

1 SB386
2 176011-2
3 By Senator Whatley
4 RFD: Education and Youth Affairs
5 First Read: 05-APR-16

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8 SYNOPSIS: This bill would authorize public
9 institutions of higher education in Alabama to
10 adopt a written policy for freedom of speech and
11 freedom of the press for student journalists.

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13 A BILL
14 TO BE ENTITLED
15 AN ACT

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17 Relating to college and university-sponsored media
18 and student journalists; to allow university boards to
19 establish a university-sponsored media policy for student
20 journalists; to define terms; to state that student
21 journalists may exercise lawful freedom of speech and freedom
22 of the press; to provide for speech that is not considered
23 free speech; to provide that expression of speech by a student
24 journalist is not deemed an expression of university policy;
25 and to absolve universities from liability for student
26 journalist expressions of speech.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) As used in this section, the
2 following words have the following meanings:

3 (1) INSTITUTION OF HIGHER EDUCATION. A four-year
4 university located in Alabama which offers a bachelor's degree
5 or higher advanced degrees.

6 (2) UNIVERSITY-SPONSORED MEDIA. Any material that
7 is:

8 a. Prepared, written, published, or broadcast by a
9 student journalist at a public institution of higher
10 education; and

11 b. Distributed or generally made available to
12 members of the student body.

13 c. The term university-sponsored media does not
14 include material that is intended for distribution or
15 transmission solely in the classroom in which the material is
16 produced.

17 (3) UNIVERSITY POLICY. The policy established by the
18 institution's board of trustees or its administration acting
19 on behalf of the board of trustees.

20 Section 2. Each institution of higher education
21 under the authority of a separate board of trustees may adopt
22 a written university policy regarding policies for freedom of
23 speech for university-sponsored media, which shall include
24 reasonable provisions. The board shall make the policy
25 available to the students and their parents.

26 Section 3. (a) A student journalist may exercise
27 freedom of speech and freedom of the press in

1 university-sponsored media, to the fullest extent permitted by
2 law.

3 (b) Students shall not express, publish, or
4 distribute any of the following:

5 (1) Materials that are libelous or slanderous.

6 (2) Materials that constitute an unwarranted
7 invasion of privacy.

8 (3) Materials that violate federal or state law.

9 (4) Materials that incite students to create a clear
10 and present danger of the commission of an unlawful act, the
11 violation of university policies, or the material and
12 substantial disruption of the orderly operation of an
13 institution of higher education.

14 (5) Materials that are obscene.

15 Section 4. Any expression made by student
16 journalists in the exercise of free speech shall not be deemed
17 to be an expression of university policy, its employees, or
18 officials, nor shall the university be liable in any civil or
19 criminal action for any student journalist expression made or
20 published through any university-sponsored media.

21 Section 5. This act shall become effective October
22 1, 2016.