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The Struggle for Control of Student Media:

A Content Analysis of Student Press Law Center News Flashes

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Introduction

For more than four decades, courts have ruled almost unanimously in favor of public college and university students receiving the same freedom of expression and speech rights on campus as they do off campus. Because public institutions of higher education are considered an arm of the state (*Bazaar v. Fortune*, 1974), students enrolled at public schools keep their Constitutional rights while in the classroom, meaning they are granted freedom of speech and expression privileges outlined in the First and Fourteenth Amendments.

The same cannot be said for private institutions of higher education. The First Amendment states only that the government cannot interfere with individuals' free speech and expression rights. As a result, private institutions are not bound by the limitations set forth in the Constitution because they are not arms of the government (*Hudgens v. NLRB*, 2002). Therefore, students who attend private colleges and universities cannot expect the same First Amendment protection afforded public schools students.

Not surprisingly, student media in private schools face censorship regularly – and the censorship usually is concerned with the school's public image (*Gottlieb*, 1995). More surprisingly, however, is the number of censorship incidents involving student media at public institutions of higher education. Many of these incidents involve politically incorrect speech (*Lamb*, 2002).

In this paper, the researcher analyzes censorship-related news reports from the Student Press Law Center (SPLC). Since 1974, SPLC has been the nation's only legal assistance agency devoted to educating high school and college journalists about the

rights and responsibilities found in the First Amendment and supporting the student news media in their struggle to cover important issues free from censorship. It is the only institute that archives news releases concerning censorship happenings in high school and collegiate media (“About the Student Press Law Center,” n.d.).

Specifically, the author approaches the content analysis with four overarching research questions:

RQ1: Have the number of recorded censorship incidents or lawsuits at colleges and universities increased in the last 10 years?

RQ2: What is the most common type of censorship that faces student media at colleges and universities?

RQ3: Who is most often responsible for censoring student media at colleges and universities?

RQ4: For what reasons are college and university student media most often censored?

This research is important for advocates of First Amendment protection for student media, as it will provide valuable data concerning collegiate press censorship – including who is most often responsible for censoring, the most common reasons for censorship, and differences that exist between public and private institutions of higher education in the context of student media censorship.

These data will serve student journalists as they often work under a watchful eye, their advisers whose jobs often depend on content-related issues, college and university administrators who may not understand the legal protections afforded the student press, and those who fight for collegiate press rights.

Literature Review and Theoretical Foundations

The Foundation for Free Speech and Expression Rights in the United States

Because student press law – like all freedom of expression laws – is built on the foundation of the First and Fourteenth Amendments, it is important to review these statements in the Constitution. The First Amendment declares:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Additionally, in 1866 the Fourteenth Amendment was added, declaring:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

It is on these amendments that courts have based their decisions concerning student press law. The following are some of the most important legal cases involving public high school and higher education student media.

Tinker v. Des Moines Independent Community School District

The most influential case regarding students' Constitutional rights in public educational institutions involved a high school, not a college. In *Tinker v. Des Moines Independent Community School District* (1969), the U.S. Supreme Court set the standard for future cases concerning student freedom of speech, press, and expression rights (Kopenhaver & Click, 2001).

The case involved students who were expelled from school for wearing black armbands in protest of the Vietnam War; a school policy prohibited armbands. Parents of some of the students sued, and after years of appeals, the U.S. Supreme Court in 1969 ruled in favor of the plaintiffs, saying students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate” (Tinker v. Des Moines Independent Community School District, 1969). Furthermore, the court said school officials may not censor students’ voices (including the student press) unless they can show that the expression (1) would result in a material and substantial disruption of normal school activities or (2) invades the rights of others (Tinker v. Des Moines Independent Community School District, 1969).

This ruling provided public high school and college students, including members of the student press, legal right to express themselves on campus without fear of administrative censorship. According to the U.S. Supreme Court in Tinker, as long as student expression in student media was not libelous, obscene or otherwise illegal, schools could not censor the student press or discipline its members simply because the content in question is controversial or critical of the school.

Hazelwood School District v. Kuhlmeier

Almost 20 years later, however, advocates of free press rights for students in public high schools lost ground in Hazelwood School District v. Kuhlmeier (1988). The case, which eventually made it to the U.S. Supreme Court, involved the 1982-1983 student newspaper staff at Hazelwood East High School in Missouri, which intended to print articles concerning divorce and teenage pregnancy (Lacayo, 1998). The school’s

principal disapproved of two stories and deleted them from the issue prior to publication without the student journalists' knowledge.

Members of the student newspaper staff sued the school district on grounds that their First Amendment rights were violated. The Hazelwood case made its way to the U.S. Supreme Court, which, in a surprising ruling, deviated from the precedent set in 1969's Tinker case. The court ruled that high school-sponsored student publications that are produced as part of a class without "policy or procedure" can be censored by administrators if (1) there is legitimate educational rationale, (2) the censorship is viewpoint neutral, and/or (3) the publication was not intended by the sponsoring school to be a public forum (Hazelwood School District v. Kuhlmeier, 1988).

In short, in Hazelwood the Supreme Court ruled that high school administrators may censor student media for reasons other than what is defined under the Tinker decision. However, Hazelwood was not considered to apply to public colleges and universities – that is, until a 1997 lower court ruling in Kincaid v. Gibson.

Kincaid v. Gibson

Charles Kincaid, a KSU student, and Capri Coffey, an alumna of the university who had served as the school's yearbook editor, sued the university for confiscating all 1992-1994 yearbooks and refusing to distribute them among the student body. KSU administrators claimed the publication was unsatisfactory in its quality and presentation (Kincaid v. Gibson, 1999).

The students' suit claimed, among other things, violation of their First and Fourteenth Amendment rights and their contractual rights, as they paid the university a student activity fee that guaranteed them a yearbook. However, a U.S. District Court

avored the school officials, citing Hazelwood and effectively deciding yearbooks are not a public forum, and, therefore, the students' rights were not violated (Kincaid v. Gibson, 1999).

The plaintiffs appealed, and in 2001 the U.S. Sixth Circuit Court of Appeals ruled in favor of the plaintiffs, saying that (1) the yearbook was a limited public forum for First Amendment purposes; (2) university officials did not impose reasonable time, place and manner restriction upon speech in limited public forum by confiscating all copies of yearbook; (3) the Hazelwood case did not apply; and (4) officials' conduct violated First Amendment, even if yearbook was not considered public forum (Kincaid v. Gibson, 2001).

As a result of this ruling, the Hazelwood decision was widely accepted as being applicable only to high schools. Yet, just two years later, another legal battle emerged that would be a step backward for student press advocates.

Hosty v. Carter

In Hosty v. Carter, editors of the student newspaper at Governors State University filed suit against the school and its Dean of Student Affairs and Services, Patricia Carter, who ordered the newspaper's printer not to print any copies of a certain issue of the paper until it could be reviewed by school officials (Hosty v. Carter, 2003).

In its defense, the school argued the Hazelwood case and the fact that it provided funding for the student paper and requested summary judgment on the students' claims. However, in 2003 a three-judge panel of the court of appeals and the federal district court refused to dismiss the case against Carter, citing 20 years' worth of court precedent and reemphasizing that public college and university administrators can censor student media

only when the material in question is illegal or when officials can prove some “significant and imminent physical disruption of the campus will result from the publication’s content” (Hosty v. Carter, 2003). The Illinois attorney general’s office immediately asked the entire Seventh Circuit Court to reconsider the case.

Much to the surprise of supporters of First Amendment rights for student press, the 11-judge panel agreed. In June 2005, the Seventh Circuit Court contradicted almost all other previous court decisions concerning public college students’ free speech rights and reversed the lower court’s decision. The Seventh Circuit Court dismissed the suit against Carter, saying Hazelwood can apply to public institutions of higher education (Hosty v. Carter, 2005).

In September 2005, the students petitioned the U.S. Supreme Court to hear the case; however, in February 2006 the high court rejected the students’ plea, allowing the Seventh Circuit Court’s decision to stand (“Supreme Court announces,” 2006). The Supreme Court’s decision not to hear the case effectively extends censoring authority originally granted only to high school officials under Hazelwood to higher education administrators – a new precedent that undoubtedly will be cited in future federal court cases involving censorship of university media.

Additional State Statutes and Regulations

Some states have passed regulations and statutes that provide public schools – secondary and post-secondary – free-speech protection in addition to what the U.S. Constitution guarantees (“SPLC Law Library,” 2005). Some of these state regulations address a type of censorship that does not involve school officials – peer censorship. In response to increasing instances of newspaper theft on school grounds, several states

have passed newspaper theft laws that make stealing student publications a punishable crime on campus (Philips, 1988). An appropriate side note on this subject is that public college student governments are subject to the same restraints as the college's administration in regards to student media censorship. In other words, if a student publication is affiliated with the student government, elected student officials cannot punish student journalists or withdraw the publication's funds simply because they did not approve of the publication's content.

Some of the states that have passed regulations and codes that provide added protection to student media include Arkansas, with its 1995 Student Publications Act; California, with its 1977 Community College Free Expression Law and its 1992 Leonard Law, which will be discussed in greater detail later in this paper; Colorado, with its 2004 Newspaper Theft Law and Student Free Expression Law; Kansas, with its Student Publications Act of 1992; Maryland, with its 1994 Newspaper Theft Law; Massachusetts, and its Student Free Expression Law; Pennsylvania, and its 1984 Student Rights and Responsibilities code; and Washington State's Student Rights administrative code ("SPLC Law Library," 2005).

Research Hypotheses

With an understanding of the literature and legal foundations relevant to student press law, the researcher hypothesizes the following concerning the four research questions with which he approached the analysis:

H1: The number of censorship incidents reported to the SPLC has increased at public and private universities over the last 10 years. Although it was overturned in 2001, a lower court's applying of *Hazelwood* to public college student media in *Kincaid v.*

Gibson in 1997 may have emboldened college officials to censor. Additionally, the Seventh Circuit Court's ruling in *Hosty v. Carter* in 2005 and the U.S. Supreme Court's decision not to hear the students' appeal in 2006 may have encouraged increased censorship.

H2: Theft is the most common type of student press censorship at public colleges and universities, as opposed to administrative demand, which is the most common type of censorship at private institutions of higher education.

H3: Peers are mostly responsible for student press censorship at public institutions of higher education compared to administrators, who are mostly responsible for censorship at private colleges and universities.

H4: Student media at public institutions of higher education are censored most often in the name of political correctness as opposed to private colleges and universities, which are most often censored to protect the image of the institution.

Methodology

Sample

The researcher analyzed 212 news reports from 1996-2006 archived in the News Flashes section of SPLC's website. The articles were gathered by executing an advanced search feature on the site that allows users to set search parameters. The search parameters used to gather the reports included (1) Start Date: 1996; (2) End Date: 2006; (3) Topic: press freedom and censorship; (4) Education Level: college/university; (5) School Type: both; (6) Media Type: blank; (7) State: blank; (8) Keywords: none.

The search returned 487 matches on Nov. 14, 2006, but only 212 reports involved censorship incidents or lawsuits at colleges and universities, which was the focus of this

study. The census included only reports concerning censorship of student media; reports that involved the silencing of other types of student expression, such as protest rallies or art shows, for example, were not analyzed.

Procedure

Categorical content analysis was used to describe the content of the news releases. A codebook (see Appendix) was created with 11 categories: (1) month report was written; (2) date report was written; (3) year the report was written; (4) author of the release; (5) state where the incident or lawsuit originated; (6) status of the institution where censorship took place; (7) type of report; (8) media that was censored; (9) censor or assumed censor; (10) type of censorship executed against student media; and (11) reason (or assumed reason) for censorship.

Variables were developed for the following categories: status of the institution (public and private); type of report (incident and lawsuit); media that was censored (magazine, newspaper, online, radio, TV, yearbook, and other); censor or assumed censor (administrative, peer, government, and unknown); type of censorship (confiscation, demand, discipline, financial, theft, and threat); and reason or assumed reason for censorship (fairness, image, inaccuracy, indecent, policy, political correctness, political slant, religious concerns, security, sensitive, unknown, and other).

The researcher read each of the reports over one week and coded each of the 212 reports using the aforementioned 11 categories. Many categories were easily identified, such as day, month, year, and author of the reports. Other categories, including reason for censorship and type of censorship were more difficult to determine. Accordingly, a

Year * Status of the university Crosstabulation

Count		Status of the university		Total
		Public	Private	
Year	1996	7	1	8
	1997	2	1	3
	1998	2	1	3
	1999	4	0	4
	2000	2	4	6
	2001	27	3	30
	2002	22	8	30
	2003	22	9	31
	2004	26	8	34
	2005	21	6	27
	2006	24	12	36
Total		159	53	212

Figure 1

second coder analyzed 21 reports (10% of the texts) to determine inter-coder reliability.

The following categories were the only ones not to score 100% reliability: institution status (.90); type of report (.95); media that was censored (.95); censor or assumed censor (.85); type of censorship (.85); reason (or assumed reason) for censorship (.80).

Once coded, the data were input into SPSS 13. Descriptive statistics and chi-squares were used to test differences in frequencies of the categories.

Results

RQ1 sought to determine if the number of recorded censorship incidents and/or lawsuits at colleges and universities increased in the last 10 years. Of the 212 reports, most (n=36) were written in 2006 (see Figure 1). SPLC only reported 18 incidents or lawsuits dealing with censorship of student media between 1996 and 1999; the number of reports increased dramatically between 2000 (n=6) and 2001(n=30). The data show that between 1996 and 2006, recorded incidents or lawsuits have increased by 450% at public and private institutions collectively.

More specifically, recorded incidents or lawsuits at public colleges and universities have more than tripled between 1996 and 2006; the increase during the same time period for private institutions jumped from 1 to 12. Nonetheless, a chi-square suggests the differences between the status of the university (public or private) and the number of incidents or lawsuits reported in a year was not statistically significant ($p = .214$).

Media that was censored * Status of the university
Cross tabulation

Count		Status of the university		Total
		Public	Private	
Media that was censored	Magazine	5	4	9
	Newspaper	141	39	180
	Online	0	1	1
	Radio	1	4	5
	TV	8	2	10
	Yearbook	2	1	3
	Other	2	2	4
Total	159	53	212	

Figure 2

Public institutions of higher education (n=159) were the focus of 75% of the reports; 53 (25%) of the reports concerned private colleges and universities. Almost all of the reports (95.3%) highlighted incidents of student media censorship. Only 10 articles (4.7%) reported on lawsuits involving the student press. Overwhelmingly, student newspapers represented the medium most often censored (84.9%) in the SPLC reports (see Figure 2). Student-run television programs and magazines accounted for the second- and third-highest percentages, respectively.

Type of censorship * Status of the university Cross tabulation

			Status of the university		Total
			Public	Private	
Type of censorship	Confiscation	Count	9	11	20
		% within Status of the university	5.7%	20.8%	9.4%
	Demand	Count	17	6	23
		% within Status of the university	10.7%	11.3%	10.8%
	Discipline	Count	14	11	25
		% within Status of the university	8.8%	20.8%	11.8%
	Financial	Count	13	1	14
		% within Status of the university	8.2%	1.9%	6.6%
	Theft	Count	93	21	114
		% within Status of the university	58.5%	39.6%	53.8%
	Threat	Count	13	3	16
		% within Status of the university	8.2%	5.7%	7.5%
Total		Count	159	53	212
		% within Status of the university	100.0%	100.0%	100.0%

Figure 3

RQ2 sought to discover the most common type of censorship that faces student media at institutions of higher education. Theft was the type of censorship determined in most (53.8%) of all SPLC reports (see Figure 3), which is consistent with the fact that newspapers are the most often censored medium. In fact, a chi-square shows a statistically significant relationship between the media that was censored and type of censorship categories ($p = .000$). More specifically, the data show theft accounted for 58.5% of all censorship types at public schools and 39.6% of all censorship types at private institutions. A chi-square confirmed a statistically significant relationship between the status of the institution and the type of censorship categories ($p = .001$).

RQ3 sought to determine who is most often responsible for censoring student media at colleges and universities. The data show peers were responsible in most (48.6%) of the reports for the censorship of collegiate student media (see Figure 4). Again, this finding is consistent with newspapers being the most commonly censored medium and theft being the most common type of censorship.

The group responsible (or assumed responsible) for censorship * Status of the university
Cross tabulation

			Status of the university		Total
			Public	Private	
The group responsible (or assumed responsible) for censorship	Administrative	Count	45	31	76
		% within Status of the university	28.3%	58.5%	35.8%
	Peer	Count	85	18	103
		% within Status of the university	53.5%	34.0%	48.6%
	Government	Count	8	2	10
		% within Status of the university	5.0%	3.8%	4.7%
	Unknown	Count	21	2	23
		% within Status of the university	13.2%	3.8%	10.8%
Total	Count	159	53	212	
	% within Status of the university	100.0%	100.0%	100.0%	

Figure 4

A chi-square shows a statistically significant relationship between the censor or assumed censor and type of censorship categories ($p = .000$). Additionally, a chi-square shows a statistically significant relationship between the group responsible for censorship and the institution’s status ($p = .001$). In reports that featured private institutions, for example, administrators were responsible for censoring 58.5% of the time. In reports that focused on public colleges and universities, the group most responsible for censorship was peers, who censored student media in 53.5% of the reports. The government was responsible for censorship in 4.7% ($n=10$) of SPLC reports. These instances include the FCC fining student-run broadcast media for violating regulations and law enforcement agencies demanding student journalists turn over cameras and tape recorders in an effort to squash a story.

In RQ4, the researcher sought to identify the reasons that college and university student media are most often censored. Image was the reason for student media censorship in 34.4% of the reports; this percentage represented the largest reason for censoring the student press at public (30.8%) and private (45.3%) colleges and

universities (see Figure 5). Furthermore, the reason for censorship did not depend on whether the institution was public or private; a chi-square confirmed a statistically insignificant relationship between the reason for censorship and status of institution categories ($p = .331$). The second-most prominent reason for student press censorship at institutions of higher education was political correctness, which accounted for 13.2% of all reports.

Reason (or assumed reason) for censorship * Status of the university Cross tabulation

			Status of the university		Total
			Public	Private	
Reason (or assumed reason) for censorship	Fairness	Count	5	0	5
		% within Status of the university	3.1%	.0%	2.4%
	Image	Count	49	24	73
		% within Status of the university	30.8%	45.3%	34.4%
	Inaccuracy	Count	7	3	10
		% within Status of the university	4.4%	5.7%	4.7%
	Indecent	Count	13	5	18
		% within Status of the university	8.2%	9.4%	8.5%
	Policy	Count	13	3	16
		% within Status of the university	8.2%	5.7%	7.5%
	Political correctness	Count	20	8	28
		% within Status of the university	12.6%	15.1%	13.2%
	Political slant	Count	7	0	7
		% within Status of the university	4.4%	.0%	3.3%
Religious	Count	5	2	7	
	% within Status of the university	3.1%	3.8%	3.3%	
Security	Count	8	3	11	
	% within Status of the university	5.0%	5.7%	5.2%	
Sensitive	Count	7	3	10	
	% within Status of the university	4.4%	5.7%	4.7%	
Unknown	Count	12	0	12	
	% within Status of the university	7.5%	.0%	5.7%	
Other	Count	13	2	15	
	% within Status of the university	8.2%	3.8%	7.1%	
Total	Count	159	53	212	
	% within Status of the university	100.0%	100.0%	100.0%	

Figure 5

Analysis and Discussion

H1, which stated that the number of censorship incidents reported to the SPLC has increased at public and private universities over the last 10 years, was correct. However, a relationship between the number of incidents and lawsuits reported per year and the status of the institutions was statistically insignificant (.214). Nonetheless, except for 2005 the number of incidents and lawsuits concerning censorship at public institutions of higher education has increased every year since 1997. Similarly, the number of reports has increased steadily at private colleges and universities over the last 10 years.

It is interesting to note that 2006 saw the most SPLC reports concerning censorship in the collegiate press. As noted earlier, it was in February 2006 that the U.S. Supreme Court declined to hear the *Hosty v. Carter* case. The high court's decision upheld a district court's ruling that essentially applied *Hazelwood*, which previously had only been applied to high schools, to public colleges and universities. As a result, administrators at public institutions of higher education may feel more comfortable silencing student expression if they know the courts are likely to side with them – and that may explain the increase in censorship incidents reported by SPLC in 2006.

H2 stated that theft is the most common type of student press censorship at public colleges and universities, as opposed to administrative demand, which is the most common type of censorship at private institutions of higher education. The data proved the researcher's hypothesis partially correct.

Indeed, theft was the most common type of censorship at public colleges and universities. This makes sense in light of the literature and theoretical legal foundations built at the beginning of this paper. Courts consistently have ruled that students at public

colleges and universities have the same First Amendment protection on campus as they do off campus; therefore, administrators have little control over content in student media. Consequently, it seems to reason that most censorship of public school student media would take effect after the media was published – in the form of theft by peers.

However, the researcher's hypothesis that demand is the most common type of censorship at private institutions was incorrect. In fact, the data show theft was also the type of censorship the student press on private campuses faced most often (39% of the types of censorship reported at private schools). It would be consistent with the literature to expect administrators and/or student-led organizations that oversee student media at private institutions to boldly implement prior restraint of the student press for a variety of reasons. After all, they are not bound by the First Amendment.

However, it must be noted that simply because a college or university official can censor does not necessarily mean that he or she will censor. The data may reinforce the fact that many administrators at private institutions of higher learning understand the importance of freedom of expression on campus – or at least they understand the negative reputation they may acquire for censoring.

On the other hand, the data show that 40% of all types of censorship reported at private institutions were in the forms of confiscation (20%) or discipline (20%). So while administrators or student leaders who oversee student media may not implement prior restraint by making demands on the student press before publication, they apparently censor the student press by commandeering the media or disciplining student journalists and their advisers for content-related issues after the information has been made public.

The researcher's hypothesis was correct for RQ3, which stated that peers are mostly responsible for student press censorship at public institutions of higher education compared to administrators, who are mostly responsible for censorship at private colleges and universities. Not surprisingly – and consistent with the literature – administrators were involved in most censorship cases at private colleges and universities. (They were the responsible party in 58.4% of the reports that involved private schools.) Also consistent with the literature, administrators were not as involved in censorship at public institutions of higher education. (They were the responsible party in 28% of the reports that involved public schools.)

H4 stated that student media at public institutions of higher education are censored most often in the name of political correctness as opposed to private colleges and universities, which are most often censored to protect the image of the institution. The data show the researcher's hypothesis was partially correct. An institution's image was at the center of censorship incidents and lawsuits in 45.2% of reports that involved private colleges and universities. This finding is consistent with Gottlieb's (1995) conclusion, noted earlier in this paper.

Obviously, the reputation of an institution is extremely important to those who work for and oversee the institution. Therefore, if officials at private colleges and universities can control the student press and ensure it does not print or broadcast information that might damage the institution's reputation, they likely will do it.

Of course, it is important to note that the researcher coded image as a reason for censorship if peer groups or individuals made efforts to repress the student media to

avoid the spreading of embarrassing news. Consequently, school officials are not solely responsible for censoring the student press in the name of image and reputation.

Unlike the researcher hypothesized, the censoring of student media at public institutions of higher education also stemmed from a concern for maintaining a positive image. While it can't be argued that public college and university officials are unconcerned with the image of their institution, the fact that they historically have had few legal rights to control the student press led this researcher to believe most censorship at public schools would result from political incorrectness (or speech that offends a group of people). After all, as Lamb (2002) posits, it is more acceptable in today's culture to silence expression that is politically incorrect.

But again, it is important to note that peers also were behind censorship that was acted out in an effort to protect one's image or reputation. This factor was not fully considered prior to the analysis, and the researcher did not expect to number of peer censorship incidents to be as high as they are.

Conclusion

This research shows that censorship of the student press is alive and well on college and university campuses. Generally, the data show that private school administrators are censoring out of concern for image by disciplining student journalists and their advisers and confiscating student media. Likewise, peers are censoring at public schools out of concern for image by stealing student media, specifically newspapers.

One of the most surprising results from this study was the number of student newspaper thefts that take place on college and university campuses; the number of peer censorship instances generally was startling. Although the researcher was aware of this

type of censorship, the extent of theft revealed in the data was eye-opening. Future research that could extend from this content analysis might focus on the effectiveness of newspaper theft laws in some states. One of the most disheartening findings in this study was the lack of knowledge campus police had concerning the legal ramifications of student newspaper theft. Research in this area would provide a great service to the collegiate press, as well as to campus law enforcement.

As noted earlier in the paper, the fact that 2006 saw the most SPLC reports concerning censorship incidents and legal cases is interesting considering the U.S. Supreme Court's decision in February 2006 not to hear the *Hosty v. Carter* case. Many advocates of free student press believe that decision will prompt more censorship incidents on public college and university campuses. Unquestionably, the high court's decision has set a precedent for lower courts that hear student press law cases – and it's a precedent unpopular with supporters of the free student press.

Indeed, the increased numbers of censorship reports from SPLC in 2006 may be a direct result of the U.S. Supreme Court's decision. As a result, a replication of this content analysis may be a beneficial study in a year or two to determine if the Supreme Court's decision has encouraged more incidents of censorship. Similarly, research that investigates the outcomes of censorship lawsuits and incidents would be beneficial.

One obvious limitation of this study is that SPLC does not report every incident of student press censorship that takes place every day across the nation. While the organization is unique in its exclusive focus on student press law, it only can report the censorship issues brought to its attention. That may explain why only 25% of SPLC reports focused on private institutions. Considering the amount of control private college

and university officials can have over the student press, it is likely that many student journalists at private institutions of higher education may feel uncomfortable reporting their institution to SPLC.

If nothing else, the findings of this study should exhort advocates of the collegiate press not to give up the struggle for control of student-produced media.

Appendix

Code Sheet with Operational Definitions

- **Month the report was written**
- **Date the report was written**
- **Year report was written**
- **Author of report**
- **State where university or college resides**
- **Institution status**
 - *Public* – A state-funded college or university
 - *Private* – An independent college or university that does not receive public funding
- **Type of report**
 - *Incident* – A report about a censorship happening at a college or university
 - *Lawsuit* – A report about a legal case that resulted from a censorship episode
- **Media that was censored**
 - *Magazine* – A student-run magazine
 - *Newspaper* – A student-run newspaper
 - *Online* – A student-run Web site
 - *Radio* – A student-run radio station or program
 - *TV* – A student-run television station or program
 - *Yearbook* – A student-run yearbook
 - *Other* – Another type of student-run media that does not fit one of the above categories
- **Censor (or assumed censor)**
 - *Administrative* – College or university official(s) are responsible for censoring student media
 - *Peer* – Fellow students are responsible for censoring student media
 - *Government* – The state or federal government is responsible for censoring student media
 - *Unknown* – The people responsible for censoring student media are unknown

- **Type of censorship**
 - *Confiscation* – When college or university officials, including peer groups that oversee student media, commandeer a student publication in an effort to control it
 - *Demand* – When college or university officials, including peer groups that oversee student media, require student media to adhere to censorship
 - *Discipline* – When college or university officials, including peer groups that oversee student media, punish members of the student press for content
 - *Financial* – When college or university officials, including peer groups that oversee student media, withhold funds or enforce economic sanctions on the student press for content
 - *Theft* – When a person or group of people steal student media so information cannot be distributed to the public
 - *Threat* – When college or university officials, including peer groups that oversee student media, threaten student press with punishment for content

- **Reasons (or assumed reason) for censorship**
 - *Fairness* – The content is unfair to a person or group of people
 - *Image* – The content tarnishes the reputation of an institution, group of people, or individual
 - *Inaccuracy* – The content is false, untrue
 - *Indecent* – The content does not meet reasonable community standards (usually of a sexual nature)
 - *Policy* – The content violates a written code that the student media is supposed to follow
 - *Political correctness* – The content contains offensive speech that degrades a person or a group of people (such as a minority group)
 - *Political slant* – The content contains unpopular political stances
 - *Religious concerns* – The content offends the religious beliefs of an institution, group of people, or individual
 - *Security* – The content will endanger people
 - *Sensitive* – The content contains delicate information (such as a rape victim's name)
 - *Unknown* – The reason for the censorship is unknown
 - *Other* – The reason for the censorship does not fit one of the above categories

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