

WRITTEN TESTIMONY of GREG LUKIANOFF
President and Chief Executive Officer,
Foundation for Individual Rights in Education

Before the

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON THE CONSTITUTION AND CIVIL JUSTICE**

April 4, 2017 Hearing on
First Amendment Protections on Public College and University Campuses

- 1 Subject to subsection 3, a student journalist is responsible for determining the news,
2 opinion, feature, and advertising content of school-sponsored media. This subsection
3 may not be construed to prevent a student media adviser from teaching professional
4 standards of English and journalism to student journalists.
- 5 3. This section does not authorize or protect expression by a student that:
- 6 a. Is libelous or slanderous;
- 7 b. Constitutes an unwarranted invasion of privacy;
- 8 c. Violates federal or state law; or
- 9 d. So incites students as to create a clear and present danger of the commission of
10 an unlawful act, the violation of school district policy, or the material and
11 substantial disruption of the orderly operation of the school.
- 12 4. A student enrolled in a public school or the student's parent or guardian may
13 commence a civil action to obtain damages under this section and appropriate
14 injunctive or declaratory relief as determined by a court for a violation of subsection 2,
15 the first amendment to the United States Constitution, or section 4 of article I of the
16 Constitution of North Dakota.
- 17 5. Each school district shall adopt a written student freedom of expression policy in
18 accordance with this section. The policy must include reasonable provisions for the
19 time, place, and manner of student expression.