

The Signpost

I. Statement of policy

The Weber State University Department of Communication, delegated by the University in PPM 7-9 as the publisher of the student-operated publication The Signpost, recognizes the educational and societal value of encouraging the uninhibited, robust, free and open discussion of issues and ideas on America's college and university campuses, as well as the legal protections afforded students' exercise of freedom of expression and press freedom, especially by the First Amendment to the United States Constitution. The Department of Communication, as publisher, recognizes that The Signpost, along with other student publications, have been established as designated public forums for student expression, as stated in PPM 7-9.

It is the intent of the department, as designated publisher, that The Signpost will provide a full opportunity for its students to inquire, question and exchange ideas and that they will strive to reflect all areas of student interest, including topics about which there may be dissent or controversy.

Because it is the policy of the Department, as publisher, that students shall have the right to determine the content of student media, the following guidelines relate only to establishing grounds for disciplinary actions subsequent to publication.

Any disciplinary action must be conducted in a system that provides adequate due process. The burden rests with the University or Department administration to demonstrate the necessity of its disciplinary action.

II. University-sponsored student media

A. Responsibilities of student journalists

Students who work on The Signpost or other official, university-sponsored student media under the purview of the Department determine the content of their respective media organizations and are responsible for that content.

These students should strive to:

1. Produce media based upon professional standards of accuracy, objectivity and fairness;
2. Review material to improve sentence structure, grammar, spelling and punctuation;
3. Reasonably check and verify all facts and the accuracy of quotations; and
4. In the case of editorials or letters to the editor concerning controversial issues, determine the need for rebuttal comments and opinions and provide space or airtime, if appropriate.

B. Unprotected expression

The following types of student expression are not protected by this policy:

1. Material that is obscene, as defined by state law and this policy.

“Obscenity” 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 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; and (c) the work, taken as a whole, lacks serious literary, artistic, political or scientific value. Indecent or vulgar language is not obscene.

2. Libelous material, as defined by state law.

3. Material that unlawfully invades a person’s right to privacy, as defined by state law.

4. Material that will cause “a material and substantial disruption” of University activities.

“Disruption” includes student rioting, unlawful seizures of property, destruction of property, or substantial student participation in a boycott, sit-in, walk-out or other related form of seriously disruptive, physical activity. Material such as racial, religious or ethnic slurs, however distasteful, is not in and of itself disruptive under these guidelines.

Threats of violence are not materially disruptive without some act in furtherance of that threat or a reasonable belief and expectation that the author of the threat has the capability and intent of carrying through on that threat in a manner that does not allow acts other than suppression of speech to mitigate the threat in a timely manner.

Material that stimulates heated discussion or debate does not constitute the type of disruption prohibited. or student media to be considered disruptive, specific facts must exist upon which one could reasonably forecast a likelihood of a material and substantial disruption to normal University activities would occur if the material were further distributed or has occurred as a result of the material’s dissemination. Mere undifferentiated fear or apprehension of disturbance is not enough; University and Department administrators must be able affirmatively to show substantial facts that reasonably support a forecast of likely disruption.

In determining whether student media is disruptive, consideration must be given to the context of the distribution as well as the content of the material. In this regard, consideration should be given to past experience in the University with similar material, past experience in the University in dealing with and supervising the students in the University, current events influencing student attitudes and behavior and whether there have been any instances of actual or threatened disruption prior to or contemporaneously with the dissemination of the student publication in question. University and Department officials have a responsibility to protect advocates of unpopular viewpoints.

C. Legal advice

If, in the opinion of the student editor or student editorial staff, material proposed for publication may be “obscene,” “libelous,” “invasive of privacy,” or would cause a “material and substantial disruption of University activities,” the legal opinion of a practicing attorney with an understanding of media law should be sought. The services of the attorney for local news media or the free legal services of the Student Press Law Center (www.splc.org) are recommended.

The final decision of whether the material is to be published will be left to the student editor or student editorial staff

D. Protected speech

1. General

By way of example and not limitation, University or Department officials or those acting on their behalf cannot:

- a. Ban student expression solely because it is controversial, takes extreme, “fringe” or minority opinions, or is distasteful, unpopular or unpleasant;
- b. Ban the publication or distribution of material relating to sexual issues;
- c. Censor or punish the occasional use of indecent, vulgar or so called “four-letter” words in student publications;
- d. Prohibit criticism of the policies, practices or performance of faculty, University or Department officials, the University itself, the Department or any public officials;
- e. Censor a publication or punish or fire student editors for grammatical, spelling or other errors that may diminish the “quality” of student media;
- f. Cut off financial support to official student media because of disagreement over editorial policy;
- g. Ban student expression that merely advocates illegal conduct without proving that such speech is directed toward and will actually cause imminent unlawful action;
- h. Ban the publication or distribution by students of material written by non-students;
- i. Prohibit the endorsement of candidates for student or public office at any level; or
- j. Engage in any activity or cause to be done to student media anything where the effect is to control, diminish, manipulate or otherwise censor student media or to dismiss, punish or retaliate against student media staff where such action is motivated by the otherwise lawful content or newsgathering activities of student media.

2. Commercial speech

Advertising is constitutionally protected expression. Student media may accept advertising. Acceptance or rejection of advertising is within the purview of the publication staff, which may accept any ads except those for products or services that are illegal for all students. Advertisements for political candidates and ballot issues may be accepted; however publication staffs are encouraged to solicit ads from all sides on such issues.

E. Online student media and use of electronic information resources

1. Online Student Media. Students may use Internet-based media, including, for example, Web sites, blogs, e-mail, listservs and online discussion groups, as they would any other communications media to reach an audience both inside and outside the University. All official, University-sponsored online student publications are entitled to the same protections and are subject to no greater limitations than other student media, as described in this policy.

2. Electronic Information Resources. Student journalists may use online and other electronic information resources to gather news and information, to communicate with other students and individuals and to ask questions of and consult with sources. University and Department officials will apply the same criteria used in determining the suitability of other educational and information resources to attempts to remove or restrict student media access to online and electronic material. Just as the purchase, availability and use of media materials in a classroom or library does not indicate endorsement of their contents by University officials, neither does making electronic information available to students imply endorsement of that content. Although faculty advisers to student media are encouraged to help students develop the intellectual skills needed to evaluate and appropriately use available resources to meet their newsgathering purposes, advisers are not responsible for approving the online resources used or created by their students.

3. Acceptable Use Policies. The Department, as designated publisher, recognizes that the technical and networking environment necessary for online communication may require that University officials define guidelines for student exploration and use of Internet-based and other electronic information resources. The purpose of such guidelines will be to provide for the orderly, efficient and fair operation of the University's resources. The guidelines may not be used to unreasonably restrict student use of or communication on online media. Such guidelines may address the following issues: file size limits, password management, system security, data downloading protocol, use of domain names, use of copyrighted software, access to computer facilities, computer hacking, computer etiquette and data privacy.

III. Adviser job security

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

IV. Prior review/restraint

The Signpost and no student media within in the purview of the Department will be subjected to mandatory review by University or Department administrators, faculty or employees prior to publication or withheld from distribution.

V. Liability for student media

As recognized by several courts, the University and the Department assume no liability for the content of any student media over which it exercises no editorial control. The University and the Department urge all student journalists to recognize that with editorial control comes responsibility and potential liability for all content and newsgathering decisions.

VI. Circulation

These guidelines will be included in the Department's website and circulated to all students.