

# The AFCON Sentinel

Newsletter of the Academic Freedom Coalition of Nebraska

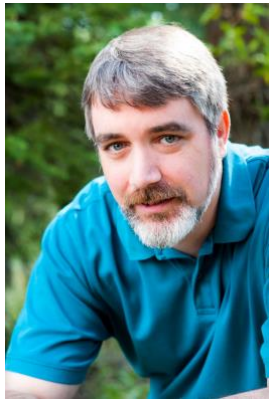
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## AFCON Annual Meeting Attended by over 70 Persons

Todd Schlechte



Due to the pandemic, the 2020 AFCON Annual Meeting “Current Topics in Intellectual Freedom in Libraries” was held via Zoom, with at least 70 persons in attendance. Zoom surely accounted for some of that number, with its ease of access regardless of distance, as did extra credit opportunities for some UNL students and professional education credit for Nebraska public library staff.

Three presenters, Vicki Wood, Devra Dragos, and James Shaw, gave talks that were tied together by the common theme of access to library resources. Those resources addressed included challenged books, controversial programs, and digital materials that are often limited due to expense or licensing restrictions. More information about the program, as well as recordings or slides of the presentations, can be found here:

<https://www.academicfreedomnebraska.org/annual-meeting-2020.html>



Brenda Ealey, branch manager of Gere and South libraries, received this year’s academic freedom award. She has been a particularly strong advocate of intellectual freedom over the years, including work on intellectual freedom within the Nebraska Library Association, contributing to the NLA’s Intellectual Freedom Manual, and acting as a mentor to the librarians of Southeast Library System when she was its Executive Director. She still maintains an interest in intellectual freedom issues, makes presentations, and consults with librarians about matters of intellectual freedom.

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*Todd Schlechte, organizer of the annual meeting, is president-elect of AFCON.*



*Written versions of all three annual meeting presentations can be found in this issue of The Sentinel, beginning on the next page.*

## Public Libraries: Intellectual Freedom is More Than Books

Vicki Wood



The challenges to library materials that I've encountered in my 25+ years as a youth librarian seem almost quaint in these fractious times. Formal complaints that resulted in our "Request for Reconsideration" process being enacted were usually centered around content deemed too sexual or language considered profane or disturbing in materials and films created for children and teens.

Because of the movement towards inclusion and diversity, more books than ever are being written about, and for, children of color, children in non-traditional families, children with differing abilities, religious traditions, gender expression, sexual orientation, and homelands.

As visibility of LGBTQ+ individuals has increased, so has their representation in books and literature. Until fairly recently, literature with gay, lesbian, and transgender characters existed only in books for teens and adults. Books with LGBTQ+ characters and issues are now available in books for grade-school-age children, and even preschoolers. This is in recognition of the fact that children now grow up with same-sex parents, and children may experience issues with their gender identity and sexual orientation at younger ages than past generations. Eight of the ten most challenged books for 2019 were challenged due to LGBTQ+ content. School libraries and classrooms seem to be facing the most intense censorship efforts of these materials.

Increasingly, public library programs, displays, and exhibits are coming under fire from members

of the public, and occasionally by library staff. As societal issues become politicized, public libraries have found themselves confronted with trying to find a balance between supporting intellectual freedom while not "choosing sides" in the culture wars.

Drag Queen Storytimes have been popular in the large urban communities where they originated, but have been met with protests in other libraries across the country. Some see these storytimes as opportunities for children to learn about and celebrate diversity, individuality, acceptance, and empathy with marginalized groups. Others think DQST promotes an unhealthy lifestyle and pushes a "gay agenda" on children.

The Black Lives Matter Movement has polarized some communities, and their libraries. Library displays supporting the movement, highlighting books about racism, and promoting Black voices have been met with backlash from other community members who see the BLM movement as anti-police and dangerous to law enforcement.

In the winter of 2019, The Seattle Public Library became embroiled in controversy when they approved meeting room space for a group called WoLF (Women's Liberation Front). This group has frequently been referred to by others as a hate group or trans-exclusionary radical feminist (TERF) group because they don't recognize trans women as women; rather, they believe they are men. Many in the Seattle community, and some library staff, felt that the Seattle Public Library was legitimizing this group's point of view by allowing them meeting space in the public library.

Marcellus Turner, chief librarian for the Seattle Public Library stated, "Controversial groups like these can test our limits as democratic centers of free speech and intellectual freedom, as well as our limits as a united community and organization." The event was held with 200 protestors outside and a bomb threat.

There are no easy answers to these questions facing public libraries:

- How do we protect the rights of all of our community members to be seen, be heard, and to feel safe?
- How do we support marginalized people while staying true to our traditional support of intellectual freedom and free speech rights?
- How do we address hot-button community issues without seeming to advocate a particular political viewpoint?
- Does the make-up of your community matter, or does that become an excuse to self-censor?
- What do we choose to highlight and promote in the world of fractured viewpoints and increasing polarity?

Lincoln City Libraries has responded by creating a Request for Reconsideration of Library Resources form to address all concerns about materials in the library, as well as our events, programs, and displays. We've updated it not just to be prepared for when our displays, programs, or exhibits come under attack, but because we want to convey the message that all of these resources are the result of our *professional expertise and judgment*. In other words, we are professionals and we plan our programs in much the same way we select our books: based on what's available, interests in our community, what is currently relevant or topical, and what promotes our collection.

Librarians and administrators will not always agree on how to handle these questions around intellectual freedom. But for some issues we can be clear cut. In a perfect world public libraries should make the broadest range of materials and programming available to their communities. Because "our communities" means everyone, whether we know them or not. People can choose what to see, read, and attend but cannot, and should not, make those decisions for others.

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*Vicki Wood is Youth Services Coordinator of Lincoln City Libraries.*

## Balancing the Books

Devra Dragos



Public libraries have added many new formats over the years, including downloadable audiobooks and eBooks, to provide access to information for their customers. OverDrive provides libraries a platform for eBook, audiobook, and video circulation, and most items purchased or licensed for the collection can only be checked out by one person at a time.

Nebraska OverDrive Libraries, a consortium of 180 public libraries coordinated by the Nebraska Library Commission, shares a collection of nearly 48,000 eBooks and audiobooks. Circulation will exceed 1 million this coming year, about 53% eBooks and 47% audiobooks. Lincoln City Libraries has its own OverDrive collection; Omaha Public Library and Baright Public Library (Ralston) share a collection. State aid, Nebraska eReads, is divided between these collections.

The consortium's 2020-21 budget of \$215,943 includes contributions from the libraries and state aid. On average, \$2,367 is spent on adult fiction each week, \$1,827 on adult nonfiction and \$1,744 on young adult and children's materials every other week. The three selectors try to provide access to a wide selection of items suitable for a popular public library collection. Individual libraries may also purchase copies and share them with the consortium.

There are three main challenges to the balancing act of providing access to eBooks and downloadable audiobooks—both in selecting a

wide variety of content and in providing enough copies to meet demand. Many publishers are stuck in the mind-set that libraries are drastically reducing their income on electronic sales, and they continually change the playing field with availability, lending models, and costs trying to maximize their bottom line.

The availability of titles that patrons request depends mostly on publisher policies.

- Some publishers will not distribute electronic content to libraries. For example, *Elsewhere* by Dean Koontz was released in October by Thomas Mercer, a publishing company owned by Amazon; the audiobook version was published by Brilliance Audio. Physical copies of both formats are available for libraries to purchase but not the electronic versions. Ebook titles by authors who self-publish through Amazon are also not available to libraries.
- Some publishers have tried embargos: withholding titles for set amount of time, limiting the number of copies that can be purchased, limiting sales by geographic location, or refusing sales to consortia.
- The most commonly used eBook formats are Adobe EPUB and Kindle. Adobe PDF eBooks never check out, so, if a publisher chooses to provide a title in that format only, then it is not purchased.
- While most classic titles in the public domain are available as eBooks, many publishers' backlists are not.
- Publishers may also discontinue titles. For example, *The Eyes of Darkness* by Dean Koontz, published in 1981, was available for sale through OverDrive at one time. The consortium purchased one eBook copy before it was pulled from purchasing. Even though there are currently more than 30 holds, no more copies can be added.

Lending models constitute the biggest challenge in maintaining a collection, especially in series where customers want every title forever. The consortium currently juggles ten different lending models.

- Some lending models allow copies to be kept in perpetuity; others "meter" copies

by a set number of checkouts or a specified time.

- Some publishers use one lending model for both audiobooks and eBooks, some use different models for each, and some use multiple lending models for each.
- To make life more interesting, some publishers have changed their models multiple times.
- New models might crop up at any time.

Cost presents the biggest challenge in providing a wide variety of titles. While some publishers charge the same as the cover price of a book, others charge three times or more that price. Using a year's worth of data on bestsellers, Jennie Rothschild, a Collections Development Librarian, found that for the average price of one eBook (\$45.75) a library could purchase three copies of the physical book at the library discount and still have money left over. Audiobooks versions averaged \$69.76.\*

So, how does this affect individual title purchases?

- *Where the Crawdads Sing* by Delia Owens, published by Penguin in 2018, had a suggested retail price of \$26, a library discount price of \$15.21 for a paper copy, and an eBook price of \$55 for two years. The audiobook costs \$66.50 and may be kept in the collection. To meet demand (2,059 eBook and 1,627 audiobook checkouts), the consortium and individual libraries licensed 62 eBook copies and purchased 36 audiobooks at a cost of \$5,804. Because there are still holds, as eBook copies expire, additional ones must be licensed.
- Rachel Hollis' nonfiction bestseller, *Girl, Wash Your Face*, published by HarperCollins in 2018, had a suggested retail price of \$20, a library discount price of \$11.70 for a paper copy, and an eBook price of \$19.99 metered for 26 checkouts per copy. An audiobook costs \$62.99 and may be kept. The 1,090 eBook and 2,416 audiobook checkouts so far has required 47 eBook copies and 35 audiobooks costing over \$3,100 to meet the demand.
- Janet Evanovich switched to Simon & Schuster for her latest Stephanie Plum

title, *Fortune & Glory*, so both the eBook and audiobook are metered for two years. Previous titles in the series have circulated over 1,000 times in both formats with as many as 25 eBook copies and 13 audiobook copies purchased per title and one to three copies still circulating. The current licenses for both the eBook and audiobook cost \$59.99. How many copies would you license?

- A 35-year old Nora Roberts romance published by Macmillan as an eBook must be licensed at \$40 for two years. If a customer requests it, would you license it?

Publishers offering copies that may be kept forever and charging close to the cover price help immensely in balancing the variety and size of an online collection and meeting demand from customers.

\* Rothschild, J., 2020. *Hold On, Ebooks Cost HOW Much? The Inconvenient Truth About Library Ecollections | Smart Bitches, Trashy Books*. [online] Smartbitchestrashybooks.com. Available at: <<https://smartbitchestrashybooks.com/2020/09/hold-on-ebooks-cost-how-much-the-inconvenient-truth-about-library-eollections>> [Accessed 10 October 2020].

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*Devra Dragos is Director of Technology and Access Services at the Nebraska Library Commission.*

## The Electronic Academic Library: Licensing Resources Versus Ownership and Implications for Access

Jim Shaw



Anyone visiting a contemporary college or university library will see that collections of books and research journals remain available. In some cases, they have been positioned and displayed to evoke fond memories of how a library should look and feel.

However, the physical collections of an academic library may prove very misleading to a casual observer. For instance, Criss Library at UNO took most of a century to acquire about 700,000 books. In just the last decade, the library has acquired access to over 1.2 million eBooks, including many residing in historical, archival databases. Particularly during this pandemic-afflicted year, use and check-outs of print books have plummeted, but eBooks have largely addressed any deficit in access to books.

In the mid-1990s, Criss Library subscribed to about 3,500 print periodicals (research journals, magazines, newspapers, etc.) In 2020 that number has fallen to precisely 137. However, the library now provides access to over 100,000 periodicals embedded in databases and on publishers' online platforms. Very few people at UNO use print periodicals anymore, and then usually only to find an ancient article that has not yet become available online.

Criss Library offers access to collections that would be almost unimaginable at a middle-sized, regional, state university campus twenty years ago. The UNO community clearly appreciates the convenience of access to electronic resources from campus or home, 24 hours a day, 7 days a week. The electronic library never closes except for the occasional maintenance window that may confound a night owl who studies between 1 AM and 5 AM on a Sunday morning.

College and university libraries commonly spend between 75% and 85% of their acquisition budgets on electronic resources. This is a natural consequence of redeploying budgets toward electronic resources, but it also reflects the cost of purchasing them. Prices for individual eBooks are often several times higher than the original print book. Book publishers, like record companies, remain concerned that online access

will badly affect their physical sales. Libraries often purchase large collections of eBooks to gain leverage that drives down the cost-per-eBook, but eBooks remain an expensive proposition.

Prices for electronic research journals may prove startling. Those who search publishers' sites without first logging in via the library often encounter a pay wall. Prices for individual articles typically run between \$30 and \$50 for those unaffiliated with a subscribing institution. Libraries intervene on behalf of students and faculty by purchasing accounts for many databases and publishers' sites, so that the costs are borne by the libraries. One should note that access to the articles is not free, but rather paid for by some combination of institutional support, tuition, and student fees. Still, the leverage provided by a library account makes more resources available than anyone could likely afford on her own.

All this electronic access sounds well and good for the library and its community, but what about the unaffiliated? This is where the news is less heartening. When a library purchases an electronic resource, it actually purchases a license which permits use within certain restrictions. A library does not own electronic resources; rather, it licenses them, and this can have concerning implications for access.

Off-campus access provides the most common example of a license restriction. Current students, faculty, and staff may connect to electronic resources from off-campus locations by logging in through a portal or account provided by the library. In most cases, an unaffiliated person may visit the library in person and use electronic resources on public access computers. However, this is not guaranteed. Criss Library has thousands of eBooks that are paid for on a per use basis. The library cannot afford to pay for access for everyone, so even inside the library these eBooks require a library login.

License restrictions can bedevil access even for affiliates. For example, an eBook may permit only one to three people to use it simultaneously. Such a limitation can hinder a professor who

wants all her students to read a chapter before the next class.

Libraries have long offered access to books and articles via Interlibrary Loan, which can assist unaffiliated users who are hundreds or even thousands of miles away. Interlibrary Loan can typically send a copy of a chapter from an eBook, but it cannot send the entire eBook. This restriction derives from both licensing and digital-rights-management protocols embedded in the software needed to view the eBook. As libraries purchase fewer print books and rely more on eBooks, we can foresee a time when it may prove difficult to acquire a book via Interlibrary Loan. The concern may be amplified should an eBook be the only edition published.

When purchasing large collections of eBooks or other electronic resources, academic libraries benefit from bargaining leverage. Publishers and distributors have generally been agreeable to prices that lower the cost-per-item. However, a potential downside of package purchases becomes apparent when budgets are stressed. Cutting a package means losing a lot of access, and should the bulk of a library's acquisitions reside in a small number of packages, little flexibility may remain to avoid opening large chasms in the library's collections.

The contemporary academic library stands testament to the remarkable transformation of access to published resources. It is doubtful that anyone would care to return entirely to the era of print and microfilm. Even so, for the unaffiliated or for those whose institutions face severe budget constraints, participation in the new era of electronic resources may prove limited and frustrating. The divide between the haves and have-nots remains, world without end.

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*Jim Shaw is Collections Coordinator at Criss Library, UNO.*

For more about the annual meeting see: <https://www.academicfreedomnebraska.org/annual-meeting-2020.html>



Mel Krutz  
1933-2020

<https://www.zabkafuneralhome.com/obituary/mel-krutz>

We are sorry to report the death of our founder Mel Krutz. She would have insisted there were other founders, which there were, but all the other founders agree it was Mel who first envisioned what became AFCON and made her vision a reality by recruiting others to the cause of intellectual freedom in education and leading the effort to assemble the coalition of organizations that brought AFCON into existence. She then continued as an active member of the AFCON Board for many years after that, including a term as president. The fact that we're still here is a tribute to her.

Board member Nancy Comer recalled, "Mel was the person who kept pushing me to get involved in AFCON." It turns out many others had that experience and were unable to resist Mel's charm and perseverance in the cause of intellectual freedom.

My own story is that Mel knew me because she had taken some of my classes as part of her doctoral program at UNL. When she approached me at the beginning of the fall 1987 semester, I was serving on the Board of Directors of what was then called the Nebraska Civil Liberties Union. To make a long story short, I represented NCLU in the organizational meetings that created AFCON and have remained on the AFCON Board ever since, and NCLU (now the ACLU of

Nebraska) continues to be a member of the coalition Mel created. Here are a few other stories.

--Dave Moshman

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Mel Krutz was my personal RBG. She was tiny in stature and soft-spoken, always smiling and always with a mischievous twinkle in her eye. You would not know from outward appearance that here was a fierce and notorious defender of the First Amendment—most particularly a defender of children's First Amendment rights.

I don't remember how I met Mel. She just sort of appeared in my life, like an apparition, like Yoda. I had written a young adult novel, *Chance*, that had been challenged in some educational settings in Nebraska and Iowa. Mel, of twinkly eyes and quiet determination, somehow found me, and roared quietly that I must join the rebellious group of really smart people who comprise the Academic Freedom Coalition of Nebraska.

Nobody turns down Mel. So, I joined.

And here I am, twenty years later, still hanging around those really smart people and hoping some of those smarts will rub off on me.

Mel always gave me way more credit than I was due. She urged me to speak at writers' events like I was some sort of beacon of censorship challenges, even though many more authors have had many more difficulties defending their works against censorship than I. She encouraged me to visit schools and meet with kids and listen to them. Really listen to them.

Nobody turns down Mel. So I listened. And I learned.

I learned so much from Mel. At AFCON meetings, she would draw me aside, speak with that soft voice, and ask how I was doing, what windmills I was tilting, what censors I was battling, what new missives I was writing. Mel was always full of ideas, and joy, and optimism. Mel was kind and good and she was all of the

things we hope to be to make this world a better place.

Mel Krutz was mighty. And I miss her.

--Peggy Adair

Mel was 22 days old when I was born, another kid conceived on the day FDR was elected. It was good to know an older kid who had already faced the world.

Actually, I did not meet Mel until she was a graduate student at UNL. Then, a few years later, when she had some experience as an active member of the National Council of Teachers of English (NCTE) and Banned Books Month she asked me for assistance in forming a Nebraska consortium of educators who could take on issues of intellectual freedom. We put together AFCON. She actually was even more ambitious and wanted to have a similar organization in every state. We gathered a team to go to NCTE with news about our success. But we have never found another state to join us in the AFCON mission.

We were somewhat less formal at the beginning. In 1992 there was an AFCON meeting scheduled for her house in Seward. I looked out at the snow and called her to beg off; but she said, "Bob, this is *April*. We can't have a snowstorm that bad!" So I set out and got on to I 80 and found myself with zero visibility. I had to drive to the next exit to escape and luckily I am still alive.

Mel and her husband were an adventurous couple (he was licensed to fly and had a plane), and raised a flock of musical children, who a few years ago invited people to the Lutheran Church in Seward, where the family played a great variety of music which was a witness to her vision for the family and her dedication to the arts.

I feel fortunate to have known her and thankful she called on me with her vision of AFCON.

--Bob Haller

I was very saddened to hear of Mel's passing. I met her when I was on the board of AFCON. It is obvious from her obituary that she did not tell everyone of all her accomplishments. That seemed very characteristic of her. She was a great friend of academic freedom, and it was a great pleasure to work beside her.

When she was diagnosed with cancer some years ago, AFCON delegated me to find a suitable gift to express our support. I went down to 10,000 Villages and found a green teapot with a carved tree frog on the lid, made by some indigenous artist living in a rainforest in Asia. It seemed expressive to me of her kindness and gentleness. She will be missed.

--Dwayne Ball

## ***AFCON***

[www.academicfreedomnebraska.org](http://www.academicfreedomnebraska.org)

The Academic Freedom Coalition of Nebraska was founded in 1988 to promote intellectual freedom in Nebraska education and research, including freedoms of belief and expression and access to information and ideas.

### ***JOIN OR RENEW***

*Rod Wagner, Treasurer*

*AFCON now accepts PayPal! Use PayPal to join or renew. We offer two ways to pay: you can use the PayPal button on our website <https://www.academicfreedomnebraska.org/join-afcon.html> or send us a check payable to AFCON at 3901 S. 27th St., #47, Lincoln, NE 68502. Memberships are \$120 for organizations and \$15 for individuals.*



## From the President

### Attack on Expertise Threatens the Academy

John R. Bender



Jodi Doering, a registered emergency room nurse from South Dakota, knows COVID-19 and its victims intimately. She works in a state with a positivity rate that has approached 60 percent. And she has seen dying patients deny the existence of the disease that was killing them.

In an interview with CNN’s Alisyn Camerota in mid-November, Doering said many patients could not believe they were sickened by COVID. Their dying words, she said, were “This is not real.”

Doering’s experience probably is not unusual. We all have seen news reports showing people denying the existence of COVID, saying it is a hoax or an exaggeration.

The foundation for this denialism is a mounting cynicism toward and rejection of all expertise. This rejection of expertise manifests itself in many ways. Perhaps the most noted in recent years is the refusal of many to believe climate change is a threat to our way of life. The refusal of others to accept the theory of evolution as explaining how life developed—and continues to develop—on Earth is another example. The insistence by others that fraud and illegal voting abounded in the 2020 presidential election constitutes a rejection of the many experts, national and local, who have certified that the election was conducted fairly.

The attack on expertise is disturbing in itself because we depend on the work of experts to

make sense of our world. In the 1920s, Walter Lippmann argued a government could function effectively only if it were drawing on the work of experts who studied the central problems of society. Governments could not rely on the press, Lippmann warned, because the press focuses on problems only fleetingly and only on the ones that happened to catch the attention of journalists and readers. Governments needed a steady flow of reliable information about matters that may seem boring or mundane but are essential to a healthy and productive society.

The attack on expertise is also an attack on higher education and it carries with it dangers for academic freedom.

A little more than a year ago, the Pew Research Center reported on public attitudes toward higher education in the United States. Although the majority remain positive about higher education, a growing percentage of Americans see it as having negative effects. In 2012, only 26 percent said higher education had negative effects on society. By 2019, that had grown to 38 percent. Republicans drove much of that change. They went from having a largely positive view of education in 2012 to having a negative one in 2019.

This rejection of expertise and the accompanying distrust of the institution that produces experts—higher education—comes at a time when colleges and universities are particularly vulnerable to outside influences.

The Great Recession of 2008 diminished the endowment funds of many colleges and universities. It also cut public funding for higher education dramatically. Even now, more than a decade after the recession, public support for colleges and universities is \$6.6 billion below what it was in 2008.

Higher education institutions have compensated for the lost money by taking on debt. The extent of the indebtedness is difficult to determine, but an article in *The Nation* by a University of Wisconsin doctoral student found the total debt had more than doubled between 2003 and 2012 to \$151 billion. No doubt that debt has grown as

colleges and universities have borrowed to build residence halls, classrooms and recreation centers.

The debt load will place college and universities in a position where they will have to make compromises in their academic programs in order to survive and satisfy those who hold the debt. Those compromises may mean teachers and scholars will have less freedom in the classroom and in the laboratory.

There will be pressure to increase class sizes, including the expansion of online programs and asynchronous classes to accommodate students with jobs and families. This will force teachers to change the way they conduct their classes. Some classes and courses of study that fail to attract large numbers of students may be dropped from the curriculum. Some of those changes may be beneficial, but others may not.

Academic research may change as well. The pressure on faculty to conduct research that attracts grant money will increase. And those who have money for funding research will have more influence over what research is done and what products it may generate.

Three pharmaceutical companies have announced they have vaccines for COVID-19 that appear to be safe and effective—a testament to the importance of expertise. This pandemic may end. But the broad public suspicion toward expertise is unlikely to diminish, and for that reason, the threat to academic freedom will remain.

### **National/International Links**

An academic hiring decision at the University of Toronto is reversed due to political pressure from supporters of Israel.

<https://electronicintifada.net/blogs/nora-barrows-friedman/israel-lobby-pressures-univ-toronto-rescind-scholar-hire>

<https://academeblog.org/2020/11/18/university-of-toronto-facing-censure-over-hiring-scandal/>

Peanuts characters as teens are too controversial  
<https://www.thefire.org/lights-camera-overreaction-iowa-college-cancels-virtual-play-about-gay-charlie-brown-blames-coronavirus/>

Trump goes after diversity training  
<https://www.insidehighered.com/news/2020/10/07/colleges-cancel-diversity-programs-response-trump-order>

Student First Amendment right to wear pro-gun shirts  
<https://reason.com/volokh/2020/11/09/lawsuit-over-schools-restriction-on-pro-gun-shirts-can-go-forward/>

Academic freedom in high school literature curriculum  
<https://reason.com/volokh/2020/11/12/1-a-suburban-school-district-forbids-to-kill-a-mockingbird-of-mice-and-men-and-more-in-high-school-readings/>

"The campus police chief hauled [the student] into his office and told him he should've been 'smarter' than to exercise his First Amendment rights without the college's permission."  
<https://www.thefire.org/victory-student-stopped-by-campus-police-for-holding-up-a-sign-settles-first-amendment-lawsuit-with-mississippi-college/>

Academic freedom for conservative faculty  
<https://www.insidehighered.com/views/2020/11/25/higher-education-doesnt-adequately-support-conservatives-and-their-academic-freedom>

Centralized control of course syllabi and regulation of faculty expression  
<https://reason.com/volokh/2020/11/24/umd-public-policy-school-mandating-ideological-statements-on-syllabus-requiring-that-class-materials-and-discussions-respect-all-forms-of-diversity/>

### **Academic Freedom on Zoom**

Zoom and other platforms succumbed to pressure from the pro-Israel "Lawfare Project" to de-platform Palestinian speaker Leila Khaled.

Here is the Lawfare Project’s account of the matter.

<https://www.thelawfareproject.org/combatindex/remism/2020/9/25/deplatforming-terrorist-leila-khaled-from-zoom-facebook-and-youtube>

Given that Zoom is relied on for classes and academic events, this obviously raises broad issues of academic freedom and has provoked much reaction.

<https://academeblog.org/2020/10/08/ncac-letter-zoom-facebook-and-youtube-threaten-academic-freedom/>

In a subsequent act of meta-censorship, a panel to discuss Zoom’s blocking Khaled was also blocked by Zoom.

<https://academeblog.org/2020/10/23/statement-from-the-nyu-aaup-on-zoom-censorship-today/>

The AAUP remains unsatisfied with administrative responses to this issue.

<https://academeblog.org/2020/11/10/nyu-aaup-responds-to-university-president-about-zoom-censorship/>

Another article examines the complexities of this case, including Zoom’s point of view regarding its legal and financial risks.

<https://academeblog.org/2020/11/02/censoring-leila-khaleds-webinars-violated-principles-of-academic-freedom-but-sponsors-still-need-to-be-moretruthful-about-her/>

First Amendment and academic freedom considerations are discussed in the pro-Palestinian *Electronic Intifada*.

<https://electronicintifada.net/content/zoom-censors-events-about-zoom-censorship/31696>

### **Budget Cuts in Nebraska**

Academic program cuts raise general issues of academic freedom and have raised specific issues of academic governance at UNL.

[https://journalstar.com/news/local/education/unl-faculty-groups-say-budget-cutting-process-has-been-flawed/article\\_4b963153-1732-5bd3-98e3-318e7f7b0f57.html](https://journalstar.com/news/local/education/unl-faculty-groups-say-budget-cutting-process-has-been-flawed/article_4b963153-1732-5bd3-98e3-318e7f7b0f57.html)

Free speech about budget cuts was restricted at Doane.

[https://journalstar.com/news/local/education/webside-opposing-proposed-doane-cuts-reinstated-after-copyright-claim/article\\_b2716eab-817c-50f1-a931-9bc377da046a.html](https://journalstar.com/news/local/education/webside-opposing-proposed-doane-cuts-reinstated-after-copyright-claim/article_b2716eab-817c-50f1-a931-9bc377da046a.html)

### **AFCON Board of Directors**

*John Bender, President*

*Todd Schlechte, President-Elect (2021 President) and Webmaster*

*Laurie Thomas Lee, Immediate Past President*

*Peggy Adair, Secretary and Legislative Liaison*

*Rod Wagner, Treasurer*

*David Moshman, Policy Coordinator and Newsletter Editor*

*Nancy Comer*

*Bob Haller*

*Vicki Wood*

*Linda Parker, ex officio, Archivist*



“Having appreciated David Moshman’s writings on academic freedom and free speech since the 1980s, I am especially impressed by his comprehensive new book, which draws on multiple disciplines to powerfully explain why such freedoms are essential for rational argumentation and democratic decision making. In an era when free speech, intellectual freedom, and rational argumentation are all under assault from across the ideological spectrum, Moshman’s book offers important insights into educational strategies that will reinvigorate these ideals – for the benefit of both individuals and our democratic society.”

--*Nadine Strossen, New York Law School, former president of the ACLU*

<https://www.routledge.com/Reasoning-Argumentation-and-Deliberative-Democracy/Moshman/p/book/9780367312770>

**Academic Freedom Coalition of Nebraska  
Annual Membership Business Meeting**  
Via Videoconference  
October 17, 2020

Present:

Peggy Adair, secretary, legislative liaison  
John Bender, president, representing UNL Faculty Senate  
Nancy Comer, representing Nebraska State Literacy  
Association  
Bob Haller, director at large  
Judith Healy  
Laurie Thomas Lee, immediate past president, representing  
ACLU Nebraska  
Todd Schlechte, president-elect, webmaster  
Rod Wagner, treasurer, representing Nebraska Center for  
the Book  
Vicki Wood  
And others

**MINUTES**

President John Bender convened the meeting at  
11:58 a.m.

MINUTES: A motion was made by Moshman,  
second by Lee, to approve minutes of the October  
12, 2019 AFCON annual membership business  
meeting. Motion carried on a voice vote.

ANNUAL TREASURER'S REPORT: Rod  
Wagner reported expenses for the year have been  
minimal due to the ongoing pandemic that  
necessitates meeting by videoconference. Balance  
on hand October 12, 2019, was \$2,884.05. Balance  
on hand October 17, 2020, is \$2,367.49. Wagner  
encouraged participants to renew their individual  
AFCON memberships for the bargain price of  
\$15.00.

PRESIDENT'S REPORT: President John Bender  
thanked Todd Schlechte for organizing the  
AFCON annual meeting program, "Current Topics  
in Intellectual Freedom in Libraries." Bender  
thanked program speakers Vicki Wood, Devra  
Dragos, and Jim Shaw.

NOMINATING COMMITTEE REPORT: On  
behalf of the nominating committee of Laurie  
Thomas Lee, Bob Haller, and Nancy Comer, Lee  
presented the following slate of officers for 2021:  
President-elect, Bob Haller; Treasurer, Rod  
Wagner; and Secretary, Peggy Adair. A motion  
was made by Comer, second by Healy, to receive

the nominating committee report. Motion carried  
on a voice vote.

A motion was made by Lee, second by Moshman,  
to adjourn the AFCON annual membership  
business meeting. Motion carried on a voice vote.  
The meeting adjourned at 12:04 p.m.

Respectfully submitted,  
Peggy Adair, secretary

**Academic Freedom Coalition of Nebraska  
Board of Directors Meeting**  
Via Videoconference  
October 17, 2020

Present:

Peggy Adair, secretary, legislative liaison  
John Bender, president, representing UNL Faculty Senate  
Nancy Comer, representing Nebraska State Literacy  
Association  
Bob Haller, chief baker, director at large  
Judith Healy  
Laurie Thomas Lee, immediate past president, representing  
ACLU Nebraska  
Dave Moshman, newsletter editor, policy coordinator,  
executive vice secretary  
Todd Schlechte, president-elect, webmaster, representing  
Nebraska Library Association  
Rod Wagner, treasurer, representing Nebraska Center for  
the Book  
Vicki Wood  
And others

**MINUTES**

President John Bender convened the meeting at  
12:05 p.m.

MINUTES: A motion was made by Moshman,  
second by Lee, to approve minutes of the AFCON  
board meeting held on September 12, 2020.  
Motion carried on a voice vote.

TREASURER'S REPORT: Wagner submitted the  
October treasurer's report via email. Balance on  
hand for October 17, 2020, is \$2,367.49.

NEWSLETTER: Deadline for articles to be  
published in the December edition of the *Sentinel*  
is November 25, 2020.

APPOINTMENT: President Bender appointed  
Vicki Wood to the position of director at large of

the AFCON board. The board approved the appointment on a resounding voice vote.

There being no further business, upon a motion by Comer, second by Moshman, and a voice vote in the affirmative, the AFCON board meeting adjourned at 12:09 p.m.

Respectfully submitted,  
Peggy Adair, secretary

**Academic Freedom Coalition of Nebraska  
Board of Directors Meeting**  
Via Videoconference  
November 17, 2020

Present:

Peggy Adair, secretary, legislative liaison  
John Bender, president, representing UNL Faculty Senate  
Nancy Comer, representing Nebraska State Literacy Association  
Bob Haller, chief baker, director at large  
Laurie Thomas Lee, immediate past president, representing ACLU Nebraska  
Dave Moshman, newsletter editor, policy coordinator, executive vice secretary  
Todd Schlechte, president-elect, webmaster, representing Nebraska Library Association  
Rod Wagner, treasurer, representing Nebraska Center for the Book  
Vicki Wood, director at large

**MINUTES**

President John Bender convened the meeting at 10:03 a.m.

MINUTES: A motion was made by Moshman, second by Schlechte, to approve minutes of the AFCON board meeting held on October 17, 2020. Motion carried on a voice vote.

TREASURER'S REPORT: Wagner submitted the November treasurer's report via email. Balance on hand for November 14, 2020, is \$2,382.49. Wagner will be sending out invoices to member organizations soon, and will be seeking assistance of board members to identify the proper contact persons within the organizations. Wagner noted AFCON members can renew membership via PayPal on the AFCON website, or they can send a check to the address listed on the website.

NEWSLETTER: Deadline for articles to be published in the December edition of the *Sentinel* is November 25, 2020.

ANNUAL MEETING: Bender thanked Schlechte for organizing the 2020 AFCON annual meeting. The event, hosted virtually, was well-attended with 70+ participants. The speakers were excellent and post-event feedback was positive.

AFCON ELECTION: Moshman will assist the nominating committee in circulating bar-coded, initialized, long-form, legal ballots to the vast numbers of AFCON members. Ballots will be counted and certified by Haller. Wink.

POLICY COORDINATOR: Moshman reported the 8<sup>th</sup> Circuit ruled in September that a Westside Middle School student shall be provided with a court-appointed lawyer in the student's pursuit of First Amendment civil relief.

Moshman reported on the ongoing general concerns regarding due process and academic freedom when higher education institutions make academic program cuts.

Moshman reported the videoconference business, Zoom, has become essential to educational institutions during the current global pandemic, so educators need to find a way to convince Zoom to respect academic freedom. Recent actions by Zoom to de-platform controversial speakers and to block academic freedom discussions are problematic.

CENSORSHIP IN SCHOOLS: Comer expressed her concern that many cases of censorship of books at high schools go unreported and are unknown to the public. Wood concurred and noted censorship is even more prevalent at middle schools. Wood noted the American Library Association hosts a blog on current book challenges that can be accessed for more information.

[Intellectual Freedom News: <https://bit.ly/3IF1z5g>]

NEW BOARD MEMBER: Bender formally welcomed Vicki Wood to the AFCON Board of Directors.

MEMBER ORGANIZATIONS: Nebraska Center for the Book: Wagner reported the annual Celebration of Nebraska Books was not held in person this year due to the global

pandemic. Wagner reported the event went live via Facebook, which permitted the event to be more widely available and allowed award recipients to record and present remarks to participants.

Nebraska Library Association: Schlechte reported the NLA did not hold their annual in-person conference due to the global pandemic. Schlechte reported the organization continues to celebrate 125 years of existence through videoconference events.

Nebraska State Literacy Association: Comer reported an online blog sponsored by the Nebraska State Literacy Association presents weekly topics of interest, such as self-censorship in elementary schools. Comer encouraged board members to thank teachers, who are doing triple- and quadruple-duty during the current global pandemic.

#### OTHER BUSINESS:

Lee noted the Journal of Academic Freedom is inviting writers to submit articles on issues of intellectual freedom challenges affecting libraries and librarians.

Wood reported Lincoln Public Libraries have partnered with Lincoln Public Schools, Together One Lincoln, Community Learning Centers and others, for a “Read for Change. Read Woke” reading challenge encouraging the exploration and discussion of social justice topics. The event runs from November 15, 2020, through January 31, 2021.

PRESIDENT’S REPORT: Bender updated the board on the issue of AAUP censure of UNL. Bender reported the Chancellor claims the administration and the faculty have reached an agreement on a new policy regarding academic freedom and due process. Bender will work on tracking down the actual document and will provide same to the AFCON board when it is available. Haller noted AAUP censure cannot be lifted except through formal vote at the national AAUP level. Moshman noted UNL already had a policy in place at the time of the conflict that drew the AAUP censure. The problem was UNL did not follow their own policy.

There being no further business, the AFCON board meeting adjourned at 10:51 a.m.

Respectfully submitted,  
Peggy Adair, secretary

NEXT BOARD MEETING: The next AFCON board meeting will be held via videoconference on December 12, 2020. This will be the planning meeting for the 2021 AFCON year. The AFCON board will not meet in January 2021.

#### *From the AFCON Constitution, Article I:*

The purpose of AFCON shall be to promote academic freedom in Nebraska, defined as intellectual freedom in educational and research contexts. This includes freedoms of belief and expression and access to information and ideas. In pursuit of this general goal, AFCON shall:

1. support application of the First Amendment in academic contexts, including schools, colleges, universities, and libraries.
2. educate Nebraskans in and out of academic settings, citizens and professionals, parents and students about the meaning and value of intellectual freedom, intellectual diversity, mutual respect, open communication, and uninhibited pursuit of knowledge, including the role of these ideals in academic contexts and in democratic self-government.
3. assist students, teachers, librarians, researchers, and others confronted with censorship, indoctrination, or suppression of information or ideas in academic settings.
4. act as liaison among groups in the State of Nebraska that support academic freedom.

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**The *AFCON Sentinel*** is the newsletter of the Academic Freedom Coalition of Nebraska, published bimonthly in February, April, June, August, October, and December.  
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