

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 23.1-401.2, relating to public*
3 *institutions of higher education; student journalists; freedom of speech and the press.*

4 [H 36]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 23.1-401.2 as follows:**8 **§ 23.1-401.2. Student journalists; freedom of speech and the press.**9 *A. As used in this section:*

10 *"Institution-sponsored student media" means any material that is prepared, substantially written,*
11 *published, or broadcast by a student journalist at a public institution of higher education under the*
12 *direction of a student media adviser and distributed or generally made available to members of the*
13 *student body. "Institution-sponsored student media" does not include any media intended for distribution*
14 *or transmission solely in the course in which the media is produced.*

15 *"Student journalist" means a student enrolled at a public institution of higher education who gathers,*
16 *compiles, writes, edits, photographs, records, or prepares information for inclusion in*
17 *institution-sponsored student media.*

18 *"Student media adviser" means an employee of a public institution of higher education who is*
19 *appointed, designated, or employed to supervise or provide instruction relating to institution-sponsored*
20 *student media.*

21 *B. Except as provided in subsection C, a student journalist has the right to exercise freedom of*
22 *speech and the press in institution-sponsored student media, including determining the news and opinion*
23 *content of institution-sponsored student media, regardless of whether the media is supported financially*
24 *by the governing board of the institution, supported through the use of campus facilities, or produced in*
25 *conjunction with a course in which the student is enrolled.*

26 *C. No student journalist has the right to exercise freedom of speech or the press in*
27 *institution-sponsored student media when such media:*

28 *1. Is libelous or slanderous;*29 *2. Constitutes an unwarranted invasion of privacy;*30 *3. Violates federal or state law; or*

31 *4. So incites students as to create a clear and present danger of the commission of an unlawful act,*
32 *the violation of institution policy, or the material and substantial disruption of the orderly operation of*
33 *the institution.*

34 *D. No student media adviser shall be dismissed, suspended, disciplined, reassigned, or transferred*
35 *for (i) taking reasonable and appropriate action to protect a student journalist who engages in conduct*
36 *that is protected by subsection B or (ii) refusing to infringe on conduct by a student journalist that is*
37 *protected by subsection B, the First Amendment to the United States Constitution, or the Constitution of*
38 *Virginia.*

ENROLLED

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