

A Manual for Student Media Advisers on Responding to Censorship

P R E S S
F R E E D O M
I N P R A C T I C E



**Newspaper
Association
of America
Foundation**



INTRODUCTION

Scholastic journalism has changed significantly since many of today's educators were in high school. Typewriting a story, pasting up pages and using a proportion wheel to size a photo, all common practices of another generation, are virtually unheard of today. But some aspects of producing student publications have not changed. School-enforced restrictions on coverage, demands from administrators for prior approval of stories and outright censorship of student work are everyday occurrences at many schools across the country.

No job in a school today is more challenging than that of a scholastic media adviser. But those who have spent their careers in the position say that there is no job more satisfying or important to preparing young people for life in a democratic society where press freedom is a value we hold dear.

Thus many journalism teachers and publication advisers struggle to answer an important question: how can I respect my values as an educator, fulfill my obligation to make the First Amendment come alive for my students and still keep my job (and my sanity)? Like many questions that educators confront, there does not appear to be one "right" answer.

Nevertheless, this publication attempts to offer advice, guidance and thoughtful discussion to those media advisers striving to find the right path. Thanks to the experiences shared by many who have spent years on the front lines and "lived to tell the tales," we hope this guidebook will provide some tested techniques for overcoming censorship and making the promise of the First Amendment a reality in our nation's schools.

DOES A SCHOOL NEED A FREE STUDENT PRESS?

Of course, working to overcome censorship presupposes that it is an effort worth making. Why, one might ask, is press freedom so important in high school? Isn't it possible to teach students good writing, editing and design skills while tightly constraining the subject matter of their work?

In a very limited way, the answer to that question might be yes. But one could not honestly call that the teaching of journalism. And the other, perhaps unintended, lessons that kind of system teaches can be devastating. As journalism experts and educators increasingly agree, teaching students journalism in an environment that protects their press freedom has both

PRESS FREEDOM IN PRACTICE

A Manual for
Student Media
Advisers on
Responding to
Censorship

Those who have spent their careers as advisers say that there is no job more satisfying or important to preparing young people for life in a democratic society where press freedom is a value we hold dear.

**PRESS
FREEDOM IN
PRACTICE**

A Manual for
Student Media
Advisers on
Responding to
Censorship

“[Schools] must develop in the young not only an awareness of this freedom but a will to exercise it and the intellectual power and perspective to do so effectively.”

immediate and long-term benefits for the students involved, the school itself and even the nation.

THE SPECIAL PLACE OF PRESS FREEDOM IN AMERICA

In their 1969 book, *Teaching as a Subversive Activity*, Neil Postman and Charles Weingartner suggested that educators should infuse students with a will to exercise freedom.

“[Schools] must develop in the young not only an awareness of this freedom but a will to exercise it and the intellectual power and perspective to do so effectively,” they wrote. “This is necessary so society may continue to change and modify itself to meet unforeseen threats, problems and opportunities.”

In fact, teaching young people about the freedoms provided in our Constitution is no more subversive than teaching them about the American Revolution, the Civil Rights Movement or any other of the countless events in American history where the power of the people made a positive change in the world that surrounded them. Since 1735, when a New York jury refused to convict journalist John Peter Zenger of “seditious libel” for criticizing the colonial governor, freedom of the press has been a uniquely American value. The First Amendment is thought by many to be the foundation on which our other rights as citizens rest.

This American tradition has created some strong notions of what journalism should aspire to be. Authors Bill Kovach and Tom Rosenstiel in their 2001 book, *The Elements of Journalism*, emphasize 10 points they say underlie all good journalism:

- 1) The primary purpose of journalism is to provide citizens with the information they need to be free and self-governing.
- 2) Journalism’s first obligation is to the truth.
- 3) Journalism’s first loyalty is to citizens.
- 4) The essence of journalism is a discipline of verification.
- 5) Journalists must maintain an independence from those they cover.
- 6) Journalists must serve as an independent monitor of power.
- 7) Journalism must provide a forum for public criticism and comment.
- 8) Journalists must make the significant interesting and relevant.

- 9) Journalists should keep the news in proportion and make it comprehensive.
- 10) Journalists have an obligation to personal conscience.

Students do not learn about these values in a vacuum. The experiences that they have in a school newsroom leave a deeper impression than the lessons they are taught in class.

Tim Dorway, assistant principal at Owatonna High School in Minnesota and a former media adviser, says his experience has persuaded him of the importance of teaching through experience.

“We hear it all the time, that overused but true cliché—real world experiences for our youth. We want our youth prepared to succeed out of school. We want them to flourish, whether as carpenter, painter, doctor or journalist. Simply put, school communities, and I mean staff, students and parents, benefit from schools that provide every opportunity to practice First Amendment freedoms.”

Without question, teen journalists need to understand the legal limitations and important responsibility that accompanies the right to speak and publish freely. But without an appreciation for both the obligation of journalists to report the truth and the right of all Americans to express views that many find unpopular, we have little hope of creating a citizenry that will defend and protect those rights as adults.

Even though the most basic educational mission of any school is to encourage responsible citizenship, many believe we are failing in that effort. According to a 2001 study by the Freedom Forum’s First Amendment Center, only 28 percent of the public rate schools excellent or good at First Amendment education. Reports of censorship of student media received by the Student Press Law Center and other scholastic journalism groups continue to increase. And long-time advisers describe the pressure placed on them and their students by officials concerned more with their school’s image than with quality journalism as greater than ever.

The impression thus created by many high schools is that the First Amendment is a quaint anachronism that has little relevance to daily life.

That impression signals plenty of problems for those in training to become media professionals as well as those who will be consumers of the journal-

**PRESS
FREEDOM IN
PRACTICE**

A Manual for
Student Media
Advisers on
Responding to
Censorship

According to a 2001 study by the Freedom Forum’s First Amendment Center, only 28 percent of the public rate schools excellent or good at First Amendment education.

**PRESS
FREEDOM IN
PRACTICE**

A Manual for
Student Media
Advisers on
Responding to
Censorship

ism they produce. Students who have been censored and not encouraged to think for themselves will see little need for the media to do so. They may be more willing to endorse limitations on the free expression rights of others.

Freedom Forum First Amendment ombudsman Paul McMasters believes that censorship of high school student publications prompts students to lose faith in our democratic system when they see they cannot practice what they are taught.

“As our young people observe this world, they see essential freedoms routinely pilfered, squandered, discarded or stolen before they can either learn them or claim them,” says McMasters. “With increasing frequency, they are told their rights must be subordinated to the will of the majority or the might of authority.”

And society as a whole feels the impact. As Temple University journalism professor Thomas Eveslage notes, “And we wonder why young citizens feel little kinship with the government after they graduate from high school.”

In the words of former adviser Susan Tantillo, retired from Wheeling High School in Illinois, “As educators, our calling is to help prepare our students to live up to their very best as citizens in a democratic society.”

A school that censors simply says it does not trust its students, the teachers who advise them or the value of its own mission.

In contrast, a school that supports press freedom achieves some powerful goals.

- It empowers students to be effective citizens;
- It demonstrates the viability of the evolving nature of democracy in our society;
- It creates a belief in the relevancy of our constitutional freedoms and a respect for more than 200 years of American history.
- It recognizes that the most successful schools are those where students consider themselves partners in their education because their views are heard and considered.

“Principals should want the strongest publications program possible,” says Merle Dieleman, retired adviser from Pleasant Valley High School in Iowa,

“just as they want strong athletics, drama and music. They should want a lively, provocative, free, open exchange of ideas. A strong publications program is not possible with the threat of censorship.”

Freedom to communicate and to question authority brings with it a clearer practice and understanding of democracy. Creating accurate and balanced news stories helps journalists and their citizen readers know the difference between style and substance, between propaganda and analysis, between opinion and fact.

When students come to expect thorough, documented information from multiple points of view, they will demand it for the rest of their lives.

The National Association of Secondary School Principals and the Carnegie Foundation for the Advancement of Teaching noted the value of quality student journalism in their 1996 report, *Breaking Ranks: Changing an American Institution*.

“Just one example of student leadership can be seen in student publications, where editors practice analysis, critical thinking and decision making.... They also learn the importance of democratic principles such as open, public examination of current issues, fairness and respect for a variety of viewpoints. In fulfilling the demands of leadership, students apply the judgment and reasoning their teachers try to teach them.”

Lessons become real in the practice of journalism. And students are empowered to see value in making a difference.

TEACHERS KNOW PRESS FREEDOM WORKS

Journalism teachers and publication advisers have long been among the most fervent defenders of student press freedom. Of course, for many it is because of their commitment to preparing good citizens (and good journalists) in a democratic society. (In fact, the Journalism Education Association has said that allowing students to make their own content decisions is one of the first responsibilities of an adviser according to their model job description. See www.jea.org/about/guidelines.html.) But for others, there are more practical reasons for defending First Amendment values: It results in more responsible student decision-making and produces better quality journalism. And those things can only make life easier for an adviser.

**PRESS
FREEDOM IN
PRACTICE**

A Manual for
Student Media
Advisers on
Responding to
Censorship

It may seem ironic to some that the best journalism and the best student journalists typically come from schools where press freedom is most protected. But experienced advisers know just how true that fact is. Lori Oglesbee of McKinney High School in Texas witnessed how wise students can be when given the opportunity to exercise their wisdom without the threat of censorship.

During the height of the President Clinton/Monica Lewinsky scandal coverage, our student newspaper planned to run an editorial and cartoon about how younger siblings were hearing terms hard to define at the dinner table and how uncomfortable that was. The cartoon featured a classroom with a slide of the White House on the board. A teacher responds to a student, “No, Bobby, it’s the ‘oval’ office, not the ‘oral’ office.”

I thought it was clever and funny. I saw no problem. Another teacher saw the page layout and asked if we were really running that cartoon. Since she was a veteran of this area, I listened.

I made no prior administrative review a condition of my hiring. However, I agreed to notify the principal if anything controversial was to appear so she would be prepared to field questions.

When I talked with her about the editorial and cartoon, she suggested I run them by our publications advisory board (which I had appointed). Three thought it was funny; the moral authority of the school was appalled; and another veteran teacher whom I admired greatly was concerned. The principal, instead of giving a mandate, suggested we go back and talk to the editors. Instead of having us come to her office, she came to ours.

The meeting began with the principal asking, “Do you think this is appropriate?”

The opinions editor, savvy beyond his years, said, “Yes, the newspaper should mirror the community it reflects, and our students talk about this.”

We continued discussing the appropriateness of the cartoon. The principal and I only guided the dialogue without inserting our opinion.

One of the editors mentioned she would be hesitant to show it to her parents. Then a discussion of vulgarity ensued.

The opinions editor again spoke up, “Why are we running this? Does it make our school a better place? Have we enlightened our audience? Or are we just trying to prove how clever we are?”

Wow.

On their own, the students decided to change the cartoon to the boy asking, “Is that where President Clinton handles all of his affairs?”

Still very clever. Still illustrating the point of the editorial. Yet much less offensive.

The editors felt they had made an important decision without being censored. The principal felt proud of students who used critical thinking to solve a problem. And I left amazed.

Giving students the tools and freedom to make responsible decisions does not mean they will not sometimes make mistakes. A free press does not ensure a fair press, nor an accurate or responsible one. The most professional news organizations in the world routinely run corrections; as long as humans are making decisions, no one can guarantee a complete absence of errors. But often, bad choices teach the most valuable lessons about good journalism. And typically, they are lessons that students never forget.

Adviser Becky Sipos of McLean High School in Virginia observed just such a learning moment with her students.

When a tough issue comes up, our newspaper staff usually does a good job of weighing the harms and benefits. I remember one Valentine’s Day spread where two students created an awful feature on relationships. It wasn’t obscene, just sophomoric. I argued to the editorial board it was in poor taste and shouldn’t run. They argued it was the first thing these two staffers had really done, and they were excited about it, plus a lot of people thought it was funny. So they decided to run it. When the paper came out, the feature fell flat. In class that day, the two writers said, “You know, we thought that story was funny, but it wasn’t.”

(Continued)

*A free press
does not
ensure a fair
press, nor an
accurate or
responsible one.*

If I had censored the story, they would have just thought “it’s the adviser’s paper” and probably given up. This way they learned a lot about community standards and grew from the experience. We have to give them an opportunity to grow this way.

In a world where “irresponsible” is one of the words most frequently used to describe teenagers, teaching young journalists to take responsibility for their decisions is an obvious goal. But that teaching can only occur when students feel the weight of responsibility on their shoulders. Students who know that the decisions are ultimately not theirs to make will inevitably make choices casually with much less concern for the end product.

Franklin McCallie, former principal at Kirkwood High School in Missouri, is an outspoken supporter of press freedom for students and powerfully advocates empowering students in an article written for *Quill and Scroll* magazine.

“If my commitment is to a quiet high school, to a nice high school, to an always-enjoyable place to be, then let there be no student press,” he wrote. “If I want all mandate and no probing, let there be no student press. If I seek to have our students enter the arena of world battle over vital issues and be several years behind in their struggle, let there be no student press. If our commitment is to face the same problems again and again with no answers, let there be no student press. If we are committed to complacency, let there be no student press.

“And worse than all of these, if we want to perpetuate the facade of an energetic, inquisitive school but maintain an apathetic foundation, then establish the student press—then stifle it. ...”

A school that allows students to experience a free press opens minds and opens doors to the future.

“If my commitment is to a quiet high school, to a nice high school, to an always-enjoyable place to be, then let there be no student press. If I want all mandate and no probing, let there be no student press.”

UNDERSTANDING THE LAW

In many cases, the first step in responding to censorship is understanding the legal protections for student press freedom. Of course, the First Amendment to the U.S. Constitution provides all Americans with free expression and press freedom protections. Although the Supreme Court has said the protections apply to young people as well as adults, these freedoms are not without limits, especially within the school environment. Student journalists confronting censorship threats need to know the level of First Amendment protection they are entitled to. Unfortunately, that can be a complicated matter today.

LEGAL PROTECTIONS FEW AT PRIVATE SCHOOLS

First, it is important to distinguish between censorship by government officials, which is legally prohibited in many circumstances, and censorship by private individuals, which is not. The First Amendment only limits the censorship authority of the government, including public school officials. Non-government officials, including private school administrators, are not limited by the First Amendment in their ability to censor. In the same way that the publisher or editor of a community newspaper has the right to reject or edit a story or column or fire the reporter who wrote it, a private school official can censor students or punish them without any First Amendment conflict.

It is possible for a private school to be limited in its ability to censor by state law. (California has such a statute on the books.) In addition, many private school officials choose to uphold the principles of press freedom through established policies or informal practice. But in most places, there is no legal limitation on censorship by a private school.

PUBLIC SCHOOLS

At public schools, First Amendment protections are a reality, although recent court decisions have limited their force. One of the first and most important court rulings on public school students' rights is the 1969 Supreme Court case *Tinker v. Des Moines Independent Community School District*, which involved the rights of students to wear black armbands to school in protest of the Vietnam War. The Supreme Court upheld students'

PRESS FREEDOM IN PRACTICE

A Manual for
Student Media
Advisers on
Responding to
Censorship

It is important to distinguish between censorship by government officials, which is legally prohibited in many circumstances, and censorship by private individuals, which is not.

rights to wear those armbands and coined the famous sentence, “It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”

Despite that ringing endorsement, the Court did say that the special circumstances of the school environment justify some constraints on student expression that would not be allowed outside of school. The Court said that if school officials could reasonably forecast that student expression would create a “material and substantial disruption” of school activities or an invasion of the rights of others, their censorship would be allowed. But if they could not show substantial disruption or invasion of other’s rights, the student expression would be protected by the First Amendment and the school’s censorship would not be allowed.

As interpreted by courts around the country since the 1969 *Tinker* decision, this standard is a very difficult one for school officials to meet. In almost every case where it has been used, school officials have been required to present actual evidence, not just speculation, that a physical disruption would result from the expression at issue or that it would legally infringe on another person’s rights. Libelous material would meet this standard, courts have held, as would material that is legally obscene. But school officials would not be allowed to censor the vast majority of student expression under the protections of the *Tinker* standard.

Unfortunately, *Tinker* was not the last word on student First Amendment rights from the Supreme Court. The most important subsequent Supreme Court ruling on the matter was in the 1988 case *Hazelwood School District v. Kuhlmeier*. That case involved the right of officials at a Missouri high school to censor stories about teen pregnancy and the impact of divorce on children from the pages of the school-sponsored student newspaper. In *Hazelwood*, the Supreme Court allowed a distinction between the independent student expression in the *Tinker* case (armbands) and the school-sponsored expression in the *Hazelwood* case (curriculum-based student newspaper). The Court said administrators’ censorship of many school-sponsored publications could be permissible under the First Amendment if school officials could show that their censorship was “reasonably related to legitimate pedagogical concerns.” That seems to mean that if school officials can show that their censorship is based on a reasonable educational justification, it will be permitted.

Unfortunately, the Supreme Court's decision did not make clear exactly what would constitute such a justification and what would not. But other courts, in applying the *Hazelwood* decision, have offered some guidance. First, the courts have said that not every justification presented by a school administrator for censorship will be considered educationally justified. For example, an accurate news story about an unpleasant event involving the school such as a lawsuit against the district or a crime that occurs on campus could probably not be censored, even under *Hazelwood*. Second, some courts have said that "viewpoint discrimination" by school administrators is not permissible. In other words, officials may be limited in their ability to censor one particular viewpoint with which they disagree or that they find unpopular. If they allow views to be expressed on one side of an issue, they must allow opposing viewpoints to be expressed as well.

Despite these important limitations on the application of the *Hazelwood* ruling, the First Amendment rights of many high school journalists were significantly constrained by the Court's decision. One way around these limitations is for students and advisers to establish their publications as what the courts call "forums for student expression" or "public forums for students." The *Hazelwood* decision made clear that if a school, by written policy or practice, allows a student publication to become an avenue for student free expression where students are allowed to make their own content decisions, those students will be entitled to the higher level of First Amendment protection described in the *Tinker* case. This fact has prompted many student journalists and advisers to persuade school officials to adopt policies protecting press freedom. (The Student Press Law Center's Model Guidelines for Student Publications, noted in the bibliography, is a good example of such a policy.) Others have incorporated language in their editorial policies or in the staff box of their publication to establish their forum status. (For example, "*The Student Bugle* is a public forum for student expression. Student editors make all content decisions.")

Thus despite the *Hazelwood* decision, student journalists working on school-sponsored publications do have some significant First Amendment protections. Contrary to what many administrators believe, they are not "the publisher" of a student newspaper with the same rights a private publisher would have. At public schools, the First Amendment will always require that they have a legally sufficient justification for any act of censorship.

Contrary to what many administrators believe, they are not "the publisher" of a student newspaper with the same rights a private publisher would have.

“I’ve never felt my job was threatened because I defended student press freedom, but I know, at times, doing so has not put me in a good light in the administrator’s eyes.”

STATE LAWS ALSO RELEVANT

In addition to the First Amendment, public-school students in a handful of states may have rights under state laws that limit school officials’ ability to censor. As of August 2003, Arkansas, California, Colorado, Iowa, Kansas, Massachusetts, Pennsylvania and Washington had each adopted state statutes or regulations that spell out certain protections for high school journalists. (See the Student Press Law Center Web site for the text of and citations to those laws.) These laws, which frequently have been enacted as a result of the support of journalism educators and civil liberties groups, can provide some reassurance to advisers. Some even explicitly protect advisers from punishment for defending the free press rights of their students. Ann Visser of Pella High School in Iowa says that she appreciates the role her state’s law has played.

“I’ve never felt my job was threatened because I defended student press freedom, but I know, at times, doing so has not put me in a good light in the administrator’s eyes. We usually end up agreeing to disagree. The Iowa law has helped.”

ADVISER RIGHTS?

Advisers exist in a world of potential conflicts. They are both teachers and collaborators—advocates for their students and employees of the school system. Accordingly, they often find themselves in a legal limbo, with ill-defined legal rights and responsibilities relating to their work with student media.

Some court decisions suggest that public employees such as teachers have a right to disobey illegal or unconstitutional orders from one’s superiors. If a teacher were to embezzle funds on an administrator’s order, he would find himself arrested in short order. Similarly, a teacher or adviser should be able to refuse to abridge a student’s First Amendment or other constitutional rights.

Of course, the tricky part is in determining just what exactly constitutes an abridgment of students’ rights. In light of the *Hazelwood* decision, that question is much more difficult to answer. Advisers who refuse to censor because they “know” the action requested of them is unconstitutional

should be certain that their understanding of the law is accurate. This uncertainty is why most legal experts advise teachers that it is seldom wise to disobey a direct order to censor school-sponsored student media.

Student media advisers also wonder how much support they can give their students as they fight administrative censorship. For example, can they openly defend their students and criticize the administration when contacted by outside media for comment? The courts have long recognized that public employees have a constitutionally protected right to speak out but only as long as they are speaking out on a “matter of public concern” and their speech does not substantially disrupt the efficient performance of the public school service the teacher renders.

Unfortunately, the distinction between what is and is not “a matter of public concern” may not always be clear. Personal grievances, complaints about conditions of employment, or expressions about other matters of personal interest do not constitute speech about matters of public concern protected by the First Amendment.

Furthermore, there is some guesswork involved in determining what a court will conclude “substantially disrupts the efficient performance” of the teacher’s duties. Again teachers are advised to speak out with care.

And finally, it can be extremely difficult for a teacher who has been reprimanded for refusing to violate the rights of his students or for speaking out against her school’s censorship to prove those actions were the motivating factor for the punishment or dismissal. If a school can present other plausible grounds for punishment, a teacher’s rights may be few.

ESTABLISHING LEGAL PROTECTIONS

Given the extremely limited nature of a teacher’s rights and the fact that her students’ First Amendment protections may not be much greater, is there anything an adviser can do to provide some concrete legal protections?

Most certainly, yes. In light of the *Hazelwood* decision’s reliance on public forum analysis, the importance of establishing a publication as a forum for student expression cannot be overstated. If your school does not have a policy that spells out the legal rights and responsibilities of student jour-

PRESS FREEDOM IN PRACTICE

A Manual for
Student Media
Advisers on
Responding to
Censorship

It can be extremely difficult for a teacher who has been reprimanded for refusing to violate the rights of his students or for speaking out against her school’s censorship to prove those actions were the motivating factor for the punishment or dismissal.

**PRESS
FREEDOM IN
PRACTICE**

A Manual for
Student Media
Advisers on
Responding to
Censorship

*As far as
protecting your
own rights as an
adviser, the more
legal protections
in place for your
students, the
greater protection
you as an adviser
have as well.*

nalists, work to get one in place. The key to creating legal protection is establishing the publication as one where student editors have been given the authority to make the content decisions.

The most significant policy is one adopted by the school board, but any policy with official school endorsement can be legally binding. Of course, having no policy is better than having a bad one that restricts student rights or that gives content control to school officials. But if you have worked to develop a relationship of trust with your administrators, and your students are producing quality publications, it may be worth using that goodwill to establish a written understanding of how things work at your school.

If an official policy is not in the cards at your school, work to establish by practice that your publications are editorially independent and censorship-free. You can publish a statement of public forum status in your publication and make it a part of your staff's editorial policy.

As far as protecting your own rights as an adviser, the more legal protections in place for your students, the greater protection you as an adviser have as well. But additional rights may be created in your employment contract with the school. If your teacher's organization or union is negotiating a contract, ask that they include protections for teachers from punishment for their students' expression. And when you cannot speak out, ask your representatives to do so for you. These organizations have proven powerful allies in some student-media battles.

STRATEGIES FOR SUCCESS

Given the limited protection under the law, it may seem like a bleak world for journalism teachers and the students they advise. But in fact, the curtailment of legal protections has only made practical tactics and common-sense strategies for defending press freedom more important. There are steps an adviser can take to avoid censorship problems or to respond to them when they arise.

COMMUNICATION: A KEY TO BETTER RELATIONSHIPS WITH ADMINISTRATORS

If there is one consistent recommendation made by high school media advisers about how to maintain a positive relationship with school officials that diminishes their interest in censoring it is to ensure that everyone keeps talking. Regular meetings and sharing of thoughts between students and administrators as well as between advisers and their superiors can often keep censorship problems at bay.

Much of this communication effort can be institutionalized before a conflict ever arises. Becky Sipos, of McLean High School in Virginia, and Dean Hume of Lakota East High School in Ohio, describe how they have regularly scheduled press conferences with administrators for their publication staffs.

“The conference has multiple benefits,” says Sipos. “The principal is not surprised by the stories we publish; he gets to know that staff and sees how hard they work. Students are able to get authoritative quotes without frequent interruptions in his office.”

Hume notes that with the press conference, “Principals begin to relax around students, and both parties gain trust. The kids establish personalities and strategies.”

This process can also help students reinforce their commitment to excellence. Hume says his students do a great job of teaching each other.

“The kids will critique each other in terms of questioning, chastising those who are lazy or who ask rotten questions. They see it as embarrassing to the class and the publications staff.”

PRESS FREEDOM IN PRACTICE

A Manual for
Student Media
Advisers on
Responding to
Censorship

If there is one consistent recommendation made by high school media advisers about how to maintain a positive relationship with school officials that diminishes their interest in censoring, it is to ensure that everyone keeps talking.

“A school newspaper is not a public-relations tool of the district; however, an effective school newspaper is one of the best public-relations tools the district has.”

Perhaps the greatest benefit of this regular communication is how much administrators learn about students as a result. Hume’s newspaper staff invites administrators to attend publication critique sessions and includes school-board members in panel discussions, based on the belief that if they see the process, they will better appreciate the responsibility students accept.

“Principals begin to see how much time and effort we devote to reporting and sourcing,” he says. “They see kids tell writers this piece needs more sources and that piece has the wrong angle—and here’s how to remedy that. Plus, board members connect students they otherwise rarely get to see in that regard.

“There are still pieces administrators don’t like—and they will let the staff know. But they do understand the kids run the paper.”

An administrator may even teach students to be more like probing journalists, says Hume.

“A few years back, the principal came into the lab and ribbed the kids. ‘You guys were so vanilla in that interview. I felt like I got off easy.’ That quote was on the board for the week. The staff took it as a reason to dig deeper.”

What journalism teachers and publication advisers may have to remind themselves, especially if they have worked as a journalist or had training in the field, is that school officials may be less informed than the newest student regarding the basics of journalism and the ethical and legal principals associated with it.

“I repeatedly remind everyone, including teachers and administrators, that the role of the high school press is not to make the school look good,” says Gloria Olman, former adviser at Utica High School in Michigan. “The role of the press is to cover those issues of interest and/or importance to readers. A school newspaper is not a public-relations tool of the district; however, an effective school newspaper is one of the best public-relations tools the district has.”

SETTING HIGH STANDARDS FOR STUDENTS

Perhaps the best step a school can take to ensure a quality student press is to hire a qualified and trained journalism teacher/adviser and to estab-

lish clear policies that outline students' rights and responsibilities. Ironically, schools often treat the assignment of publication-advising responsibility as the lowest of priorities. But experienced advisers routinely advise their peers to establish a reputation for journalistic excellence both within the classroom and beyond it.

"I have been able to build a strong and trusting relationship with the administration at this private school *because* I set high standards for student success; it is hard to quarrel with success," says adviser Kathleen Neumeyer of the Harvard-Westlake School in California.

Retired Michigan adviser Gloria Olman sees the benefits of that commitment as well.

"I set high standards for my students because they have a responsibility to maintain the solid reputation previous staffs build. I know students will work to our level of expectation, and I challenge them to their highest ability. Our classroom motto has been "Good enough is the enemy of excellence."

Rod Satterthwaite of Dexter High School in Michigan agrees.

"If you and your editors accept low-quality work from your staff, that is exactly what you'll get."

So how does one achieve that excellence? "Train students well in the rights and responsibilities of a journalist," says Becky Sipos of McLean High School in Virginia.

Retired adviser Randy Swikle of Johnsburg High School in Illinois says it is important that students understand that freedom of expression is not without parameters.

"Law and ethics provide checks and balances in scholastic journalism."

Satterthwaite believes that encouraging students to attend scholastic press conventions and ensuring that their publications are evaluated on a state, regional and national level can help editors learn to expect and demand quality writing, photography and design. And when they do, "you stand a much better chance of your administrators taking you, your students and your publications seriously, " he says.

PRESS FREEDOM IN PRACTICE

A Manual for
Student Media
Advisers on
Responding to
Censorship

"I know students will work to our level of expectation, and I challenge them to their highest ability. Our classroom motto has been 'Good enough is the enemy of excellence.'"

Perhaps the best influence an adviser can have on student journalistic excellence is by helping students challenge and defend the decisions they make.

Having a clear editorial policy is another way to encourage excellence. Temple University journalism professor Thomas Eveslage says publications policies and guidelines should reflect the staff's commitment to ethical practices.

"Share boldly and broadly your definition of good journalism. Publish your editorial philosophy, post it prominently for the staff and circulate it to teachers, administrators and the school board."

Swikle says that the publication policy manual his students wrote included strategies to curtail those who would use the power of the press to advance unethical purposes. It allows an editorial's position to be challenged before the student editorial board. The policy also empowered editors in passing along the wisdom and skill they had gained by giving the graduating members of the editorial board the authority to select the next year's editor with the advice and consent of the faculty adviser. If the adviser were to disapprove of the students' choice, students could override his "veto" by a unanimous vote of the board.

Sipos says that when sources see students strive for excellence, the publication establishes a reputation for fairness.

"We send out follow-up forms, asking if articles were accurate and fair. We also publish a correction box as needed. We give the faculty a copy of our production schedule at the beginning of the year and give them tips on dealing with reporters. For example, we say it's okay to ask reporters to read back what they wrote."

Perhaps the best influence an adviser can have on student journalistic excellence is by helping students challenge and defend the decisions they make. Logan Aimone of Wenatchee High School in Washington experienced the value of that training.

When discussing potentially controversial material, I constantly question to ensure students know and can articulate the rationale for any story, especially one they may need to defend later.

That happened in January 2002. Editors compiled statistics about the level of teen sexuality with the removal of some sex education demonstrations in health class and presented the information in the newspaper. The students wanted their peers to be educated,

and if the school would not do it, then they would. In the following firestorm of controversy, the students who developed that content were able to articulately explain their reasoning to their peers, school staff, administration, parents and community media.

At a school board meeting, when a new and restrictive procedure for prior review was considered, the editors and other staff members defended their decisions and explained how the free press was crucial to their learning. Parents and teachers sent the message: Hands off the school paper; it needs to be a forum. Ultimately, the board shelved the new procedures and eliminated prior review.

Why were so many willing to defend the newspaper? Because the staff had earned a reputation for quality and fairness. Readers trusted the students to be responsible because they had been in the past. State, regional and national press associations—student and professional—had recognized the work of the student journalists with high honors. The program was flourishing without the watchful eye of the school administration.

There are countless ways to instill standards of excellence in students. But an adviser that helps young journalists adopt such standards will find potential censorship conflicts much easier to confront.

TOOTING YOUR OWN HORN

Submitting student work for competitions and evaluations is a great way to provide outside input that encourages improvement. But awards and recognition can also be an important method of establishing a reputation within the school that makes it more difficult for administrators to censor.

Adviser Becky Taylor of Rocky River High School in Ohio says that her staff writes press releases for any awards they win and sends them to the school district's public relations person and to local media. Becky Sipos of Virginia includes her school's morning television program, which publishes school announcements.

"How we build a good relationship with the principal is best said in two words: accuracy and success," Taylor says.

"How we build a good relationship with the principal is best said in two words: accuracy and success."

**PRESS
FREEDOM IN
PRACTICE**

A Manual for
Student Media
Advisers on
Responding to
Censorship

*Perhaps the most
difficult thing
for an adviser is
to avoid making
the ensuing
controversy one
of teacher versus
administrator.*

Adviser Fern Valentine, retired from Auburn High School in Washington, helped her students make an even more personal connection.

“We made it a point to always go to the school board, which had to approve our travel to conventions, to show off awards and thank them for their help, even if the awards really weren’t much. That way we established ourselves in their eyes as a program that brought acclaim to the district. They never turned down a request for students to show off awards.”

WHEN CENSORSHIP PROBLEMS ARISE

Even the best student publications that have worked to develop the healthiest relationships with their school officials can still find themselves caught in the middle of a censorship conflict. And when that situation occurs, an adviser needs to carefully examine the best way to respond to the problem.

LETTING STUDENTS LEAD

Perhaps the most difficult thing for an adviser, confronted with a threat to the student publications that he or she advises, is to avoid making the ensuing controversy one of teacher versus administrator. Without a doubt, a demand for censorship can seem like a slap in the face to an educator who has worked hard to establish a quality program that teaches students to make ethical decisions and produce good journalism.

But one thing advisers who have confronted censorship have learned (some the hard way), the battle for press freedom is ultimately one that has to be waged by the students because it is their rights that are at issue. The teacher can provide support and guidance, but she cannot do the fighting.

A publication staff should be told at the beginning of each school year (and before a conflict begins) of the limitations on an adviser’s role. They may need to be reminded that while still their ally, you are a school employee. If given a direct order by a school official to censor, you disobey that order at your own peril.

Of course, that does not mean that the students themselves cannot or should not contest a censorship order. (As journalists, they may have an ethical obligation to defend the rights of their readers to receive the truth.)

But if a fight is to be fought, it must be theirs.

School officials need to understand this as well. Their censorship battles, if they create them, will be with students and their parents, not the adviser. Ann Visser of Pella High School in Iowa says that when unhappy administrators call for a meeting about the content of the paper, students are a part of the conversations.

When student journalists understand the lay of the land, it creates another opportunity to become leaders. In some cases, they will not choose to pursue issues that an adviser wishes they would in the same way they will not always make editorial decisions that reflect the advisers' thoughts. But by empowering students to choose their own path, a teacher is preparing them for the future.

Students of adviser Jeff Nardone of Grosse Pointe South High School in Michigan demonstrated their skills as leaders when they attempted to publish a three-paragraph story about a student who hit and killed a pedestrian (the parent of another student) while driving in his car during an open campus period. When school officials refused to allow the students to publish the story, Nardone stepped back to allow his staff defend their work.

"I actually hated being in my position," says Nardone. "My hands were tied, but I had great faith in my kids."

The result? The students sought legal advice and went to the local media. The *Detriot Free Press* published the censored story. More than 200 people attended a school board meeting to discuss the incident, and eventually the school agreed to let the adviser and students make the final call.

Adviser Rod Satterthwaite of Dexter High School in Michigan and his students had a similar experience.

Recently a teacher in our school was suspended and subsequently arrested. Initially, my principal supported my students' right to write about the incident. However, the central office immediately put pressure on him to tell us we couldn't. An assistant superintendent ordered me to not let students write about it, and the principal soon after wrote me a memo telling me we could not cover the story in any way.

PRESS FREEDOM IN PRACTICE

A Manual for
Student Media
Advisers on
Responding to
Censorship

When student journalists understand the lay of the land, it creates another opportunity to become leaders.

**PRESS
FREEDOM IN
PRACTICE**

A Manual for
Student Media
Advisers on
Responding to
Censorship

Students and advisers need to work to gather supporters of their program who will be defenders of press freedom before a conflict occurs.

In this case, I took pride in seeing my students fight this censorship. Once I told them I received a directive not to pursue the story, they called the Student Press Law Center and the local media. The SPLC's first piece of advice was to make sure that I was not involved in any more decision-making regarding this article. In the meantime, the local media decided they were going to cover the censorship angle to the story. In addition, they said they would publish the students' story if we were not allowed to.

Soon, the local paper's reporter called me and said the superintendent just told her the paper could print the story as the students had originally written it.

By listening to the advice of the SPLC and approaching the censorship in a calm, professional manner, students saw democracy in action and realized they are capable of making a difference in their world. Later, one of the students who helped cover the story wrote me before her graduation: "Thanks for letting me learn how to think for myself ... and not telling me how to think."

Of course, stepping back increases the obligation that an adviser must prepare students for responding to censorship before a conflict occurs. A discussion regarding the subjects of this publication as well as distributing a copy of the Student Press Law Center's steps to remember in fighting censorship (see the SPLC Web site at www.splc.org/legalresearch.asp?id=5) will be valuable. Teaching students their rights and responsibilities becomes all the more important. Knowing where to turn for help, as the next section describes, is another crucial step.

IDENTIFYING ALLIES

When censorship problems do arise, having a unified line of defense can be crucial. Thus students and advisers need to work to gather supporters of their program who will be defenders of press freedom before a conflict occurs.

Many advisers already know the immeasurable benefits of keeping in touch with their peers, who can offer advice, experience and even a good shoulder to cry on. Members of the Journalism Education Association and other

state and national adviser groups have appreciated the support they get from the organization's e-mail listservs. Joining one or more adviser groups is well worth the investment.

Whether you are a member or not, the Student Press Law Center exists to provide free legal advice and assistance to student journalists and their advisers. When confronting a censorship problem (or just anticipating one), a phone call or e-mail to the SPLC can offer legal insight and practical suggestions related to your situation.

But most find friends of student journalism even closer to home. Adviser Fern Valentine, retired from Auburn High School in Washington, said she sought out and appreciated some of the allies available within her school system.

"I also always recruited school board members' kids to the program," she says. "The kids graduated, but some of the parents are still there 20 years later and still are advocates of the program. Faculty members' kids are also great staff members. After a teacher sees the long hours the kids spend and hears about the discussions, an adviser is respected and a program protected and promoted."

Many advisers know the value of involved parents to the success of a program. But their contacts with school officials can also be an important influence if censorship threats occur.

"Administrators and school board members respond to parental phone calls," Valentine says. "Parents who make it clear they want their children to have a free, uncensored program are a tremendous help. An adviser can have a parent meeting at the beginning of the year or send home a document, explaining the long hours, etc., but also stressing the benefits of time-consuming decision making."

Temple University journalism professor Thomas Eveslage recommends a publication create a community-wide support group, "Friends of *The Student Bugle*" (or whatever the name of your publication might be), to include parents, business leaders, area politicians, professional journalists and members of the clergy.

Adviser Shirley Yaskin of Miami Palmetto High School in Florida knows her way through a good censorship skirmish. Despite the fact her school district has one of the strongest student press freedom policies in the nation,

**PRESS
FREEDOM IN
PRACTICE**

A Manual for
Student Media
Advisers on
Responding to
Censorship

Many advisers know the value of involved parents to the success of a program. But their contacts with school officials can also be an important influence if censorship threats occur.

conflicts still arise. She says her district's students have been successful in fighting their battles because they are organized. Her tips for success:

- Encourage local media to adopt your publication or broadcast program. Invite them to speak. And invite your principal to attend.
- Invite local journalism professors from nearby colleges to speak and invite the principal.
- Create a Web site for the school publications in your area to share problems.
- Tap graduates of your school who are now professionals to help.
- Write guidelines for your publication and set up a committee of student journalists, their adviser, parents and local mentors to meet with the principal.
- Become members of state and national scholastic press associations, attend conventions and learn how other schools deal with problems.
- Know what the Student Press Law Center is and let your principal know what it is about.
- Keep up with what's going on by exchanging publications with other schools in and out of your district.
- Get parents involved to support your efforts.

Having friends to stand beside you when trouble is in the air makes a dramatic difference. Identifying who those friends are is time well spent.

USING THE MEDIA

As some of the examples already described make clear, the community media can often be the most important tool in a fight against censorship. There are few things that school officials fear more than negative publicity. (In fact, often that may be the motivation for their censorship.) But if they know that a decision to censor will inevitably result in a call to the local newspaper or television station, which in most cases will consider the incident a prominent news story (and possibly even a subject worthy of editorial comment), those school officials may think twice before they stand behind a censorship order.

Media coverage forces a school to publicly defend its decision to censor. When the student work at issue is journalistically sound, that becomes a very difficult task for a school principal or superintendent. And when they

cannot defend their actions, public opinion can quickly turn against them.

Michigan adviser Jeff Nardone describes the support that was generated when the local newspaper published his students' censored story, and the public saw it for the factual news report that it was. He said many could not believe the school had censored an article that seemed so harmless. The outpouring of support for the paper at the subsequent school board meeting was a reflection of the public's reaction.

Adviser Dianne Smith of Alief Hastings High School in Texas witnessed the power of local media coverage when her school attempted to censor student coverage of an important but controversial topic.

A school as large as ours (4,700 students) has a significant number of gay and lesbian teens. Two newspaper students interviewed openly gay students to find out how they felt they fit into the scope of the school and what major obstacles they had faced and/or overcome. They let the students tell their own stories, opting not to edit for grammar, because they wanted this story to be told in the students' own words.

Despite the writers' and editors' discussions with the principal, the administration decided to censor the story because it was so "controversial." As the staff prepared to respond, one of the students in the story was so outraged by the censorship that he contacted the local ABC affiliate on his own.

The story aired for two nights then ran on the station's Web site. Within 18 hours, it received more than 30,000 hits. If we had been allowed to print it, 450 of the 4,500 students might have read it. Channel 13 opened a message board to let the community talk about it and received more than 1,000 posts, with the vast majority supportive of the student journalists. Comments about the school district were not positive. A local gay publication picked up the story and interviewed the writers, the editor and a couple of the subjects in the story. The principal declined to comment. Publicity the school received for censoring the story was overwhelmingly negative.

Some months later, the gay student who had taken the story to the local media, now on the newspaper staff, wrote a column

PRESS FREEDOM IN PRACTICE

A Manual for
Student Media
Advisers on
Responding to
Censorship

Even when students decide that their work is worth defending, it is a mistake to make every disagreement with school officials into a royal battle.

about the struggles of being different, especially being gay. Again, the principal's initial reaction was to censor, but remembering what had happened earlier, he decided to seek a second opinion. When district administrators understood the article was an opinion piece, they allowed the story to run with a few insignificant changes. Both a local and a national gay/lesbian publication ran the article. A local magazine also ran a story chronicling our struggles to get an article on gay and lesbian teens in the paper. This time, the principal gave them a statement.

Journalism teachers and media advisers spend much time teaching students to appreciate the power of the press. Responding to censorship presents an opportunity for harnessing that power in a way that will guide school officials to make wise decisions.

CHOOSING YOUR BATTLES

Any student publication staff facing the prospect of censorship will have hard choices to make. One of the first is whether to fight in the first place.

As discussed above, defending the public's right to know is among the most important obligations for any journalist. A reporter or editor who does not measure up in that regard will soon lose credibility with the readers he or she is there to serve.

But making such a defense presumes the material at issue is worth knowing. Standing up for something that is journalistically deficient, legally inappropriate or ethically challenged may make for a frustrating experience. In rare cases, student journalists may decide that their work is simply not worth defending. Of course, that decision is typically a reflection of larger problems that should require some serious thought and discussion by a staff about how it lives up to the standards it has set for itself.

Even when students decide that their work is worth defending, it is a mistake to make every disagreement with school officials into a royal battle. Sometimes, a thoughtful, calm discussion between administrator, adviser and editor can help all see things in a new light. The metaphors of warfare come naturally when discussing the defense of free press rights, but not every divergence of opinion requires the drawing of battle lines. When

respect and understanding have been established, the strength of that relationship can overcome even strong differences.

DEALING WITH DEMANDS FOR PRIOR REVIEW

Many student publication staffs are committed to ensuring that administrators are not surprised by phone calls from parents and community members unhappy with the topics the newspaper has covered. They make school officials key sources for stories to give them an opportunity to comment. They may even alert a principal in advance when an especially controversial story is about to appear in print or provide the first copy distributed to the administration office.

But providing that kind of courtesy is a far cry from one of the most problematic and insidious forms of student publication censorship: administrative demands for prior review. Requests for advice received by the Student Press Law Center tell us that a growing number of school officials are making such demands, leaving advisers wondering how best to respond.

Absent some school policy or state law that prohibits prior review, school officials probably have the legal ability to require such review if they so choose. However, the fact that the practice is legal does not make it wise.

First, there can be little question that allowing school officials to review the content of a publication before it goes to press is journalistically and educationally unsound. Allowing the primary subject of the news to have such influence on and control over what gets published is something no reputable commercial news organization would permit.

In fact, in 1990 the Journalism Education Association adopted a policy statement condemning the practice of administrative prior review from an educational standpoint.

But there are also obvious practical problems with required prior review. The logistics of such a system can delay the publication of a newspaper so long that the notion that its contents are still “news” becomes something of a joke. As some outside observers have noted, administrators who make it their job to review the contents of student media before publication are perhaps neglecting some of the many important tasks that normally demand their time.

PRESS FREEDOM IN PRACTICE

A Manual for
Student Media
Advisers on
Responding to
Censorship

As some outside observers have noted, administrators who make it their job to review the contents of student media before publication are perhaps neglecting some of the many important tasks that normally demand their time.

**PRESS
FREEDOM IN
PRACTICE**

A Manual for
Student Media
Advisers on
Responding to
Censorship

In addition, prior review inevitably results in direct (and often silly) censorship. When a school administrator begins to feel like the editor of a student newspaper, sooner or later that administrator will begin acting as an editor, whether they have had any journalistic training or not.

Dianne Smith of Texas found prior review by her school officials had just such a result. At one point, students were not allowed to use the term “sonic boom” in a headline referring to the downloading of digital music files because they were told it suggested a bomb exploding.

Prior review is justifiably seen as an affront to the teacher/adviser, who has been hired to assist the students in their decision-making. Few schools would seriously consider requiring the football coach to submit each play to the principal before the team executes them. Somehow, administrators can more easily overlook the lack of respect such a demand conveys to the media adviser.

The good news is that many administrators would not think of demanding prior review. As Kathleen Neumeyer of Harvard Westlake School in California notes regarding her students’ award-winning publication, no administrator has ever asked to see a copy of a story before it was printed. In 1998, the Dade County, Fla., School Board explicitly amended the district’s publications policy to prohibit administrative prior review.

Not every adviser will be successful in overcoming such a request. As Smith notes, “Changing administrators’ minds about prior review is going to take more people than just me.” But with good arguments on your side, change is possible.

SURVIVAL TIPS

The many journalism teachers and media advisers shared their experiences for this publication so that others could benefit from their experience. But for every idea offered here, there are 10 more that space did not allow to be included.

So we offer our summary of the top 10 tips to help a publication adviser avoid (or respond to) censorship. We hope they assist in making your job easier.

1. Believe in and be prepared to act on the value of a free and responsible press. That will help you follow the other nine.
2. Understand the laws and policies relevant to operating a professional publication and ensure that your students know their rights and responsibilities, too.
3. Educate your student staff, other students, faculty, administrators and the community about the purpose, values and roles involved in a free student press.
4. Make it known that prior review and restraint are not acceptable educational practices, even if you have no choice but to live with them.
5. Work towards a system that allows students to make the content decisions for the publications they produce.
6. Maintain the publication, by school policy or practice, as an open forum for student expression
7. Help students understand and follow professional standards of journalism and ethics
8. Maintain open channels of communication with school officials and community groups on a regular basis.
9. Teach students that defending their own rights means supporting the free expression rights of others as well.
10. Remember that your students' rights and responsibilities stem from our national commitment to the truth and the public's right to know.

BIBLIOGRAPHY

For a more detailed discussion of the legal principles described in this publication, consult the Student Press Law Center's Web site, our book *Law of the Student Press* and our news magazine, the *SPLC Report*.

The Student Press Law Center provides free legal assistance to student journalists and their advisers. If you have a specific question about student media law that the above resources cannot answer, go to the SPLC Web site to send us an e-mail question or call us.

Student Press Law Center
1815 N. Fort Myer Drive, Suite 900
Arlington, VA 22209-1817
(703) 807-1904
www.splc.org

ADDITIONAL RESOURCES

- Student Press Law Center Model Guidelines for Student Publications (www.splc.org/legalresearch.asp?id=6)
- JEA Scholastic Press Rights Commission (www.jea.org/resources/pressrights/index.htm)
- First Amendment Schools—a national initiative to transform how schools model and teach the rights and responsibilities of citizenship (www.firstamendmentschools.org)

National Membership Organizations for High School Media

- Columbia Scholastic Press Association/Columbia Scholastic Press Advisers Association (www.columbia.edu/cu/cspa)
- National Scholastic Press Association (www.studentpress.org/nspa)
- Journalism Education Association (www.jea.org)
- Quill and Scroll Society (www.uiowa.edu/~quill-sc/)

PRESS FREEDOM IN PRACTICE

A Manual for
Student Media
Advisers on
Responding to
Censorship

For information on this publication or other materials about young journalists who publish in their community newspaper, contact:

Sandy Woodcock

Director

Newspaper Association of America Foundation

(703) 902-1732

woods@naa.org

ABOUT THE AUTHORS

John Bowen is an instructor at Kent State University and is a former high school journalism teacher and publication adviser. He serves as chair of the Scholastic Press Rights Commission of the Journalism Education Association and chair of the Student Press Law Center Advisory Council.

Mark Goodman is an attorney and has been executive director of the Student Press Law Center since 1985. A Missouri native, Goodman received a Bachelor's of Journalism from the University of Missouri and a law degree from Duke University. His e-mail address is director@splc.org.



1921 Gallows Road, Suite 600, Vienna, VA 22182-3900

703•902•1600 Fax 703•902•1751

www.naa.org