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Student Journalists Fight to Protect First Amendment Rights on College Campuses

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Student Journalists Fight to Protect First Amendment Rights on College Campuses

A Capstone Project Submitted in Partial Fulfillment of the
Requirements of the Renée Crown University Honors Program at
Syracuse University

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and Renée Crown University Honors
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Honors Capstone Project in Newspaper and Online Journalism

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Abstract

This body of work sheds light on the obstacles student newspapers at public universities face while attempting to function as free presses. Public universities are protected by the First Amendment but some administrations take action to suppress those rights in their student journalists. Unfortunately, this trend has existed on college campuses for many years but the attitudes exhibited are increasingly paralleled by the relationship between the mainstream media and the current administration.

Universities will take measures such as cutting budgets, firing faculty advisers, denying open records requests and occasionally taking lawsuits against student publications to keep the truth from circulating. Through three news articles, this project addresses this history and its implications, examples of the types of behavior that characterize this conflict and case studies of two schools in particular, Western Kentucky University and the University of North Alabama.

Executive Summary

State schools are protected by the First Amendment. This means that the paper trails the school produces are public records, the people the school employs are government officials and as a result, there is an expected level of transparency that private universities, like Syracuse, do not have to have.

Still, this has not stopped public universities from trying to keep some of their ugly truths from being found, especially by student journalists. While blatant attempts to censor the press have surfaced from public universities, there are often more discreet ways that schools will try to prevent publication.

This thesis shows:

- The various ways state university administrations and student media have clashed for years.
- It will do a deep dive into incidents at Western Kentucky University and University of North Alabama.
- The importance of student newsrooms and their place in this media climate.

Student journalists face many on public university campuses. Journalists at schools like the University of Mary Washington, a small college in Virginia, saw their newspaper's print budget decreased from more than \$13,000 to just \$100.

While a slashed budget is not overt censorship, the student government decided this budget cut after articles were published that offended them. Still, the school gave mixed messaging as reasoning, making excuses that it was for budgetary and environmental reasons, even though the student body president admitted to being upset by the coverage.

Schools will also make their positions clear by firing the faculty member who oversees the students on the newspaper. At the University of North Alabama, the adviser of *The Flor-Ala* newspaper, Scott Morris, was informed that the requirements for his job had changed. The paper had written stories about requests for records regarding two faculty members who resigned quietly and quickly. One was even issued a no-trespass order for the campus. The other was a high ranking university official. The school's president called the editors of the paper in for a meeting about the coverage and Morris attended as well. The president accused the students of publishing falsities and Morris spoke up, asking for the president to identify what was false. Two weeks later, Morris was told the adviser position would now require a PhD.

Sometimes, like at Western Kentucky University, the school's administration will sue the student newspaper in order to ensure that public records are not released. That lawsuit began in 2017 and continues through today, resulting in a contentious relationship between the school and the media, lots of legal fees on both sides and a continuing lack of transparency.

The case studies of University of North Alabama and the University of Western Kentucky analyze and dissect the implications of what is happening between the administrations and student newspapers at both of those schools. For student newspapers, the people students try to hold accountable for their actions are the people who are holding them back. By discussing what happens at these schools, this thesis sheds light on an issue that is usually just local news.

Ultimately, a free press is one of the most important functions of our democracy. When public officials try to suppress First Amendment rights, it is never good. When those public officials are those responsible with teaching students to think, question and research, it can be hard to grapple with.

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Preface

When I started brainstorming my thesis in HNR 309, I thought I would be writing about the Post Office. I was going to follow around a postal worker in Syracuse and write an article about the lives of those in a profession that people predict will go away. Then I took a look at the irony in that. I'm a journalism major. It is also a dying profession, if you ask most.

But when you talk to journalists, the passion they feel for the stories they tell shows a certain compassion, curiosity and talent that continues to drive them to pursue the truth and to chronicle the world we live in.

We live in hard times, however. There is a president in office who calls reputable media sources "fake news" and caters to a base of supporters who believe him. The oval office and the press always had a mutual respect and understanding of each other, but this time it is different. This time, journalists have been confronted with violence, lies and attempts to be censored or discredited.

And this is all happening on a professional level.

When Prof. Cheryl Reed became my thesis adviser, she told me about a job she once had as a college newspaper adviser at the University of Northern Michigan in Marquette. There, as she does at Newhouse, she encouraged and supported her students' pursuit to hold those in power accountable and to find out the truth. She was fired as the newspaper adviser at that school, still able to keep her faculty position. Her students had said too much in the school's eyes and she was the collateral damage.

When she told me the story, I had no idea this type of thing even happened. I was baffled. She suggested I look into it more, that it might be a good idea for a thesis. Pandora's box was opened.

Over the next few months, I voraciously consumed information about what goes on on college campuses between student newspapers and their schools' administrations. I talked to Julie Pike, the editor-in-chief of the paper at the University of Southern Maine. The student government was considering passing a bylaw that ruled if a student organization was in a lawsuit, the school would pick the legal counsel. This is problematic for the student paper. If they decided to sue the school, the school would pick their representation. Ultimately, it did not go through but talking to Pike, who said the students in the student government never even thought it would be an issue, was inspiring to me.

Sometimes the issues don't exactly scream "inhibiting First Amendment rights," like the idea that a school would choose a lawyer to represent its students. But the possible ramifications of these changes made me curious. What I found was that there were so many student journalists around the country dealing with issues like budget cuts, fired advisers, blocks on records requests and even lawsuits as a result of their pursuit of the truth. As a result of this rabbit hole of inquiry I went down, my research somehow landed me in Bowling Green, Ky. An hour north of Nashville, Bowling Green is home to the Corvette and Fruit of the Loom. It is a city that still

hosts industry but it appears much has fled elsewhere. Its downtown looks like it was recently revived and it's beautiful in late March.

There, I spent time with the students who work on the College Heights Herald, the student newspaper at Western Kentucky University. The paper has had a particularly tough two years since their university administration filed a lawsuit against them in 2017. When I arrived in the newsroom, what I found was not students who were tired of punching up, but buzzing bees around a hive, energized by the work they were doing. The biggest story of the semester had broken days before I arrived.

The school's provost, who had come from another university while WKU was in hard times, was auditing all 300 of the university's academic programs. She was looking to see if they should stay or go. During this process, the dean of the college of liberal arts, Larry Snyder, staunchly defended the programs under his purview: theater, modern languages, history, to name a few. The provost, however, decided Snyder's advocacy was maybe getting in the way of her review, and thus he was given an ultimatum: get fired or resign. Snyder chose the latter.

The days that followed the incidents saw protests outside of the provost's office. Chalk covered the cherry-blossom lined quad reading "TELL US WHY." Because the school would not give the reasoning for his resignation or answer many questions, the students on the *Herald* were tasked with doing a lot of digging.

In my 48 hours in the newsroom, I watched stories get written, thrown out, rewritten, become outdated, get updated and finally go into publication. On Sunday, every story that was expected to run in Tuesday's paper was out by Monday afternoon. There was too much information that needed to be shared. The journalists took on the provost head on with hard-hitting questions at an open forum she called about the resignation and its implications. In the newsroom, there was constant movement. Students walked out to take phone calls from sources. Students were brainstorming their coverage and reporting together. Meetings were held almost every hour so the staff stayed updated.

All The President's Men had not prepared me for this scene.

While I hope what you're about to read helps you understand the obstacles student journalists face, I want everyone to be hopeful about the work and passion they give to their duties. Journalism is far from dying, my research, if anything, has shown that it is very much alive. As long as there's a story to tell, it will be.

Acknowledgements

A thesis is no small feat and it certainly is not a road taken alone.

I'd like to thank Prof. Cheryl Reed for taking me on as her first ever Honors thesis student. Prof. Reed was definitely a tough editor and professor. I got my lowest journalism grade in her class. But that's what I knew I needed in an advisor – someone to push me to be better. Thank you for all of your help and guidance. And thank you for introducing me to this topic that I'll never be able to unsee.

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To my friends, thank you for listening to me talk about this for months and months on end and for always supporting me.

To my parents, thank you for always being available when I needed you and for telling me to keep going.

I would like to dedicate my thesis to my grandfather, Richard Denby. He gave me my insatiable love of learning. While he lived just 5 days short of getting to see me set foot on Syracuse's campus as a student, I know he would have loved this project.

David and Goliath:

Universities take measures to lessen the influence of student publications

On March 21, President Donald Trump issued an executive order enforcing the First Amendment on college campuses, threatening to take away federal funding from institutions that curb free speech. He publicly signed the order surrounded by conservative students who feel penalized on campus for expressing their views. This president is the same one who consistently riles his base up at rallies by shaming what he calls “fake news,” or mainstream media outlets such as CNN. This type of behavior seems outlandish from the president of the world’s largest democracy, especially one that took an oath to defend the First Amendment.

But these actions of an administration attempting to lessen the influence of the media has existed on college campuses for a long time. In recent years, specifically, universities around the country have clashed with their student media, taking subtle and overt actions alike to soften the voices of a free press. On state school campuses — government property — this is a violation of the First Amendment.

And students feel the rising tension. A 2018 survey from Gallup/the Knight Foundation found that 60 percent of college students feel freedom of the press is secure, down from 81 percent just two years earlier. So they are fighting back. Last year, a social media campaign launched by editors of college papers called #SaveStudentNewsrooms went viral on April 25. Because of the challenges campus media faces, the Newseum in Washington D.C. and the Student Press Law Center named 2019 the Year of the Student Journalist.

What’s more is that student newspapers, more than ever, are filling a widening gap for localized news coverage. Over the last 15 years, 1800 newspapers have folded. A University of

North Carolina study showed this left 200 counties with no local newspaper and about half of the nation's counties with only one. Enter the college newspaper and the need for a free press.

This story will look at the issues that campus newspapers face and the measures students take to protect the truth they report and to continue to hold those in power accountable at their universities.

Western Kentucky University in Bowling Green, Kentucky has spent the last two years suing its student newspaper over access to open records. In 2017, *The College Heights Herald* wanted to write an article about what happens to professors who have been found in violation of policies of sexual misconduct. The paper requested records from all eight Kentucky state universities, obtaining more than 1,200 pages from the six who submitted them, with student information redacted. One of the two schools that refused to submit was Western Kentucky University, the students' own college. The school stated that since the records featured names of students they were "educational records" and thus, were protected under FERPA, or the Family Educational Rights and Privacy Act. The newspaper decided to submit another request for the records, asking for records with names of students redacted, which was also denied.

The paper called on the Kentucky Attorney General Andy Bashear for an opinion. Under the Kentucky Open Records Act, the Attorney General could make a decision "that would carry the force of law," said Chuck Clark, the director of student publications at the school. Bashear ordered that the records be turned over. Again the school refused. Under the Act, the only way to appeal a decision by the Attorney General is to appeal the decision in county court. Thus, the school brought a lawsuit against the paper, who had requested the documents.

College Heights Herald reporter Nicole Ares exposed a long-standing practice in higher education across Kentucky using the information given freely by the six state schools. When a

professor or staff member was found to have violated policy of sexual misconduct, most were given the option to resign from their positions. This resulted in a clean record for the professor and a swift end to the investigation for the school, allowing the professor to get a job at another university and the school would rid themselves of a thorny issue.

“It’s similar to the Catholic Church,” said Evan Heichelbech, current editor-in-chief of the *College Heights Herald*, in an interview. “These allegations of sexual assault towards children will come up for priests and bishops and the churches will just move them to new parishes. And the same thing happens.”

WKU’s hesitance to release the records when many of its peer institutions did without question is puzzling to those involved.

“It’s unfortunate that they don’t want to hand these over because every other university did and they’re just going to come out on the wrong side of history.” Heichelbech said. “These are misconduct records. They involve an employee, which is a public employee of the state. So those things shouldn’t be kept private or protected.”

As a result, the school has a tense relationship with the paper; both parties are spending money on this case in the face of tight budgets — all in the name of the school not wanting to hand over documents. As of January 2018, WKU spent more than \$26,000 on legal fees for the case. The paper has secured an estimated \$38,000 in legal funding from local and national First Amendment advocacy groups and legal funds, as well as from alumni fundraising.

“In all honesty it was disheartening that things have taken the turn that they have,” said Clark. “We can put that money to such better use.”

The paper pays for all of its operating costs through selling advertisements. The school has had to make cuts left and right, trying to make up a continually growing \$27 million deficit

in the budget. In fact, to make up for the dwindling state funding and enrollment, the school has not only cut academic programs and jobs and raised tuition, but it has also dipped into the “rainy day” funds of many of its student organizations — including the *College Heights Herald*.

A school suing its paper is an especially egregious course of action. The paper’s alumni base and national and local First Amendment protection agencies have come together to support the *Herald*. But the implications that a school’s image is worth putting its students through such a fight shows a shift in the relationship between university and paper.

Budget Cuts

Some papers are not being sued by their schools but they are facing budget cuts as a form of censorship and punishment. A year ago, at the University of Mary Washington in Fredericksburg, Virginia, *The Blue and Gray Press* saw its print budget slashed from \$13,765 to \$100. It was not the administration who encouraged the cuts, but it was a student committee that handles organizational budgets. The rationale expressed to the paper suggested the budget caused the cut. Then, the student body president revealed that articles in the paper had upset the student government, according to the Student Press Law Center.

An advisor for the student financial committee informed the editor of the paper that there would be a team designated to reviewing the paper for “quality,” which never came true. Then the school posted on Facebook saying that it was attempting to protect the environment by cutting the budget for the paper’s print edition. The paper’s survival relies on the funding from the school and historically, the paper’s reporters had a rocky relationship with the student government. In this case, it is the peers of the students themselves that create a hard climate for campus press. The editor, Lauren Closs, started to bargain and promised that the paper would be more sustainably printed and distributed. A month afterward, the paper’s budget was restored but

the messaging from the school remains unclear: was it the budget, censorship, or the environment?

In Kansas last year, *The Sunflower* at Wichita State University had a tumultuous relationship with its school. The paper published a number of investigative pieces about a controversial president and an exposé on how the school inflates its student population data. There was also one about a quarrel between the parents of a student body president and a former student body president. The editor of the paper was accused in a meeting with university higher-ups that the paper only writes unflattering stories. The student body president whose parents had been mentioned in the story told the editor that she was considering cutting the paper's budget. Not only were the school's top officials frustrated with coverage but the student government, which holds the purse strings, was too. The paper presented a request for a budget of \$158,000, according to the Student Press Law Center.

The meeting where the budget was decided became a closed meeting, whereas in past years it had not been. The paper wrote a story about that, too. The day that story was published, *The Sunflower* learned the school had not given the paper what it asked for but it also cut its budget at the time from \$105,000 by \$25,000. Those who watched this story from the outside were outraged — they recognized this as a textbook case of punitive budget cuts as a reaction to the content of the paper. As a means of corrective measure, the president of the college promised the paper to make up the \$25,000 by buying ads in the paper.

While cutting a budget is not an overt First Amendment violation, it is one of the ways universities exercise leverage over their student journalists. It is certainly an impactful way to punish the press as well: without funding, printing the paper and ensuring its circulation becomes harder, as does securing equipment to further the types of stories they tell. Many schools pay

their paper's staff for their service. This forces papers to make cuts and to choose what part of their operation to sacrifice.

Faculty Advisers

Another way papers will face retaliatory measures from their schools is when they lose their faculty advisers as collateral damage. Some universities would like to believe they can encourage an adviser to temper the inquiries of the journalists, that some form of “prior restraint,” which is held under strict scrutiny for professional media organizations, should be easier to come by on a college campus. These schools would be wrong.

At the University of North Alabama, last summer, the editor-in-chief of the *The Flor-Ala*, Harley Duncan received a tip about two high-ranking faculty members — the Vice President of Student Affairs and a professor — who would not be coming back to campus. The professor was banned from school grounds. Duncan called the school's communications office to get the scoop but it proved unsuccessful. He requested the public documents to get to the bottom of it but was denied. *The Flor-Ala* published a story about the information it had. A meeting with the school's communications office was swiftly bumped up on the schedule and Duncan was told that the only reason the school could not disclose the resignation of the vice president was because he had not filed his letter yet.

When the paper finally obtained the records, it had been filed weeks prior to the meeting. The paper wrote about the school's lack of transparency. A meeting with the provost followed. In the meeting, he pulled out the article and began to question its legitimacy. The adviser of the paper, Scott Morris, who spent 30 years working in newsrooms around the country and who, under his advisement, the paper turned a profit, asked the provost to point out specific examples

so the students could learn. The provost interpreted the statement to be a provocation undermining his judgment.

“Overall he just felt like the article was not good press for the university but when Scott asked provost, ‘what were the specific inaccuracies in the paper?’ when the provost mentioned the inaccuracies, he didn’t even open the paper,” said Duncan of the meeting. “I think provost took it as a backhanded response, like ‘if you’re going to say that, go ahead and prove it.’”

Two weeks after the meeting, on Sept. 26, the provost told Morris that the 2018-2019 school year would be his last as the adviser for *The Flor-Ala*. In the future, the adviser position would require a PhD and be a tenure-track position. While Morris had decades in a newsroom, he did not have a doctorate. The school then said this had been a plan for years and it was now coming to fruition but in emails requested regarding this change, there was no mention of a change in the staff position. Of course, this caught the attention of the many First Amendment and student press protection organizations. While upping the qualifications for an adviser may not seem to be a violation of the First Amendment, creating a tenure-track position is a tip-off that whoever holds it will be at the will of the university to prioritize his or her job security and that generally will not involve publishing the kinds of pieces that *The Flor-Ala* staff prides itself on.

Oklahoma City University’s newspaper adviser has donated her time to *The Flor-Ala* to advise on stories involving Scott Morris. First Amendment advocacy groups such as the Student Press Law Center and FIRE have stepped in and spoken out against the University’s actions. But the biggest defense of the paper came from the College Media Association. The CMA protects the rights and provides resources for over 700 member organizations: all publications on college campuses. They have the ability to place a “censure” on a university. This means that it

essentially labels it as a place that is “hostile toward the First Amendment.” It is the result of an investigation into the school’s relationship with its student publications and is only removed after an investigation reveals that the ties have been remedied.

The state’s open records laws leave something to be desired in this case, Duncan said, which is how the school has been getting away with not releasing the records in question. Still, a censure from the CMA is not taken lightly. And in November, after an investigation into the situation at North Alabama, the organization placed one on the school. Scott Morris will retain a position on the faculty but will not be the adviser of the paper in the fall. The censure signifies to those up for the job as adviser that this place is not a welcoming environment for a free press.

“I’ve had to reiterate more than once to the administration that this isn’t a witch hunt,” said Duncan, “We’re just doing our jobs, we’re just doing what we’re getting scholarships to do, what we’re getting paid to do. If anyone has an issue with it, I’m more than willing to speak with them but that’s just going to be my response every time.”

As of today, *The Flor-Ala* staff still has not seen any of the records about the Vice President of Student Affairs’ sudden resignation and no reports on the investigation of the professor with a no trespass order. Advisers at many schools experience pressure to censor. “A March 2016 survey of college and university media advisers affiliated with the College Media Association revealed that over a three-year period more than twenty media advisers who had not previously shared their stories reported suffering some degree of administrative pressure to control, edit, or censor student journalistic content,” according to an American Association of University Professors report.

A couple of states away and three years earlier, in the spring of 2015 at Fairmont State University in Fairmont, West Virginia, newspaper editors of *The Columns* went on their own and

swabbed different areas around campus, finding black mold in the dorms. The administration did not sit idly by. The professor who supervised the school's student publications, J. Robert Baker, went after the paper for its coverage. The president of the University relieved Baker of his advising duties in the summer that followed. The Dean of the College of Liberal Arts at the school, who served as interim adviser, promised a meeting with the editors upon return to campus to "ensure a smooth transition" and discuss the future of *The Columns*, according to the Student Press Law Center.

When that meeting happened in September, three of the highest editors on the paper resigned. The administrators were adamant about making the news more positive and their choices for replacement advisers were both reporters at *The Times-West Virginian*, a paper that the student editors felt favors the administration in its coverage. The editors who resigned said that only three staffers remained on the paper and could not function. While the usual groups that defend these papers were outraged, the alumni of the paper were not surprised — the history of intimidation from the school against the journalists ran deep.

Overall, this tactic made clear to students that they could not fight within the system anymore. It was not a winning game. The editors who resigned created their own independent news source called *The Broken Column*, taking matters of a free press into their own hands.

News Deserts

Other than ensuring First Amendment rights for students and allowing those in power to be held accountable, college newspapers in many places also serve another important function. As local journalism struggles to stay alive, it is college papers that often provide the news for not just campus but for the entire community surrounding it. It can be the most reliable source of

information. In 2014, the Pew Research Center found that 14 percent of journalists covering state legislatures were students.

The University of North Carolina has done research on “news desserts,” or “places where little or no original reporting is done, where people have trouble finding out what’s going in local government and other institutions that affect their lives and citizenship decision.”

Nine-hundred community newspapers have folded without an online presence to fill it since 2004, according to a UNC study. This leaves college papers, with large staffs that come cheap and sustained funding, to step in. In Chapel Hill, where UNC’s main campus is, *The Daily Tar Heel* has done just that since *The Chapel Hill News* shuttered its doors in 2017, according to Poynter. The approximately 150 reporters and 30 editors at *The Daily Tar Heel* expanded their coverage to the school board, housing and police reporting off-campus. The Poynter article that details these issues shows that this service by students proves to be a mixed bag: it is great experience for the journalists to be covering these topics that mirror those in their first newsroom jobs, but also these students are not full-time journalists and are definitely not compensated as such.

Another subtle tactic school’s use to assert editorial control is to absorb their independent student papers as educational “laboratories.” With the budget cuts and decreased ad revenue that student newspapers are facing, many papers have nowhere else to turn but to the universities that hold their financial fate. There have been cases where papers succumb to their struggles and become “media laboratories,” run by the schools journalism or communications department. The American Association of University Professors, in a 2016 report called “Threats to the Independence of Student Media” warns people of these operations that sound fancy and forward

thinking. The report acknowledges the academic value of allowing student's work to be published, but these labs do not replace an independent student paper.

"Few, if any, laboratory-based publications supervised by instructors as graded classroom exercises are providing "watchdog" coverage of the campus itself (and indeed, significant structural issues make such class-generated watchdog coverage impracticable)," according to the report.

Newspaper Theft

In the face of these obstacles, sometimes papers fall victim to other types of crimes as well. Retaliation has been found on college campuses in isolated incidents: where those who do not want the news to circulate steal papers.

On April 12 of this year, 1,000 issues of *The Rocky Mountain Collegian* were missing from newsstands around Colorado State University's campus. The suspicion turned the paper's attention toward two students running together for student government. A story in the issue the day before discussed allegations that the team "misreported their finances and donations." Those running against the two said they saw campaign staff of the two in question ripping and taking the papers. The paper values its loss at around \$1,500 and the campus police are looking into the incident.

The Student Press Law Center keeps track of thefts like this one on campuses around the country. While newspapers are free to readers on campus, they have monetary value. Their website section on Newspaper Theft Resources says:

"In our online/digital age, it continues to be a blunt attempt at censorship. Each year student newspapers and other publications across the country fall victim to thieves whose intent is to prevent the dissemination of news, information and opinion with which they disagree."

And this happens with more frequency and on more campuses than these other types of censorship attempts. It is also a crime.

New Voices Legislation

In 1968, a case called *Tinker v. Des Moines Independent School District* went before the Supreme Court to decide on the First Amendment rights of students in high school. Students in the district were planning to wear black armbands to school in protest of the Vietnam War. The school caught wind and decided to ban armbands ahead of the protest. In the past, students had advocated for causes with pins and buttons, some even with Nazi symbols. The students wore their armbands anyway and were suspended. The lawsuit they filed went all the way up through the courts to the highest one, where the justices created a standard for protected student speech. The established standard made it so schools cannot deny student speech unless they are reasonably suspect it would “cause a substantial disruption of school activities and invades the rights of others.”

It showed that students have rights and that the First Amendment protects symbolic speech. It also held the case to its own standard — that armbands would not disturb school exercises or invade others rights. This was a major win for students.

Then, in 1988, a case called *Hazelwood School District vs. Kuhlmeier* went before the Supreme Court. In this decision, students’ rights took a turn for the worse: the student newspaper had been trying to publish stories about teen pregnancy and children who are affected by divorce. School administrators at Hazelwood East had censored these stories. The Supreme Court upheld that they were justified in doing so and explicitly discussed that public high school students have different rights — that their classes were not a “forum for public expression.”

This set the stage for student journalists, mostly in high schools but some judges have applied the precedent to public university cases as well. The *Hosty v. Carter* case in 2000 saw a court side with the Governor's State University after they demanded prior restraint for the student newspaper, *The Innovator*. The judge in the case cited *Hazelwood* as the precedent for the decision.

Slowly in past decades and with a sense of urgency now, advocacy groups in many states are lobbying for New Voices legislation to be passed — which would counteract the *Hazelwood* decision and secure more rights for student journalists. New Voices has three goals: to restore the standard from the earlier Supreme Court Case, aptly named the *Tinker* Standard, to protect public colleges from being subject to applications from the *Hazelwood* decision and lastly, to extend the rights of public college students to the private colleges in a given state.

Fourteen states have passed New Voices legislation with varying degrees of protections. Half of those states saw those laws pass in the last 5 years. Nine states currently have New Voices laws that have been introduced in the legislature. 27 states have no such legislation.

Conclusion

First Amendment protections have eroded on college campuses, if they were ever there to begin with. Campus newspapers fight against administrations that do not want to be held accountable.

When a budget gets cut or an adviser gets fired, in many cases, schools are getting away with censoring their students. The role of the media is to create an informed electorate and to serve as a watchdog over the powers that be. When a school cannot support that endeavor, it is a disservice to every student. These cases show that investigative journalism can come at a cost. It

is not always an adults vs. students squabble that will leave a student newspaper floundering, but sometimes it is the students own peers who refuse to support their work.

It is unfortunate that many of these instances are merely local news. It is unfortunate that this may be the first time you are learning about it. It is a testament to the tenacity and journalism ethics of the students to continue to pursue the truth in the face of adversity.

Western Kentucky University / The College Heights Herald

Inside the journalism school building at Western Kentucky University, a decal on the wall reads: “We value truth, accuracy and fairness.” On April Fool’s Day, it could have been a joke. But it is merely ironic.

About 250 feet from this decal, out of the building and across Normal Street sits *the College Heights Herald*, the university’s student newspaper and defendant in an ongoing lawsuit from the university administration.

The lawsuit, filed two years ago, has not phased the busy journalists hustling in a carousel-like rotation of staffers through the conference room where Evan Heichelbech, the editor-in-chief has set up shop. The biggest story of the semester broke days before and with a 6 p.m. deadline for the weekly print edition, new details seem to appear by the hour. The beloved dean of the College of Arts and Letters was given an ultimatum by the Provost: fired or resign? He chose the latter.

As the students on the paper have learned, the administration offers fodder for its pages. After all, the kind of school that would sue its own student paper is one that might make some newsworthy choices. This story will show the parallels between two college newspapers at two state universities and two lawsuits over public records of sexual misconduct. So while this story will take us back to WKU, it first starts in Lexington, Kentucky.

The University of Kentucky, the largest university in the state, started this whole ordeal by suing its independent student newspaper, *The Kentucky Kernel*. In March of 2016, a spokesman for victims of sexual misconduct and assault by James Harwood, a professor of entomology who had just resigned, approached the paper. His victims feared that because he resigned, he would be able to work at other universities, with a clean slate. The paper requested

documents on the investigation and resolution from the university. They were given the conclusion — his resignation and its terms — but many documents from the investigation itself were not turned over by the university. The school claimed the records were protected under the Kentucky Open Records Act. So the paper tried again by filing a second request in April. The University denied the request again, citing the documents as containing private information and as “preliminary,” which would exempt them from being necessarily public in the Open Records Act.

When this happens, the party requesting the documents can turn to the state’s Attorney General Andy Bashear to issue an opinion. Under the Kentucky Open Records law, “if your request is denied, you may file an appeal with the Attorney General for review of the agency’s actions.” Ultimately, the “the Attorney General’s decision has the force and effect of law and can be enforced in circuit court. Bashear ordered the university to turn over the investigation documents to *The Kentucky Kernel* with names and identifiers redacted, on Aug. 8. That same day, the university’s President Eli Capilouto emailed the student body that it would be taking this matter to court, to appeal the decision. Under the Open Records Act, the appealing party has 30 days to take an open records decision to court.

On Aug. 13, the paper published a story that it got a hold of the records it was after from “a confidential source connected to the case.” Victim names and other identifiers were redacted. They revealed three years worth of incidents about this professor. The article about the report’s contents included five victims’ reports of sexual assault and sexual harassment, two complainants discussing it happened “during conferences related to their work or studies at UK.” It took others coming forward for the victims to report to the University.

The story the paper wrote from the records and complaints of the victims detailed the incidents. It shows what the school was trying to keep from the public. At a multi-day conference off campus, Harwood made unwelcome physical advances on a student in 2013. When she confronted him for his actions, he played it off. In the investigation, Harwood accused the student of lying, which was disproved with photos and emails provided by her. Another student who did not know Harwood but was a student in his department said he made a pass at her at a school mixer at another conference in 2012.

Then, in 2015, department members, students and faculty went out to celebrate the 2013 victim's dissertation defense. On the way to the bar, Harwood drove a male student and made comments about his sexual exploits in the car. He tried to dance with this student and touched him, "suggestively," the article says. He also was touching another male student at the bar that night. That night, Harwood had all the students drink, pressuring them. Harwood even followed a female student out of the bar when she went to leave. Another student followed him out of the bar to make sure he would not be inappropriate with the student. The student ended up restraining the professor.

There was never a hearing for this case because it was resolved with a resignation by the school. He was able to maintain his tenure, continue to receive his salary of \$109,000 until Aug. 31 of that year and allowed to keep professional contact with students and personnel via email until his resignation, according to *The Kentucky Kernel*. And even though the newspaper still received the documents in question from a third party and a spokesman for Harwood's victims said they wanted the records to become public, the university doubled down on suing *The Kernel* to appeal the attorney general's opinion.

On Aug. 31, 23 days after the Attorney General issued his decision, the University of Kentucky filed its papers for a lawsuit against *The Kentucky Kernel*. The University's statement said that it was in the interest of the victims "who have courageously come forward in the past under the assurance of confidentiality; and those who will follow" that their appeal was going through. The implications for the first amendment, for historical narrative, for a free press all come into question when an issue like this arises.

In Kentucky, when the Attorney General makes a decision, it is upheld "with the force of law." This is the state's highest official whose sole job is to ensure justice in his state. When the university heard his opinion, they took it as merely that, something to be argued. Additionally, the school claims all the way through to be protecting student identities in its quest to keep the records from the public eye. Still, the punitive measure taken on the professor was a resignation that would not impact his record and would keep him on the payroll. And the fact that a lawsuit was going after the school's own students and their inquiry for the truth proves to be the most shocking outcome of all. After all, it is student dollars that pay for the school's legal representation.

That fall, two and a half hours away from UK at WKU in Bowling Green, Kentucky, students at the *College Heights Herald* were fascinated by what their peers at the *Kentucky Kernel* had uncovered about the professor. Nicole Ares, then a senior and news editor on the paper, decided she wanted to request records from all eight state universities in Kentucky to learn about what happens to professors who are found to have violated sexual misconduct policies. Do they stay or do they go?

When Ares requested the records in November 2017 from the schools, she assumed the University of Kentucky would not submit their records because of the lawsuit. But a month later,

schools started to send back pages of documents from the investigations, University of Kentucky included. All of the schools cited FERPA as reasoning to redact student identifies when it sent in the records. Documents that were released to the Herald amounted to more than 1,200 pages. From janitors to high-ranking university officials, the last five years saw many instances of sexual misconduct in Kentucky's higher education system.

Only two schools denied the records request. One was a small historically black college that Ares decided not to pursue further. The other was Western Kentucky University, Nicole Ares' own institution.

Ares estimates that of the 80 or so open records requests she filed while working for the *Herald*, this was the first one that ever got denied. The school justified withholding the records by saying that of the twenty investigations into sexual misconduct cases from 2013 to 2017, six were found to have school policy violations. Since those cases were closed by resignations, "the records do not pertain to any final agency action, nor were they adopted as part of a final agency action." In other words, the documents were "preliminary" and thus protected by the Kentucky Open Records Act. She filed another records request, but was denied, again. So, in January, Ares asked for an opinion from Attorney General Andy Bashear.

To make his decision, he asked the school to turn over the records to him for a review "in camera," which means he would review them in isolation as a third party. WKU refused. Bashear then asked to review the records without student names or identifiers. The school said no. Doing so, it said, "would not be sufficient to protect the identity of student reporting parties or witnesses." Still, at this point, the state's attorney general would only see the documents so he could make a decision. And because he could not do so, he gave the school an ultimatum: turn over the documents or take the case to court.

“And it's not like we're, you know, best buddies with the attorney general, he's going to turn them over to us,” said Heichelbech. “He’s gonna do his job.”

On February 6, ten days after the attorney general’s statement, Western Kentucky University filed its lawsuit against the *College Heights Herald*.

“When we talked to our attorney he talked about how this takes several years so I just settled it in my mind,” said Ares, who would be graduating in a matter of months. Still, she kept working on the article.

In May, the story she published showed that at schools around the state, what had happened with Harwood at UK was being dealt with in a similar fashion, or they get to stay. Between 2011 and the articles publication in 2017, 62 employees across the state were found in violation of these policies and half of them were still teaching in the same classrooms across the state.

One professor at Murray State University, the article says, William Magee, kissed a student in his car after driving her back from a field trip. He also told her he wanted her to pose for naked photos. She came forward when she found out he had told other females in his class that they would get better grades if they “flashed him,” according to the *Herald*. He attended sexual harassment training and received a warning.

A professor at Eastern Kentucky University had sent emails to a student that was deemed “sexually explicit,” according to the article. He resigned and went to go teach at Hofstra University in Long Island.

“It’s similar to the Catholic Church,” Heichelbech said. “These allegations of sexual assault towards children will come up for priests and bishops and the churches will just move them to new parishes. And the same thing happens.”

The case, by this point, was waiting for its number to be called at the Warren Count Circuit Court. Twelve days after the article was published, the judge gave WKU 60 days to turn over the documents for review to the court. Once obtained, the judge would take 30 days to review them. On August 14, 2017 the University turned over the documents to Judge Steve Wilson for review. But by October, there were crickets. So the paper's lawyers requested a status meeting — where lawyers from both sides would meet with the judge to establish a timeline for the case.

“This is an institution built on freedom of thought and encouraging people to do the best they can at what they're trying to do, and that's exactly what the students were doing in this situation,” said Chuck Clark, director of student publications at WKU.

While the integrity of the student's first amendment rights was hanging in the balance, the Herald students were seeing support in droves. Ares received top prizes for the Associated Collegiate Press Pacemaker Awards, the College Media Association's Pinnacle Awards and the Betty Gage Holland Award from the University of Georgia and the Student Press Law Center. Additionally, Herald alumni and first amendment advocacy groups on the local and national level stepped in to provide financial and legal support to the paper. Chuck Clark estimates that through these different channels, the paper has secured approximately \$38,000 in funds to help alleviate legal costs.

“It's still costing us real money which thank goodness our alumni and these other organizations are paying,” said Clark. “We can put that money to such better use.”

As of today, both lawsuits continues. In January 2017, the *Kernel's* case went before a circuit court judge who ruled in favor of the University, saying that redacting student information would not be sufficient in protecting the identities — all of whom were victims of one professor.

The newspaper appealed the decision. After both sides prepared and turned in their materials to the appellate courts, they would not hear about presenting their oral arguments until over a year and a half later, in August 2018. In September, both parties appeared before the court. One of the three judges on the court termed out before a decision could be reached. The court has yet to decide if it will hear it again with a new collection of justices or if it will make a decision based on the documentation.

The *Herald's* lawsuit finally went before the court in April 2018, more than a year after the lawsuit was filed. Both sides made their cases. A lawyer representing the school made the case that the Attorney General, since he had already sided with the records going to the *Herald*, could be trusted with reviewing the documents. Mike Abate, the lawyer for the Herald, said that once properly redacted, the records would no longer be classified as educational records under FERPA. He argued that people have the right to know the names of professors and the offenses that had been committed.

“The school is strenuously arguing that it is withholding the documents because of FERPA but it doesn’t apply to faculty disciplinary records and you can disclose deidentified student records” said Abate in an interview.

A decision in the case was expected after 30 days but it is over a year later and there has still been no update. WKU wants there to be a decision on the University of Kentucky case first, to set precedent. The school has spent upwards of \$26,000 on their lawyers for this case, according the documents obtained by the Herald.

There is a clear difference, however, between the two cases that make their decisions independent of each other: *The Kernel* requested documents from their university regarding one professor who had a small pool of students in his department. The Herald requested many

documents from a time period of five years. Still, both newspapers have policies that they do not print the names of victims of sexual assault or misconduct unless they give explicit consent. The case of these schools made waves in Kentucky and are also symptomatic of the cultural climate on campus.

The Herald has seen three editors-in-chief lead the paper since the lawsuit was filed. Nicole Ares graduated, went to graduate school and works in Louisville at a strategic communications firm. The school has switched presidents from Gary Ransdell, who enforced the lawsuit, to Tim Caboni, who maintains the case, still enforcing the narrative that it is about “protecting student identities.”

“He got extremely visibly, physically mad, even slamming his hand on the table one time,” said Heichelbech of a meeting with Caboni where he asked why the case continued. “It's just kind of a childish thing in my opinion, for these grown thrown adults and professionals to act like this. It's all about exposing the public employees of the state has done these things and they still refused to cooperate there.”

But more controversy continues to plague the school. Just this school year alone, the Herald has reported on the former student body president who is suing the school for damages as a result of harassment from her cabinet members. There were mold infestations in six dorms on campus resulting in one dorm evicting all the students living there. The budget at this school is extremely tight. At the end of March, the provost made the beloved dean of the college of arts and sciences resign. He was a staunch defender of the liberal arts in the face of the provost's audit of all majors and minors on campus — deciding what can stay and what can go, for budgetary reasons. Students were outraged and protested, ending in the provost's resignation herself.

But the General Counsel Deborah Wilkins, the very one who denied the records request, this year received an office renovation worth more than \$47,000. But the school took half of the more than \$100,000 in reserve funds from the newspaper to make up for its deficit. And the relationship between the paper and the school has deteriorated further.

“Anytime we send an open records request in, they try and redact everything possible,” said Heichelbech. Last year, the Bashear had to step in when the school sent a fully redacted document regarding the amount the administration had spent on the lawsuit.

While these two papers at these two state universities uncover truths while risking relationships, lawsuits and funding, it is the commitment to holding those in power accountable that motivates their coverage. While it appears there is no end in sight for either case, these students who are transient pieces in the histories of their publications are learning and leaving their mark, taking this experience out into the world where there is so much more truth to find.

“It just makes you really want to do the type of work that's going to matter to people on campus and in the community,” said Heichelbech. “Eventually we usually get what we need and if we don't, we're in a lawsuit like we are now, but it hasn't changed the type of stories that we've gone for,”

The University of North Alabama / *The Flor-Ala*

Harley Duncan just happened to be in his Florence, Alabama newsroom to receive a tip on July 25: the Vice President of Student Affairs would not be returning to campus. And another professor was not allowed on school grounds. He called the University of North Alabama's communications office for information. They told Duncan he would learn more on August 8, 2 weeks later. Duncan described his interaction with his college's public relations arm as "weird." So he filed a request for public documents that was subsequently denied.

What has transpired since the phone call shows a dark turn in the relationship between a campus newspaper and the school's administration. UNA is currently deep in the a battle with its administration for the truth, while its administrators use tactics to covertly restrict the first amendment rights of its students reporters.

In January, the Newseum, Student Press Law Center and the Freedom Forum Institute declared 2019 "The Year of the Student Journalist." Through proposals in state legislatures and a broadened publicity about obstacles faced by student media, the groups that support this movement hope to push forward in the fight for a free press at any level. These organizations promote an educated public on the struggles that student reporters face when trying to hold their institution's accountable and tell the truth.

The University of North Alabama is the oldest public university in the state. Its campus sits 20 minutes south of the Tennessee border and has a student body of 7,600. While the city has its own paper, The TimesDaily, it was the Flor-Ala on the school's campus that has fared well in the storm that has broken down media outlets nationwide. The publication turned a profit through advertising revenue under its current adviser, Scott Morris.

After the initial conversation with the school left much to desired for Duncan and his request for records on both of the individuals in question was denied, he published an article about the status of this information. On Sept. 6, Duncan recounted that the school's communications department moved the meeting with the publication up to July 31. In it, they said the Vice President had resigned and that when the paper had inquired, his official letter had not been filed yet — but the paper later obtained the letter from the school's human resources department and it was dated July 17. The article delineated Alabama law and how the university's lack of transparency undermines previous decisions by the state's former Attorney General, Jeff Sessions.

There had been a meeting in the works since early August, organized by the Butler Cain, chair of the Department of Communications, between the Flor-Ala and the school's provost to “come together, agree on terms to have a relationship for the rest of the year between the administration and the student newspaper,” said Duncan, who was managing editor at the time.

When the meeting finally happened, the discussion shifted overtly toward the article.

“I don't know if Butler Cain knew or not but in that meeting, Provost Alexander brought out the newspaper in front of him and he wanted to address some things in it,” said Duncan. “He said there were a lot of inaccuracies in the article.”

As a protection to his journalists, Scott Morris asked the provost to identify where exactly the inaccuracies were so the students could cross-reference their notes, Duncan said. But the provost construed the statement as an accusatory or daring one. Two weeks after that meeting, on Sept. 26, the provost told Morris that this would be his last year as the student media adviser. He was no longer qualified for the position, which based on a new change, would be a tenure-

tracked professorship that required a PhD. Morris, who had 30 years of newsroom experience, did not have a doctorate.

While the school has claimed in all of its articles that this decision has been in the works for a long time, the timing of the decision appeared to outsiders that it was a move toward inducing fear and compliance in the media organization to portray the school in a positive light. The decision shocked the newsroom and Duncan, now editor in chief, said he now faced the challenge of objectively reporting on a conflict that involves the party that reports on it.

“After we got over the initial shock, we just wanted to figure out how to cover it,” Duncan said. “And being budding journalists who are learning in the classroom, who are trying to apply that in a real world setting at the same time, this has been a big learning experience for everybody.”

The conflict between reporter and administration happens around the country. What makes the Alabama case different is that a publicly run school is protected by the first amendment, thus it is illegal for the school to conceal its records. Luckily, there are organizations that make it their mission to protect these rights.

The Student Press Law Center was founded in 1974 to offer legal counsel and representation to student journalists who fall prey to heavy-handed higher ups. According to its website, the organization works “to promote, support and defend the rights of student journalists and their advisers at the high school and college levels.” The Society for Professional Journalists, the Foundation for Individual Rights in Education or FIRE and #SaveStudentNewsrooms all provided counsel and guidance to the Flor-Ala staff and Morris himself. The adviser at Oklahoma City University, Kenna Griffin, immediately reached out to the school to offer her advising services on stories about Scott Morris.

“She did that on a volunteer basis and it’s more difficult because she’s out of state however it’s not that hard to be able to contact someone who’s willing to help you over the phone or text,” Duncan said. “We’ve been grateful for that.”

The biggest defense came from the College Media Association, which is comprised of over 600 college media advisers. The organization, led by Chris Evans, provides resources to advisers, mediates these sorts of situations between administrator and paper and ensures schools know the importance of a free press. The CMA launched an investigation into the Alabama case and on Nov. 27, decided to place its hardest line to prioritize change: a censure. This means the school has been deemed a “hostile toward the first amendment” and it will not be removed until the organization deems that relationships have been remedied between school and press.

The investigation provoked the school to release email threads about the position held by Morris to back up claims that this change was a long time coming. The emails showed barely any mention of these plans. In 2015, the dean of The College of Arts and Sciences asked for the formal job description for media adviser to “tighten it up or expand if needed.”

In the CMA’s release issuing the censure, quotes Evans: “any discussion about changing basic job requirements for such an important position would have produced a significant paper trail, but university administrators could not provide a single such document, despite their stated efforts to do so.”

As of now, the paper still has not seen any documents — no records on why the former Vice President of Student Affairs might have suddenly resigned and no reports from the Title IX investigation on the professor who was given a no trespass order have been released.

While Duncan says he knows the school must release the documents, he also attributes some of the hold up to Alabama open records laws.

“They’re not good, they leave a lot of ambiguous gaps in between learning, just between the law and the attorney generals opinions, there’s just not enough consistency there for people to keep higher institutions or any institutions as accountable as they should be,” he said.

As of now, the Flor-Ala has an uncertain future with its adviser and relationship with the university. But it has already been a change agent and unifying force for the staff.

“It’s all kind of been reaffirmed to us how important journalism is,” Duncan said. “You have to keep these powerful institutions accountable for their actions and I think that for me, I’ve been learning that more and more.”

So while instances in the media profession take airwaves, lately with contention between the executive branch of the United States and the media, and present questions about the state of democracy, we have always been able to look toward college campuses — where the students who are tasked with gathering stories and holding those in charge accountable are punished for it. We haven’t.

Still in state capitols, there is larger movement to write down further protections of student press into law. New Voices legislation has been making its way through congress. The legislation is an act with three distinct qualities: to protect student speech at the high school level and at public universities — undoing decisions in U.S. Supreme Court cases that have made censoring student presses all too easy — and extending rights present on public university campuses to private ones.

Some states like California passed the California Student Free Expression Law in 1977, which mainly focuses on protecting students in public and charter high schools, making it the oldest active protection measure at the state level. The campaign for New Voices is modeled off of the John Wall New Voices Act that passed in 2015. It protects the students ability to exercise

their first amendment rights and adds that “a student media adviser may not be dismissed, suspended, or disciplined for acting to protect a student journalist engaged in a protected activity or for refusing to infringe on a protected activity,” according to the law. On Jan. 30 of this year, Student Press Freedom Day, New York State Senator Brian Kavanagh introduced the New Voices Act into his congress. The law, which is currently in committee, will “extend and protect freedom of speech and the press in school-sponsored newspapers by allowing for more autonomy of student journalists over the content of their publications.”

Alabama has no such law.

“I would like to see the University give us those records and then I guess just, I’d like to see my university become more transparent, and I don’t know what that’s going to take,” Duncan said.

Works Cited

- Abernathy, Penelope. "The Rise of a New Media Baron and the Emerging Threat of News Deserts." 2016, http://newspaperownership.com/wp-content/uploads/2016/09/07.UNC_RiseOfNewMediaBaron_SinglePage_01Sep2016-REDUCED.pdf
- Alanis, Kaitlyn. "WSU President Approves Cut to Student Newspaper, but Offers Other University Funding." *Kansas*, The Wichita Eagle, 4 Apr. 2018, www.kansas.com/news/local/education/article207901704.html.
- Alvey, Rebekah. "Judge Directs WKU to Produce Sexual Misconduct Records for Court's Review." *College Heights Herald*, 5 Jan. 2018, wkuherald.com/news/judge-directs-wku-to-produce-sexual-misconduct-records-for-court/article_f5132072-39a6-11e7-9d7d-cf0609e3abde.html.
- Ares, Nicole. "Records Shed Light on Sexual Misconduct at Kentucky Universities." *College Heights Herald*, 3 May 2017, wkuherald.com/click_for_special_section/records-shed-light-on-sexual-misconduct-at-kentucky-universities/article_73fcc88c-3062-11e7-963a-db89d994e7bb.html.
- Austin, Emma. "Attorney General Files Motion to Intervene in WKU, Herald Lawsuit." *College Heights Herald*, 23 Mar. 2017, wkuherald.com/news/attorney-general-files-motion-to-intervene-in-wku-herald-lawsuit/article_ca0a7442-1017-11e7-bda9-6774a1083b96.html.

Blatchford, Taylor. "As Local Newsrooms Shrink, College Journalists Fill in the Gaps." *Poynter*, 16 July 2018, www.poynter.org/tech-tools/2018/as-local-newsrooms-shrink-college-journalists-fill-in-the-gaps/.

Bucay, Yemile, et al. "America's Growing News Deserts." *Columbia Journalism Review*, 2015, www.cjr.org/local_news/american-news-deserts-donuts-local.php.

Childress, Rick. "Decision in Kernel, UK Case to Be Delayed; Court Will Reconsider Case." *The Kentucky Kernel*, 10 Dec. 2018, www.kykernel.com/news/decision-in-kernel-uk-case-to-be-delayed-court-will/article_84ae59fe-fc88-11e8-b635-0f07d0698121.html.

College Media Association. "Censured Schools." *College Media Association*, 2018, www.collegemedia.org/cma_advocacy/censured_schools/.

Dawson, Cory. "In the Midst of a Student Body Presidential Campaign, Police Are Investigating Trashed Student Newspapers." *Student Press Law Center*, 12 Apr. 2019, splc.org/2019/04/in-the-midst-of-a-student-body-presidential-campaign-police-are-investigating-trashed-student-newspapers/.

Dawson, Cory. "Police Are Investigating Stolen Student Newspapers in South Carolina." *Student Press Law Center*, 1 Mar. 2019, splc.org/2019/03/police-are-investigating-stolen-student-newspapers-in-south-carolina/.

DeLetter, Emily. "Lawyer: Ruling Supports Right to Access Records in Suit against Herald." *College Heights Herald*, 5 Nov. 2018, wkuherald.com/news/lawyer-ruling-supports-right-to-access-records-in-suit-against/article_0b8d5054-e156-11e8-b6d0-e38444998909.html.

DeLetter, Emily. "Lawyers for Herald, WKU to Appear in Court for Oral Arguments." *College Heights Herald*, 2 Apr. 2018, wkuherald.com/news/lawyers-for-herald-wku-to-appear-in-court-for-oral/article_26f16b5e-36d5-11e8-8570-33d581948fd3.html.

Dick, Jacob. "WKU Sues Herald over Access to Records." *College Heights Herald*, 27 Feb. 2017, wkuherald.com/news/wku-sues-herald-over-access-to-records/article_8930da64-0907-5d88-a338-6ae96200b510.html.

Dudley, Madison. "450 Issues of The OU Daily Stolen — Writer Thinks It's Attempted Censorship of Front Page Sexual Harassment Story." *Student Press Law Center*, 20 Sept. 2018, splc.org/2018/09/450-issues-of-the-ou-daily-stolen-writer-thinks-its-attempted-censorship-of-front-page-sexual-harassment-story/.

Duncan, Harley. "Additional Emails Concerning the Change in Student Media Emerge." *Floral*, 20 Dec. 2018, www.floral.net/news/additional-emails-concerning-the-change-in-student-media-emerge/pdf_4399857c-04b9-11e9-96f8-af2d7ab4a158.html.

Duncan, Harley. "Recap: Kitts Addresses Censure, Organizations, Department Respond to Statement, New Emails Emerge." *Flor-Ala*, 10 Jan. 2019, www.floralane.net/news/recap-kitts-addresses-censure-organizations-department-respond-to-statement-new/article_7f6f9732-1538-11e9-b025-5fe71942b6d3.html.

Duncan, Harley. "Federal Judge Denies Motion to Dismiss Former Student's Complaint against University Actions." *Flor-Ala*, 1 Apr. 2019, www.floralane.net/news/federal-judge-denies-motion-to-dismiss-former-student-s-complaint/article_91ca7776-54a3-11e9-af14-b79a7453cd1f.html.

Duncan, Harley. "Finance Professor Placed on Leave, under Administrative Review." *Flor-Ala*, 7 Jan. 2019, www.floralane.net/news/finance-professor-placed-on-leave-under-administrative-review/article_535089e0-12d1-11e9-8dd5-531ae547936b.html.

Duncan, Harley. "King Recommended for Termination." *Flor-Ala*, 23 Feb. 2019, www.floralane.net/news/king-recommended-for-termination/article_770c9f14-36e8-11e9-be0c-1f676d248972.html.

Emanuel, Daniella. "Student-Run Publications Band Together for #SaveStudentNewsrooms Campaign." *CNNMoney*, 24 Apr. 2018, money.cnn.com/2018/04/24/media/save-student-publications-campaign/index.html.

Garza, Lisa. "College Newspapers Fight for Rights, against Censorship." *USA TODAY*, college.usatoday.com, 21 Aug. 2012, www.usatoday.com/story/college/2012/08/21/college-newspapers-fight-for-rights-against-censorship/37396779/.

Greschler, Gabriel. "Wichita State University President John Bardo Approves Major Cuts to Student Paper, The Sunflower." *Student Press Law Center*, 2 Mar. 2018, splc.org/2018/03/sunflower-proposed-funding-cuts/.

Hagey, K., Alpert, L., & Serkez, Y. (2019, May 4). In News Industry, a Stark Divide Between Haves and Have-Nots. Retrieved from Wall Street Journal website: <https://www.wsj.com/graphics/local-newspapers-stark-divide/?mod=searchresults&page=1&pos=10>

Hapney, Terry, and Charles Russo. *Student Newspaper Funding Issues on Public University Campuses in Ohio: Higher Education Administrators vs. Student Journalists Student Newspapers at Public Colleges and Universities: Lessons from the United States*. 2016.

Henderson, Andrew. "Fighting Fiction: The Herald Will Continue to Pursue Records, Transparency." *College Heights Herald*, 19 Apr. 2017, wkuherald.com/opinion/fighting-fiction-the-herald-will-continue-to-pursue-records-transparency/article_ff656f4e-c3d1-5dd8-8307-18c72a7435e1.html.

Henderson, Andrew. "From the Editor: WKU Proves Dedication in Harming the Herald." *College Heights Herald*, 21 Nov. 2017, wkuherald.com/opinion/from-the-editor-wku-proves-dedication-in-harming-the-herald/article_4a5c5d58-cee1-11e7-94e4-6b0a4ad26344.html.

Henderson, Andrew. "SGA President Details Harassment Experience." *College Heights Herald*, 24 Apr. 2018, wkuherald.com/news/sga-president-details-harassment-experience/article_4478d070-4758-11e8-97d2-53a5ee18a5fb.html.

Henderson, Andrew. "State Press Association Awards Herald Grant for Ongoing Lawsuit." *College Heights Herald*, 30 Jan. 2018, wkuherald.com/news/state-press-association-awards-herald-grant-for-ongoing-lawsuit/article_9a0d0fea-0547-11e8-9a95-57fb6ed88ce6.html.

Herald Editorial Staff. "Editorial: WKU Isn't Dropping Herald Lawsuit Any Time Soon." *College Heights Herald*, 27 Aug. 2018, wkuherald.com/opinion/editorial-wku-isn-t-dropping-herald-lawsuit-any-time-soon/article_4d272908-aa4d-11e8-a42a-63d13d2dd2f6.html.

Jesse, David. "Northern's Student Newspaper Adviser Ousted." *Detroit Free Press*, Michigan, 7 Apr. 2015, www.freep.com/story/news/local/michigan/2015/04/07/northern-paper-reed/25438113/.

Kast, Monica. "Funding for a Virginia University's Paper Fully Restored after Being Cut to \$100." *Student Press Law Center*, 16 May 2018, splc.org/2018/05/umw-budget-slash/.

Kast, Monica. "WKU Submits Sexual Misconduct Documents to Court." *College Heights Herald*, 5 Jan. 2018, wkuherald.com/news/wku-submits-sexual-misconduct-documents-to-court/article_1a61b192-81f3-11e7-9c39-7fca4a3e380a.html.

Kirk, Marjorie. "Kernel Obtains Withheld Records; Victims Say UK Trying to Protect Professor in Sexual Assault Case." *The Kentucky Kernel*, 13 Aug. 2016, www.kykernel.com/news/kernel-obtains-withheld-records-victims-say-uk-trying-to-protect/article_1434f31e-6175-11e6-8148-2f5a5ecb7147.html.

Kirk, Marjorie. "Professor Investigated for Research Misconduct." *The Kentucky Kernel*, 22 Aug. 2016, www.kykernel.com/news/professor-investigated-for-research-misconduct/article_3743abf0-9570-11e6-a404-7385c1c4d63e.html.

Kirk, Marjorie. "UK Follows through on Promise of Suit against Kernel." *The Kentucky Kernel*, 1 Sept. 2016, www.kykernel.com/news/uk-follows-through-on-promise-of-suit-against-kernel/article_c5ae37a6-7078-11e6-8a93-8fec0ff5975.html.

Kirk, Marjorie and Wright, Will. "UK Will Continue with Appeal despite Victims' Wishes." *The Kentucky Kernel*, 13 Aug. 2016, www.kykernel.com/news/uk-will-continue-with-appeal-despite-victims-wishes/article_4fa71bd2-61b3-11e6-acd8-57e4f514f1ec.html.

Kirk, Marjorie and Wright, Will. "University to Sue Kentucky Kernel in Effort to Appeal Attorney General's Decision." *The Kentucky Kernel*, 8 Aug. 2016, www.kykernel.com/news/university-to-sue-kentucky-kernel-in-effort-to-appeal-attorney/article_3f74eda4-5dce-11e6-bc8e-738f4ff2b58f.html.

Kirk, Marjorie. "Women in Harwood Sexual Misconduct Investigation Join Suit with UK." *The Kentucky Kernel*, 20 Nov. 2016, www.kykernel.com/news/women-in-harwood-sexual-misconduct-investigation-join-suit-with-uk/article_3718a3ba-afa6-11e6-afe9-af82fe05ca55.html.

Knight Foundation. "Free Expression on Campus: What College Students Think about First Amendment Issues - Knight Foundation." *Knight Foundation*, 12 Mar. 2018, www.knightfoundation.org/reports/free-expression-on-campus-what-college-students-think-about-first-amendment-issues.

Koros, Elaina. "Student Editors at Fairmont State Resign in Protest of Administrators' Plans to Make Coverage More 'Positive.'" *Student Press Law Center*, 26 Jan. 2015, splc.org/2015/01/journalism-program-among-cuts-at-delta-state-u/.

- Lardieri, Alexa. "Study: College Students' Confidence in 1st Amendment Security Decreases." *US News & World Report*, U.S. News & World Report, 12 Mar. 2018, www.usnews.com/news/politics/articles/2018-03-12/study-college-students-confidence-in-1st-amendment-security-decreases.
- LeBoeuf, Trisha. "A Culture of Intimidation and Mistrust with Student Media at Fairmont State." *Student Press Law Center*, 4 Jan. 2016, splc.org/2016/01/a-culture-of-intimidation-and-mistrust/.
- LoMonte, Frank. "Beyond the Hashtag: Saving Student Newsrooms." *Medium*, Medium, 25 Apr. 2018, medium.com/@FrankLoMonte/beyond-the-hashtag-saving-student-newsrooms-ad5060d34bf8.
- Miller, Cheyene. "Continued Pay, Benefits for UK Professor Who Resigns amid Allegations of Sexual Harassment." *The Kentucky Kernel*, 6 Apr. 2016, www.kykernel.com/news/continued-pay-benefits-for-uk-professor-who-resigns-amid-allegations/article_9bd5bd8c-fc1a-11e5-8dfd-2bb46d5dfe7c.html.
- Mudd, Aaron. "WKU Details Second Round of Budget Cuts." *Bowling Green Daily News*, 3 May 2018, www.bgdailynews.com/news/wku-details-second-round-of-budget-cuts/article_97712366-ddc1-5d01-b229-df40770852c9.html.

“New Voices State Tracker.” *New Voices U.S.*, 2018, newvoicesus.com/569/state-campaigns/new-voices-state-tracker/.

“Newspaper Theft Checklist.” *Student Press Law Center*, 11 Oct. 2017, splc.org/newspaper-theft-checklist/.

Peiser, Jaclyn. “Hard News. Angry Administration. Teenage Journalists Know What It’s Like.” *The New York Times*, 1 July 2018, www.nytimes.com/2018/07/01/business/media/student-journalism-school-newspaper.html?rref=collection%2Fsectioncollection%2Fbusiness-media&action=click&contentCollection=media®ion=stream&module=stream_unit&version=latest&contentPlacement=3&pgtype=sectionfront.

Preston, Jennifer. “Student Newspapers Scurry to Make Ends Meet.” *The New York Times*, 31 Oct. 2013, www.nytimes.com/2013/11/03/education/edlife/student-newspapers-scurry-to-make-ends-meet.html.

Ransdell, Gary. “University Correct in Not Disclosing Title IX Investigation Records.” *College Heights Herald*, 19 Apr. 2017, wkuherald.com/opinion/university-correct-in-not-disclosing-title-ix-investigation-records/article_b6a5c5ae-d703-5577-82fc-fc318f55e693.html.

“Save Student Newsrooms: The Fight for Editorial Independence.” *College Heights Herald*, 16 Apr. 2018, wkuherald.com/opinion/save-student-newsrooms-the-fight-for-editorial-independence/article_5879e13e-41c4-11e8-86d2-ebb5e4aed75f.html.

Smith, Matt. “Kentucky Kernel Appeals UK’s Decision to Deny Open Records Request.” *The Kentucky Kernel*, 21 Apr. 2016, www.kykernel.com/news/kentucky-kernel-appeals-uk-s-decision-to-deny-open-records/article_7bdefe76-0778-11e6-874e-c788691fe710.html.

Staff, News. “UK Violated Open Records Law by Keeping Documents from Kernel, Attorney General Rules.” *The Kentucky Kernel*, 8 Aug. 2016, www.kykernel.com/news/uk-violated-open-records-law-by-keeping-documents-from-kernel/article_e0d738e0-5d7f-11e6-a82f-5fe3ca66ae5d.html.

Stahl, Matt. “Judge to Consider Letting AG Review Records in WKU Lawsuit against Herald.” *College Heights Herald*, 6 Apr. 2018, wkuherald.com/news/judge-to-consider-letting-ag-review-records-in-wku-lawsuit/article_535d4b8a-39e2-11e8-98bb-832b49800e70.html.

Stites, Tom. “New Data Tracks How Fast News Deserts Are Spreading.” *Poynter*, 1 June 2018, www.poynter.org/reporting-editing/2018/new-data-tracks-how-fast-news-deserts-are-spreading/.

Svrluga, Susan. "Trump Signs Executive Order on Free Speech on College Campuses." *The Washington Post*, 21 Mar. 2019, www.washingtonpost.com/education/2019/03/21/trump-expected-sign-executive-order-free-speech/?utm_term=.0150fdbb55dd.

"The Legislation – New Voices U.S." *Newvoicesus.Com*, 2015, newvoicesus.com/the-legislation/.

"Threats to the Independence of Student Media | AAUP." *Aaup.org*, 2016, www.aaup.org/report/threats-independence-student-media.

Vandiver, Bailey. "The Battle Continues." *The Kentucky Kernel*, 21 Aug. 2018, www.kykernel.com/news/the-battle-continues/article_cfad592c-a56d-11e8-8dd8-071086fc9db5.html.

Will, Madeline. "Student Editors at Fairmont State Resign in Protest of Administrators' Plans to Make Coverage More 'Positive.'" *Student Press Law Center*, 2 Sept. 2018, splc.org/2015/09/student-editors-at-fairmont-state-resign/.

Ziege, Nicole. "Attorney: AG's Decision in Kentucky Kernel Case Supports Herald in Lawsuit." *College Heights Herald*, 7 Dec. 2018, wkuherald.com/news/attorney-ag-s-decision-in-kentucky-kernel-case-supports-herald/article_9871c4fe-fa43-11e8-9bbb-ef59165b6048.html.

Ziege, Nicole. "Former SGA President Files Lawsuit against WKU for Alleged Harassment." *College Heights Herald*, 4 Sept. 2018, wkuherald.com/news/campus_government/former-sga-president-files-lawsuit-against-wku-for-alleged-harassment/article_794bbc06-b060-11e8-92ad-bb5a6b69434a.html.

Ziege, Nicole. "University Senate Discusses WKU's Budget, Expected Enrollment Decline." *College Heights Herald*, 21 Feb. 2019, wkuherald.com/news/university-senate-discusses-wku-s-budget-expected-enrollment-decline/article_85ebfdda-3635-11e9-bef6-9749ae27cf46.html.

Ziege, Nicole. "WKU Has Spent More than \$26,000 Suing the Herald, Previously Redacted Records Reveal." *College Heights Herald*, 29 June 2018, wkuherald.com/news/wku-has-spent-more-than-suing-the-herald-previously-redacted/article_1276eaf6-7bcb-11e8-8b59-e7a2675ef02e.html.