

# VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

## CHAPTER 947

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

[H 36]

Approved April 9, 2020

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 23.1-401.2 as follows:**

**§ 23.1-401.2. Student journalists; freedom of speech and the press.**

**A. As used in this section:**

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

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

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

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

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

- 1. Is libelous or slanderous;*
- 2. Constitutes an unwarranted invasion of privacy;*
- 3. Violates federal or state law; or*
- 4. So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of institution policy, or the material and substantial disruption of the orderly operation of the institution.*

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