



THE

AFCON

SENTINEL



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A Quarterly of the Academic Freedom Coalition of Nebraska

December 17, 2010

AFCON OFFICERS

Linda Parker
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Peggy Adair
Secretary

Cathi McMurtry
Treasurer

David Moshman
Policy Coordinator

Peggy Adair
Legislative Liaison

Robert Brooke
Webmaster

Tom Black
Newsletter Editor

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—Linda Parker

December is a month for celebrations, reviews of the year about to end, and creating promises for the year to come. I never tire of reading the purpose of AFCON: 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.” Article 1, Para B; AFCON Constitution. We try to practice what we preach.

One of our strategic goals for 2010 was to “Continue educational outreach on student expression bill.” During the past year, AFCON provided informational services in support of LB898, the Student Expression Act, which was introduced by Senator Ken Haar. This bill was designed to protect the First Amendment rights of public school students. In July, AFCON hosted a workshop on the bill for the Nebraska High School Press Association. At our annual meeting, President-elect Rod Wagner organized a wonderful program titled, “SPEECHLESS IN NEBRASKA: THE HIGH SCHOOL PRESS”. The keynote speaker, Frank LoMonte, Executive Director, Student Press Law Center, provided many excellent ideas for strategies to educate people about the necessity for the bill. Details of the conference can be found later in this issue. The first AFCON President’s Award was given to Peggy Adair for her outstanding work on the Student Expression Act.

The Board had two goals in addition to the goal on the Student Expression Act:

Renew connection and relationship with K-12 schools.

Expand the membership base of AFCON, including individual and organizational memberships

Our primary focus this year was on the Student Expression Act, yet we also worked on these two goals. Next year’s board will reassess and reprioritize as needed.

We said farewell to several board members and welcomed their replacements. New board members this year have included Lori Lebrandt, representing the Nebraska Educational Media Association. Lori replaced Karen Drevo. Carol Mitchell is now serving as the representative from the UNO Senate, replacing Doug Paterson. Kudos go to both Karen and Doug for outstanding service to AFCON. Karen served most ably as secretary. Through Doug’s outreach, AFCON received a grant from the Kurz foundation to support our activities.

Webmaster Robert Brooke redesigned our website and made it easier to navigate. The URL for the new site is <http://www.nebafcon.org/>. Take a look and give us feedback. Look especially at the informative list of academic freedom incidents in the state of Nebraska over the past several years.

I would like to conclude with a special thanks to Rod Wagner for his efforts in planning this year’s annual conference, to Dwayne Ball, past-President for being a terrific resource person, and to Tom Black, the editor of the Sentinel, who always does an outstanding job.

Upcoming Events

AFCON Board Meetings, January 8, February 11, March 12, 2011.
Loren Eiseley Library, 1530 Superior, Lincoln, Nebraska; 10 AM

Summaries of AFCON Board of Directors' Meetings—Peggy Adair

October 9, 2010—Eiseley Library, Lincoln

PRESENT: Peggy Adair, Dwayne Ball, Frank Edler, Bob Haller, Lora Leibrandt, Cathi McMurtry, Carol T. Mitchell, Dave Moshman, Linda Parker, Rod Wagner

BOARD MEMBERS: John Bender has indicated an interest in remaining on board. McMurtry will contact him to determine in what capacity Bender may wish to participate as a board member.

MINUTES: Minutes for the AFCON board meeting held on September 11, 2010, were approved upon a motion by Moshman and second by Ball.

TREASURER'S REPORT: The Treasurer's report dated October 8, 2010, was reviewed and filed for audit. Balance on hand for October 8, 2010, is \$4,707.06, including a \$2,000.00 grant awarded to AFCON by the Kurz Foundation.

KURZ FOUNDATION GRANT: Adair will write a thank-you letter to the Kurz Foundation on behalf of AFCON. Adair will review the grant parameters to assure AFCON follows the requirements as stated in the grant award letter.

MEMBERSHIP BROCHURES: The board discussed the need to design membership brochures that do not list officers' names so the brochures do not become dated so quickly. The board tabled action on new brochures until the January, 2011, board meeting.

SENTINEL: The next issue of the *Sentinel* will feature the AFCON annual meeting on the front page in lieu of the President's report. McMurtry will get the labels to Haller so he can get the *Sentinel* out as soon as possible.

LEGISLATIVE REPORT/STUDENT EXPRESSION BILL: Wagner, Parker, Haller and Adair will meet with Senator Haar on Wednesday, October 13, 2010, to discuss next steps for a student expression bill. Moshman may also be able to attend and will contact Adair to confirm.

With board approval, Adair will testify on November 5, 2010, regarding LR 431, which examines how private sources of money given to public institutions should be disclosed. Adair will send a draft of her testimony by email to the board before November 5.

ANNUAL MEETING: Wagner updated the board on the AFCON annual meeting plans. Adair will do the citations for Senator Haar and Legislative Aide Tom Green. Parker will bring AFCON brochures. McMurtry will be in charge of registration.

Haller will be in charge of the actual award plaques. Other AFCON board members offered to assist on the day of the meeting wherever needed. Wagner will invite members of the Legislature's Education Committee to the program. Mitchell will contact Lisa Dale to see if she is now able to accept an AFCON award for her support of academic freedom at Benson High School. (Dale was nominated for the award at the September AFCON meeting.) Mitchell will contact Doug Paterson to see if he will provide the citation for Dale. Adair will moderate the panel discussion on student expression that will follow Frank LoMonte's remarks.

Publicity: Edler will pursue NPR. Leibrandt will contact *The Reader* in Omaha. Other publicity outlets were discussed but no conclusion on who will contact: *Omaha World-Herald*, *Lincoln Journal Star*, *Daily Nebraskan*, *Gateway*, *Omaha Star*.

The board agreed to offer to pay LoMonte's hotel expenses if he is able to stay over and meet with NSEA and state senators.

NOMINATING COMMITTEE: The nominating committee has secured candidates for 2011 AFCON officer positions. Further nominations will be accepted at the November AFCON board meeting, and ballots will be mailed out or emailed to AFCON members in the next edition of the *Sentinel*.

MEMBERSHIP REPORTS: Moshman will be writing a blog for the Huffington Post that will discuss how the First Amendment does not protect academic freedom. Moshman will contact AFCON members when his blog appears.

NEXT MEETING DATES: The **AFCON ANNUAL MEETING** will be **Saturday, November 6, 2010**, at 9:30 a.m. at the **Beacon Hills Restaurant, Lincoln**. The **AFCON Board of Directors** will hold a short meeting after the annual meeting is adjourned.

November 6, 2010—Beacon Hills Restaurant, Lincoln.

Present: Peggy Adair, Dwayne Ball, Frank Edler, Bob Haller, Cathi McMurtry, Carol T. Mitchell, Dave Moshman, Linda Parker, Rod Wagner.

ORDER OF BUSINESS: President Parker made a motion to cancel the December 11, 2010, AFCON board meeting, with a second from McMurtry. Motion carried on voice vote.

The next AFCON BOARD MEETING will be SATURDAY, JANUARY 8, 2011,

10:00 a.m., at EISELEY LIBRARY in LINCOLN.

THE ANNUAL MEETING, NOVEMBER 6, 2010, Beacon HJills, Lincoln

PRESENT: Peggy Adair, Dwayne Ball, Robert Brooke, Karen Buckley, Nancy Comer, Gerry Cox, Frank Edler, Bob Haller, Mel Krutz, Laurie Thomas Lee, Carol Mitchell, Cathi McMurtry, Dave Moshman, Linda Parker, Doug Paterson, Rod Wagner, Guests and Members.

PRESIDENT'S REPORT: President Parker recalled some highlights of the past year, including the speech by William Ayers at the 2009 AFCON annual program; the award to AFCON of \$2,000 by the Kurz Foundation; the Nebraska high school press workshop on the free expression bill in July; strategic planning; and development of a timeline for AFCON activities.

MINUTES: Members reviewed the minutes of the November 14, 2009, AFCON Annual Membership Meeting. Minutes were approved following a motion by Ball and a second by Lee.

TREASURER'S REPORT: The Treasurer's report for November 14, 2009, through November 6, 2010, was reviewed and filed for audit. McMurtry reported the Kurz Foundation Grant and an increase in the number of individual AFCON memberships have given a boost to treasury funds. Balance on hand, November 6, 2010, is \$5,141.00.

NOMINATING COMMITTEE REPORT: The nominating committee of Ball and Edler presented the following slate of officers for 2011: President-elect: Laurie Thomas Lee
Secretary: Peggy Adair
Treasurer: Cathi McMurtry
There were no further nominations from the floor. The ballot will be sent out to AFCON members in the next edition of the *Sentinel*.

COMMENDATIONS: The following commendations were approved by rousing acclamation of AFCON members: Ball commended **Linda Parker** for her exceptional year of service as president of AFCON for 2010. Edler commended **Rod Wagner** for a great 2010 AFCON conference. Buckley commended **Cathi McMurtry** as Treasurer-For-Life and **Peggy Adair** for her work as secretary.

The Academic Freedom Coalition of Nebraska

Annual Meeting November 6, 2010

Reaction to Frank LoMonte's address from Katie Wright, English II / Journalism Teacher, Crete High School:

I walked away from the address by Frank LoMonte, Executive Director of the Student Press Law Center, with many questions. Not questions that he left unanswered, but questions that I (and all of us as Nebraskans, for that matter) need to consider.

Questions like *Do Nebraska school administrators understand the democratic value of what journalism can do and create in a high school climate ? And Do these administrators understand why or how censorship decisions are so costly on the value students place upon the content learned and created in a high school journalism classroom ?*

Think about the ownership students place on their publication and how that ownership is affected when their ability to write about issues that matter is limited by school administrators.

In regards to my knowledge of the true cost of the Tinker and Hazelwood decisions and their effects upon the scholastic journalist, I was also left with a better understanding through one thought posed: when it comes to the "special characteristics of the school environment," as quoted in the Tinker decision, the thought from LoMonte that those special characteristics call for students being allowed *more* favor and leniency, not *less* (as has been enacted by school administrators, school boards, and, eventually, the courts) is interesting when that notion is considered as *sound peda-*

gogical practice in reference toward civic practice. Just as we provide practice fields for every extra curricular under the sun in today's day and age with the dozens of sports and activities offered to high school students, why are we not allowing those students the practice field of journalism to hone the art of using their first amendment rights in a safe, moderated, supervised arena? Yet another good question.

According to LoMonte, as a result of this lack of proper practice in respect toward first amendment rights use, we're being told that many college and universities are finding themselves having to institute "remedial first amendment rights classes" for their freshmen to aid students in gaining better civics education bases. This leads one to question whether or not the American high school is creating products which can be considered 'college ready'. If not, those are lasting damages that colleges are finding themselves forced to undo. And who is to blame? Teachers? Administrators? School Boards? Legislators? The Courts?

I liken it to an analogy of handing over driving privileges at the age of 16 to an inexperienced and untrained driver. States are imposing more legislation to limit adolescent driving privileges pointing toward the cost of the damage these drivers can do. They think the same can be done by *not* providing legislation to protect these same students' rights to learn the skill of using their first amendment right in a controlled, educational environment. By limiting their ability to practice those skills, how will they be prepared to use those skills in the future? Who will become the press of our future? Who

will become the democratic leaders? Who will vote for those leaders?

So we are brought to the point where we must stop looking at the student free expression law not as though it's for the student journalists, but as if it is for the good of the public democracy in general, which was the main point of LoMonte's message.

As it is now, we have the highest percentage of embedded journalists in an environment that is the most under-covered aspect in our states. According to LoMonte as he pointed to a recent research study coming out of the University of Missouri, 1.4% of coverage in the mainstream media is devoted to education, but it is consistently the highest percentage of state budgets. Why is this? There is an opaque handling of school matters that isn't being covered by mainstream media. This current environment is beckoning for student journalists to be trained to ensure a clearer transparency, to train watchdogs, to help students demonstrate a level of civic readiness to maintain a high functioning democracy. To hold school districts accountable from the ground up. Freedom of Speech and the student press in that regard isn't only in the students' best interest, but in the school districts' best interests, as well and the more we get district patrons to realize that, the more of a backing we're going to have on the legislative level. The students' discussion of these timely and meaningful topics needs to take place in the controlled venue of a classroom, not online as it is doing far too often now.

(See Katie Wright, page 4)

(Katie Wright, from page 3)

So what program is in place in schools that already trains students to continually check and recheck facts, not publish rumors, place ownership on written work and retract mistakes that don't reflect the truth? What other program provides these skills to help combat the problems that cyber bullying and social networking sites have created, that nonpartisan governments, greedy politicians and layer upon layer of opaque bureaucracy create? None other than journalism, as LoMonte pointed out.

I fully agree that without legislation like the Student Free Expression Bill (LB898), policies like Hazelwood will only continue to afford the least amount of freedom the law allows. It's not only an abysmal policy to which too many schools adhere; it is unsound educational practice and a horrible preparation plan which

will fail to produce civically-minded, college-ready students.

If schools can have trained teachers who can enact policies to get their students better rights, all the better. But our state isn't providing protection for those teachers to be able to enact those policies without fear of losing their jobs at this point. So what is our ultimate goal? To protect the students? To protect the teachers? To protect administrators who support the district or administrators who protect their students' rights? Or to protect the school districts? Once again, there's little in the form of meaningful answers.

As LoMonte stated, students will not all be journalists when they grow up, it's true; but *they will all be Americans*. To be successful in our approach, LoMonte's suggestion is that **to save journalism in our schools, we must approach it as saving civics education**. Doing so, we must not allow our administrators to continue to 'dumb down' journalism curriculums by requir-

ing students to continually write 'fluff' stories. Stories that no one reads. Stories that don't matter. Stories that the kids themselves don't care about because no one else does, either.

We need to smarten our readerships to demand better reporting and ask questions of the administration when that doesn't take place. Instead of our readerships being surprised that we jumped a story that the local paper didn't cover first, they should *expect* that out of student journalists because, after all, they have the freshest ideas. That is, unless they haven't given up on reporting them already because they're continually told they can't.

So after the presentation and roundtable discussion, I'm ready to roll up my sleeves. Yes, it's going to take some work, guts, and courage. But with the correct guidance and direction, I think we can get this done.

Student Expression Rights and Responsibilities

A Panel Discussion

The Fall Program and Annual Meeting of the Academic Freedom Coalition of Nebraska (AFCON) on Saturday, November 6, 2010, at the Country Inn Suites / Beacon Hill Restaurant included a lively panel and discussion moderated by Peggy Adair, President of the League of Women Voters of Nebraska and legislative liaison for AFCON. The topic of the panel was "Student Expression Rights and Responsibilities" and members of the panel included Frank LoMonte, Executive Director of the Student Press Law Center based in Arlington, Virginia; Jane Holt, Head of the Media Department at Lincoln East High School and a member of the Nebraska High School Press Association; David Schwartzlander, Chair of the Journalism Department at Doane College and a member of College Media Advisors; and David Moshman, Professor of Educational Psychology at the University of Nebraska, Lincoln, and policy coordinator for AFCON.

Many of the questions that Peggy Adair addressed to the panel were focused on the objections administrators and others raised in relation to Senator Ken Haar's proposed LB 898, the Student Expression Act. For example, objections were made that LB 898 would "significantly disrupt a school setting" or "erode local control." LoMonte stated that California has an anti-Hazelwood law that protects student expression, and this law has not produced educational havoc in California. LoMonte and other panelists agreed that schools, administrators, and boards of education need to see that expanding student expression is in their best interest. Studies done on school violence by the Center for Disease Control and Prevention show that authoritarian and repressive schools foster a greater degree of violence in student behavior.

Lessons from Bill Gates and Diane Ravitch

By Bob Haller

A headline in the *Lincoln Journal Star* last week: Bill Gates calling pay raises based on seniority and getting a Masters a waste of money because higher pay should come only from results!

Meaning the test scores of students.

But if you want real stories of wasted compensation, read Diane Ravitch's *The Death and Life of the Great American School System. How Testing and Choice Are Undermining Education*. (Basic Books 2010).

The book opens with her confession and repentance: she once supported "reform" based on the mantras "accountability" and "choice," but now admits the error of her ways. The reform program, which bases teacher pay on improved student test results, and which encourages "charter" schools, privately run but sometimes publicly funded, represents the application of a business model to our public schools. Its advocates and usually its funding sources are businesses and foundations never elected to office, who ignore teacher competence and experience, and allow no citizen, parent or student questions or complaints..

Unfortunately, this reform movement is completely compatible with No Child Left Behind, a policy which the Obama administration, more unfortunately still, supports. Arne Duncan agrees education gets better when you test reading and mathematical proficiency, to the exclusion of a rich curriculum and the deep involvement of faculty, parents, community and students in the pursuit of the kind of creative learning that made the U.S. a world leader in education.

Read in Ravitch's books

the accounts of Mayor Bloomberg's takeover of New York schools, or the devastation of San Diego's formerly fine school system, the empowering of MBA's to fire and brainwash experienced teachers and administrators while failing to devise state-mandated curricula in areas outside of Reading and Math. A depressing spectacle.

I note that Nebraska has so far been untouched by the kinds of "reform" that Ravitch describes: no mass firings of teachers and principals, no influx of charter schools to rob public funds without producing measurable improvement. AFCON has fought this approach to education, as when we gave our academic freedom award to the leaders of the STARS project, which tied assessment to classroom content. We lost the fight for STARS, and lost Commissioner Doug Christensen. But at least we have not let the reformers in to devastate Nebraska schools.

But the lesson of Ravitch's book applies in Nebraska as in those school systems ravaged by reform. It is that the foundation of any reform must be teacher professionalism.

A former Teacher of the Year for the San Diego District told Ravitch about faculty behavior under the reform administration: "We bonded, we spoke in code words. They spied on us, videotaped our staff development meetings, with the camera pointed at the audience, not the presenters. Sometimes we agreed that no one would talk. We would sit quietly, in a form of passive noncompliance..." This sounds like life under some dictatorship, and it is. But in the context of education it is more specifically the extreme suppression of academic freedom.

AFCON lives on the hope that teachers will assert their profes-

sionalism, meaning their collaborative control of the curriculum, their commitment to growth in their knowledge base and their understanding of teaching, and their respect for student intellectual freedom. AFCON applauds school boards and administrators who foster teacher professionalism. We recognize that unions are a means of assuring that outside reformers cannot strip teachers of their integrity. Which is why we hope that the NSEA, the NCSA and the NASB will come together to support the Student Expression Bill.

Two final comments.

The "reformers" want to assure that every student, most of all those who start out at a disadvantage, receives the benefit of education. That is a laudable goal that unites us all. And we would agree that public education must also promote citizenship, preparation for participation in the economy and highest levels of scientific and humanistic accomplishment. But we should never come to believe that those goals are met by standardized testing.

I saw Bill and Melinda Gates on Christine Amanpur's Sunday morning show, and the educational reforms they cited on that occasion were laudable. I remember their citing videos made of experienced teachers in the classroom, where the teachers discuss with students the interactions depicted, noting where a student or two were "lost" at some point, a sign that the teachers should have paused for a break. I hope such an approach is closer to their hearts than the disrespecting of experience and learning of that *Lincoln Journal Star* headline.

Academic Freedom is Not Protected by the First Amendment

By David Moshman

There, I said it, right in the title. And however much as it hurts I'll say it again: Academic freedom is not protected by the First Amendment. Recognizing this is the first step in defending academic freedom.

We should be clear from the start that academic freedom is not simply a First Amendment right. Academic freedom is intellectual freedom in academic contexts, which is both more and less than the constitutional requirement that the government "make no law abridging the freedom of speech."

For a substantial portion of the 20th century, however, the First Amendment did protect important aspects of academic freedom. Alas, it no longer does. Here's a two-minute summary of the constitutional history:

In *West Virginia v. Barnette* (1943), the U.S. Supreme Court ruled that public schools may not require students to salute the flag and pledge their allegiance. It was a violation of the First Amendment for public education to be used for the purpose of indoctrinating a captive audience.

In *Sweezy v. New Hampshire* (1957) the Court recognized the constitutional status of academic freedom in finding for a Marxist economist targeted by McCarthyism. The plurality and concurring opinions disagreed, however, as to whether constitutional academic freedom is primarily a right of individual teachers or a right of colleges as institutions.

In *Keyishian v. Board of*

Regents (1967), the Court proclaimed: "Our nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."

In *Tinker v. Des Moines* (1969), involving secondary school students wearing black armbands to protest the U.S. military intervention in Vietnam, the Court reinforced the applicability of the First Amendment in schools at all levels of education. Neither students nor teachers, it insisted, shed their First Amendment rights at the school-house gate.

They shed them, it turned out, at the classroom door. In *Hazelwood v. Kuhlmeier* (1988), the Court ruled that because a student newspaper was part of the journalism curriculum it therefore fell largely outside the domain of the First Amendment. Without argument or analysis the Court simply assumed that the First Amendment in schools applies only to speech outside the curriculum.

Federal courts since *Hazelwood* have been increasingly clear that, in matters of curriculum, school officials have broad latitude to determine the school's message and restrict expression accordingly. Curriculum at all levels of education is a First Amendment-free zone. Teachers are hired to teach whatever they are told to

teach and students are there to learn it.

Just as it seemed things couldn't get worse, the Supreme Court determined in *Garcetti v. Ceballos* (2006) that public employees in general do not have First Amendment rights when they are doing their jobs. Lower courts have applied this ruling to teachers at all levels of education, thus reinforcing *Hazelwood*.

By the time of *Morse v. Frederick* (2007), it was clear that the First Amendment does not apply within the curriculum and thus provides no constitutional protection for academic freedom. The question was how far around the school the freedom-free zone extends. The Supreme Court found that it extends even across the street if one is holding a sign that says "Bong Hits 4 Jesus."

And so, public education must recognize that the First Amendment will not show up to save the day. But without the First Amendment, how can we defend academic freedom? An organization that has been answering this question since 1988 is the Academic Freedom Coalition of Nebraska, which I will discuss in my next post.

David Moshman is the AFCON policy coordinator. This article originally appeared in his Huffington Post blog on intellectual freedom in education. For additional posts, see <http://www.huffingtonpost.com/david-moshman/>

UNIVERSITY REPORTS — Dwayne Ball

I use as my sources the Chronicle of Higher Education (CHE), the newsletters of the Foundation for Individual Rights in Education (FIRE), and other sources as noted. Out of dozens of cases I have found in various sources, I mention only three important ones this time, all of them involving free speech issues.

U.S. Congress, November 2010: The “Tyler Clemente Act” is before Congress as of this writing. Clemente was an apparently gay freshman student at Rutgers whose sexual activities with another male were surreptitiously video-recorded and posted on the Internet by his roommate in September. Shortly after the postings, Clemente committed suicide. Responding to an outcry, senator Frank Lautenberg and representative Rush Holt of New Jersey introduced the act that removes the “reasonable person” standard from the Higher Education Act of 2008 in judging whether behavior can be judged harassment so pervasive and targeted as to deny equal access to education. Effectively, expression that makes someone very unhappy can be grounds for a suit against a university that fails to monitor and punish such expression. The bill is a solution to a problem that doesn’t exist, as well as a direct attack on freedom of speech. The behavior of Clemente’s roommate was illegal already, and requires no additional legislation to be actionable. The proposed

bill would force universities to monitor on- and off-campus speech for anything that might create a hostile and abusive environment to anyone, even if the response of that person is disproportionate by the reasonable person standard. It is probably unconstitutional, but as with most such legislation, it will have to ruin lives before it can be successfully challenged in court, if passed (FIRE newsletter of Nov. 23, 2010, plus various newspaper accounts).

Valdosta State University, September 2010: in 2007, Student Hayden Barnes made and displayed a collage that criticized the decision of the university to use \$30 million in student fees to build parking garages. To make a long story short, university president Ronald Zaccari expelled Barnes. Barnes sued. He won his case in federal court, based on violations of his civil rights and in the lack of due process guaranteed by the Valdosta State student handbook. Furthermore, and most importantly, the qualified immunity of university officials was nullified. Zaccari may have to pay damages to Barnes out of his own pocket. If this precedent is upheld in future cases, it will change the culture of arbitrary authority to stifle speech on campus. If you were a public university president, you would

think twice about stifling freedom of expression if you knew someone might take your house and car for it. (FIRE newsletter of Sept. 15, 2010)

San Jose City College, July, 2010: in the summer of 2007, adjunct professor June Sheldon was leading a discussion on the nature vs. nurture debate in her Human Heredity class. A student asked whether homosexuality was inherited or a product of the environment. Sheldon felt she tried to explain the complexity and incompleteness of the evidence. A student found various statements she made “offensive and unscientific” and filed a complaint, at times appearing to take offense at Sheldon’s mention of evidence or her own opinion on the “nature” side, and at other times, on the “nurture” side. The college mounted an investigation and concluded that Sheldon was teaching unverified hypotheses as fact, and terminated her. She sued, and the community college settled for \$100,000 in damages in July of 2010. The importance of this case, beyond the biological fact and opinion, is that the college used the infamous *Garcetti v. Ceballos* decision as the basis for its case, and the federal district court rejected their claim that *Garcetti* removed first amendment rights from teachers in higher education classrooms. In other words, Sheldon was not prohibited from presenting her opinions in class. (FIRE Press release of July 26, 2010)

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"

rhaller1@unl.edu

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

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.nebafcon.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; Study our Publications, Principles, and Statements

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 19, 2011, issue is FEBRUARY 21, 2011.

Send to Tom Black, editor, 610 West Park, West Point, NE 68788 or wpc6296@cableone.net

AFCON

515 North Thomas Avenue
Oakland, NE 68045.

Mailing
Address
Label

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 (\$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**