TESTIMONY OF TINA M. KELLEHER, PHD

BEFORE THE

SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE OF THE MARYLAND GENERAL ASSEMBLY

For a hearing on

“SENATE BILL 764: NEW VOICES OF MARYLAND”

MARCH 2ND, 2016

Chairperson Conaway, Vice Chairperson Pinsky and distinguished members of the Senate Education, Health, and Environmental Affairs Committee:

My name is Tina M. Kelleher and out of concern for the academic freedom of the faculty members, librarians and academic professionals who work in America’s public and private colleges and universities, and the millions of students that they teach, support and advise, I urge this body to pass Senate Bill 764, New Voices of Maryland, which aims to protect students and educators against institutional retaliation when journalistic pursuits challenge authorities, expose questionable practices and discomfort readers, either off or on campus.

I am on the faculty at Towson University and a member of the American Association of University Professors; I serve as an elected officer of the Maryland State Conference of the AAUP and as an appointed member of the National AAUP Committee W, which concerns itself with the status of women in the profession. The AAUP’s mission is to advance academic freedom and shared governance, to define fundamental professional values and standards for higher education, and to ensure higher education’s contribution to the common good. Founded in 1915, the AAUP has helped to shape American higher education by developing the standards and procedures that maintain quality in education and academic freedom in this country’s colleges and universities.

Recently, under the guise of “duty” and “loyalty,” these long-held standards have come under attack. In Maryland, at Mount St. Mary University in Emmitsburg, President Simon Newman was earlier this week forced to resign after he among other things attempted to fire the faculty adviser to the student newspaper, *The Mountain Echo*, for approving for publication a student article that accurately quoted his intemperate remarks about struggling first-year students (i.e., he at a meeting with faculty urged them to “drown the bunnies … put a glock to their heads,” as part of a misguided strategy to boost retention rates). He also forbid faculty from speaking to the local and national press, trying to cover the unfolding campus story, indicating they would need to consult with the university public relations department before doing so.[[1]](#footnote-1) While the faculty were ultimately reinstated thanks to efforts initiated by our association and a broader community of scholars outraged by the egregious infringements upon academic freedom and due process rights, less attention has been paid to the consequences for student reporters, who may find themselves censored or disciplined for their published work. By passing SB 764, Maryland now has an opportunity to take a stand on behalf of faculty advisers as well as student journalists, so that they can hone and learn their craft without fear of retaliatory reprisals by a university administration.

Last semester, the Towson University campus newspaper, *The Towerlight*, filed a Maryland Public Information Act (PIA) request, hoping to learn more about an investigation relating to a recording device found in the women’s swim and diving team locker room. The student reporters were advised by the university attorney (after more than a week following the initial inquiry) that they would have to wait another 50-55 working hours to compile the records and that the student newspaper would have to pay a fee of more than two thousand dollars for access to and processing of, the information. The Maryland PIA law allows agencies to include fees but does not require them, and furthermore, the Maryland attorney general’s office recently created a board where people can appeal “unreasonable charges” in excess of $350. *The Towerlight* requested that the fee be waived, but it took the Senior Editor’s reporting on his own saga to access the information and the Student Press Law Center’s (SPLC) advice and counsel, for the university to follow-up on the request to release the information and to waive the associated fees.[[2]](#footnote-2) This led to a series of follow-up stories that helped the university community and the swimming and diving team to obtain more perspective on a troubling professional ethics case that turned criminal and to start a process of healing for the students, who felt their privacy and trust had been violated by their coach.

*The Towerlight* has served as a training ground for nationally-recognized journalists such as Brian Stelter (former *New York Times* columnist and current *CNN* correspondent), and the state of Maryland should be proud that our public higher education institutions enable such student newspapers to train our best future journalists, both locally and nationally. SB 764 provides faculty advisers and student reporters with the protections they need to fulfill the “fourth estate’s” free speech and public good responsibilities, which is a constitutional right fundamental to upholding the ideals of our American democracy.

The American Association of University Professors maintains that college and universities flourish when faculty and students’ academic freedom and free speech rights are protected, in all relevant advising, classroom or print contexts. For example, the 1967 Joint Statement on Rights and Freedoms of Students affirms that:

Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large.

. . . . In the delegation of editorial responsibility to students the institution must provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community. . . .

As safeguards for the editorial freedom of student publications the following provisions are necessary:

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.

2. Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal.

3. All university published and financed student publications should explicitly state on the editorial page that the opinions there expressed are not necessarily those of the college, university, or student body.[[3]](#footnote-3)

When actions are taken that are counter to these academic fundamentals, the rights of teachers, scholars and students are impaired to the detriment of their discovery of new knowledge and its dissemination to the academic community and to the public at large.

I and the Maryland Conference of the AAUP fully support SB 764 and any interpretation of the Maryland Public Information Act that allows faculty and students alike to continue their search for reasonable ways to access and to share information that has public interest. We look forward to offering our assistance in the Assembly’s efforts to maintain quality higher education and any plan to improve it. Thank you again for this opportunity to share my views.

1. Scott Jaschik, “Purge at the Mount,” *Inside Higher Education*, February 9th, 2016. <https://www.insidehighered.com/news/2016/02/09/mount-st-marys-president-fires-two-faculty-members-one-tenure> [↑](#footnote-ref-1)
2. Cody Boteler, “*The Towerlight’s* Public Information Saga,” November 11th, 2015. <http://thetowerlight.com/the-towerlights-public-information-saga/> [↑](#footnote-ref-2)
3. The 1967 Joint Statement on Rights and Freedoms of Students, drafted by the AAUP, the U. S. National Student Association, Association of American Colleges, National Association of Student Personnel Administrators, and National Association of Women Deans and Counselors. <http://www.jstor.org/stable/40223664?seq=1#page_scan_tab_contents> [↑](#footnote-ref-3)