

Student Policy – Student Publications

Purpose:

The purpose of this policy is to establish a learning environment from which student publications and other student media are prepared, substantially written, published, broadcast, or operated at/or in the name of Bismarck State College (BSC).

Student publications or other student media shall operate as a platform providing for the publishing of student work yielding practical experience for the students involved.

The appropriate student media adviser, department chair, and academic dean shall establish and enforce guidelines applicable to student publications and other student media. The guidelines shall correlate with SBHE ND Student Publications Policy (Section 507):

- a. Foster and preserve the conditions necessary for a free student press;
- b. Protect the rights of student journalists, reporters and writers;
- c. Require compliance with all applicable laws, regulations and policies including those prohibiting discrimination in hiring or employment;
- d. To the extent permitted by law, prohibit publication or dissemination of libelous or obscene materials or materials meant to incite imminent lawless action;
- e. To the extent permitted by law, restrict advertising that is false, misleading or that promotes illegal activities; and
- f. Require appropriate disclaimers stating that the institution is not responsible for the content of student publications or broadcasts.

As outlined in the North Dakota Century Code, BSC supports the right to exercise freedom of speech of students contributing to the content of student publications or other student media. Protected expression by a student does not include:

1. Work that is libelous, slanderous, or obscene;
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 BSC or State Board of Higher Education policies, or the material and substantial disruption of the orderly operation of BSC ([NDCC 15-10-55](#) section 3).

An expression of free speech or freedom of the press made by a student journalist under this section may not be construed as an expression of school policy. A school, school official, employee, or parent or legal guardian of a student journalist may not be liable in any civil or criminal action for an expression of free speech or freedom of the press made by a student journalist, except in the case of willful or wanton misconduct ([NDCC 15-10-55](#) section 4).

Furthermore,

- a. "Protected activity" means an expression of free speech or freedom of the press.
- b. "School-sponsored media" means any material that is prepared, substantially written, published, or broadcast by a student journalist at a public institution of higher education, distributed or generally made available to members of the student body, and prepared under the direction of a student media adviser. The term does not include any media intended for distribution or transmission solely in the classroom in which the media is produced.
- c. "Student journalist" means a student of a public institution of higher education who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.
- d. "Student media adviser" means an individual employed, appointed, or designated by a public institution of higher education to supervise or provide instruction relating to school-sponsored media ([NDCC 15-10-55](#), section 1).

Subject to subsection 3, a student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. This subsection may not be construed to prevent a student media adviser from teaching professional standards of English and journalism to student journalists. A student media adviser may not be dismissed, suspended, or disciplined for acting to protect a student journalist engaged in a protected activity or for refusing to infringe on a protected activity ([NDCC 15-10-55](#), section 2).

Bismarck State College officials or employees and student government officers may not attempt to censor or exercise control, directly or indirectly, over the content of student publications and other student media.

References:

SBHE Policy 507, Student Publications
NDCC 15-10-55, Student Journalists – Freedom of Expression – Civil Remedy

History of This Policy:

First policy draft January 17, 2018 by Academic Deans, approved by the Faculty Senate April 4, 2019, reviewed by the Operations Council on May 8, 2019 and approved by the Executive Council on May 23, 2019.