

First Amendment Advocacy Committee Updated 2-1-2016.

First Amendment Advocacy Committee Policy

I. Committee Description and Purpose

The CMA First Amendment Advocacy Committee is composed of experienced advisers who are respected in their field, whose expertise in the standards and practices of advising espoused by CMA is undisputed, and who serve as articulate spokespersons on behalf of CMA. The Committee exists to provide a mechanism for member advisers to activate when faced with threatened or actual attacks from administrators related to job performance while in compliance with CMA principles.

II. Committee Membership

CMA members with five or more years of active membership in the association are eligible to apply to serve on the committee. Those selected by the Committee chairperson to participate must complete special training in mediation and investigation of alleged violations of adviser and student rights. The Chairperson of the Committee is appointed by the CMA President and approved by the CMA Board of Directors.

III. Meetings

The Committee will operate on an ad hoc basis. Its members will participate on an as-needed basis at the discretion of the chairperson.

IV. Operation

1. Scope of Authority

Any CMA member adviser may request advocacy assistance when he or she is unable to resolve through other reasonable means disputes that result in pressure or negative action from college or university administrators. The cause of action for the dispute must arise from the adviser's job performance in adherence to the principles outlined in the CMA Code of Ethical Behavior. CMA has a compelling interest in preventing the punishment of advisers who advocate the free expression rights of students. Adviser disputes with administrators that arise from job performance, personnel, budgetary, or other institutional actions based on policy or procedural grounds lie outside

the scope of CMA and will not be addressed by the Committee. Actions that would warrant CMA intervention include, but are not limited to, threats of or actual job reprimand, demotion, reassignment, or dismissal as the result of an adviser's unwillingness to abridge students' First Amendment guarantees, for advocating or teaching student press rights, or as retaliation for material disseminated by the student press.

2. Activation of Assistance

To activate assistance, a member adviser can contact the Committee chairperson directly or through submitting a request via the form provided at collegemedia.org. If the chairperson cannot be immediately reached, an adviser may contact either the CMA Executive Director or the CMA President, either of whom will attempt to place the adviser in contact with the chairperson. If the adviser deems the situation emergent and the chairperson is unavailable, the CMA President may serve as the initial contact. The chairperson will make a summary determination concerning whether the adviser's dispute warrants assistance based on details provided during the initial contact. If the adviser's initial request for assistance is denied by the chairperson, the adviser may appeal that decision to the CMA Board of Directors by contacting the CMA Executive Director in writing. Any subsequent decision on the matter by the Board is considered final.

3. Assignment of Principal Investigator

If the chairperson determines the adviser's dispute may benefit from committee assistance, the chairperson shall immediately request the adviser to provide any relevant documentation and evidence describing the situation of concern. Additionally, the chairperson will, as quickly as is possible, assign a Principal Investigator from among the Committee's membership. The assignment will be based upon factors such as a Committee member's geographic proximity to the institution of the aggrieved adviser; the member's availability; the member's familiarity with the institution at issue; and the member's areas of expertise. The chairperson may also serve as the Principal Investigator.

4. Investigation Procedures

The Principal Investigator will contact the aggrieved adviser and review all documentation provided. The Investigator will maintain detailed records of all aspects of the case, including conversations, copies of correspondence, etc. The Investigator may use his or her discretion to gather facts and analyze the case. This may include contacting administrators, students, visiting the campus involved, and

conferring with other Committee members and staff from the Student Press Law Center. If deemed appropriate by the Investigator, at the earliest possible opportunity a formal letter under CMA letterhead from the Investigator should be sent to the appropriate ranking university administrator. This letter should alert the institution that a request for assistance was received, briefly outline the mission and concerns of CMA, and either request information or offer assistance toward resolving the dispute. If cursory efforts by the Investigator result in resolution of the dispute, then a report stating so will be provided to both the Committee chairperson and CMA President. If each agree with the Investigator's conclusions, a formal letter under CMA letterhead from the CMA President will be sent to both the adviser and the institution confirming resolution of the dispute. If the Investigator determines that the dispute both warrants CMA intervention and cannot be immediately resolved, then a report to that effect will be provided to both the Committee chairperson and CMA President. If each agree with the Investigator's conclusions, a formal letter under CMA letterhead from the CMA President will be sent to both the adviser and the institution soliciting additional information, offering mediation or other resolution assistance, and outlining the gravity of the situation with respect to CMA and the potential consequences of a negative outcome.

5. Censure

If the Investigator determines upon the exhaustion of all reasonable attempts to resolve the dispute that the problematic administrative action stands and is in significant conflict with CMA's established standards and practices for advising and the student press, then a report stating so will be provided to both the Committee chairperson and CMA President. If each agree with the Investigator's conclusions, the Committee chairperson will bring to the CMA Board of Directors a proposal to censure the college or university involved. For the purposes of this document, censure is a formal resolution by the CMA national association that officially reprimands and condemns an institution as oppressive of students rights to free expression and hostile toward those professionals it employs to advise the student press. Censure requires CMA Board approval.

6. Consequences of Censure

The president or chancellor of institutions officially censured will receive a formal letter under CMA letterhead from the CMA President declaring the censure along with the reasoning for the action. The CMA President will notify the CMA membership of the censure, and call for members to write letters of concern to administrators, board

members, and other individuals of influence at the censured institution. The CMA President will also notify the student press at the institution; the local commercial press in the institution's city; the state press agencies in the institution's state; the department of higher education or regulating agency in the institution's state; the Chronicle of Higher Education; and other media outlets relevant to higher education.

7. Removal of Censure

CMA institutional censure continues until officially removed by action of the Board of Directors. The request for censure removal must come in writing from either a ranking administrator at the institution or from a CMA adviser at the institution and be directed to the CMA President. The request must either include, or be followed by, documentation supporting a resolution of concerns that led to the censure. Upon receipt of documentation, the CMA President will direct the Committee chairperson to investigate the veracity of resolution claims. The chairperson may elect to conduct this investigation or appoint a Committee member to do so. Upon completion of this follow-up investigation, a report will be submitted to the CMA President with a recommendation either for or against censure removal. The CMA Board will then take action on the recommendation. If Board action removes the censure, then the President will send letters declaring such to the institution's president or chancellor, and to as many agencies and media outlets originally notified of the censure as is reasonably possible.