

95TH GENERAL ASSEMBLY**State of Illinois****2007 and 2008****SB0729**

Introduced 2/8/2007, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

New Act

Creates the College Campus Press Act. Provides that all campus media produced primarily by students at a State-sponsored institution of higher learning is a public forum for expression by the student journalists and editors at the particular institution. Provides that campus media, whether campus-sponsored or noncampus-sponsored, is not subject to prior review by public officials of those institutions. Provides that collegiate student editors of campus media are responsible for determining the news, opinions, feature content, and advertising content of campus media. Provides for an exception for teaching professional standards of grammar and journalism. Prohibits a collegiate media adviser from being terminated, transferred, removed, otherwise disciplined, or retaliated against for refusing to suppress protected free expression rights of collegiate student journalists and of collegiate student editors. Allows a collegiate student or collegiate media advisor to commence a civil action to obtain appropriate injunctive and declaratory relief; provides for the awarding of attorney's fees. Distinguishes campus policy. Allows for discipline for unprotected speech. Contains a severability clause. Effective immediately.

LRB095 10231 NHT 30445 b

FISCAL NOTE ACT
MAY APPLY**A BILL FOR**

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 College Campus Press Act.

6 Section 5. Definitions. For purposes of this Act:

7 "Campus media" means any matter that is prepared,
8 substantially written, published, or broadcast by students at
9 State-sponsored institutions of higher learning, that is
10 distributed or generally made available, either free of charge
11 or for a fee, to members of the student body, and that is
12 prepared under the direction of a student media adviser.
13 "Campus media" does not include media that is intended for
14 distribution or transmission solely in the classrooms in which
15 it is produced.

16 "Campus policy" means the views and positions of
17 State-sponsored institutions of higher learning promulgated by
18 administrators, officials, or other agents of these
19 institutions.

20 "Collegiate media adviser" means a person who is employed,
21 appointed, or designated by the State-sponsored institution of
22 higher learning to supervise or provide instruction relating to
23 campus media.

1 "Collegiate student editor" means a student at a
2 State-sponsored institution of higher learning who edits
3 information prepared by collegiate student journalists for
4 dissemination in campus media.

5 "Collegiate student journalist" means a student at a
6 State-sponsored institution of higher learning who gathers,
7 compiles, writes, photographs, records, or prepares
8 information for dissemination in campus media.

9 "Prevailing party" includes any party who obtains some of
10 his or her requested relief through judicial judgment in his or
11 her favor, who obtains some of his or her requested relief
12 through a settlement agreement approved by the court, or whose
13 pursuit of a non-frivolous claim was a catalyst for a
14 unilateral change in position by the opposing party relative to
15 the relief sought.

16 "State-sponsored institution of higher learning" means the
17 University of Illinois, Southern Illinois University, Chicago
18 State University, Eastern Illinois University, Governors State
19 University, Illinois State University, Northeastern Illinois
20 University, Northern Illinois University, Western Illinois
21 University, and public community colleges subject to the Public
22 Community College Act.

23 Section 10. Public forum. All campus media produced
24 primarily by students at a State-sponsored institution of
25 higher learning is a public forum for expression by the student

1 journalists and editors at the particular institution. Campus
2 media, whether campus-sponsored or noncampus-sponsored, is not
3 subject to prior review by public officials of State-sponsored
4 institutions of higher learning.

5 Section 15. Grammar and journalism standards. Collegiate
6 student editors of campus media are responsible for determining
7 the news, opinions, feature content, and advertising content of
8 campus media. This Section does not prevent a collegiate media
9 adviser from teaching professional standards of grammar and
10 journalism to collegiate student journalists. A collegiate
11 media adviser must not be terminated, transferred, removed,
12 otherwise disciplined, or retaliated against for refusing to
13 suppress protected free expression rights of collegiate
14 student journalists and of collegiate student editors.

15 Section 20. Injunction and declaratory relief. A
16 collegiate student enrolled in a State-sponsored institution
17 of higher learning or a collegiate media advisor of a
18 State-sponsored institution of higher learning may commence a
19 civil action to obtain appropriate injunctive and declaratory
20 relief as determined by a court for violation of Section 10 of
21 this Act by such State-sponsored institution of higher
22 learning. Upon motion, a court may award attorney's fees to a
23 prevailing party in a civil action brought under this Section.

1 Section 25. Campus policy distinguished. Expression made
2 by a collegiate student journalist, collegiate student editor,
3 or other contributor in campus media is not an expression of
4 campus policy.

5 Section 30. Unprotected speech. Nothing in this Act
6 prohibits the imposition of discipline for harassment,
7 threats, or intimidation, unless constitutionally protected.

8 Section 97. Severability. The provisions of this Act are
9 severable under Section 1.31 of the Statute on Statutes.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.