

III-2.030 Freedom of Expression

It is undeniable that students are protected in their exercise of freedom of expression by the First Amendment to the Constitution of the United States. Accordingly, GTCC officials are responsible for ensuring freedom of expression for all students, within the principles embodied in the Constitution.

The student newspaper and the literary magazine, the official, school-sponsored publications of GTCC, have been established as forums for student expression and as voices in the uninhibited, robust, free, and open discussion of issues. Each publication should provide a full opportunity for students to inquire, question, and exchange ideas. Content should reflect all areas of student interest, including topics about which there may be dissent or controversy.

Student journalists shall have the right to determine the content of official student publications. Accordingly, guidelines shall be issued relating only to establishing grounds for disciplinary actions subsequent to publication.

Procedure:

1. In cases where a student(s) is considered to have violated the rules set forth in this policy, the procedures of the Student Conduct Policy (III-2.010) will be followed.
2. In cases where a school official(s) is considered by students to have violated the rules set forth in this policy, the procedures of the Student Grievance Policy (III-2.013) will be followed.
3. Official school publications.
 - a. Students who work on official student publications determine the content of those publications and are responsible for that content. These students should:
 - 1) Determine the content of the student publication.
 - 2) Strive to produce a publication based upon professional standards of accuracy, objectivity, and fair play.
 - 3) Review material to improve sentence structure, grammar, spelling, and punctuation.
 - 4) Check and verify all facts and verify the accuracy of quotations.

- 5) In the case of editorials or letters to the editor concerning controversial issues, determine the need for rebuttal comments and opinions and provide space for them if appropriate.

b. Prohibited Material:

- 1) Students cannot publish or distribute material that is obscene. Obscene is defined as material that meets all three of the following requirements:
 - a) The average person, applying contemporary community standards, would find that the publication, taken as a whole, appeals to a person's prurient interest in sex.
 - b) The publication depicts or describes, in a patently offensive way, sexual conduct such as ultimate sexual acts (normal or perverted), masturbation, and lewd exhibition of the genitals.
 - c) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value. Indecent or vulgar language is not obscene.
- 2) Students cannot publish or distribute libelous material. Libelous statements are probably false and unprivileged statements that do demonstrated injury to an individual's or business's reputation in the community. If the allegedly libeled party is a "public figure" (a person who either seeks the public's attention or is well known because of personal achievements) or "public official" (a person who holds an elected or appointed public office), then school officials must show that the false statement was published "with actual malice," i.e., that the student journalists knew that the statement was false or that they published it with reckless disregard for the truth without trying to verify the truthfulness of the statement.
- 3) When an allegedly libelous statement concerns a private individual, school officials must show that the false statement was published willfully or negligently, i.e., the student journalist who wrote or published the statement has failed to exercise reasonably prudent care.
- 4) Under the "fair comment rule," a student is free to express an opinion on a matter of public interest.

- 5) A student may criticize school policy or the performance of teachers, administrators, school officials, and other school employees.
- 6) Students cannot publish or distribute material that will cause "a material and substantial disruption of school activities."
 - a) Disruption is defined as student rioting; unlawful seizures of property; destruction of property; or substantial student participation in a school boycott, sit-in, walk-out, or other related form of activity. Material such as racial, religious, or ethnic slurs, however distasteful, are not in and of themselves disruptive under these guidelines.
 - b) Material that stimulates heated discussion or debate does not constitute the type of disruption prohibited.
 - c) School officials must protect advocates of unpopular viewpoints.
 - d) In determining whether a student publication is disruptive, consideration must be given to the context of this distribution as well as the content of the material.
 - e) "School activity" means educational student activity sponsored by the school and includes, by way of example and not by way of limitation, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, and school plays.

c. Legal advice

- 1) If, in the opinion of the student editor, student editorial staff, or staff/faculty adviser, material proposed for publications may be "obscene," "libelous" or would cause an "immediate, material and substantial disruption of school activities," the free legal services of the Student Press Law Center (202/466-5242) may be consulted. The services of the college's general counsel may also be utilized with the approval of the advisor and the appropriate administrator.
- 2) The final decision of whether the material is to be published will be left to the student editor or student editorial staff.

4. Nonschool-sponsored publications.

School officials may not ban the distribution of nonschool-sponsored publications on school grounds. However, students who violate any rule listed under 3.b. above may be disciplined after distribution.

- a. School officials may regulate the time, place, and manner of distribution.
 - 1) Nonschool-sponsored publications will have the same rights of distribution as official school publications.
 - 2) "Distribution" means dissemination of a publication to students at a time and place of normal school activity, or immediately prior or subsequent thereto, by means of handing out free copies of the publication in areas of the school which are generally frequented by students.
 - b. School officials cannot:
 - 1) Prohibit the distribution of anonymous literature or require that literature bear the name of the sponsoring organization or author.
 - 2) Ban the distribution of literature because it contains advertising. (See Policy II-2.010.)
 - 3) Ban the sale of literature.
 - 4) Create regulations that discriminate against nonschool-sponsored publications or interfere with the effective distribution of sponsored or non-sponsored publications.
5. Protected speech
- a. School officials cannot:
 - 1) Ban speech solely because it is controversial, takes extreme, "fringe" or minority opinions, or is distasteful, unpopular, or unpleasant.
 - 2) Ban the publication or distribution of material relating to sexual issues including, but not limited to, virginity, birth control, and sexually-transmitted diseases (including AIDS).
 - 3) Censor or punish the occasional use of indecent, vulgar, or so called "four-letter" words in student publications.

- 4) Prohibit criticism of the policies, practices, or performance of faculty, school officials, the school itself, or of any public officials.
- 5) Cut off funds to official student publications because of disagreement over editorial policy.
- 6) Ban speech that merely advocates illegal conduct without proving that such speech is directed toward and will actually cause imminent unlawful action.
- 7) Ban the publication or distribution of material written by nonstudents.
- 8) Prohibit the school newspaper from accepting advertising.
- 9) Prohibit the endorsement of candidates for student office or for public office at any level.

b. Advertising commercial speech

Advertising is a constitutionally protected expression. School publications may accept advertising. Acceptance or rejection of advertising is within the purview of the publication staff, who may accept any ads except for those for products or services that are illegal for all students. Political ads may be accepted. The publication should not accept ads only on one side of an issue or election.

6. Advisor job security.

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

7. Prior restraint.

No student publication, whether nonschool-sponsored or official, will be reviewed by school administrators prior to distribution or withheld from distribution. The school assumes no liability for the content of any student publication, and urges all student journalists to recognize that with editorial control comes responsibility, including the responsibility to follow professional journalism standards.

8. Circulation.

These guidelines will be included in the student rights and responsibilities publication and available to all students.

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