



THE

# AFCON

SENTINEL



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## AFCON OFFICERS

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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—Rod Wagner

### School Librarians, 21<sup>st</sup> Century Skills, and Academic Freedom

School librarians seldom get the credit they deserve. These education professionals perform a vital role in schools through their work with students, fellow teachers, administrators, parents and community. Their responsibilities are many and their performance is essential to higher level student achievement. School librarians aid students in developing critical thinking, communication, collaboration and creativity skills. Freedom of expression is a fundamental and professional value for school librarians. The school librarian's role in academic freedom is significant on the path toward 21<sup>st</sup> century skills development and effective civic participation.

Seth Godin, entrepreneur and author, wrote about "the future of the library" in his blog. He describes a librarian as "a data hound, a guide, a Sherpa and a teacher." He says that a "librarian is the interface between reams of data and the untrained but motivated user." That's quite a description. Libraries, school libraries included, are not what they used to be. They are much more. Libraries and librarians have changed and are evolving. The academic freedom element is the higher value of freedom of thought and expression fundamental to the professional work of librarians. Finding appropriate information, evaluating it, and applying information to learning are essential skills for student achievement. These are also skills contributing to an appreciation of

academic freedom principles.

School librarians are experts in teaching effective learning skills, skills essential to educational achievement and lifelong learning. Librarians collaborate with teachers to guide students toward the best information sources, not necessarily the easy selection from the top of the list from a web search. And they help students use information to make and compare choices, assess differing perspectives, and form opinions.

The best schools have great libraries and librarians. Nebraska is fortunate to have some of the best school librarians in the country, testimony to the recognition many school administrators have for the value of school librarians. Recent recognition of the Lincoln High School Media Center as among the best in the United States is one example of the value and recognition of excellence. The Nebraska Educational Media Association chose Lincoln High's school library media program as representative of "outstanding" school libraries in Nebraska. The Lincoln public schools' district library media program has received national recognition previously. School administrators that don't recognize the value of libraries and librarians are short-changing their students and contributing to schools that underperform or fail.

It's not a stretch to imagine that academic freedom flourishes within schools with effective school library media programs led by involved and effective school librarians. Let's give our school librarians the recognition they rightly deserve. Thanks to our school librarians for their many contributions to teaching and learning in our schools.

## Upcoming Events

AFCON Board Meetings, June 11, July 9, September 10, 2011  
Loren Eiseley Library, 1530 Superior, Lincoln, Nebraska; 10 AM

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

### AFCON Board—March 12, 2011

**Present:** Peggy Adair, Dwayne Ball, Tom Black, Kelli Bowers, Nancy Comer, Frank Edler, Bob Haller, Laurie Thomas Lee, Cathi McMurtry, David Moshman, Linda Parker, Rod Wagner.

**AGENDA:** Additions to the agenda: Under Treasurer's Report; AFCON advertisement in ACLU annual meeting program, and AFCON brochure update. Under Legislative Report; CIR (Commission on Industrial Relations) bills. Motion to approve agenda with additions was made by Parker, second by Ball. Motion carried on voice vote.

**MINUTES:** Minutes of the AFCON board meeting held on February 12, 2011 were approved upon a motion by Moshman and second by Edler. Motion carried on voice vote.

**TREASURER'S REPORT:** The Treasurer's report dated March 11, 2011 was reviewed and filed for audit. Balance on hand as of March 11, 2011 is \$4,379.92. Motion to appropriate \$50.00 for a half-page AFCON advertisement in the ACLU annual meeting program was made by Ball. Second by Comer. Motion carried on voice vote.

**AFCON BROCHURES:** Parker will update the AFCON brochure with a list of 2011 officers and the new AFCON web address. Parker will distribute the updated brochure to the AFCON board for proofreading.

**PRESIDENT'S REPORT:** Wagner reported the most interesting action by AFCON in the last month was the public hearing on the Student Expression Act. Parker requested that those AFCON members who testified forward their written testimony to her for the AFCON archives.

**SENTINEL:** Articles for the AFCON *Sentinel* should be sent to Tom Black by **May 23, 2011**. The next issue of the *Sentinel* will be available on June 17, 2011. Haller will write an article on recent activities promoting participatory civics education in Nebraska. Adair will write another call-for-articles from K-12 teachers.

**LEGISLATIVE REPORT:** Adair updated the AFCON board on the status of legislative bills AFCON is following.

The board reviewed and discussed at length the public hearing on the Student Expression Act and strategies for moving forward. Some ideas to consider:

- Meeting with school administrator organizations and school board organizations to educate them about Hazelwood and how academic freedom benefits administrators, teachers and students.
- Developing a written protocol for dealing specifically with student expression issues, as opposed to student discipline issues.
- Promoting anti-Hazelwood policies at the school district level.
- Waiting for term limits to replace certain members of the education committee.

**CIR Bills:** Motion was made by Parker, second by Adair: Be it resolved that AFCON shall send a letter to the Business and Labor Committee of the Legislature in support of collective bargaining as it relates to protection of academic freedom. Motion carried on voice vote.

Motion was made by Adair, second by Ball: Be it resolved that AFCON shall send a similar letter to NSEA in support of collective bargaining as it relates to protection of academic freedom. Motion carried on voice vote.

Wagner and Parker agreed to collaborate on the wording of the letter and will email a draft to the AFCON board. The board agreed the final letter shall appear in the *Sentinel*, on the AFCON website, and shall be emailed to board members for distribution to their respective organizations.

**NEGOTIATED CONTRACTS AND ACADEMIC FREEDOM:** Edler reported academic freedom statements can be found in the board of governors' documents that establish community colleges. The Board of Regents bylaws also contain a statement on academic freedom. Of the six community colleges, Metro Community College, Western Nebraska College, and Mid-Plains College have some reference to academic freedom.

Parker and Edler agreed to extract the academic freedom statements of the various higher education institutions and put them in some sort of order so they can be viewed easily on the AFCON website.

**LEGISLATIVE BILL 470:** Wagner reported concerns with possible negative consequences of LB470 after discussions with Policy Coordinator Moshman. Motion was made by Moshman, second by Ball, to change AFCON position on LB470 from "support" to "neutral." Motion carried on voice vote.

**ANNUAL MEETING:** Lee reported the author of *The Future of Democracy*, Peter Levine, is most likely not available to appear in person as the keynote speaker for the AFCON fall program/annual meeting. The AFCON board brainstormed a number of possible ideas for alternate speakers.

### MEMBER ORGANIZATION REPORTS:

The Nebraska Library Association submitted a letter in support of LB582, the Student Expression Act, to the Education Committee of the Legislature.

**NEXT MEETING:** The next meeting of the **AFCON BOARD OF DIRECTORS** will be **Saturday, April 9, 2011** at 10:00 a.m. in **Eiseley Library, Lincoln**.

### AFCON Board—April 9, 2011

**Present:** Peggy Adair, Dwayne Ball, Nancy Comer, Lora Leibrandt, Cathi McMurtry, David Moshman, Linda Parker, Rod Wagner.

**AGENDA:** Additions to the agenda: under Unfinished/Continuing Business, add "AFCON brochure update." Agenda was approved by consensus.

**MINUTES:** Minutes of the AFCON board meeting held on March 12, 2011 were approved upon a motion by Moshman and second by Ball. Motion carried on voice vote.

**TREASURER'S REPORT:** The Treasurer's report dated April 8, 2011 was reviewed and filed for audit. Balance on hand as of April 8, 2011 is \$4,191.53.

(See **Minutes**, page 3.)

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

### PRESIDENT'S REPORT:

Wagner presented to the board his suggestion that AFCON hold a contest for school students to present essays or other media on the topic of academic freedom. The board enthusiastically embraced the idea and brainstormed a number of ideas. A committee was formed to work on the ideas and bring a proposal to the full board. Committee members are Dwayne Ball, Peggy Adair, Linda Parker and Lora Leibrandt. Ball agreed to chair the committee. Ball will also invite Laurie Thomas Lee to be on the committee.

Wagner reported he sent a letter to the state legislature's Business and Labor Committee regarding collective bargaining as it relates to academic freedom. The AFCON Board agreed to monitor further CIR (Commission on Industrial Relations) bills without taking a position in support or opposition.

**SENTINEL:** Articles for the AFCON *Sentinel* should be sent to Tom Black by **May 23, 2011**. The next issue of the *Sentinel* will be available on June 17, 2011. Haller will write an article on recent activities promoting participatory civics education in Nebraska. Adair will write another call-for-articles from K-12 teachers. Parker will create a bibliography of court cases regarding academic freedom to publish in the *Sentinel* and on the AFCON website.

### POLICY COORDINATOR:

Moshman reported on the recent ruling of *Adams v. Trustees of the University of North Carolina-Wilmington*, a case before the United States Court of Appeals for the Fourth Circuit. Moshman reported the ruling appears to protect freedom of speech for faculty members, but not academic freedom.

### LEGISLATIVE REPORT:

Adair updated the AFCON board on the status of legislative bills AFCON is following.

### MEMBER ORGANIZATION REPORTS:

- Nebraska Center for the Book's annual Festival will be May 21, 2011,

at the Nebraska History Museum in Lincoln. Further information is available at [bookfestival.nebraska.gov](http://bookfestival.nebraska.gov) and [www.facebook.com/NebraskaBookFestival](http://www.facebook.com/NebraskaBookFestival)

- Nebraska Library Association is working on strategic planning. Parker is chair of the NLA intellectual freedom committee.

- Nebraska Educational Media Association will meet in July to plan their fall convention. AFCON member Karen Buckley is president-elect of NEMA.

- ACLU Nebraska held their annual dinner and presented the Spire Award to AFCON member Dwayne Ball. One hundred seventy-eight were in attendance. Moshman gave the presentation remarks for Ball's award. A good time was had by all.

Nebraska State Reading Association Reading Classic, a competition for elementary and middle school students, is being held today, April 9, at Concordia College.

**AFCON BROCHURE:** The Board reviewed the AFCON brochure for corrections and updates. Parker will make the necessary changes and will email a PDF version of the brochure for board members to print as needed.

### AFCON MEMBERSHIP:

Wagner will help McMurtry contact organizations who have not paid their AFCON dues.

**NEW BUSINESS:** Nebraska Library Association/Nebraska Educational Media Association October Conference

Wagner suggested AFCON should participate in the program for the NLA/NEMA fall conference. Application deadline is April 15, 2011. Rod will work with Parker and Leibrandt to submit a proposal regarding education on issues of academic freedom. Parker suggested having a joint booth with the NLA Intellectual Freedom Committee and AFCON.

**NEXT MEETING:** The next meeting of the **AFCON BOARD OF DIRECTORS** will be **Saturday, May 14, 2011** at 10:00 a.m. in **Eiseley Library, Lincoln.**

### AFCON Board—May 14, 2011

**Present:** Peggy Adair, Dwayne Ball, Nancy Comer, Frank Edler, Laurie Thomas Lee, Lora Leibrandt, Cathi McMurtry, David Moshman, Linda Parker, Rod Wagner.

**MINUTES:** Minutes of the AFCON board meeting held on April 9, 2011, were approved upon a motion by Moshman and second by Ball. Motion carried on voice vote.

### TREASURER'S REPORT:

The Treasurer's report dated May 14, 2011, was reviewed and filed for audit. Balance on hand as of May 14 is \$4,206.10.

### PRESIDENT'S REPORT:

Wagner circulated a newsletter from the Nebraska Volunteer Service Commission. Wagner thanked Dwayne Ball for filing necessary paperwork to retain AFCON's 501(c)(3) nonprofit status. Wagner reported he has submitted a preliminary proposal to present an AFCON program at the NLA/NEMA fall conference in October.

**SENTINEL:** Articles for the AFCON *Sentinel* should be sent to Tom Black by **May 23, 2011**. The next issue of the *Sentinel* will be available on June 17, 2011. Haller will write an article on recent activities promoting participatory civics education in Nebraska. Adair will write another call-for-articles from K-12 teachers. Parker will create a bibliography of court cases regarding academic freedom to publish in the *Sentinel* and on the AFCON website.

### POLICY COORDINATOR:

Moshman reported he visited Kelli Bowers' middle school journalism club. Twenty-four students attended the 7:20 a.m. club meeting. One of the eighth grade students expressed interest in attending AFCON board meetings.

### LEGISLATIVE REPORT:

Adair suggested AFCON board members visit with Senators Coash, Fulton and Janssen some time during the summer to discuss their concerns about retaining First Amendment rights for students under the new (LB544) civics education statute.

(See **Minutes**, page 4.)

(Minutes, Cont. from Page 3)

**AFCON ARCHIVES:** Parker reported she is working with the curator of the Nebraska Historical Society to begin the formal process of archiving AFCON documents. Parker asked all AFCON members to bring any AFCON-related documents to her, or directly to Tom Mooney at the Historical Society.

Ball made a motion to appoint Parker as the official AFCON Archivist. Lee made a second to the motion. After discussion in which Parker expressed a desire to accept the position, motion carried on voice vote.

**ACADEMIC FREEDOM CONTEST:** Ball reported the committee has had some preliminary discussions via email regarding the parameters of the contest. Lee reported ACLU is interested in partnering with AFCON to promote the contest. Ball and the committee will continue their work and will report back to the board at the June meeting.

**ACADEMIC FREEDOM AWARDS:** The board asks all AFCON members to send suggestions for recipients of the AFCON Academic Freedom Award to any board member. The board will take up further discus-

sion of the AFCON Awards at the June meeting.

**AFCON BROCHURE:** Parker distributed hard copies of the updated AFCON brochure. The board discussed changes and corrections to the brochure. Parker will email corrected copies of the brochure to board members.

**NEXT MEETING:** The next meeting of the **AFCON BOARD OF DIRECTORS** will be **Saturday, June 11, 2011** at 10:00 a.m. in **Eiseley Library, Lincoln**

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## Nebraska Classroom Teachers Discuss Their Concerns

The *Sentinel* is starting a new series featuring articles written by Nebraska classroom teachers.

The profession of education faces unprecedented challenges and nobody knows more about those challenges than teachers in the field. AFCON hopes that by sharing teachers' concerns and ideas, we can all work together to help each other provide the best learning environment for young people and the professionals who work with them every school day.

Do you feel pressure to "teach to the test"?

How can parents help to make the classroom experience better for their children?

Do your school administrators back you up when you need them?

What are your major concerns about education in general or your particular field of education?

What are your ideas for improvement?

Have local politics interfered with your or the school's ability to educate students?

What are the good things about your school, your students, your job?

What do you need most as a classroom teacher?

If you are not comfortable publishing your name in the *Sentinel* please let us know and we will arrange for a pseudonym to protect your identity.

We are excited about this opportunity to be a statewide sounding board to focus upon the needs of K-12 Nebraska teachers. Thank you in advance for your valuable professional input into this project!

Please email your articles by **Friday, August 5** to Peggy Adair, [matgama@tconl.com](mailto:matgama@tconl.com).

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The AFCON Board of Directors

## The Teenage Brain: Debunking the 5 Biggest Myths

A 2006 cartoon in *The New Yorker* shows parents ordering their adolescent son to go to his room until his cerebral cortex matures. This nicely illustrates how we have come to think about adolescents.

Specifically, the cartoon illustrates at least five assumptions about adolescents and their brains: (1) adolescents are categorically different from adults; (2) adolescents are less rational than adults; (3) adolescent cognition and behavior are explained by their teenage brains; (4) adolescent brain development is a maturational process directed by genes; and (5) the outcome of that process is a state of maturity achieved in adulthood.

All of these assumptions are false. Let me be clear: I am not just saying we do not have sufficient evidence to support some of these claims. I am saying we have plenty of evidence with regard to all of them, and the evidence shows them all to be false. For a detailed review, see my *Adolescent Rationality and Development* (3<sup>rd</sup> edition, 2011). For the short version, read on:

First, adolescents are indeed a distinct group with respect to children but not with respect to adults. Even among young teens we commonly see forms and levels of knowledge and reasoning that are rarely seen in children under the age of 10 or 11. Development beyond childhood, however, is highly variable in direction and extent.

There are, to my knowledge, no forms or levels of knowledge, reasoning, or psychological functioning that are common in adults but rare among adolescents.

Second, research in cognitive psychology since the 1970s shows that we are all irrational much of the time. Adolescents are specifically accused of egocentrism, impulsivity, risk taking, peer conformity, and inadequate future orientation. They are guilty as charged, of course, but adults of all ages fall short in all the same ways. Individual differences beyond age 12-14 are not strongly related to age. Many 14-year-olds function beyond the level of many 40-year-olds.

Third, we are very far from reducing psychology to biology, if indeed this can be done. We cannot predict or understand how adolescents perceive, infer, think, feel, act, reason, or reflect by examining their brains. Our rich knowledge of adolescent functioning is the result of decades of psychological research on their cognition and behavior. Brain research is crucial for a full picture but it does not provide an ultimate explanation.

Fourth, genes do not cause brain development. Genes are the outcome of evolution and the origin of a developmental process. The brain, however, is part of a dynamic system that includes an active organism interacting with an active environment. Its development is intricately intertwined with the development of that system. Brain development is as much the result of cognitive activity as its cause.

Finally, we adults are enthralled by mythic conceptions of a maturity we have attained that adolescents have yet to reach. We're right to think that we are more mature than children. But adolescents are also more mature than children, and not so different from us with respect to their brains, cognition, and behavior.

Claims about the relative size and merit of the brains of various sorts of people have long provided a pseudoscientific basis for oppression of women, racial minorities, and others with brains deemed inferior. The case against teen brains is no stronger.

Cognitive development often continues long beyond childhood, especially in cognitively rich and challenging environments that encourage active engagement and reflection. There is nothing about teen brains, however, to justify distinguishing adolescents from adults.

As for the adolescent in the cartoon, I don't know what he did or what his parents should do. Whatever the problem, however, waiting for his brain to grow up is surely not the solution.

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David Moshman is the AFCON Policy Coordinator. This article originally appeared on his *Huffington Post* blog on May 17, 2011.

## Heed Jefferson's warning and safeguard free inquiry By John R. Bender

*John Bender is a professor in the University of Nebraska-Lincoln College of Journalism and Mass Communications. This is a speech he delivered upon accepting the James A. Lake Academic Freedom Award from the UNL Faculty Senate in April 2011.*

When I look out my office door in Andersen Hall, I can see a quotation from Thomas Jefferson in brushed aluminum letters on the wall of the third-floor foyer. The quotation says, “[W]ere it left to me to decide whether we should have government without newspapers, or newspapers without government, I should not hesitate a moment to prefer the latter. But I mean that every person should receive those papers and be capable of reading them.”

The walls of Andersen Hall are full of such quotations. Working daily surrounded by the words of Jefferson, James Madison, Louis Brandeis, William Brennan and others has made me conscious of the country's heritage of press freedom and intellectual freedom.

This particular quotation is interesting for another reason. Later, after he became president, Jefferson said a few prosecutions for seditious libel would have a salutary effect on a partisan and scandalous press. The contrast between those statements reflects the ambivalence many feel about freedom of expression. When words sting an opponent, freedom is a wonderful thing. It is less wonderful when one is feeling the sting.

Those who have been stung by bold, controversial ideas from the popular press or from academics often resent the shelter that law and tradition have given to their critics. We certainly have seen this in recent months.

In Tennessee, a state senator introduced a bill with the Orwellian name of the Academic Freedom Act. The goal sounds reasonable: protecting teachers who question the theory of evolution. But the measure could undermine the teaching of biological science in high schools throughout that state. Most disturbing, perhaps, is the fact that the senator sponsoring this bill had majored in biology.

Other attacks have been launched against specific faculty members. William Cronon, a history professor at the University of Wisconsin who describes himself as “relentlessly a centrist,” published commentary on a personal blog and on the op-ed page of *The New York Times* criticizing the attack on public employee unions. The response was a request under the Wisconsin public records law for all of Cronon's e-mails from his campus account.

Professors at three Michigan universities have received similar public records requests for their e-mails because of their support of labor unions.

Virginia Attorney General Ken Cuccinelli has demanded from the University of Virginia documents related to research grants for professor Michael Mann, who has been investigating climate change. Cuccinelli, a climate-change doubter, says he wants to investigate the possibility Mann committed fraud to obtain the grants. That issue is going to the Virginia Supreme Court.

And then there was the misguided furor over the leaked e-mails of several climatologists in Britain and the United States. Opponents of climate change said the e-mails proved global warming was a hoax, but in fact, they proved no

such thing.

Collectively, these examples show the willingness of organized groups to impose pressures—often through perfectly legal means—on teachers and researchers whose works yield disturbing ideas or information. The risk to academic freedom is great, particularly at a time when the political will to pay for education—at all levels—has dwindled. Why risk losing grants or state funding for the sake of a mere idea?

What is at stake is not a mere idea, however. What is at stake is the ability of all society to reach reasonable conclusions and take appropriate action. Opponents of intellectual freedom often believe they know which side should prevail in a debate, sometimes before the debate has begun. The last thing they want is the thoughtful consideration of competing ideas.

Harry Frankfurt, a professor emeritus of philosophy at Princeton University, has written two little books, one titled “On Truth” and the other titled—forgive me, but this is the actual title of the book—“On Bullshit.”

Frankfurt says B-S consists of statements that are made for the purpose of creating in the audience a favorable impression about the speaker or his programs or his products. The speaker does not care whether that impression is true. All that matters is that the B-S be convincing. But truth does matter, Frankfurt says. Unless we can distinguish truth from falsity we cannot understand the true problems that confront us. And if we cannot understand the true problems, we cannot act in ways that will have any reasonable likelihood of helping us deal with them.

(See **Jefferson's Warning**, Page 7)

## Jefferson's Warning

One might object that "truth" may depend on one's point of view or that sometimes what we believe true today turns out to be false in the light of new information. Frankfurt admits some truths may be tentative or may have a subjective element. But even in such cases, there are objectively verifiable facts that form the basis for all other discussion. As Frankfurt notes, the causes of World War I are complex and open to debate. But some facts are indisputable. When French Prime Minister

Georges (JEORG) Clemenceau (KLE-men-so) was asked what historians would say about the war, he replied, "They will not say that Belgium invaded Germany."

The value of the freedom to inquire and to spread the results of those inquiries rests on the value of distinguishing whether Germany invaded Belgium or Belgium invaded Germany. If it does not matter whether biology students are taught about evolution or about intelligent design or whether carbon emissions are changing the world's climate or whether the death penal-

ty deters crime, then the freedom to study and talk about these issues does not matter either.

That is not what Thomas Jefferson and others of his generation and later generations believed. In 1820, Jefferson wrote, "We are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it." That freedom to pursue truth matters not because it makes the lives of scholars, artists and journalists more comfortable but because the truth matters to everyone.

## University reports by 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 over the past few months, I mention only three important ones.

### RESEARCH FREEDOM

The Koch brothers, Charles and David, of Wichita KS, make Brawny paper towels, Northern toilet tissue and Dixie cups. They also transport and refine oil and ethanol, and do a host of other things. Not by themselves, of course. They are the primary shareholders of Koch Industries, which owns companies that do all these things, and they are two of the world's richest people. They are also famous funders of libertarian causes. You can look them up to see what sorts of things. One "cause" they have recently funded at Florida State University is the economics department, to the tune of \$6.6 million. Of that, \$1.5 million is to endow several professorships. Good news for FSU? Well, not entirely. The deal requires that the professorships go to faculty members that are approved by a Koch Foundation-appointed board, some of whom are FSU economics professors, and others of whom are not. Another part of the deal is that if

the professors publish things that the board doesn't care for, their money can be withdrawn and given to someone else, or just held. Now, that doesn't mean that a professor would necessarily be fired for displeasing the Koch brothers. The professor would still have his or her normal salary, just not the additional stipend and resources provided by a professorship. Still, it is an extraordinary deal. Most universities wouldn't touch it, at least in the past, fearing that it tramples on the freedom of faculty to research and publish what they think best without fear of having job conditions changed, or of losing a tenure bid due to a funding loss. Perhaps, in these days of financially struggling universities, this is the coming thing – academic opinions purchased and vetted. (Tampa Bay Times, May 9, 2011)

### SEXUAL HARRASSMENT AT UNIVERSITIES

There is a long history, beginning in the 1980s, of sexual harassment regulations at universities conflicting with free speech and other rights, such as the right of presumed innocence when charged. If the U.S. Department of Education Office of Civil Rights (OCR) has its way, many young university men may find themselves victimized by false or inflated charges of

sexual misconduct, including rape, made against them by angry women. It could happen like this: the OCR wants to change the standard of proof that universities use in case of sexual misconduct from "clear and convincing" evidence – i.e., something close to the "beyond a reasonable doubt" standard used in criminal trials – to the "preponderance of evidence" standard used in civil cases. In other words, a woman making charges of rape against a man at a university would have to meet the same standards used to adjudicate parking tickets, if she wanted the university to expel him. This change of standard will delight the particular type of gender feminist that considers all men guilty and all women victims, and cannot conceive of any woman taking the opportunity to file false charges out of malice. Shades of the Duke University Lacrosse team scandal! So, if a young woman holds a grudge against a young man who dumped her, she may not be able to get the city police to arrest him on the basis of the evidence, nor secure a conviction in a court. However, she can make his life miserable by claiming rape and providing enough evidence to convince a university

(See **University Reports**. Page 8.)

**(University Reports)**

panel (who are often loaded with the politically correct) to expel him, and put a huge blot on his university record and future prospects in life. A good long sob and a bit of perjury and the deed may be done. We shall see if the OCR gets its way. (FIRE on-line newsletters of May, 2011)

**FREE SPEECH**

Dr. Bill Ayers, who spoke at the 2009 AFCON annual meeting, is a controversial guy, as AFCON members know well. For example, he was denied emeritus status when he retired last year from the University of Illinois – Chicago. A member of the university board of trustees was a nephew of Robert Kennedy, and Ayers had dedicated one of his books to Sirhan Sirhan, who murdered Kennedy. So, the board was not inclined to vote him emeritus

status, despite his distinguished professorial status. As before his retirement, he has been giving speeches, including one scheduled for last March 24 to the Students for a Democratic Society (SDS) chapter at Montclair State University in Newark, NJ. However, the university administration sought to put obstacles in the way of his speech by demanding that the SDS pay for any and all extra security officers that the university felt necessary to secure the on-campus venue from protesters. As pointed out by the president of FIRE, Greg Lukianoff, this is “an end run around the First Amendment.”

FIRE said as much to the president of Montclair State University in a strongly-worded letter. Subsequently, the event took place as scheduled, extra security was present (probably a great deal more than AFCON had), and there were no incidents of violence. However, the university had backed down, and the SDS was not charged for the extra security. FIRE has argued with a number of

university administrations who have tried to impose extra security charges on student sponsors of controversial events, and usually ends up winning the day. As FIRE put it in citing the relevant case law, “The Supreme Court [in] *Forsyth County v. Nationalist Movement* [1992], explain[ed] that it is unacceptable if ‘[t]hose wishing to express views unpopular with bottle throwers, for example, may have to pay more for their permit.’ The Court stated that ‘[l]isteners’ reaction to speech is not a content-neutral basis for regulation.... Speech cannot be financially burdened any more than it can be punished or banned, simply because it might offend a hostile mob.” (FIRE newsletter of April 21, 2011) AFCON members may remember that the rationale for the UNL administration cancelling their invitation to Ayers in 2008 was that there might be violence, and extra security would put an unacceptable cost burden on the university.

**Nebraska’s Civics Education Plans**

By Robert Haller

The Legislature, with enthusiastic praise, passed Senator Pahls’ LB 544, and the Governor signed it on April 26. This bill specifies that teaching the “duties of citizenship,”--already required by Nebraska statutes 79-724 (5) c--will specifically include “active participation in the improvement of a citizen’s community, state, country, and world; and the value and practice of civil discourse between opposing interests.” Most curricular mandates in the statutes list subjects of study, standards and assessment; this one, in contrast, speaks of “participation,” “value” and “practice.” Not testable knowledge, but experience and commitment.

This Bill arises out of the work of the Civics Nebraska Partnership Advisory Committee (CNPAC) and is an important step on the way to the creation and implementation

of a radical new approach to citizenship training.

CNPAC—same acronym, but then a “Council”-- was first created by a group of educators and government officials who attended a meeting of the Campaign for the Civic Mission of Schools in Washington. They formed this Council to apply for a State Campaign Team grant from the national campaign organization. The present CNPAC “Committee” was reconstituted as a special project of the State Board of Education. The Board members each nominated a citizen from their district, and added representatives from the University of Nebraska; from the Executive, Judicial and Legislative branches of government; and from a statewide non-profit interested in civics education. They

gave it a comprehensive charge to examine citizenship education and to recommend methods of accomplishing an effective K-12 focus with sound assessment mechanisms.

After nearly five years of study and deliberation, the Committee, now most actively consisting of Chair Walt Zink, active teacher Tim Bayne and retired teacher Dennis McIntire, Senator Pahls’ Legislative Aid Stacy Anderson, and Social Studies Coordinator Larry Starr, have drawn up a plan which will radically change the perspective of Nebraska Social Studies and give Civics education a central role in a student’s life from kindergarten to graduation. They did this, not by making significant changes in the existing social studies curricular guidelines, not by  
(See **Civics Education**, Page 9)



**(Civics Education)**

introducing additional testing of the sort now prevailing in the areas of Reading, Math and Writing, but by describing a Civics Portfolio which all students will construct over their entire school career.

This concept is based on the goal of the civics curriculum, to create a body of citizens trained to make a democratic society work. A student can study constitutions, follow the process whereby laws are created, trials are carried out and institutions are given guidelines for their operation. But a student is an engaged citizen when he or she takes action to influence the process based on an understanding of his or her place in the political world. The current disengagement occurs mostly because individuals do not recognize how every aspect of their lives depends upon the political order and do not feel any sense of their power and obligation to support the system, for their own benefit and that of their friends, family, associates and work places.

So if CNPAC has its way and the Board approves its plans, every student will graduate having created a Civics Portfolio, finalized through a Research Paper, a Reflection Paper, a Creative Product, and an Oral Presentation or Demonstration. This will be the culmination of a process which will include Service Learning, construction of a Civic Engagement Resume, and yearly demonstrations of progress starting in ninth grade toward the final product.

These will be interrelated components of the total program. Asking students to reflect on how their interests and motivations create their engagement with the community and the larger world provides an incentive for understanding that world. Their Service Learning projects or community service places them in the larger community and gives them

experience in participation. Their Civic Engagement Resume will lead them to recognize how their service learning and their regular life as a member of the community and school community has trained them for civic engagement. And they will have to give specific demonstrations in the 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> grades to show that they are working on the components of their final portfolio.

Note that these projects do not add courses to the graduation requirements; these steps toward the portfolio will take place in the already-required social studies curriculum. Teachers will add a commitment to portfolio development to their course plans, and to the focus the research and creative work naturally a part of the course requirements. They will use the service learning experience to reinforce the study of government at all levels. The components of the portfolio will demonstrate the value and practice of civil discourse, requiring at the same time a recognition that there are different rationales for different positions on issues.

Note also that the plan will alter the school-community interaction. This plan is intended as a requirement on all students; so all students will be incorporated into the community for their “service learning.” Community organizations will doubtless be happy for the influx of interns, but will also have their perspective changed in the process of supervising service learning. And of course this kind of civics education will engage the adult community who will be called upon to clarify for themselves how their efforts affect the community, the state and the world so that they

can explain these effects to their student volunteers.

And note that LB 544 takes civics beyond the boundaries of the United States into the world. Much of Nebraska statutes 79-724 into which they new language is inserted promotes a narrow view of Americanism more appropriate to brainwashing than to education, with a strong suspicion of “foreign” ideologies. A student asked to consider, as a citizen, “active participation in the improvement” of his or her “world” will have to recognize a citizen responsibility which cannot be confined to this country alone.

And finally, note that the components of the portfolio should be their very nature “demonstrate the value and practice of civil discourse between opposing viewpoints” because every student will be aware of how their friends’ personal reflection, research and service learning will reflect differences in status, perception and values but still be focused on the improvement of civil society. In any event, this concept of Civics cannot be put into effect without academic freedom. Any attempt to limit the range of ideas treated in student reflection, research or community service would compromise or nullify the intentions of the program. We in AFCON may find it ironic that the same Legislature which rejected our Student Expression bill passed LB 544 so enthusiastically. How can a school operating under the mandate of this new language tell students that they cannot deal with local controversy in a student paper or perform a play which might offend local sensibilities?

Let’s watch and see how this all turns out. But not from the sidelines.

**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

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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.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;**

**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 September 10, 2011, issue is August 22, 2011.**

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

# AFCON

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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.  
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ENCOURAGE HIM OR HER TO JOIN AFCON**