



THE

AFCON

SENTINEL



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A Quarterly of the Academic Freedom Coalition of Nebraska

December 17, 1999

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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—Spencer Davis

ACADEMIC FREEDOM AND THE COURTS

Recently I received the 1999 “Annual Legal Update” from the National Education Association. Its author, Michael D. Simpson, spotlighted a recent ruling by the Fourth Circuit Court of Appeals that should worry everyone interested in the cause of academic freedom. In the case of Boring v. Buncombe County Board of Education, the plaintiff, a high school drama teacher in North Carolina, challenged her demotion by the school board. Her demotion resulted from her decision to have her class present a controversial play in a state competition.

The full panel of judges decided by a 7-6 vote that the demotion was legitimate because control of the curriculum—in this case the selection of the play—is entirely in the hands of the school. The teacher has no right to control curriculum and no First Amendment right to a role in the selection of the curriculum. Within the classroom, as the school’s employee hired to present the school’s curriculum, the teacher

has no First Amendment rights. The six-judge minority in its dissent warned that the decision ends constitutional protection for any inside-the-classroom speech by teachers. Last year the U.S. Supreme Court refused to review this ruling. This year the Fourth Circuit extended the ruling to cover the faculty of public universities and colleges.

The language of the majority quoted by Simpson is extreme. It suggests an impatience with academic freedom amounting to a determination to exterminate it rather than to delineate its boundaries.

These decisions, taken literally, mean that a federal Circuit Court has decided to prohibit the discussion of ideas, since anything a teacher says beyond reciting the content of the school board’s texts could be grounds for disciplinary action against the teacher. Those decisions show how academic freedom is integral to reasonable teaching methods. Reducing teachers to parroting texts may satisfy the desires of censors to control teachers, but that control can only be achieved by rules that would eliminate effective teaching if strictly followed.

1999 AFCON ACADEMIC FREEDOM AWARDS

DORIS MARTIN

Beatrice High School Journalism Teacher. In 1992 Martin suggested a need for legislation to protect First Amendment speech rights for students. Her idea became the Nebraska Student Freedom of Expression Bill. In 1997 she testified in support of the bill before the Unicameral Education Committee. The bill was voted out of committee in 1999. Martin consistently defends challenges to the right and necessity of students to discuss issues that matter.

PEGGY ADAIR

Author and consultant/court-appointed advocate on child abuse in the Nebraska Judicial System. Adair wrote the novels Chance and Hide and Seek, both dramatizing the plight of young victims of child abuse—abuse that too often limits not only their intellectual freedom, but also their very rights of intelligence and life.

MINUTES of the AFCON Board of Directors

AFCON Board of Directors— September 11, 1999

MacDaniels/Lee moved the adoption of the June minutes as corrected.

Ball/Beckstead moved approval of the Treasurer's report with a balance of \$2374.16, including both the operating and the survey funds.

Krutz reported on sending an AFCON Speakers' Bureau list to the Nebraska State Reading Council Conference which was requesting program proposals.

AFCON members performed the play "The Tangled Web" Thursday afternoon, October 21, at the NLA/NEMA conference. Krutz presented a sectional on "Current Censorship Issues and Why They Matter."

Krutz forwarded Lofthus' report that the survey was ready to be mailed to selected state libraries and schools to discover the scope of incidents of challenge and censorship in Nebraska.

Davis distributed copies of the new AFCON membership brochure.

Moshman distributed the "Principles of Academic Freedom" policy statement. Board members suggested changes in policy numbers 4, 7, and 9. A motion to accept the policy statement passed. Copies will be distributed at the AFCON tables and will be printed in the December issue of this newsletter.

Black asked several questions for completing the AFCON application for an IRS ID number..

Krutz presented the recently developed job descriptions of AFCON Board members and their responsibilities which will be delivered by board members, or mailed, with cover letters to organizational members of AFCON. This will codify the expectations the organizations should have of their representatives on the Board.

The AFCON Annual meeting is set for November 20 in conjunction with the AAUP state conference. The tentative theme is the way money buys the expression of

political ideas. The committee of Haller, Spencer, and Ball plan a three-hour conference with a luncheon, speakers, and a panel.

The Board discussed the UNL library policy. Moshman provided copies; Ball suggested an investigation to discover any applicable policies regarding internet usage at UNL. Lee will so do and report at the next Board meeting.

Further discussion of the revisions of the AFCON constitution and bylaws ensued. Black/McMurtry moved the Board receive the document and forward it to the membership with a recommendation to adopt at the annual meeting. The Board commended Black for his work on the constitution.

Liz Quinlan, a princess for the Ak-Sar-Ben court, listed membership in AFCON in her newspaper biography.

Krutz showed two books of interest: 100 Banned Books and Places I Never Meant to Be.

AFCON Executive Committee— October 9, 1999

McMurtry/Haller moved approval of the September minutes. McMurtry gave the treasurer's report showing a \$2359.31 combined operating and survey fund balance. McMurtry announced AFCON has received its IRS ID number. Krutz reported revenue of \$75 from t-shirt and membership sales at the Nebraska Literary Festival.

A letter from the Nebraska Council of the Humanities stated the Sowers' Award will be presented annually and the AFCON nomination will be held until the 2000 competition.

Lofthus contacted McMurtry with the news he will take the survey to the printers this week.

Committee members spoke in favor of monthly Board meetings. Full Board approval is required

The Committee nominated Doris Martin and Peggy Adair to receive the 1999 AFCON Academic Freedom Awards. Beckstead and Krutz will prepare biographies for the two.

The Committee continued its discussion of plans for the AFCON annual meeting November 20.

AFCON Board of Directors— November 13, 1999

Black/Ball moved adoption of the September minutes as corrected. Black/Lee moved acceptance of McMurtry's financial report with a balance of \$2233.99 and a new membership from the Storyteller Monkey. Krutz reported the Nebraska Writers Guild voted to join AFCON. Its membership application will be mailed.

Black/Moshman moved that the AFCON annual meeting be held as scheduled at the Crane River restaurant in Lincoln, November 20. Haller and Ball will begin at 11 AM with a discussion on the power of money in the educational community. The members will present the AFCON 1999 Academic Freedom Awards to Peggy Adair and Doris Martin. Davis will send information about the honorees to a statewide newspaper. Ball will have plaques made to be presented to them.

Krutz/Ball moved that the format of the December Executive Board meeting focus on developing a plan for the structure of the organization and meeting times. This followed discussion of the advantages and disadvantages of moving to a calendar of monthly meetings of the Board.

Moshman distributed the final version of the Principles of Academic Freedom Policy which he used in presentations at Midland Lutheran and Creighton University. He also shared an article on religion and public education which he authored and which was placed in a beginning teachers' newsletter. (Editor—both appear in this issue of the SENTINEL.) Moshman also suggested AFCON develop specific principles regarding sexuality as it relates to AFCON's Principles of Academic Freedom.

Krutz/Black moved a \$25 contribution to LEA's Harvest of Books, which provides books for children.

ACADEMIC FREEDOM COALITION OF NEBRASKA
PRINCIPLES OF ACADEMIC FREEDOM

(Editor—these principles were adopted as a guiding policy of AFCON on September 11, 1999.)

1. Nature and Purpose of Academic Freedom. Academic freedom refers to intellectual freedom in educational and research contexts, including freedoms of belief, expression, discussion, and inquiry. A commitment to intellectual freedom respects the rights of students and teachers and creates an educational context that promotes learning, development, and original research.

2. Freedom of Belief. All individuals, including students and teachers, have a right to believe whatever they believe and to maintain or change their beliefs as they deem appropriate. Educational institutions may present alternative views but may not require belief in those views. Students may be evaluated and graded with regard to their understanding curricular material but not on the basis of their agreement with particular viewpoints.

3. Freedom of Expression. All individuals have a right to express their views privately and publicly and to discuss them with others. In academic contexts, students and teachers have a right to express their views on any matter relevant to the curriculum even if those views are deemed to be false, absurd, offensive, or otherwise objectionable. Some restrictions on expression are justifiable in cases where individuals are speaking in an official capacity on behalf of the institution.

4. Freedom of Inquiry. Educational institutions should encourage individuals to pursue their own interests and ideas and should promote access to relevant sources of information. Inquiry should not be suppressed by restricting access to controversial topics or viewpoints or by hindering the formulation of conclusions that may be deemed objectionable.

5. Formulation of Curriculum. Curriculum should be determined by teachers and other professionals on the basis of academic considerations. It is a responsibility of administrators and school boards to support justifiable curricular decisions and to educate their constituencies about the educational importance of an inclusive curriculum and the critical role of respect for academic freedom.

6. Challenges to the Curriculum. Suggested modifications of the curriculum should not be accepted merely to resolve a complaint, but neither should such suggestions be automatically rejected as illegitimate. In general, changes that expand the curriculum are more likely to be appropriate than changes that contract or restrict it. On the other hand, additions may be illegitimate if what is added cannot be justified academically, and deletions may be appropriate if what is deleted was not academically justifiable.

7. Parental Rights. Parents have a right to discuss their views with their own children and to communicate with the school if they have suggestions or concerns about what they perceive the school to be teaching. Schools should accept the responsibility of explaining and justifying their curricula. In general, parents have the authority to direct their own minor children's education, subject to the responsibility of the school to provide an adequate education and to respect the rights of the student.

8. Equal Opportunity. Students and teachers have a right to academic freedom regardless of individual, biological, cultural, religious, theoretical, ideological, political, or other characteristics, backgrounds, or viewpoints.

9. Privacy. In seeking information about potential or current employees and students, academic institutions should avoid making official inquiries that target personal expressive activities or that are so broadly or vaguely defined as to chill intellectual freedom. With regard to academic assignments, students may be encouraged to speak or write about their lives, and may choose to do so but may not be required to reveal personal information that they wish to keep private.

10. Due Process. Academic institutions should ensure that their judicial and quasi-judicial procedures provide sufficient due process to protect their intellectual freedom.

(Direct inquires to David Moshman, AFCON Policy Coordinator, Educational Psychology, University of Nebraska, Lincoln, NE 68588-0345. E-mail: dmoshman@unl.edu.)

Distance Learning . . . (Continued from Page 6.)

Therefore, the university asserted, it owned and could do as it pleased with all tapes, documents, and files produced by the faculty member, including selling those items elsewhere. There was enough faculty outcry for this document to be re-worked, but the intent of the University of Nebraska administration and other administrations around the country is clear. The faculty is to be commodified. They are assets and investments, and there must be a greater financial return on them. Commodities must be inoffensive to be commercial.

Religion and Public Education

by David Moshman

The approach of religious holidays raises the issue of how to educate students with diverse religious backgrounds and beliefs. A simplistic interpretation of the concept of separation of church from state may suggest that all we need to do is keep religion out of public schools.

This is an inadequate solution, however. Education must address the various factors that play important roles in human affairs, including the influence of religion, and educators must respect the right of students to express their views, including religious views.

What we need, then, is not a ban on religion but an approach that will both (a) maximize the quality of education about matters of religion and (b) respect the religious freedom of students and their parents. The following principles may be helpful in this regard.

1. Under the First Amendment, which requires that government be religiously neutral, U S. public schools may neither favor nor disfavor religion in general or any particular set of religious beliefs.

2. Curriculum in all areas should be determined on academic grounds by teachers and other professionals. Where appropriate, assignments and activities should objectively address the role of religion in human affairs. It does not violate student or parental rights if curricular content hap-

pens to run counter to their religious beliefs, provided the selection of content followed normal processes and was made by qualified professionals on academic grounds.

3. Students have a right to believe whatever they believe, and to express their views, including religious views. In curricular contexts, discussion may be limited to matters relevant to the curriculum.

4. Parents have a right to guide the religious education of their own children. This does not give them a general right to demand changes in the curriculum but may justify alternative assignments for particular children.

As a teacher in a public school, you need not set aside your own religious views when you go to work. When you speak or act as an agent of the school, however, you must respect the religious diversity of your students and the commitment of the schools to religious neutrality. You need not avoid all mention of religion, but you must not inject religion into the curriculum, where such inclusion is not justifiable on academic grounds and you must not use your students as a captive audience for religious indoctrination.

Attention to these guidelines will enable you to educate students about religion in an academic environment that is neither religious nor anti-religious.

(David Moshman is a professor of educational psychology in the Teachers College of UNL. Direct specific questions to him at his e-mail address: dmoshman1@unl.edu)

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 17, 2000, issue is due February 23, 2000.

FOR SALE BY AFCON

Send orders to Mel Krutz, 2625 Bluff Road, Seward, NE 68434-9801

T-shirts with a Paul Fell "banned books" design; Sizes M, L, XL, XXL, XXXL; \$15.00. Packaging and postage: \$2.00 each.

Note cards with a Paul Fell design; \$1.50; four for \$5.00. Packaging and postage: \$0.75 per packet.

Reader's Theatre Script of a TANGLED ISSUE: Student Freedom of Expression. \$10.00 buys the rights to produce and duplicate. Packaging and postage: \$2.00 each.

AFCON SPEAKER'S BUREAU (As of November 1999)

Dwayne Ball: "Threats to Academic Freedom at Universities"
3120 Jasper Ct., Lincoln, NE 68516
dball@alltel.net

Linda Beckstead: "Freedom of Student Press Issues"
3919 Davenport, Omaha, NE 68131
becksteadl@aol.com

John Bender: "The Nebraska Student Freedom of Expression Bill"
3609 S. 20 St., Lincoln, NE 68508
jbender@unl.edu

Spencer Davis: "Academic Freedom on the College Campus" and "Principles of Academic Freedom"
512 Laurel Circle, Bellevue, NE 68005
sdavis@bobcat.peru.edu or ssdavis@uswest.net

Bob Haller: "Money Talks: Ideas in the Political Process" and "Religion, Intellectual Freedom, and the University"
4000 S. 56th St., Lincoln, NE 68506
rhaller@unl.edu

Jeff Lofthus: "Surveying Censorship in Nebraska"
1220 Hayes Ave., Norfolk, NE 68701
jlofthus@pluggers.esu8.k12.ne.us

Mel Krutz: "So, When the Supreme Court Says Yes to Censorship, What Do You Say, Dear?" and "Current Nebraska Censorship Issues and Why They Matter"
2625 Bluff Rd., Seward, NE 68434
mel34938@navix.net (soon to be mel@alltel.net)

Carol MacDaniels: "Street Language and Student Writing"
4740 Grassridge Rd., Lincoln, NE 68512
cmacdani@unl.edu

David Moshman: "Nature and Purpose of Academic Freedom;" "General Principles of Academic Freedom;" "AFCON Policies;" "Intellectual and First Amendment Rights of Adolescents;" "Intellectual and First Amendment Rights of Students;" and "Intellectual Freedom and Intellectual Development"
1901 Pepper Ave., Lincoln, NE 68502
dmoshman1@unl.edu

Presentation of the Readers' Theatre production of "A Tangled Web: Student Freedom of Expression" (a cast of adults and students)

Gerry Cox Wins Again

Gerry Cox, AFCON member, was recently honored by SLATE (Support for the Learning and Teaching of English) as one of its 1999 NCTE/SLATE Affiliate Intellectual Freedom Award winners. These awards recognize those individuals, groups, or institutions that have advanced the cause of intellectual freedom.

Nominated by NELAC (Nebraska English Language Arts Council,) Cox has been a leader in intellectual freedom in Nebraska for many years. A retired teacher from Lincoln East High High School, Cox was a member of the Advocates for Intellectual Freedom that became AFCON. She was its president in 1989-1990 and was one of its Academic Freedom Award recipients in October 1998 for her continuing work in promoting intellectual freedom in Nebraska. For the Tenth Anniversary of AFCON in 1998, Cox compiled the AFCON Anniversary Celebration Packet.

Cox was honored at the NCTE (National Council of Teachers of English) Annual Convention in Denver, Colorado, at the Affiliate Roundtable Breakfast on November 20, 1999.

AFCON Annual Meeting November 20, 1999

Crane River Restaurant

In the business meeting, members unanimously adopted an extensively revised AFCON Constitution

The Nominating Committee presented the slate for the Year 2000 officers of AFCON: Spencer Davis, President; Dwayne Ball, President-Elect; Peggy Williams, Secretary, and Cathi McMurtry, Treasurer. Ballots will be mailed to members to complete the election process.

Members of the AFCON Board of Directors who are representatives of Organizational members: please send information about your organization's projected 2000 schedules.

Send to Spencer Davis, 512 Laurel Circle, Bellevue, NE 68005 or sdavis@bobcat.peru.edu or ssdavis@uswest.net.

Distance Learning, The Commodification of the Faculty, and Academic Freedom

by Dwayne Ball

Recent technological improvements in distance learning—specifically the teaching of classes by TV over satellite, and via websites on the internet, are innovations with remarkable promise for spreading knowledge around the globe. As the world's economies move into the information age, the desire for knowledge and all the good it can bring is exploding. The opportunities for both basic and continuing education are enormous. This will only continue over time. However, the use of this technology can fundamentally alter the relationships between teacher, pupil, and administrator, and that has the potential for some profound effects on academic freedom.

Many universities today are experimenting with distance classes. I have colleagues at the University of Iowa, for example, who teach 120 students per section, about 30 in each of 4 cities. Once per semester, they teach the course from each of the three satellite locations, but the rest of the lectures are delivered from Iowa City. In the satellite cities, the students see the professor on video and can ask questions via telephone hook-up. At the University of Florida, students enrolled in some basic classes simply receive them in their dorms or homes by video at any hour of the day or night, calling in to teaching assistants with questions. The faculty at the University of Nebraska are under some pressure to develop internet-based courses (I will be doing one myself in the Spring.) Lectures can be "streamed" into the Web, the faculty member's visage, blackboard, or PowerPoint slides appear a few seconds later on a student's PC—or the student can download the presentation at a later date.

As the technology improves, students and teacher will have greater opportunities for interaction. Someday soon, perhaps, the professor will be able to see the face of each student seated at his or her PC. Perhaps the professor will even have software scanning the student's face for signs of incomprehension, alerting the professor while he or she is standing at the lectern.

A more likely scenario is that the faculty member and student will never meet. Universities are feeling the financial crunch these days. Administrators seek a way out, and that way is to sell more of what the university produces—research and teaching. Expand the market, cut the price, bring in more consumers. Play the strategic game of competition with other universities for students, offering more courses, slicker courses, more "targeted" courses, no matter where you live. Improve the productivity and return on investment of university assets—the faculty. As a marketing professor, I can only sympathize with the use of the jargon and ideas for which my discipline is known, At the same time . . .

I see the trend developing. Universities, under financial pressure, would like to sell courses over the internet, divorced from the professor who taught them originally and divorced from the classroom situation. A student with a

question can call in and talk to a low-paid teaching assistant, perhaps, or send an e-mail. Tests will be administered and graded on-line or in the presence of remote teaching assistants. The professor's job will be to keep that internet file updated and slick and make sure his or her file competes with files produced by other universities, and to supervise the assistants. If administrators get their way, the university will own the intellectual property rights to the file and sell it wherever it can. If the professor fails to produce a file the university can sell widely, well, perhaps he or she can act as a teaching assistant.

Behind all this technology, I think, it is misused as it appears it may be, are the notions that knowledge is a commodity and teaching is a routine service, like changing the oil in your car. The use of mass-marketing ideas implies that the product must appeal to as many people as possible—it must be inoffensive as well as satisfactory. After all, the product is identified with the manufacturer, and the manufacturer has a brand image to uphold. Mass marketers are terrified of offending or provoking anyone—it does bad things to the bottom line.

So, the faculty chosen to produce the distance learning modules for the university will be those not known for provoking or offending in their classrooms. After all, knowledge is simply something that you buy in packages of three credit hours, insert into your brain, and move on—isn't it? The notion that students learn best when they are engaged—challenged, argumentative, outraged, struggling out loud, demanding of their teachers and fellow students—is simply not commercial.

At present, the primary relationship between teachers, students, and administrators is the one between the teacher and the student. The relationships between the student and the administration and the teachers and the administration are in the service of what happens in the classroom, laboratory, or other settings among the teacher and the students. Administrators normally stay out of these interactions on grounds of academic freedom—and also on the grounds that they cannot improve them, only make them worse. The job of a university administrator—at present—is to provide those environments in which learning can take place, and then get out of the way.

But, if the university adopts the methods and philosophies of private business in pursuing distance education revenues, that will no longer be true. The university will decide the course and the curriculum, offer the degrees, and certify the students. Faculty can be hired to produce educational modules, and discarded if those modules are not commercially viable. Lest this seem far-fetched to you, please keep in mind that the University of Nebraska administration produced—without faculty input—an intellectual property document this past summer that asserted that the faculty did, in fact, produce their courses "for hire."

(Continued on page 3.)

AFCON

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Mailing
Address
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ACADEMIC FREEDOM COALITION OF NEBRASKA

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 (\$100) entitles the organization to one seat on the AFCON Board and one vote in the election of officers and at the annual meeting, 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 (\$10) 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**