

BOARD OF REGENTS
BRIEFING PAPER

1. Agenda Item Title: Proposed Amendment to Title 4, Chapter 19, Section 1 of the BOR Handbook (Statements of Policy for Student Publications)

Meeting Date: August 24, 2012

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

In 1993, the Consolidated Students of the University of Nevada, Las Vegas (“CSUN”) Senate proposed a resolution, no. 23-02, to place control of the Rebel Yell Newspaper with an independent board of directors: the “Rebel Yell Advisory Board.” The purpose of the resolution was to “maintain an atmosphere of free and responsible journalism.” The resolution was passed by the CSUN Senate on February 13, 1995 in Senate Meeting 25-09.

In keeping with CSUN Senate Resolution 23-02, the Board of Regents enacted Title 5, Chapter 22 of the Handbook to confirm that authority over the Rebel Yell newspaper was now vested in the Rebel Yell Advisory Board. Title 5, Chapter 22 of the Handbook included Bylaws and an Operating Policy for the Rebel Yell Advisory Board.

On April 2, 2009, the Board passed Agenda Item No. 12, which altered the process for reviewing and approving institutional bylaws, unit bylaws and student government constitutions. Rather than having amendments for such documents approved by the Board of Regents, Agenda Item No. 12 amended Title 2, Chapter 1, Sections 1.3.4 and 1.3.6 to permit the Chancellor to approve amendments upon the recommendation of the President of each institution, following review by counsel. Title 5 was repealed in its entirety and no longer appears in the Handbook.

Since the repeal of Title 5, the only remaining reference to UNLV student publications in the Handbook appears in Title 4, Chapter 19, Section 1. That Chapter was enacted in November 1970 and states, among other things, that: “Editors of all publications are appointed by CSUN and serve at the pleasure of CSUN.” *See* Title 4, Chapter 19, Section 1(3).

UNLV President Neal Smatresk requests Title 4, Chapter 19, Section 1(3) be repealed in its entirety so that policies and procedures relating to the University’s publication can be properly implemented at the campus level. Repealing such provision will restore oversight of the UNLV student publication to an independent advisory board and restore that board’s authority to select the publication’s editor-in-chief.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

UNLV President Neal Smatresk requests Title 4, Chapter 19, Section 1(3) be repealed in its entirety so that policies and procedures relating to the University’s publication can be properly implemented at the campus level, as follows:

Section 1. University of Nevada, Las Vegas – Statement of Policy for Student Publications

1. Consolidated Students of the University of Nevada, Las Vegas is the legally constituted student authority on the University of Nevada, Las Vegas campus.
2. Funds for student publications are supplied for the Consolidated Students of the University of Nevada (CSUN).

~~3. Editors of all publications are appointed by CSUN and serve at the pleasure of CSUN~~

Noting these basic considerations, we therefore pledge that all publications will uphold the highest standards of journalistic excellence and ethics; editors will be instructed to avoid statements that are libelous or slanderous. In addition, as there is no need to use obscenity in order to express a viewpoint, obscenity will be avoided.

In general, publications will be published using standards of good taste.

While not censoring any publications, the officers of CSUN will endeavor to see that all publications adhere to the above statement.

(B/R 11/70)

4. IMPETUS (WHY NOW?):

The publication's advisory board was unaware of the change in the Handbook and has continued to operate under the 1993 CSUN resolution and subsequent bylaws and operating policies approved (then repealed) by the Board. Title 4, Chapter 19, Section 1(3) of the Handbook eliminates the advisory board's authority.

5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- In keeping with the First Amendment of the United States Constitution that protects the freedom of the press from government, it is important for the student newspaper at UNLV to be free from the jurisdiction of the CSUN government.
- This action restores the autonomy of the Rebel Yell newspaper that was requested by the CSUN Senate in 1993 and then enacted by the Board of Regents "to maintain an atmosphere of free and responsible journalism."
- This action restores the advisory board structure under which the parties have been operating and provides the Rebel Yell student newspaper professional journalistic guidance without the threat of censorship.

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

The Rebel Yell student newspaper receives a portion of its funding from the student fee revenue allocated to student government on an annual basis so that government should have direct control over its operation.

7. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

Maintain the current Handbook provision, which allows the student newspaper to remain under the control of the CSUN Senate.

8. COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # ____ Chapter # ____ Section # ____
- Amends Current Board Policy: Title #_4_ Chapter #_19_ Section #_1 (3)_
- Amends Current Procedures & Guidelines Manual: Chapter # ____ Section # ____
- Other: _____
- Fiscal Impact: Yes ____ No_x_

Explain: Members of the Rebel Yell Advisory Board serve without compensation so there would be no cost to restoring their oversight of the student newspaper.

POLICY PROPOSAL - HANDBOOK
TITLE /, CHAPTER /, SECTIONS /
[Insert Section Title here]

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

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