

# Student Media

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## Purpose

Associated Students, Incorporated (ASI) recognizes the educational and societal value of encouraging the uninhibited, robust, free and open discussion of issues and ideas on America's college and university campuses, as well as the legal protections afforded students' exercise of freedom of expression and press freedom, especially by the First Amendment to the United States Constitution. It is ASI's intent that its student media will provide a full opportunity for all CSULB students to inquire, question and exchange ideas and that the student media will strive to reflect all areas of student interest.

## Policy Statement

It is the policy of Associated Students, Incorporated (ASI) that all ASI student-edited campus media have been established as forums for student expression and as voices in the uninhibited, robust, free and open discussion of issues. Since it is ASI's policy that students shall have the right to determine the content of student media, the following regulations relate only to establishing grounds for disciplinary actions subsequent to broadcast or publication.

Any disciplinary action proposed under this policy shall be conducted in a system that provides adequate due process. The burden rests with ASI through its Student Media Board to demonstrate the necessity of any disciplinary action.

## Definitions

Term	Definition
Campus activity	Educational student activity sponsored by the university including but not limited to classroom work, official assemblies and other similar gatherings, university athletic contests, concerts, and university plays
Disruption	Student rioting, unlawful seizures of property, destruction of property, or substantial student participation in a campus boycott, sit-in, walk-out or other related form of activity
Invasion of privacy	An unjustified exploitation of one's personality or intrusion into one's personal activities
Libelous or slanderous statements	Statements that are provably false and unprivileged statements of fact that do demonstrated injury to an individual's or business's reputation in the community
Obscene material	Matter that when taken as a whole to the average person, applying contemporary statewide standards, appeals to the prurient interest; depicts or describes sexual conduct in a patently offensive way; and lacks serious literary, artistic, political, or scientific value
Public figure	A person who either has sought the public's attention or is well known because of personal achievements or actions
Public official	A person who holds an elected or appointed public office and exercises a significant amount of governmental authority

## Regulations

### 1.0 Responsibilities of Student Writers and Broadcasters

Students who work on official, ASI-sponsored student media shall determine the content of their respective publications and broadcasts, and shall be responsible for that content.

These students shall strive to:

- Produce media based upon professional standards of accuracy, objectivity, and fairness;
  - For the Long Beach Union, this means abiding by the Society of Professional Journalists, Sigma Delta Chi journalistic code of ethics for all news, news features, sports and other factual reporting.
  - For K-Beach radio, this means abiding by the broadcasting regulations of the Federal Communications Commission.

- Review material to improve sentence structure, grammar, spelling and punctuation;
- Reasonably check and verify all facts and verify the accuracy of all quotations; and
- In the case of editorials, letters to the editor, or commentary concerning controversial issues, determine the need for rebuttal comments and opinions and provide space or airtime, if appropriate.

## 2.0 Unprotected Expression

The following types of student expression shall not be protected by this policy:

### 2.1 Obscene Material

Obscene material is not a protected form of expression. "Obscenity" is defined<sup>1</sup> as material that meets all three of the following requirements:

- 1) The average person, applying contemporary community standards, would find that the publication, taken as a whole, appeals to a prurient interest in sex;
- 2) The publication depicts or describes, in a patently offensive way, sexual conduct such as ultimate sexual acts, masturbation and lewd exhibition of the genitals; and
- 3) The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

Indecent or vulgar language is not obscene.

### 2.2 Libelous or Slanderous Material

Libel and slander are not protected forms of expression. Libelous or slanderous statements are provably false and unprivileged statements of fact that do demonstrated injury to an individual's or business's reputation in the community. If the allegedly libeled or slandered party is a "public figure" or "public official" as defined above, then ASI must show that the false statement was published or broadcast "with actual malice," specifically, that the student(s) knew that the statement was false or that they published or broadcast it with reckless disregard for the truth without trying to verify the truthfulness of the statement.

ASI and university employees shall be considered public officials or public figures in relationship to articles concerning their campus-related activities.

When an allegedly libelous or slanderous statement concerns an individual who is not a public official or a public figure, ASI must show that the false statement was published willfully or negligently, specifically, the student journalist who wrote, published, or broadcast the statement failed to exercise reasonably prudent care.

Students are free to express opinions. Specifically, a student may criticize campus policy or the performance of faculty, administrators, university officials, and other university employees.

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<sup>1</sup> Student Press Law Center Model Guidelines for College Student Media Copyright © 2009 Student Press Law Center, Inc.

### 2.3 Material that Unlawfully Invades a Person's Right to Privacy

Student media is protected by the First Amendment right to free speech, as long as the published or broadcast material does not violate personal privacy and is either verifiable as true or presented clearly as an opinion, not a statement of fact. It is often associated with a public figure's right to be left alone by the media, although many aspects of a public figure's life are not protected.

The right to privacy is an inalienable right granted to all people under the California Constitution. The legal term "invasion of privacy" refers primarily to a person's right to keep his or her life private and free from the intrusion of others.

Modern invasion of privacy laws essentially protect people in four different ways:

- "Intrusion of Solitude" is spying on or intruding upon another person where that person has the expectation of privacy, usually in a home or business setting. For instance, student journalists may not place wiretaps on a private individual's telephone without his or her consent.
- "Public Disclosure of Private Facts" is the disclosure of embarrassing private information that is of no public concern and so reprehensible that it outrages the public sense of decency. Although the information may be truthful, it is still considered an invasion if 1) it is not newsworthy, 2) the event took place in private, and 3) there was no consent to reveal the information.
- "False Light" is printing a private person's name or likeness in a way that is highly offensive and untrue, or portraying the individual in such a way that it would be highly offensive to a reasonable person.
- "Appropriation of Name, Likeness or Identity" is the appropriation of a private person's name, likeness or identity by the media for commercial gain. This pertains to a private figure and not a public figure.

### 2.4 Material that Will Cause "A Material and Substantial Disruption of Campus Activities"

Disruption includes student rioting, unlawful seizures of property, destruction of property, or substantial student participation in a campus boycott, sit-in, walk-out, or other related form of activity. Material such as racial, religious, or ethnic slurs, however distasteful, is not in and of itself disruptive under these guidelines.

Threats of violence are not materially disruptive without some act in furtherance of that threat or a reasonable belief and expectation that the author of the threat has the capability and intent of carrying through on that threat in a manner that does not allow ASI to mitigate the threat in a timely manner through any method other than the suppression of speech.

Material that stimulates heated discussion or debate does not constitute the type of disruption prohibited.

For student media to be considered disruptive, specific facts must exist upon which one could reasonably forecast a likelihood of a material and substantial disruption to normal college activities would occur if the material were further distributed or has occurred as a result of the

material's distribution or dissemination. Mere undifferentiated fear or apprehension of disturbance is not enough; ASI must be able to show affirmatively substantial facts that reasonably support a forecast of likely disruption.

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

Under this regulation, ASI has a responsibility to protect advocates of unpopular viewpoints.

## 2.5 Legal Advice

If, in the opinion of the student editor, student broadcast manager, or faculty advisor, material proposed for publication or broadcast may be obscene, slanderous or libelous; may represent an unlawful invasion of privacy; or may cause an immediate, material and substantial disruption of campus activities, the legal opinion of a practicing attorney **must** be sought. The services of the attorney for local news media or the free legal services of the Student Press Law Center ([www.splc.org](http://www.splc.org)) are recommended.

Any legal fees charged in connection with the consultation will be paid from the operating budget of the respective media outlet.

The final decision of whether the material is to be published or broadcast will be left to the student editor or station manager, respectively.

## 3.0 Protected Speech

By way of example and not limitation, ASI or those acting on ASI's behalf shall not:

- Ban student expression solely because it is controversial, takes extreme, "fringe" or minority opinions, or is distasteful, unpopular or unpleasant;
- Ban the publication or distribution of material relating to sexual issues;
- Censor or punish the occasional use of indecent, vulgar or so-called "four-letter" words in student publications;
- Prohibit criticism of the policies, practices or performance of faculty, university or ASI officials, the university itself or of any public officials;
- Censor a publication or punish or fire student editors for grammatical, spelling or other errors that may diminish the "quality" of student media;
- Cut off funds to official student media because of disagreement over editorial or broadcast content;
- Ban student expression that merely advocates illegal conduct without proving that such speech is directed toward and will actually cause imminent unlawful action.

- Ban the publication or broadcast by students of material written by non-students;
- Prohibit the endorsement of candidates for student office or for public office at any level; or
- Engage in any activity or cause to be done to student media anything where the effect is to control, diminish, manipulate or otherwise censor student media or to dismiss, punish or retaliate against student media staff where such action is motivated by the otherwise lawful content or newsgathering activities of student media.

### 3.1 Commercial Speech

Advertising is constitutionally protected expression. Student media may accept advertising. Acceptance or rejection of advertising is within the purview of the media staff, which may accept any ads except those for products or services that are illegal for all students. Ads for political candidates and ballot issues may be accepted; however, media staffs are encouraged to solicit ads from all sides on such issues.

## 4.0 Online Student Media and Use of Electronic Information Resources

### 4.1 Online Student Media

Students may use Internet-based media, including, for example, Web sites, blogs, e-mail, listservs and online discussion groups, as they would any other communications media to reach an audience both inside and outside the college. All official, ASI-sponsored online student media are entitled to the same protections and are subject to no greater limitations than other student media, as described in this policy.

### 4.2 Electronic Information Resources.

Student journalists may use online and other electronic information resources to gather news and information, to communicate with other students and individuals and to ask questions of and consult with sources. Just as the purchase, availability and use of media materials in a classroom or library does not indicate endorsement of their contents by ASI, neither does making electronic information available to students imply endorsement of that content. Although advisors to student media are encouraged to help students develop the intellectual skills needed to evaluate and appropriately use available resources to meet their newsgathering purposes, advisors are not responsible for approving the online resources used or created by their students.

### 4.3 Acceptable Use Policies

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

## 5.0 Advisor Job Security

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

## 6.0 Prior Restraint

No student media produced under these guidelines will be reviewed for editorial content by ASI or officials representing ASI prior to distribution, or withheld from distribution.

## 7.0 Liability for Student Media

As recognized by several courts, CSULB and ASI assume no liability for the content of any student media over which it exercises no editorial control. Both ASI and the University urge all student journalists to recognize that with editorial control comes responsibility and potential liability for all content and newsgathering decisions.

## 6.0 Notification of Rights and Responsibilities

These guidelines will be included in the handbook on student rights and responsibilities and circulated to all students participating in the production of student media organized under the Associated Students, Incorporated.

## Forms

There are no forms associated with the execution of this policy.