

FIRST REGULAR SESSION  
[PERFECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 576**  
**100TH GENERAL ASSEMBLY**

0951H.02P

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal section 173.1550, RSMo, and to enact in lieu thereof four new sections relating to campus free expression.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 173.1550, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 171.200, 173.1550, 173.1551, and 1, to read as follows:

**171.200. 1. This section and section 173.1551 shall be known and may be cited as the "Cronkite New Voices Act".**

**2. For purposes of this section, the following terms mean:**

**(1) "School-sponsored media", any material that is prepared, substantially written, published, or broadcast by a student journalist at a public high school, distributed or generally made available to members of the student body, and prepared under the direction of a student-media advisor. The term "school-sponsored media" does not include any media intended for distribution or transmission solely in the classroom in which the media is produced;**

**(2) "Student journalist", a public high school student who gathers, compiles, writes, edits, photographs, records, produces, or prepares content for dissemination in school-sponsored media;**

**(3) "Student-media advisor", an individual employed, appointed, or designated by a school district to supervise or provide instruction relating to school-sponsored media.**

**3. Subject to the provisions of this section, the freedom of the press in school-sponsored media shall be protected. A student journalist has the right to exercise freedom**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 of speech and of the press in school-sponsored media. Material in school-sponsored media  
18 shall not be suppressed solely because it involves political or controversial subject matter.

19 4. School districts and student-media advisors may regulate the number, length,  
20 frequency, and format of school-sponsored media. Review of material prepared for school-  
21 sponsored media and encouragement of the expression of such material in a manner that  
22 is consistent with professional standards of English and journalism shall not be deemed to  
23 be or construed as an abridgement of the right to freedom of expression in school-  
24 sponsored media or a restraint on publication of the material therein.

25 5. A school district shall not authorize any prior restraint of any school-sponsored  
26 media except if the administration or student-media advisor reasonably determines or  
27 anticipates that the media:

28 (1) Is libelous or slanderous;

29 (2) Constitutes an invasion of privacy;

30 (3) Violates federal or state law;

31 (4) Is a threat of violence;

32 (5) Advertises a product or service that is illegal or is not permitted to be sold to  
33 minors by law;

34 (6) Violates the rights of others;

35 (7) Is likely to incite students to commit an unlawful act or to violate school district  
36 policy or procedure; or

37 (8) Is likely to materially and substantially disrupt or interfere with the orderly  
38 operation of the school.

39 6. Subject to the limitations imposed by this section, student journalists are  
40 responsible for determining the news, opinion, and advertising content of school-sponsored  
41 media. Student-media advisors are responsible for teaching and encouraging free and  
42 responsible expression of material and professional standards of English and journalism.  
43 No student-media advisor shall be disciplined, terminated from employment, transferred,  
44 or relieved of duties imposed under this subsection for refusal to abridge or infringe upon  
45 the right to freedom of expression conferred by this section.

46 7. No publication or other expression of matter by students in the exercise of rights  
47 under this section shall be deemed to be an expression of a school district's policy. No  
48 school district, member of the board of education, student-media advisor, or employee of  
49 a school district shall be held liable in any civil or criminal action for any publication or  
50 other expression of matter by student journalists in the exercise of rights under this section  
51 except to the extent that such persons or entities actively participated in the conduct that  
52 is the subject of the civil or criminal action or knew of the conduct and failed to take timely

53 action to prevent or withdraw publication or expression that is the subject of the civil or  
54 criminal action. A student journalist who has attained the age of majority may be held  
55 liable in any civil or criminal action for material expressed in student publications to the  
56 extent of such student journalist's responsibility for and involvement in the preparation  
57 and publication of such matter.

58 8. Each school district shall adopt a written policy regarding the freedom of the  
59 press and expression by students in accordance with this section. The policy shall include  
60 reasonable provisions for the time, place, and manner of student expression. The policy  
61 may also include limitations regarding language that may be defined as vulgar, obscene,  
62 offensively lewd, profane, harassing, threatening, or intimidating.

173.1550. 1. For purposes of this section, the following terms or phrases mean:

2 (1) "Constitutional time, place, and manner restrictions", restrictions on the time,  
3 place, and manner of free speech that do not violate the First Amendment to the United  
4 States Constitution or Article I, Sections 8 and 9, of the Constitution of Missouri that are  
5 reasonable, content- and viewpoint-neutral, and narrowly tailored to satisfy a significant  
6 institutional interest, and that leave open ample alternative channels for the  
7 communication of the information or message to its intended audience;

8 (2) "Faculty" or "faculty member", any person, whether the person is compensated  
9 by a public institution of higher education, and regardless of political affiliation, who is  
10 tasked with providing scholarship, academic research, or teaching. The term "faculty"  
11 shall include tenured and non-tenured professors, adjunct professors, visiting professors,  
12 lecturers, graduate student instructors, and those in comparable positions, however titled.  
13 "Faculty" shall not include persons whose primary responsibilities are administrative or  
14 managerial;

15 (3) "Free speech", speech, expression, or assemblies protected by the First  
16 Amendment to the United States Constitution or Article I, Sections 8 and 9, of the  
17 Constitution of Missouri, verbal or written including, but not limited to, all forms of  
18 peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking,  
19 distribution of printed materials, carrying of signs, displays, or circulating of petitions.  
20 "Free speech" does not include the promotion, sale, or distribution of any product or  
21 service;

22 (4) "Institution", any public institution of higher education in this state;

23 (5) "Student":

24 (a) An individual currently enrolled in a course of study at the institution; and

25           **(b) An organization that is comprised entirely of individuals currently enrolled in**  
26 **a course of study at the institution, that is registered with an institution in accordance with**  
27 **institutional rules.**

28           **2.** The provisions of this section shall be known and cited as the "Campus Free  
29 Expression Act". Expressive activities protected under the provisions of this section include, but  
30 are not limited to, all forms of peaceful assembly, protests, speeches, distribution of literature,  
31 carrying signs, and circulating petitions.

32           ~~[2-]~~ **3.** The outdoor areas of campuses of public institutions of higher education in this  
33 state shall be deemed traditional public forums. Public institutions of higher education may  
34 maintain and enforce reasonable time, place, and manner restrictions in service of a significant  
35 institutional interest only when such restrictions employ clear, published, ~~[content]~~ **content-**  
36 **neutral**, and viewpoint-neutral criteria, and provide for ample alternative means of expression.  
37 Any such restrictions shall allow for members of the university community to spontaneously and  
38 contemporaneously assemble. **Public institutions of higher education shall not restrict**  
39 **students' free speech only to particular areas of campus, sometimes known as "free speech**  
40 **zones," or establish permitting requirements that prohibit spontaneous outdoor assemblies**  
41 **or outdoor distribution of literature. A public institution of higher education may**  
42 **maintain a policy that grants members of the institution's community the right to reserve**  
43 **certain outdoor spaces in advance.**

44           ~~[3-]~~ **4.** Any person who wishes to engage in noncommercial expressive activity on  
45 campus shall be permitted to do so freely, as long as the person's conduct is not unlawful and  
46 does not materially and substantially disrupt the functioning of the institution subject to the  
47 requirements of subsection ~~[2]~~ **3** of this section.

48           ~~[4-]~~ **5.** Nothing in this section shall be interpreted as limiting the right of student  
49 expression elsewhere on campus.

50           ~~[5-]~~ **6.** The governing board of each public institution of higher education in this  
51 state shall develop and adopt a policy on free expression prior to January 1, 2020, that  
52 includes, but is not limited to, the following principles of free speech, which are the public  
53 policy of this state:

54           **(1) Students have a fundamental constitutional right to free speech;**

55           **(2) An institution shall be committed to giving students the broadest possible**  
56 **latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to the**  
57 **provisions of subsection 11 of this section;**

58           **(3) An institution shall be committed to maintaining a campus as a marketplace of**  
59 **ideas for all students and all faculty in which the free exchange of ideas is not to be**  
60 **suppressed because ideas put forth are thought by some or even by most members of the**

61 institution's community to be offensive, unwise, disagreeable, conservative, liberal,  
62 traditional, or radical;

63 (4) It is for an institution's individual students and faculty to make judgments  
64 about ideas for themselves, and to act on those judgments not by seeking to suppress free  
65 speech, but by openly contesting the ideas that they oppose;

66 (5) It is not the proper role of an institution to attempt to shield individuals from  
67 free speech, including ideas and opinions they find offensive, unwise, disagreeable,  
68 conservative, liberal, traditional, or radical;

69 (6) Although an institution should greatly value civility and mutual respect,  
70 concerns about civility and mutual respect shall never be used by an institution as a  
71 justification for closing off the discussion of ideas no matter how offensive, unwise,  
72 disagreeable, conservative, liberal, traditional, or radical those ideas may be to some  
73 students or faculty;

74 (7) Although all students and all faculty are free to state their own views about and  
75 contest the views expressed on campus, and to state their own views about and contest  
76 speakers who are invited to express their views on the campus, the institution must make  
77 reasonable efforts to ensure that, when expressive activity is occurring in a campus indoor  
78 space reserved for that activity under the exclusive use or control of a particular group, no  
79 one can intentionally obstruct or otherwise interfere with that activity. To this end, an  
80 institution has the responsibility to promote a lively and fearless freedom of debate and  
81 deliberation and to protect that freedom;

82 (8) An institution shall be committed to providing an atmosphere that is most  
83 conducive to speculation, experimentation, and creation by all students and all faculty, who  
84 shall always remain free to inquire, to study and evaluate, and to gain new understanding;

85 (9) Although faculty are free in the classroom to discuss subjects within areas of  
86 their competence, faculty should be cautious in expressing personal views in the classroom  
87 and faculty should be careful not to introduce matters that have no relationship to the  
88 subject taught, especially matters in which they have no special competence or training;  
89 provided that, no faculty shall face adverse employment action for classroom speech unless  
90 it is not reasonably germane to the subject matter of the class as broadly construed and  
91 comprises a substantial portion of classroom instruction;

92 (10) An institution shall not deny student activity fee funding to a student  
93 organization based on the viewpoints that the student organization advocates;

94 (11) An institution shall not charge students security fees based on the content of  
95 their speech, the content of the speech of guest speakers invited by students, or the  
96 anticipated reaction or opposition of listeners to speech. An institution may charge

107 students security fees or require insurance based on published content-neutral and  
108 viewpoint-neutral criteria, such as the anticipated size of the invited audience; the time,  
109 length, and location of the event; and whether alcohol will be served;

110 (12) An institution shall allow all students and all faculty to invite guest speakers  
111 to campus to engage in free speech regardless of the views of the guest speakers; and

112 (13) An institution shall not disinvite a speaker invited by a student, student  
113 organization, or faculty member, or engage in any prior restraint of a speaker because of  
114 the anticipated content or viewpoint of the speaker, unless the institution has a lawful  
115 reason for doing so.

116 7. The policy required under subsection 6 of this section shall be made available to  
117 students and faculty annually through one or more of the following methods:

118 (1) Published annually in the institution's student handbook and faculty handbook,  
119 whether paper or electronic;

120 (2) Made available to students and faculty by way of a prominent notice on the  
121 institution's internet site other than through the electronic publication of the policy in the  
122 student handbook or faculty handbook;

123 (3) Sent annually to students and employees to their institutionally-provided email  
124 addresses; or

125 (4) Addressed by the institution in orientation programs for new students and new  
126 faculty.

127 8. Nothing contained in subsections 6 and 7 of this section shall be interpreted as  
128 granting students the right to materially and substantially disrupt previously scheduled or  
129 reserved activities occurring in a traditional public forum.

130 9. With respect to disciplining students for their speech, expression, or assemblies,  
131 an institution shall adopt a policy on "student-on-student harassment" defining the term  
132 consistent with, and no more expansively than, unwelcome conduct directed toward a  
133 person that is discriminatory as designated by the educational institution or on a basis  
134 provided by federal, state, or local law and that is so severe, pervasive, and objectively  
135 offensive that the victim is effectively denied equal access to the institution's resources and  
136 opportunities.

137 10. An institution shall not impose costs on students or student organizations on the  
138 basis of the anticipated reaction or opposition to a person's speech by listeners.

139 11. Nothing contained in this section shall be interpreted as prohibiting an  
140 institution from imposing content restrictions on speech that are reasonably related to a  
141 legitimate pedagogical purpose, such as rules enacted by faculty for speech in the  
142 classroom environs.

133           **12.** The following persons may bring an action in a court of competent jurisdiction  
134 **against an institution or its agents acting in their official capacities** to enjoin any violation  
135 of this section or to recover compensatory damages, reasonable court costs, and attorney fees:

136           (1) The attorney general;

137           (2) Persons whose expressive rights were violated through the violation of this section.

138           ~~[6-]~~ **13.** In an action brought under subsection ~~[5]~~ **12** of this section, if the court finds  
139 a violation, the court shall award the aggrieved persons no less than five hundred dollars for the  
140 initial violation, plus fifty dollars for each day the violation remains ongoing. **If there are**  
141 **multiple plaintiffs, the court shall divide the damages equally among the plaintiffs until the**  
142 **award under this subsection is exhausted.**

143           ~~[7-]~~ **14.** A person shall be required to bring suit for violation of this section not later than  
144 one year after the day the cause of action accrues. For purposes of calculating the one-year  
145 limitation period, each day that the violation persists, and each day that a policy in violation of  
146 this section remains in effect, shall ~~[constitute a new violation of this section and, therefore, a~~  
147 ~~new day that the cause of action has accrued]~~ **reset the calculation of the statute of limitations.**

**173.1551. 1. For purposes of this section, the following terms mean:**

2           (1) "School-sponsored media", any material that is prepared, substantially written,  
3 published, or broadcast by a student journalist at a public institution of higher education  
4 in this state, distributed or generally made available to members of the student body, and  
5 prepared under the direction of a student-media advisor. The term "school-sponsored  
6 media" does not include any media intended for distribution or transmission solely in the  
7 classroom in which the media is produced;

8           (2) "Student journalist", a student of a public institution of higher education who  
9 gathers, compiles, writes, edits, photographs, records, produces, or prepares content for  
10 dissemination in school-sponsored media;

11           (3) "Student-media advisor", an individual employed, appointed, or designated by  
12 a public institution of higher education in this state to supervise or provide instruction  
13 relating to school-sponsored media.

14           **2.** Subject to the provisions of this section, the freedom of the press in school-  
15 sponsored media shall be protected. A student journalist has the right to exercise freedom  
16 of speech and of the press in school-sponsored media. Material in school-sponsored media  
17 shall not be suppressed solely because it involves political or controversial subject matter.

18           **3.** Subject to subsection 4 of this section, a student journalist is responsible for  
19 determining the news, opinion, feature, and advertising content of school-sponsored media.  
20 This subsection shall not be construed to prevent a student-media advisor from teaching  
21 professional standards of English and journalism to student journalists.

- 22           **4. This section does not authorize or protect expression by a student that:**  
23           **(1) Is libelous or slanderous;**  
24           **(2) Constitutes an invasion of privacy;**  
25           **(3) Violates federal or state law;**  
26           **(4) Is likely to incite students to commit an unlawful act or to violate institution**  
27 **policy or procedure; or**  
28           **(5) Is likely to materially and substantially disrupt or interfere with the orderly**  
29 **operation of the institution.**
- 30           **5. Except as provided in subsection 4 of this section, a student journalist at a public**  
31 **institution of higher education in the state shall not be disciplined for exercising his or her**  
32 **freedom of expression in school-sponsored media.**
- 33           **6. A student-media advisor at a public institution of higher education in the state**  
34 **shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise**  
35 **retaliated against for protecting or refusing to infringe on the rights of student journalists**  
36 **outlined in this section.**
- 37           **7. No publication or other expression of matter by students in the exercise of rights**  
38 **under this section shall be deemed to be an expression of an institution's policy. No public**  
39 **institution of higher education or a member of the institution's governing body or**  
40 **employee thereof shall be held liable in any civil or criminal action for any publication or**  
41 **other expression of matter by student journalists in the exercise of rights under this section**  
42 **except to the extent that such persons or entities actively participated in the conduct that**  
43 **is the subject of the civil or criminal action.**

2           **Section 1. Any public institution of higher learning that requires a student**  
3 **organization to have a faculty sponsor as a condition of recognition of the student**  
4 **organization, shall appoint an appropriately related administrator as the faculty sponsor,**  
5 **if the student organization cannot secure a faculty sponsor, provided that such student**  
6 **organization makes a good-faith showing of its existence as a student organization in good**  
7 **standing at other public institutions of higher learning.**

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