



THE

# AFCON

SENTINEL



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December 2014

## AFCON OFFICERS

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### Purpose:

To promote academic freedom, defined as intellectual freedom in educational and research contexts. This includes freedoms of belief and expression and access to information and ideas.

## MESSAGE FROM THE PRESIDENT—David Moshman

This is the Sentinel's final issue of 2014 and my final message as AFCON's 2014 president.

In October, we had our annual membership meeting, ably organized by president-elect Nancy Comer with a focus on censorship of student speech. I wrote about it in my subsequent *Huffington Post* column, reprinted in this issue.

In November, Frank Edler, AFCON's immediate past president, represented AFCON in a session about forming state academic freedom coalitions at the annual meeting of the National Council of Teachers of English (NCTE) in Washington, DC. See his column about this session elsewhere in this issue.

Also in November, the NCTE adopted a new statement on academic freedom. Frank, who was appointed earlier this year to the NCTE Standing Committee Against Censorship, has also written in this *Sentinel* about the history of that statement.

AFCON continues to monitor multiple cases and issues. These include (1) the recent controversy in Lincoln Public Schools over gender identity and parental rights; (2) potential intervention of the Nebraska State Board of Education into the history curriculum; (3) the

forced resignations of two UNL extension agents from the Board of the Nebraska Sustainable Agriculture Society; (4) new data tracking software to collect incident reports at UNL, including anonymous reports of offensive speech; (5) the University of Nebraska presidential search process; and (6) the unhiring of Professor Steven Salaita at the University of Illinois. See the November Board minutes, in this issue, for further details.

My profound thanks to the AFCON Board for all their efforts and support through the year. I am delighted that former president Linda Parker has agreed to run once again for president and that Secretary Peggy Adair and Treasurer Cathi McMurtry have each consented to run for another year. No one has dared to challenge any of these formidable candidates. Thus in January 2015 Linda will replace Nancy as president-elect, Nancy will replace me as president, I will replace Frank as immediate past president, and Frank will do whatever past presidents do as their past presidencies become less immediate (I'll be watching in anticipation).

As for you, whether you're an individual or an organization, join or rejoin AFCON for 2015 as we continue the quest for academic freedom. As always, we need all the help we can get.

## Upcoming Events

AFCON Board Meetings, December 13, February 14, and March 14  
Loren Eiseley Library, 1530 Superior, Lincoln, Nebraska; 10 AM

## AFCON Members Help Shape New NCTE Academic Freedom Statement

Frank Edler

Over the summer and fall of 2014, AFCON members have been participating with the NCTE Standing Committee Against Censorship (SCAC) chaired by ReLeah Cossett Lent. In late spring, Frank Edler was appointed to the SCAC and by August the question came up as to how the SCAC should respond to the Steven Salaita case at the University of Illinois. The committee was divided and unsure about how to respond. Lent used the occasion as an opportunity for the SCAC to expand its understanding of academic freedom.

In early October, motivated perhaps by the Salaita case, the executive committee of the NCTE via Ernest Morrell charged the SCAC with creating a stronger statement “in defense of academic freedom” than the one it currently possessed. Lent asked a few of the SCAC members to form a subcommittee to put together such a statement. This subcommittee included ReLeah Lent, Jeffrey Kaplan, Connie Nagel, and Frank Edler.

She also asked David Moshman, the current president of AFCON, to join the subcommittee. On November 6 on the basis of subcommittee discussions, Lent sent a draft of an academic freedom statement to the subcommittee members and then to the SCAC as a whole. This SCAC-approved draft, which incorporated Moshman's five principles of academic freedom, was then sent to the executive committee.

On November 19, Lent informed the SCAC that the new academic freedom statement passed the executive committee and is now official NCTE policy! Cheers were heard all around! The new statement is as follows:

In its support of intellectual freedom, NCTE maintains that students have the right to materials and educational experiences that promote open inquiry, critical thinking, diversity in thought and expression, and respect for others (NCTE Position Statement on Intellectual Freedom, 2014).

Academic freedom is intellectual freedom in academic contexts, though it may encompass a wider spectrum of rights, freedoms, interests and responsibilities. The protection of academic freedom, required at all levels of education, not only serves the common good but it enhances academic integrity and the overall quality of education while protecting students from indoctrination.

Inherent in academic freedom is both a moral and educational obligation to uphold the ethics of respect and protect the values of inquiry necessary for all teaching and learning. Because situations involving academic freedom differ according to circumstances and grade level, NCTE encourages the discussion of the principles of academic freedom, listed below, within faculties and institutions for the purpose of developing policies and procedures that will protect such freedoms.

(See AFCON/NCTE on page 4)

## Summaries of AFCON Board of Directors' Meetings—Peggy Adair

The AFCON Board did not meet in October, 2014

### November 8, 2014—

**Present:** David Moshman, Cathi McMurtry, Rod Wagner, Nancy Comer, Frank Edler, Bob Haller, Laurie Lee, Dwayne Ball

**Secretary's Report:** Dwayne Ball offered to take minutes in the absence of secretary Peggy Adair. In the absence of Secretary Adair, the approval of the last meeting's minutes was tabled until the next meeting.

**Treasurer's Report:** McMurtry distributed the treasury report, showing a balance of \$2340.05,

**Pres. Moshman** reported on: an incident in which two UNL extension agents were forced by their administration to resign from the board of the Nebraska Sustainable Agriculture Society, apparently because their annual meeting had included a speaker from the Humane Soci-

ety of the United States office, which (we speculate) is now pushing a vegetarian agenda. Moshman spoke to the two agents, who did not want to be seen as pushing action against their removal. However, the UNL Faculty Senate and the UNL AAUP may pursue this. No action from AFCON at present.

The “LPS Gender Flap,” other wise known as the “Purple Penguins” incident, in which a document purporting to deliver suggestions to teachers to create a welcome environment for students with non-traditional gender identities was the subject of much public criticism. New teacher training materials will have to be approved by a central LPS committee. No action by AFCON.

State board of education history threat: Various groups in different states, notably Texas and Colorado, have strongly opposed American history textbooks that give greater emphasis to the role of women and minorities in American History, calling them overly-critical of and negative regarding US history, and insufficient at empha-

sizing the positive American values of freedom, and the great historical figures emphasized in the past, for example. The College Board (testing organization) has testing standards for the Advanced Placement History test that are criticized on these grounds, as well. The Nebraska Board of Education is about to take up these kinds of standards as well. Moshman will monitor their activity.

**Nancy Comer**, who organized the Annual meeting in October, reported attendance at 16, \$280 in costs, good food catered by Hy-Vee, and no additional candidates for the officer's ballot for 2015.

The ballot containing the slate of Linda Parker (president-elect), Cathi McMurtry (Treasurer), and Peggy Adair (Secretary) will be e-mailed to all members within the next month.

No legislative liaison report (Peggy Adair absent)

No report regarding the Sentinel (Tom Black absent)

(See **Minutes**, page 3)

**Summaries of AFCON Board of Directors' Meetings** (Continued from Page 2)

Issues being monitored:

Data Tracking Software at UNL (Laurie Lee): UNL has purchased software that allows anyone to report any incident of these types: "Personal safety and security, discrimination or inappropriate behavior, sexual misconduct, violation of university policy, workplace issues or concerns, and acts of kindness." The system goes by the acronym "TIPS." A committee in charge of this system is due to meet Nov. 20, and Laurie Lee will monitor for academic freedom issues.

University of Nebraska presidential search process: 4 finalists have been selected in a process that reduced the influence of faculty. Laurie will monitor.

Steven Salaita was un-hired (faculty offer withdrawn) from the University of Illinois when his tweets critical of Israel and supportive of Palestinians were uncovered. The Center for Constitutional Rights will represent him legally, and National AAUP is helping him with \$5,000 to cover living expenses. Frank Edler will monitor.

**NCTE Presentation:** Frank Edler will represent AFCON at the National NCTE convention in the Washington DC area on November 21, at a panel. He will discuss how AFCON was created, what it does, and how similar coalitions might be developed in other states.

Rod Wagner reported that the Nebraska Center for the Book will meet today (Nov. 8) in their annual meeting. They will announce their "One Nebraska, One Book" choice: "Death Zones and Darling Spies" by Beverly Deepe Keaver.

Nancy Comer announced that the Nebraska State Reading Society will hold its annual meeting Feb 26-28 in Kearney. Bob Haller reported that the UNL chapter of the AAUP is getting organized.

We will hold the December 13 meeting as a planning meeting, instead of January 10. Because president-elect Nancy Comer will miss the January 10 meeting, we will skip that one.

**AFCON Goes to Washington to Participate in the NCTE 2014 Annual Convention**

Frank Edler

On Friday, November 21, ReLeah Cossett Lent, chair of the NCTE Standing Committee Against Censorship; Joan Bertin, executive director of the National Coalition Against Censorship; and Frank Edler, past president of AFCON; presented a session at the NCTE convention entitled "Academic Freedom Fighters: Create an Anti-Censorship Coalition in Your State!" The purpose of the 2:30-3:45 session was not only to spark an interest in state anti-censorship coalitions but also to persuade audience members to start one in their own state. After an introduction by Lent, Edler gave a power point presentation to an audience of sixteen to seventeen teachers on the history, purposes, and highlights of AFCON's activities during its 26 years of existence (a number of handouts were distributed to the audience before the session began).

At the end of Edler's presentation, Lent asked if there were any questions for him. One audience member asked how state coalitions can be sustained over time, especially after a crisis event has passed. Crisis censorship events can be excellent rallying points for starting a coalition, but when the crisis is over, some state coalitions collapse because once the crisis has passed, interest in the coalition wanes. The question was delayed so that Bertin could give her presentation and both Bertin and Edler could respond to the question after her presentation.

Bertin focused on recent censorship cases like the suspension of seven books at Highland Park High School in Dallas, Texas, from the school's approved book list by Superintendent Dawson Orr. She shared with the audience the kind of concerns and crises that the National Coalition

Against Censorship addresses every day. She also acknowledged that several teachers in the audience were experiencing censorship issues.

After Bertin's presentation, Lent opened the discussion for questions from the audience, and the problem of sustainability was brought up again. Both Bertin and Edler agreed that a state coalition needs to look beyond the crisis of the moment in order to engage the larger issues of academic freedom and censorship in order to sustain itself. A lively discussion continued concerning censorship issues and Supreme Court cases like *Tinker v. Des Moines* and *Hazelwood v. Kuhlmeier*.

Free anti-censorship t-shirts were provided to the audience by the National Coalition Against Censorship.

**AFCON/NCTE**

(Continued from Page 2)

**Freedom of belief and identity**

- Educational institutions may present alternative views and values, but may not impose or require belief or commitment.

**Freedom of Expression and Discussion**

- In academic contexts, students and teachers have a right to express their views on any matter relevant to the curriculum.

**Freedom of inquiry.**

- Inquiry must not be suppressed by restricting access to particular authors, topics, or viewpoints or by hindering the

formulation of objectionable conclusions.

**Freedom from indoctrination**

- Educators and educational institutions must not require or coerce students to modify their beliefs or values. Efforts to convince students to modify their beliefs or values must be academically justifiable.

- Curriculum must be determined by teachers and other professionals on the basis of academic considerations. Suggested modifications of the curriculum should go through a process in place by the school or district.

**Equality, Privacy, and Due Process**

- All students and faculty have an equal right to academic freedom

- Educators and educational institutions must refrain from academically unjustified inquiries into beliefs, values, interests, or affiliations of students and faculty.

- Academic institutions must ensure that their formal and informal procedures provide sufficient due process to protect intellectual freedom.

These principles are adapted from *Liberty and Learning: Academic Freedom for Teachers and Students* (Heinemann, 2009), by David Moshman

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## Civility and Political Speech

A recent letter sent by the Center for Constitutional Rights and other organizations to over 140 U.S. universities begins as follows:

Recently, expression about Israel, Palestine, and the United States’ role in the Middle East has been a flashpoint for university administrators who have been asked to condemn certain viewpoints, monitor student expression or activism, and in some cases, to censor or punish students or faculty based on their opinions about these issues.

The letter makes two key points:

1. Expression of political viewpoints, standing alone, is not “harassment” and does not create a “hostile educational environment” under Title VI of the Civil Rights Act of 1964.
2. There is no “civility” exception to the First Amendment.

For more, see Civility, Free Speech, and Israel:

[http://www.huffingtonpost.com/david-moshman/civility-free-speech-and-b\\_6169070.html](http://www.huffingtonpost.com/david-moshman/civility-free-speech-and-b_6169070.html)

## Free Speech: A Happy Ending

By David Moshman

Intellectual freedom controversies don't always have happy endings. A happy ending for some may be an unhappy ending for others.

But here's a case with a happy ending for everyone.

In 2013, the Nebraska School Activities Association (NSAA), which coordinates athletic and other competitions among Nebraska high schools, adopted a new "Content Standards Compliance Form" for speech and drama competitions. Even the title upset me. The Board of Directors of the Academic Freedom Coalition of Nebraska (AFCON) was equally upset.

Where did this form come from? When I brought it to the attention of former AFCON President Doug Paterson, professor of theatre at the University of Nebraska at Omaha, he replied "Egad. It reads almost word for word what was read to us in 9<sup>th</sup> grade players in 1959." He hypothesized that it was found in a discarded mimeograph machine from the 1950s.

Among the winners of the March 2014 speech competition was Michael Barth, a student at Gordon-Rushville High School, who presented a poetic recitation concerning gender expectations and identities. Winners were invited to present their work on Nebraska Educational Television.

But Rhonda Blanford-Green, Executive Director of the NSAA, had recently experienced the backlash to an unsuccessful effort to protect transgender students. Concerned about potential reactions, she asked Sandi Muirhead, Michael's coach, if he could present a different speech.

Deeming this unreasonable, Michael decided, with the strong support of his coach and school, to go ahead

with his planned speech, uncertain whether he would be permitted to do so. There was a brief Facebook and media frenzy, leading to a statement by Blanford-Green that Michael was free to present his chosen speech, which he did.

Meanwhile, NSAA received a letter from ACLU Nebraska Legal Director Amy Miller questioning the constitutionality of NSAA's policy. In the course of further discussion, she suggested that AFCON could help craft a policy that better respected intellectual freedom.

As President of AFCON, I had a very pleasant meeting in May with NSAA Executive Director Rhonda Blanford-Green and Associate Director Deb Velder, who were happy to work with AFCON in revising their policy. They subsequently attended the July meeting of the AFCON Board for further discussion.

It turned out that the Content Standards Compliance Form was devised after looking at models from other states and the language was ultimately taken from Texas. So Doug Paterson's hypothesis that it came from the 1950s was not quite correct, but arguably close. I gave him partial credit.

After several rounds of revision, the form formerly known as the Content Standards Compliance Form is now simply a Speech Review Form. Among other changes, a mandate that the school administration ensure that "the speech does not offend the moral standards of the community" has been replaced by a standard of consistency with "the educational mission of the school."

What made it possible to reach consensus was that there was no fundamental disagreement. NSAA supports intellectual freedom in school activities, though of course insisting on the application of proper academic standards. AFCON supports academic standards,

though of course insisting on intellectual freedom.

The previous form concluded:

It is understood that a speech is subject to penalties through the judging process, if material is deemed inappropriate for high school performance.

The revised form concludes:

Nothing in these standards is intended to permit or encourage censorship on the basis of topic or viewpoint. The NSAA supports academic standards and academic freedom.

Everyone was so pleased with this result that AFCON decided to make the resolution of this issue the focus of its annual meeting and NSAA offered its Lincoln facility free of charge as the venue. The meeting, on October 9, featured an informative discussion about how consensus was reached in the aftermath of controversy and an academic freedom award recognizing Michael Barth for defending and presenting his speech.

Michael, now a first-semester student at the University of Nebraska-Lincoln's Johnny Carson School of Theatre and Film, could not be present to accept the award because he had already been cast in a play opening that very day in Lincoln. Meanwhile at Gordon-Rushville, in a school of under 200 students over 300 miles away in northwestern Nebraska, Sandi Muirhead's speech team is thriving.

So it was a happy ending for Michael, AFCON, NSAA, speech coaches, student contestants, academic freedom, and the First Amendment. What could be better than that?

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*David Moshman is the president of AFCON. This article originally appeared in The Huffington Post on October 23.*

**AFCON SPEAKER'S BUREAU** (As of December 2007)

Peggy Adair: "Banned Books, Black Arm-bands, and School Prayer: The Evolution of Children's First Amendment Rights in America"

padair@tconl.com

Dwayne Ball: "Threats to Academic Freedom at Universities"

adball@neb.rr.com

Bob Haller: "Civics Education and the Practice of Freedom" and "How Books Can Harm You: Lessons from the Censors"

mshortt@inebraska.com

David Moshman: "Principles of Academic Freedom"

dmoshman1@unl.edu

John Bender and David Moshman: "Student Freedom of Expression/Student Rights"

jbender1@unl.edu

dmoshman1@unl.edu

Laurie Thomas Lee: "Implications of the USA Patriot Act"

llee1@unl.edu

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Presentation of the Readers' Theatre production of A Tangled Web: Student Freedom of Expression.

(a cast of adults and students)

**ADDRESS FOR THE AFCON WEB SITE**

**<http://www.academicfreedomnebraska.org>**

**Check it out and learn Who We Are and about Our Activities; read our Constitution; learn how to Join Us; see the where and when of our Meetings; meet our Members and Officers;**

**AFCON is a 501(c)(3) nonprofit organization and all donations are tax-deductible.**

**REQUEST FOR NEWS FOR FUTURE ISSUES**

The editor of the AFCON SENTINEL invites all AFCON individual and organizational members to send news about academic freedom issues in Nebraska or editorial comments for inclusion in this newsletter and/or announcements of organizational meetings for the UPCOMING EVENTS column. **Due date for submissions to the March 20, 2015, issue is February 23, 2015.**

# AFCON

515 North Thomas Avenue  
Oakland, NE 68045.

Mailing  
Address  
Label

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## ACADEMIC FREEDOM COALITION OF NEBRASKA

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### HELP AFCON PROMOTE ACADEMIC FREEDOM

As a member of AFCON, you can help us

- ◆ support applications of the First Amendment in academic contexts, including elementary and secondary schools, colleges, universities, and libraries.
- ◆ educate Nebraskans 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.
- ◆ assist students, teachers, librarians, and researchers confronted with censorship, indoctrination, or suppression of ideas.
- ◆ act as liaison among groups in Nebraska that support academic freedom.

**MEMBERSHIP** (To become a member, send dues, organization or individual name, address, and phone number to Cathi McMurtry, 515 N. Thomas Avenue, Oakland, NE 68045)

**Organizational Membership** (\$120) entitles the organization to one seat on the AFCON Board, one vote in the election of officers and at the annual meeting, eligibility for office and chairing standing committees, provides newsletter subscription for the board member to share with the organization's information director, and reduced rates to AFCON conferences for its members.

**Individual Membership** (\$15) provides newsletter subscription, eligibility for office and for chairing standing committees, reduced rates for AFCON conferences, and one vote at annual meetings.

**Student Membership** (\$5) entitles full-time students to the same privileges as provided by the Individual Membership.

**AFCON ORGANIZATIONAL MEMBERS, PLEASE DUPLICATE THIS NEWSLETTER FOR YOUR MEMBERS.  
INDIVIDUAL MEMBERS, PLEASE PASS THIS NEWSLETTER TO A FRIEND AFTER YOU HAVE READ IT.  
ENCOURAGE HIM OR HER TO JOIN AFCON**

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