPLC:%20Illinois governor signs landmark measure protecting high school journalists against censorship&body=Hi%20there.%20%20Check%20out%20this%20article%20from%20The%20Student%20Press%20Law%20Center:%20http://www.splc.org/article/2016/07/illinois-new-voices-bill-signed)

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Illinois Journalism Education Association

Promoting and supporting excellence in scholastic journalism since 1988

Filed under [First Amendment](#), [IJE News](#), [Press On!](#)

BREAKING NEWS: Speech Rights of Student Journalists bill is law!

Journalism advisers herald return to 'Tinker Standard'

[By Amanda Bright](#), IJE Co-Secretary and Region 5 Board Member • July 29, 2016 • [1 Comment](#)

HB5902, the Speech Rights of Student Journalist Act, became law in Illinois on July 29. [Gov. Bruce Rauner's signature](#) means that student journalists and their advisers are protected against arbitrary censorship; now they can report responsibly about the ideas, events and issues that matter for both their schools and communities.

5/30/2016	House	Senate Committee Amendment No. 1 Motion to Concur Rules Referred to Judiciary - Civil Committee
5/30/2016	House	Senate Floor Amendment No. 3 Motion to Concur Rules Referred to Judiciary - Civil Committee
5/30/2016	House	Senate Committee Amendment No. 1 Motion to Concur Recommends Be Adopted Judiciary - Civil Committee; 011-000-000
5/30/2016	House	Senate Floor Amendment No. 3 Motion to Concur Recommends Be Adopted Judiciary - Civil Committee; 011-000-000
5/31/2016	House	Senate Committee Amendment No. 1 House Concur 117-000-000
5/31/2016	House	Senate Floor Amendment No. 3 House Concur 117-000-000
5/31/2016	House	House Concur
5/31/2016	House	Passed Both Houses
6/27/2016	House	Sent to the Governor
7/29/2016	House	Governor Approved
7/29/2016	House	Public Act 99-0678

[According to Public Act 099-0678](#), the passage of which was spearheaded by IJE Legislative Chair Stan Zoller and Illinois State Director Brenda Field, “a student journalist has the right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the school district or by use of school facilities or produced in conjunction with a class in which the student is enrolled.”

There are some exceptions to the protection, namely libel, slander, obscenity, invasion of privacy, violation of federal or state law or anything that “incites students to commit an unlawful act, or violate policies of the school district, or to materially and substantially disrupt the orderly operation of the school.”

However, advisers are trained to understand good ethical journalism, passing those lessons onto their staffs. Therefore, the public act calls for “no prior restraint of material prepared for official school publications” outside of the above exceptions, and further grants protection in that “school officials shall have the burden of showing justification without undue delay prior to a limitation of student expression under this Act.”

For advisers, the law provides one more layer of great news: “No expression made by students in the exercise of freedom of speech or freedom of the press shall be deemed to be an expression of school policy, and no school district or employee or parent, legal guardian, or official of the school district shall be held liable in any civil

or criminal action for any expression made or published by students, except in cases of willful or wanton misconduct.”

The [SPLC’s full article](#) on the signing of the legislation into a public act explains further what the move means for both advisers and student journalists across the state. Also, the [editorial board of the Daily Herald](#) (in Arlington Heights, Ill.) praised the passage of HB5902 as a way to “give both young journalists and the student constituencies they serve a greater and more realistic understanding of the role a free press plays in society.”

IJEA sends a big thank you to Rep. [Will Guzzardi](#) and Sen. [Daniel Biss](#) for helping bring Illinois back to the Tinker standard. And thank you to [Frank LoMonte](#) from the Student Press Law Center. According to Zoller and field, “we couldn’t have done it without all of you.”

REACTIONS FROM JOURNALISM ADVISERS:

“Congratulations. What great news for the student journalists in the land of Lincoln and the entire USA.” Linda Puntney

“I was on this when we trying to see what we could in 1964! 1964! A lot of water into the cistern since then. Building on what had come before, the present team did the trick with supreme smarts and admirable professionalism. I am so happy for all the student journalists now and in the future in Illinois and all the Journalism teachers and publications advisers who can teach and advise to their fullest ability. The greatest joy in this field is we know we change students’ lives.” Wayne Brasler

“Fantastic. This is great news for all. Hope the good news keeps coming from other states.” Gloria Olman

“A big thank you goes out to you [Stan Zoller] and your committee.” Tom Winski

“Wonderful news, indeed!” Susan Tantillo

“Awesome! So excited for Illinois student journalists! Way to go team!” Sue Skalicky

“Exciting news! That’s great!” Linda Jones

“Congratulations to the whole team! As an Illinois adviser who has faced some First Amendment issues this past year, I just can’t thank you enough! I let the editors know last night and they are filled with joy. Thank you, thank you, thank you!” Liz Levin

“Yay, yay, yay! From a retired Illinois publications adviser and JEA mentor, who went through adversity and stress fighting censorship of high school press too many times to count, I say thank you, Stan, Brenda, and everyone else who helped in

getting this law passed. Thank you for your time and hard work for the students and advisers in our state who now can be assured that if they follow the guidelines and do their job the right way, they can write with freedom. Your efforts will forever be appreciated.” Babs Erickson

FROM OUR SENATE SPONSOR:

“We finally got there! I so appreciated the chance to work on this, and while the road was sometimes a little bumpier than we would have liked, I’m thrilled it worked out. Thanks for your commitment and tenacity, and for allowing me to be a part of the project.” Sen. Daniel Biss

Editorial | posted: 8/4/2016 4:33 PM

Editorial: Law will give students better view of how free press works



A new Illinois law gives student journalists more control over decisions about what news to cover and how to cover it.

Illustration by Patrick Kunzer | Staff Photographer

The Daily Herald Editorial Board

By loosening the restrictions on high school journalists last week, the state of Illinois just dumped a whole lot of responsibility on their shoulders.

ADVERTISING

And that's a good thing.

The bill that passed unanimously in the House and Senate and got Gov. Rauner's signature last Friday makes a subtle but significant change in who is responsible for the content of scholastic journalism -- which are high school newspapers, newspaper websites and yearbooks.

Old rules: School administrators could restrict publication of a piece, or a photo. New rules: Administrators still can reject content, but in so doing they have to show it falls into an "unprotected" category, meaning it must be either obscene or libelous, an unwarranted invasion of privacy or likely to provoke disruptive or unlawful behavior.

Students in public high schools now will have a legally protected right to choose what stories and photos will be in their publications, even those produced as part of a class.

This is an important addendum to a teenager's civic education. Civic education teaches students the responsibility to be aware of current events, to be good stewards of their communities and to act on their beliefs, among other things. Good citizens are also savvy consumers of news, and can distinguish fact from opinion and spin.

Whether they choose a career in journalism or take another path, understanding that good journalism is verifiable, independent and authoritative, ultimately makes teens better and more engaged citizens.

This law is not intended to turn every high school publication into a muckraker, nor is it a knee-jerk reaction to a particular school not being allowed to publish a story. It does, however, raise the bar for students and their advisers.

On this day in 1852, Hosea C. Paddock, Paddock Publications' founder, was born in upstate New York. The journalistic legacy he would create would be the importance of a tempered commitment from a newspaper to free-flowing information and ideas in the interest of furthering democracy and bettering the community. The commercial leg of his famous three-pronged motto to "fear God, tell the truth and make money" may not apply directly to student journalism, but its implication that readers, customers and constituents must be satisfied in order for a publication to thrive certainly is.

Contrary to throwing open the doors to bad taste and irresponsible reporting, Illinois' law adds a new layer of responsibility to the production of high school journalism and will give both young journalists and the student constituencies they serve a greater and more realistic understanding of the role a free press plays in society.

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AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Speech Rights of Student Journalists Act.

Section 5. Definitions. As used in this Act:

"School official" means a school's principal or his or her designee."

"School-sponsored media" means any material that is prepared, substantially written, published, or broadcast by a student journalist at a public school, distributed or generally made available to members of the student body, and prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classroom in which the media is produced.

"Student journalist" means a public high school student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

"Student media adviser" means an individual employed, appointed, or designated by a school district to supervise or provide instruction relating to school-sponsored media.

Section 10. Free speech. Except as otherwise provided in Section 15 of this Act, a student journalist has the right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the school district or by use of school facilities or produced in conjunction with a class in which the student is enrolled. Subject to Section 15 of this Act, the appropriate student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. This Section shall not be construed to prevent a student media adviser from teaching professional standards of English and journalism to student journalists. There shall be no prior restraint of material prepared for official school publications except insofar as it violates Section 15 of this Act. School officials shall have the burden of showing justification without undue delay prior to a limitation of student expression under this Act.

Section 15. Exceptions. This Act does not authorize or protect expression by a student journalist that:

- (1) is libelous, slanderous, or obscene;
- (2) constitutes an unwarranted invasion of privacy;
- (3) violates federal or State law; or
- (4) incites students to commit an unlawful act, to violate policies of the school district, or to materially

and substantially disrupt the orderly operation of the school.

Section 20. Liability. No expression made by students in the exercise of freedom of speech or freedom of the press shall be deemed to be an expression of school policy, and no school district or employee or parent, legal guardian, or official of the school district shall be held liable in any civil or criminal action for any expression made or published by students, except in cases of willful or wanton misconduct.

Section 99. Effective date. This Act takes effect upon becoming law.



Mission Statement Rubric

Objectives	Accomplished 4	Skilled 3	Developing 2	Needs Improvement 1
Effective & Appropriate Statement	Mission statement contains a full-bodied understanding of all the elements of the Speech Rights of Student Journalists Act.	Mission statement contains a basic understanding of the elements of the Speech Rights of Student Journalists Act.	Mission statement contains a partial understanding of the elements of the Speech Rights of Student Journalists Act.	Mission statement contains a limited understanding of the elements of the Speech Rights of Student Journalists Act.
Organization and Structure	Statement is strongly organized with clear transitions and logical connections that create a sense of being tightly woven together.	Statement is organized and most transitions and connections are clear; the sense of flow is somewhat abrupt.	Statement lacks strong organization, jumps around too much or lacks effective transitions; not in logical order.	Statement is choppy; organization is unclear; few effective transitions.
Journalistic/ AP Style	Virtually no errors in journalistic or AP style (quotes, dates, numbers, money, percents, time, commas, etc.).	Has few (one or two) errors in journalistic style.	Has three or more errors in journalistic style.	Has many (more than four) errors in journalistic style.
Grammar, Punctuation, and Spelling	Statement is well edited and virtually flawless; NO spelling errors; includes the proper spelling of <u>all</u> names.	Statement is spell checked and all names are correct; contains few (one or two) grammatical/ punctuation errors.	Statement is spell checked and all names are correct; contains several (three or more) grammatical errors.	Spell check was not run; or contains many grammatical errors.
Deadline Adherence	Met deadline.		Missed deadline by ONE day.	Missed deadline by MORE than ONE day.

TOTAL _____

Adviser's Comments:



Mission Illustration Rubric

Objectives	Accomplished 4	Skilled 3	Developing 2	Needs Improvement 1
Purpose or News Judgment	Illustration exhibits clear and profound understanding of the Speech Rights of Student Journalists Act; it is connected with and only enhances the meaning.	Illustration exhibits an understanding of law; it is connected with and makes sense of the legislation.	Illustration only subtly or somewhat vaguely exhibits an understanding of the law; the purpose is mostly clear.	Illustration does not exhibit an understanding of the law; it may not exhibit a clear purpose.
Images – Relevance to Purpose	All images and ideas are related to the law and make it easier to understand.	All images and ideas are related to the law, and most make it easier to understand.	All images relate to the law – not all are clear upon first glance.	Images do not relate to the law and a fuller understanding of it.
Creativity and Originality	The illustration includes all elements of good design as well as some creative flair that make it unique and compelling to the audience.	The illustration includes mostly elements of good design and incorporates some degree of creativity and uniqueness.	The illustration includes an idea or two that have been recycled from another source or are cliché; some original thought was used.	The illustration is based on an overused concept and doesn't portray original thought.
Content & Accuracy	All facts are accurate and important on the illustration and sources used are beyond reproach regarding authenticity.	ONE fact is inaccurate or unattributed on the artwork, leading to some confusion.	TWO facts are inaccurate or unattributed on the artwork, which is problematic for issues of credibility.	THREE or more facts are inaccurate or unattributed on the artwork, causing serious issues with credibility.
Grammar, Punctuation, and Spelling	Illustration is well edited and virtually flawless; NO spelling errors; includes the proper spelling of <u>all</u> names; AP style used flawlessly.	Illustration is spell checked and all names are correct; contains ONE grammatical/punctuation error; AP style used well.	Illustration is spell checked and all names are correct; contains TWO grammatical/punctuation errors; ONE or more errors in AP style.	Names are misspelled; or spell check was not run; illustration contains THREE or more errors; several errors in AP style.
Deadline Adherence	Met deadline.		Missed deadline by ONE day.	Missed deadline by MORE than ONE day.

TOTAL _____

Adviser's Comments:

DAY TWO

Why is this law a big deal (historically speaking) for Illinois?

OVERVIEW: In order to provide context and a historical/legal foundation for the Speech Rights of Student Journalists Act, this second day will provide exposure and application for two of the biggest legal precedents that affect scholastic journalism. Students will also be able to see how Illinois compares to other states in this journey back to the Tinker standard.

OBJECTIVE: Students will be able to identify and compare/contrast the basic facts regarding two Supreme Court cases that affected scholastic media with the current Illinois law and laws in other states.

COMMON CORE STANDARDS:

CCSS.ELA-LITERACY.CCRA.R.2: Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.

CCSS.ELA-LITERACY.CCRA.L.6: Acquire and use accurately a range of general academic and domain-specific words and phrases sufficient for reading, writing, speaking, and listening at the college and career readiness level; demonstrate independence in gathering vocabulary knowledge when encountering an unknown term important to comprehension or expression.

CCSS.ELA-LITERACY.CCRA.R.7: Integrate and evaluate content presented in diverse media and formats, including visually and quantitatively, as well as in words.

CCSS.ELA-LITERACY.CCRA.R.9: Analyze how two or more texts address similar themes or topics in order to build knowledge or to compare the approaches the authors take.

CCSS.ELA-LITERACY.CCRA.W.7: Conduct short as well as more sustained research projects based on focused questions, demonstrating understanding of the subject under investigation.

SS.CV.3.9-12: Analyze the impact of constitutions, laws, and agreements on the maintenance of order, justice, equality and liberty.

OPENING: What do you think would happen if students in this school wore black armbands to protest the government or a specific military action? What would be the outcome if our student media ran a piece on the effects of divorce, teen pregnancy, and other touchy social issues? In fact, these issues have been taken on by the U.S. Supreme Court, and the New Voices law was in response to how both of those situations altered views on student press rights.

READINGS:

- [*Tinker v. Des Moines*](#): excerpts from Supreme Court ruling and podcast
- [*Hazelwood v. Kuhlmeier*](#): excerpts from Supreme Court ruling and podcast
 - **AUXILIARY READING:** [IJEA Storify through Twitter](#) on IJEA.net

DISCUSSION: After working through the podcasts and the readings, students should discuss, in a large group, what it meant to be under the *Tinker* standard, and then the *Hazelwood* standard—at least until July 29, 2016. Students should then write down or draft bullet points on the board/screen the major events and parameters for each case.

PROJECT ONE: For more context and analysis, split students into three groups:



1. One group will briefly research the social and political context of the 1969 Tinker decision
2. A second group will research the social and political context of the 1988 Hazelwood decision
3. A third group will research/brainstorm the social and political context of the 2016 New Voices Illinois law.

Each group should prepare a short presentation that documents the *background* of its case or law, its *context*, and a possible *analysis on why* those decisions may have come to pass when they did.

In their analysis, students can strive to answer questions such as:

- What was the social, political, and economic context that may have led to the decision or law?
- What were some of the social, political, and economic factors that were obstacles against each decision or law, and how were those overcome?
- Why were these two Supreme Court decisions and one law so different from each other only decades apart?

Then, the three groups should present their findings briefly to the rest of the class.

Evaluation: See the **Research Presentation Rubric** for possible assessment.

PROJECT TWO: Students should research where scholastic [press freedom stands in other states](#)—in comparison to Illinois with New Voices as law. Then, either individually or in small groups, students can write letters/columns to other staffs, publications, communities, or for use within their own media that expresses their thoughts on New Voices and what it could mean for those still working through the process. In particular, students can read about the [Arizona governor's veto of New Voices legislation in May 2017](#), and perhaps write to address government officials, student media staffs, or other stakeholders in that decision.

Evaluation: See the **Opinion Writing Rubric** for possible assessment.



Tinker v. Des Moines Podcast

Students' freedom of speech and symbolic speech rights in schools.



Tinker v. Des Moines (1969)

[Download \(http://www.uscourts.gov/sites/default/files/tinker.mp3\)](http://www.uscourts.gov/sites/default/files/tinker.mp3)

[</> Embed](#)

[Code](#)



Decision Date: February 24, 1969

Background:

At a public school in Des Moines, Iowa, students organized a silent protest against the Vietnam War. Students planned to wear black armbands to school to protest the fighting but the principal found out and told the students they would be suspended if they wore the armbands. Despite the warning, students wore the armbands and were suspended. During their suspension the students' parents sued the school for violating their children's right to free speech. A U.S. district court sided with the school, ruling that wearing armbands could disrupt learning. The students appealed the ruling to a U.S. Court of Appeals but lost and took their case to the United States Supreme Court.

Decision:

In 1969 the United States Supreme Court ruled in a 7-2 decision in favor of the students. The high court agreed that students' free rights should be protected and said, "Students don't shed their constitutional rights at the school house gates."

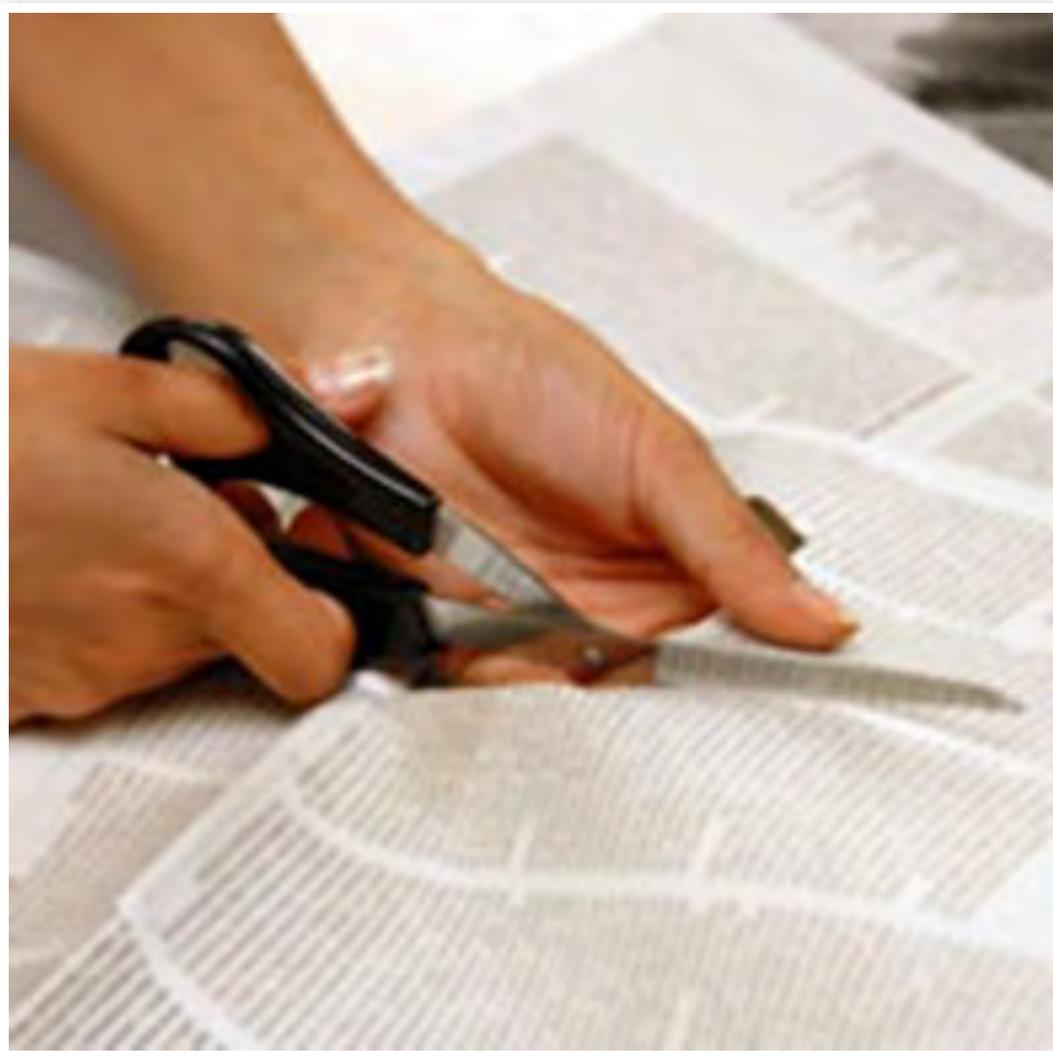
Hazelwood v. Kuhlmeier Podcast

00:00 03:36

Hazelwood v. Kuhlmeier

[Download \(http://www.uscourts.gov/sites/default/files/hazelwood.mp3\)](http://www.uscourts.gov/sites/default/files/hazelwood.mp3) [Embed](#)

[Code](#)



Decision Date: January 13, 1988

Background:

Journalism students in Hazelwood East High School in St. Louis produced a school sponsored and funded newspaper called the Spectrum. One issue featured stories on teen pregnancy and divorce. The school's principal thought the stories were inappropriate and prior to the publication, he deleted the two pages containing the offensive stories without telling the journalism students.

The students were upset because they had not been given the opportunity to make changes, and because several other non-offensive articles were also deleted when the pages were removed. The students felt their First Amendment rights had been violated and took their case to the U.S. District Court for the Eastern District of Missouri. The court sided with the school, ruling that the school had the authority to remove the articles written as part of the school's curriculum. The students appealed the decision to the U.S. Court of Appeals for the Eighth Circuit. The appeals court reversed the lower court, finding that the paper was a "public forum" and that school officials could censor its content only under extreme circumstances. Unhappy with the ruling, the school appealed the decision to the U.S. Supreme Court.

Decision:

In 1988, the Supreme Court, with one vacancy, handed down a 5-3 decision in favor of the school. The Court reversed the appellate court, and said that public schools do not have to allow student speech if it is inconsistent with the schools' educational mission. Even if the government can't censor such speech outside of school, public schools have the authority to limit that speech.



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As seen on  ijea.net

HB 5902: A retrospective

Look back at evolution of Speech Rights of Student Journalists Act -- on
Twitter

by  IllinoisJEA 9 months ago 170 Views ▾



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The current censorship of [@SteinmetzStar](#) is why we need [@SPLC](#) — and why Illinois needs a law protecting HS media: facebook.com/newvoicesillin...

8:29 PM - 28 Dec 2015

1 3



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Great news! Rep. Will Guzzardi has filed a bill protecting the speech rights of Illinois public HS journalists: bit.ly/1Klookj

12:40 PM - 11 Feb 2016

1 4



Sally Renaud

@sallyrenaud

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Illinois & Maryland join nationwide anti-censorship movement by filing New Voices bills - SPLC splc.org/r/000f1e91 [@IllinoisJEA](#)

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Maryland and Illinois are the fifth and sixth states to introduce student press freedom legislation in recent months.

splc.org

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Do you have a story about the need for more student press freedoms? We want to hear it! New Voices initiative

docs.google.com/forms/d/1TuJPS...

4:03 PM - 11 Mar 2016

<p>ces initiative us educate legislators about the effects of Hazelwood glass</p> <p>est)</p> <p><input type="text"/></p> <p><input type="text"/></p> <p><input type="text"/></p>	<p>New Voices initiative</p> <p>In an effort to help us educate legislators about the effects of Hazelwood, please tell us your stories.</p> <p>docs.google.com</p>
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2



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HB 5902 is on to the IL House. It passed out of committee 11-0. Thanks to all at the hearing; it's a great day for scholastic journalism!

4:01 PM - 6 Apr 2016

10 16



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What great-looking groups of student journalists! For more, visit JEA.net

8:38 PM - 7 Apr 2016

   4



studentpresslawcenter Frank LoMonte shared this: "I believe we're moving toward a new day in... [instagram.com/p/BD4ZgZ4xpaW/](https://www.instagram.com/p/BD4ZgZ4xpaW/)



Student Press Law

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#nhsjc @StanZoller: New Voices Illinois bill has picked up 4 new co-sponsors (2 from each party) and could be on House floor next week.

3:19 PM - 15 Apr 2016

↩️ ↻️ 2 ❤️ 3



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#nhsjc Advocates from CA, IL, ND, WA strategizing on building coalitions behind New Voices student rights laws.

3:30 PM - 15 Apr 2016

↩️ ↻️ 3 ❤️ 6



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BREAKING NEWS: HB 5902 passed the House this morning 114-0. Thanks to all who contacted reps; now onto the Senate!

ijea.net/5957/press-on/...

12:34 PM - 19 Apr 2016



BREAKING NEWS: HB 5902 passes in the H...

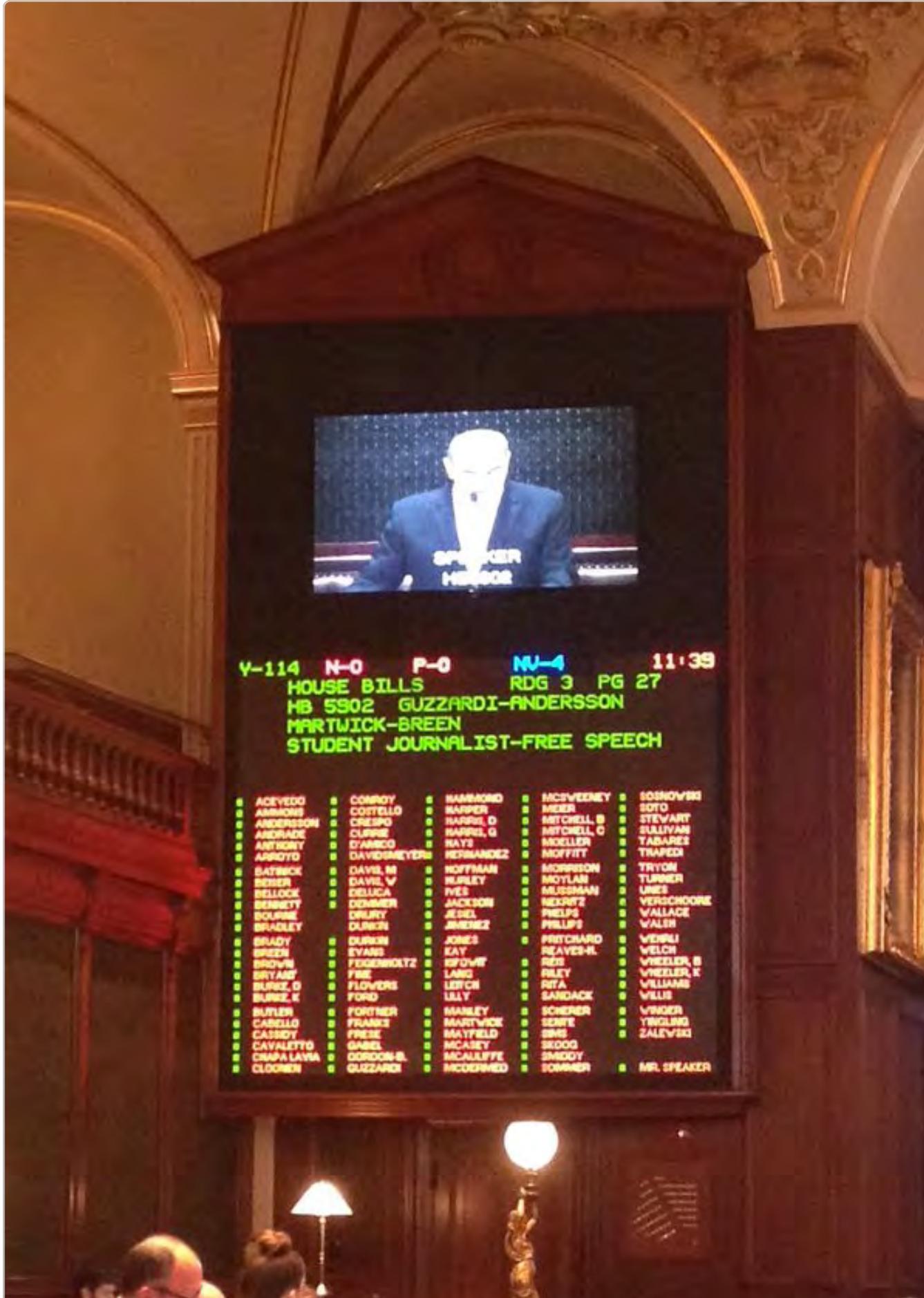
The Speech Rights for Scholastic Journalists Act, HB 5902, passed in the Illinois House on April 19, by a 114-0 vote. The bill also picked up ijea.net



8



12



Will Guzzardi 
@WillGuzzardi

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How we like to do it #twill #freepress @illinoisJEA @SPLC

12:54 PM - 19 Apr 2016

  6  3



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Your Illinois Senate committee hearing two hours late? Chat with JEA Exec. Director [@sallyrenaud](#) while you wait!

5:43 PM - 10 May 2016



Student Press Law

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New Voices Illinois bill tentatively clears Senate committee, but must come back next week for consideration of amendments.

6:55 PM - 10 May 2016



5



8



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BREAKING NEWS: HB 5902 headed to full Senate after unanimous committee vote! splc.org/article/2016/0...

7:48 PM - 24 May 2016



Student press freedom bill unanimously cle...

After unanimously passing the Illinois House, a student press rights bill cleared its toughest hurdle Tuesday and needs only a Senate floor
splc.org

2 1



Shawn Healy
@IllinoisCivics

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The student press freedoms act passed Illinois Senate 51-0-1. Now it's back to House for concurring vote. Congrats [@SPLC](https://twitter.com/SPLC) and [@IllinoisJEA](https://twitter.com/IllinoisJEA)

4:21 PM - 27 May 2016 · Elmhurst, IL

3 4

Last Action

Date	Chamber	Action
5/31/2016	House	Passed Both Houses



Illinois New Voices
@ilnewvoices

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Such a beautiful sight. Thank you, Rep. Will Guzzardi and Illinois legislators.

5:05 PM - 31 May 2016

6 6

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Bill Status of HB5902 99th General Assembly

[Full Text](#) [Votes](#) [View All Actions](#) [Printer-Friendly Versi](#)

Short Description: STUDENT JOURNALIST-FREE SPEECH

House Sponsors

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Senate Sponsors

(Sen. [Daniel Biss](#) - [Steve Stadelman](#) - [Jacqueline Y. Collins](#) and [Napoleon Harris, III](#))

Last Action

Date	Chamber	Action
5/31/2016	House	Passed Both Houses

Statutes Amended In Order of Appearance

New Act

Synopsis As Introduced

Creates the Speech Rights of Student Journalists Act
Defines "student journalist" as a public high school



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HB 5902 is now headed to governor -- last step before becoming law. What a tremendous few months! [#hb5902](#)

8:39 AM - 1 Jun 2016



4

9



Will Guzzardi 

@WillGuzzardi

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Proud have carried this bill, now time for the Gov to sign it!

[#freespeech](#) [#studentmedia](#)

myjournalcourier.com/news/96360/edi...

10:06 AM - 8 Jun 2016

  9  4

Bill Status of HB5902 *99th General Assembly*

[Full Text](#) [Votes](#) [View All Actions](#) [Printer-Friendly Version](#)

Short Description: STUDENT JOURNALIST-FREE SPEECH

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Senate Sponsors

(Sen. [Daniel Biss](#) - [Steve Stadelman](#) - [Jacqueline Y. Collins](#) and [Napoleon Harris, III](#))

Last Action

Date	Chamber	Action
6/27/2016	House	Sent to the Governor



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UPDATE: Gov. Rauner has 60 days to sign, veto or take no action on HB 5902. It's on his desk; no action = law.

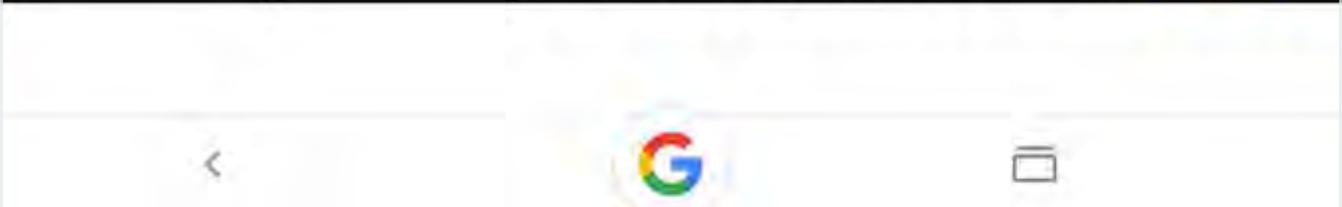
12:05 PM - 27 Jun 2016

  4  9

Verizon 4:44 PM

Illinois General Assembly - Bill Status for HB5902

5/31/2016	House	Passed Both Houses
6/27/2016	House	Sent to the Governor
7/29/2016	House	Governor Approved
7/29/2016	House	Public Act 99-0678



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BREAKING NEWS: HB5902 became law in Illinois today! Gov. Rauner's signature means student journalists are protected!

4:46 PM - 29 Jul 2016

↩️ ↻️ 31 ❤️ 37

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Research Presentation Rubric

Objectives	Accomplished 4	Skilled 3	Developing 2	Needs Improvement 1
Focus and Purpose	Presentation includes a clear sense of what each case or the law is about regarding context and background. A rich variety of supporting information in the presentation contributes to understanding the main ideas.	Information is presented as a connected whole with accurate, current supporting information that contributes to understanding the cases' and law's context and background.	The content does not present a depth of understanding of context or background, and some of the supporting information does not seem to fit the case or law or could be disconnected.	The content lacks information on the background or context of the case or law; much of the supporting information could be irrelevant.
Analytical Thinking	Presentation thoroughly and insightfully analyzes the cases and law, including extensive commentary on specific ideas and elements.	Presentation thoroughly analyzes cases and law, including thoughtful commentary on larger questions and ideas.	Presentation analyzes cases and law, including some commentary on larger issues or ideas – although higher-level thinking not always attained.	Presentation analyzes cases and law with limited commentary; many concepts not fully addressed.
Delivery and Speaking Skills	Establishes eye contact and engages everyone in the audience during the discussion; speaks well; words are clear and distinct; volume and pacing are excellent; uses emphasis well; leads in a relaxed and confident manner.	Establishes eye contact and engages all people in the audience; speaks fairly well; words clear and distinct most of the time; volume is acceptable; uses emphasis occasionally.	Establishes eye contact at times but struggles to engage all audience members; average speaker; words clear and distinct some of the time; volume is soft at times; doesn't use emphasis.	Establishes little to no eye contact and doesn't engage audience members; doesn't speak well; words are not distinct or clear most of the time; volume is soft; rarely uses emphasis.
Deadline Adherence	Met deadline.		Missed deadline by ONE day.	Missed deadline by MORE than ONE day.

TOTAL _____

Adviser's Comments:

NEW VOICES usa



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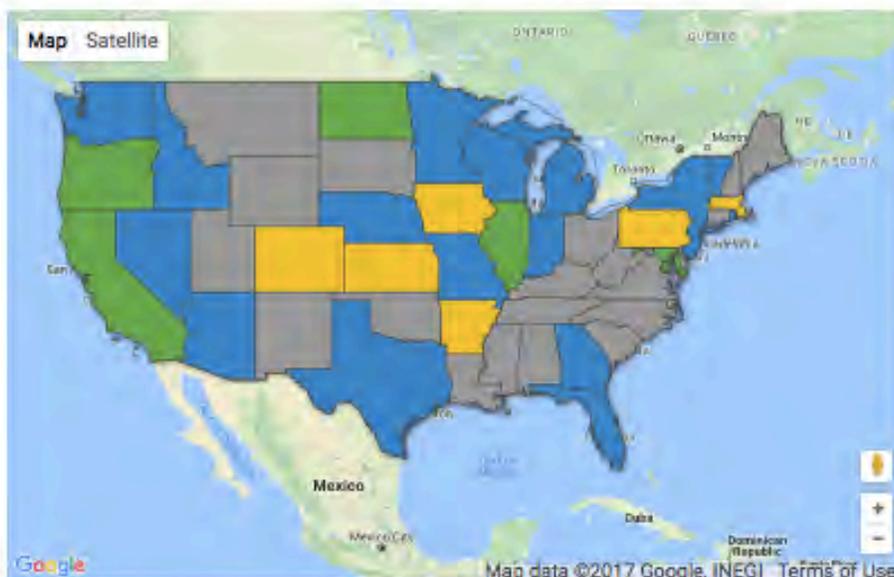
STATE CAMPAIGNS

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New Voices State Tracker

November 30, 2015 • 2 Comments



New Voices USA is a network of state-by-state campaigns to pass anti-censorship legislation that will grant extra protections to student journalists. The movement is inspired by the success in North Dakota, where in 2015, the state legislature unanimously passed a bill that ensures the free-speech rights of journalism students in public schools and colleges. The Student Press Law Center tracks state-by-state laws and pending campaigns.

-  Both high school and college students have added protections against administrative censorship.
-  Only high school students have added protections against administrative censorship.
-  There is a campaign pending to guarantee press freedom for high school and college journalists.
-  Neither high school or college students have added protection against administrative censorship.

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Arizona Governor vetoes New Voices bill

By Marjorie Kirk (<http://www.splc.org/staff/marjorie-kirk>) | Published 05/24/17 12:03pm | [✉ Email \(mailto:?subject=SPLC:%20Arizona Governor vetoes New Voices\)](mailto:?subject=SPLC:%20Arizona%20Governor%20vetoes%20New%20Voices) [\(/PAGE/DONATE\)](#)

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ARIZONA—Arizona Gov. Doug Ducey vetoed the New Voices bill, SB 1384 (<https://apps.azleg.gov/BillStatus/BillOverview/69219?SessionId=117>), just a few days after the General Assembly wrapped up their legislative session.

The bill aimed to establish free-press protections for student journalists and their advisers in both high school and college publications, and to create policies that would prohibit administrations from exercising prior restraint.

Ducey prefaced his response to the legislature (<https://apps.azleg.gov/BillStatus/GetDocumentPdf/454186>) with claims that he supports free speech, free press and the role student journalists play in supporting one of the key foundations of American democracy.

“I worry, however, that this bill could create unintended consequences, especially on high school campuses where adult supervision and mentoring is most important,” Ducey wrote.

Sen. Kimberly Yee, who sponsored the bill, said she was disappointed with the governor’s decision, but she would continue to support student journalists and their First Amendment rights.

“There was overwhelming support for this bill and it passed the Arizona Senate with a bipartisan, unanimous vote,” Yee said. “There were numerous First Amendment rights advocates, student journalists and advisors from all around the state who helped to usher this bill to the governor’s desk and they were surprised by the veto.”

Yee said a similar bill could be introduced in the next legislative session, but she’ll be talking with the different stakeholders of SB 1384 to discuss their next steps.

While the bill was discussed on the House floor (<http://www.splc.org/article/2017/05/after-25-years-arizona-legislature-votes-to-secure-free-press-rights-for-students>), state representatives raised concerns about what they felt were unnecessary protections to student journalists and the consequences they would have on the messages being disseminated.

When the bill’s supporters contended that liberal and conservative voices would have expanded freedoms, Rep. David Stringer, R-Prescott, argued that there were not conservative voices being silenced at schools and contended that, “the more likely consequence is exactly the opposite of what the sponsor of this bill intends.”

The bill does not extend protections to unlawful speech like libel and threatening language, or actions that substantially disrupt the school’s ability to educate students. In addition, student newsrooms are structured to have advisors or instructors guide and monitor the publications.

The bill also left room for local schools to prohibit any speech that is lewd or obscene, and stipulated that school publications have student journalist code of ethics for reporting responsibly, fairly and in an accurate manner, a restriction non-student media do not have.

Paula Casey, the executive director of the Arizona Newspaper Association, said she was disappointed to hear about the veto.

The ANA has worked with the Arizona Interscholastic Press Association, and during the bill’s discussion period Casey spoke on behalf of student publications, saying they have countermeasures to prevent poor judgement, mistakes and unlawful actions, from waves of student editing to final checks from instructors.

SPLC staff writer Marjorie Kirk can be reached by email (<mailto:mailto:mkirk@splc.org>) or (202) 974-6317

Want more stories like this? The Student Press Law Center is a legal and educational nonprofit defending the rights of student journalists. Sign up for our free weekly newsletter to receive a notification on Fridays about the week’s new articles.

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bill&body=Hi%20there.%20%20Check%20out%20this%20article%20from%20The%20Student%20Press%20Law%20Center:%20http://www.splc.org/article/2017/05/arizona-governor-vetoes-new-voices-bill)

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Start spreadin' the news, New York's considering a student press freedom bill (<http://www.splc.org/article/2017/06/ny-newvoices-filed-2017>)

By Sophie Gordon (<http://www.splc.org/staff/sophie-gordon>) | Published 22 hours ago



Opinion Writing Rubric

Editorial, Column, or Letter to the Editor

Objectives	Accomplished 4	Skilled 3	Developing 2	Needs Improvement 1
Effective & Appropriate Lead/Lede	Lead is original and catchy, drawing interest immediately; takes a clear stand on issue or idea early while addressing newsworthiness; shows originality.	Lead is somewhat catchy and draws interest while taking a clear stand on issue; answers to MOST reporters' questions early in article; shows some signs of originality.	Lead is adequate but not extremely interesting; may lack a clear stand or "waffle" on issue; newsworthiness unclear more often than not.	Lead is neither original nor catchy; boring, overused or trite, or is inappropriate to rest story; stand on issue unclear.
Adequate Use of Sources, Research, and Facts/ Knowledge	Evidence of reporter trying to get as many sources/perspectives as necessary to adequately present argument clearly (editorial: both sides; column or letter: some reference to other side); all info is properly attributed, accurate, and thorough.	All sources of information are clearly identified; information is accurate; may be missing information from essential/important points.	Not enough sources are used; some information is improperly identified; most info is accurate but may not be as thorough; missing key ideas; information may be too general.	No information used in story or info is improperly identified; much info is given without attribution; inaccurate or vague info that is all based on personal opinion alone.
Arguments Presented as Evidence (x2)	Strong evidence of good understanding of the issue by the use of effective, specific arguments and evidence gained and presented maturely; ideas cover a broad range of the topic; writing is convincing in nature.	Most pieces of evidence effective, in-depth arguments are interesting and piece is somewhat convincing overall; more specific examples would have helped.	Some evidence is compelling but much does not propel the argument forward – more like a personal rant at times; few specific examples given.	Evidence or arguments are short, weak or ineffective; no evidence besides personal conviction relied upon to make argument.
Effective Organization and Structure	Article or letter is strongly organized with clear transitions and logical connections that create a sense of being tightly woven together as a story; uses strong transitions between specific ideas.	Article or letter is organized and most transitions and connections are clear, but either organization is somewhat lacking or the sense of flow is somewhat abrupt.	Article or letter lacks strong organization, jumps around too much or lacks effective transitions; not in logical order.	Article or letter is choppy; organization is unclear; few effective transitions.
Clear Focus and Unity of Content	Focus of argument/opinion is clear; nothing detracts from primary focus; everything contributes to a single, overall opinion; topic well-suited to opinion writing.	Focus is fairly clear but one or two areas detract from the primary opinion, which may mislead reader; topic suited to opinion writing.	Article lacks strong sense of unity and focus; several areas seem to detract from opinion; topic not well-suited for opinion writing.	No clear opinion; article is rambling and awkward; topic inappropriate for opinion writing.
Interesting & Effective Writing Style	Writing is strong and effective with a clear personal (column or letter) or staff (editorial) voice and a variety of sentence structures, creative at times; piece is tightly written; utilizes active verbs/voice and vivid word choice.	Writing is adequate for an opinion writing but not extremely compelling or original; may be wordy or unclear at times; writing overall may not be vivid or sophisticated; breaks writing style for given opinion genre.	Writing is rather bland; lacks a clear voice or structure; is wordy or redundant; or may be too heavy with jargon or clichés that are unclear.	Writing lacks a clear voice and lacks appropriate word choices and sentence structure throughout.
Journalistic/ AP Style	Virtually no errors in journalistic or AP style (quotes, dates, numbers, money, percents, time, commas, etc.); short paragraphs.	Has few (one or two) errors in journalistic style; or may have non-journalistic paragraph structure.	Has three or four errors in journalistic style or non-journalistic paragraph structure.	Has many (more than four) errors in journalistic style and/or non-journalistic paragraph structure.
Grammar, Punctuation, and Spelling	Story is well edited and virtually flawless; NO spelling errors; includes the proper spelling of <u>all</u> names.	Story is spell checked and all names are correct; contains few (one or two) grammatical/ punctuation errors.	Story is spell checked and all names are correct; contains several (three or more) grammatical errors.	Names are misspelled; or spell check was not run; or contains many grammatical errors.
Deadline Adherence	Writer met deadline.		Writer missed deadline by ONE day.	Writer missed deadline by MORE than ONE day.

TOTAL _____

Adviser's Comments:

DAY THREE

*What about the First Amendment (a.k.a. What if **WE** have a censorship issue)?*

OVERVIEW: Now that we understand both the past and present of scholastic media rights and laws, let's look to the future. Given what laws and court decisions have come before and what the Speech Rights of Student Journalists Act promises, we need to understand what we should do if a censorship or other First Amendment issue occurs in our newsrooms. This third day of curriculum works through a variety of readings and sources that can help.

OBJECTIVE: Students will be able to understand the stakeholders and steps for addressing a First Amendment issue within their publications, and they will be able to craft a coherent plan for addressing those types of situations.

COMMON CORE STANDARDS:

CCSS.ELA-LITERACY.CCRA.R.8: Delineate and evaluate the argument and specific claims in a text, including the validity of the reasoning as well as the relevance and sufficiency of the evidence.

CCSS.ELA-LITERACY.CCRA.W.2: Write informative/explanatory texts to examine and convey complex ideas and information clearly and accurately through the effective selection, organization, and analysis of content.

CCSS.ELA-LITERACY.CCRA.W.4: Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

SS.CV.3.9-12: Analyze the impact of constitutions, laws, and agreements on the maintenance of order, justice, equality and liberty.

OPENING: Let's say an administrator, a school board member, or even a member of the community in which our school resides wants to censor or stop something that our student media is reporting on. In small and big ways, this isn't an unusual scenario, but does our staff have a plan for what to do if it happens? What if the story was really important to our readers and our school and impacted people's lives significantly? What would be your first steps to address something like this and what do you have to support those choices?

READINGS:

- [First Amendment to the U.S. Constitution](#) full text
- Newspaper Association of American Foundation's [Manual for Student Media Advisers](#) on Responding to Censorship
- Part One of [Protocol for Free & Responsible Student News Media](#)
 - **AUXILIARY READINGS:**
 - Student Press Law Center's [Top 10 Questions High School Journalists Ask Most Frequently About Their Rights](#)
 - [Journalism Education Association Scholastic Press Rights Commission](#)



DISCUSSION: Have students (in pairs or threes) take sections of the readings above and provide the gist (main idea) to the whole group. Then, talk as a large group about:

- Who should take action?
- What actors should be involved?
- What steps should be taken – and in what order – and why?
- Describe the demeanor and tone of communication during these steps (Who, What, When, Where, Why)

PROJECT ONE: Students create, perhaps as part of their staff manual, a plan for how the student media would proceed if something was challenged or questioned. Students could work in smaller groups or as a whole group to brainstorm a text version, with a step-by-step script, of who should be involved and what actions should occur if an outside source questions the media in some way.

Evaluation: See an [example policy section from a staff manual by Missouri adviser Aaron Manfull](#) for ideas and comparison for possible formative assessment.

PROJECT TWO: Students create a visual flowchart or infographic that can be used/updated for future staffs regarding the stakeholders, steps and actions that could/should be taken when censorship or other First Amendment issues are broached. In order to check the legitimacy of the chart or graphic, students could role play scenarios where the student media’s First Amendment rights are challenged and follow the outline, seeing what works and what doesn’t—in various scenarios—as part of that action plan.

Evaluation: See the **Student Media Flowchart or Infographic** for assessment.



FREEDOM OF RELIGION, SPEECH, PRESS, ASSEMBLY, AND PETITION

Passed by Congress September 25, 1789. Ratified December 15, 1791. The first 10 amendments form the Bill of Rights

Congress shall make no law **respecting** an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

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SELECT A CLAUSE OF THE FIRST AMENDMENT 

SELECT A CLAUSE OF THE FIRST AMENDMENT 

CLAUSES OF THE FIRST AMENDMENT

What's this?

A Manual for Student Media Advisers on Responding to Censorship

P R E S S
F R E E D O M
I N P R A C T I C E



**Newspaper
Association
of America
Foundation**



INTRODUCTION

Scholastic journalism has changed significantly since many of today's educators were in high school. Typewriting a story, pasting up pages and using a proportion wheel to size a photo, all common practices of another generation, are virtually unheard of today. But some aspects of producing student publications have not changed. School-enforced restrictions on coverage, demands from administrators for prior approval of stories and outright censorship of student work are everyday occurrences at many schools across the country.

No job in a school today is more challenging than that of a scholastic media adviser. But those who have spent their careers in the position say that there is no job more satisfying or important to preparing young people for life in a democratic society where press freedom is a value we hold dear.

Thus many journalism teachers and publication advisers struggle to answer an important question: how can I respect my values as an educator, fulfill my obligation to make the First Amendment come alive for my students and still keep my job (and my sanity)? Like many questions that educators confront, there does not appear to be one "right" answer.

Nevertheless, this publication attempts to offer advice, guidance and thoughtful discussion to those media advisers striving to find the right path. Thanks to the experiences shared by many who have spent years on the front lines and "lived to tell the tales," we hope this guidebook will provide some tested techniques for overcoming censorship and making the promise of the First Amendment a reality in our nation's schools.

DOES A SCHOOL NEED A FREE STUDENT PRESS?

Of course, working to overcome censorship presupposes that it is an effort worth making. Why, one might ask, is press freedom so important in high school? Isn't it possible to teach students good writing, editing and design skills while tightly constraining the subject matter of their work?

In a very limited way, the answer to that question might be yes. But one could not honestly call that the teaching of journalism. And the other, perhaps unintended, lessons that kind of system teaches can be devastating. As journalism experts and educators increasingly agree, teaching students journalism in an environment that protects their press freedom has both

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“[Schools] must develop in the young not only an awareness of this freedom but a will to exercise it and the intellectual power and perspective to do so effectively.”

immediate and long-term benefits for the students involved, the school itself and even the nation.

THE SPECIAL PLACE OF PRESS FREEDOM IN AMERICA

In their 1969 book, *Teaching as a Subversive Activity*, Neil Postman and Charles Weingartner suggested that educators should infuse students with a will to exercise freedom.

“[Schools] must develop in the young not only an awareness of this freedom but a will to exercise it and the intellectual power and perspective to do so effectively,” they wrote. “This is necessary so society may continue to change and modify itself to meet unforeseen threats, problems and opportunities.”

In fact, teaching young people about the freedoms provided in our Constitution is no more subversive than teaching them about the American Revolution, the Civil Rights Movement or any other of the countless events in American history where the power of the people made a positive change in the world that surrounded them. Since 1735, when a New York jury refused to convict journalist John Peter Zenger of “seditious libel” for criticizing the colonial governor, freedom of the press has been a uniquely American value. The First Amendment is thought by many to be the foundation on which our other rights as citizens rest.

This American tradition has created some strong notions of what journalism should aspire to be. Authors Bill Kovach and Tom Rosenstiel in their 2001 book, *The Elements of Journalism*, emphasize 10 points they say underlie all good journalism:

- 1) The primary purpose of journalism is to provide citizens with the information they need to be free and self-governing.
- 2) Journalism’s first obligation is to the truth.
- 3) Journalism’s first loyalty is to citizens.
- 4) The essence of journalism is a discipline of verification.
- 5) Journalists must maintain an independence from those they cover.
- 6) Journalists must serve as an independent monitor of power.
- 7) Journalism must provide a forum for public criticism and comment.
- 8) Journalists must make the significant interesting and relevant.

- 9) Journalists should keep the news in proportion and make it comprehensive.
- 10) Journalists have an obligation to personal conscience.

Students do not learn about these values in a vacuum. The experiences that they have in a school newsroom leave a deeper impression than the lessons they are taught in class.

Tim Dorway, assistant principal at Owatonna High School in Minnesota and a former media adviser, says his experience has persuaded him of the importance of teaching through experience.

“We hear it all the time, that overused but true cliché—real world experiences for our youth. We want our youth prepared to succeed out of school. We want them to flourish, whether as carpenter, painter, doctor or journalist. Simply put, school communities, and I mean staff, students and parents, benefit from schools that provide every opportunity to practice First Amendment freedoms.”

Without question, teen journalists need to understand the legal limitations and important responsibility that accompanies the right to speak and publish freely. But without an appreciation for both the obligation of journalists to report the truth and the right of all Americans to express views that many find unpopular, we have little hope of creating a citizenry that will defend and protect those rights as adults.

Even though the most basic educational mission of any school is to encourage responsible citizenship, many believe we are failing in that effort. According to a 2001 study by the Freedom Forum’s First Amendment Center, only 28 percent of the public rate schools excellent or good at First Amendment education. Reports of censorship of student media received by the Student Press Law Center and other scholastic journalism groups continue to increase. And long-time advisers describe the pressure placed on them and their students by officials concerned more with their school’s image than with quality journalism as greater than ever.

The impression thus created by many high schools is that the First Amendment is a quaint anachronism that has little relevance to daily life.

That impression signals plenty of problems for those in training to become media professionals as well as those who will be consumers of the journal-

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ism they produce. Students who have been censored and not encouraged to think for themselves will see little need for the media to do so. They may be more willing to endorse limitations on the free expression rights of others.

Freedom Forum First Amendment ombudsman Paul McMasters believes that censorship of high school student publications prompts students to lose faith in our democratic system when they see they cannot practice what they are taught.

“As our young people observe this world, they see essential freedoms routinely pilfered, squandered, discarded or stolen before they can either learn them or claim them,” says McMasters. “With increasing frequency, they are told their rights must be subordinated to the will of the majority or the might of authority.”

And society as a whole feels the impact. As Temple University journalism professor Thomas Eveslage notes, “And we wonder why young citizens feel little kinship with the government after they graduate from high school.”

In the words of former adviser Susan Tantillo, retired from Wheeling High School in Illinois, “As educators, our calling is to help prepare our students to live up to their very best as citizens in a democratic society.”

A school that censors simply says it does not trust its students, the teachers who advise them or the value of its own mission.

In contrast, a school that supports press freedom achieves some powerful goals.

- It empowers students to be effective citizens;
- It demonstrates the viability of the evolving nature of democracy in our society;
- It creates a belief in the relevancy of our constitutional freedoms and a respect for more than 200 years of American history.
- It recognizes that the most successful schools are those where students consider themselves partners in their education because their views are heard and considered.

“Principals should want the strongest publications program possible,” says Merle Dieleman, retired adviser from Pleasant Valley High School in Iowa,

“just as they want strong athletics, drama and music. They should want a lively, provocative, free, open exchange of ideas. A strong publications program is not possible with the threat of censorship.”

Freedom to communicate and to question authority brings with it a clearer practice and understanding of democracy. Creating accurate and balanced news stories helps journalists and their citizen readers know the difference between style and substance, between propaganda and analysis, between opinion and fact.

When students come to expect thorough, documented information from multiple points of view, they will demand it for the rest of their lives.

The National Association of Secondary School Principals and the Carnegie Foundation for the Advancement of Teaching noted the value of quality student journalism in their 1996 report, *Breaking Ranks: Changing an American Institution*.

“Just one example of student leadership can be seen in student publications, where editors practice analysis, critical thinking and decision making.... They also learn the importance of democratic principles such as open, public examination of current issues, fairness and respect for a variety of viewpoints. In fulfilling the demands of leadership, students apply the judgment and reasoning their teachers try to teach them.”

Lessons become real in the practice of journalism. And students are empowered to see value in making a difference.

TEACHERS KNOW PRESS FREEDOM WORKS

Journalism teachers and publication advisers have long been among the most fervent defenders of student press freedom. Of course, for many it is because of their commitment to preparing good citizens (and good journalists) in a democratic society. (In fact, the Journalism Education Association has said that allowing students to make their own content decisions is one of the first responsibilities of an adviser according to their model job description. See www.jea.org/about/guidelines.html.) But for others, there are more practical reasons for defending First Amendment values: It results in more responsible student decision-making and produces better quality journalism. And those things can only make life easier for an adviser.

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It may seem ironic to some that the best journalism and the best student journalists typically come from schools where press freedom is most protected. But experienced advisers know just how true that fact is. Lori Oglesbee of McKinney High School in Texas witnessed how wise students can be when given the opportunity to exercise their wisdom without the threat of censorship.

During the height of the President Clinton/Monica Lewinsky scandal coverage, our student newspaper planned to run an editorial and cartoon about how younger siblings were hearing terms hard to define at the dinner table and how uncomfortable that was. The cartoon featured a classroom with a slide of the White House on the board. A teacher responds to a student, “No, Bobby, it’s the ‘oval’ office, not the ‘oral’ office.”

I thought it was clever and funny. I saw no problem. Another teacher saw the page layout and asked if we were really running that cartoon. Since she was a veteran of this area, I listened.

I made no prior administrative review a condition of my hiring. However, I agreed to notify the principal if anything controversial was to appear so she would be prepared to field questions.

When I talked with her about the editorial and cartoon, she suggested I run them by our publications advisory board (which I had appointed). Three thought it was funny; the moral authority of the school was appalled; and another veteran teacher whom I admired greatly was concerned. The principal, instead of giving a mandate, suggested we go back and talk to the editors. Instead of having us come to her office, she came to ours.

The meeting began with the principal asking, “Do you think this is appropriate?”

The opinions editor, savvy beyond his years, said, “Yes, the newspaper should mirror the community it reflects, and our students talk about this.”

We continued discussing the appropriateness of the cartoon. The principal and I only guided the dialogue without inserting our opinion.

One of the editors mentioned she would be hesitant to show it to her parents. Then a discussion of vulgarity ensued.

The opinions editor again spoke up, “Why are we running this? Does it make our school a better place? Have we enlightened our audience? Or are we just trying to prove how clever we are?”

Wow.

On their own, the students decided to change the cartoon to the boy asking, “Is that where President Clinton handles all of his affairs?”

Still very clever. Still illustrating the point of the editorial. Yet much less offensive.

The editors felt they had made an important decision without being censored. The principal felt proud of students who used critical thinking to solve a problem. And I left amazed.

Giving students the tools and freedom to make responsible decisions does not mean they will not sometimes make mistakes. A free press does not ensure a fair press, nor an accurate or responsible one. The most professional news organizations in the world routinely run corrections; as long as humans are making decisions, no one can guarantee a complete absence of errors. But often, bad choices teach the most valuable lessons about good journalism. And typically, they are lessons that students never forget.

Adviser Becky Sipos of McLean High School in Virginia observed just such a learning moment with her students.

When a tough issue comes up, our newspaper staff usually does a good job of weighing the harms and benefits. I remember one Valentine’s Day spread where two students created an awful feature on relationships. It wasn’t obscene, just sophomoric. I argued to the editorial board it was in poor taste and shouldn’t run. They argued it was the first thing these two staffers had really done, and they were excited about it, plus a lot of people thought it was funny. So they decided to run it. When the paper came out, the feature fell flat. In class that day, the two writers said, “You know, we thought that story was funny, but it wasn’t.”

(Continued)

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If I had censored the story, they would have just thought “it’s the adviser’s paper” and probably given up. This way they learned a lot about community standards and grew from the experience. We have to give them an opportunity to grow this way.

In a world where “irresponsible” is one of the words most frequently used to describe teenagers, teaching young journalists to take responsibility for their decisions is an obvious goal. But that teaching can only occur when students feel the weight of responsibility on their shoulders. Students who know that the decisions are ultimately not theirs to make will inevitably make choices casually with much less concern for the end product.

Franklin McCallie, former principal at Kirkwood High School in Missouri, is an outspoken supporter of press freedom for students and powerfully advocates empowering students in an article written for *Quill and Scroll* magazine.

“If my commitment is to a quiet high school, to a nice high school, to an always-enjoyable place to be, then let there be no student press,” he wrote. “If I want all mandate and no probing, let there be no student press. If I seek to have our students enter the arena of world battle over vital issues and be several years behind in their struggle, let there be no student press. If our commitment is to face the same problems again and again with no answers, let there be no student press. If we are committed to complacency, let there be no student press.

“And worse than all of these, if we want to perpetuate the facade of an energetic, inquisitive school but maintain an apathetic foundation, then establish the student press—then stifle it. ...”

A school that allows students to experience a free press opens minds and opens doors to the future.

“If my commitment is to a quiet high school, to a nice high school, to an always-enjoyable place to be, then let there be no student press. If I want all mandate and no probing, let there be no student press.”

UNDERSTANDING THE LAW

In many cases, the first step in responding to censorship is understanding the legal protections for student press freedom. Of course, the First Amendment to the U.S. Constitution provides all Americans with free expression and press freedom protections. Although the Supreme Court has said the protections apply to young people as well as adults, these freedoms are not without limits, especially within the school environment. Student journalists confronting censorship threats need to know the level of First Amendment protection they are entitled to. Unfortunately, that can be a complicated matter today.

LEGAL PROTECTIONS FEW AT PRIVATE SCHOOLS

First, it is important to distinguish between censorship by government officials, which is legally prohibited in many circumstances, and censorship by private individuals, which is not. The First Amendment only limits the censorship authority of the government, including public school officials. Non-government officials, including private school administrators, are not limited by the First Amendment in their ability to censor. In the same way that the publisher or editor of a community newspaper has the right to reject or edit a story or column or fire the reporter who wrote it, a private school official can censor students or punish them without any First Amendment conflict.

It is possible for a private school to be limited in its ability to censor by state law. (California has such a statute on the books.) In addition, many private school officials choose to uphold the principles of press freedom through established policies or informal practice. But in most places, there is no legal limitation on censorship by a private school.

PUBLIC SCHOOLS

At public schools, First Amendment protections are a reality, although recent court decisions have limited their force. One of the first and most important court rulings on public school students' rights is the 1969 Supreme Court case *Tinker v. Des Moines Independent Community School District*, which involved the rights of students to wear black armbands to school in protest of the Vietnam War. The Supreme Court upheld students'

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rights to wear those armbands and coined the famous sentence, “It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”

Despite that ringing endorsement, the Court did say that the special circumstances of the school environment justify some constraints on student expression that would not be allowed outside of school. The Court said that if school officials could reasonably forecast that student expression would create a “material and substantial disruption” of school activities or an invasion of the rights of others, their censorship would be allowed. But if they could not show substantial disruption or invasion of other’s rights, the student expression would be protected by the First Amendment and the school’s censorship would not be allowed.

As interpreted by courts around the country since the 1969 *Tinker* decision, this standard is a very difficult one for school officials to meet. In almost every case where it has been used, school officials have been required to present actual evidence, not just speculation, that a physical disruption would result from the expression at issue or that it would legally infringe on another person’s rights. Libelous material would meet this standard, courts have held, as would material that is legally obscene. But school officials would not be allowed to censor the vast majority of student expression under the protections of the *Tinker* standard.

Unfortunately, *Tinker* was not the last word on student First Amendment rights from the Supreme Court. The most important subsequent Supreme Court ruling on the matter was in the 1988 case *Hazelwood School District v. Kuhlmeier*. That case involved the right of officials at a Missouri high school to censor stories about teen pregnancy and the impact of divorce on children from the pages of the school-sponsored student newspaper. In *Hazelwood*, the Supreme Court allowed a distinction between the independent student expression in the *Tinker* case (armbands) and the school-sponsored expression in the *Hazelwood* case (curriculum-based student newspaper). The Court said administrators’ censorship of many school-sponsored publications could be permissible under the First Amendment if school officials could show that their censorship was “reasonably related to legitimate pedagogical concerns.” That seems to mean that if school officials can show that their censorship is based on a reasonable educational justification, it will be permitted.

Unfortunately, the Supreme Court's decision did not make clear exactly what would constitute such a justification and what would not. But other courts, in applying the *Hazelwood* decision, have offered some guidance. First, the courts have said that not every justification presented by a school administrator for censorship will be considered educationally justified. For example, an accurate news story about an unpleasant event involving the school such as a lawsuit against the district or a crime that occurs on campus could probably not be censored, even under *Hazelwood*. Second, some courts have said that "viewpoint discrimination" by school administrators is not permissible. In other words, officials may be limited in their ability to censor one particular viewpoint with which they disagree or that they find unpopular. If they allow views to be expressed on one side of an issue, they must allow opposing viewpoints to be expressed as well.

Despite these important limitations on the application of the *Hazelwood* ruling, the First Amendment rights of many high school journalists were significantly constrained by the Court's decision. One way around these limitations is for students and advisers to establish their publications as what the courts call "forums for student expression" or "public forums for students." The *Hazelwood* decision made clear that if a school, by written policy or practice, allows a student publication to become an avenue for student free expression where students are allowed to make their own content decisions, those students will be entitled to the higher level of First Amendment protection described in the *Tinker* case. This fact has prompted many student journalists and advisers to persuade school officials to adopt policies protecting press freedom. (The Student Press Law Center's Model Guidelines for Student Publications, noted in the bibliography, is a good example of such a policy.) Others have incorporated language in their editorial policies or in the staff box of their publication to establish their forum status. (For example, "*The Student Bugle* is a public forum for student expression. Student editors make all content decisions.")

Thus despite the *Hazelwood* decision, student journalists working on school-sponsored publications do have some significant First Amendment protections. Contrary to what many administrators believe, they are not "the publisher" of a student newspaper with the same rights a private publisher would have. At public schools, the First Amendment will always require that they have a legally sufficient justification for any act of censorship.

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“I’ve never felt my job was threatened because I defended student press freedom, but I know, at times, doing so has not put me in a good light in the administrator’s eyes.”

STATE LAWS ALSO RELEVANT

In addition to the First Amendment, public-school students in a handful of states may have rights under state laws that limit school officials’ ability to censor. As of August 2003, Arkansas, California, Colorado, Iowa, Kansas, Massachusetts, Pennsylvania and Washington had each adopted state statutes or regulations that spell out certain protections for high school journalists. (See the Student Press Law Center Web site for the text of and citations to those laws.) These laws, which frequently have been enacted as a result of the support of journalism educators and civil liberties groups, can provide some reassurance to advisers. Some even explicitly protect advisers from punishment for defending the free press rights of their students. Ann Visser of Pella High School in Iowa says that she appreciates the role her state’s law has played.

“I’ve never felt my job was threatened because I defended student press freedom, but I know, at times, doing so has not put me in a good light in the administrator’s eyes. We usually end up agreeing to disagree. The Iowa law has helped.”

ADVISER RIGHTS?

Advisers exist in a world of potential conflicts. They are both teachers and collaborators—advocates for their students and employees of the school system. Accordingly, they often find themselves in a legal limbo, with ill-defined legal rights and responsibilities relating to their work with student media.

Some court decisions suggest that public employees such as teachers have a right to disobey illegal or unconstitutional orders from one’s superiors. If a teacher were to embezzle funds on an administrator’s order, he would find himself arrested in short order. Similarly, a teacher or adviser should be able to refuse to abridge a student’s First Amendment or other constitutional rights.

Of course, the tricky part is in determining just what exactly constitutes an abridgment of students’ rights. In light of the *Hazelwood* decision, that question is much more difficult to answer. Advisers who refuse to censor because they “know” the action requested of them is unconstitutional

should be certain that their understanding of the law is accurate. This uncertainty is why most legal experts advise teachers that it is seldom wise to disobey a direct order to censor school-sponsored student media.

Student media advisers also wonder how much support they can give their students as they fight administrative censorship. For example, can they openly defend their students and criticize the administration when contacted by outside media for comment? The courts have long recognized that public employees have a constitutionally protected right to speak out but only as long as they are speaking out on a “matter of public concern” and their speech does not substantially disrupt the efficient performance of the public school service the teacher renders.

Unfortunately, the distinction between what is and is not “a matter of public concern” may not always be clear. Personal grievances, complaints about conditions of employment, or expressions about other matters of personal interest do not constitute speech about matters of public concern protected by the First Amendment.

Furthermore, there is some guesswork involved in determining what a court will conclude “substantially disrupts the efficient performance” of the teacher’s duties. Again teachers are advised to speak out with care.

And finally, it can be extremely difficult for a teacher who has been reprimanded for refusing to violate the rights of his students or for speaking out against her school’s censorship to prove those actions were the motivating factor for the punishment or dismissal. If a school can present other plausible grounds for punishment, a teacher’s rights may be few.

ESTABLISHING LEGAL PROTECTIONS

Given the extremely limited nature of a teacher’s rights and the fact that her students’ First Amendment protections may not be much greater, is there anything an adviser can do to provide some concrete legal protections?

Most certainly, yes. In light of the *Hazelwood* decision’s reliance on public forum analysis, the importance of establishing a publication as a forum for student expression cannot be overstated. If your school does not have a policy that spells out the legal rights and responsibilities of student jour-

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nalists, work to get one in place. The key to creating legal protection is establishing the publication as one where student editors have been given the authority to make the content decisions.

The most significant policy is one adopted by the school board, but any policy with official school endorsement can be legally binding. Of course, having no policy is better than having a bad one that restricts student rights or that gives content control to school officials. But if you have worked to develop a relationship of trust with your administrators, and your students are producing quality publications, it may be worth using that goodwill to establish a written understanding of how things work at your school.

If an official policy is not in the cards at your school, work to establish by practice that your publications are editorially independent and censorship-free. You can publish a statement of public forum status in your publication and make it a part of your staff's editorial policy.

As far as protecting your own rights as an adviser, the more legal protections in place for your students, the greater protection you as an adviser have as well. But additional rights may be created in your employment contract with the school. If your teacher's organization or union is negotiating a contract, ask that they include protections for teachers from punishment for their students' expression. And when you cannot speak out, ask your representatives to do so for you. These organizations have proven powerful allies in some student-media battles.

STRATEGIES FOR SUCCESS

Given the limited protection under the law, it may seem like a bleak world for journalism teachers and the students they advise. But in fact, the curtailment of legal protections has only made practical tactics and common-sense strategies for defending press freedom more important. There are steps an adviser can take to avoid censorship problems or to respond to them when they arise.

COMMUNICATION: A KEY TO BETTER RELATIONSHIPS WITH ADMINISTRATORS

If there is one consistent recommendation made by high school media advisers about how to maintain a positive relationship with school officials that diminishes their interest in censoring it is to ensure that everyone keeps talking. Regular meetings and sharing of thoughts between students and administrators as well as between advisers and their superiors can often keep censorship problems at bay.

Much of this communication effort can be institutionalized before a conflict ever arises. Becky Sipos, of McLean High School in Virginia, and Dean Hume of Lakota East High School in Ohio, describe how they have regularly scheduled press conferences with administrators for their publication staffs.

“The conference has multiple benefits,” says Sipos. “The principal is not surprised by the stories we publish; he gets to know that staff and sees how hard they work. Students are able to get authoritative quotes without frequent interruptions in his office.”

Hume notes that with the press conference, “Principals begin to relax around students, and both parties gain trust. The kids establish personalities and strategies.”

This process can also help students reinforce their commitment to excellence. Hume says his students do a great job of teaching each other.

“The kids will critique each other in terms of questioning, chastising those who are lazy or who ask rotten questions. They see it as embarrassing to the class and the publications staff.”

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If there is one consistent recommendation made by high school media advisers about how to maintain a positive relationship with school officials that diminishes their interest in censoring, it is to ensure that everyone keeps talking.

“A school newspaper is not a public-relations tool of the district; however, an effective school newspaper is one of the best public-relations tools the district has.”

Perhaps the greatest benefit of this regular communication is how much administrators learn about students as a result. Hume’s newspaper staff invites administrators to attend publication critique sessions and includes school-board members in panel discussions, based on the belief that if they see the process, they will better appreciate the responsibility students accept.

“Principals begin to see how much time and effort we devote to reporting and sourcing,” he says. “They see kids tell writers this piece needs more sources and that piece has the wrong angle—and here’s how to remedy that. Plus, board members connect students they otherwise rarely get to see in that regard.

“There are still pieces administrators don’t like—and they will let the staff know. But they do understand the kids run the paper.”

An administrator may even teach students to be more like probing journalists, says Hume.

“A few years back, the principal came into the lab and ribbed the kids. ‘You guys were so vanilla in that interview. I felt like I got off easy.’ That quote was on the board for the week. The staff took it as a reason to dig deeper.”

What journalism teachers and publication advisers may have to remind themselves, especially if they have worked as a journalist or had training in the field, is that school officials may be less informed than the newest student regarding the basics of journalism and the ethical and legal principals associated with it.

“I repeatedly remind everyone, including teachers and administrators, that the role of the high school press is not to make the school look good,” says Gloria Olman, former adviser at Utica High School in Michigan. “The role of the press is to cover those issues of interest and/or importance to readers. A school newspaper is not a public-relations tool of the district; however, an effective school newspaper is one of the best public-relations tools the district has.”

SETTING HIGH STANDARDS FOR STUDENTS

Perhaps the best step a school can take to ensure a quality student press is to hire a qualified and trained journalism teacher/adviser and to estab-

lish clear policies that outline students' rights and responsibilities. Ironically, schools often treat the assignment of publication-advising responsibility as the lowest of priorities. But experienced advisers routinely advise their peers to establish a reputation for journalistic excellence both within the classroom and beyond it.

"I have been able to build a strong and trusting relationship with the administration at this private school *because* I set high standards for student success; it is hard to quarrel with success," says adviser Kathleen Neumeyer of the Harvard-Westlake School in California.

Retired Michigan adviser Gloria Olman sees the benefits of that commitment as well.

"I set high standards for my students because they have a responsibility to maintain the solid reputation previous staffs build. I know students will work to our level of expectation, and I challenge them to their highest ability. Our classroom motto has been "Good enough is the enemy of excellence."

Rod Satterthwaite of Dexter High School in Michigan agrees.

"If you and your editors accept low-quality work from your staff, that is exactly what you'll get."

So how does one achieve that excellence? "Train students well in the rights and responsibilities of a journalist," says Becky Sipos of McLean High School in Virginia.

Retired adviser Randy Swikle of Johnsburg High School in Illinois says it is important that students understand that freedom of expression is not without parameters.

"Law and ethics provide checks and balances in scholastic journalism."

Satterthwaite believes that encouraging students to attend scholastic press conventions and ensuring that their publications are evaluated on a state, regional and national level can help editors learn to expect and demand quality writing, photography and design. And when they do, "you stand a much better chance of your administrators taking you, your students and your publications seriously, " he says.

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"I know students will work to our level of expectation, and I challenge them to their highest ability. Our classroom motto has been 'Good enough is the enemy of excellence.'"

Perhaps the best influence an adviser can have on student journalistic excellence is by helping students challenge and defend the decisions they make.

Having a clear editorial policy is another way to encourage excellence. Temple University journalism professor Thomas Eveslage says publications policies and guidelines should reflect the staff's commitment to ethical practices.

"Share boldly and broadly your definition of good journalism. Publish your editorial philosophy, post it prominently for the staff and circulate it to teachers, administrators and the school board."

Swikle says that the publication policy manual his students wrote included strategies to curtail those who would use the power of the press to advance unethical purposes. It allows an editorial's position to be challenged before the student editorial board. The policy also empowered editors in passing along the wisdom and skill they had gained by giving the graduating members of the editorial board the authority to select the next year's editor with the advice and consent of the faculty adviser. If the adviser were to disapprove of the students' choice, students could override his "veto" by a unanimous vote of the board.

Sipos says that when sources see students strive for excellence, the publication establishes a reputation for fairness.

"We send out follow-up forms, asking if articles were accurate and fair. We also publish a correction box as needed. We give the faculty a copy of our production schedule at the beginning of the year and give them tips on dealing with reporters. For example, we say it's okay to ask reporters to read back what they wrote."

Perhaps the best influence an adviser can have on student journalistic excellence is by helping students challenge and defend the decisions they make. Logan Aimone of Wenatchee High School in Washington experienced the value of that training.

When discussing potentially controversial material, I constantly question to ensure students know and can articulate the rationale for any story, especially one they may need to defend later.

That happened in January 2002. Editors compiled statistics about the level of teen sexuality with the removal of some sex education demonstrations in health class and presented the information in the newspaper. The students wanted their peers to be educated,

and if the school would not do it, then they would. In the following firestorm of controversy, the students who developed that content were able to articulately explain their reasoning to their peers, school staff, administration, parents and community media.

At a school board meeting, when a new and restrictive procedure for prior review was considered, the editors and other staff members defended their decisions and explained how the free press was crucial to their learning. Parents and teachers sent the message: Hands off the school paper; it needs to be a forum. Ultimately, the board shelved the new procedures and eliminated prior review.

Why were so many willing to defend the newspaper? Because the staff had earned a reputation for quality and fairness. Readers trusted the students to be responsible because they had been in the past. State, regional and national press associations—student and professional—had recognized the work of the student journalists with high honors. The program was flourishing without the watchful eye of the school administration.

There are countless ways to instill standards of excellence in students. But an adviser that helps young journalists adopt such standards will find potential censorship conflicts much easier to confront.

TOOTING YOUR OWN HORN

Submitting student work for competitions and evaluations is a great way to provide outside input that encourages improvement. But awards and recognition can also be an important method of establishing a reputation within the school that makes it more difficult for administrators to censor.

Adviser Becky Taylor of Rocky River High School in Ohio says that her staff writes press releases for any awards they win and sends them to the school district's public relations person and to local media. Becky Sipos of Virginia includes her school's morning television program, which publishes school announcements.

"How we build a good relationship with the principal is best said in two words: accuracy and success," Taylor says.

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Adviser Fern Valentine, retired from Auburn High School in Washington, helped her students make an even more personal connection.

“We made it a point to always go to the school board, which had to approve our travel to conventions, to show off awards and thank them for their help, even if the awards really weren’t much. That way we established ourselves in their eyes as a program that brought acclaim to the district. They never turned down a request for students to show off awards.”

WHEN CENSORSHIP PROBLEMS ARISE

Even the best student publications that have worked to develop the healthiest relationships with their school officials can still find themselves caught in the middle of a censorship conflict. And when that situation occurs, an adviser needs to carefully examine the best way to respond to the problem.

LETTING STUDENTS LEAD

Perhaps the most difficult thing for an adviser, confronted with a threat to the student publications that he or she advises, is to avoid making the ensuing controversy one of teacher versus administrator. Without a doubt, a demand for censorship can seem like a slap in the face to an educator who has worked hard to establish a quality program that teaches students to make ethical decisions and produce good journalism.

But one thing advisers who have confronted censorship have learned (some the hard way), the battle for press freedom is ultimately one that has to be waged by the students because it is their rights that are at issue. The teacher can provide support and guidance, but she cannot do the fighting.

A publication staff should be told at the beginning of each school year (and before a conflict begins) of the limitations on an adviser’s role. They may need to be reminded that while still their ally, you are a school employee. If given a direct order by a school official to censor, you disobey that order at your own peril.

Of course, that does not mean that the students themselves cannot or should not contest a censorship order. (As journalists, they may have an ethical obligation to defend the rights of their readers to receive the truth.)

But if a fight is to be fought, it must be theirs.

School officials need to understand this as well. Their censorship battles, if they create them, will be with students and their parents, not the adviser. Ann Visser of Pella High School in Iowa says that when unhappy administrators call for a meeting about the content of the paper, students are a part of the conversations.

When student journalists understand the lay of the land, it creates another opportunity to become leaders. In some cases, they will not choose to pursue issues that an adviser wishes they would in the same way they will not always make editorial decisions that reflect the advisers' thoughts. But by empowering students to choose their own path, a teacher is preparing them for the future.

Students of adviser Jeff Nardone of Grosse Pointe South High School in Michigan demonstrated their skills as leaders when they attempted to publish a three-paragraph story about a student who hit and killed a pedestrian (the parent of another student) while driving in his car during an open campus period. When school officials refused to allow the students to publish the story, Nardone stepped back to allow his staff defend their work.

"I actually hated being in my position," says Nardone. "My hands were tied, but I had great faith in my kids."

The result? The students sought legal advice and went to the local media. The *Detriot Free Press* published the censored story. More than 200 people attended a school board meeting to discuss the incident, and eventually the school agreed to let the adviser and students make the final call.

Adviser Rod Satterthwaite of Dexter High School in Michigan and his students had a similar experience.

Recently a teacher in our school was suspended and subsequently arrested. Initially, my principal supported my students' right to write about the incident. However, the central office immediately put pressure on him to tell us we couldn't. An assistant superintendent ordered me to not let students write about it, and the principal soon after wrote me a memo telling me we could not cover the story in any way.

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Students and advisers need to work to gather supporters of their program who will be defenders of press freedom before a conflict occurs.

In this case, I took pride in seeing my students fight this censorship. Once I told them I received a directive not to pursue the story, they called the Student Press Law Center and the local media. The SPLC's first piece of advice was to make sure that I was not involved in any more decision-making regarding this article. In the meantime, the local media decided they were going to cover the censorship angle to the story. In addition, they said they would publish the students' story if we were not allowed to.

Soon, the local paper's reporter called me and said the superintendent just told her the paper could print the story as the students had originally written it.

By listening to the advice of the SPLC and approaching the censorship in a calm, professional manner, students saw democracy in action and realized they are capable of making a difference in their world. Later, one of the students who helped cover the story wrote me before her graduation: "Thanks for letting me learn how to think for myself ... and not telling me how to think."

Of course, stepping back increases the obligation that an adviser must prepare students for responding to censorship before a conflict occurs. A discussion regarding the subjects of this publication as well as distributing a copy of the Student Press Law Center's steps to remember in fighting censorship (see the SPLC Web site at www.splc.org/legalresearch.asp?id=5) will be valuable. Teaching students their rights and responsibilities becomes all the more important. Knowing where to turn for help, as the next section describes, is another crucial step.

IDENTIFYING ALLIES

When censorship problems do arise, having a unified line of defense can be crucial. Thus students and advisers need to work to gather supporters of their program who will be defenders of press freedom before a conflict occurs.

Many advisers already know the immeasurable benefits of keeping in touch with their peers, who can offer advice, experience and even a good shoulder to cry on. Members of the Journalism Education Association and other

state and national adviser groups have appreciated the support they get from the organization's e-mail listservs. Joining one or more adviser groups is well worth the investment.

Whether you are a member or not, the Student Press Law Center exists to provide free legal advice and assistance to student journalists and their advisers. When confronting a censorship problem (or just anticipating one), a phone call or e-mail to the SPLC can offer legal insight and practical suggestions related to your situation.

But most find friends of student journalism even closer to home. Adviser Fern Valentine, retired from Auburn High School in Washington, said she sought out and appreciated some of the allies available within her school system.

"I also always recruited school board members' kids to the program," she says. "The kids graduated, but some of the parents are still there 20 years later and still are advocates of the program. Faculty members' kids are also great staff members. After a teacher sees the long hours the kids spend and hears about the discussions, an adviser is respected and a program protected and promoted."

Many advisers know the value of involved parents to the success of a program. But their contacts with school officials can also be an important influence if censorship threats occur.

"Administrators and school board members respond to parental phone calls," Valentine says. "Parents who make it clear they want their children to have a free, uncensored program are a tremendous help. An adviser can have a parent meeting at the beginning of the year or send home a document, explaining the long hours, etc., but also stressing the benefits of time-consuming decision making."

Temple University journalism professor Thomas Eveslage recommends a publication create a community-wide support group, "Friends of *The Student Bugle*" (or whatever the name of your publication might be), to include parents, business leaders, area politicians, professional journalists and members of the clergy.

Adviser Shirley Yaskin of Miami Palmetto High School in Florida knows her way through a good censorship skirmish. Despite the fact her school district has one of the strongest student press freedom policies in the nation,

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conflicts still arise. She says her district's students have been successful in fighting their battles because they are organized. Her tips for success:

- Encourage local media to adopt your publication or broadcast program. Invite them to speak. And invite your principal to attend.
- Invite local journalism professors from nearby colleges to speak and invite the principal.
- Create a Web site for the school publications in your area to share problems.
- Tap graduates of your school who are now professionals to help.
- Write guidelines for your publication and set up a committee of student journalists, their adviser, parents and local mentors to meet with the principal.
- Become members of state and national scholastic press associations, attend conventions and learn how other schools deal with problems.
- Know what the Student Press Law Center is and let your principal know what it is about.
- Keep up with what's going on by exchanging publications with other schools in and out of your district.
- Get parents involved to support your efforts.

Having friends to stand beside you when trouble is in the air makes a dramatic difference. Identifying who those friends are is time well spent.

USING THE MEDIA

As some of the examples already described make clear, the community media can often be the most important tool in a fight against censorship. There are few things that school officials fear more than negative publicity. (In fact, often that may be the motivation for their censorship.) But if they know that a decision to censor will inevitably result in a call to the local newspaper or television station, which in most cases will consider the incident a prominent news story (and possibly even a subject worthy of editorial comment), those school officials may think twice before they stand behind a censorship order.

Media coverage forces a school to publicly defend its decision to censor. When the student work at issue is journalistically sound, that becomes a very difficult task for a school principal or superintendent. And when they

cannot defend their actions, public opinion can quickly turn against them.

Michigan adviser Jeff Nardone describes the support that was generated when the local newspaper published his students' censored story, and the public saw it for the factual news report that it was. He said many could not believe the school had censored an article that seemed so harmless. The outpouring of support for the paper at the subsequent school board meeting was a reflection of the public's reaction.

Adviser Dianne Smith of Alief Hastings High School in Texas witnessed the power of local media coverage when her school attempted to censor student coverage of an important but controversial topic.

A school as large as ours (4,700 students) has a significant number of gay and lesbian teens. Two newspaper students interviewed openly gay students to find out how they felt they fit into the scope of the school and what major obstacles they had faced and/or overcome. They let the students tell their own stories, opting not to edit for grammar, because they wanted this story to be told in the students' own words.

Despite the writers' and editors' discussions with the principal, the administration decided to censor the story because it was so "controversial." As the staff prepared to respond, one of the students in the story was so outraged by the censorship that he contacted the local ABC affiliate on his own.

The story aired for two nights then ran on the station's Web site. Within 18 hours, it received more than 30,000 hits. If we had been allowed to print it, 450 of the 4,500 students might have read it. Channel 13 opened a message board to let the community talk about it and received more than 1,000 posts, with the vast majority supportive of the student journalists. Comments about the school district were not positive. A local gay publication picked up the story and interviewed the writers, the editor and a couple of the subjects in the story. The principal declined to comment. Publicity the school received for censoring the story was overwhelmingly negative.

Some months later, the gay student who had taken the story to the local media, now on the newspaper staff, wrote a column

Even when students decide that their work is worth defending, it is a mistake to make every disagreement with school officials into a royal battle.

about the struggles of being different, especially being gay. Again, the principal's initial reaction was to censor, but remembering what had happened earlier, he decided to seek a second opinion. When district administrators understood the article was an opinion piece, they allowed the story to run with a few insignificant changes. Both a local and a national gay/lesbian publication ran the article. A local magazine also ran a story chronicling our struggles to get an article on gay and lesbian teens in the paper. This time, the principal gave them a statement.

Journalism teachers and media advisers spend much time teaching students to appreciate the power of the press. Responding to censorship presents an opportunity for harnessing that power in a way that will guide school officials to make wise decisions.

CHOOSING YOUR BATTLES

Any student publication staff facing the prospect of censorship will have hard choices to make. One of the first is whether to fight in the first place.

As discussed above, defending the public's right to know is among the most important obligations for any journalist. A reporter or editor who does not measure up in that regard will soon lose credibility with the readers he or she is there to serve.

But making such a defense presumes the material at issue is worth knowing. Standing up for something that is journalistically deficient, legally inappropriate or ethically challenged may make for a frustrating experience. In rare cases, student journalists may decide that their work is simply not worth defending. Of course, that decision is typically a reflection of larger problems that should require some serious thought and discussion by a staff about how it lives up to the standards it has set for itself.

Even when students decide that their work is worth defending, it is a mistake to make every disagreement with school officials into a royal battle. Sometimes, a thoughtful, calm discussion between administrator, adviser and editor can help all see things in a new light. The metaphors of warfare come naturally when discussing the defense of free press rights, but not every divergence of opinion requires the drawing of battle lines. When

respect and understanding have been established, the strength of that relationship can overcome even strong differences.

DEALING WITH DEMANDS FOR PRIOR REVIEW

Many student publication staffs are committed to ensuring that administrators are not surprised by phone calls from parents and community members unhappy with the topics the newspaper has covered. They make school officials key sources for stories to give them an opportunity to comment. They may even alert a principal in advance when an especially controversial story is about to appear in print or provide the first copy distributed to the administration office.

But providing that kind of courtesy is a far cry from one of the most problematic and insidious forms of student publication censorship: administrative demands for prior review. Requests for advice received by the Student Press Law Center tell us that a growing number of school officials are making such demands, leaving advisers wondering how best to respond.

Absent some school policy or state law that prohibits prior review, school officials probably have the legal ability to require such review if they so choose. However, the fact that the practice is legal does not make it wise.

First, there can be little question that allowing school officials to review the content of a publication before it goes to press is journalistically and educationally unsound. Allowing the primary subject of the news to have such influence on and control over what gets published is something no reputable commercial news organization would permit.

In fact, in 1990 the Journalism Education Association adopted a policy statement condemning the practice of administrative prior review from an educational standpoint.

But there are also obvious practical problems with required prior review. The logistics of such a system can delay the publication of a newspaper so long that the notion that its contents are still “news” becomes something of a joke. As some outside observers have noted, administrators who make it their job to review the contents of student media before publication are perhaps neglecting some of the many important tasks that normally demand their time.

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In addition, prior review inevitably results in direct (and often silly) censorship. When a school administrator begins to feel like the editor of a student newspaper, sooner or later that administrator will begin acting as an editor, whether they have had any journalistic training or not.

Dianne Smith of Texas found prior review by her school officials had just such a result. At one point, students were not allowed to use the term “sonic boom” in a headline referring to the downloading of digital music files because they were told it suggested a bomb exploding.

Prior review is justifiably seen as an affront to the teacher/adviser, who has been hired to assist the students in their decision-making. Few schools would seriously consider requiring the football coach to submit each play to the principal before the team executes them. Somehow, administrators can more easily overlook the lack of respect such a demand conveys to the media adviser.

The good news is that many administrators would not think of demanding prior review. As Kathleen Neumeyer of Harvard Westlake School in California notes regarding her students’ award-winning publication, no administrator has ever asked to see a copy of a story before it was printed. In 1998, the Dade County, Fla., School Board explicitly amended the district’s publications policy to prohibit administrative prior review.

Not every adviser will be successful in overcoming such a request. As Smith notes, “Changing administrators’ minds about prior review is going to take more people than just me.” But with good arguments on your side, change is possible.

SURVIVAL TIPS

The many journalism teachers and media advisers shared their experiences for this publication so that others could benefit from their experience. But for every idea offered here, there are 10 more that space did not allow to be included.

So we offer our summary of the top 10 tips to help a publication adviser avoid (or respond to) censorship. We hope they assist in making your job easier.

1. Believe in and be prepared to act on the value of a free and responsible press. That will help you follow the other nine.
2. Understand the laws and policies relevant to operating a professional publication and ensure that your students know their rights and responsibilities, too.
3. Educate your student staff, other students, faculty, administrators and the community about the purpose, values and roles involved in a free student press.
4. Make it known that prior review and restraint are not acceptable educational practices, even if you have no choice but to live with them.
5. Work towards a system that allows students to make the content decisions for the publications they produce.
6. Maintain the publication, by school policy or practice, as an open forum for student expression
7. Help students understand and follow professional standards of journalism and ethics
8. Maintain open channels of communication with school officials and community groups on a regular basis.
9. Teach students that defending their own rights means supporting the free expression rights of others as well.
10. Remember that your students' rights and responsibilities stem from our national commitment to the truth and the public's right to know.

BIBLIOGRAPHY

For a more detailed discussion of the legal principles described in this publication, consult the Student Press Law Center's Web site, our book *Law of the Student Press* and our news magazine, the *SPLC Report*.

The Student Press Law Center provides free legal assistance to student journalists and their advisers. If you have a specific question about student media law that the above resources cannot answer, go to the SPLC Web site to send us an e-mail question or call us.

Student Press Law Center
1815 N. Fort Myer Drive, Suite 900
Arlington, VA 22209-1817
(703) 807-1904
www.splc.org

ADDITIONAL RESOURCES

- Student Press Law Center Model Guidelines for Student Publications (www.splc.org/legalresearch.asp?id=6)
- JEA Scholastic Press Rights Commission (www.jea.org/resources/pressrights/index.htm)
- First Amendment Schools—a national initiative to transform how schools model and teach the rights and responsibilities of citizenship (www.firstamendmentschools.org)

National Membership Organizations for High School Media

- Columbia Scholastic Press Association/Columbia Scholastic Press Advisers Association (www.columbia.edu/cu/cspa)
- National Scholastic Press Association (www.studentpress.org/nspa)
- Journalism Education Association (www.jea.org)
- Quill and Scroll Society (www.uiowa.edu/~quill-sc/)

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For information on this publication or other materials about young journalists who publish in their community newspaper, contact:

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McCormick Foundation

Protocol

For Free & Responsible Student News Media



Protocol

A fair balance of freedom and structure
can be achieved when stakeholders work in partnership
to nurture the competence and ethical development
of student journalists in an environment that inspires
civic engagement and First Amendment values.

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Our Definition of 'Protocol'

We believe it is in the best interests of all stakeholders (in scholastic journalism) to adopt protocols for ethical decision-making.

A protocol is not a policy setting down specific rules. Instead, a protocol is a process and a framework for making good decisions. A protocol includes key principles and important questions.

The principles provide reference points on your moral compass, represent “what you stand for,” and guide you in ethical decision-making.

The checklist of questions is a pathway to follow to resolve conflicting principles and to help determine your actions.

Bob Steele, Poynter Institute Scholar for Journalism Values

The First Amendment United States Constitution

Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

“ The only way to teach the First Amendment effectively is to practice the First Amendment throughout the school culture. School officials fail to teach the First Amendment when they talk about the First Amendment, but discourage free expression, deny religious liberty, and censor the student press. Far too many schools are failing to teach, practice and model the First Amendment.

The biggest obstacle to practicing First Amendment principles in schools is the undemocratic, repressive way in which many schools are run. If schools want to take the First Amendment seriously, they must give students and all members of the school community a meaningful voice in shaping the life of the school. ”

Charles Haynes

Senior Scholar
Freedom Forum
First Amendment Center
Vanderbilt University
Nashville, Tenn.

A Core Value of Journalism

“

A core value of being a journalist is to understand the role of the press in a free society. That role is to provide an independent source of information so that a citizen can make informed decisions. It is often the case that this core value of journalistic independence requires a journalist to question authority rather than side with authority. Thus, if the role of the press in a democratic society is to have any value, all journalists — including student journalists — must be allowed to publish viewpoints contrary to those of state authorities without intervention or censorship by the authorities themselves. Without protection, the freedoms of speech and press are meaningless and the press becomes a mere channel for official thought. ”

Dean v. Utica Community Schools (2004)

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Foreword

The McCormick Foundation Civic Program is proud to present the *Protocol for Free & Responsible Student News Media*. Through the Civic Program, the McCormick Foundation lives the legacy of our benefactor, Robert R. McCormick, the crusading former publisher of the *Chicago Tribune*. McCormick carried the First Amendment near and dear to his heart, considering its five freedoms—religion, speech, press, assembly and petition—fundamental to informed participation in our democracy. The Civic Program seeks to improve understanding of and appreciation for the First Amendment among middle and high school students through programming for students and teachers.

The Protocol represents a logical next step for the Civic Program in our work to further the cause of civic education in Illinois. In 2009, we released the Illinois Civic Blueprint, a document detailing six promising approaches to teaching civic education in high schools across the state. Among the approaches is making student activities available that encourage greater involvement and connection to school and community. The link between certain extracurricular activities and lifelong civic engagement is well documented, particularly those organizations that pursue a collective outcome, such as student government, youth service clubs and, perhaps most prominently, scholastic news media.

Another approach emphasizes authentic student voice in school governance. This entails student opportunities to discuss school policies, present viewpoints, and have a respectful hearing of their concerns. It also includes information about student rights and responsibilities in school, and established processes for students to air their grievances, including issues of fairness. The Protocol that follows embodies these principles and more.

The protocol represents the hard work of report writer Randy Swikle, a dedicated journalism educator who has devoted his career to this cause, and Kim Ruff and the entire staff at the Illinois Press Foundation, our partner for the February 2010 conference that inspired this

important document. It also reflects the enormous contributions of the fifty-plus attendees of the conference. Attendees include student journalists, their advisers, administrators, school board members, superintendents, representatives of professional media, and organizations dedicated to the cause of free and responsible student media.

The Knight Foundation's annual survey of student appreciation for the First Amendment shows that students are much more likely than their teachers or administrators to take for granted the First Amendment's five freedoms. However, students enrolled in classes with First Amendment or media content show higher levels of support for freedom of expression. Additionally, when First Amendment freedoms are rooted in their daily lives, students are much more likely to protect not only their own rights but also the rights of others. Such a reciprocal commitment is the best way to preserve First Amendment freedoms.

All too often student media fall victim to the inevitable tensions associated with schools' perpetual balancing act between freedom and structure. Lack of structure invites sloppy journalism that reflects poorly upon the school it represents. Lack of freedom fails to prepare tomorrow's journalists for professional responsibilities and obligations and tomorrow's citizens for news consumption critical to informed democratic participation.

The Protocol is our best effort to find balance between freedom and structure. It is a consensus document that student journalists, their advisers and school administrators can turn to repeatedly during times of both harmony and discord. When a controversy surrounding a student newspaper gathers headlines in the professional press or ends up in the courtroom, all parties lose. On the other hand, when adversaries become allies, when contentious issues are resolved through consensus, and when student journalists practice their craft with the proper mix of freedom and structure, all parties win.

Sincerely,

A handwritten signature in black ink that reads "Shawn P. Healy". The signature is written in a cursive style with a large, looped 'H' and 'y'.

Shawn Healy,
Director of Education
Civic Program

Introduction

Ethical protocol is a valuable tool for cultivating free and responsible student news media, improving communication among scholastic journalism stakeholders and enhancing democratic learning in schools.

Recognizing a pressing need for such protocol, the McCormick Foundation Civic Program convened a two-day conference to garner ideas that would be integrated into a protocol designed for student news media. The conference was held on Feb. 8-9, 2010, at Cantigny Park, Wheaton, Ill. The Illinois Press Foundation served as the executive agent.

More than 50 participants from Illinois and around the country brought their expertise and imagination to the conference to generate ideas for voluntary protocol that, in addition to many other benefits, can help facilitate ethical decision-making, dialogue and partnership among scholastic journalism stakeholders. The participants represented students, journalism educators, administrators, school board members, professional journalists, attorneys and a wide variety of organizations.

Among the conference speakers, topics and activities:

Sam Chaltain, director of the Forum for Education and Democracy in Washington, D.C., delivered the keynote address on “American Schools: Creating School Cultures that Can Celebrate Youth Voice and Media.” Chaltain said the most essential challenge for any organizational culture is to strike the right balance between individual freedom and group structure.

Candace Perkins Bowen, director of the Center for Scholastic Journalism at Kent State University, discussed the value of journalism. In support of free and responsible student news media, she asked, “How can students problem-solve if other people are doing the thinking for them and making decisions that should belong to the students?”

Pam Selman and **Evan Ribot** former editors of *The Statesman* student newspaper at Adlai E. Stevenson High School, Lincolnshire, Ill., and their former faculty adviser Barb Thill addressed the need for protocol. The students expressed their frustration over their inability to forge a more ideal relationship between student journalists and school authorities.

Tom Gayda, news media adviser at North Central High School in Indianapolis, served as moderator of a panel that explored strategies for building and maintaining exemplary educational relationships among student journalists, news media advisers and administrators. Panel members included Nick Chaskin, editor of *The Midway* at University of Chicago Laboratory High School; Bill Dussling, school board president at Township High School District 214; and Tina Cantrell, principal of John Hersey High School, Arlington Heights, Ill.

Mark Goodman, attorney and Knight Chair in Scholastic Journalism at Kent State University, moderated a panel of attorneys who identified the legal parameters of students and school authorities in controlling the editorial content of student news media. Other panelists were Frank LoMonte, director of the Student Press Law Center in Virginia; James Tidwell, attorney and chair of the Department of Journalism at Eastern Illinois University; and Melinda Selbee, general counsel for the Illinois Association of School Boards.

Wendy Wallace, a faculty member at the Poynter Institute, St. Petersburg, Fla., presented an ethical framework for problem-solving journalism issues and controversies in ways that don't jeopardize student press rights, adviser welfare or administrator pedagogic responsibilities.

Vanessa Shelton, executive director of Quill & Scroll International Honorary Society for High School Journalists, led a discussion about student news media qualities that foster exemplary relationships among students, school administrators and school boards.

David Cuillier, chairman of the Freedom of Information Committee of the Society of Professional Journalists, reflected on principles of journalism ethics, educator ethics and skillful leadership that schools should inculcate and learners and educators engage in.

These general session topics were accompanied by breakout sessions of small groups focusing on components of each larger issue. General sessions were audio recorded, and small group discussions were summarized on flip charts. Ideas were integrated into this report.

The need to use ethical protocol has become more urgent as journalism's landscape has undergone momentous change in the past decade.

New media have made journalism more instantaneous. Convergence has integrated different media and delivery systems to accelerate the awareness and dissemination of news in multiple platforms. Today, if the news is important, it will quickly find you. *Protocol helps to ensure that the instantaneous delivery of journalism will not impede the discipline of journalism.*

Journalists use Twitter, Google Talk, Mobile, RSS (Real Simple Syndication), APPs (Applications), blogs, Facebook and Skype in various ways to gather and distribute news in real time. Those same media already are being integrated into scholastic journalism, which naturally follows the industry's lead. *Protocol identifies new ethical questions that accompany present-day and emerging media.*

As the scholastic press becomes more instantaneous, the deficiencies of prior review and micromanagement of student media by some educators become more apparent. *Protocol offers an effective alternative to prior review, discourages micromanagement and fortifies student responsibility for decision-making.*

As student access to new media grows, school boards may be more likely to recognize student news media as public forums. If student journalists can't use their school news media as forums to disseminate diverse perspectives, nothing prevents them from easily posting their censored stories independently on other media, perhaps getting wider distribution of their stories. Administrators' clout cannot achieve control when students communicate protected speech beyond the school arena and administrators' jurisdiction. The upside is a free student press; the downside, without the influence of journalism educators it may be a less responsible student press. *Protocol enhances journalistic competence and ethical development, stirs intrinsic motivation, nurtures responsible self-control and guards the forum role of authentic journalism from abuse.*

Few schools have an ethical decision-making protocol that fits the needs of scholastic journalism. As a result, contentious issues involving the student press too often deteriorate into calamities that destroy relationships, endanger careers, compromise school prestige and demoralize students, teachers and others. Rather than provoke undesirable consequences, those same contentious issues instead can give rise to constructive communication and collaboration.

Appealing to intrinsic motivation through collaboration is the preferred strategy above clout in influencing people to do the right thing. As motivator Dale Carnegie observed: "A man convinced against his will is of the same opinion still."

The plan for ethical protocol presented in this report embraces experiential learning and democratic engagement. Schools may customize the plan to meet their particular needs. The protocol process is applicable in public and private schools and to any student news medium.

This report contains two parts and an appendix. Part One covers "Dynamics of Ethical Protocol." Part Two covers "Examples of Protocol" that are particularly relevant issues in scholastic journalism. The appendix contains case studies and supporting information.

Part One

Dynamics of Ethical Protocol

The following topics provide a panoramic vision of ethical protocol and how it can be a force in cultivating free and responsible student news media and stimulating a school culture of democratic learning and civic engagement.

I. Balancing Freedom & Structure

Balancing individual freedom and group structure is a fundamental principle of both democracy and scholastic journalism.

Good schools engage in authentic journalism and democratic learning when they strike a proper balance between the press rights of students and the pedagogic responsibilities of educators. Students are empowered but not emancipated; educators are authoritative but not authoritarian; and the school culture is collaborative and not autocratic.

A good way to measure the value a school puts on scholastic journalism and democratic learning is to examine the balance of control over student news media.

What are the parameters of student autonomy?

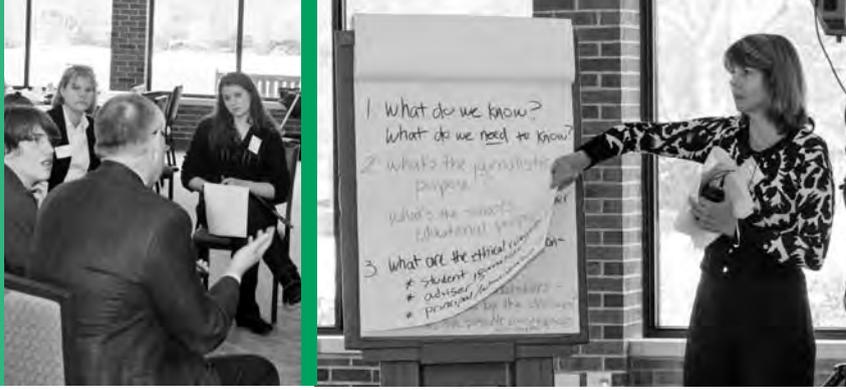
What are the parameters for administrators' intervention?

What responsibilities belong to students and to administrators?

Do student journalists expect *carte blanche* to run their news medium as they see fit? Does their faculty adviser sidestep intervention when reporting is shoddy, when writing is inferior and when consideration of community values seems absent? Are students permitted to tackle controversial stories without a plan that includes clear objectives, legal and ethical considerations and strategies to enhance competent reporting? Do school authorities want student journalists to be undisciplined, reckless and self-serving?

Do school officials fear student freedom and seek to control the voices of students and their media by imposing restrictions to minimize student autonomy and experiential learning? Do they disallow student news media the essential functions of journalism, including the role of providing a limited public forum for use by the community to contribute and consider diverse perspectives? Do they want student journalists to be docile, compliant and unquestioning?

Or, finally, do all stakeholders value the indispensability of journalism in democracy by cultivating free and responsible student news media with emphasis on competence, law, ethics and self-discipline? Do they recognize the qualified [by scholastic press law]



(L) Discussion groups included a cross-section of journalism stakeholders; (R) Wendy Wallace, a Poynter Institute faculty member, presented ethical framework for problem-solving.

independence of student journalists and use collaboration rather than clout in influencing them to pursue the highest standards of their craft? Do they want student journalists to be caring, responsible and independent?

Educator Paulo Freire offers a barometer for measuring proper balance: “If the authority of the [educator] goes beyond the limits authority has to have in relation to the students’ freedom, then we no longer have authority. We no longer have freedom. We have *authoritarianism*.”

No competent stakeholder believes students should have unbridled control of their news medium. Neither do they believe that in a democratic society school authorities should have autocratic control. Neither students nor administrators own the press. Free and responsible student news media require a balance that defines parameters of management. Within those parameters, students have autonomy; beyond those parameters, school authorities can intervene. (Parameters are set by two U.S. Supreme Court cases—*Tinker v. Des Moines Board of Education* and *Hazelwood School District v. Kuhlmeier*. See “VIII. Scholastic Press Law & Protocol.”)

Students should understand they are custodians, not owners, of their news medium. They have an inherent obligation in decision-making to consider the heritage of their news medium, the values of the school community, the tenets of the school mission, the pedagogic concerns of school officials and the wants, needs and interests of readers/listeners/viewers.

The community should understand that public school authorities serve as agents of the state and are obligated to recognize the First Amendment rights of student journalists as defined by judicial rulings and/or extended by state



(L) Principal Tina Cantrell and media advisers Tom Gayda and Stan Zoller summarized perspectives from three breakout groups; (R) Clark Bell, director of the McCormick Foundation journalism program.

legislation. Public school authorities may not deny students those rights under the guise that they are acting *in loco parentis* [in place of the parent]. As Justice Samuel Alito wrote in his concurring opinion in the Supreme Court's 2007 *Morse v. Frederick* ruling: "When public school authorities regulate student speech, they act as agents of the State; they do not stand in the shoes of the students' parents. It is a dangerous fiction to pretend that parents simply delegate their authority—including their authority to determine what their children may say and hear—to public school authorities. ... It is therefore wrong to treat public school officials, for purposes relevant to the First Amendment, as if they were private, nongovernmental actors standing *in loco parentis*."¹

Under the *Tinker v. Des Moines* decision, student expression may not be censored merely because school officials dislike its message or because it provokes controversy or debate. Under *Hazelwood v. Kuhlmeier*, censorship of school-sponsored student expression is constitutionally permitted when school officials can show their actions are "reasonably related to legitimate pedagogical concerns." Seven states have passed anti-Hazelwood legislation in favor of granting students the greater First Amendment protection offered by the *Tinker* decision.

Stakeholders in scholastic journalism and democratic learning know that effective communication is essential. In schools where communication is accompanied by accountability, transparency, partnership, respect, trust, ethics and competent leadership, mutual understanding can be achieved, and scholastic journalism and democratic learning can thrive.



(L) Half of the 50+ conference participants were Illinois residents; (R) Candace Perkins Bowen, director of the Center for Scholastic Journalism at Kent State University, led a discussion on the value of student news media.

The challenge is to implement a process that continually nurtures proper balance and effective communication. **Ethical protocol** is a strategy that fits journalism and civic education well.

Bob Steele, a Poynter Institute scholar for journalism values, provides this definition of **ethical protocol**:

“ We believe it is in the best interests of all stakeholders [in scholastic journalism] to adopt protocols for ethical decision-making.

A protocol is not a policy setting down specific rules. Instead, a protocol is a process and a framework for making good decisions. A protocol includes key principles and important questions.

The principles provide reference points on your moral compass, represent what you stand for, and guide you in ethical decision-making.

The checklist of questions is a pathway to follow to resolve conflicting principles and to help determine your actions. ”

The simplicity of the process and the appeal to intrinsic motivation are two reasons why ethical protocol can have a desirable effect on communication among the stakeholders of scholastic journalism.



(L) The conference venue was Cantigny Park, Wheaton, Ill., home of the the late Colonel Robert R. McCormick.
(R) Editors Alexandria Johnson and Jimmy Hibsch of Rolling Meadows High School confer during lunch.

Here's an example of the protocol process:

Suppose a high school athletic director learns that the student newspaper's sports staff made its own "Most Valuable Player" selections at the end of the fall sports season and plans to publish the list. Among other reasons, the AD is upset that the newspaper's choices may confuse readers about the traditional selections made by coaches with player input.

Two principles from the National Scholastic Press Association's Model Code of Ethics for High School Journalists apply to this protocol example:

1. Self-accountability requires journalists to consider possible consequences of their actions and to weigh those consequences in decision-making; and
2. Journalists are obligated to declare any personal or unavoidable conflict of interest, perceived or certain, in covering stories or participating in editorial decisions.²

Questions could include the following:

1. What are the potential consequences—positive and negative—that can result from publishing the newspaper's own MVP list?
2. Why are sports reporters motivated to create their own MVP list?
3. Does evidence exist that the coach's MVP selection was self-serving and discriminatory? If so, what feasible alternatives exist to printing the newspaper's own MVP list?
4. How can the student sports staff show their selections are not influenced by personal friendships, biases or other self-serving factors?
5. How are journalistic standards and the newspaper's interests served by the sports staff's article?
6. What effects can the sports staff's actions have on the newspaper's objectivity and credibility?

II. Civic Mission of Scholastic Journalism

Democracy depends on journalism.

Roy Peter Clark, senior scholar at the Poynter Institute, puts it this way:

“ Journalism and democracy are coterminous [share the same boundaries]. Without journalism, democratic life dies from lack of oxygen. Without democracy, journalism loses its heartbeat.

Without a serious study of journalism, there can be no understanding of citizenship, democracy, or community. ”

Protocol for free and responsible student news media favors a “communicate and collaborate” leadership style over a more autocratic “command and control” approach. The former inspires dialogue; the latter, monologue.

Historically, democratic learning was the fundamental purpose of American education. As the 2009 Illinois Civic Blueprint published by the McCormick Foundation pointed out:

“ Public schools were created in America with the primary purpose of preparing children to participate constructively as adult citizens in our democracy. However, recent school reform efforts have focused primarily on improving student achievement in reading, math and science. As a result, the historical function of the American public school—to educate students for democratic participation and citizenship—has been pushed aside. Like millions of their peers across the country, most Illinois high school students lack sufficient formal instruction and opportunities for the development of civic engagement. ³ ”

Since school leaders have a vested interest in how their “improving student achievement” successes/failures are portrayed, they are more tempted to want *to control* student media in order to influence the public’s perception of the school image. But many school authorities have found the wiser strategy is *to cultivate* free and responsible media. Bad news can be made into good news when problems are shared and the resources of the community are garnered to remedy the problems.

III. Value of Free & Responsible Student News Media

Arguably, scholastic journalism and its product of student news media can affect school culture beneficially more than any other curricular/extracurricular offering. As instruments of democratic learning, they are unsurpassed.

By knowing the extraordinary value of journalism, the importance of cultivating free and responsible student news media becomes paramount. Good journalism energizes school culture. It integrates every dimension of school into its function and engages the entire school community in democratic participation. Every academic discipline, extracurricular activity, school issue, event, news consumer need and interest falls within the scope of journalism. The school mission of civic engagement and every principle of American democracy is protected and served by journalism.

Not only does scholastic journalism benefit its student practitioners, its peripheral effects on the school community strengthen partnership, participation, accountability, transparency, trust and all other essential components of a democratic school system. Student news media can be a bridge that connects administrators, students and the community in ways that profoundly benefit school culture.

The functions of journalism help show the value of free and responsible student news media in schools.

In *A Free and Responsible Student Press*, Robert Dardenne, chair of the Department of Journalism and Media Studies at the University of South Florida in St. Petersburg, lists 10 functions of the student press:

1. To Educate. Beyond the diverse skills journalism hones for its practitioners, its news media *educate* their consumers about “practical matters and issues” as well as more “abstract ideas and concepts.”

2. To Inform. From posting the school calendar to showing which topics letter writers are concerned about, student news media *inform* in ways that offer both convenient and essential services.



(L) Janet Liao, program officer in the McCormick Foundation's journalism program, leads a discussion about arbitrary censorship; (R) Faique Moqheet, a Northside College Prep High School student journalist.

- 3. To Provide Diversity.** In its range of coverage, from issues and perspectives to creeds and cultures, media provide *diverse* voices consideration in the “marketplace of ideas.”
- 4. To Involve People.** As a forum for all, student media *involve people* throughout the community in conversations about issues and events.
- 5. To Find Common Ground.** Reporting differences can also help the discovery of *common ground*, which boosts civility and tolerance.
- 6. To Encourage Discussion.** When they *encourage discussion*, student media open opportunities that can help eliminate distrust, alienation, misunderstanding and other detrimental features of a poor relationship.
- 7. To Entertain.** By providing responsible *entertainment*, student media can lift morale and improve the school climate.
- 8. To Persuade.** In editorials, columns, letters, advertising and other features, the chance *to persuade* satisfies an inherent need of people and contributes to the potential for improvement.
- 9. To Interpret.** In a world deluged with information, the student media *interpret* the facts and provide a context that reveals significance.
- 10. To Share School Culture.** Student media *share school culture*, preserving its history and impacting its present state.⁴

Frank D. LoMonte, executive director of the Student Press Law Center, Arlington, Va., suggests another function of scholastic journalism relevant to the Internet era:



(L) Frank LoMonte, of the Student Press Law Center; Ken Keller, of the Illinois Broadcasters Association; Linda Dawson, of the Illinois Association of School Boards, listen to protocol issues; (R) Mark Hallett, of the McCormick Foundation.

11. To Promote Civility. Today's school administrators are understandably concerned about the proliferation of uncivil attack speech disseminated over social-networking sites. The values that a solid journalism education conveys—that people must check their facts, sign their names to their work, correct mistakes, and prominently publish views different from their own—can be an antidote to 'cyberbullying.' Students seek out the uncensored venue of social networking sites to criticize school policies and personnel because schools offer no meaningful alternative forum for them to be heard. Online 'drive-by' grievances can and should constructively be channeled into peer-moderated student media where discussion can occur civilly but without undue restraint.

“ For the student who is not the quarterback of the football team or the queen of homecoming, high school can be a disempowering experience, and disempowered students are those most prone to lash out in frustration,” LoMonte said. “Student journalism that occasionally nudges against dainty adult sensibilities is a healthy outlet for the student who often feels voiceless in the cliquish world of teen culture.”

The value of scholastic journalism and free and responsible student news media is far-reaching. No other course and extracurricular can offer more potential for impacting learners, school culture and the whole community. Ethical protocol helps student media achieve their highest potential in serving the school community.

IV. Need for Protocol

Scholastic journalism is in jeopardy. Ethical protocol can help protect and cultivate the role of student media in serving the school community. It also can help protect journalism stakeholders.

Injurious forces are eroding journalism's authenticity, diluting its product, compromising its ethics, manipulating its practitioners and denying its consumers. Not everywhere. But in a growing number of schools, true journalism is dying—in part, a victim of excesses: too much permissiveness, or too much autocratic control, or too much apathy, or too much self-centeredness.

Be cautious in pointing an accusing finger and singling out authoritarian administrators. *All* deficient stakeholders in scholastic journalism share responsibility for the decline of free and responsible student news media that serve the best interests of school communities.

News media advisers who are poorly trained in journalistic standards can be either too permissive or too afraid of controversy and thereby inhibit students from learning news media skills and developing decision-making competence necessary to practice responsible journalism.

Journalism students who think their individual liberties trump their societal and journalism responsibilities abandon the discipline of their craft and give cause for censorship.

Administrators who don't partner with journalism stakeholders and who refuse to participate in ethical protocol minimize dialogue, dodge accountability and lose a great opportunity to connect with students and the community.

School boards that allow educators arbitrarily to silence student perspectives just because they are controversial, critical or unpopular deny themselves essential information for decision-making and diminish democratic learning in school.

Parents, faculty, students and the extended **school community** who do not advocate for student press rights, balanced with competence and ethics, and for a school culture of civic engagement threaten the fabric of our country's freedom by their apathy.

Professional journalists who don't use their influence to protect the First Amendment in schools will feel the disastrous effect of their disregard when their news media ranks eventually swell with recruits who were taught obedience to authority instead of press responsibility in school.

If you're a stakeholder in scholastic journalism, it's time to revisit your relationship with student news media and to check your commitment to preserving a healthy environment for student journalism.

Here are some questions to ask yourself:

- > Do I appreciate the value of free and responsible student news media?
- > Do I appreciate the need for qualified independence of student news media?
- > Do I prioritize the rights of student journalists above my personal biases and self-interests?
- > Do I contribute to the welfare of student news media by being timely, open and fair in dealing with scholastic journalism issues?
- > Do I nurture the intrinsic motivation of student journalists?
- > Do I take initiative in supporting the student press, and am I proactive in dealing with challenges of scholastic journalism?
- > And most importantly, am I willing to engage in ethical protocol, discuss principles, answer questions and go on record about my attitudes?

Stakeholders and schools that sincerely participate in ethical protocol show that journalism and democratic learning are valued in their school culture.

V. Purposes of Protocol

The fundamental aim of ethical protocol for free and responsible student news media is to provide a process and a framework for making good decisions that enhance scholastic journalism and civic engagement. Additional objectives include the following:

- > To help journalism students achieve a proper balance of individual rights and societal responsibilities that results in authentic journalism and a democratic learning environment.
- > To create proactive opportunities to tap the experience and expertise of journalism stakeholders during decision-making.
- > To provide problem-solving strategies for dealing with journalism issues and controversies without jeopardizing student rights and responsibilities, adviser job security and educator pedagogical duties.
- > To nurture a respectful, educational partnership that contributes to the integration of scholastic journalism's principles and the school mission of civic engagement.
- > To make transparent the values of stakeholders and to enhance accountability.
- > To educate all stakeholders about journalism's high standards for competence and ethics.

VI. Essentials of Protocol

Five components are essential to the success of ethical protocol as a tool for cultivating free and responsible student news media and a school culture of democratic learning:

1. Shared Vision. Protocol works best when stakeholders share fundamental values, recognize the needs of different stakeholders, understand and consider the alternatives that exist in decision-making and commit themselves to finding common ground with others.

2. Participation of All Stakeholders. Students, teachers, administrators, parents, school board members, professional journalists and other citizens are among key stakeholders who have special interest in the success of scholastic journalism and student news media. All should be included in the efforts to resolve problems, enhance competence, inspire ethical development and create learning opportunities.

3. Respect. Stakeholders always should treat one another with civility and respect, regardless of age or rank. Interaction should be amiable, and students should be treated as young adults rather than as subordinates. Students' First Amendment rights and educators' pedagogic responsibilities should be acknowledged and respected.

4. Commitment to Experiential Learning. Authentic journalism is more than an academic exercise; it requires engagement. Students learn responsibility when they are given responsibility. Aristotle voiced this commitment to experiential learning: "The things we have to learn before we do them, we learn by doing them."

5. Public Accountability and Transparency. The process for ethical protocol prioritizes the merit of an argument over the rank of a stakeholder. Every stakeholder should be willing to engage in public dialogue, be open about his/her attitudes and rationales and accept personal accountability in decision-making. This is especially true in educational institutions, where enlightenment is a fundamental goal.

VII. Structure of Protocol

Ethical protocol may be implemented as a formal or informal process in public and private schools. Its structure may be customized to meet a school's particular needs. Protocol's general structure is issue-oriented, proactive, collaborative, democratic and nonthreatening. This protocol is designed to involve journalism stakeholders, working cooperatively, in decision-making. Stakeholders examine principles that are relevant to a need or pending decision, and they ask relevant questions. The eight steps of ethical protocol follow.

Step 1

Initiate Protocol

- > Student journalists, their adviser(s) or another stakeholder can initiate the protocol process for one-on-one or group participation. The focus of the protocol can involve any action or issue involving scholastic journalism, including the exploration of ethical dimensions of media stories from the time of their inception to post-publication.
- > In situations involving possible contention, a meeting may be scheduled at a comfortable, neutral place—away from any partisan “turf.” Because of the immediacy of journalism, timely meetings are important.
- > To minimize anxiety and allow the opportunity for preparation, the initiator should identify the topic of the meeting and any issue or potential problem(s) during the first contact with stakeholders.
- > Prior to the protocol meeting, a neutral individual may be selected by participating stakeholders to serve as an impartial moderator.
- > Stakeholders—especially students and advisers who may feel intimidated by school administrators—may bring advocates or neutral observers/participants to a protocol meeting to help ensure civility and to keep the focus on issues rather than personalities.
- > Stakeholders should be informed of who will be attending a protocol meeting as early as possible.

Step 2**Define the Problem**

- > Particularly in matters of contention, the initiator should state in writing (so everyone has the same understanding) the precise issue(s) to be discussed/resolved. Phrase the problem in simple language.
- > Be specific. Don't say, "The problem is a student newspaper story that would/did invade a student's privacy." Instead, say, "This statement, (quote appropriate text from a news medium story), illegally or unethically infringes on this student's (name of student) right or expectation of privacy, because ... (provide rationale)."
- > Right away, make sure everyone understands the parameters of the issue/problem so focus is not diverted to unrelated issues.
- > Determine whether the issue/problem involves law, ethics, competence, policy, relationships, expectations, interpretation or another such topic.
- > Examine the issue/problem from different perspectives, such as the student's perspective, the adviser's, the administrator's and the news consumers'.
- > Approach any conflict as a problem to solve together, not as a battle to be won.

Step 3**Define the Decision To Be Made**

- > State in a simple sentence the decision that needs to be made.
- > What feasible options/alternatives exist?
- > Who will be effected by the decision? How?
- > Who has/had the initial responsibility for making the decision? Why that person or group?
- > Is someone challenging an initial decision? Who? Why? What is the motive for the challenge? Is the motive based on legal, ethical, journalistic, educational or arbitrary reasons?
- > Should the issue/problem be decided collaboratively? If not, who should decide? What is the rationale?
- > What criteria will be used in making the decision? To whom may the decision be appealed? What would be causes for appeal?

Step 4**Identify Relevant Principles**

- > List journalistic, educational, ethical and other key principles relevant to the issue being examined.
- > The principles provide reference points on your moral compass, represent "what you stand for," and guide you in ethical decision-making.
- > Begin with "we agree" statements, identifying common ground—the principles stakeholders hold in common.
- > Identify any contentious principles, and explore the different attitudes stakeholders have about them.
- > Identify conflicting principles, and during the protocol process determine which should have priority. What is the rationale?



(L) Keith Carlson, adviser for *The Central Times* at Naperville Central High School, makes a point during a general session; (R) Jimmy Hibsch, Rolling Meadows high school student newspaper editor

Step 5

Ask Important Questions

- > Stakeholders ask questions that are relevant to the principles and issues at hand. The checklist of questions is a pathway to follow to resolve conflicting principles and to help determine your actions.
- > During dialogue, seek first to understand, then to be understood.
- > Listen in a caring, empathetic way.
- > Questioning authority is fundamental to democracy, and leaders should not be offended or seek retribution for questions that may put them on the defense.
- > Every point of view is subject to questioning.
- > Keep questions focused on principles and issues, not on personalities.
- > Stakeholders should respond to questions.

Step 6

Be Transparent and Accountable

- > When contentious issues and dilemmas arise, ethical protocol considers the merits of arguments above the rank of adversaries.
- > The protocol sets a level playing field. All stakeholders, regardless of their position on the hierarchy of power, are held accountable for their attitudes and actions, and their rationales are brought to light for public scrutiny. The protocol process itself may occur at a public gathering.
- > The transparency provided by the protocol helps identify any personal biases, self-interests and misuse of power that can corrupt the process of decision-making.
- > Transparency helps the true merits of arguments rise to the forefront to be weighed, and it protects the public interest by making decision-makers accountable.
- > Stakeholders are expected to be candid and not hide behind sophistic arguments and pseudo-assertions in refusing to share information, and they are expected to be less concerned with building images and facades than with being transparent toward building an improved school culture.



(L) A cross-section of stakeholders strategize how to complete a balancing activity; (R) Vanessa Shelton, executive director of Quill & Scroll International Honorary Society for High School Journalists, talked about building partnerships.

Step 7

Seek Consensus

- > Consensus is a process for group decision-making. All stakeholders contribute ideas that are synthesized to arrive at a final decision acceptable to all.
- > Consensus differs from voting in these ways: (1) Voting chooses one alternative from several; consensus integrates diverse ideas together. (2) Voting is a win-lose, quantitative process; consensus is a win-win, qualitative process. (3) Voting does not address individual feelings or needs; consensus considers individual interests as stakeholders work through differences to reach a mutually acceptable agreement.
- > Consensus is more easily achieved when stakeholders share common values.
- > Avoid a premature consensus and superficial analysis by not allowing the group to agree too quickly; ask questions that lead to a deeper analysis; agree only when satisfied that the group has explored all possibilities.
- > Ask stakeholders to explain their reasoning process so it is clear enough to all.
- > In seeking consensus, a goal is to reach a decision or solution that will satisfy everyone in the group rather than just the majority. Finding middle or common ground is important. Majority rule is competitive; unanimity is cooperative.
- > All stakeholders have equal opportunity to provide input.
- > Both sides of an issue are expected to consider what concessions they can make while still being true to their ethics and responsibilities.
- > Work in partnership to resolve a problem, and do not pit stakeholders' interests against each other.
- > If consensus cannot be achieved, identify and discuss the conflicting values of different stakeholders. Consider the intensity of stakeholder opinions.

Consider which stakeholders are most affected. Consider who is the person or group closest to the decision. Consider which decision is most responsible regarding legal and ethical questions. Ask these four questions about each potential decision: (1) Does this decision promote dignity or humiliation? (2) Does this decision teach responsibility or obedience? (3) Does this decision motivate students to learn? (4) Does this decision foster commitment? If consensus is still not achieved, check for precedent or consider doing nothing if that is applicable.

- > A group committed to consensus may utilize other forms of decision-making, including individual, compromise or majority rules.
- > At the end of the collaborative process, every stakeholder should be satisfied that his/her voice was heard and understood.

Step 8

Implement Decision

- > Communicate the decision openly and clearly. Avoid any kind of secrecy.
- > Share rationale that supports the decision, and be willing to explain the protocol process.
- > Analyze the public's reaction to the decision.
- > Measure the effects of the decision, and be willing to reconsider if warranted.
- > Was this decision fair and in the best interests of learners, journalism, democratic education and the school community?

VIII. Scholastic Press Law & Protocol

Although the U.S. Supreme Court's *Tinker v. Des Moines Independent Community School District* case determined that students maintain their First Amendment rights on school grounds, student journalists still have some limitations based on other precedents set by the Court.⁵

In the 1969 *Tinker* case, the court ruled that school officials can regulate student speech only if it would cause a material and substantial disruption of school activities or if it is libelous, obscene or an invasion of the rights of others.

In the 1988 *Hazelwood School District v. Kuhlmeier* case, the court determined that school officials can censor student speech if they demonstrate a reasonable educational justification for the censorship. Some courts also require that school officials show the censorship is “viewpoint neutral” and doesn't discriminate against particular views.⁶

For 19 years after the *Tinker v. Des Moines* (1969) decision, public schools widely recognized that student news media were entitled to broad First Amendment protections. The parameters for student expression set by *Tinker* did not result in any successful libel suits against schools. In fact, there never has been a published court decision in which a school has been held libelous for the editorial content of student media, according to the Student Press Law Center, a legal and educational organization devoted to aiding the student press.

The *Hazelwood* decision didn't overturn the *Tinker* case, but it created another interpretation between student-initiated speech and curricular speech in settings such as a student newspaper, yearbook or school play. The *Hazelwood* decision helped define distinctions between student expression which takes place in a “public forum” versus a “non-public forum.”

School-sponsored media is sometimes considered part of a non-public forum, because some school officials exercise hands-on gatekeeping authority over editorial content. The public forum definition more often covers extracurricular and independently produced student media. Student media that are considered public forums have greater First Amendment protections than non-public forums and are not subject to *Hazelwood's* standards.

School-sponsored media defined as non-public forums can have wide First Amendment protection, but those are determined on a case-by-case basis.

According to the Student Press Law Center, private school media are not legally affected by either the *Tinker* or *Hazelwood* rulings, because the First Amendment only protects against action by government officials.⁷

Seven states have passed laws that provide more protections for student journalists than what is offered in the *Hazelwood* decision. They are California, 1977; Massachusetts, 1988; Iowa, 1989; Colorado, 1990; Kansas, 1992; Arkansas, 1995; Oregon, 2007. In 1997 the Illinois House of Representatives passed student press rights legislation by a vote of 109-4, and the Senate followed, 57-0, but the governor vetoed the bill.

The *Hazelwood* decision is not generally thought to apply to the college media, and many experts say the college media have the same First Amendment protection as professional journalists. The standard for college censorship cases in Illinois, Indiana and Wisconsin was set through a 7th U.S. Circuit Court of Appeals decision in the *Hosty v. Carter* case. In that case, a college administrator in Illinois attempted to use the *Hazelwood* decision as justification for prior review of a student newspaper. The newspaper had just printed articles and editorials critical of the administration. A lower court ruled unanimously in favor of the student newspaper finding that the *Hazelwood* standard isn't appropriate for college media and affirming the strong First Amendment protection for the college press. But the 7th U.S. Circuit Court of Appeals later ruled in favor of the administration in 2005, saying that the *Hazelwood* standard should be the "starting point" in college censorship cases. The U.S. Supreme Court refused to hear the case in 2006.

Although Illinois is part of the 7th U.S. Circuit Court of Appeals jurisdiction, the state passed legislation negating the *Hosty* decision.

All student journalists in public schools have significant First Amendment press rights, regardless of whether the school subscribes to the *Tinker* or the *Hazelwood* decision. It is not correct to say that *Hazelwood* removed all First Amendment protection from the student media.

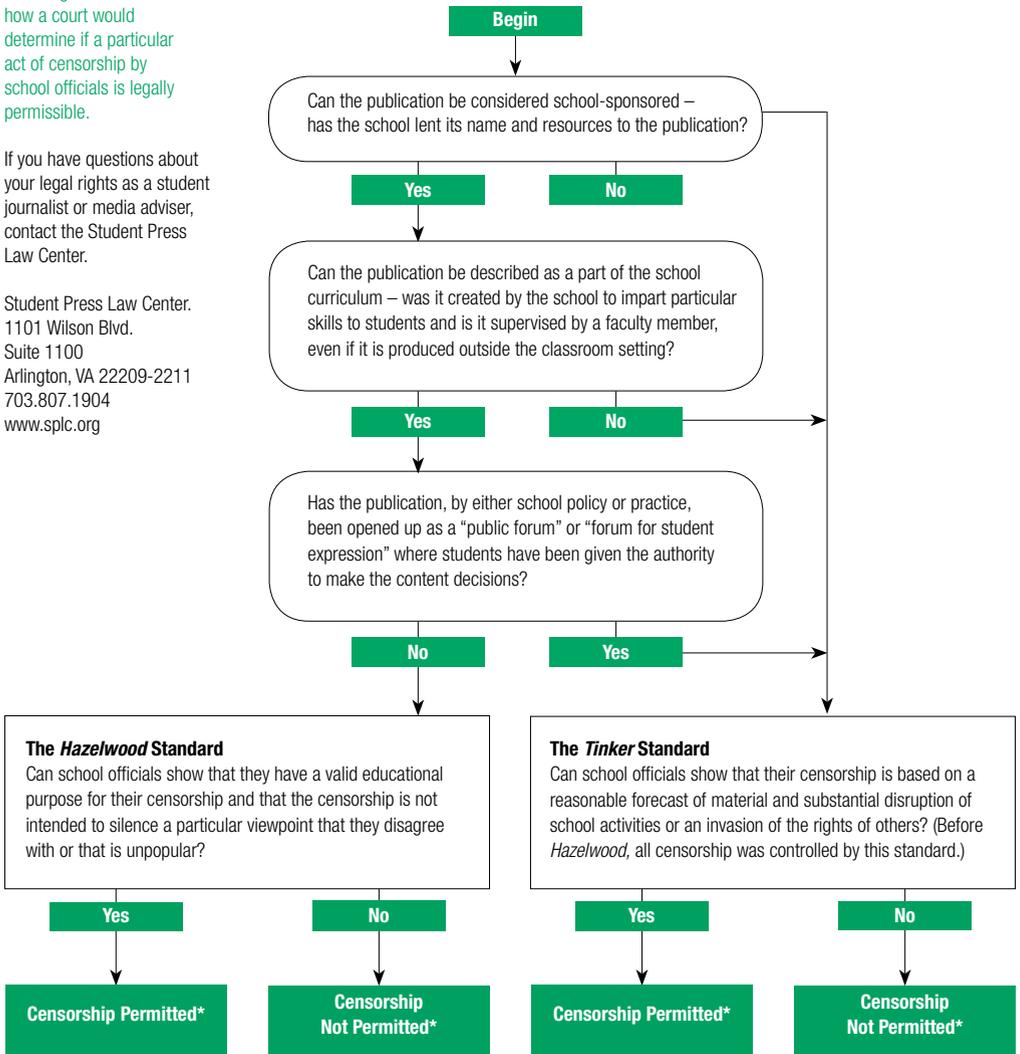
Many educators believe that democratic learning is best served by authentic journalism that has the degree of autonomy defined in *Tinker*. These educators find it unusual that a student would have greater First Amendment freedom to wear a message on a T-shirt than to write it on a newspaper's opinion page. Other educators believe the minimum freedoms of *Hazelwood* better serve the school. In either case, ethical protocol helps guard the welfare of learners, educators and the community.

First Amendment Rights of Public High School Student Journalists

This diagram describes how a court would determine if a particular act of censorship by school officials is legally permissible.

If you have questions about your legal rights as a student journalist or media adviser, contact the Student Press Law Center.

Student Press Law Center.
1101 Wilson Blvd.
Suite 1100
Arlington, VA 22209-2211
703.807.1904
www.splc.org



*As of February 2008, if your state is Arkansas, California, Colorado, Iowa, Kansas, Massachusetts, Oregon, Pennsylvania or Washington, the censorship may not be permitted under your state law or regulations.

IX. Ethics & Protocol

Ethical protocol causes individuals to examine their own values and to review how well their ethics align with their actions and with the values of others. It brings to a conscious level an examination of a person's basic beliefs and behavior. When an individual discovers inconsistencies or conflicting values in his/her own actions or in the actions of others, the protocol offers a pathway to resolution.

Ethical protocol also helps reveal the extent to which stakeholders' values are aligned. When stakeholders share common values, differences may be resolved more easily.

It is useful to review the values of each association that represents the interests of stakeholder groups. By checking the Code of Ethics of stakeholders' organizations, a clearer picture emerges of motivating factors that may affect decision-making.

Relevant to scholastic journalism stakeholders, here is a small sampling of organizations that have a code of ethics:

- > National Scholastic Press Association
- > Journalism Education Association
- > National Education Association
- > American Association of School Administrators
- > National Association of Secondary School Principals
- > Society of Professional Journalists
- > American Society of Newspaper Editors

The shield of the First Amendment can be used for good or bad. A person's motives, values and moral awareness are among the factors that direct an individual toward good or bad, right or wrong decisions.

First Amendment freedoms, intentionally or inadvertently, can be abused. Supreme Court Justice Byron White warned against frustrating the core value of the amendment, which is protecting the "flow of intelligence" necessary to support self-government in a free society. He criticized those who would use the shield of the amendment for unethical purposes. Protocol helps guard against such abuse.

Dilemmas sometime frustrate advisers and administrators: What is legal may not be what is ethical; having the right to say something doesn't make it right to say it. Conversely, having the legal opportunity to block expression does not make taking such action ethical.

So how can school officials guide students away from abusing their press freedoms without arbitrarily and autocratically demanding that students follow administrators' ethical choices? Perhaps the best way to influence students is to appeal to their intrinsic motivation. Such strategy begins with accepting a student's right to legislate and enforce his/her own ethics and, barring intrusion on the rights of others, allow expression of those ethics. Rather than use clout to dictate ethics, an effective educator uses reasoning to influence a student's judgment toward high moral principles and good decisions that nurture rather than abuse press freedoms. If such strategy fails, a system of checks and balances is a democratic choice for remedying ethical lapses. Student editors, codes of ethics, media policy protections, ethical protocol and other checks are more effective than having administrators impose *their* ethics in a show of authoritarian clout.

Administrators, who may have good intentions, must be cautious of public perception. As Justice Samuel Alito said in his 2010 opinion in *Nurre v. Whitehead*, dissenting from the Court's refusal to entertain the free-speech claims of a student who wished to perform a Christian hymn at graduation:

“ When a public school purports to allow students to express themselves, it must respect the students' free speech rights. School administrators may not behave like puppet masters who create the illusion that students are engaging in personal expression when in fact the school administration is pulling the strings.⁸ ”

While public school teachers may be obligated to inculcate universal values in students, as agents of the state they are not allowed discriminately to teach, express belief in (in their capacity as a teacher) or suppress student expression of *controversial values*. A *universal value* may be defined as a principle or ethical statement that almost everyone finds valuable. A *controversial value* may be defined as a principle or ethical statement that lacks consensus in the community.

Public school educators may provide information or facilitate discussion about a controversial value, but they may not use their position to influence a student to take a particular side regarding a controversial value.

If a principal has a bias about tattoos, he may not disallow students to publish a story about tattoos, on the basis of his prejudice, in the official student newspaper. He may, however, prohibit students from publishing an

article that encourages students to get a tattoo without parental approval before they reach the age of lawful consent.

Some choices that students make lack ethical integrity, betray the spirit of the First Amendment and fall at the very far edge of a protected freedom. In such a case, the temptation to narrow that freedom may be great. But many who support the First Amendment believe the temptation must be resisted:

A line will always exist between behavior protected by law and behavior that is not. If we reduce the distance to that line each time free speech is challenged, our freedoms perpetually erode.

The “Credo for a Free and Responsible Communication in a Democratic Society” of the National Communication Association defends tolerating expression that falls at the very edge of protected speech:

“ We support the proposition that a free society can absorb with equanimity speech which exceeds the boundaries of generally accepted beliefs and morals; that much good and little harm can ensue if we err on the side of freedom, whereas much harm and little good may follow if we err on the side of suppression.⁹ ”

The best way to promote ethics and fight abuse of the First Amendment is to develop a keen understanding—a panoramic vision—of that cornerstone of American freedom. The more we learn about the First Amendment, the more we can appreciate the beauty of its protective, multidimensional, evolving nature.

X. Forum & Protocol

A trend in scholastic journalism has been to disempower students by changing the status of their news media from open forum to closed forum.

Public forum analysis is a doctrine the courts have developed to evaluate the legality of government restrictions on expression on government-owned property.

There are three types of forums:

- > **Traditional Public Forum** (a.k.a. **Open Forum**): Government-owned or controlled property that by tradition has been devoted to free expression (sidewalks, parks).
- > **Limited Public Forum** (a.k.a. **Designated Public Forum**): A forum that, “by policy or practice,” has been opened for expressive activity, but only for certain groups or topics (university facilities opened for meetings of student groups or other organizations).
- > **Closed Forum** (a.k.a. **Nonpublic Forum**): Public property that has not by tradition or designation served as a location for free expression (military bases, jails).

Student news media recognized by policy or practice as limited public forums follow the parameters set by *Tinker v. Des Moines Board of Education* (1969) and students have a greater level of editorial control. Media recognized by policy or practice as closed forums follow the parameters set by *Hazelwood School District v. Kuhlmeier* (1988), which gives student journalists less editorial control.

In *Tinker*, school officials have a relatively “hands-off” role regarding content of student media, but freedom is in no way absolute or on the level that a professional publication would expect. Officials may stop dissemination of news media that is libelous, obscene, would create a material and substantial disruption or would otherwise exceed the parameters of protected expression. Advisers teach and offer students advice, but they neither control nor make final decisions regarding media content.

In *Hazelwood*, the *Tinker* decision was reaffirmed, but the Supreme Court added another criterion when dealing with “curricular” media: Can school

officials show they have a *legitimate educational purpose* for the censorship and that the censorship is not intended to silence a particular viewpoint they disagree with or that is unpopular?

A dilemma occurs when school officials must decide whether to silence a student's voice in order to avoid public perception that the voice bears the imprimatur of the school. That dilemma is significantly lessened when (1) student news media are recognized as limited public forums with students controlling editorial content within the parameters set by *Tinker*, and (2) student news media are not subjected to a policy of prior review by administrators. Under *Hazelwood*, news consumers may mistake administrators' *approval* of student news media content with the false notion that they necessarily *endorse* the perspectives reflected in the content.

In all but seven states, public school boards may set policy regarding which of the two forum options they choose to recognize for student media. In California, Massachusetts, Iowa, Colorado, Kansas, Arkansas and Oregon, state legislatures have passed laws that nullify the more restrictive *Hazelwood* ruling in favor of adopting the *Tinker* parameters for protected student expression. Public school officials in those states are required to recognize student media as limited public forums.⁷

For the 19 years between *Tinker* and *Hazelwood*, public schools recognized their student news media as having extensive First Amendment protection. But since the *Hazelwood* decision, a growing number of schools are opting to exercise greater control over student media, minimizing the First Amendment rights of students. Some student journalists and advisers contend the increased control is motivated more by protecting the school's image than by nurturing good journalism practices. Some school officials contend that the greater control is needed to protect against liability and safety risks.

Ethical protocol provides the opportunity to have dialogue about the merits and liabilities of both open forum and closed forum recognition of student news media.

XI. Prior Review & Protocol

No issue in scholastic journalism is more contentious than the policy of prior review.

The Student Press Law Center explains prior review as “one of the most troublesome forms of censorship high school student media confront.” Journalism educators and professional practitioners widely oppose the practice of prior review because it almost always leads to prior restraint.

Many school administrators believe that prior review is necessary to protect the school’s interests and the students’ safety. Many administrators argue that their intervention under prior review does not represent censorship but rather the editing of content to support responsible standards of journalism.

The different attitudes about prior review are a rare departure from the usual practice of high school authorities following the advice of professional practitioners and expert educators specializing in an academic discipline. Journalism education associations have repeatedly tried to get school officials to engage in public discussions about the merits and liabilities of prior review, but they have had practically no success.

Prior review occurs when anyone not on the news medium’s staff requires that he or she be allowed to *read, view or approve* student material before distribution, airing or publication.

Prior restraint occurs when someone not on the news medium’s staff *requires changes to or removal of* student media content before distribution, airing or publication.

According to the Journalism Education Association, prior review itself is a form of prior restraint. It inevitably leads the reviewer to censor and student journalists to self-censor in an effort to assure approval.¹⁰

The JEA states that an officially designated adviser, when working with students as part of the coaching and learning process, who reads or views student media content before publication is not engaged in prior review. However, when an adviser *requires* pre-distribution changes, his/her actions then become prior restraint.

Ethical protocol can bring to light the arguments for and against prior review, can offer alternatives to prior review and can hold accountable officials who practice prior review.

The Supreme Court in its *Hazelwood* decision said that high school officials could exercise prior review—reading only—of school-sponsored publications without written guidelines. They can do so even if the news medium is operating as a limited public forum unless school policy or state law prohibits it.

In practicing prior review, school authorities examine news media content to detect student expression that's not protected by the First Amendment or—if *Hazelwood* standards apply—that constitutes “a legitimate pedagogical reason” for censorship.

However, the practice of prior review tends to be an inconsistent process of micromanagement, controlling the school image, dictating ethics on controversial issues, arbitrary censorship and even intimidation. School authorities often become editors rather than overseers, thereby undermining the responsibility of student editors and their trained journalism teachers.

Prior review controversies as reported in the professional media show that the ethical justification and autocratic practice of prior review simply can not coincide. Censorship of protected speech occurs under the guise of “editing” by administrators.

Because prior review so often leads to prior restraint (censorship), leaders of the Journalism Education Association, the National Scholastic Press Association, the Society of Professional Journalists (see appendix) and other journalism and civic organizations strongly oppose the practice of prior review.

Some question why, if censorship is justified by “a legitimate educational reason,” the action is not followed by mentoring—explaining the legal or educational justification for the censorship and showing how coverage of the story may continue in a way consistent with journalistic standards and ethics.

Additionally, some question why the judgments of some school administrators regarding scholastic press law, journalism standards and ethics trumps the assessments of trained journalism educators and professional practitioners.

Some feel that when it comes to cultivating free and responsible student news media, some educators are prioritizing control and clout above collaboration and consensus. Control should be an exercise of purpose, not power; and self-control is decidedly preferable to authoritarian control.

School authorities are not expected to yield their pedagogic responsibilities, just as student journalists should not be expected to yield their First Amendment rights. There is a middle ground that can satisfy the concerns of all stakeholders. That may be found by examining alternatives to prior review. There are many alternatives, including the process of ethical protocol.

If students engage in ethical protocol routinely; habitually consider the ethics to do the right thing; work collaboratively to enhance their competence; partner with stakeholders to hone skills; and watch over one another, there should be no compelling reason administrators should engage in prior review.

Finally, the whole debate about the value of prior review soon may be moot. The emergence of instantaneous media is already changing the landscape of scholastic journalism, which naturally replicates changing skills and new standards of professional journalism. There will be little time for prior review, and that's one reason why it is critical to explore effective alternatives to prior review now.

XII. Youth Voice & Protocol

Sam Chaltain, director of the Forum for Education and Democracy, a national education “action tank” devoted to restoring the purpose of public education, delivered the keynote address at the protocol conference. His talk, “American Schools: Creating School Cultures That Can Celebrate Youth Voice and Media,” stirred participants with insightful and innovative ideas for enhancing democratic learning and achieving a proper balance of freedom and structure in schools. Chaltain advocates providing enough structure to empower students to do their best work and enough freedom so that each student’s inherent creativity can be unleashed. His philosophy fits well with the aim of protocol as a way to help keep free and responsible student news media in balance with the best interests of all journalism stakeholders.

Below are some
of Chaltain’s comments.

Excerpts from keynote address, “*American Schools—Creating School Cultures That Can Celebrate Youth Voice and Media*”:

“ How do we create the most receptive climate for student journalism, and, in the process, how do we make the role of the student journalist central to a healthy school culture?

The most essential challenge for any organizational culture is to strike the right balance between individual freedom and group structure. Some schools err on the side of too much freedom and not enough structure. They mistakenly think that the best way to empower young people is just to say to them, ‘All right, you have voice now. Go.’ Then there are also schools that feel freedom is something to be feared, and they err on the side of too much structure and not enough freedom. The central challenge as a school culture is striking the right balance between freedom and structure. That’s an essential role for a free and responsible student press to play—sharing information, making sure that the actions of school are monitored, providing information, creating news literacy and empowering young people to exercise their rights responsibly.

When we think about school cultures, the things that we pay attention to are the things we see—the visible aspects of the school culture. So test scores, school trophy cases, uniforms, maybe the latest copy of the school newspaper—all of those things are important. But they are only one part of the puzzle. If we are really serious about creating a receptive climate for stu-

dent journalism, then all of us need to be more attuned to the invisible aspects of a school culture, including the quality of relationships that exist among people in the building. Those invisible aspects of a school culture need to get addressed, including the invisible aspects of student journalism, [one of which is] the fear of freedom—the fear of giving young people a voice, because if we give them a voice, what will they say?

Countless research has demonstrated that the best way we learn is democratically, and the best environment in which we can learn is a democratic learning environment, [one] that balances individual freedom and group structure, [one] that tends to both visible and invisible aspects of the culture, [one] where adults are authoritative facilitators of learning, not authoritarian presences that just try to shove facts into kids rather than try to pull ideas out.

All of the things that student journalism does—the way it helps young people develop critical thinking, writing skills, working cooperatively; the way it contributes to an overall healthy educational culture—these are the ways all of us need to talk about [in regards] to student journalism. And oh, by the way, it prepares young people for democracy. Journalism is one of the best possible programs for doing that.

There is no more appropriate front line for the causes of democracy than student journalists . . . trying to make sure that all schools are healthy, high-functioning, democratic learning environments where all young people are given the skills and self-confidence they need to be meaningful and responsible contributors to the common good.

President Barack Obama said one of the things he is most interested in seeing in the next education policy is a different way of assessing whether or not schools are successful. What we currently have—and this is the epitome of insanity—are schools being judged successes or failures based on a single-day, student performance on basic skills, standardized, third and eighth grade reading and math scores.

The president wants to get a broader measure to determine whether or not schools are being successful. I think that opens up space for principals and teachers to go back to the things they know were important for student learning and youth engagement. One of the first things, I think, that needs to be on that plate is student journalism. Programs like [journalism] are essential aspects of a high-quality education. Only with student journalism, only with a healthy free press can we even make sure our leaders are making the decisions that need to be made.

What's been most frustrating to me when schools err on the extreme side of freedom is the same frustration when schools err on the extreme side of structure: I don't see a lot of learning going on.

The best school mission statement I've ever seen: 'Empowering each individual with the knowledge and skills to use his or her unique voice effectively and with integrity to co-create our common public world.' ”

Part Two

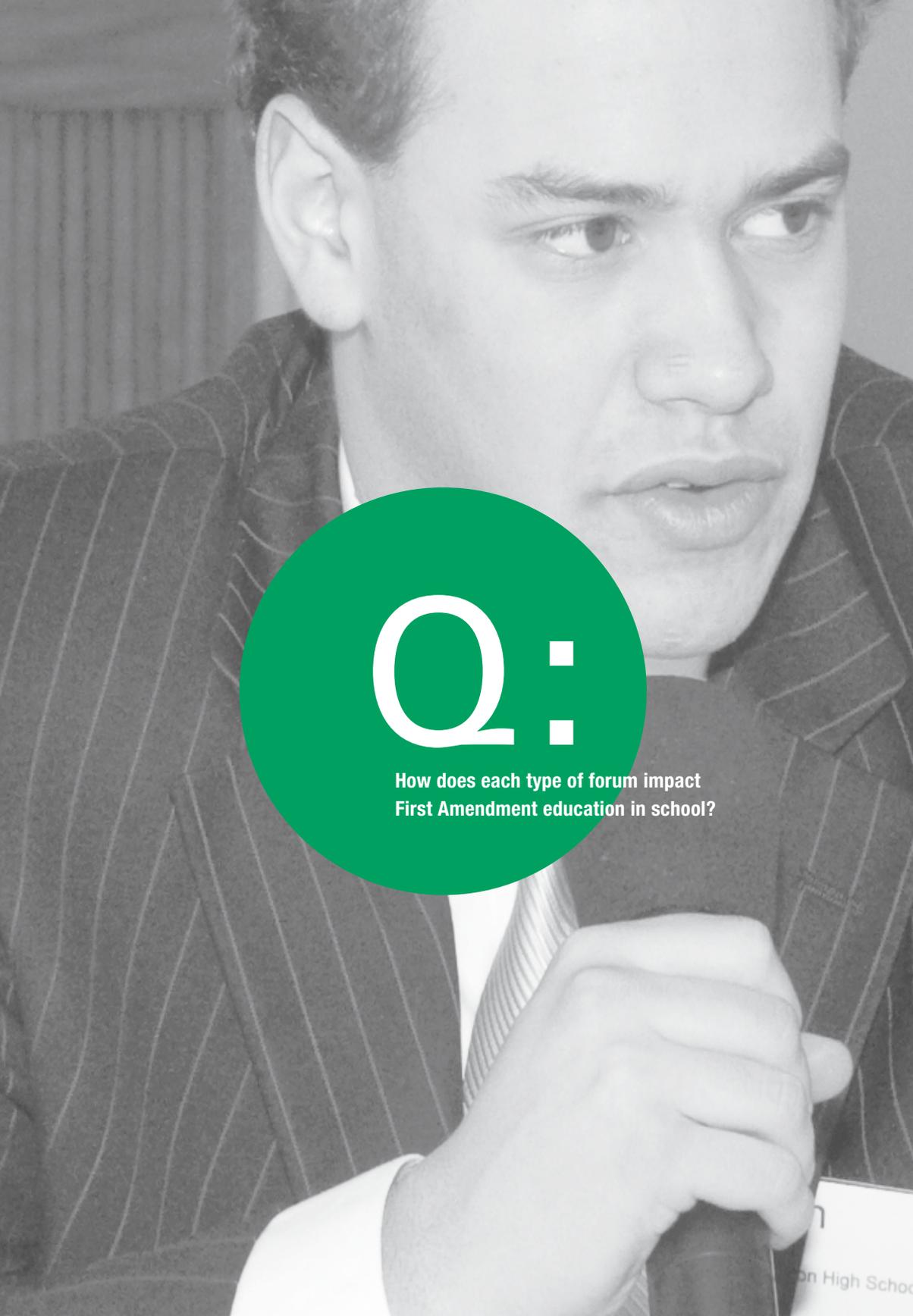
Examples of Ethical Protocol

The following examples of ethical protocol were chosen because they embody core issues in scholastic journalism. The principles represent widely accepted truths that serve as the foundation for a person's beliefs, behavior or chain of reasoning. The questions are a sampling of inquiries that are relevant to student journalists and their news media.

Part Two: Examples of Ethical Protocol

I. Principles of Forum

- 1 Although there is no requirement that any government agency establish a forum of any kind, it is essential to civic engagement that students be provided with robust forums at school from which they may exercise their First Amendment rights.
- 2 Once a government does establish a forum, it cannot dictate the content of that forum.
- 3 Of the three types of forums—**traditional, limited, closed** (see “X. Forum & Protocol”)—**closed public forums** minimize the First Amendment rights of students.
- 4 The **limited public forum** status for student news media provides a more authentic training ground than a **closed public forum** for students to learn responsible application of First Amendment freedoms.
- 5 The right of school officials to prohibit unprotected student expression is not diminished by recognizing student media as **limited public forums**.
- 6 Since the *Hazelwood School District v. Kuhlmeier* (1988) U.S. Supreme Court decision, public school boards have a choice of recognizing whether their student news media is a **limited public forum** (*Tinker*) or a **closed public forum** (*Hazelwood*).
- 7 A **limited public forum** enables students to make decisions on content, thus empowering them to practice critical thinking and civic engagement roles.
- 8 The educational value of the **limited public forum** is reflected by the democratic learning opportunities afforded by such a forum.
- 9 A school’s intent is critical in determining the forum status of student media. The school’s intent may be revealed by written school policy, if one exists, or by how the publication has operated over time. Actual practice speaks louder than words in determining whether the school intended to create a **limited public forum**.
- 10 Studies, such as the annual State of the First Amendment survey conducted by the First Amendment Center, have clearly shown that students, and communities in general, do not understand the substance and spirit of the First Amendment and how it impacts citizens. One reason may be that students are not allowed to practice what they are taught while in schools, and thus they do not believe the theories of the democratic system.



Q:

**How does each type of forum impact
First Amendment education in school?**

Questions about Forum

- 1 What are the arguments for and against recognizing student media as limited public forums, and what is the rationale of the school board in making its decision?
- 2 If journalism educators and professional practitioners widely recommend that high school student media should be recognized as limited public forums, why do some schools still choose closed forum status?
- 3 How does the process of protocol strengthen the argument for recognizing student media as limited public forums?
- 4 If school officials are at greater liability risks under a policy of closed forum rather than limited forum for student media, why do they choose closed forum?
- 5 What is the importance of a forum for student expression? What does it help teach students, and how can it help with a school system's commitment to excellence?
- 6 From a purely educational standpoint, which type of forum—limited or closed—is the best choice for student media?
- 7 How does a closed forum for student media diminish opportunities for members of the school community to voice their perspectives?
- 8 What student-initiated limited forum can foster dialogue, discussion and debate better than student news media?
- 9 What legitimate educational mission does a closed forum accomplish?
- 10 How does each type of forum impact First Amendment education in school?

II. Principles of Prior Review

- 1 The arguments for a policy of prior review diminish when responsible journalism occurs—when a qualified faculty adviser, clear publications policies and professionally oriented journalism curriculum exist.
- 2 Authority to *read* content before it goes to press or air is not the same as the authority to demand changes, to punish for content decisions, or otherwise censor disfavored material. The former is prior review. The latter, censorship, is prior restraint.
- 3 A student news medium cannot remain an independent source of news or serve as a watchdog for the school community when a school administrator is shaping its content before it goes to press or air.
- 4 Rights, more than authority and discipline, prepare students for roles in a democracy as thinking, discerning, contributing citizens.

- 5 Prior review creates the possibility of viewpoint discrimination, undermining the marketplace of ideas and all pretext of responsible journalism.
- 6 Prior review can enable public school authorities, who are government officials, to decide in advance what people will read or know. Such officials are potential newsmakers, and their involvement with the news dissemination process can interfere with the public's right to know.
- 7 Prior review can negate the educational value of a trained, professionally active adviser and teacher working with students in a counseling, educational environment. Prior review simply can make the teacher an accessory, as if what is taught really doesn't matter.
- 8 Prior review can lead toward self-censorship, the most chilling and pervasive form of censorship. Such fear eliminates any chance of critical thinking, decision-making or respect for the opinions of others.
- 9 School authorities can achieve the school's educational mission without implementing a policy of prior review.
- 10 Prior review is not illegal in most judicial circuits; however, no court ruling justifies it or encourages it for educational reasons. This makes prior review primarily an educational issue, and most scholastic journalism educators have stated it has no legitimate pedagogical value. Prior review and a lack of trust in students to produce quality journalism undermines the very missions school officials say are among their most important.

Questions about Prior Review

- 1 Are school authorities who participate in prior review influenced to censor expression that may displease their supervisors?
- 2 What is the purpose of prior review? To prevent misinformation? To protect the school's image? To enhance student learning? To provide accurate information to the school's communities (including voters)? Which of the reasons given for review are educationally valid, fitting within *Hazelwood's* framework?
- 3 What journalism skills and motives do administrators bring to their review? How does review affect the school's curriculum, especially student learning? Does review provide the lessons that the curriculum intends?
- 4 If we can agree that prior review has no legitimate educational value, what can we design that can take its place and still leave a reality of protection for all the stakeholders in the educational process?
- 5 How has prior review improved the educational process or safety of schools where it exists? What case studies, provable educational studies/research/standards exist to show the effectiveness of prior review?
- 6 Does administrator review, since the reviewers are agents of the state, reflect our democratic traditions and heritage?

- 7 What case studies can we show where prior review does not exist, and how can we use these models to build a process of achieving oversight without prior review?
- 8 What happens after prior review? Deletion of all or part of a story? If deletion or telling students to remove copy or change it occurs, how does this affect the truthful and accurate reporting a school's community should expect from its media?
- 9 What does a cross section of professional media personnel have to say about prior review? What would they recommend as the best process for students to learn journalism and both the freedoms and responsibilities that go with it?
- 10 What checks do student journalists have that school officials will not use prior review as a vehicle for prior restraint and for serving self-interests?

III. Principles of Partnership

- 1 School partnerships are built on shared values and philosophies, and all stakeholders collaborate to align their participation with the best interests of learners, the school mission and the whole school community.
- 2 Scholastic journalism partnership begins with stakeholders participating in open and straightforward discussions about values, goals and needs of journalism students, their news media and the community they serve.
- 3 The potential for student journalists and their news media to achieve excellence depends largely on their partnership with other stakeholders, their competence and their ethics.
- 4 All stakeholders of an educational partnership should be valued and treated with dignity in private and public interactions and without any detrimental distinctions involving rank, age, intellect or other such considerations.
- 5 In antiquated hierarchies leaders were considered simply bosses. Today's leaders must be partners with their people; they cannot lead effectively solely based on positional power.
- 6 Empathic listening, motivated by the desire to truly understand another's point of view, requires the listener to shelve temporarily his personal agenda in favor of considering other stakeholders' perspectives.
- 7 Frequent, non-threatening communication and varied opportunities to interact increase stakeholder participation and nurture an effective partnership.
- 8 High ranking school authorities are more effective when they build a partnership than when they exercise command.
- 9 Partnerships prosper when judgments are not rushed and when decisions may be revisited in light of new information or other factors.
- 10 Partnerships require continual maintenance, and protocol provides a structure for such maintenance.



Q:

Do journalism stakeholders demonstrate accountability, transparency, trust and other characteristics of a strong partnership?

Questions about Partnership

- 1 How do journalism stakeholders nurture their partnership with each other?
- 2 How do journalism stakeholders identify their shared values and philosophies?
- 3 Who monitors and reports on the interactions of journalism stakeholders in ways that nurture an effective partnership?
- 4 In the partnership of journalism stakeholders, is the focus more on “controlling learning” (autocratically) or on “cultivating learning” (democratically)? Why?
- 5 When disputes arise within a partnership, do partners begin the process of resolving differences by identifying first the principles and issues they agree on?
- 6 Who takes initiative to rehabilitate damaged partnerships, and what strategies are applied?
- 7 Are the principal, adviser and others in supervisory positions willing to enter collaborations as “partners” rather than as “managers”?
- 8 Do representatives from each stakeholder group meet occasionally to identify mutually beneficial goals and to check the alignment of stakeholders’ values?
- 9 Do all partners in scholastic journalism have the opportunity to be heard and to engage in meaningful dialogue with other stakeholders about journalism issues?
- 10 Do journalism stakeholders demonstrate accountability, transparency, trust and other characteristics of a strong partnership?

IV. Principles of Controversy

- 1 Controversial topics are an inherent feature of news media. A journalism curriculum should include teaching students how to cover controversy and provide them with experiential opportunities.
- 2 Controversy is in the eyes of the beholder and is difficult to predict or assess. The best way of handling controversy is preparation.
- 3 Preparation for handling controversy includes following and practicing professional standards of journalism like those articulated by the Society of Professional Journalists, The Poynter Institute, Radio Television Digital News Association, National Press Photographers Association and the Journalism Education Association. Professional standards include measurable “best” practices as well as ethical considerations. It is important to note that ethical standards are guidelines and not rules and should not be used for punishment if not achieved.
- 4 The foundation for implementing professional standards is publishing the truth. All other journalistic processes are built on this foundation. The many dimensions of most controversies can make discovery of truth particularly challenging.

- 5 Covering controversial stories usually poses significant risks, but it can be more precarious not to take a risk at all.
- 6 Safety is not achieved by shielding students from controversy but rather by teaching them how to deal with controversy.
- 7 If students feel the information they gather and report can lead to significant controversy, they should design an assessment process to thoroughly vet foreseeable issues before publication. School officials— including journalism teachers, media advisers and administrators— should provide students with the tools and background to make this assessment process successful and then trust the students to carry out the process.
- 8 The goal of reporting controversial stories is not to sensationalize or tantalize, but rather to create better understanding and communication about topics or issues important to the community's awareness.
- 9 In a democratic society, “the lowest common denominator” among citizens does not get to dictate what information everyone else receives by stirring up controversy. An essential part of the socialization mission of schools is to help everyone in the school community learn tolerance for views different from their own. This mission is not served by categorically banning all discussion of controversial issues on which strong opinions exist from the student media. Such categorical prohibitions give the thinnest-skinned member of the audience veto authority over what information everyone else can receive.
- 10 The English poet John Milton provides this value of *controversy*: “There is no learned man but will confess he hath much profited by reading controversies; his senses awakened, his judgment sharpened, and the truth which he holds more firmly established. In logic they teach that contraries laid together more evidently appear; and controversy being permitted, falsehood will appear more false, and truth more true.”

Questions about Controversy

- 1 Since controversy is an inherent feature of journalism, do school officials encourage journalism students to pursue controversial topics? Why or why not?
- 2 Specifically, what controversial topics are student media prohibited from covering in our school, and are those same topics prohibited throughout the school curriculum?
- 3 Should school officials who arbitrarily deny student journalists the opportunity to cover controversial stories be required to identify themselves and provide in writing the legal rationale behind the denial? Why or why not?
- 4 Why do some educators fear the practice of student journalists covering controversial topics?

- 5 If controversy is truly in the eye of the beholder, how can student editors and media advisers be required to give administrators a “heads up” when pursuing “controversial” stories?
- 6 Whose judgment holds the most value in evaluating student competence in covering controversial issues: a school administrator’s, a trained media adviser’s, a professional practitioner’s, an ombudsman’s or a journalism organization’s (such as the Poynter Institute)? Are those who are most trained to evaluate the quality of journalism sought to render their opinion when controversial coverage becomes a matter of contention between student journalists and administrators?
- 7 Are student media advisers allowed to advocate on behalf of their students when administrators are upset with controversial coverage? If they are not, who can serve as a student advocate? If media advisers are allowed to advocate for students, what protection do they have against retributions?
- 8 Why are journalism teachers and advisers sometimes ordered by school officials to refrain from participating in debate surrounding student news media controversies?
- 9 Under what circumstances is there justification for chastising or punishing journalism students and teachers for disseminating controversial perspectives or participating in the debate of controversial issues?
- 10 Should administrators filter their reactions to controversial stories through the media adviser, or should they meet directly with student editors themselves? What is the rationale?

V. Principles of Accountability

- 1 The root of journalistic accountability is to discover and report the truth, and then to inspire people to live by the truth.
- 2 Accountability in scholastic journalism includes the processes through which each individual or group makes a commitment and then delivers to meet the commitment.
- 3 Protocol requires that accountability be a reciprocal arrangement in which every stakeholder in scholastic journalism is empowered to hold himself and all other stakeholders accountable.
- 4 A critical aspect of accountability involves the right of every stakeholder, regardless of rank, to initiate grievances without fear of reciprocity.
- 5 Self-accountability is essential for keeping individuals on an ethical and responsible track.
- 6 Self-accountability inspires journalism stakeholders to consider possible consequences of their actions and to weigh those consequences in decision-making.
- 7 To strengthen accountability, journalism stakeholders should collaboratively discuss objectives. Then they should monitor themselves and one another to help keep everyone aligned toward achieving the shared objectives.
- 8 Accountability is enhanced by a continual evaluation of all stakeholder actions and student news medium quality to learn ways to improve and to enable adjustments that can facilitate achieving objectives.
- 9 Accountability for student journalists requires that they have clearly defined areas of responsibility; they be given the authority to carry out their duties; and they fully understand the expectations of all stakeholders.
- 10 Accountability processes in public schools should be consistent with sound principles of experiential and democratic learning.

Questions about Accountability

- 1 Do all stakeholders of journalism, including student journalists, agree that they have the right and responsibility to hold themselves and all other stakeholders accountable for their words and actions?
- 2 Will school authorities agree to put their specific rationale for any incident of censorship in writing in order to lessen any misinterpretation or disagreement over the reason for censorship?
- 3 What can be done to nurture accountability among journalism stakeholders?
- 4 How are students, advisers, administrators and school board members held accountable to the community for their actions and attitudes regarding student news media?



Q:

What can be done to nurture accountability among journalism stakeholders?

- 5 Do the school board and administration have forums, such as “town meetings” that allow for public dialogue or debate with school officials regarding issues involving free and responsible student news media?
- 6 Do school authorities have a protocol for handling community and media inquiries about student news media issues such as censorship? When should the public relations person speak for the school, and when should an administrator or school board official speak directly to the public?
- 7 Are journalism advisers given permission by school officials to address the public on student news media issues without fear of retaliation or job consequences?
- 8 Can student journalists show they have a good purpose and a responsible plan for covering controversial stories and that they have taken precautions to minimize harm?
- 9 Can student journalists show they have considered the ethical dimensions of each story they cover?
- 10 Do student news media print corrections in a timely manner?

VI. Principles of Transparency

- 1 Transparency is a powerful force that improves school governance by promoting accountability and keeping citizens informed.
- 2 Transparency inspires school officials and other stakeholders to be more careful and efficient so as to withstand public scrutiny.
- 3 Openness and candor are essential in providing school stakeholders with information upon which they may form educated judgments and act.
- 4 Every stakeholder in the school community has a right to access timely, accurate information that school officials are obligated to share.
- 5 While transparency enhances the democratic climate of a school, it can impede quality democracy if disclosure compromises interests that are higher than the public's right to know. (Legislatures can provide balance by defining criteria for determining when information may be withheld, thereby preventing arbitrary value judgments of school officials. For example, school officials may not be allowed to release a student's discipline records to the public when it is of higher priority to protect the student's privacy.)
- 6 No stakeholder should hide behind sophistic arguments and pseudo-assertions in refusing to share information. School authorities should be more concerned with building improved school cultures than with building images that are facades.
- 7 When excessive transparency is directed at manipulating the image of a school, attention may be taken away from issues that need more attention.
- 8 Transparency is an ongoing dialogue among all stakeholders and is more than a one-way flow of information.

- 9 When all stakeholders are transparent in sharing their honest perspectives, judgments and motives, collaboration is more authentic.
- 10 Increasing participation among school stakeholders is an effective way of advancing transparency, openness and democratic learning in schools.

Questions about Transparency

- 1 What are dangers of a lack of transparency?
- 2 How can being selectively transparent with information create wrong impressions?
- 3 Was a decision not to be transparent with information based on arbitrary or legal reasons?
- 4 How are school authorities held accountable for their reasons to share or not to share information?
- 5 Under what circumstances are officials of public schools obligated to share information with the student news media? When are they legally justified in withholding information from dissemination by student media?
- 6 What circumstances would legally justify school officials being transparent with professional media but not student media?
- 7 What circumstances would ethically justify school officials discouraging student journalists to file Freedom of Information Act requests?
- 8 What are legal and ethical differences between public and private schools regarding transparency and sharing information?
- 9 What is the proper balance between transparency and privacy concerns in covering stories in the student news media?
- 10 Does the Family Educational Rights and Privacy Act (FERPA) restrict student news media? If so, how?

VII. Principles of Empowerment

- 1 Student and teacher empowerment is essential in any school that practices democratic learning.
- 2 The need for power and control emerges at an early age, and the best schools provide empowerment opportunities for students to help them develop autonomous skills and ethical values.
- 3 Empowering students to produce free and responsible student news media is effective when student rights are respected, adviser responsibilities are secure and administrator pedagogical concerns are addressed.
- 4 When a principal empowers journalism students and their advisers, he/she makes it possible for them to maximize their potential.
- 5 When student empowerment unjustifiably is diminished, students may sometimes try to satisfy their need for power in undesirable ways.



Q:

What is the rationale for minimizing or maximizing the empowerment of student journalists at our school?

- 6 Disempowering students can lead them to abdicate personal responsibility and deliberately underachieve as a negative way of creating a new sense of control.
- 7 Empowered stakeholders play a more equal and influential role in shared decision-making.
- 8 Empowerment generates energy and enthusiasm and makes people feel valued and important.
- 9 Mutual trust, direct and honest communication, respect for autonomy and a flatter, less hierarchical structure of administrative authority all nurture student empowerment.
- 10 An ideal approach to empowerment prioritizes cooperation above compliance, commitment above control and collaboration above clout.

Questions about Empowerment

- 1 What autonomous powers do student journalists of limited public forum news media have?
- 2 What autonomous powers do student journalists of non-public forum news media have?
- 3 What is the rationale for minimizing or maximizing the empowerment of student journalists at our school?
- 4 What rights do school authorities recognize and not recognize for student journalists? What powers do student journalists recognize and not recognize for school authorities?
- 5 What checks and balances keep empowered individuals accountable?
- 6 How can school authorities show they seriously investigate alternatives to censorship?
- 7 What evidence exists that shows student empowerment is real and not just cosmetic?
- 8 Does “nonpublic forum” status of a student news medium disempower students? If so, how?
- 9 How does prior review affect student and adviser empowerment?
- 10 Is student empowerment at our school based on the arbitrary decision of an administrator or upon policy? If the former, what administrator defines the empowerment? If the latter, where is the policy written?

VIII. Principles of Trust

- 1 High trust among stakeholders significantly improves communication, collaboration, execution, innovation, strategy, engagement, partnering and relationships.
- 2 When stakeholders trust one another and are not afraid to admit the truth about themselves, even when that truth may not be flattering, then they disengage the kind of political behavior that wastes everyone's time and energy.
- 3 Vulnerability-based trust takes courage because stakeholders cannot always be certain that their vulnerability will be respected and reciprocated.
- 4 Trust begins to erode the moment there is a suspicion about a person's true motives.
- 5 One of the fastest ways to restore trust is to make and keep commitments.
- 6 Trust is a powerful motivation that inspires stakeholders to pursue excellence.
- 7 Trust is a function of character (do the right thing) and competence (get the right thing done).
- 8 Trust requires straight talk, respect, accountability, transparency and a willingness to admit and correct mistakes.
- 9 The greater the autonomy the deeper the trust.
- 10 In cultivating trust, focus on successes, not failures; focus on opportunities, not problems; and create winners, not losers.

Questions about Trust

- 1 How do stakeholders define trust in the context of scholastic journalism?
- 2 How do we measure the level of trust among stakeholders of scholastic journalism, and what can be done to enhance that trust?
- 3 Since prior review diminishes trust among journalism stakeholders, what alternative strategies offer safeguards against incompetence and abuse of press rights but also nurture trust?
- 4 How successfully do administrators initiate trust?
- 5 What are the dividends of trust regarding journalism, democratic learning and school culture?
- 6 What are the benefits/deficiencies of a high trust/low trust school?
- 7 How can trust be nurtured if school authorities and journalism stakeholders do not agree to have substantive dialogue, accountability and transparency?
- 8 How does the relationship among journalism stakeholders at our school reflect an exemplary model of respect and trust?
- 9 Is there evidence of a caring relationship between our student journalists and administrators? What effect does a caring relationship have on trust?
- 10 Can consumers of student news media trust that the media truly reflects student perspectives that are uncontaminated by arbitrary censorship and repressive actions of overseers?

Appendix

The following cases and commentary are intended to serve as catalysts to inspire thought about how ethical protocol can make a positive difference toward improving competent and ethical decision-making, partnerships, student media and civic engagement in schools.

A. Precarious Censorship

Censorship can be precarious.

The October 2006 issue of *The Red and Black* student newspaper of Hillsborough High School, Tampa, Fla., was distributed with a gaping hole cut into page 3. Scissors removed a story from the school paper, but the act of censorship did not stop a voice; rather, it caused the story to be widely circulated in other media.

The principal's effort to contain information ended in a cascade of media attention that amplified what the principal wanted to silence.

Similar scenarios can occur every time school authorities don't weigh the risks of their censorship. Their effort to suppress may backfire and cause greater dissemination of a message than would have occurred if they let the story run in the first place.

Applying ethical protocol can help an administrator avoid the danger of making a vulnerable decision without the benefit of other perspectives.

Here's a synopsis of the censorship incident at Hillsborough High and an example of protocol questions that might have helped to avoid censorship while still addressing the principal's concerns:

The Red and Black of Hillsborough High boasts of being Florida's first high school newspaper. Since 1898 it has been covering issues and events of the school community, often tackling controversial stories.

About a third of Hillsborough's students are white; a third, black and a third, Hispanic. More than half are eligible for free or reduced lunch.

Joe Humphrey advises *The Red and Black*. Joe is a former reporter with the *Tampa Tribune* who decided some years ago to teach journalism. He mentors students who participate in the school's journalism program. He has a good relationship with his principal, William Orr, and he encourages his students to pursue substantive stories.

The staff of *The Red and Black* decided to do a story on the results of the statewide assessment test that Florida students take starting in third grade. The test is called the FCAT, and the State Department of Education publishes the results on its Web site.

The editor of the student newspaper decided to write the story herself, focusing on the achievement disparity that those test scores reflect—that

white students at Hillsborough High scored significantly better on the test than did students of color. She wants to run a chart that shows those results, broken down by race. And she wants to do a story to tell her classmates what the school administration is doing to address the disparity in scores.

Principal Orr said the article about the school's achievement gap was inappropriate for the student newspaper.

"If it's something that has a potential to hurt students' self-esteem, then I have an obligation not to let that happen," he said. "I don't think it's the job of the school newspaper to embarrass the students."¹¹ He ordered the article to be removed from the paper.

Mike Hiestand, an attorney representing the Student Press Law Center, felt the principal's rationale ignored the real problem.

"If it [disparity in test scores] is a problem, it needs to be solved by addressing it accurately and openly, and it sounds like that's what the students tried to do," Hiestand told the *St. Petersburg Times*. "You don't fix a problem simply by putting your head in the sand."¹¹

Had the principal engaged in ethical protocol with student journalists and other stakeholders, an alternative to censorship may have been agreed upon. Professional journalists use ethical protocol, and it is applicable for scholastic journalism, too.

News media practitioners who are coached by mentors at the Poynter Institute in St. Petersburg often use a series of 10 questions developed by Bob Steele, a Poynter Institute scholar for journalism values and a professor at DePauw University. The basic premise of the exercise is that ethical decision-making isn't a yes or no thing. With prompting, journalists realize there are far more options than just whether or not to publish. These questions also help journalists identify all the stakeholders in a story, consider the possible consequences of the story for each stakeholder and maximize journalistic values as the journalists minimize harm.

Wendy Wallace, a Poynter Institute mentor, edited Steele's 10 questions to make them especially relevant to high school journalism, where students have not only journalistic ethics to consider but also the ethics and educational objectives of the adviser and the school administration.

Here are the revised questions that can guide student journalists in decision-making:

- (1) What do we know? What do we need to know?
- (2) What's the journalistic purpose? What's the school's educational purpose?
- (3) What are the student journalists' ethical concerns? What are the adviser's ethical concerns? What are the principal's educational concerns?
- (4) What precedents, school policies or student media guidelines should decision-makers consider?

- (5) How can we include other people, with different perspectives, in the decision-making process?
- (6) Who are the stakeholders—those affected by a decision? What are the possible consequences of our actions on them?
- (7) What are the alternatives to maximize the journalistic purpose and the school's educational purpose and to minimize harm?
- (8) Can we clearly and fully justify our thinking and the decision to the stakeholders? To anyone in the school? To the public?¹²

These questions and the whole protocol process might have helped the principal at Hillsborough High make his decision. The perspectives of other stakeholders could have been weighed, and alternatives to censorship could have been explored. A consensus might have been reached.

Information is the oxygen of democracy. The public's right to know is one of democracy's highest values. Ethical protocol can guide journalism stakeholders toward protecting the public's right to know while minimizing harm. In schools that value democratic learning, ethical protocol is a useful tool.

B. Importance of Preparedness

Risks accompany journalists whenever they pursue controversial stories. The difference between taking careless risks and calculated risks is found in the degree of preparedness. Ethical protocol helps to prepare student journalists to tackle controversial stories by tapping the experiences and expertise of other stakeholders and by raising questions about issues that need to be considered before reporting begins.

Ethical protocol works best when it is proactive.

Student journalists, their adviser and school authorities at Emerald Ridge High School, Puyallup, Wash., may have avoided trouble had they applied the protocol process before a controversial story package appeared in the student newspaper. It brought about a lawsuit.

In the February 2008 edition of *The JagWire*, the student newspaper at Emerald Ridge High School, student journalists ran a set of stories addressing the prevalence of oral sex among students and the health concerns associated with it. Although the story package won a statewide award, it contained some red flags that could have been addressed early if ethical protocol had been applied.¹³

The student newspaper reported statements attributed to several high school students who said they had engaged in oral sex. The students, one of whom was a 17-year-old minor, were identified. Four students claimed the newspaper did not have their permission to print information about their sexual experiences. They sued the school district, three student reporters

Appendix

and two faculty members for invasion of privacy, negligence, and intentional infliction of emotional distress, among other torts.

One red flag deals with the first principle listed under “Minimize Harm” in the *Model Code of Ethics for High School Journalists*² published by the National Scholastic Press Association:

“Look beyond the likely impacts of each story, keeping alert to identify and respond to any unintended or undesirable consequences the story may hold in the shadows. Identify options for dealing with undesirable consequences. Determine if full disclosure of information may jeopardize student welfare unnecessarily; if so, decide what can be held back without jeopardizing the public’s right to know.”

Among the questions that could be raised in this situation:

- > Was it necessary to name the students who shared their sexual histories?
- > Did reporters secure evidence that they quoted students accurately and had their permission to identify them in the article?
- > Should parents have been notified about their child’s statements—particularly the parents of the 17-year-old minor—even though courts traditionally recognize a minor’s consent if he or she is capable of understanding the consequences?
- > Did an attorney check the story to see if it was a potential invasion of privacy?

A second red flag deals with another principle under “Minimize Harm”:

“Be especially sensitive to the maturity and vulnerability of young people when gathering and reporting information. Take particular care to protect young sources from their own poor judgment when their comments can put themselves and others in jeopardy.”

Among the questions:

- > Did reporters consider the maturity and vulnerability of those they interviewed? Of their readers/listeners/viewers?
- > Did they take care to protect the interviewees from what arguably could be their own poor judgment?
- > Should the reporters have warned the interviewees of consequences that could result from their admissions?
- > Would reporters ethically be justified in withholding student names even if the students gave permission to use their names?

Participating in the protocol process with journalism stakeholders not on the newspaper staff could have provided the benefit of additional precautions offered by professional journalists, school officials or parents. At the very least, prior input by different professional sources could weaken any charges of negligence.

A Pierce County jury found in favor of the Puyallup School District on April 21, 2010, ruling that the student newspaper article did not violate the privacy rights of student plaintiffs. The judge declared that the student newspaper had been operating as a limited public forum.

“There is no documented case [in America] of a school being successfully sued for a penny over something its student newspaper has published,” according to Frank LoMonte, executive director of the Student Press Law Center. “The ‘liability run amok’ argument has always been a smokescreen for people whose agenda is to do away with independent journalism, and this verdict just further reinforces and validates that.”

When ethical protocol is applied early in the journalism process, potential hazards can be identified, and effective strategies for covering controversy can be developed. The advice of such stakeholders as counselors, administrators, parents and professional journalists can be considered.

Ethical protocol better prepares student journalists to handle controversy.

C. Need for Dialogue

Ethical protocol provides important opportunities for democratic discussion, debate, argument, conciliation and consensus. But to realize its potential, protocol requires the participation of all key stakeholders and the belief that power does not justify authoritarian leadership in schools.

A “my way or the highway” attitude shuts down two-way communication and undermines the value of ethical protocol. It is particularly important that all stakeholders—especially those with the most power—take initiative to get other stakeholders to “buy in” to ideas rather than simply wield power to “command and control” decision-making. The ultimate frustration is for stakeholders to feel their input is merely cosmetic and “collaboration” is really a facade.

The Statesman student newspaper at Adlai E. Stevenson High School, Lincolnshire, Ill., its staff of talented journalists and its veteran adviser Barb Thill were all nationally recognized as exemplars in scholastic journalism. The newspaper was a regular recipient of the high school Pacemaker award, the most prestigious and exclusive honor of the National Scholastic Press Association. Individuals on the student staff won countless accolades in contests and evaluations, and the adviser was nationally acclaimed for her mentoring skills and journalism prowess.

In 2009 this superior journalism program fell into upheaval. The newspaper adviser was publicly rebuked and disempowered by school officials after her students published a story about “hooking up,” a term used to describe

casual sexual encounters among students. Thill resigned her journalism position after learning a new adviser would take over part of her journalism classes and share oversight of the student newspaper. The newspaper was repeatedly censored, and the school board took away the paper's status as a limited public forum. School officials accused students of practicing "shoddy journalism," although a *Chicago Tribune* editorial disagreed.

Referring to the "hooking up" story and incidents of censorship, the *Tribune* editorial said:

"... the 'hooking up' issue explored the changing nature of teen dating in jaw-dropping detail. Administrators said it was irresponsible, unbalanced and lacking in news value. We saw it. We gave it five stars. ... School officials insist they're not trying to water down the editorial content of *The Statesman*, but that's exactly what they've done. This isn't editing, it's censorship."¹⁴

In November 2009, administrators took control of the content of *The Statesman* and forced students to publish, against their will, an administration version of the paper. Students did not want their bylines appearing in the censored issue, but they were required under threat of grades to acquiesce.

Among the stories censored by Stevenson High School officials during first semester 2009:

- > A story that included two unnamed members of the National Honor Society who admitted to violating the Student Code of Conduct.
- > A story in which a student told how drugs prescribed by her doctor had undesirable side effects.
- > An editorial informing readers that *The Statesman* was being censored.

Students and parents met with administrators for 45 minutes on Nov. 23 to discuss censorship controversies. Stevenson spokesman Jim Conrey declined to share information about the meeting.

"The meeting that occurred this morning was a private meeting related to student progress in a course that is part of our curriculum," he said in an e-mail. "Consequently, we will not be releasing any details from the meeting."

In January 2010, all but four members of the newspaper staff dropped journalism from their schedules. A second newspaper adviser expressed disenchantment with restrictive administrative oversight and announced at mid-year she would not accept the journalism position again.

What led 11 passionate journalists, student leaders with distinguished reputations, to drop the course and quit the newspaper mid-year?

During the opening of the Feb. 8-9 protocol conference, *The Statesman's* former editor Pam Selman and former managing editor Evan Ribot delivered a joint address expressing the reasons for their decision to resign their positions

and the need for protocol. Here is a portion of their remarks:

“We came into this year with every intention of recreating a positive relationship with our administrators by opening channels of communication and hoping that we could once again see eye-to-eye on the importance of an open and active student press in our community. We needed the administration to understand that a student publication sees its brightest and proudest moments when a story creates change in the community, [encourages] conversation and shines light on a societal issue.

“What derailed our efforts at continuing to publish a quality product was the breakdown in communication between our staff and our administration. Whenever we seemed to make progress in having conversations with administrators, that progress was quickly reversed by administrators changing their minds. Nothing proved more frustrating . . . than the fact we were attempting to negotiate with people who constantly retracted past statements or [gave] elusive and evasive answers to our pressing questions.

“Every attempt at compromise . . . every speech we made and every board meeting we attended, we failed to create an appropriate protocol or any standard we could all agree upon.

“Students . . . must be willing to cooperate [with] and make concessions to administrators. There are indeed certain rules for student publications—the courts have said so. On the other hand, administrators must be willing to play by the rules as well and not simply make up the rules as they go along.

“[We] urge every administrator to look into setting up dialogue with the student publication [staff] to establish a clear understanding of the role of the publication in the community. Chances are student journalists are some of the brightest, most driven students in school. Connect with them!

“The Statesman was one of the brightest spots on Stevenson’s educational mosaic. When an administration appears open to negotiation and is willing to let journalism students fully explore their passion, these students will hold up their end of the bargain as well.

“An administrator popping into a newspaper class or layout session just to say hello and offer words of encouragement every so often is an easy way to foster good relations. Like any relationship, that between the [student newspaper] staff and the [school] administration is built on trust and treatment.

“We urge administrators, student journalists and advisers to work cooperatively, follow proper protocol and exercise responsible journalism in order to avoid the downfall of a [good journalism] program.”

Ethical protocol does not cause school officials to abdicate their power and responsibilities, but it does recommend that they engage in protocol more as

partners than as bosses. The coercive capacity of a 'boss' can interfere with the process of ethical protocol, which requires arguments to be considered by their merits more than by the rank of stakeholders.

District 125 school board president Bruce Lubin read a statement about the student newspaper controversies at the Dec. 17, 2009, board meeting. Here is a portion of his remarks:

"Some have suggested that . . . the school practices censorship and ignores the First Amendment rights of the student who produce the newspaper to ensure that *The Statesman* does not publish articles that either criticize the school or the administration, or are controversial in nature.

"However, the record of topics reported and editorialized upon in the paper in recent years clearly refutes this charge. . . . *The Statesman* has reported on provocative and sensitive subjects in the past, and undoubtedly will continue to do so in the future.

"The issues presented by the most recent controversies are not, fundamentally, ones of 'censorship,' but of helping our students to learn appropriate curricular and journalistic standards. The District and its taxpayers provide most of the funding which supports the publication of the paper. As such, *The Statesman* is not a "public forum," but rather an educational and curriculum endeavor. Under the U.S. Supreme Court's *Hazelwood v. Kuhlmeier*, school administrators may step in to impose restrictions on a newspaper of this type provided that their actions are reasonably related to legitimate pedagogical concerns.

"We, too, value and respect the First Amendment and hope to instill and encourage in our student journalists a passion for reporting and writing. However, we part company with those who insist school district leaders should allow school-sponsored student newspapers to be published free of and unrestricted by administrative review.

"Our educators believe . . . that there are only limited instances in which the use of anonymous sources is appropriate in the school setting. . . . experience has taught us that promises of . . . anonymity made by student reporters do not prevent other students from deducing the identity of sources.

"Another area which a school may lawfully regulate is the publication in a school-sponsored student newspaper of confidential, private medical information about identified students. . . . Administrators identified concerns with an article that dealt with the use and potential side effects of prescription drugs, citing and focusing on potential side effects of birth control pills, in particular. We do not believe that it is appropriate for a school district to make public this type of confidential personal information about an identified student by disclosing it in a school-sponsored newspaper or in any other format."¹⁵

Enhancing communication can contribute to a more desirable rapport between students and administrators, and it can help resolve conflicting interpretations and judgments that lead to contentious relationships. Ethical protocol can help enhance communication.

(Ethical Disclosure: Randy Swikle, the author of this report, spoke as an advocate for Stevenson High School student journalists at the Dec. 17, 2009, District 125 school board meeting.)

D. Society of Professional Journalists on Prior Review

The Wolf's Howl, student newspaper at Timberland High School, Timberland, Mo., has been under a policy of prior review since 2008. In October 2009, principal Winston Rogers required the removal of an article and editorial about tattoos from the newspaper. The principal told student editors that the topic of tattoos was not age-appropriate for students.¹⁶

Two months later, Rogers stopped distribution of the newspaper because it contained a small image of a student's ankle tattooed with a cancer-support ribbon and the name of a student who passed away from the disease.

In protest of prior review and censorship, veteran journalism teacher Cathy McCandless resigned as adviser of *The Wolf's Howl*, effective on the last day of the 2009-2010 school year.

On March 23, the Society of Professional Journalists wrote the following letter to administrators and school board members denouncing prior review and arbitrary censorship. SPJ is the nation's most broad-based journalism organization, dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behavior.

Appendix

Dear Principal Winston Rogers,
Superintendent Terry Adams and members
of the Wentzville School District Board of Education:

Leaders of the Society of Professional Journalists are disappointed to learn about the decision to institute prior review on *The Wolf's Howl*, the student newspaper at Timberland High School.

We understand that high school administrators have a responsibility to help provide a safe and nurturing environment for their students, and we know their job is difficult. But the recent actions taken against *The Wolf's Howl*—including the requirement that an issue of the newspaper be pulled from distribution because it included articles about and photos of tattoos—do more to harm the students than to help them.

A student newspaper needs to be a place where students can read about and discuss issues that are important to them even if those issues sometimes make people uncomfortable. Of course, administrators should prevent students from publishing any content typically considered to be unprotected speech, such as libel or obscenity. And administrators have a right to control expression that clearly would violate privacy or substantially disrupt the school. But restricting student expression over matters of personal taste protects no one, and it runs the risk of chilling speech about important issues.

Administrators at some schools prefer that their student “newspapers” publish nothing controversial, that the student journalists report only on positive events. But those publications are not really newspapers, and they teach students nothing about journalism or the role that journalism plays in our society.

So far, the restrictions placed on *The Wolf's Howl* have disrupted the school, cost the district a fine newspaper adviser and focused unwanted national attention on the district. Continuing these restrictions will only cause further damage to a once well-respected student publication, and it will send the message to students that governmental control of the news media is valued over a free press. We urge that Principal Rogers abandon efforts to conduct prior review over the student newspaper, and we ask that he work with the student staff to provide a responsible, vibrant and important newspaper that students want to read.

Sincerely,

Kevin Smith, President

Neil Ralston, Vice President, Campus Chapter Affairs

E. Partnership Perspectives

The journalism program at John Hersey High School, Arlington Heights, Ill., and its student newspaper, *The Correspondent* are exemplars in scholastic journalism. The paper operates as a limited public forum without prior review by administrators. It has won top prizes in journalism contests, and its staff members have won countless individual awards.

Informal protocol has been important in maintaining a strong partnership among the journalism stakeholders in the school. Below, four stakeholders—a student editor, an adviser, a principal and a school board member—each answer a question about their partnership:

*Why are you and other student journalists of *The Correspondent* trusted with maximum independence and press freedom guaranteed by *Tinker* rather than restricted to minimum independence and press freedom under *Hazelwood*?*

Megan Anderluh, Editor, *The Correspondent*:

I am a proud member of a student newspaper that hasn't been censored in its more than forty years of existence. A tradition of mutual respect and communication between administrators and student journalists pervades the atmosphere of *The Correspondent*, and for that reason prior review has never taken place for this publication.

Respect in *The Correspondent* office begins with an experienced adviser who is knowledgeable in journalism law and takes the time to teach it thoroughly to her students – we know about cases such as *Hazelwood* and *Tinker*, and we know the rights they guarantee us.

Almost every article idea that is proposed is subject to discussion, often with the entire staff. If a topic is controversial, we ensure that what gets printed has merit. We ask questions like, “Why does the student body need to know this story?” “Whom could it possibly offend?” And, “Is it worth it?” Nothing ever goes to publication just for shock value.

Hersey's administration is usually aware an article is being written before it gets printed, and they let the newspaper staff know of concerns they may have. We assure them we know why they might have qualms, that possible complications have been discussed, and that we're taking them into account. A free and successful school newspaper is all about open communication and trust between its writers and the administrators.

Appendix

How do you describe the partnership that exists among student journalists, the adviser, administrators and the school board in District 214?

Janet Levin, Adviser, *The Correspondent*.

Students determine the content of the school newspaper. My job is to advise. When an administrator or board member comes into the district, I try to help (advise) them to understand that a good relationship with the newspaper will ensure a better tenure.

My students always have an initial interview with the new person; they start with this question, "Do you believe in prior review?" They do their best to explain the tradition at John Hersey High School of having a quality journalism program due in part to no prior review.

They explain that they hope to have a friendly relationship. They hope they can count on this person as a source of information, making it clear that they intend to continue to work without prior review. In time, most administrators and board members come to understand that they can get students to cover a lot more news they would like them to cover: the bragging rights stuff, if they are supportive of them when they write about the controversial topics.

My students often cover controversial issues. It is my job to make sure they cover them responsibly. I also help my students stand behind their stories, or admit their mistakes. If administrators or board members have a complaint, it's my job to defend my students and to ensure prior review is not ever seen as a solution. Since *The Correspondent* is sent to all board members and administrators, they can read for themselves how the publication's goal is to make the school better, even if the paper covers the school's problems.

*Why have you chosen not to practice prior review on *The Correspondent*?*

Tina Cantrell, Principal, John Hersey High School

At John Hersey High School, we believe in teaching responsibility. With that goes trust. The advisor of our school newspaper and the students know that they must be able to defend their decisions for publishing articles. If there is prior review, then it is the administration that must defend those decisions. One of the main purposes of having a student-led newspaper is to teach the students to make good choices and then to be able to defend them. I have set my expectations and am always available to discuss situations with the newspaper students before they go to print, but I read what has been printed for the first time when the paper is delivered. When/if students betray my trust, I will use it as a learning experience. Hopefully that should handle the situation. If not, then other steps will have to be taken. If we truly believe in the democratic process and the First Amendment, then prior review seems to contradict those beliefs.

Why is it important to recognize *The Correspondent* as a limited public forum?

Bill Dussling, President, District No. 214 Board of Education

The Correspondent at John Hersey High School is an important platform for student learning about journalism skills. It is also an important platform to learn about free speech and the responsibilities that attend free speech. We believe that it is important to present students with various sides of issues that will cause them to think and come to decisions that will result in positive conclusions. Some topics presented may have diverse views, but we have excellent advisers for our student newspapers and have the confidence in their ability to instruct and work with journalism students in a collaborative manner that will result in positive decisions required to present first class journalistic articles.

Partnership, accountability, transparency, empowerment and trust are values that journalism stakeholders in School District No. 214 and John Hersey High School practice throughout the school culture.

List of Participants

Olutayo Adegboro

Northside College Prep High School

Megan Anderluh

John Hersey High School

Taryen Belasich

Naperville Central High School

John Bowen

Kent State University

Wayne Brasler

The University of Chicago
Laboratory High School

Tina Cantrell

John Hersey High School

Keith Carlson

Naperville Central High School

Sam Chaltain

The Forum for Education
& Democracy

Nick Chaskin

The University of Chicago
Laboratory High School

Don Craven

Illinois Press Foundation

David Cuillier

Society of Professional Journalists

Linda Dawson

Illinois Association of School Boards

Bill Dussling

High School District 214 BOE

Tom Gayda

North Central High School, Indianapolis

Mark Goodman

Kent State University

Diana Hadley

Indiana High School Press
Association at Franklin College

Mark Hallett

McCormick Foundation

Shawn Healy

McCormick Foundation

AnaMaria Hernandez

John Hersey High School

Jimmy Hibschi

Rolling Meadows High School

Matthew Horvat

The University of Chicago
Laboratory High School

Alex Johnson

Rolling Meadows High School

Linda Jones

Roosevelt University

Ken Keller

Illinois Broadcasters Association

Faiaz Khan

The University of Chicago
Laboratory High School

Janet Levin

John Hersey High School

Janet Liao

McCormick Foundation

Frank LoMonte

Student Press Law Center

Jamie Loo

McCormick Foundation

Shannon Marks

Naperville Central High School

Josh Moore

Western Kentucky University

Faique Moqet

Northside College Prep High School

Cheryl Pell

Michigan State University

Nicole Pelligrini

Naperville Central High School

Candace Perkins Bowen

Kent State University

Jennifer Reiser

Washington Community High School

Sally Renaud

Illinois Journalism Education
Association

Evan Ribot

Stevenson High School

Kim Ruff

Illinois Press Foundation

Melinda Selbee

Illinois Association of School Boards

Pam Selman

Stevenson High School

Vanessa Shelton

Quill & Scroll International Honorary
Society for High School Journalists

Marie Slater

Wheaton Warrenville CUSD 200

Kimberly Small

Illinois Association of School Boards

Ike Swetlitz

Naperville Central High School

Caitlin Swieca

Northside College Prep High School

Randy Swikle

Illinois Press Foundation and
Northern Illinois Newspaper
Association

Barb Thill

Stevenson High School

James Tidwell

Eastern Illinois University

Chester Tylinski

Northside College Prep

Cathy Wall

Harrisburg High School

Wendy Wallace

The Poynter Institute

Stan Zoller

Rolling Meadows High School

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The Bottom Line

This ethical protocol offers the opportunity for all stakeholders to have their voices heard and their values and priorities weighed in the robust arena of democratic engagement. It holds every stakeholder accountable in an open, transparent, collaborative forum. It nurtures free and responsible student news media and the competence and ethical development of student journalists. Above all, it cultivates real partnership toward meeting today's educational challenges.





About the McCormick Foundation

The McCormick Foundation is a nonprofit organization committed to strengthening our free, democratic society by investing in children, communities and country. Through its grantmaking programs, Cantigny Park and Golf, museums, and civic outreach program the Foundation helps build a more active and engaged citizenry. It was established as a charitable trust in 1955, upon the death of Colonel Robert R. McCormick, the longtime editor and publisher of the Chicago Tribune. The McCormick Foundation is one of the nation's largest charities, with more than \$1 billion in assets. For more information, please visit www.McCormickFoundation.org.

About the Civic Program

The McCormick Foundation Civic Program is dedicated to providing Chicagoland youth, ages 12-22, with the knowledge, skills and opportunities that are essential to lifelong civic engagement. This approach is founded on the belief that both knowledge and action are important to developing an engaged populace. The Civic Program pursues this mission by: delivering content and services that serve youth and teachers; funding organizations that improve civic education and engagement; and by advocating for policy changes which impact the civic education system.

Student Press Law Center's

HIGH SCHOOL Top10



The ten questions high school student journalists most frequently ask about their rights

Q: Do high school students have First Amendment rights?

A: Yes. As the United States Supreme Court said in 1969, “It can hardly be argued that either students or teachers shed their constitutional right to freedom of speech at the schoolhouse gate.” But the First Amendment prohibits only *government officials* from suppressing speech; it does not prevent school censorship at private schools. A state constitution, statute or school policy could provide private school students with free speech protections.

Q: What about the Hazelwood decision?

A: *Hazelwood School District v. Kuhlmeier*, the 1988 U.S. Supreme Court decision, gave public high school officials greater authority to censor some school-sponsored student publications if they choose to do so. But the ruling doesn’t apply to publications that have been opened as “public forums for student expression.” It also requires school officials to demonstrate some reasonable educational justification before they can censor anything. In addition, some states (Arkansas, California, Colorado, Iowa, Kansas, Oregon and Massachusetts) have passed laws that give students stronger free expression protection than *Hazelwood*. Other states are considering such laws.

Q: What is a “public forum for student expression”

A: A student publication is a public forum for student expression when school officials have given student editors the authority to make their own content decisions. A school can do that either through an official policy or by simply allowing a publication to operate with editorial independence.

Q: So if policy or practice indicates the content of my publication is determined by students, the Hazelwood decision doesn’t apply to me?

A: That’s right. If a student publication is a public forum for student expression, then students are entitled to stronger First Amendment protection. School officials are allowed to censor forum publications only when they can show the publication will cause a “material and substantial disruption” of school activities.

Q: What about underground or independent student publications? Are they protected from censorship?

A: Absolutely. Although public schools can establish reasonable restrictions as to the time, place and manner of distribution of underground publications, they cannot absolutely forbid their distribution on school grounds. Like school-sponsored publications that are forums, a school must show substantial disruption before they can censor an independent publication.

Q: Am I in danger of getting sued for defamation or invasion of privacy?

A: Very rarely, but it can happen, and it's important to observe professional standards if you want your work to be taken seriously. You can't be liable for defamation if you just publish a critical opinion about someone or reveal an unpleasant truth. But if you make a false accusation of fact (even one implied in an "opinion" column), then you may have committed defamation. Invasion of privacy occurs when a publication publicizes embarrassing personal information without consent and with no newsworthy justification, such as gossip about a teacher's marital problems. It can also happen if you mislabel a photo so that it gives a false impression that harms a person's reputation ("false light").

Q: Can we publish students' names and photos online?

A: Despite what many schools seem to think, no federal privacy law requires a student publication to withhold student information from the Internet or get advance written parental consent (though two states, New Jersey and Maine, appear to do so). If you're told there is such a ban, ask to see the school district policy in writing – and if the policy applies only to sites hosted on a school server (many do), see if you can get your news site hosted on a third-party server like My.hsj.org.

Q: Can I use Freedom of Information laws?

A: Yes. Freedom of Information, or "sunshine" laws, require government agencies such as public schools to open many of their official records and meetings to the public. These laws vary from state to state. Every newsroom should have a copy of the state's open records and open meetings laws – a great state-by-state guide is available on the Reporters' Committee for Freedom of the Press website, www.rcfp.org.

Q: Can I use cartoon characters, song lyrics or a theme from a popular magazine in my publication?

A: In most cases, only when you have obtained the permission of the copyright holder. Each of these works is protected by copyright law, which means others can use them only if they have obtained permission. Publishing a credit line does not take the place of permission. There is an exception to copyright law called "fair use" that can apply if you are only using a small amount of a copyrighted work in a way that does not substitute for viewing (or buying) the original.

Q: Am I allowed to re-use photos from Facebook, or Myspace, or videos from YouTube?

A: It all depends on what you're using them for. It's safest if you are critiquing the material – such as a "funniest videos" highlight segment on a broadcast, where you're adding your own commentary, or if you're making a parody or a mash-up that just "samples" other people's material as an ingredient in a brand-new creative work. The danger goes up with the commercial value of what you're using, so an AP photo published in a celebrity magazine is much riskier than an amateur Facebook photo.



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Panic Button

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If you are a JEA member or students of a JEA member who need assistance concerning censorship issues, use the panic button above to generate an online form to explain your situation. This will go to a Student Press Rights Commission member who will assist you quickly and notify others in your state so they can offer assistance. This outreach capability is a direct result of JEA's Adviser Assistance Program and is designed to combat censorship issues advisers and students might

face.

Resources for Panic Button

- Press Freedom in Practice
<http://www.splc.org/knowyourrights/legalresearch.asp?id=72>
- A conversation about prior review
<http://jeasprc.org/sjw11-a-conversation-about-prior-review/>
- 45 words “what to do” p9
<http://jeasprc.org/wp-content/uploads/2014/07/EditorsEmergencyKit.pdf>
- A process for developing editorial policies that mean something
<http://jeasprc.org/a-process-for-developing-editorial-policies-that-mean-something/>
- JEA model editorial policy
<http://jeasprc.org/wp-content/uploads/2009/10/jeamodeleditpolicy-2013.pdf>
- Friends of the Spoke
http://friendsofthespoke.org/Friends_of_The_Spoke.html
- **JEA Adviser Code of Ethics**
<http://www.jeasprc.org/wp-content/uploads/2012/03/JEAadvisercodeof-ethics-2012.pdf>
- Guidelines, recommendations for advisers facing prior review
<http://jeasprc.org/guidelines-recommendations-for-advisers-facing-prior-review/>
- NSPA article by Mike Hiestand, “In censorship battles, students have the power”
Mostly an empowering piece about WHY this is the students’ fight
<http://www.studentpress.org/nspa/trends/~law1202hs.html>
- Lessons on handling prior review; lessons on designating your publication as a public forum
<http://www.jeasprc.org/wp-content/uploads/2012/02/Fightingpriorreview.pdf>
- NSPA’s Code of Ethics for Students
<https://scholarshipproviders.org/Content/ContentDisplay.aspx?ContentID=25>
- “Fighting Censorship” by Mike Hiestand
<http://www.studentpress.org/nspa/trends/~law0305hs.html>
- Rhetorical Analysis of Materials Covering Student Freedom of Speech Rights
<http://voices.yahoo.com/rhetorical-analysis-materials-covering-2660061.html>
- “Legal issues for Publishing Online” by Mark Goodman
http://www.studentpress.org/nspa/pdf/wheel_legalissuesonline.pdf
- Questions to ask those who prior review
<http://jeasprc.org/questions-for-those-who-prior-review/>

Quick ways to avoid the big C (censorship):

- **Be accurate in your reporting** is a key requisite for good reporting. The slightest error or omission or grammar mistake can persuade a reader the reporting is flawed. It can also give those who want to control reporting an opportunity to do so by citing obvious flaws. Your credibility is built on how accurate you can be. Prior review and censorship are only designed to limit or destroy accuracy.
- **Be thorough and complete** in your reporting as sometimes it is not enough to just present information but also to put that information in perspective. What seems like a single issue of point today might have a long history that completes the information audiences need to make informed decisions. Reporting can be slanted by omission as much as by viewpoint, so be thorough in finding all relevant information.
- **Use multiple and credible sources** to give all stakeholders a voice. Find the best and most credible resources – live and nonlive – to help tell and show all angles and all affected. Think ahead to what questions audiences might have and try to answer them all. All relevant viewpoints should have a voice. The more credible and reliable sources used, the more comprehensive and effective the reporting.
- **Follow professional standards** that include legal and ethical approaches that are defensible. Just because students can report a story does not mean they should; just because administrators can call for prior review and restraint (censorship) does not mean they should. Work to find common definitions of journalism, journalistic responsibility and accountability and then practice them.
- **Think through the implications** of what your students are reporting, how they are reporting it and why they are reporting it. It is the adviser's job to help students think along these lines. Think of the possible danger points but instead of creating red lights empower green lights that support successful publication of information. Anticipate what challenges or questions various audiences might raise and know how to respond.
- **Know your audience:** Although no topic is automatically taboo, how the topic is covered should result from a knowledge of the audience, including their ages and cultural sensitivities. A written description of the audience will help the student staff decide how to report the subject and help prioritize elements of coverage, headlines, web teasers, language use and graphic presentation of information. For instance, how young is the youngest member of the audience? Do not assume the audience shares staffers sense of humor, has consumed the same media staffers consume nor are as sophisticated.

Additional essential resources for legal and ethical information and guidance:

- **[Student Press Law Center](#)** is the premier site for legal and ethical advice, detailed information and the ability to ask legal expert question. The information is vast, with soon-to-be-added lesson plan and teaching resources.

- [Reporter's Committee for Freedom of the Press](#) is an excellent Web site and resource for a myriad of information about legal and ethical issues as well as reporting and information gathering issues.
- [The Poynter Institute](#) and [NewsU](#) are two wonderful sites for information that will strengthen your journalism program. The Poynter links here go to ethical issues. Another [continues](#) the list and a [third](#) goes to online and multimedia ethics tips. The NewsU link goes to courses offered for commercial journalists and collegiate and scholastic media students.
- [Journalists' Toolbox](#) is a product of the Society of Professional Journalists This particular link goes to ethics, but in particular to copyright and plagiarism resources.
- [Freedom Forum/First Amendment Center](#) plenty of good resources in terms of lessons and articles as well as research for the classroom and/or situations where you need background and philosophical rationale.
- [The Newseum](#) covers a wealth of historical and philosophical information and programs on journalism, and is an excellent resource of what are current newspaper design trends.

Essential Documents for journalism students and advisers

- [JEA/AEJMC Model editorial policy](#)
- [JEA statement against prior review](#)
- [JEA Adviser Code of Ethics](#)
- Model standards of professional journalistic conduct to students, administrators and others.
- Empower students to make decisions of style, structure and content by creating a learning atmosphere where students will actively practice critical thinking and decision making.
- Encourage students to seek out points of view and to explore a variety of information sources in their decision making.
- Support and defend a free, robust and active forum for student expression without prior review or restraint.
- Emphasize the importance of accuracy, balance and clarity in all aspects of news gathering and reporting.
- Show trust in students as they carry out their responsibilities by encouraging and supporting them in a caring learning environment.
- Remain informed on press rights and responsibilities to provide students with sources of legal information.
- Advise, not act as censors or decision makers.
- Display professional and personal integrity in situations which might be construed as potential

conflicts of interest.

- Support free expression for others in local and larger communities.
- Counsel students to avoid deceptive practices in all practices of publication work.
- Model effective communications skills by continuously updating knowledge of media education.
- [NSPA Student Code of Ethics](#)

Search

Press Rights Minute

- [Press Rights Minute offers authoritative 60-second audio support on key journalistic issues.](#)

Making a Difference

- [Advisers, as you prepare for the end of year contest submissions, consider entering student work in the JEA Scholastic Press Rights Commission Making a Difference project. You can fill out this online form and upload documents for consideration for publication.](#)

FAPFA Award recognition

- [Constitution Day lessons 2015](#)
- [Constitution Day](#)

State legislation

- [Information on state legislation including states that have passed free speech protection](#)

Blueprint for state legislation

- [Blueprint for state legislation](#)

Forum status application

- [Key cases](#)
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- [Curing Hazelwood](#)
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CSJ map of forum schools



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Sample Combined Editorial Policy for High School Student Media

📅 July 11, 2011 👤 Aaron Manfull

This is the sample combined editorial policy [referenced in this previous post](#).

This is a sample of an combined media editorial policy to be used as a starting point for scholastic journalism staffs. The policy combines newspaper, yearbook, web and broadcast mediums into one policy. The combined media policy was created by Aaron Manfull, JEA Digital Media Chair, with guidance from John Bowen, JEA Scholastic Press Rights Chair. The JEA Model Editorial Policy was also used, as were numerous other editorial policies to create this one which should serve as a starting point for staffs looking to combine their policies.

WASHINGTON HIGH SCHOOL MEDIA EDITORIAL POLICY

“Congress shall make no law...abridging the freedom of speech, or of the press...”

-The First Amendment to the Constitution of the United States of America

“The vigilant protection of constitutional freedoms is nowhere more

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vital than in the community of American schools.”

-Tinker v. Des Moines Independent Community School District

The WHS Media Editorial Policy pertains to all WHS media, including the newsmagazine, the Charger; the yearbook, the Shield; the website, WHStoday.com; and the podcast WHStoday TV. The full editorial policy is available on WHStoday.com.

WHS Media are the official student-produced media of news and information published/produced by WHS Media students. WHS Media have been established as designated public forums for student editors to inform and educate their readers as well as for the discussion of issues of concern to their audience. It will not be reviewed or restrained by school officials prior to publication or distribution.

Advisers may – and should coach and discuss content – during the writing process.

Because school officials do not engage in prior review, and the content of WHS Media is determined by and reflects only the views of the student staff and not school officials or the school itself, its student editorial board and responsible student staff members assume complete legal and financial liability for the content of the publication.

I. FREEDOM OF THE PRESS

As it is essential to preserve the freedom of the press in order to preserve a free society,

1. The media will serve the best interest of the students and faculty of Washington High School, keeping itself free from any commercial obligations distracting from this purpose; this is defined by the media itself;
2. Any decisions affecting the publications on all levels will be made by the editorial board, the adviser is allowed to give legal advice and his/her opinion, but the final decision rests in the hands of the editorial board;
3. Only the editorial board may prevent material it judges to be in violation of the media editorial policy, from being printed;
4. All media will vigorously resist all attempts at censorship, particularly pre-publication censorship;
5. All media retain the right to publish any and all material attained through an interview by a staff member of the publications staff, holding that the interviewee was made aware that the information could be published in any form at any time;
6. All student media referenced in this editorial policy are designated

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JEA Flipboard



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High School Media Online Map



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public forums;

7. Student journalists may use print and electronic media to report news and information, to communicate with other students and individuals, to ask questions of and consult with experts and to gather material to meet their newsgathering and research needs;
8. WHS Media and its staff are protected by and bound to the principles of the First Amendment and other protections and limitations afforded by the Constitution and the various laws and court decisions implementing those principles;
9. WHS Media will not publish any material determined by student editors or the student editorial board to be unprotected, that is, material that is libelous, obscene, materially disruptive of the school process, an unwarranted invasion of privacy, a violation of copyright or a promotion of products or services unlawful (illegal) as to minors as defined by state or federal law;
10. Definitions and examples for the above instances of unprotected speech can be found in Law of the Student Press published by the Student Press Law Center.

II. THE EDITORIAL BOARD

1. The editorial board will consist of all student staff editors.
2. The editorial board decides on all decisions that pertain directly the WHS media and their interests.
3. No member of the editorial board shall have more than one vote on the board.
4. All members of the editorial board and the adviser will elect a replacement for board members who have been dismissed.
5. All members of the editorial board are expected to know their duties and jobs in the room and must understand the consequences of not fulfilling said jobs.
6. The student editor and staff who want appropriate outside legal advice regarding proposed content – should seek attorneys knowledgeable in media law such as those of the Student Press Law Center. Final content decisions and responsibility shall remain with the student editorial board.
7. The duly appointed editor or co-editors shall interpret and enforce this editorial policy.

III. THE ADVISER

1. The adviser is a professional teaching staff member and is in charge of the class just as in a conventional classroom situation.
2. Is a certified journalism teacher that serves as a professional role model, motivator, catalyst for ideas and professionalism, and an educational resource.
3. Provides a journalistic, professional learning atmosphere for students by allowing them to make the decision of content for the media and ensuring the media will remain an open forum.

Adviser Award



Guide to Moving Online



Guide to Broadcast and Video



Guide to Multimedia Tools



4. Guides the newspaper staff in accordance with approved editorial policy and aids the educational process related to producing the newspaper.
5. May caution, act as legal consultant and educator terms of unprotected speech, but has no power over censorship or veto except for constitutionally valid reasons.
6. Will keep abreast of the latest trends on journalism and share these with students.
7. Will submit the school newspaper, yearbook, podcast, and online content produced by the students to rating services and contests in order for the school publications staff to receive feedback.
8. Will forward any received correspondence and/or information to the appropriate editors.
9. Will provide information to the staff about journalism scholarships and other financial aid, and make available information and contacts concerning journalism as a career.
10. Will work with the faculty and administration to help them understand the freedoms accorded to the students and the professional goals of the school publications.
11. The adviser will not act as a censor or determine the content of the paper. The adviser will offer advice and instruction, following the Code of Ethics for Advisers established by the Journalism Education Association as well as the Canons of Professional Journalism. School officials shall not fire or otherwise discipline advisers for content in student media that is determined and published by the student staff

IV. THE BUILDING ADMINISTRATION

1. The Washington High School administration will provide the students of WHS with a qualified journalism instructor to serve as a professional role model, adequate classroom equipment, and space for a sound journalism program.
2. WHS administration will offer equal opportunity to minority and/or marginalized students to participate in journalism programs.
3. WHS administration is not required to view and approve publication content before publishing.

V. CONTENT OF WHS MEDIA

A. INTRODUCTION

All content decisions will be made in accordance to the following provisions, while keeping in mind that the overall purpose, role and goal of all WHS Media is to

1. Inform, interpret, and entertain their viewers through accurate and factual reports, where information has been thoroughly gathered and information has been completely verified;

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View [HS Media Online](#) in a larger map

Staffs with a social presence

[High School Media on Twitter](#)

[High School Media on Facebook](#)

[High School Media on Instagram](#)

[High School Media on Snapchat](#)

[HS Journalism Advisers on Twitter](#)

Advertisement

2. Serve as an educational laboratory experience for those on staff;
3. Be accurate, fair, and impartial in its coverage of issues that affect the school community;
4. WHS Media will not avoid publishing a story solely on the basis of possible dissent or controversy;
5. Cover the total school population as effectively and accurately as possible;
6. The staff of WHS Media will strive to report all issues in a legal, objective, accurate and ethical manner, according to the Canons of Professional Journalism developed by the Society for Professional Journalists. The Canons of Professional Journalism include a code of ethics concerning accuracy, responsibility, integrity, conflict of interest, impartiality, fair play, freedom of the press, independence, sensationalism, personal privacy, obstruction of justice, creditability and advertising.

B. REGARDING PROFANITY

1. The media will not print unnecessary profanity.
2. The editorial board will make the decision on whether content is considered profane or whether it is a cultural or non-vulgar slang term.
3. The editorial board reserves the right to edit quotes for unnecessary profanity or unnecessarily offensive words, quotes that have been edited will be noted accordingly when published.
4. Any edited quote will be read back to the source prior to publishing and sources will have a chance to make changes.
5. Staff interviewers have the right to ask a source when necessary to repeat a quote without the use of profane language.

C. REGARDING STAFF WRITING

1. All writing in the media, other than letters to the editor in the newsmagazine, will be written by students of the journalism program and will not be accepted otherwise.
2. WHS students outside of the media staffs will have the opportunity to submit writing to the media.
3. Any writing submitted from an outside source for use will be accepted upon request of the editorial board or when open opportunities arise, and will be viewed by EICs and adviser for verification.
4. Any material submitted from an outside source can be edited by the editorial board and must comply to this policy.
5. Writing must be the original work of the writer and not previously published in any publication, unless otherwise specified by the adviser and EICs.

D. REGARDING EDITORIALS

1. All editorials printed will be bylined as: "on behalf of Editorial Staff".
2. Editorial ideas may be submitted to the editorial board by all members of the appropriate staff.
3. All printed editorial subject matter will be determined by the editorial board.
4. The media will not publish any material for which there is evidence that the author is using the paper for inappropriate personal gain.
5. The media will endeavor to provide a chance for comment on all sides of a critical issue in the same edition.
6. The editorial board, which consists of the staff's student editors, will determine the content, including all unsigned editorials. The views stated in editorials represent that of a majority of the editorial board. Signed columns or reviews represent only the opinion of the author.

E. REGARDING CONTROVERSIAL ISSUES

1. All coverage of controversial issues will occur upon a timely subject.
2. All sides of the issue will be presented and reviewed so as to refrain from any bias, with exception of opinions.
3. In news, all sides of a school, community, city, state, national, or international political issue will be presented factually so as to inform rather than promote or endorse.
4. The media will not publish material that is unnecessarily obscene, libelous, unwarranted invasive of privacy.
5. The media will not attack
6. If question on the veracity of publication persists, the issue will be brought to the editorial board who must consider the following questions before publication of the piece:
 1. Why is it a concern?
 2. What is it's journalistic purpose?
 3. Is the information accurate and complete?
 4. Are any important POV omitted?
 5. How would we feel if the story was about ourselves or someone we know?
 6. What are the consequences' of the publication?
 7. Is there a logical explanation to anyone who challenges issue?
 8. Is it worth risking our credibility?
 9. What are the alternatives?

F. REGARDING BYLINES

1. All articles, graphics, photos, art, columns, pages, reviews, and other material creatively conceived, with exception to staff editorials, mug shots and cut-outs will be bylined with the producer's name.
2. All bylined writers will be held accountable for their work.

3. When more than one person has contributed creatively to a piece of work, any person who has contributed to the work must be bylined as a producer.

G. REGARDING NEWS AND FEATURES

1. The media will specialize in and emphasize on informing their readers of school news and unique students of the Washington High School community.
2. The media will cover community, state, national, and international news if it is directly relevant to the school community, and includes local angle.
3. The media will strive to provide coverage to all school organizations and functions.
4. When faced with the undesirable news such as student or staff or faculty crimes, the publications will endeavor to publish the facts correctly, explain the issue, and put a stop to any speculative stories that inevitably develop.
5. Major district issues and news will be priority over school news (these major issues will be decided by the editorial board).

H. REGARDING DEATHS

1. Any current student, staff member, faculty member or building administrator that dies during the year will be recognized in the school media.
2. The media will publish factual information (date of birth, date of death, survivors, organizations, hobbies, interests) in a 300-word obituary including one mug shot if possible in the Charger and WHStoday.com.
3. The school media will work to obtain permission from the deceased's family before publishing any information regarding the cause of death, if permission is not granted, the editorial board reserves the final say in publication of cause of death. Suicide will not be listed as a cause of death.
4. The school media will treat all deaths in a tasteful, respectful way.
5. An issue, or portion of an issue, should not be dedicated to or in memory of the deceased.
6. Any current student, staff member, faculty member, or building administrator that dies during the year will be recognized in the school yearbook.
7. The school yearbook will publish factual information (date of birth, date of death, survivors, organizations, hobbies and interests) and one 1" x 2" mug shot if possible in a 1/8 page space.

J. REGARDING ILLUSTRATIONS, PHOTOGRAPHS, GRAPHICS, ETC.

1. All cutlines will record the who and other necessary information in

the photo.

2. All photographs must be captioned and bylined, with the exception of mugs and cutouts.
3. Bylines are required on all online photos and galleries.
4. Any photographs that contain any inappropriate attire or actions must be reshot.
5. Artwork represents the interpretations of the artist, not necessarily of the staff or WHS.
6. The publications will not publish any photos, illustrations etc. that ridicule, demean, or misleadingly represent any individual or group.
7. Electronic manipulations changing the essential truth of the photo or illustration will be clearly labeled if used.

K. REGARDING ERRORS

1. Concerns about errors in the school media may be submitted through the adviser, the phone number to the publication room is 636-867-5309, email is yourWHS@WHStoday.com.
2. The editorial board retains the right to determine whether, in fact, an error has been made.
3. Known and or found errors that are brought to the attention of the school media will be addressed regardless if realized by author, audience, or staff member.
4. Staff members will strive to correct errors prior to publication; however, if the editorial board determines a significant error is printed, the editorial board will determine the manner and timeliness of a correction.
5. Major corrections are determined by the editors and adviser.
6. If changes are made to a web story once a story has been posted, the change will be noted along with the date and time the change was made.

L: REGARDING ADVERTISING

1. The publications will not accept advertising for products that are illegal for minors to purchase and/or use.
2. Students not of legal age whose photographs appear in an advertisement of the publications are required to sign a model release form, as well as their legal guardian.
3. The publications will not run advertising without a proper signature on the advertising contract which explains terms of payment, content, size, publishing dates, includes attached layout which explains the terms of payment, content, size.
4. The publications will not accept personal or classified advertising.
5. All ads need to be approved by editorial board, any ad not deemed appropriate by board will not run.
6. The publications will cease to publish advertising of any advertiser that does not meet payment obligations specified in school contract.
7. All advertisers will receive a complementary subscription of the

Charger in which their ad has run, or Shield if advertisers purchase the price designated by the contract and opted to receive a yearbook.

8. If a published advertisement is incorrect in substantive content, a reduced price or corrected run will be negotiated.
9. If \$200 is spent on print advertising, a complimentary online ad is given to the advertiser.
10. Web ads appear in a specified section of the website and randomly rotate through the area each time the page is refreshed.
11. Advertisers who specifically purchase web ads, as opposed to being given the complimentary one, will have their ad appear more frequently in the designated area.
12. Advertising that appears in the media is not necessarily endorsed by the media or its staff members, editorial board or adviser.
13. All ads are billed on Oct. 1 unless alternative arrangements are made with the adviser.
14. Bills which are not settled by Nov 1. will incur an additional fee of 30% of original balance. An additional fee of 30% the original balance will be added the first of each month until the bill is paid.

M: REGARDING DISTRIBUTION AND CIRCULATION

1. The paper will begin at no less than 16 pages in magazine format unless it is a special edition. The number of pages can however be altered if need be under the decision of the adviser and/or editorial board.
2. Daily updates will be made to the website throughout the week during the school year. While less frequent, updates will be made to the site during breaks.
3. The school newspaper will be distributed free of charge to all students according to a distribution schedule approved by the adviser and editors. Newspapers will be distributed every 4-6 weeks, unless specified otherwise by the adviser and editorial board.
4. Current copies of the school newspaper will also be displayed in the library, main office, guidance office and in room 209.
5. Advertising revenues and fundraising are to be used to pay for the school media printing costs, supplies and other media expenses.
6. All budget surpluses are to be used for future production of the school media.
7. The paper will be distributed during first hour on day of publication
8. The school newspaper will accept subscriptions for the price of \$15 for the entire year.
9. Total press run each issue is approximately 2,300 unless specified otherwise by adviser or editorial board.
10. Exchange publications are received and displayed in journalism laboratory.
11. Exchange publications are mailed to other media rooms across the US.
12. The school yearbook will come out during registration for the

following school year, unless specified otherwise by the adviser and editorial board.

13. The school yearbook will be sold for \$50 from registration until January 1. Price will then increase to \$65 after that date. Extra copies of the book will be sold for \$75 at registration on a first-come, first-served basis.
14. Total press run each issue of the yearbook is approximately 1,400.

N: INDIVIDUAL PORTRAIT POLICY

1. Senior portraits must be taken by company specified by yearbook staff.
2. All senior portraits must arrive to the yearbook staff by the posted date given to the yearbook staff by the senior portrait photographer.
3. Any senior who fails to get their yearbook portrait taken by the senior photographer contracted by the yearbook staff, will not be pictured in the yearbook senior section.
4. Portraits provided by the school photographer will be used for students in grades 9-12 and for the faculty members. Because of plant deadlines and the possibility of students missing portrait day, the yearbook staff is not responsible for unavailable portraits of students.
5. The section/grade placement of student portraits will be determined by the student's first semester status.
6. Grade designations will only be changed with written permission by student, student's parent, and a member of the administration.
7. Photo omissions will only occur for students or faculty with written permission by the student and a member of the administration.
8. Editorial board reserves the right to review or omit questionable or inappropriate portraits.
9. Names in mugs section will appear as supplied by the student during portrait day unless otherwise requested.
10. Portraits will consist of one individual only. No other persons or props are permitted.

O: GROUP PORTRAIT POLICY

1. Any groups with school sponsors are eligible to take a group photo for the yearbook.
2. Yearbook will cover school sponsored, board approved, and established clubs/sports. All other sports or clubs will be reviewed by the editorial board.
3. Editorial board reserves the right to review or omit questionable or inappropriate portraits.
4. Portraits will consist of group members and sponsors only. Props are not permitted without prior approval.
5. Face painting in group portraits is not permitted.

P: REGARDING LETTERS TO THE EDITOR AND ONLINE COMMENTS

1. Letters to editor will be printed in the opinion section of the newspaper or on the website.
2. Guidelines to write letters to the editor will be printed every issue in the opinion section of the paper and available online at WHStoday.com.
3. Letters to the editor may be submitted to Mr. Williamson's mailbox, room 209 or emailed at this address: yourWHS@WHStoday.com.
4. Letters to editor should not exceed 300 words, must be signed and must include writers address and phone number for verification.
5. Letters to the editor will be verified by a member of the editorial board to determine the authenticity of the writer.
6. No material will be printed where content is obscene, invasive of others' privacy, encouraging physical disruption of school activities, and/or implies libel.
7. The WHS Media editorial board reserves the right to withhold a letter or column or other submission and/OR return it for revision if it contains unprotected speech or grammatical errors that could hamper its meaning. Deadlines for letters and columns will be determined by each year's student staff, allowing sufficient time for verification of authorship prior to publication.
8. The Charger will only publish one letter, per author, per issue.
9. All letters to the editor become the property of the school newspaper upon receipt and will not be returned to the author.
10. Online comments will require a name and email address submitted that are verifiable.
11. Online comments will automatically post.
12. Alerts will be sent to staff editors each time a comment is posted to the site.
13. Online comments that are found in violation of the editorial policy will be removed as quickly as possible.
14. Personal attacks are not allowed.

Q: REGARDING REVIEWS

1. The reviewer must have experience in the area in which they are reviewing.
2. All reviews will be bylined and all reviews will be expressed opinions of authors, the editorial board and newspaper staff does not express opinions on the subject matter.
3. All reviews will be to evaluate and inform, not to promote.
4. Evaluative criteria used will be determined by editorial board depending on whether the event or item being reviewed is professional or amateur in nature.
5. Review ideas may be submitted to the editorial board by all members of the WHS media.
6. All reviews must first be reviewed by the opinions editor prior to publishing.
7. All reviews need to be reviewed and printed in a current and timely

manner.

R: SOCIAL MEDIA

1. Social media will be used to promote WHS media, to promote published content and to engage the WHS community.
2. The editorial board reserves the right to remove comments that violate any provisions hitherto outlined by this policy.
3. Information posted on social media platforms should be held to the same standard as all other reporting in terms of information gathering and fact checking.
4. The official social media accounts should avoid promotion of events and remain objective, reporting what is fact. Reporters using personal social media to cover events should do the same.
5. Information gained through social media channels should be verified through multiple channels before passing it along to others.
6. Audience engagement through social media should be done in a professional manner.
7. Staff members using applications to post updates to social media accounts should have separate applications for their personal account and for the school media accounts. This will limit the chance of a post being sent from the wrong account.
8. Transparency is important. Mistakes made on social media posts should be corrected as soon as possible and any deleted posts should be acknowledged in subsequent postings.

S: PUBLICITY

1. The goal of the media marketing is to promote and expand the media viewing audience.
2. The publicity team will work with all aspects of the media.
3. Contests are run by members of the 209 staff and regulated by the school's marketing team and EICs.
4. Every contest must have its own set of rules which will be posted in a place visible to the student body and contest participants.
5. All contest rules will be posted online.
6. All contest rules are to be tailored and agreed upon by the editorial board before start of contest.
7. Members of media staffs will not be allowed to enter or win contests put on by the publicity team.
8. The publicity team will work to attend all major events held by the district or school with the intent of promotion.
9. All events or important dates known by adviser, staff members or editorial board will be passed along to the Director of Marketing.
10. The Director of Marketing will work to create a marketing team for each new event.
11. Ad trade-outs are regulated by the Business Manager and Director of Marketing, ad tradeouts are given on a 1 for 1 basis.

12. The Director of Marketing will work with the web team to promote the publication through outside sources such as Facebook or Twitter.

T: PRIOR REVIEW POLICY

1. Sources will be able to have quotes read back at the time of interview or at reporter's initiative.
2. Sources will not be able to arbitrarily demand to read the reporters completed story and then perform editing tasks on that story.
3. The media reporters will endeavor to include the name and identity of all sources if reporter believes that doing so will not result in endangerment, harassment or any other form of undue physical, mental, emotional anguish for the source.
4. The media reporters will not, within all boundaries of law, reveal a source who asks to remain nameless.
5. All media interviewers will respect the interviewees rights to have information remain "off the record" if the fact is known before giving the information to the interviewer.
6. The media will not be reviewed by anyone outside of the editorial board aside from the adviser prior to its release to the public, the adviser is allowed to review the publication, but not required to, for the sole purpose of acting as legal consultant and educator in terms of unprotected speech; the adviser reading content is not considered prior review unless he/she makes changes or directs changes.

U: STUDENT & STAFF PUBLICATION POLICY

1. All students and staff of Washington High School are eligible for publication in the WHS student media.
2. Any student or staff member wishing to 'opt out' of being published in the student media needs to fill out the appropriate 'opt out' form with the guidance office and alert the student media adviser of plans to 'opt out.'
3. All efforts will be made to keep students and staff who have 'opted out' of coverage from publication in the WHS Media

VI: STAFF POLICY FOR SELECTION AND DISMISSAL

A. EDITOR AND STAFF SELECTION PROCESS

1. Editor in chief(s) and other editor level positions are chosen by faculty adviser, with input previous year's editorial board.
2. New and returning staff are judged by application, previous work, potential and perquisite class work.
3. Applicants are not turned down because of age, race, sex, religion, mental or physical handicap that do not impair editorial

responsibilities.

4. Staff applications are due in January of each year prior to registration.
5. The staff and editors are selected prior to registration each January. The adviser reserves the right to make changes to the list as he/she deems necessary after the registration deadline.
6. Editor titles and positions are not named until after all media have finalized publication for the previous year.

B. REGARDING STAFF DISMISSAL

1. All individuals involved with WHS media are considered a team, each member is expected to complete all assigned stories, pages, photos, etc. on or before the assigned deadline. Staff members, including editors, may be dismissed from their positions and/or the publications staff itself if any of following violations occur:
 1. continuously missed deadlines (dismissal procedures will take place by choice of adviser and EICs)
 2. Plagiarism
 3. Quote falsification
 4. Vandalism or theft of publication equipment
 5. Continuous negative or pessimistic attitude toward staff member or adviser
 6. Submitting an advanced page design, story, photo or other publishable item to anyone outside the media staff without approval by the editorial board
 7. Two suspensions in one academic year
 8. Failing to fulfill job as outlined in job description
2. Major infractions will result in immediate dismissal from staff duties and dismissal from class and staff at the end of semester (major infractions include but are not limited to following: plagiarism, vandalism, theft).
3. Minor infractions will be given a written warning for the first one. The second one is immediate dismissal from staff duties and dismissal from class and staff at end of semester.
4. Warnings will be written and signed by the adviser and editor-in-chiefs, as well as staff member in question.
5. An editor will be stripped of his her title if suspended.
6. First misdemeanor or arrest will result in the loss of editor's title, and second will result in dismissal from staff.
7. Each member of the editorial board and adviser will attend a meeting with potentially dismissed student to discuss the issue, adviser will make final decision.
8. The academic nature of the school newspaper class allows removal of editors or staff members when school and or established media policy is violated.
9. The above list infractions could all result in dismissal however, staff dismissals are not limited to the listed infractions.

10. A dismissed staff member receiving academic credit may be given a grade of F and will not be allowed to register for any other journalism courses (will not preempt school policy).
11. Dismissal procedures are reviewed and approved by the editorial board
12. The dismissed staff member may appeal their dismissal in writing to the editorial board within three school days following dismissal
13. All dismissal appeals will be directed to the building principal and the editorial board

VII. QUERIES

1. Questions or complaints concerning material published in the media should be made in writing to the editor in chief(s) who will present the concern at the next scheduled editorial board meeting.
2. Complaints and suggestions may be emailed to yourWHS@WHStoday.com or dropped off in room 209.
3. Resolutions will be made within limits of deadlines.

VIII. PROFESSIONAL AFFILIATION

1. The WHS media should be a member of state, national, and/or international organizations.
2. The WHS media will work to be in contact with professional media such as the Washington Daily News and KRTI TV as well as other individuals and companies in the communications field ranging from public relations and advertising to promotions and copy writing

IV. BIDDING

1. Student representation will be present for any bid meetings.
2. Administration has the option of attending any bid meetings.
3. Adviser will be present for any bid meetings.
4. The appropriate media staff and adviser are responsible for choosing publisher.
5. At least three written bids need be submitted (presentations are optional).
6. While cost is important, it is not the sole deciding factor in selecting a publisher.
7. Editor-In-Chief(s) must be present to all bid meetings.
8. When possible, the staffs will work to secure bids for three years.

Related posts:

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Aaron Manfull

Aaron is in his 19th year of advising student media. He is currently the Director of [Student Media](#) at Francis Howell North High School in St. Charles, Missouri. He is the Journalism Education Association [Digital Media Chair](#) and co-Director of [Media Now](#). He created [The Next 26](#) and is a former Dow Jones News Fund National Journalism Teacher of the Year. He is one of the authors of the textbook "[Student Journalism and Media Literacy](#)." You can find him on Twitter and Instagram @manfull and on Snapchat as aaronmanfull. He's a proud father. A transplanted Iowan. And an avid Hawkeye Fan.

admin has 486 posts and counting.

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Student Media Flowchart or Infographic Rubric

Objectives	Accomplished 4	Skilled 3	Developing 2	Needs Improvement 1
Graphics – Relevance to Purpose	All images and ideas are related to the purpose of the flowchart or infographic; images make concepts quick and easy to grasp.	All images and ideas are related to the purpose of the flowchart or infographic and most make it easier to understand.	All graphics relate to the purpose of the infographic, although a few take extra time to discern.	Graphics and images mostly do not relate to the purposes of the flowchart or infographic.
Design and Creativity	Designer creates great balance within the flowchart or infographic; design is attractive, creative, and draws readers into the information.	Designer creates basic balance; design is attractive and mostly draws readers into the information.	Designer’s work is slightly off balance; graphic draws readers into the information in minor ways.	Designer’s work is off balance in a major way; design is confusing and doesn’t lead readers into the information well.
Content & Accuracy (x2)	All facts are accurate and important on the flowchart or infographic, CITED and SOURCE(s) above reproach.	One fact is inaccurate or unattributed on the flowchart or infographic.	Two facts are inaccurate or unattributed on the flowchart or infographic.	Three facts are inaccurate or unattributed on the flowchart or infographic.
Grammar, Punctuation, and Spelling	Flowchart or infographic is well edited and virtually flawless; NO spelling errors; includes the proper spelling of <u>all</u> names.	Flowchart or infographic is spell checked and all names are correct; contains ONE grammatical/punctuation error.	Flowchart or infographic is spell checked and all names are correct; contains TWO grammatical/punctuation errors.	Names are misspelled; or spell check was not run; flowchart or infographic contains THREE or more errors.
Deadline Adherence	Met deadline.		Missed deadline by ONE day.	Missed deadline by MORE than ONE day.

TOTAL _____/100

Adviser’s Comments:

DAY FOUR

What does this mean from a student perspective?

OVERVIEW: The staff is now ready. There is an understanding of what's come before, what the law is today, and how to responsibly address First Amendment or censorship issues. But, where should this empowered staff go? Day Four is meant to vision cast for your student media—what can be done, and done correctly, now that the parameters and protections are clear?

OBJECTIVE: Students will be able to apply their knowledge of court decisions and laws to actual media story pitches. Students will also critically evaluate peers' ideas using specific parameters and frameworks as designated by law.

COMMON CORE STANDARDS:

CCSS.ELA-LITERACY.CCRA.R.8: Delineate and evaluate the argument and specific claims in a text, including the validity of the reasoning as well as the relevance and sufficiency of the evidence.

CCSS.ELA-LITERACY.CCRA.W.2: Write informative/explanatory texts to examine and convey complex ideas and information clearly and accurately through the effective selection, organization, and analysis of content.

CCSS.ELA-LITERACY.CCRA.W.5: Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach.

CCSS.ELA-LITERACY.CCRA.SL.1: Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.

SS.CV.3.9-12: Analyze the impact of constitutions, laws, and agreements on the maintenance of order, justice, equality and liberty.

OPENING: If the entire realm of possibilities was open to this staff, what would it cover and how? Let's take a moment and think big—really big—about what could be reported, written, photographed, recorded, or otherwise captured about this school or community.

READINGS:

- Illinois House of Representative Committee [testimony from Hope Johnson](#) from Taylorville High School on the Speech Rights of Student Journalists Act
- SPLC's [Shea Smith article and Q&A from Hope Johnson](#)
- Washington Post: [“These high school journalists investigated a new principal’s credentials. Days later, she resigned”](#)
- [Downers Grove North Omega editorial](#) by 2017 IJOY Abbe Murphy on the New Voices movement in Illinois
 - **AUXILIARY READING:** [Hillary Aerts DeVoss article](#) when brainstorming is complete to enlarge list of options and ideas.

DISCUSSION: Students should discuss, in pairs and then as a larger group, what motivated Johnson, based on the readings, as well as what motivates them personally on the student media staff. These pairs can dive into what they would want to accomplish with journalism, if anything were possible. Then, share as a large group.



PROJECT ONE: Brainstorm a list of specific topics or ideas within the student media’s school or community that would have been difficult to cover before the Speech Rights of Student Journalists Act was passed in Illinois. As the ideas are placed on a visible list in front of the staff, have students work to justify and explore the relevance of each of them using the elements of newsworthiness: timeliness, proximity, conflict/controversy, impact to readers, prominence, novelty/rarity, and human interest.

Evaluation: See the **Newsworthiness Evaluation Sheet** for structure and possible assessment.

PROJECT TWO: Students, in pairs or small groups, should take one of those brainstormed topics and flesh out how to cover it *responsibly* using a story planning sheet: angles, sources, photo, video, coverage, etc. If possible, present the fully conceptualized story package to editors, the staff as a whole, or the adviser. Is this something worth pursuing?

Evaluation: See the **Universal Story Planning Sheet** for structure and possible assessment.



Hope Johnson's Testimony

Good afternoon, Madam Chair and ladies and gentlemen of the committee. My name is Hope Johnson, and I'm a senior journalism student at Taylorville High School. I joined journalism my freshman year, and I cannot even begin to explain all the lessons and values I've learned from my journalistic experience. Next fall, I will attend the University of Missouri to pursue a degree in journalism.

As a high school journalist, I have been taught the ethics of journalism. My advisor takes time to carefully explain my roles as a journalist. I, my staff members, and other high-school journalists across the state of Illinois know what is and what is not acceptable. We take our jobs and the responsibilities that accompany them very seriously.

We seek to find and to tell the truth. We seek to be fair and always tell both sides of a story. We understand that libel is not acceptable, and we would never consider publishing a story with malicious intent. Though we are young, we are taught responsible journalism. We hold ourselves accountable for each and every story that we write.

This bill ensures that journalism ethics are maintained. It reinforces the values that we already know so well. However, this bill eliminates the possibility of school administrators refusing to allow a story to be published simply because they don't like the story, or because it puts them in a bad light. It eliminates the possibility that a hard working advisor could be dismissed for standing up for what he or she knows is right.

The Society of Professional Journalists states in its code of ethics: "Journalists should recognize a special obligation to serve as watchdogs over the public affairs and government." The decision resulting from the *Hazelwood v. Kuhlmeier* case prevents high-school journalists from doing just that. As student journalists, we have the greatest insight into the workings of our high schools and its administration. In order to practice independent journalism, we should be able to raise questions about the decisions of our city councils, school board and our school administration. As journalists, we have a duty to tell the truth, and as Americans, we have a right to question and constructively criticize authority.

Censorship leaves people in the dark. Censorship steals our voices. I and my fellow high-school journalists feel strongly about our right to report the truth. And as the Russian poet Yevgeny Yevtushenko once said: "When truth is replaced by silence, the silence is a lie."

NEW★VOICES usa

Q and A with Hope Johnson

The Capitol Dome in Illinois

[Shea Smith](#), SPLC Staff Writer

July 20, 2016



New Voices: Whenever your teacher taught the class about the history of journalism in America, what case stood out to you the most?

Hope Johnson: Without a doubt, the *Hazelwood v. Kuhlmeier* case. I went home that day and researched the case for hours.

N.V.: Why did that case stand out the most to you?

Johnson: In 1988, a group of high school journalists in Missouri wrote an article on divorce and an article on teen pregnancy for their newspaper. The pregnant teens featured in the article had agreed to be interviewed and featured in the story, but the journalists took extra precaution by changing the names of the students for confidentiality. The principal feared the students could still be identified, but he was more concerned that the content was inappropriate for the younger students. He made the decision to remove the two pages with the questionable articles without telling the student journalists; they did not know they would be receiving only a four-page paper instead of a six-page until it arrived at the school. The two deleted pages had 5 other stories on them as well. The students sued the principal, and the case reached the Supreme Court, which ruled 5-3 that the principal did not violate the students' rights.

The case determined that administrators have the right to censor high school publications when the censorship is "reasonably related to legitimate pedagogical concerns"; essentially, if officials feel a story would disrupt the educational setting, they can censor it or remove it entirely from the publication. The broad terminology

has since allowed administrators to censor stories that they simply don't like, or that put them in a bad light.

Associate Justice [William J. Brennan, Jr.](#) said in his dissenting opinion: 'Such unthinking contempt for individual rights is intolerable from any state official. It is particularly insidious from (a school principal) to whom the public entrusts the task of inculcating in its youth an appreciation for the cherished democratic liberties that our constitution guarantees.'

The whole case frustrated me. Furthermore, I thought it was absurd that two articles on teen pregnancy and divorce should decide the fate of all high school publications.

N.V.: Why is protecting high school journalists' rights so important to you?

Johnson: I truly love journalism. I've never felt so passionately about something. Journalists are protectors of the First Amendment, and their jobs are so important. Journalism is necessary to maintain a democratic society. I think that high school journalism programs are extremely important. Countless great journalists discover their love for writing and reporting through their high school programs, and those journalists should have the same freedom of speech that their adult counterparts have.

As journalists, we are taught to question and constructively criticize authority and to report the truth; yet, Hazelwood prevents students from doing just that. It's ironic that high school journalists are not allowed to do what they are taught. We should be able to speak our minds. The Constitution gave us that right; Hazelwood took it away. Hopefully, the New Voice's campaign will give it back to every state.

N.V.: What inspired you to be so passionate about House Bill 5902?

Johnson: My passion for House Bill 5902 comes from my stance on censorship. This past year in my English class, we read *Fahrenheit 451* by Ray Bradbury. The novel is focused on a dystopian society that outlaws books and has a force of firemen dedicated to destroying them. Bradbury's novel is all about censorship and the effect it has on his fictional society. He said in a 2007 interview, 'There is more than one way to burn a book.' He was referring to the act of censorship. Ironically, Bradbury's novel has been banned, censored and redacted in several schools by parents or teaching staff.

After reading *Fahrenheit 451*, our English instructor had us choose a novel from the Top 100 Banned/Challenged Books in the US and write an essay defending why the novel should be read by high school students. The list includes everything from the *Harry Potter* series to *The Perks of Being a Wallflower*. I chose *Speak* by Laurie Halse Anderson, a novel about a victim of rape who stops speaking altogether before finding the courage to speak up. The novel tells the important story of a girl deciding

to not allow her past to define her. The story contains little graphic content at all, but parents and educators wrinkle their noses at the powerful, very relevant content.

The whole assignment was an eye-opening experience. I learned that sometimes the most important messages are the ones that are the hardest to say, hear or read. Looking at the 100 most challenged books, I had read most and knew that nearly every one had important substance and a great message. I learned that censorship isn't helping anyone.

N.V.: What do you hope high school journalists can accomplish now that they are protected?

Johnson: Students can write articles about touchy subjects relevant to their school – drug abuse, violence, pregnancy, gender topics, the list goes on. They also now have the right to criticize a decision made by their school board. Most importantly, they have the right to report the truth. The power of freedom of press and speech never ceases to amaze me. I can only imagine the things they will accomplish.

N.V.:Do you plan to continue to advocate for the First Amendment?

Johnson: Absolutely. I can't think of anything I'd rather do. I'm a firm believer that the First Amendment is the most important, and I can't imagine where we would be without it. Through this process, I've met several lawyers and state legislatures who specialize in the First Amendment, and their work intrigues me. As a journalism major at the University of Missouri, I can't wait to find my place in the vast, ever-changing world of journalism and continue to defend our most important right.

These high school journalists investigated a new principal's credentials. Days later, she resigned.

By **Samantha Schmidt** April 5

Connor Balthazor, 17, was in the middle of study hall when he was called into a meeting with his high school newspaper adviser.

A group of reporters and editors from the student newspaper, the Booster Redux at Pittsburg High School in southeastern Kansas, had gathered to talk about Amy Robertson, who was hired as the high school's head principal on March 6.

The student journalists had begun researching Robertson, and quickly found some discrepancies in her education credentials. For one, when they researched Corllins University, the private university where Robertson said she got her master's and doctorate degrees years ago, the website didn't work. They found no evidence that it was an accredited university.

"There were some things that just didn't quite add up," Balthazor told The Washington Post.

The students began digging into a weeks-long investigation that would result in an [article](#) published Friday questioning the legitimacy of the principal's degrees and of her work as an education consultant.

On Tuesday night, Robertson resigned.

“In light of the issues that arose, Dr. Robertson felt it was in the best interest of the district to resign her position,” Pittsburg Community Schools announced in a statement. “The Board has agreed to accept her resignation.”

The resignation thrust the student newspaper staff into local, state and national news, with professional journalists nationwide applauding the students for asking tough questions and prompting change in their administration.

“Everybody kept telling them, ‘stop poking your nose where it doesn’t belong,’” newspaper adviser Emily Smith told The Post. But with the encouragement of the superintendent, the students persisted.

“They were at a loss that something that was so easy for them to see was waiting to be noticed by adults,” Smith said.

In the Booster Redux article, a team of six students — five juniors and one senior — revealed that Corllins had been portrayed in a number of articles as a diploma mill, a place where people can buy a degree, diploma or certificates. Corllins is not accredited by the U.S. Department of Education, the students reported. The Better Business Bureau’s website says Corllins’s physical address is unknown and the school isn’t a BBB-accredited institution.

“All of this was completely overlooked,” Balthazor said. “All of the shining reviews did not have these crucial pieces of information ... you would expect your authority figures to find this.”

Robertson had been living in Dubai for more than 20 years before she was hired for the position. She said she most

recently worked as the chief executive of an education consulting firm known as Atticus I S Consultants there.

In a conference call with the student journalists, Robertson “presented incomplete answers, conflicting dates and inconsistencies in her responses,” the students reported. She said she attended Corllins before it lost accreditation, the Booster Redux reported.

When contacted by the Kansas City Star after the publication of the students’ article, Robertson said all three of her degrees “have been authenticated by the U.S. government.” She declined to comment directly on students’ questions about her credentials, “because their concerns are not based on facts,” she said.

In an emergency faculty meeting Tuesday, the superintendent said Robertson was unable to produce a transcript confirming her undergraduate degree from the University of Tulsa, Smith said.

During the course of their reporting, the students spent weeks reaching out to educational institutions and accreditation agencies to corroborate Robertson’s background, some even working through spring break. Their adviser, Smith, had to recuse herself from the story because she was on the committee that hired Robertson. So the students sought the help of Eric Thomas, executive director of the Kansas Scholastic Press Association, and other local and national journalists and experts.

Under Kansas law, high school journalists are protected from administrative censorship. “The kids are treated as professionals,” Smith said. But with that freedom came a major responsibility to get the story right, Smith said. It also meant overcoming a natural hesitancy many students have to question authority.

“At the very beginning it was a little bit exciting,” Balthazor said. “It was like in the movies, a big city journalist chasing down a lead.”

But as the students began delving deeper into the story, keeping notes on a whiteboard, “it really started hitting me that this is a much bigger deal,” Balthazor said.

The students were among those packed into a school boardroom Tuesday night when the school board president announced Robertson’s resignation. After the announcement, a parent in the audience stood up and asked school officials if they would be recognizing the student journalists for uncovering crucial details about Robertson’s background. The superintendent said he would be meeting with the students Wednesday to personally thank them.

“We’d broken out of our comfort zones so much,” Balthazor said. “To know that the administration saw that and respected that, it was a really great moment for us.”

After local news broke that Robertson had resigned, numerous national journalists — including The Post’s [David Fahrenthold](#) — tweeted the students’ story, congratulating them for their work.

“Holy crap,” Balthazor thought, “why are these people paying attention to this little journalism story from southeast Kansas?”

While the high school junior was leaving track practice Tuesday night, he learned in a group message with his newspaper staff that Todd Wallack, a reporter for the Boston Globe’s Spotlight Team, had [tweeted](#) the students’ story, saying: “Great investigative work by high school journalists.” Balthazor sat in his car in the parking lot and immediately called his mom to tell her the news.

“I honestly thought they were joking at first,” Balthazor said. The Booster Redux staff had watched the movie “Spotlight” in class last year, Balthazor said. “It was awesome to know that such respected members of the journalism community had our backs.”

After graduation, Balthazor said, he hopes to pursue a degree in creative writing or filmmaking. Even though he doesn’t necessarily plan to stick with journalism, Balthazor said the past few weeks had been “surreal.”

“Most high schoolers would never get even close to an opportunity to get to experience something like this,” he said.

Read more from Morning Mix:

[A teen asked his grandmother to her first prom. Too old, said the school.](#)

[Paper says columnist tried to remove his articles criticizing Trump to get a State Department job. It backfired.](#)

[America is ‘over-stored’ and Payless ShoeSource is the latest victim](#)

Samantha Schmidt is a reporter for The Washington Post's Morning Mix team. She previously worked as a reporting fellow for the New York Times. [🐦 Follow @schmidtsam7](#)



Staff Editorial: support needed for students' rights

[Omega Staff](#)

March 24, 2016

Filed under [Editorials](#), [Opinions](#)

Just as an entrepreneurship class teaches students the ins and outs of the business world and an art class equips artists with techniques that will help them create a career out of their talent, a high school journalism program educates students by teaching them the skills that are practiced by professionals. The fundamental principles of journalism aren't just meant to be taught, they're meant to be practiced, and practiced without the fear of interference from outside bodies.

This being said, The Omega will never be able to properly inform the school community, give a voice to students, or practice sound journalism with the increasing burden of prior review and censorship that has occurred in recent months.

The Supreme Court case that limits the rights of student press, *Hazelwood v. Kuhlmeier*, is confusing to say the least. The language of the decision leaves a lot of things open to interpretation and has been the heart of The Omega's recent problems. This confusion over what rights administrators have is what has most likely led to the dramatic increase of journalistic restraint from administrators across the nation.

Recently proposed Illinois House bill 5902, also known as the Speech Rights of Student Journalists Act, would improve this situation. Not only does this bill protect students' rights to exercise freedom of speech and press, it also secures for students the right to determine what is the content of the publication.

All that we have to say about this bill is this: it's about time.

Even under the *Hazelwood* standard, some administrators show more regard for students' expression rights than others. Just because administrators have the right to invoke prior review, doesn't mean they necessarily should.

Excessive administrative involvement in the editorial process creates both an adversarial relationship between the student press and administration and self-censorship by the student journalists. Our coverage of school policies and events this year, such as the proposed Master Facility Plan, the different aspects of Red Ribbon Week and more recently the gender-neutral spaces, has received an unprecedented amount of prior review and censorship.

Between the fall of 1999 and spring of 2011, The Omega received a total of three requests for prior review from administration. Last year, six articles were subject to prior review. So far this year, eight articles have been reviewed by administration before being published.

When administrators make changes to school policy articles before they are published, it is a conflict of interest. In the majority of cases, it is against professional journalistic ethics to allow a person or group to preview an article about themselves before it is published. If we aren't going to allow a sports team or any other person to make changes on an article about themselves, administrators should expect the same.

We have a responsibility to readers to practice sound journalism by writing truthfully about topics that are important to our audience: the student body. Earlier this month, one of our editors-in-chief emailed a two-question survey asking about the student body's views regarding proposed gender-neutral spaces. Finding two minor errors in the survey (slightly misleading wording of one of the questions and a problem with how the survey was set up that allowed users to send multiple responses and skew results), the editor planned on re-sending an updated version but was told by administrators to refrain from doing so because of a pending investigation into whether or not the survey violated board policy 7.15.

Due to the fact that we did not receive an explanation for the restraint or a final decision on the investigation until more than a week later, (requiring us to push our publication back more than a week as well) the Omega considered this an act of unlawful censorship. According to administration, the survey was not considered appropriate for all students.

However, the two questions on the survey only included information that was given to The Omega by the administration.

In December, during the review of an article regarding the proposed Master Facility Plan renovations, administration requested for the reporter to change quotes said by a faculty member to ones that diluted the meaning of the original. The Omega contacted outside counsel and fought to publish the original quotes.

The best way for administration to confront problems they might have with a school publication's content is through letters to the editor and asking for corrections to be published in a later issue. This allows students to still report freely without

administrative involvement but still gives the school the ability to voice any legitimate concerns they may have.

Despite all our criticism of administrative involvement, we get where they are coming from. There is an understandable anxiety that comes with the possibility of a student newspaper embarrassing a school or administrator, but ultimately, there has got to be a little faith that student journalists will follow their own high ethical standards.

Having a relationship with administration where there is a constant fear of unnecessary involvement leads student journalists to self-censor themselves, unconsciously taking away some of their own freedom of speech because of the fear of administrative backlash. But if the student press doesn't say it, who else will? According to a survey conducted by the Brookings Institution, a mere 1.4 percent of news media coverage is devoted to education. If student journalists do not cover decisions and policy changes throughout the district, these important topics risk going unreported, also risking the possibility that the sole information about said topics is uneducated online gossip.

There is a need in every school for a well-educated student press to set the record straight and be able to do legitimate reporting, have a reasoned opinion, and promote a more informed community. We have a crucial role in the marketplace of ideas and censoring does nobody any favors.

In light of this, the Omega has decided that it is our obligation as journalists to inform our readers when these acts of prior review occur. As of this issue, all articles that have gone through the prior review process will be printed with an editor's note, noting this fact.

The Speech Rights of Student Journalists Act isn't just something that we want, it is something that we need. In order for our rights to be secured and to do the best reporting possible, censorship cannot be a thing. As high school students negatively affected by acts of prior review and censorship, we know that our rights have been compromised.

We need them back.

NEW ★ VOICES USA

Answer the question honestly. You can write as many ideas as you'd like. Don't hold back. You don't have to put your name on this.

If you, as a *North Star* reporter, could write about anything you wanted without fear of censorship, punishment or judgment, what would it be?

I would write about the victims of sexual assault because I was one and now ~~offenders~~ offenders like mine get little to no punishment for something I will suffer for my entire life

What would you report on if you could report on anything?

[Hillary Aerts DeVoss](#), Contributor
December 30, 2016

Let me preface this entry by saying this much:
My students have never been punished for anything they've produced, nor have they been given a list of topics that they can't cover. That's what made this exercise so interesting.

When I posted the results on Facebook, which I hadn't originally intended to do, people called it a "project" and an "assignment."



It

was neither of those things. I simply typed up a prompt – which popped into my head about 10 minutes before class started – and gave it to my newspaper students at the beginning class. Here’s the prompt, along with a healthy variety of answers:

Answer the question honestly. You can write as many ideas as you’d like. Don’t hold back. You don’t have to put your name on this.

If you, as a *North Star* reporter, could write about anything you wanted without fear of censorship, punishment or judgment, what would it be?

I would write about the victims of sexual assault because I was one and now ~~offenders~~ offenders like mine get little to no punishment for something I will suffer for my entire life.

Answer the question honestly. You can write as many ideas as you'd like. Don't hold back. You don't have to put your name on this.

If you, as a *North Star* reporter, could write about anything you wanted without fear of censorship, punishment or judgment, what would it be?

I would write about why people use the word "gay" as a slur so they speak like its a bad thing like its an insult

Answer the question honestly. You can write as many ideas as you'd like. Don't hold back. You don't have to put your name on this.

If you, as a *North Star* reporter, could write about anything you wanted without fear of censorship, punishment or judgment, what would it be?

- Being honest about sex
- My political stance as a leftist and socialist
- White privilege and privilege in general
- The school system is failing us

idk

!!

dan

aggyman

Answer the question honestly. You can write as many ideas as you'd like. Don't hold back. You don't have to put your name on this.

If you, as a *North Star* reporter, could write about anything you wanted without fear of censorship, punishment or judgment, what would it be?

I want to write about suicide/mental health
rape culture
the arbitrary nature of school
& beauty standards
taboos within certain ethnic cultures
& religions
simple views that don't seem
~~similarly~~ shared across
the board

Answer the question honestly. You can write as many ideas as you'd like. Don't hold back. You don't have to put your name on this.

If you, as a *North Star* reporter, could write about anything you wanted without fear of censorship, punishment or judgment, what would it be?

My personal experience as someone who is trans, and hopefully
other's around the school.

It was intended to be a starting point for conversation, as well as a means to confirm a suspicion I've had all along: that censorship and FEAR of censorship can often yield the same results.

And this is the curse of living in a Hazelwood state. The censorship can be implicit, even among the most fearless and intelligent of students — like mine.

If you're among the 40 of us, you get it: you teach students that they have First Amendment rights, but then you add the gray space that comes after it, a.k.a. "legitimate pedagogical concerns." It is in your charge to help them navigate that space, but if you're in a school/district that exercises prior review, you're likely receiving "help" from a co-pilot that either doesn't know how to navigate that gray space, or their compass is not set to "make sure students learn something."

As if the school climate isn't intimidating enough.

This is why New Voices campaigns are so important.

The exercise I conducted with my students was, among other things, a way to support our New Voices effort in Nebraska and I envisioned using it in a number of ways. Here are some you can adopt for yourself:

Prove to your students that their voices are valuable and worth protecting.

If your students, like mine, have never been overtly punished for what they've written but STILL fear the wrath of administration, maybe it's time to call that to their attention. They are victims of the Hazelwood Effect. Knowing that there are no laws in place to keep you well protected from censorship, if and when it arises, can disable your ability to practice fearless journalism. That runs counter to what we want to teach.

And if I had a dollar for every time I told my students "Don't self-censor" and "You're not going to get in trouble," I could make a sizeable donation to the SPLC.

Take a look at their answers. Emphasize how important it is that their stories are told. Chances are, they already know, but sometimes they need an adult to tell them, "hey, I'm on your side." But then tell them about New Voices efforts, direct them to this website and encourage them to get involved. We support them, but they need to be the faces of the movement.

Spark a conversation

After my students turned in the worksheet, I told them why I wanted them to do it. As we headed into winter break and were mere weeks from the opening of our next legislative session, I needed to know that New Voices legislation was important *to* them and *for* them, so I wasn't just putting forth effort simply because I'm a media law geek. But they proved to me that it wasn't just important; it was imperative.

Throughout the course of the next hour, we had a discussion that, to me, felt a lot like advising a publication: from the background, with gentle guidance when needed. I took three pages of notes during the process. Each entry could be a blog post unto itself, but here were some key points they made:

- They are underestimated by adults, most of whom don't make the effort to engage in their lives.
- Practicing journalism with Tinker-level First Amendment protection would give them the real-world experience they lack in other classes.

- They avoid publishing work that could be perceived as controversial, because they don't want to be the ones to hold back the newspaper's production.

The list continues, of course, and only verifies what I already knew: that these kids deserve our trust, respect and advocacy.

So do yours.

Find strength in numbers.

A figure to have in your back pocket: 466-17.

In the past two years, New Voices bills have passed in North Dakota, Maryland and Illinois by a combined vote of 466-17.

That is compelling evidence that legislators see free speech as something worth defending. Similarly, we can use our students' stories to create compelling evidence.

What if we all had our students tell us what they'd write about if they weren't worried about censorship? What if we counted the stories? What if we shared with each other? What if Washington collected 10,000 stories that wouldn't be told because students' rights aren't protected the way they should be? Would your opposition argue against it? If they try, please record it and send it to me. I could use a laugh.

We advisers know it's obvious that students need strong First Amendment protection, but not everyone thinks that way. It's up to us to find solutions, be champions and employ classroom exercises – if you have some good ones, please share – to rid ourselves of the Hazelwood Effect that is pervasive in the 40 states who still have work to do. Let's see what you come up with.



Universal Story Planning Sheet

Topic of story:

Tentative angle of story:

Which elements of newsworthiness does it include? (Circle at least TWO):

Timeliness Proximity Conflict/Controversy Impact for Readers
Prominence Novelty/Rarity Human Interest

How are you going to tell it? (Circle at least ONE):

- 1. Written story (news, feature, sports, in-depth, etc.)**
 - MUST include research and at least two-three credible sources
- 2. Multimedia story:**
 - video and/or photos with a singular narrative
- 3. Digital story:**
 - choose from the following elements:
 - a graphic
 - photos
 - video (of your making or link to online)
 - a sidebar
 - links to other information that pertains to your story
- 4. Visual story:**
 - Graphics or photos with comprehensive captions or a voice over

What are your photos/videos/graphics going to show?

Curriculum for Scholastic Media Law & Ethics in New Voices Illinois



Possible sources and titles/positions:

1.

2.

3.

4.

Possible questions:

1.

2.

3.

4.

Possible complications or obstacles:

1.

2.

3.

DAY FIVE

Do we understand the ethics involved in the Speech Rights of Student Journalists Act?

OVERVIEW: The students now have an understanding of the law, their purpose, and the possibilities of doing student media in a more expansive way due to the Speech Rights of Student Journalists Act through the New Voices Illinois movement. But, should they? This last day is meant to situate students inside the framework of traditional journalistic ethics, so they understand what's possible—but even more so what's good and beneficial with the power and responsibility they now have.

OBJECTIVE: Students will understand the basic ethical tenets that guide professional journalists and then apply those mores to ethical scenarios in which they must take a stand and justify their decisions.

COMMON CORE STANDARDS:

CCSS.ELA-LITERACY.CCRA.R.8: Delineate and evaluate the argument and specific claims in a text, including the validity of the reasoning as well as the relevance and sufficiency of the evidence.

CCSS.ELA-LITERACY.CCRA.W.1: Write arguments to support claims in an analysis of substantive topics or texts using valid reasoning and relevant and sufficient evidence.

CCSS.ELA-LITERACY.CCRA.W.9: Draw evidence from literary or informational texts to support analysis, reflection, and research.

CCSS.ELA-LITERACY.CCRA.SL.5: Make strategic use of digital media and visual displays of data to express information and enhance understanding of presentations.

SS.CV.3.9-12: Analyze the impact of constitutions, laws, and agreements on the maintenance of order, justice, equality and liberty.

OPENING: Seek truth and report it. Minimize harm. Act independently. Be accountable and transparent. These are the four primary tenets of ethical journalism as identified at the Society of Professional Journalists. Based on your understanding of the media today, where do journalists go wrong? Where does this student media staff go wrong in any of these areas?

READINGS:

- [SPJ Code of Ethics](#)
- Primer on libel and copyright law by Dr. James Tidwell (PDFs)

DISCUSSION: As a whole group, have students walk through [The Falconer scenario](#): who is involved, how does the law pertain, what steps should students and the adviser take, what may be the possible end results? Make sure to apply all that has been learned from SPLC readings, various court decisions, the Protocol, as well as ethics materials.



PROJECT ONE: Students should read and study a censorship example from Illinois' [Peoria Richwoods High School](#) in small groups with the same analysis discussion questions. However, this time, each person in a group should take on a different role/perspective as they talk/debate through the issues involved: principal, adviser, editor-in-chief, student media staff member, teacher, SPLC representative, community member, local newspaper editor, etc. What would have the scenario have been like under the current law (this took place in 2012)?

Evaluation: See the **Group Ethics Discussion Rubric** for possible assessment.

PROJECT TWO: In pairs, have students read and brainstorm the possibilities about the following ethics scenarios. Once the two have reached consensus, they should either write or craft a short multimedia presentation (at the adviser's discretion) outlining what they would do and why (citing specifics from readings and discussions throughout the unit). These can be given directly to the adviser for further use in other journalism courses or shared with the entire staff for professional development.

Evaluation: See the **Student Media Ethics Scenarios and Rubric** for possible assessment.



CODE of ETHICS

PREAMBLE

Members of the Society of Professional Journalists believe that public enlightenment is the forerunner of justice and the foundation of democracy. Ethical journalism strives to ensure the free exchange of information that is accurate, fair and thorough. An ethical journalist acts with integrity. The Society declares these four principles as the foundation of ethical journalism and encourages their use in its practice by all people in all media.

SEEK TRUTH AND REPORT IT

Ethical journalism should be accurate and fair. Journalists should be honest and courageous in gathering, reporting and interpreting information.

Journalists should:

- ▶ Take responsibility for the accuracy of their work. Verify information before releasing it. Use original sources whenever possible.
- ▶ Remember that neither speed nor format excuses inaccuracy.
- ▶ Provide context. Take special care not to misrepresent or oversimplify in promoting, previewing or summarizing a story.
- ▶ Gather, update and correct information throughout the life of a news story.
- ▶ Be cautious when making promises, but keep the promises they make.
- ▶ Identify sources clearly. The public is entitled to as much information as possible to judge the reliability and motivations of sources.
- ▶ Consider sources' motives before promising anonymity. Reserve anonymity for sources who may face danger, retribution or other harm, and have information that cannot be obtained elsewhere. Explain why anonymity was granted.
- ▶ Diligently seek subjects of news coverage to allow them to respond to criticism or allegations of wrongdoing.
- ▶ Avoid undercover or other surreptitious methods of gathering information unless traditional, open methods will not yield information vital to the public.
- ▶ Be vigilant and courageous about holding those with power accountable. Give voice to the voiceless.
- ▶ Support the open and civil exchange of views, even views they find repugnant.
- ▶ Recognize a special obligation to serve as watchdogs over public affairs and government. Seek to ensure that the public's business is conducted in the open, and that public records are open to all.
- ▶ Provide access to source material when it is relevant and appropriate.
- ▶ Boldly tell the story of the diversity and magnitude of the human experience. Seek sources whose voices we seldom hear.
- ▶ Avoid stereotyping. Journalists should examine the ways their values and experiences may shape their reporting.
- ▶ Label advocacy and commentary.
- ▶ Never deliberately distort facts or context, including visual information. Clearly label illustrations and re-enactments.
- ▶ Never plagiarize. Always attribute.

MINIMIZE HARM

Ethical journalism treats sources, subjects, colleagues and members of the public as human beings deserving of respect.

Journalists should:

- ▶ Balance the public's need for information against potential harm or discomfort. Pursuit of the news is not a license for arrogance or undue intrusiveness.

- ▶ Show compassion for those who may be affected by news coverage. Use heightened sensitivity when dealing with juveniles, victims of sex crimes, and sources or subjects who are inexperienced or unable to give consent. Consider cultural differences in approach and treatment.
- ▶ Recognize that legal access to information differs from an ethical justification to publish or broadcast.
- ▶ Realize that private people have a greater right to control information about themselves than public figures and others who seek power, influence or attention. Weigh the consequences of publishing or broadcasting personal information.
- ▶ Avoid pandering to lurid curiosity, even if others do.
- ▶ Balance a suspect's right to a fair trial with the public's right to know. Consider the implications of identifying criminal suspects before they face legal charges.
- ▶ Consider the long-term implications of the extended reach and permanence of publication. Provide updated and more complete information as appropriate.

ACT INDEPENDENTLY

The highest and primary obligation of ethical journalism is to serve the public.

Journalists should:

- ▶ Avoid conflicts of interest, real or perceived. Disclose unavoidable conflicts.
- ▶ Refuse gifts, favors, fees, free travel and special treatment, and avoid political and other outside activities that may compromise integrity or impartiality, or may damage credibility.
- ▶ Be wary of sources offering information for favors or money; do not pay for access to news. Identify content provided by outside sources, whether paid or not.
- ▶ Deny favored treatment to advertisers, donors or any other special interests, and resist internal and external pressure to influence coverage.
- ▶ Distinguish news from advertising and shun hybrids that blur the lines between the two. Prominently label sponsored content.

BE ACCOUNTABLE AND TRANSPARENT

Ethical journalism means taking responsibility for one's work and explaining one's decisions to the public.

Journalists should:

- ▶ Explain ethical choices and processes to audiences. Encourage a civil dialogue with the public about journalistic practices, coverage and news content.
- ▶ Respond quickly to questions about accuracy, clarity and fairness.
- ▶ Acknowledge mistakes and correct them promptly and prominently. Explain corrections and clarifications carefully and clearly.
- ▶ Expose unethical conduct in journalism, including within their organizations.
- ▶ Abide by the same high standards they expect of others.

The SPJ Code of Ethics is a statement of abiding principles supported by additional explanations and position papers (at spj.org) that address changing journalistic practices. It is not a set of rules, rather a guide that encourages all who engage in journalism to take responsibility for the information they provide, regardless of medium. The code should be read as a whole; individual principles should not be taken out of context. It is not, nor can it be under the First Amendment, legally enforceable.

A Primer on Libel Law

By James Tidwell

Professor of Journalism

Eastern Illinois University

High school publications don't often get sued for libel, but it does happen.

Suing a student publication is one thing; winning the law suit is another. Thanks to U.S. Supreme Court decisions the past 35 years, people who sue for libel have a very difficult time winning.

However, even if your publication ultimately wins, it's no fun having to defend a libel suit. It's a mental drain, it's time consuming, and it's expensive.

The best defense against a libel suit is to avoid publishing defamatory material.

In order to avoid the problem, staff members of student publications must have a basic understanding of the law of libel.

Simply stated, libel is a communication that damages a person's reputation or good name in the community. But libel law is much more complex than this simple definition: The person bringing the suit must prove five specific things, and even then the defendant publication can still succeed by proving one of several defenses.

The five elements the person filing a libel suit (the plaintiff) must prove are: publication, identification, falsity, defamation and fault.

Publication--This one's easy. The plaintiff simply must prove the defendant published the allegedly libelous material. This can be done by just admitting a copy of the article as proof.

Identification--The allegedly libelous statement or statements must be about or concerning the plaintiff. In other words, the plaintiff must prove that people in the community reasonably believed that the statements referred to the plaintiff.

This one's also easy if the article clearly identifies the plaintiff by name or a photograph clearly shows the plaintiff. However, it gets sticky when group libel is involved.

Only individuals can sue for libel. When identification is based on membership in a group, the plaintiff must prove that the allegedly libelous statement referred to him or her specifically. Generally, if a group is larger than 25, no individual within the group can sue.

However, when the group is small and the libelous statement is aimed at all members, each member can sue. For example, if an article said, "The players on the basketball team cheated on their final exams," each member of the team could sue for libel.

Falsity--When the allegedly libelous material concerns a matter of public concern, the U.S. Supreme Court has ruled that the plaintiff has the burden of proving the material was false. Media defendants no longer have to prove that what was published is true.

The plaintiff must prove that the substance of the defamatory charges is false; proving the falsity of minor, inconsequential details is not enough. If the "gist or sting" of the charges is true then there is no libel.

If the article said "John Jones cheated on his history exam," when in fact he cheated on his English exam, the article is still substantially true.

Injury (Defamation)--The libel plaintiff must prove that the published statements have damaged his or her reputation. In considering this element, a court must determine if an ordinary person could reasonably understand the words to be libelous statements of fact.

This element is a particular problem for plaintiffs who sue over a cartoon, a satirical article or a humorous comment. If an ordinary person could reasonably interpret the material to be statements of actual facts, then the plaintiff might prevail. However, if the material is clearly satire or a joke and not meant to be taken seriously, then there is no libel. Also, not libelous is loose, figurative language which a reasonable person cannot take literally.

To illustrate this fact versus parity issue, let's look at several high school yearbook examples reported in *SPLC Report*, published by the Student Press Law Center.

- The yearbook at McAllen (Tex.) High School was sued after it published the word "slut" under a girl's photo. A court dismissed the libel suit because there was no proof of injury. Before the yearbook was distributed, the publisher printed a new page to cover the original page with the problem photo and cutline. No one but the yearbook staff saw the original page. Students who tried to tear off the affixed page would have destroyed the page underneath.

- The yearbook at Passaic (N.J.) Collegiate School was sued after it published in a section called "Funny Pages" a photo of a female teacher sitting next to a male teacher with his hand raised to his forehead. The caption read, "Not tonight Ms. Salek, I have a headache." Another photo of the same male teacher eating was published with the cutline, "What are you really thinking about Mr. DeVita?" The female teacher, Sylvia Salek, claimed the two photos damaged her reputation in that they gave the false impression that she had propositioned DeVita. A state appellate court upheld the dismissal of the suit, ruling the material was clearly parody and no reasonable person could believe it could be factual.

- The yearbook at Moon Valley (Ariz.) High School was sued after it identified a student as a "quitter" in a photo of the wrestling team. The school district's insurance company paid the student \$4,500 to settle the suit. The *SPLC Report* from Spring 1987 reported that a letter from the student's attorney said his client was "shocked" and "humiliated" by the quitter caption. "In addition to the present adverse consequence of the reputation (the student) will never be able to look back fondly

on the yearbook of his junior year in high school without being reminded of this unfortunate incident," the letter said.

Fault--This element, like the falsity element, was added to the plaintiff's burden of proof by the U.S. Supreme Court in a series of decisions since 1964.

Plaintiffs who are public officials or public figures must prove that libel defendants were guilty of actual malice. That is, the plaintiff must prove that the defendant published the material with actual knowledge that it was false, with a high degree of awareness of probable falsity or with reckless disregard for whether it was true or false.

Malice is extremely difficult to prove, and many libel plaintiffs lose their cases because they can not meet this burden.

Some direction has come from the Supreme Court, but state and federal courts generally have been allowed to determine who is a public official or public figure on an individual case-by-case basis.

The Supreme Court defined public officials as "government employees who have or appear to the public to have substantial responsibility for or control over the conduct of governmental affairs." It defined public figures as people who "have voluntarily thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved. They invite attention and comment."

In the context of high school publications, clearly school board members and superintendents are public officials/figures.

But in Illinois there is a split of authority on the question of whether a public school teacher is a public official for libel purposes. A 1974 appellate court decision from the third district concludes that a teacher is a public official: "...coaches and teachers in a local high school...maintain highly responsible positions in the community...Public school teachers and coaches, and the conduct of such teachers and coaches and their policies, are of as much concern to the community as are other public officials and public figures."

However, in a 1981 case the first district appellate court refused to follow the third district. "We are unwilling to place the imprimatur of public official on a school teacher," the court said. "The relationship a public school teacher or principal has with the conduct of government is far too remote, in our minds, to justify exposing these individuals to a qualifiedly privileged assault upon his or her reputation." An Illinois federal court also ruled that an elementary school principal was not a public official.

The determination of whether the plaintiff is a public official or public figure is crucial in a libel suit. In most states, including Illinois, plaintiffs who are private individuals only have to prove the defendants were negligent, not guilty of actual malice, in publishing the defamatory material.

Negligence is usually defined as “failure to exercise ordinary care.” The Illinois Supreme Court has ruled that libel defendants are negligent when they believe something they published is true but they “lacked reasonable grounds for that belief.”

Negligence is much easier to prove than actual malice; therefore, the court’s determination of whether the plaintiff is a public official/figure or a private individual can be critical to the plaintiff’s chances of winning.

Even if a plaintiff proves the five elements of libel, however, the defendant publication still has at least two defenses to fall back on.

The fair and accurate publication of information obtained in a public meeting or from a public record is immune from libel even if the actual information is false and defamatory.

This “conditional privilege” applies to comments made in public meetings where public business is discussed (such as school board or city council meetings) and to comments made by lawyers, judges and witnesses in courtrooms.

The privilege also attaches to accurate reports of what is contained in public records such as police arrest reports, courthouse records and reports by government agencies.

For example, if you discover from police records that your principal has been arrested for drunk driving, that information can be published without fear of libel. Even if the charges are later dropped, the principal can’t sue your publication.

Keep in mind that privilege applies only if the publication is a fair and accurate report of the meeting or record. If you report that someone was arrested for rape when in fact he was arrested for jaywalking, the privilege is not applicable.

Because of the conditional privilege defense and the other obstacles discussed earlier, people suing for libel have a very difficult time winning.

Still, editors and reporters should be aware of certain “red flag” words, expressions or situations that are particularly susceptible to libel problems.

Libel actions are most likely to occur because of statements imputing commission of a crime, infection with a loathsome communicable disease (such as AIDS) or lack of ability in a person’s business or profession.

Be careful when publishing a story that says a person has committed, is suspected of or has been charged with a crime. Make sure such information comes from official police or court records so the conditional privilege defense is applicable.

Also make sure the people named in such stories are clearly identified. If a John Smith has been charged with a crime, the story must clearly identify the correct John Smith. Use a middle name or initial, occupation, age and address to make it clear which John Smith has been charged.

Always keep in mind that a publication is legally responsible for everything it publishes. If a story accurately reports and attributes a defamatory quote, the newspaper can be sued, along with the quoted person.

The same can be said for paid advertisements and letters to the editor. If the ad or letter is libelous, the newspaper is legally responsible along with the advertiser or letter writer.

Letters to the editor must be handled with particular care. Verify the authorship of all letters and don't be reluctant to edit or request rewrites of letters that have potential libel problems.

If advisers, editors and reporters have a basic understanding of libel law, many problems can be eliminated. Such knowledge also will help you from being intimidated into scrapping a good story just because someone threatens to sue.

A Primer on Copyright Law

By JAMES TIDWELL

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Want to liven up a yearbook spread with a couple of Disney characters? Want to use Bart Simpson to add a little pizzazz to an advertisement?

How about using the Pepsi logo or a drawing of Dilbert in an editorial cartoon? Or using a great photo downloaded from the Internet?

Advisers and students considering such actions must have a basic understanding of copyright and trademark law to be sure they are acting legally.

The odds of a high school publication being sued for copyright or trademark violations are slim, but that's not the point. Students should learn to value and follow the law; they should learn to ask questions when such issues arise. Publications should never knowingly violate copyright and/or trademark laws.

While there are both state and federal laws regarding trademark, copyright law is exclusively federal in nature because of the U.S. Constitution. Article 1, § 8 states that "Congress shall have Power to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." The last major overhaul of the law was the Copyright Act of 1976. This law, its subsequent amendments and related statutes are contained in Title 17 of the U.S. Code.

What can be copyrighted? An idea can't be copyrighted, only the expression of an idea. And that expression must be an "original work in any tangible medium of expression." Courts have usually placed the originality bar pretty low for copyright. But "originality" occasionally trips up an author seeking copyright protection. In 1991, the U.S. Supreme Court ruled that a traditional phone book consisting of names in alphabetical order was not original enough to warrant copyright protection.

How does one obtain a copyright? Copyright is automatic when a work is "fixed in any tangible medium of expression." A copyright notice or registration is not needed. When a news article is saved on a computer, when a photo is saved to a negative or digitized to a disk, or when a graphic is placed on an Internet server, they are automatically copyrighted and protected by the Copyright Act.

Publishing a work with a copyright notice does have its advantages, however. Under the law if a notice of copyright appears on the published copy to which a defendant in a copyright infringement suit had access, the defendant in most cases is precluded from claiming innocent infringement.

The notice must be placed in a conspicuous place in the publication (usually in the name plate or in the masthead) or at the beginning or end of a video. Such a notice consists of the letter “c” in a circle or the word “copyright” followed by the year of first publication and the owner of the copyright.

However, a work must be registered with the Copyright Office before its owner can sue for copyright infringement. Also, owners who register their copyrights within three months of publication have some advantages when they sue, particularly the right to collect statutory damages and attorneys’ fees. Registration forms and instructions can be download from the U.S. Copyright Office at [lcweb.loc.gov/copyright](http://www.copyright.gov/copyright) .

Most high schools don’t bother to place a copyright notice on their student publications, or register the copyright; but they could if they desired. Individual articles and photos in a newspaper, yearbook or magazine could be copyrighted separately. But because such publications are “collective works” under the copyright law, a single copyright for the entire publication also covers individual items within the publication.

Advertisements, however, are an exception: They must be copyrighted separately. The law says a collective work’s overall copyright covers all individual contributions within the work, but not “advertisements inserted on behalf of persons other than the owner of the copyright in the collective work.”

How long does a copyright last? Present law states that a copyright lasts for the life of the author plus 70 years. In the case of a work made for hire (see sidebar), the copyright lasts for 95 years. There are various copyright durations for works created before 1978. Readers who want more details on such things, should refer to 17 U.S. Code § 303 and § 304.

Who owns a copyright? A photographer for the high school newspaper takes a photo of a tornado that hits the school. The shot is a real winner and every newspaper in the states wants to buy single-publication rights to the photo. Who “owns” the copyright of the photo and therefore can sell the publication rights? Is it the newspaper or the photographer? Copyright normally vests in the author or authors of the work. In the situation above, that would be the photographer. But wait. If the photographer is an employee of the newspaper, then the photo is a “work made for hire.” Then the newspaper as the employer owns the copyright.

A “work made for hire” is created in one of two ways: (1) A employee within the scope of his/her employment creates the work; or (2) The parties expressly agree in writing that the work is a “work made for hire.”

According to a 1989 U.S. Supreme Court decision, to determine whether a work is made for hire, one must decide if the work was created by an employee or an independent contractor. To

make that determination the Court identified several factors under the common law of agency that characterize an employee-employer relationship:

- Control by the employer over the work. (The employer determines how the work is done, and provides workspace and equipment to create the work.)
- Control by the employer over the employee (The employer controls the employee's work schedule, can require the employee to perform other duties, determines the methods of payment and/or has the right to hire assistants for the employee.)
- Status and conduct of the employer (The employer is in business to produce such work, provides the employee with benefits, and/or withholds tax from the employee's payments.)

Some of these factors, particularly the first one, favor a work for hire status for a student journalist, but the fact that high school journalists don't get paid weighs heavily against a work for hire finding. Therefore, unless the photographer in the above example signed a "work for hire" agreement giving ownership to the newspaper/school, the photographer owns the photo and can sell it to whomever he/she desires.

What rights does a copyright confer? The owner of a copyrighted work has exclusive rights to use or authorize the use of that work with certain limitations. These rights include (a) The making of copies; (b) Preparation of derivative work (A movie would be a derivative work of the book upon which it is based); (c) Distribution of copies to the public by sale or other transfer of ownership, or by rental, lease, or lending; and (d) Performance or display of the work publicly.

Therefore, if a publication wants to use the work, staffers must get permission to do so. That usually means paying for it, but copyright holders might be willing to allow a non-commercial high school publication or other medium to use the work for free as long as credit is given. For example, in recent months I have received written permission from two different newspapers to republish material without cost in a high school press association newsletter I edit.

What is fair use? In many situations, a publication might not need permission to republish copyrighted material. The Copyright Act says that use of copyrighted work for purposes such as "criticism, comment, news reporting, teaching, scholarship, or research" is not a copyright infringement.

The law establishes four factors courts must use in determining whether fair use is applicable:

- 1. Purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.
- 2. Nature of the copyrighted work.
- 3. Amount and substantiality of the portion used in relation to the work as a whole.

- 4. The effect of the use upon the potential market for or value of the copyrighted work.

Since student media operations are nonprofit educational enterprises and much of their content involves criticism, comment and news reporting, fair use is often applicable.

Using a few lines of a song or excerpts from a book in a review is fair use.

Using a drawing of a copyrighted cartoon character in a staff-drawn editorial cartoon would be fair use.

Courts have long ruled that limited taking of copyrighted material for use in a parody is fair use so long as the parodist uses only enough to cause a reader or viewer to “recall or conjure up” the original work.

The U.S. Supreme Court spoke on this issue for the first time in March 1994 in a case involving the Roy Orbison song, “Oh, Pretty Woman.” 2 Live Crew parodied the song in its recording of “Pretty Woman.”

The Court said parody may claim fair use. It said under the first of the four fair use factors, the important issue is whether the new work is “transformative.” Does it alter the original with new expression, meaning or message? The Court said the more transformative a work is the less important will be other fair use factors, such as commercialism,

However, using copyrighted material in an advertisement or cutting “Dilbert” out of a local paper and using it in a high school paper would not be fair use.

A publication that uses copyrighted material in an advertisement, would be hard pressed to argue that it was a “noncommercial” use, nor could it argue the use was for criticism, comment or news reporting purposes.

In the “Dilbert” cartoon example, three of the four fair use factors would work against the publication. The entire cartoon was used, the cartoon strip by its very nature is designed to be purchased by publications. Also, using it without paying would negatively affect the value of the copyrighted work.

Similarly, if a yearbook adopted a Disney theme, and without permission, used Disney characters throughout the book, the publication would have serious copyright problems. The copyrighted material was not used in a news or parody situation.

Using music without permission in a video yearbook may or may not be legal, depending on the context. Fair use would apply to a segment covering a dance in which the dance music can be heard in the background; it’s clearly a news setting. However, using music as mere background to video segments would not be fair use. Once again, the answer in such situations is to get permission from the copyright holder.

What about that photo downloaded from the Internet? It’s going to be very difficult to argue fair use. The first factor weighs in favor of fair use, but the other three factors don’t. The best

policy: Get permission from the owner of the photo. Of course, the key is to find the “real” owner. The Web site you downloaded it from may have illegally copied the photo.

What about trademarks? Student publications should have little worry about violating trademarks or service marks. Trademarks and service marks are used to distinguish one company’s products or services from another. They may include any word, symbol or device used to distinguish one product or service from competitors.

When a trademark infringement action is brought against publications that are protected by the First Amendment, a court balances the public interest in free expression against the public interest in avoiding consumer confusion.

When a high school publication uses a trademark in a news or editorial setting, including a parody, there can be no serious argument that the use of the trademark will cause consumer confusion.

A principal yanked a drug article from a student newspaper, so it ran online

By **Moriah Balingit** April 5, 2015

It's called "dabbing," and it involves smoking a distilled version of marijuana's active ingredient off of a nail, delivering a potent high.

When Fauquier High School senior SaraRose Martin heard that her peers were experimenting with the technique, she decided to pen a story about it for the student newspaper, the Falconer, of which she is co-editor in chief.

"I was just interested in exactly what it was and exactly what the effects of it were," she said. "I wanted my peers to know what they were doing."

Principal Clarence Burton III deemed the article too mature for the Falconer's teen readership and yanked it from publication in March. In a letter to Martin, he wrote that he was concerned that students would "be exposed to a new and dangerous drug without adult guidance."

Martin brought news of the censorship to Fauquier Now, an online-only news outlet. Editor Lawrence "Lou" Emerson decided to run the article and posted it to the Internet on March 23, giving the student's piece a much broader audience than her 1,200-student high school in Warrenton, Va. Within the first 10 days, her story had 11,400 unique visitors.

The turn of events underscores the dilemma school administrators face while exercising control over student media in the age of the Internet. And it highlights the tension that can arise when school officials try to balance the concerns of parents and those of student journalists who believe they have important stories to tell.

School administrators are allowed to preview student work and can censor school-sponsored student publications in many cases, following the U.S. Supreme Court's *Hazelwood* decision in 1988.

Marie Miller, an English teacher who has taught journalism classes and advised the newspaper for a decade, said the Falconer normally runs stories one would expect of a high school newspaper — recent coverage has included the location of this year's prom, the installation of a new fence around the school's courtyard and a debate about the Pledge of Allegiance.

But the students do wade into headier topics, and when they are preparing to run a controversial piece, Miller typically gives the principal a head's up. Burton approved two articles this school year on sensitive topics, including one on Molly, an increasingly popular club drug that is a form of the drug ecstasy, and another on transgender students.

But the principal pushed back when he read Martin's story.

"Unlike a drug safety education unit taught in a health class by a trained professional, this article does not come with that trained instructor," Burton wrote in a letter to Martin.

David Jeck, Fauquier County's schools superintendent, backed the principal's decision after the students appealed.

"I just felt like, in the end of the day, if there's one student in that school who is encouraged to use the drug . . . I would have to live with that, and that's not something I want to live with," Jeck said.

Frank LoMonte, executive director of the Student Press Law Center, said that reasoning — equating writing about a behavior with encouraging it— would preclude students from covering a whole range of topics relevant to the high school population, including drunken driving and sexually transmitted diseases.

"There's obviously a difference between exposing people to information and exposing them to a drug," he said.

"They didn't enclose drugs in the publication."

Martin's article includes frank descriptions of the drug from several unnamed students — including how it is used. Some described a rush of euphoria and others said they vomited and hurt themselves, suffering injuries "from cracked skulls to cracked teeth," she wrote.

"I don't think my article makes it sound good," she said. And she estimates that a sizable portion of the student body already knows about dabbing.

But, as it turns out, many school administrators had never heard of dabbing. Miller learned about it from Martin's reporting. Jeck, too, said he learned about it from the very article he decided to prohibit from the school newspaper.

Jeck acknowledged that there was a certain futility in censoring an article that was ultimately published elsewhere. But he still said that the Web — and the extraordinary amount of bad information students have access to because of it — does not mean administrators should stop oversight of student publications.

“We know very well that the kids have access to a thousand times more information than they would in the Falconer newspaper,” he said. “That doesn't mean we have to be part of that.”

LoMonte sees a missed opportunity.

“It would be so much better to cultivate good news-consumption habits by encouraging reading the newspaper rather than driving eyeballs elsewhere,” he said, especially when elsewhere means Facebook, Twitter or blogs, where the content might not be accountable to the same standards. “There's no stopping people from becoming informed, so why not keep the conversation inside the tent, where it can be monitored and supervised?”

Moriah Balingit writes about education for the Post. [🐦 Follow @ByMoriah](#)

Student, father protest Richwoods newspaper's censorship

Friday

Posted Mar 23, 2012 at 12:01 AM

Updated Mar 23, 2012 at 10:02 PM

A parent is threatening to sue District 150 about an editorial and cartoon that did not run in the Richwoods High School newspaper.

By Pam Adams

A parent is threatening to sue District 150 about an editorial and cartoon that did not run in the Richwoods High School newspaper.

Daniela Vidal, the editor-in-chief of “The Shield,” the school’s newspaper, wrote an editorial — headlined “Sagging pants? How about a sagging relationship between the students and the administration?” — that detailed a rise in texting, fights and rowdy hallway behavior. She called on students to stop jeopardizing their education by making “foolish decisions” and called on administrators to “lay down the law and enforce it well.”

The editorial and accompanying cartoon were pulled from the December issue of the paper and have never been published.

After Heber Vidal, Daniela Vidal’s father, filed a grievance with the District 150 School Board earlier this month, school administrators relented enough to allow the editorial to run, though not the cartoon. Daniela Vidal and her father say that’s not enough.

Though students received the go-ahead from the district to run the editorial, they have not decided if or when they will do so.

Heber Vidal and his daughter are contemplating filing a lawsuit if District 150 doesn’t meet three demands: apologize publicly to the paper’s student editors, permit publication of both the editorial and cartoon, and require the school administrators involved in making the censorship decision to

reimburse the district, with their own money, for the cost of printing and reprinting the December issue three separate times before it was distributed to students.

That would include Richwoods High School Principal Cindy Clark and District 150 Superintendent Grenita Lathan, according to Heber Vidal.

“All we wanted was for them to enforce the policies more,” said Daniela Vidal, referring to what she had described in the editorial as lax enforcement of the dress code, cellphone usage and discipline policies.

District 150 spokesman Chris Coplan said the principal, in consultation with the administration, made the initial decision to remove the editorial and cartoon because they were “disruptive to the educational process.”

According to policy, publications can’t include content that is inappropriate in a variety of ways, including libelous, obscene or “materially disruptive to the educational process.”

After Heber Vidal’s appeal “and further review by the principal and central office, in consultation with legal counsel,” Coplan said administrators decided the editorial met district standards, but the cartoon did not.

Daniela Vidal wrote the editorial, another staffer drew the cartoon. Another editorial, written by a different staffer, questioning President Barack Obama’s decision to withdraw troops from the Middle East also was pulled.

Daniela Vidal said the principal insinuated the cartoon was racist, said the editorial pitted students against administration and reflected poorly on Richwoods. The comments, she said, came during an hourlong meeting with other student editors, their adviser, Dan Kerns, who had approved the editorial, and three assistant principals. The cartoon depicts a boy standing in the hallway wearing baggy pants, a girl texting and a boy defacing a locker.

A subsequent letter from the editor in the February issue discussed the censored editorial. “For the first time in its history, an administrator stopped distribution of an already-printed paper,” Daniela Vidal wrote. Coplan said it was allowed to run because it followed the district’s policy.

Frank LoMonte, executive director of the Student Press Law Center, was encouraged by District 150’s decision to meet the students halfway. He said it is rare for a student to take legal action in a censorship case and “incredibly rare” to make a school board admit a principal made a mistake. It is

also rare, he added, for a principal to censor a pro-discipline editorial.

“But it’s not at all unprecedented,” he said. “What schools will censor sometimes boggles the mind.”

The students are on solid legal ground, according to LoMonte. The U.S. Supreme Court has never said principals or school districts have total editorial control over student newspapers. Schools have to have a “legitimate educational justification,” he said.

Adam Goldstein, an attorney for the Virginia-based law center, said he hopes District 150 comes to view the cartoon as protected speech, also, “before a court orders them to.”

The Shield comes out once a month.

Clark did not see the December issue until after it had been printed. She stopped distribution of about 500 copies. Students hurriedly replaced the editorials on the opinion page with a crossword puzzle, and the district had the issue printed again. But that issue was also reprinted before it was circulated because of mistakes made by the printer, Coplan said.

The two additional printings cost between \$400 and \$500, Coplan said, and came from the marketing department’s budget rather than the student newspaper budget.

Though Richwoods’ student newspaper had never been formally reviewed before publication by principals in the past, now it is, Daniela Vidal said.

Her father is a Colombian immigrant and naturalized U.S. citizen who takes constitutional rights seriously. The entire episode sends the wrong message to students, he said. “That’s the main reason we don’t want to let it go with just publishing the article.”

Pam Adams can be reached at 686-3245 or padams@pjstar.com.

Student, father protest Richwoods newspaper’s censorship

Friday

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A parent is threatening to sue District 150 about an editorial and cartoon that did not run in the Richwoods High School newspaper.

By Pam Adams

A parent is threatening to sue District 150 about an editorial and cartoon that did not run in the Richwoods High School newspaper.

Daniela Vidal, the editor-in-chief of “The Shield,” the school’s newspaper, wrote an editorial — headlined “Sagging pants? How about a sagging relationship between the students and the administration?” — that detailed a rise in texting, fights and rowdy hallway behavior. She called on students to stop jeopardizing their education by making “foolish decisions” and called on administrators to “lay down the law and enforce it well.”

The editorial and accompanying cartoon were pulled from the December issue of the paper and have never been published.

After Heber Vidal, Daniela Vidal’s father, filed a grievance with the District 150 School Board earlier this month, school administrators relented enough to allow the editorial to run, though not the cartoon. Daniela Vidal and her father say that’s not enough.

Though students received the go-ahead from the district to run the editorial, they have not decided if or when they will do so.

Heber Vidal and his daughter are contemplating filing a lawsuit if District 150 doesn’t meet three demands: apologize publicly to the paper’s student editors, permit publication of both the editorial and cartoon, and require the school administrators involved in making the censorship decision to reimburse the district, with their own money, for the cost of printing and reprinting the December issue three separate times before it was distributed to students.

That would include Richwoods High School Principal Cindy Clark and District 150 Superintendent Grenita Lathan, according to Heber Vidal.

“All we wanted was for them to enforce the policies more,” said Daniela Vidal, referring to what she had described in the editorial as lax enforcement of the dress code, cellphone usage and discipline policies.

District 150 spokesman Chris Coplan said the principal, in consultation with the administration, made the initial decision to remove the editorial and cartoon because they were “disruptive to the educational process.”

According to policy, publications can’t include content that is inappropriate in a variety of ways, including libelous, obscene or “materially disruptive to the educational process.”

After Heber Vidal’s appeal “and further review by the principal and central office, in consultation with legal counsel,” Coplan said administrators decided the editorial met district standards, but the cartoon did not.

Daniela Vidal wrote the editorial, another staffer drew the cartoon. Another editorial, written by a different staffer, questioning President Barack Obama’s decision to withdraw troops from the Middle East also was pulled.

Daniela Vidal said the principal insinuated the cartoon was racist, said the editorial pitted students against administration and reflected poorly on Richwoods. The comments, she said, came during an hourlong meeting with other student editors, their adviser, Dan Kerns, who had approved the editorial, and three assistant principals. The cartoon depicts a boy standing in the hallway wearing baggy pants, a girl texting and a boy defacing a locker.

A subsequent letter from the editor in the February issue discussed the censored editorial. “For the first time in its history, an administrator stopped distribution of an already-printed paper,” Daniela Vidal wrote. Coplan said it was allowed to run because it followed the district’s policy.

Frank LoMonte, executive director of the Student Press Law Center, was encouraged by District 150’s decision to meet the students halfway. He said it is rare for a student to take legal action in a censorship case and “incredibly rare” to make a school board admit a principal made a mistake. It is also rare, he added, for a principal to censor a pro-discipline editorial.

“But it’s not at all unprecedented,” he said. “What schools will censor sometimes boggles the mind.”

The students are on solid legal ground, according to LoMonte. The U.S. Supreme Court has never said principals or school districts have total editorial control over student newspapers. Schools have to have a “legitimate educational justification,” he said.

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Group Ethics Discussion Rubric

Name(s):

Length of Discussion:

Objectives	Accomplished 4	Skilled 3	Developing 2	Needs Improvement 1
Content of Ethics Discussion	Member(s) present challenging and complex information, findings, and supporting evidence, conveying an engaging and distinct set of ideas, such that group members follow the line of reasoning and benefit from the perspectives and ideas.	Member(s) presents information, findings, and supporting evidence, conveying a clear and distinct set of ideas, such that listeners can follow the line of reasoning.	Member(s) presents some information, findings, and supporting evidence clearly and logically such that listeners can follow the line of reasoning.	Member(s) fails to present claims and findings that emphasize the salient points.
Quality of Discussion and Group Engagement	Member(s) propels conversations by posing and responding to questions that probe and at times challenge reasoning and evidence; ensures a hearing for a full range of positions on a topic or issue; clarifies, verifies, or challenges ideas and conclusions; and promotes divergent and creative perspectives in order to arrive at consensus points or to clarify where ideas diverge.	Member(s) propels conversations by posing and responding to questions that probe reasoning and evidence; ensures a hearing for a full range of positions on a topic or issue; promotes divergent and creative perspectives.	Member(s) propels conversations by posing and responding to questions that relate the current discussion to broader themes or larger ideas; actively works to incorporate others into the discussion.	Member(s) poses questions that connect the ideas of several speakers and responds to others' questions and comments with some evidence, observations, and ideas.
Delivery and Speaking Skills	Establishes eye contact and engages everyone in the group during the discussion; speaks well; words are clear and distinct; volume and pacing are excellent; uses emphasis well; engages in a relaxed and confident manner.	Establishes eye contact and engages all people in the group; speaks fairly well; words clear and distinct most of the time; volume is acceptable; uses emphasis occasionally.	Establishes eye contact at times but struggles to engage <u>all</u> members; average speaker; words clear and distinct some of the time; volume is soft at times; doesn't use emphasis.	Establishes little to no eye contact and doesn't engage group members; doesn't speak well; words are not distinct or clear most of the time; volume is soft; rarely uses emphasis.

Adviser's Comments:

TOTAL: _____



Student Media Ethics Scenarios and Rubric

In pairs, you will discuss, analyze, brainstorm how you would handle the following situations. Don't be fooled—these aren't easy questions to answer, and there isn't always one right and one wrong answer. You **MUST** talk these out with your partner and come up with solid, logical reasoning to support your solution to the problem, pulling that reasoning from everything we have discussed about scholastic media history, the new Illinois law, and greater ethical principles.

To present your thinking, you can write or use multimedia—at your adviser's discretion.

Choose **ONE** of the following scenarios in pairs to dissect and propose a solution or plan of action:

1. As a reporter, you're attending a meeting of your district's board of education in order to write a news story. Right before a discussion of a fairly weighty issue that will affect many students, the president of the school board says that this part of the meeting is off the record. Another board member agrees and notes that you, as a student journalist, shouldn't report on what you hear and see. What do you do and why?
2. You're in the cafeteria, and you overhear two school administrators, who are on lunch duty, discussing "the massive number of students who have been cheating." Should you report on this story? How would you proceed and why?
3. A student creates a disturbance in the cafeteria, turning over tables, throwing food, physically harming several other students. You hear from several people that he was subdued and taken to a local hospital, possibly for psychiatric observation. Your editor assigns you the story. What must you do in order to cover this in a journalistically credible manner? Be specific.
4. Staff members investigate the school activity fund—money intended to support all of the school's clubs and organizations—and have discovered that the administration has spent the entire fund to support the boys basketball team this year. Your editor assigns you the story. What must you do in order to cover this in a journalistically credible manner? Be specific.
5. A house fire in your town kills one of your classmates and her 4-year-old brother. A photographer is at the scene and takes a picture of the distraught mother being restrained by a firefighter. The staff is divided about using the picture. Some think it is an invasion of privacy. Would you use the picture? How and why? If not, why not?
6. You hear a rumor that the school board of your school is considering extending the school year. There will be school all year with only a break for Christmas-New Year holiday and only two weeks in the summer. A source tells you that, in fact, the school board has decided to extend the school year, but the announcement will not be made until next month. This source will not allow you to use his name. How do you handle this story? Do you use the name of the source in your story? Why or why not?
7. There have been several bomb threats made at your school in the past few weeks, but the school administration did not tell the students or the media. You find out about the threats from a student whose father happens to be a police officer. You ask the principal about the threats. He confirms that there were a series of threats, but he asks you not to publish the



- story. He argues that publishing the story will encourage more bomb threats and be disruptive to classes. Do you publish the story? Why or why not?
8. You are the editor. Your uncle decides to open a coffee shop near the school. He wants you to write about it in your publication, since he hopes to draw many young people there with an open mic night and other events. Should a story be written? Who should be assigned to write it and why?
 9. Your student media publishes a piece about the debate team, which includes team member interviews with several quotations critical of its coach. The reporter, however, does not interview the debate team coach for the article. After the story is published, the debate coach says it includes several errors and libelous material. What logical ground does the coach have and what do you do?
 10. In a report on a student council meeting, the student newspaper reports that a big name star is coming to town to give a concert. One of your fellow staffers finds great photos of this star through a Google images search and wants to use them. What should you do?
 11. A rock group stages a concert in town, and a reporter for the school writes a negative review, saying that the performers were untalented and that the show was a waste of time and money for those attending. The musicians sue the paper for libel. Who is likely to win the case and why?
 12. You are a sports writer. After a hard-fought, close volleyball game that your school loses, you interview the volleyball coach. She's angry about the loss, and in your interview, she uses profanity. How should you handle that quote? Why?
 13. You are a reporter. An assistant principal tells you she's resigning to go into private business. During the interview, she's extremely critical of the current principal, saying she can't stand to work for him any longer, that he's incompetent, and that he "shouldn't be allowed to continue as principal." You hand in your story. The editor returns it, saying, "This story isn't finished." Why does the editor say that? How do you respond?



Student Media Ethics Scenarios Rubric

Objectives	Accomplished 4	Skilled 3	Developing 2	Needs Improvement 1
Application of Media Ethics and Law Concepts	Answers mention specific words, phrases, and terminology from the ethics and law unit often and in the correct context in order to provide quality evidence for a stance on the given situation.	Answers mention specific words, phrases, and terminology from the ethics and law unit in order to provide evidence for a stance on the given situation.	Answers mention specific words, phrases, and terminology from the ethics and law unit a few times in order to provide evidence, which may or may not connect to the given situation.	Answers fail to mention specific words, phrases, and terminology from the ethics and law unit.
Logic and Reasoning of Arguments	Answers to scenarios are thoughtful and take into consideration several angles and possibilities regarding the situation; <u>all sides</u> of the issue are considered, including opposing viewpoints; all info is properly communicated in a logical way.	Answers to scenarios take into consideration several possibilities regarding the situation; all info is communicated in a logical way.	Answers to scenarios take into consideration at least more than one possibility regarding the situation; some logic is sound and based on reasoning.	Answers are limited in scope and logic may be flawed or based on reaction or emotion only.
Clarity of Writing and Ideas	Report or presentation is strong and effective with a clear voice and a variety of sentence structures, creative at times; piece is tightly written; utilizes active verbs/voice and vivid word choice.	Report or presentation is adequate but not extremely compelling or original; may be wordy or unclear at times; writing overall may not be vivid or sophisticated.	Report or presentation is rather bland; lacks a clear voice or structure; is wordy or redundant; or may be too heavy with jargon or clichés that are unclear.	Report or presentation lacks a clear voice and lacks appropriate word choices and sentence structure throughout.
Grammar, Punctuation, and Spelling	Report or presentation is well edited and virtually flawless; NO spelling errors; includes the proper spelling of <u>all</u> names.	Report or presentation is spell checked and all names are correct; contains few (one or two) grammatical/punctuation errors.	Report or presentation is spell checked and all names are correct; contains several (three or more) grammatical errors.	Names are misspelled; or spell check was not run; or contains many grammatical errors.
Deadline Adherence	Met deadline.		Missed deadline by ONE day.	Missed deadline by MORE than ONE day.

TOTAL _____

Adviser's Comments:

ADDITIONAL RESOURCES

In order to learn more about several of the areas touched on through this Illinois-specific curriculum, please visit the following organizations and their websites:

[The Student Press Law Center](#)

[JEA's Scholastic Press Rights](#)

[New Voices website](#)

[Illinois Press Foundation 1st Amendment Center](#)

[American Press Institute -- Student Journalism Resources](#)

[NSPA Student Press Resources](#)

