

STUDENT PRESS LAW CENTER

ANNUAL
REPORT
2015-16



A REFORM MOVEMENT TAKES FLIGHT

**NEW VOICES:
NEW LAWS
PROTECTING A
NEW-MEDIA
GENERATION**



The Student Press Law Center was founded to engage young people in the civic life of their country and community through journalism. The SPLC works through education and nonpartisan advocacy to remove the obstacles that impede young journalists from gathering information and sharing ideas about issues of public concern.



Founded in 1974 by the Robert F. Kennedy Memorial, the Student Press Law Center is an IRS 501(c)(3) nonprofit that serves thousands of students and educators at the college and K-12 levels annually through educational workshops, training materials, public-policy advocacy and a free attorney hotline connecting journalists with immediate, pro-bono legal assistance for issues in gathering and distributing news.

From Executive Director Frank LoMonte



A campus newspaper in Connecticut is de-funded after publishing a column critical of the “Black Lives Matter” movement. A newspaper adviser in Indiana is fired for giving her students a news tip – and replaced by the college’s P.R. director. A Missouri professor threatens a photojournalist for “intruding” on an encampment of protesters on the university quad.

The past year has brought unprecedented national alarm over the repression of speech on college campuses, with journalists frequently in the crosshairs. When journalists confront restrictions on their coverage from image-obsessed institutions, they turn to the Student Press Law Center, the strong right arm of the campus media for 43 years. Over the past year, we’ve sent lawyers out into the remotest schools and colleges – from the Upper Peninsula of Michigan to the Mississippi Delta – to fight for the jobs of wrongfully discharged advisers, meeting the legal needs of those who’d otherwise be left defenseless.

We’re not content just playing defense. Our attorneys are building grassroots organizations of students, educators, lawyers and journalists across the nation to advocate for laws protecting students and teachers alike against institutional retaliation – including protecting students’ off-campus social media accounts against disciplinarians’ prying eyes.

This should be a renaissance moment for open government. The Academy Awards just bestowed their highest honor on a film that reaches its climax with a judge granting a newspaper’s motion to unseal court records. Public documents revealed wanton police brutality in Chicago and a conspiracy to conceal tainted drinking water in Flint. Never has it been more obvious that transparency is essential for public safety.

Yet colleges and schools haven’t gotten the memo. They’re more fiercely resistant to accountability than ever before – which is why the SPLC is leading the charge to drag presidential searches into the sunshine, to open up secretive campus police agencies and disciplinary boards, and to reform the out-of-control FERPA privacy statute that frustrates public oversight.

As this report goes to press, our country is in the midst of a dispiriting presidential campaign that urgently reminds us that educated citizenship requires the appetite to seek, and the discernment to identify, well-researched news. The Student Press Law Center is dedicated to making sure that every young person has the chance to learn and practice the skills, ethics and values of journalism central to our nation’s civic health.

From Chairman Mark Stencel



“Question authority.” That’s a mantra we repeat a lot at the university where I teach journalism. But I sometimes pause when I think about the daunting obstacles I know many of our students will face when they do try to ask powerful people difficult questions. Unfortunately, that is especially true for the young women we teach. It’s not that those women are in any way less

curious or courageous. Quite the opposite. But what we now know is something the staff of the Student Press Law Center long suspected: school administrators routinely try to muzzle and intimidate female students in particular.

This past year, SPLC sponsored an academic survey of high school student journalists. It found that administrators were far more likely to order female students than males not to cover a topic. As a result, female students also were more likely to censor themselves, avoiding issues they anticipated would generate a negative reaction from the school.

But SPLC is not just calling attention to this alarming issue. During 2016, we launched Active Voice – a project that is funding year-long fellowships for five remarkable college-age women who will serve as free speech advocates in their communities. And we’re seeking more funding to add more Active Voice Fellows in the coming year.

SPLC also has played a catalytic role in changing state laws to increase legal protections for student journalists and their advisors. Over the past two years, SPLC has spearheaded a national “New Voices” initiative, helping activists in two dozen states call attention to the stifling effects of a 1988 Supreme Court decision that gave school administrators broad censorship authority over student media.

For nearly three decades, SPLC has seen that authority repeatedly abused to avoid controversy and silence reasonable criticism. But with New Voices, SPLC has gone beyond challenging that censorship case-by-case. State governments still have the power to protect the rights of student journalists and journalism educators. And in just 12 months, New Voices successfully persuaded three states to do just that.

Asking our students to question authority is easier when they see us do so. But seeing those in authority stand up to defend the constitutional rights of people their own age also reminds students that their voices have the power to make change happen. What an important lesson to teach to a generation will soon wield its own authority over the direction of this country.

DID YOU KNOW...

The SPLC’s legal staff visited 25 states during 2015, from Alaska to Florida, making presentations about the law to more than 10,000 students and educators, as well as to professional journalists and lawyers. The SPLC is the provider of legal training used by the Journalism Education Association, the College Media Association, the Associated Collegiate Press, the National Scholastic Press Association and many more.

The SPLC is dedicated to publicizing the toxic impact of uncontrolled school and college censorship on the ability of young people to develop as inquisitive, participatory citizens and properly inform their communities. During 2015, the SPLC partnered with the University of Georgia College of Education on a special edition of the *Education Law & Policy Review* that featured an article by Executive Director Frank LoMonte about the dangers of extending school and college disciplinary authority into what students tweet, blog and podcast in their off-campus personal lives: “Courts understandably empathize with school administrators who are called upon to perform a sensitive and difficult job. But no matter how much judges identify with school administrators in factually sympathetic cases, they must be mindful that government officials are prone to use punitive authority over speech illegitimately for image-control purposes. Because students have largely lost the ability to speak freely while on school grounds during school time, it is essential that they have some safe space within which they may discuss the shortcomings of school programs and employees without fear.”



North Dakota journalism professor Steve Listopad and a half-dozen of his students sketched on a legal pad what became, after two years of groundwork with the SPLC’s guidance, the John Wall New Voices of North Dakota Act, one of the nation’s strongest statutes protecting college and high-school journalists. It passed without a negative vote, and became law in August 2015.

For his efforts, Listopad was named winner of the Hefner Foundation’s First Amendment Award, presented by last year’s winner, veteran SPLC attorney Mike Hiestand (*left*).

THE NEW VOICES MOVEMENT

From statehouse to statehouse,
making America safe for student journalism

The rousing success of North Dakota’s new law, insulating students from the worst excesses of the Supreme Court’s 1988 *Hazelwood School District v. Kuhlmeier* decision, ignited a nationwide reform movement. The SPLC built an online home for the campaign, newvoicesus.com, and began creating “New Voices” coalitions on the ground in nearly two dozen other states, training students and teachers to be their own best advocates. The New Voices campaign scored a resounding victory in Maryland, where a groundbreaking statute (Senate Bill 764) that includes anti-retaliation protection for educators attracted bipartisan support and was signed into law effective October 2016. With nine states now forswearing reliance on the Supreme Court’s discredited *Hazelwood* standard, the end of legalized school censorship is finally within sight.



“The expertise, guidance and resources of the Student Press Law Center were critical in passing North Dakota’s New Voices Act protecting college and high-school journalists. The SPLC’s legal staff was accessible 24/7 to review drafts of bills, offer strategy advice, help connect us with supporters, and publicize our work to a national audience.”

Steve Listopad, director of student media, Valley City State University
Founder of New Voices of North Dakota

When Michigan State University's *State News* sent a novice reporter to cover a criminal trial, what they didn't expect was a prosecutor who didn't know what she was doing: she identified the reporter, pressured him into promising not to name witnesses who were publicly taking the stand, tried to get the judge to codify the 'agreement,' and then when editors ignored it and published the names she threatened the paper for violating the 'order.'

Literally within minutes, SPLC jumped into action, calming *State Newsers*, warning the prosecutor about her actions, and arranging for pro bono counsel to represent *The State News* in court after the prosecutor claimed the judge would act on the issue. The judge never did; the bluff was called, and *The State News* went on in doing its job, thanks to the quick help and wise counsel of the SPLC.

-Omar Sofradzjia
Adviser, Michigan State University



SPLC ATTORNEY VOLUNTEERS: FIGHTING TO KEEP THE INTERNET FREE IN A SOCIAL-MEDIA WORLD

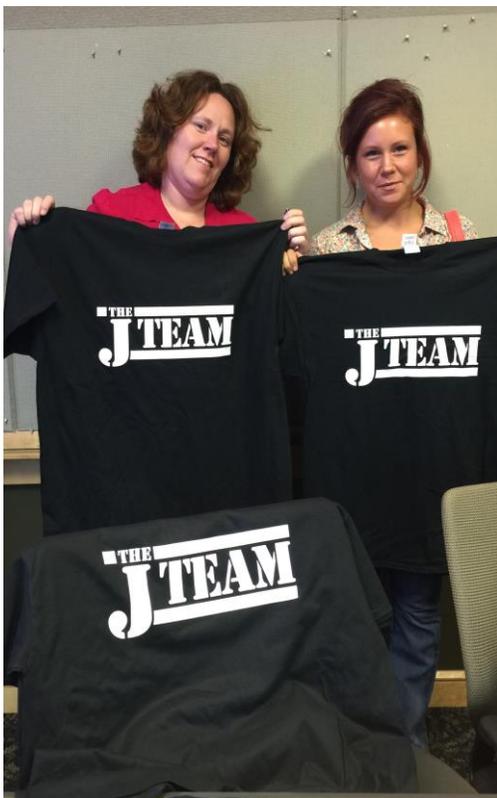
A team of volunteer lawyers from Atlanta-based **Sutherland Asbill & Brennan LLP** won national recognition for a friend-of-the-court brief that helped convince a skeptical U.S. Supreme Court to raise the standard for criminalizing online speech, guarding against prosecution over misunderstandings. And SPLC led the fight for student rapper Taylor Bell (*above, R*) when no other free-speech group would support the case of a Mississippi high-schooler expelled for a rap song that blew the whistle on sexual misconduct by school coaches. Scott Sternberg at New Orleans' **Baldwin Haspel Burke & Mayer** came to the rescue, defending Bell's rights in the Fifth Circuit and in a Supreme Court petition.

The SPLC's 190-strong Attorney Referral Network includes on-call lawyers from 42 states and the District of Columbia. Among those offering invaluable pro-bono assistance during 2015 were Christopher Beall of **Levine Sullivan Koch & Schulz, LLP**, who obtained a favorable resolution of disorderly conduct charges against a New York University student photographer wrongfully arrested while covering police-violence protests, and Christine Snyder of **Tucker Ellis LLP**, who staved off an Ohio community college administrator's insistence on preapproving the student newspaper and recovered advertising dollars that had been diverted from the newspaper's account.

It's the job that gets more dangerous the better you do it.

Teaching journalism isn't for the fainthearted. Every day, heroic advisers go to work with an eye over their shoulders wondering if today's knock on the door will be a department chair with a retaliatory pink slip. The SPLC's legal staff went to bat again and again for fired journalism educators in 2015 – at Delta State University, Northern Michigan University and Butler University, where our attorneys helped advisers challenge retaliatory discharges. The SPLC presented its annual College Press Freedom Award to the staff of *The Columns* at West Virginia's Fairmont State University, whose adviser was removed as punishment for an investigative story about toxic mold in campus dorms.

ANSWERING THE CALL... FOR EDUCATORS UNDER FIRE



After a thin-skinned Iowa college administrator who didn't like his photo in the student newspaper had the longtime faculty adviser removed and clamped restraints on what the newspaper could publish, the SPLC fought back. Working with volunteer counsel Bryan Clark from the Chicago office of Vedder Price P.C., we filed a First Amendment lawsuit in U.S. district court on behalf of the editors of Muscatine Community College's *The Calumet*.

But that's not all.

We helped the newspaper raise \$5,400 in an online crowdfunding campaign to replace a retaliatory budget cut, and partnered with the Society of Professional Journalists and Investigative Reporters & Editors to launch an immersive journalism boot camp for college students - "*the J-Team*" - to punch back against censorship in the best possible way: With the rigorous investigative reporting that secretive colleges dread most. We pity the fools who try to pick on college journalists.

Partnering with researchers at the University of Kansas, the SPLC surveyed 461 high school journalists and confirmed what our eyes were telling us: Young women are far more likely than young men to report being forbidden from discussing sensitive subjects – and twice as likely to “self censor” in anticipation of blowback from authority.

This revelation was the beginning of Active Voice, a campaign to harness the creativity of young women – “Active Voice Fellows” – to build a stronger support system in their communities so girls facing censorship know they're not alone. Through Active Voice, we're building up the female newsroom leaders that too many schools seek to tear down. The campaign is online at www.theactivevoice.org.



The SPLC's Sara Gregory shared the Society of Professional Journalists' highest recognition, the 2015 Eugene S. Pulliam First Amendment Award, for her work with the *Columbus Dispatch* on a groundbreaking series of articles, "Campus Insecurity," that disclosed rampant – and unpunished – falsification of federal crime reports that are *supposed* to alert students to campus hazards. The *Dispatch*/SPLC investigative team found that colleges routinely defy public-records laws that entitle the public to know the outcomes of disciplinary hearings for sexual assault – hearings that sometimes produce slap-on-the-wrist penalties levied behind wrongfully closed doors.

Here's what the SPJ awards committee had to say:

“The two organizations faced opposition from the majority of the universities that they questioned and had to fight for access to important public records. Because of all of their hard work, they informed the public of a very serious issue and brought awareness to the importance of accurate crime reporting.”



BLOWING THE WHISTLE ON “SECRET POLICE”

Thousands of police officers across America can make arrests and even use deadly force – without having to explain why to the public. That's wrong, and the SPLC's "Stop Secret Police" initiative was launched to change it. Since 2012, three states have agreed to close the FOI loophole that allows sworn law enforcement agencies at private universities to conceal their police reports, and reforms are pending in two others. Texas (by legislation) and Ohio (by court victory) are the two latest to recognize that how police use their state arrest powers is the public's business. The SPLC is committed to ending unjust police secrecy on all university campuses.

On the
ed beat
In partnership with *Education Week*

“There’s nothing to write about” will be heard much less in journalism classrooms thanks to a new suite of innovative lessons created by the SPLC in partnership with the industry’s leading specialty publication, *Education Week*. “On the Ed Beat” brings high school students and teachers the combined expertise of SPLC lawyers and *Education Week* journalists to walk them through obtaining and understanding the documents they’ll need to localize national trend stories. “On the Ed Beat” is exciting young learners about the power of public records – and strengthening the survival case for student media that tackles serious policy issues from an insider’s perspective.

The SPLC provides tips, tools and training for student journalists to use open-records and open-meetings laws to gather the news that all campus citizens need to be well-informed participants in civic decision-making. Our automated, fill-in-the-blanks 50-State Open Records Letter Generator is used 18,000 times a year to simplify the process of requesting records, and our attorneys help file dozens of appeals each year with hidebound schools and colleges that wrongfully withhold records.

The SPLC celebrated 41 years of service to the student media at an October 2015 New York City reception hosted by *The New York Times* and keynoted by the *Times*' longtime education writer, Michael Winerip, author of the "Adam Canfield" series of young-adult books featuring a crusading middle-school journalist as protagonist. The event was sponsored by Sutherland Asbill & Brennan, LLP, one of the SPLC's most-used volunteer law firms, and attracted more than 80 attendees from law, media and philanthropy.



The SPLC is powered by a devoted staff, talented interns and fellows, and dedicated volunteers. We're thankful for the help of some amazing First Amendment freedom fighters during 2015, including:

Adam Goldstein • Karin Flom • Mark Keierleber • Madeline Will • Sommer Ingram • Josh Moore • Corey Conner • Danielle Dieterich • Tara Jeffries • Elaina Koros • Allison Kowalski • Trisha LeBoeuf • David Lim • Megan Smith • Katherine Schaeffer • Mariana Viera

"On very short notice, SPLC came to The Oklahoma Daily's rescue, keeping a Daily reporter off the stand in a third-party lawsuit. SPLC engineered a quick solution, preventing what would have been a bad precedent for student journalists in our state."

Nick Jungman, Director of Student Media
University of Oklahoma



By the Numbers

splc.org

273,946 Website sessions

84,342 Mobile devices

732,869 Page views

Twitter @SPLC

1.5 million tweet views / 10,400 followers

Facebook @StudentPress

3,512 followers

DID YOU KNOW...

The College Media Association honored SPLC Executive Director Frank LoMonte with the Louis E. Ingelhart First Amendment Award, named for the late Ball State University journalism professor and First Amendment scholar who died in 2007. Ingelhart, a longtime member of SPLC's executive board, helped form the SPLC in its modern incarnation. The Louis E. Ingelhart First Amendment Award is not given out annually, but rather, when the CMA recognizes a career of exceptional achievement. SPLC's previous executive director, Mark Goodman, was recognized in 1996.

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