5.1 General Provisions

5.1.1 Editorial Freedom and Responsibility

The University, as the publisher, must ultimately bear the responsibility for the contents of all official student publications. (For a definition of current student publications, see Section 5.2.1.) This responsibility lies with the Board of Regents of The University of Texas System, the Chief Administrative Officer of the U. T. System, and the President of The University of Texas at El Paso. To insure free, responsible expression, the University delegates publishing responsibilities and authority to a democratically selected Student Publications Committee composed of faculty and students (referred to in the Bylaws of Faculty Government as the Committee on Student Publications.) The Committee in turn delegates to student editors and staff members sufficient autonomy for student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

5.1.2 Definitions

In addition to definitions provided in Section II, Chapter 1.2 of this Handbook, unless the context requires a different meaning:

a. "Committee" means the Student Publications Committee;

b. “Director” means Director of Student Publications;

c. “Editorial Advisor” means Editorial Advisor/Publications Advisor of Publications;

d. "libel" means any defamation expressed in printing or writing, or by signs, pictures or drawings tending to blacken the memory of the dead, or tending to injure the reputation of one who is alive, and thereby expose him/her to public hatred, contempt or ridicule, or financial injury, or virtue, or reputation of anyone, or to publish the natural defects of anyone and thereby expose such a person to public hatred, ridicule, or financial injury (Article 5430, Texas Revised Civil Statutes Annotated [1958]); (Under Texas Civil Practice and Remedies Code, Chapter 73, Section 73.001, libel is defined as a defamation expressed in written or other graphic form that tends to blacken the
memory of the dead or that tends to injure a living person's reputation and thereby expose the person to public hatred, contempt or ridicule, or financial injury or to impeach any person's honesty, integrity, virtue, or reputation or to publish the natural defects of anyone and thereby expose the person to public hatred, ridicule, or financial injury.)

e. "obscene material" means material, the dominant theme of which, taken as a whole, appeals to prurient interest in sex. The material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value (Ginzburg v. U.S. 383 U.S. 463 [1966]);

f. "student staff member" means any student working on any student publication as defined in 5.2 "Student Publications";

g. "student press" means the student editors and their staff, the Director of Student Publications, the Editorial Advisor to the publications, and the Student Publications Committee;

h. "student publications" means those publications officially recognized by the Student Publications Committee, those currently being the student newspaper, The Prospector, and the student literary magazine, Rio Grande Review, which are wholly or partially funded from student services fees;

5.2 Student Publications

All publications published primarily for students by students and funded wholly or in part from student services fees must be officially recognized by the Student Publications Committee.

5.2.1 Currently Recognized Publications

a. The student newspaper, The Prospector, publishes news and comments of interest and importance to the University community, with emphasis upon the news that most directly and immediately concerns students.

b. The student literary magazine, Rio Grande Review provides an outlet for creative writing (short stories, poems, short plays, articles, art, photography, essays, humor).

c. The Spanish-language student newspaper, El Minero publishes news and comments of interest and importance to the University community, with emphasis upon the news and the concerns of Spanish-speaking students.

5.2.2 Procedure for Granting Official Recognition

a. The petitioner must file, with the chair of the Student Publications Committee, a prospectus of the new publication; and
b. The Committee shall approve, disapprove or modify the petition.

5.3 Canons of Journalism and Protection of Editorial Expression

5.3.1 Canons of Journalism

Student editors and staff members are expected to be governed by the Student Publications Committee-approved "Canons of Journalism"; and to avoid libel, the use of obscene material, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. A copy of the Canons of Journalism for The Prospector and El Minero is available for review at the Student Publications Office.

5.3.2 Code of Ethics

Student editors and staff members are expected to be governed by the Code of Ethics of The Society of Professional Journalists, and the American Society of Newspaper Editors. A copy of the Code of Ethics for The Prospector and El Minero is available for review at the Student Publications Office.

5.3.3 Code of Advertising Acceptability

Student editors and staff members are expected to be governed by the Code of Advertising Acceptability for The Prospector and El Minero. A copy of the Code of Advertising Acceptability for The Prospector and El Minero is available for review at the Student Publications Office.

5.3.4 Protection of Editorial Expression

a. The student press shall be free of censorship, and its editors, directors, and editorial advisors shall be free to develop their own editorial policies and news coverage, subject to the policies of the Committee.

b. Censure or removal of student staff members by the Committee shall be only for proper and stated causes. No student staff editor, section editor, or student advertising manager member may be censured or removed by the Committee without proper notice, and opportunity to refute the charges, and a fair and impartial hearing. Removal means removal from all powers, rights, and privileges of a position.

c. All recognized student publications shall explicitly state on the editorial page or other appropriate place that opinions expressed in the publications are not necessarily those of the University or the student body.
5.4 The Student Publications Committee

5.4.1 Composition of the Committee

a. The Student Publication Committee is composed of one (1) faculty member from each undergraduate college, one (1) faculty member from Communications, five (5) students, none of whom may be officers of the Student Government Association, the President of the Faculty Senate or his/her representative, and the following non-voting ex-officio representatives: the Director of Student Publications, the Vice President for Student Affairs or his or her delegate, Editor of The Prospector, and not more than three (3) consultants.

b. The Committee may recommend removal of its members for missing three (3) or more scheduled Committee meetings.

5.4.2 Eligibility of Members

To be eligible for membership on the Committee, a student/faculty member must be in good standing and meet eligibility requirements established by the Student Government Association or Faculty Senate, respectively.

5.4.3 Duties of the Committee

a. The Committee is the policy maker for all student publications, such policies being consistent with freedom of the press under the First and Fourteenth Amendments;

b. The Committee is responsible for the implementation and enforcement of the provisions of this chapter;

c. The Committee is authorized to impose sanctions on all student staff members of Student Publications as set out in 5.8., 5.8.4(c) and 5.8.4(d) below;

d. The Committee may pass bylaws to carry out its duties if such bylaws are consistent with the Regents' Rules and Regulations and this Handbook.

e. The Committee shall approve the appointment and/or removal of student editors and section editors to/from Student Publications on at least a yearly basis;

f. The Committee shall have a close working relationship with, and seek the counsel and advice of the Student Publications Director and the Editorial Advisor;

g. The Committee shall consider grievances involving allegations of libel, obscenity, or violation of these policies;

h. The Committee shall adjudicate disputes pertaining to student publications;
i. The Committee by a majority vote may approve the waiver of the required qualifications for a student staff position when, in the judgment of the Committee, the quality of the student publications would be enhanced by such action; and

j. The Committee will consider petitions and recommendations from the Director of Student Publications.

5.5 Responsibilities of the Student Publications Director

a. The Student Publications Director is appointed by the Dean of Students to execute the department’s fiscal and administrative responsibilities in the day-to-day operations of Student Publications, and to provide advice to student editors in the areas of personnel, fiscal, and operational management;

b. The Student Publications Director is responsible for upholding the policies and procedures established by the Committee in the day-to-day operations of Student Publications, and for recommending changes in those policies and procedures to the Committee;

c. The Student Publications Director submits written or oral reports to the Committee on the status of Student Publications at the Committee’s regular meetings;

d. The Student Publications Director approves or disapproves all expenditures of Student Publication funds, and is responsible for the Student Publications budget;

e. The Student Publications Director develops recommendations for the consideration of the Committee;

f. The Student Publications Director is entitled to see any material before publication, but does not have the right of prior censorship or advance approval of copy;

g. The Student Publications Director may, upon the recommendation of the Editorial Advisor, delay printing of publication, article, advertisement, photograph, or other contents of a publication if there is thought to be a potential violation of these policies. Should the need for a delay in printing arise, the Director of Student Publications must, within a 24-hour period, bring the matter to the attention of the Chairman of the Committee, who must convene the Committee within 48 hours to dispose of the matter;

h. The Student Publications Director may appoint editorial student staff members on an interim basis upon the recommendation of the Editorial Advisor and/or Editor of The Prospector, and shall immediately notify the Committee chair in writing of the action. Notice of vacancies in student staff positions shall be made in The Prospector as soon as vacancies occur;

i. The Student Publications Director may suspend any student staff member and appoint an interim pending a review of the action by the Committee, to be held within 10 working days when the paper is being published;
j. The Student Publications Director supervises the activities of the accountant and clerical staff;

k. The Student Publications Director coordinates the editorial and workstudy student staff and full-time staff (Administrative Secretary, Accounting Clerk III, Advertising Manager) selection process;

l. The Student Publications Director appoints and supervises the activities of the Advertising Manager, who in turn supervises the Student Advertising Manager and advertising staff;

m. The Student Publications Director appoints and supervises the activities of the Editorial Advisor;

n. The Student Publications Director endeavors in all ways to insure the development of leadership skills and management techniques among the staff of Student Publications.

5.6 The Editorial Advisor/Publications Advisor

a. The Editorial Advisor/Publications Advisor is appointed by the Student Publications Director to provide professional guidance, training, and support to the student editors and student staff of student publications.

b. The Editorial Advisor/Publications Advisor will advise and assist the student editors of Student Publications in the establishment of deadlines and the supervision of student staff members.

c. The Editorial Advisor/Publications Advisor, will, in the interest of maintaining the highest standards of journalism, receive and review all copy submitted on a timely basis for publications and then provide the editor with such suggestions as are deemed appropriate.

d. The Editorial Advisor/Publications Advisor will call potential violations of publications policies to the attention of the Director of Student Publications and, if appropriate, to the Chair of the Student Publications Committee for action as prescribed in 5.5.2 (g) above.

5.7 Student Staff Members

5.7.1 Responsibilities of Editors

a. The editors-in-chief of the student publications have final authority over what is published in their respective publications as long as the provisions of this chapter are followed. However, the editorial freedom of student editors involves the obligation to be governed by the "Canons of Journalism" and “Code of Ethics.” These canons detail the responsibility to avoid libel, the use of obscene material, undocumented allegations, attacks on personal integrity, and techniques of harassment and innuendo. The editors-in-chief must acknowledge acceptance of these responsibilities by signing an agreement with the Committee.
b. The editors-in-chief are expected to work in conjunction with the Director of Student Publications and the Editorial Advisor so that they may be able to fulfill their respective obligations as set forth in 5.5 and 5.6 above.

c. The editors-in-chief are expected to insure that copy be available for review by the Editorial Advisor on a timely basis prior to production.

d. The editors-in-chief are selected by the Committee to serve for one academic year unless otherwise stipulated at the time of selection. Subordinate editors and student staff shall perform the duties assigned them by the editor(s)-in-chief and section editors as approved by the Committee.

5.7.2 Duties of Student Staff Members

a. Student Advertising Managers of Student Publications, as a condition of employment, accept the responsibility for procuring a set amount of advertising per year, as determined by the Director of Student Publications and the Advertising Manager.

b. Full job descriptions and required qualifications for student staff members are recorded in the "Student Publications Handbooks."

5.8 Adjudication of Disputes

5.8.1 Jurisdiction of the Committee

The Committee has original jurisdiction in all cases involving allegations of violations of the provisions of this chapter, including instances in which a violation of journalistic ethics or proper accountability is charged. The Committee’s authority extends to all student staff members of Student Publications.

5.8.2 The Petition

A member of the University community who has knowledge of a violation of this chapter may petition the Student Publications Director in writing. If the Student Publications Director does not settle the dispute to the satisfaction of the petitioner, the petitioner may petition the Chair of the Committee, in writing. In such cases, the Chair of the Committee shall act within ten (10) business days from receipt of petition. The Student Publications Director may also initiate a petition directly to the Chair in writing when dereliction of duty or incapacity of anyone on the student staff occurs. The Student Publications Director may take interim action as specified in 5.5(i) above.
5.8.3 Informal Action

Upon receiving a complaint, the Chair of the Committee, at his/her discretion, may attempt an informal settlement in consultation with the petitioner, the accused, and the Student Publications Director. If settlement does not occur within thirty (30) calendar days, or upon request of either party to the dispute, the Committee shall schedule a hearing.

5.8.4 The Hearing

a. No member of the Committee who is a party to the dispute or who has a conflict of interest in a specific case shall sit as a member of the hearing committee. Up to three (3) working days prior to the hearing, either party, in writing, may challenge the impartiality of the person(s) designated to hear the charges, but he/she is not entitled to disqualify the person(s) from serving. The challenge must be in writing, shall include a statement of the allegations upon which the challenge is based, and shall be submitted to the committee through the Student Publications Director. It shall be up to the committee to determine whether the challenged member can serve with fairness and objectivity or should be disqualified. The Chair of the Committee shall conduct the hearing;

b. All decisions as to who shall be admitted to the hearing reside with the Chair of the Committee.

c. The hearing shall be conducted in such a manner as to inform the Committee of all facts necessary for rendering a fair decision. Sanctions that may be imposed by the Committee include only the following:

1. admonition or warning;
2. censure;
3. suspension from a position at Student Publications;
4. direct publication of corrections, retractions, refutations, or apologies;
5. removal or reassignment from a position at Student Publications;
6. recommendation of further disciplinary action; or
7. appropriate and mutually consistent combinations of the sanctions listed above.

d. All student staff members, including editors and student advertising managers, may be sanctioned for:

1. deception of the board;
2. misuse of funds;
3. obvious incompetence or failure to perform assigned duties;

4. failure to comply with written Student Publications Committee policies, Regents' Rules and Regulations, or the provisions of this chapter; or


e. Decisions of the Committee are effective immediately and are final unless successfully appealed in accordance with 5.8.5 below.

f. In any such hearing:

1. the Chair will notify the accused of the charges;

2. if the Chair of the Committee is a party to the dispute or has a conflict of interest or is otherwise disqualified, the Committee, subsequent to all challenges, shall elect a temporary chair;

3. both parties to the dispute shall be permitted advisors of choice. The advisor may be an attorney. An advisor may confer with and advise, but shall not be permitted to question witnesses, introduce evidence, make objections, or present arguments;

4. the complainant has the burden of going forward with the evidence;

5. the complainant has the burden of proving the charges by the greater weight of the credible evidence; legal rules of evidence do not apply;

6. both parties shall be allowed witnesses;

7. a recording of the hearing shall be maintained and made available to both parties under reasonable conditions;

8. members of the Committee may interrupt proceedings to ask questions of any participants, subject to reasonable regulation by the Chair;

9. the accused shall not be required to give testimony against himself or herself;

10. the complaining party shall make the initial opening statement and the final summation statement;
5.8.5 Procedure for Appeals

a. Either party to the dispute may appeal the assessed sanction and/or decision to the Committee no later than ten (10) business days. The appeal must be made to the President of the University in writing, and two (2) copies shall be provided. The President shall render his/her written decision thereon within thirty (30) calendar days;

b. The decision of the President is final.