Introduced by Morfeld, 46.
Read first time January 08, 2018
Committee: Judiciary

A BILL FOR AN ACT relating to journalism; to define terms; to provide protection for student journalists' rights of freedom of speech and freedom of the press; to provide protection for student media advisers; to provide immunity for schools; and to provide exceptions.

Be it enacted by the people of the State of Nebraska,
Section 1. (1) For purposes of this section:

(a) Postsecondary educational institution means the University of Nebraska, a state college, a private college or university with or without religious affiliation, or a community college;

(b) School-sponsored media means any material that is (i) prepared, substantially written, published, or broadcast by a student journalist at a postsecondary educational institution, (ii) distributed or generally made available to members of the student body, and (iii) prepared under the direction of a student media adviser. School-sponsored media does not include any media intended for distribution or transmission solely in the classroom in which the media is produced;

(c) Student journalist means a student at a postsecondary educational institution who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media; and

(d) Student media adviser means an individual employed, appointed, or designated by a postsecondary educational institution to supervise or provide instruction relating to school-sponsored media.

(2)(a) All school-sponsored media are deemed to be public forums. Subject to subsection (3) of this section, 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 postsecondary educational institution, supported by the use of the facilities of such institution, or produced in conjunction with a class in which the student journalist is enrolled.

(b) Subject to subsection (3) of this section, a student journalist is responsible for determining the news, opinion, feature, sports, and advertising content of school-sponsored media. This subdivision shall not be construed to prevent a student media adviser from teaching professional standards of English and journalism to student journalists.

(3) This section does not authorize or protect expression by a
student journalist that:

(a) Is libelous or slanderous;

(b) Constitutes an unwarranted invasion of privacy;

(c) Violates federal or state law; or

(d) So incites students as to create a clear and present danger of

(i) the commission of an unlawful act, (ii) a violation of the policies of a postsecondary educational institution, or (iii) the material and substantial disruption of the orderly operation of such institution.

(4) A student journalist shall not be disciplined for acting in accordance with subsection (2) of this section.

(5) A student media adviser shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for:

(a) Acting to protect a student journalist engaged in conduct under subsection (2) of this section; or

(b) Refusing to infringe upon conduct that is protected by subsection (2) of this section or the First Amendment to the Constitution of the United States.

(6) No publication or other expression of matter by a student journalist in the exercise of rights under this section shall be deemed to be an expression of a postsecondary educational institution's policy. No postsecondary educational institution, its employees or agents, or its governing authority or the members of its governing authority shall be held responsible in any civil or criminal action for any publication or other expression of matter by a student journalist in the exercise of rights under subsection (2) of this section.

Sec. 2. For purposes of this section:

(a) Public high school means any public high school organized and operating under the laws of the State of Nebraska;

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

(c) Student journalist means a public high school student who
gathers, compiles, writes, edits, photographs, records, or prepares
information for dissemination in school-sponsored media; and

(d) Student media adviser means an individual employed, appointed,
or designated by a public high school to supervise or provide instruction
relating to school-sponsored media.

(2)(a) All school-sponsored media are deemed to be public forums.
Subject to subsection (3) of this section, 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
public high school, supported by the use of the facilities of such
school, or produced in conjunction with a class in which the student
journalist is enrolled.

(b) Subject to subsection (3) of this section, a student journalist
is responsible for determining the news, opinion, feature, sports, and
advertising content of school-sponsored media. This subdivision shall not
be construed to prevent a student media adviser from teaching
professional standards of English and journalism to student journalists.

(3) This section does not authorize or protect expression by a
student journalist that:

(a) Is libelous or slanderous;

(b) Constitutes an unwarranted invasion of privacy;

(c) Violates federal or state law; or

(d) So incites students as to create a clear and present danger of
(i) the commission of an unlawful act or (ii) a violation of the policies
of a public high school that could cause the material and substantial
(4) A student journalist shall not be disciplined for acting in accordance with subsection (2) of this section.

(5) A student media adviser shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for:

(a) Acting to protect a student journalist engaged in conduct under subsection (2) of this section; or

(b) Refusing to infringe upon conduct that is protected by subsection (2) of this section or the First Amendment to the Constitution of the United States.

(6) No publication or other expression of matter by a student journalist in the exercise of rights under this section shall be deemed to be an expression of a public high school's policy. No public high school, member of such school's board of education, or employee of such school or board shall be held responsible in any civil or criminal action for any publication or other expression of matter by a student journalist in the exercise of rights under subsection (2) of this section.

(7) Public high schools and student media advisers shall make efforts to utilize the resources and programs of state public and private universities and colleges and of state professional journalism organizations to obtain training and advice on mass media law and ethics for student media advisers and student journalists.