# Free Speech Scenarios Small Group Activity Handout Instructions:

Reflect on the principles used by the courts to resolve free speech disputes as you discuss the following scenarios in your group.

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| **1. Off‐campus speech** (a scenario described by Justice Breyer in the video) – Thinking it would be a fun thing to do, a group of students get together at someone’s house to write a newspaper about the worst things their teachers said that day and distribute it amongst their friends. The newspaper contains insults and uses crude and offensive language when describing their teachers. Now the school wants to discipline them for it. Can they do it? The school thinks it’s a bad idea to have the students meet in their houses and pass out a newspaper that criticizes all the teachers in very rude, explicitly awful, slangy ways; so they say, “This is part of our discipline.”  Q: How far should the boundaries of authority for a school reach and what criteria should be used to make that decision? |
| **2. Dress code** – A student persisted in wearing sagging pants to school even though he was told it was against the high school’s dress code. After repeated violations, he was given a long‐term suspension. The student argued that his wearing of the sagging pants conveyed the particular message of African American heritage in the hip‐hop fashion and lifestyle.  Q: Was the student’s First Amendment right to free speech denied? |
| **3. Blogger** – Administrators bar a high school student from running in a student election after the student criticizes them in a blog for their handling of a student festival. In the blog, the student calls the administrators names and asks fellow students and parents to complain to the superintendent to make him mad. Inappropriate language was used in the post, which was written and sent from home.  Q: Does the student blogger have a free speech defense? |
| **4. Cyberbullies** – A student wrote derogatory and hateful comments about another student and posted them online for everyone to read. The comments caused significant emotional distress and interfered with the student’s ability to participate fully in school. School officials punished the author, and the parents are suing the family. The school takes the position that it can punish student conduct if it disrupts class work or involves substantial disorder or invasion of the rights of others even if the student is not in class.  Q: When do students’ online comments “cross the line” and become First Amendment concerns? Should Internet speech be regulated, and if so, what criteria should be used? Would it matter if a teacher was being defamed instead of a student? |