To the Graduate Council:

I am submitting herewith a dissertation written by James Edward Miller entitled "'Just Another Day at the Office': An Investigation Into How Public College Administrators Balance the First Amendment Rights of the Student Press and the Broader Interests of Their Campuses." I have examined the final electronic copy of this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, with a major in Communication and Information.

_____
Dr. Barbara Moore, Major Professor

We have read this thesis and recommend its acceptance:

_____
Dr. Grady Bogue

_____
Dr. Dorothy Bowles

_____
Dr. Ron Taylor

Accepted for the Council:

_____
Carolyn R. Hodges,
Vice Provost and Dean of the Graduate School

"Just Another Day at the Office": An Investigation Into How Public College Administrators Balance the First Amendment Rights of the Student Press and the Broader Interests of Their Campuses

A Dissertation
Presented for the
Doctor of Philosophy
Degree
The University of Tennessee, Knoxville

James Edward Miller
August 2008

Copyright © 2008 by James Edward Miller

All rights reserved.

Dedication

I dedicate this dissertation to my beautiful family – my wife, Sara; my 3-year-old daughter, Laura; and my three-month-old son, Grant. Your love, encouragement, and unending support made possible the successful completion of this project. I am eternally thankful for each of you. The joy you bring to my life is indescribable.

Acknowledgments

I am deeply indebted to the four professors who served on my dissertation committee.

To Dr. Barbara Moore, my committee chair: Your wisdom enabled me to focus my topic and organize my writing – two factors that led to the successful completion of this project. Thank you for the encouragement and for seeing me to the finish line.

To Dr. Grady Bogue: Your experience as a higher education senior administrator brought important perspective to this study. Thank you for challenging me to think more clearly about every aspect of this study; I'm a better researcher because of it.

To Dr. Dorothy Bowles: Your knowledge of student press law and years of involvement with campus presses helped me build the context for this study. Your editorial eye and constructive criticism throughout the process greatly improved this work.

To Dr. Ron Taylor: You inspired me to approach this investigation qualitatively – and my dissertation experience was incredibly rewarding as a result. Thank you for opening my academic eyes to the exciting world of exploratory research.

I also want to thank the nine higher education administrators who participated in this study. Your candidness and willingness to devote time to

meet with me are appreciated. I hope you and other student press constituents find this study beneficial.

Abstract

Courts have ruled for decades that student journalists at public colleges and universities are entitled to constitutional protection. As a result, higher education officials are faced regularly with dilemmas that pit the free campus press against what the administration sees as the greater good of the institution at large. With a summary of relevant case law as its backdrop, this qualitative study describes how public college administrators balance the First Amendment rights of the campus press and the broader interests of their institutions.

A number of authors have suggested that open dialogue and mutual understanding are crucial for a healthy relationship between college administrators and campus press stakeholders. This study is important because it will help generate that discussion. Furthermore, this study fills a gap in the literature. No qualitative research investigating this issue of balance has been published since a federal court's ruling in *Hosty v. Carter* (2005), the most recent — and perhaps most controversial — decision concerning First Amendment protection of the collegiate press.

Using a sampling strategy that maximizes variation among the participants, the researcher conducted in-depth interviews with nine public college administrators in the Southeast. Theoretical saturation was reached at about the seventh interview.

Four thematic strategies emerged from the data that describe how the participants perform the balancing act at focus in this study. Consistent with the grounded theory approach, these findings constitute a theoretical framework that helps explain the phenomenon being investigated: (1) supporting a free campus press, (2) keeping the lines of communication open, (3) knowing how to manage controversy, and (4) resolving that they may have to intervene.

Table of Contents

CHAPTER I: INTRODUCTION 1
Background of Problem 1
Statement of Problem 7
Purpose of Study 7
Research Question 8
Importance of the Study 8
Definition of Terms 11
Summary 14

CHAPTER II: THE LEGAL CONTEXT: A REVIEW AND ANALYSIS OF RELEVANT STUDENT PRESS LAW 16
Introduction 16
Tinker v. Des Moines Independent Community School District (1969) 20
Hazelwood School District v. Kuhlmeier (1988) 22
Kincaid v. Gibson (2001) 25
Hosty v. Carter (2005) 27
Decision of U.S. District Court 33
Decision of Seventh Circuit Court of Appeals' Three-Member Panel 36
Decision of Seventh Circuit Court En Banc 42
Liability for the Campus Press 48
Summary 50

CHAPTER III: A REVIEW OF RELATED LITERATURE 52
Structure and Governance of the Campus Press 52
Student Activity 54
Journalism Laboratory 54
Auxiliary Enterprise 55
Independent Operation 55
Student Publication Boards 58
Administration-Campus Press Relationship 59
Censorship of the Campus Press 67
Summary 71

CHAPTER IV: THEORETICAL FRAMEWORK AND METHODOLOGY 72
The Qualitative Paradigm 72
Grounded Theory 74
Standards for Validity 75
Hypothesis Testing v. Hypothesis Generating 78
The Long Interview 79
Participants 80

Purposeful Sample....80
Sampling Strategy....82
Dimensional Considerations of the Sampling Strategy....85
Issues Not Considered in the Sampling Strategy....88
Sample Size and Theoretical Saturation....90
Data Collection....91
Data Analysis....91
Ethical Considerations....95
Summary....95

CHAPTER V: FINDINGS AND DISCUSSION....97
Supporting a Free Campus Press....98
Vocal Support of First Amendment Protection....98
Educational Benefits....101
Summary of First Major Thematic Action....108
Keeping the Lines of Communication Open....109
Relying on Communicative Relationship With Advisers....109
Relying on Communicative Relationship With Students....116
Relying on Communicative Relationship With Superiors....121
Relying on Communicative Relationship With Other Campus Groups....123
Summary of Second Major Thematic Action....126
Knowing How to Manage Controversy....126
Deflecting Complaints by Explaining Legal Rights....128
Using Laboratory Mission to Explain Mistakes....129
Responding Publicly to Controversy....130
Minimizing Coverage of Controversy....131
Being Honest and Lending a Sympathetic Ear....132
Summary of Third Major Thematic Action....134
Resolving That They May Have to Intervene....135
Damaging to Individuals....136
Offensive to Campus Community....138
Threatening to the Well-Being of the Campus....139
Summary of Fourth Major Thematic Action....142
Summary....142

CHAPTER VI: CONCLUSION....144
Commentary....145
Recommendations....160
Recommendations to Administrators....160
Recommendations to Members of the Student Press....161
Recommendations to Student Press Advisers....162
Recommendations for Student Publications Boards....162

Limitations of the Study 163
Future Research 164
Summary 167

LIST OF REFERENCES 169

APPENDICES 184
Appendix A: Ingelhart's (1993) Criteria for a Student Publication to be Considered Independent 185
Appendix B: Descriptions of Participants, the Institutions They Represent, and the Student Newspapers with Which They Work 187
Appendix C: Carnegie Classifications of Institutions of Higher Education 196
Appendix D: Interview Guide 197
Appendix E: Sample Public Forum Statement 198
Appendix F: Value Statements 195

VITA 200

Chapter I

INTRODUCTION

Background of Problem

American higher education generally is recognized as a marketplace of ideas. In fact, Fiore (2002) claims, "With their aims of cultivating curiosity, creativity, and experimentation, colleges and universities throughout the country have broadly embraced the First Amendment" (p. 1,915).

The general acceptance of the academy functioning as a marketplace of ideas is not surprising. After all, higher education in its ideal should reflect American democracy at its best. Bogue and Aper (2000) argue that one of the missions of colleges and universities is to serve as a public forum. This mission, they contend, may represent "the most fundamental spirit and purpose of American higher education: The testing of ideas in adversarial and public forum settings and the honoring of paradox and dissent" (p. 22).

This lauding of freedom within the academy is more than just rhetoric. Federal courts consistently have supported the notion that public colleges and universities are places where civil liberties and constitutional rights are not simply valued – they are foundational. As a federal court stated in its decision in *Antonelli v. Hammond* (1970, p. 1,335):

> The university setting of college-age students being exposed to a wide range of intellectual experience creates a relatively mature marketplace for

the interchange of ideas so that the free speech clause of the First Amendment with its underlying assumption that there is positive social value in an open forum seems particularly appropriate.

In fact, for more than four decades courts have ruled almost unanimously in favor of public college students retaining the same constitutional rights on campus as they do off campus (*Board of Regents of the University of Wisconsin System v. Southworth*, 2000; *Lueth v. St. Clair County Community College*, 1990; *Widmar v. Vincent*, 1981; *Papish v. Board of Curators of the University of Missouri*, 1973; *Healy v. James*, 1972).

After all, public institutions of higher education are considered an arm of the state (*Bazaar v. Fortune*, 1973), and, therefore, they are accountable to constitutional boundaries. Put simply, public colleges, like the government, cannot enforce rules that violate an individual's First Amendment rights. In contrast, courts have determined that private colleges, which do not act as government agencies, are generally not subject to the boundaries of the First Amendment (*Hudgens v. National Labor Relations Board*, 1976).

More specific to the subject at focus in this study, legal precedent has ensured that public college students working for the campus press are entitled to the appropriate freedoms outlined in the First and Fourteenth Amendments (*Stanley v. McGrath*, 1983; *Antonelli v. Hammond*, 1970; *Bazaar v. Fortune*, 1973;

Joyner v. Whiting, 1973; *Trujillo v. Love*, 1971; *Dickey v. Alabama State Board of Education*, 1967).

These court decisions listed above, among others, have deemed unconstitutional administrative actions such as prior restraint, the firing of editors, the withdrawing of funds, and mandatory prior review – even if the justification is simply to avoid embarrassing grammatical and spelling errors. In short, if a public college decides to create and financially support a student newspaper – decisions it is not legally bound to make – courts have ruled the college does not act as the publisher, and the administration cannot control content or suspend funding because of content (*Schiff v. Williams*, 1975; *Antonelli v. Hammond*, 1970).

Despite the near consensus among federal courts concerning the First Amendment rights of public college students, Kasior & Darrah (1996) argue that administrative censorship of the campus press continues throughout the nation at colleges of all types and sizes. In fact, Holmes (1986) concludes, "The censorship dragon is alive and well on university campuses throughout the United States – so much so, in fact, that it could threaten the training of today's news-editorial majors working in the campus press" (p. 1).

A recent federal court decision has opened the door to more opportunities for administrative control. In *Hosty v. Carter* (2005), a case that will be examined in chapter two as part of this study's context, the Court of Appeals for the

Seventh Circuit diverted from precedent and granted administrators at public colleges in three states – Illinois, Indiana, and Wisconsin – the right to control the student press for reasons allowed under *Hazelwood v. Kuhlmeier* (1988), a case involving a high school student newspaper. Until *Hosty*, the *Hazelwood* decision was considered to apply only to high schools.

It should be no surprise that administrators and student journalists regularly find themselves in contentious situations that occasionally lead to courtroom battles. The campus press undoubtedly can be a thorn in the side of a college administrator. Although penned nearly 70 years ago, higher education officials today likely can relate to Blackwell's (1939) assertion:

> Any agency supported directly or indirectly by a college or university should be analyzed from a public-relations viewpoint. Is that agency creating good will or ill will for the institution? … Few, if any, agencies of the institution have opportunities for creating either good will or ill will equal to those of the college newspaper. (p. 243)

Furthermore, Cook (1989) contends, "Encountering an aggressive student press can be an intimidating and frustrating experience for a higher education administrator" (p. 1). But as already mentioned, courts have allowed administrators few legal options when dealing with a student press that institutional officials view as a liability. Accordingly, Flawn (1990) concludes:

> (Administrators') problems come from the fact that, under the banner of "freedom of the press" and court decisions that have extended First Amendment protection to the most childish and sophomoric student publications, students push the limits of tolerance as far as they can. … Any attempt to control the content of student publications will bring cries of "censorship!" (p. 100)

However, some administrators, who claim to have greater perspective on campus issues than transient students who study at their respective colleges for only a few years, disregard the law concerning campus press freedom (Ryan & Martinson, 1986). In the name of their institutions' greater good, they cut funding to the student press, fire or suspend editors and advisers, and implement prior restraint and mandatory review practices (Ingelhart, 1993; Ryan & Martinson, 1986; Eveslage, 1982).

Although their actions may be illegal, they are not always inexplicable. After all, administrators traditionally have made policy decisions for their campuses while standing in loco parentis – a responsibility assigned to institutions of higher education in *Gott v. Berea College* (1913).

More recent court decisions, including *Bradshaw v. Rawlings* (1979), have removed much of the in loco parentis authority granted to colleges and universities; however, administrators regularly enforce policies with the general health and welfare of their students in mind – even when opponents argue those

policies violate students' constitutional rights. Examples of these policies include bans on speech that perpetuate racial, sexual, and religious intolerance, and strict alcohol policies for students of all ages (Ingelhart, 1993; Thomas, 1991).

Unquestionably, administrators frequently find themselves in a conundrum when attempting to protect the general welfare of their institutions while also supporting the constitutional rights of the legal adults – those who are 18 and older – who study on their campuses.

The controversy over juicycampus.com, a Web site that allows users to post anonymous gossip about anyone at their college, is a recent example of this dilemma. Some of the messages on juicycampus.com are likely unprotected by the First Amendment because they are libelous or threatening (Creeley, 2008). But even the profane, racist, and sexist comments that may be constitutionally protected have some college students, faculty, and administrators in an uproar.

Students at Pepperdine University this year even petitioned school officials to ban the site from campus, but the administration chose not to do so (Young, 2008). Students at other private institutions – including Yale and Cornell – are considering similar proposals (Creeley, 2008).

While juicycampus.com is the latest focus of discussion regarding First Amendment protection for college students, the difficulties administrators face when protecting free speech on campus is perhaps most evident in their dealings with the student press. This well documented tension between the campus press

and higher education administrators leads to this present study's problem statement, purpose, and research question.

Statement of Problem

Public higher education officials are faced regularly with dilemmas that pit the campus press against what some administrators see as the greater good of the college or university at large.

Advocates of a free campus press argue that student journalists too often find themselves on the losing end of those decisions (Kaisor & Darrah, 1996; Holmes, 1986; Ryan & Martinson, 1986). It's not difficult to imagine, therefore, the strained relationship that often exists between public higher education officials, student journalists and college press advocates.

Indeed, the responsibility of upholding the First Amendment rights of the campus press while concerning themselves with the broader interests of their institutions – particularly when those factors seemingly conflict – often is problematic for college administrators.

Purpose of Study

The purpose of this study is to examine and describe how higher education administrators balance the First Amendment rights of the student press and the broader campus community welfare interests.

With an overview of student press law as its backdrop, the researcher intends to describe this phenomenon in such a way that will allow stakeholders

of the collegiate press – including student and professional journalists, campus media advisers, journalism faculty members, and other administrators, just to name a few – to understand more clearly the thought processes that administrators go through when they attempt to harmonize the constitutional freedoms of the public campus press and the wider concerns of their institutions.

Research Question

With that purpose in mind, the investigator approaches this qualitative investigation with the following research question: How do public higher education administrators balance the First Amendment rights of the campus press and the broader interests of their institutions?

Importance of the Study

Not surprisingly, a number of authors have suggested that extensive dialogue and mutual understanding between college officials and stakeholders of the student press are crucial for a healthy relationship (Jasinski, 1994; Altabach and Cohen, 1990; Cook, 1989; Gibbs, 1971; Gibbs, 1970). This study is important because it will help generate that discussion.

Research that explores how administrators balance the constitutional freedom of the campus press and the broader interests of their institutions is important to a number of stakeholders, including student and professional journalists, student media advisers, journalism faculty members, administrators, and anyone who is interested in First Amendment issues in higher education.

This study will allow members of the student press to more completely understand the thought processes and specific concerns that administrators have regarding campus press freedom within the context of their institutions' broader interests. In other words, this study will highlight the real struggle that administrators have when attempting to reconcile the rights of the campus press with the holistic welfare of their institutions for which they are responsible.

After all, some authors contend that most administrators support, at least philosophically, the student press's First Amendment rights (Ingelhart, 1993; Files, 1987). In fact, Ingelhart (1993, p. 109) claims the perception that administrators universally are a "militant force to destroy or control such obnoxious weeds (as student journalists)" is largely a myth. Moreover, Files (1987) concludes that administrators are unfairly branded as being the culprits responsible for trampling the rights and privileges of the student press.

With a greater understanding of the perspectives and responsibilities these administrators carry, student journalists, and the faculty and staff who work with them, will have the opportunity to consider and prepare for the ramifications of every story the campus press publishes.

As any good professional journalist would attest, a successful news outlet must understand the value system of its audience. In a similar manner, a successful student press must at least understand the viewpoints of its institution's administration, which is a segment of its audience.

Professional journalists, who likely will hire many members of the collegiate press, can also benefit from the data presented in this study. Unquestionably, the hands-on learning that students receive as members of the campus press is reflected in their professional work.

If students are taught in college – whether directly or inadvertently – that censorship is an acceptable practice, their professional work surely will suffer. For example, they may be unprepared or hesitant to tackle difficult stories; they may lack the confidence to aggressively pursue elusive sources; or they may avoid important negative information in an effort to make their stories less controversial.

Armed with insight into how administrators balance student press freedom and the broader interests of their campuses, professional journalists can intelligently voice their opinions about the quality of journalism students an institution is producing. Local media input on such issues certainly can be influential.

Additionally, the research presented in this report will afford public college administrators the opportunity to gain insight into the perspectives of their peers at similar institutions. Simply knowing they are not the only officials to struggle with issues related to the campus press – and having the opportunity to learn how their colleagues perform the balancing act at focus in this study – is beneficial. Indeed, this study highlights diverse problems and solutions that

administrators who oversee student publications have faced and offered. Higher education officials unquestionably can benefit from knowledge of their peers' experiences.

In summary, an understanding of the perspectives of university officials who oversee the student press as part of their responsibilities will serve to elicit healthy dialogue between student and professional journalists, the faculty and staff advisers who work with the student press every day, and the administrators themselves. Again, considering the contentious relationship that often exists between these parties, open dialogue and mutual understanding is imperative.

Definition of Terms

An understanding of the following terms is important, as they will be used throughout the research report.

Administrators: In this study, public college and university administrators are those officials to whom student press advisers or their immediate supervisors report. These administrators are not involved with the daily activities of the student press, but they may be responsible for the allocation of funds to student media and the hiring, firing, and disciplining of student media members and advisers.

As Kopenhaver and Spielberger (1991) note, the administrators' specific titles differ among institutions. The exact titles for the administrators studied in this project are noted in chapter four. A description of each participant and the

institution he serves is included in Appendix B. All of the participants are at a vice president or dean level.

Forum analysis: The public forum doctrine, which the Supreme Court addressed in *Perry Education Association v. Perry Local Educators' Association* (1983), includes the following designations:

(1) Open public forums, which constitute public streets, parks, and sidewalks where citizens can freely speak, assemble, and debate. While public secondary schools are not considered open forums, courts have given this designation to college and university campuses, at least for their students (*Roberts v. Haragan*, 2004; *Rosenberger v. Rector*, 1995).

(2) Non-public forums, which include state buildings and offices not intended for public speech, assembly, or debate. Examples of non-public forums include courthouses, jails, and, important to this study, public elementary and secondary schools.

(3) Limited public forums, which include government property that is not required to be open to the public for expressive purposes, but which the State has intentionally designated as open to at least some public expression. Under the limited public forum designation, speech is subjected only to reasonable time, place, and manner regulations.

Prior restraint: Prior restraint is when a governing body prohibits content from being published. As has already been mentioned, and as will further be

discussed in chapter two, courts consistently have ruled that prior restraint is unconstitutional.

Prior review: Prior review is when officials or other individuals not affiliated with the student press preview content before it is published. Officials offer a number of justifications for implementing prior review, including eliminating grammatical mistakes and potentially illegal material. Courts have ruled that mandatory prior review of the college press is unacceptable.

Public institutions of higher education: Colleges and universities in the United States that are funded predominantly by public means, such as state and federal taxes.

Student press: Ingelhart (1985, p. 16) defines "the press" as "a medium of communication; specifically it includes every medium in use or contemplated for the future use of individuals to write, edit, print, publish, distribute, sell, display, broadcast, play, or promulgate and to own or control." The "student press" in this study refers to campus newspapers. The student newspaper is the only medium present at every institution included in this research.

Broadcast media are not considered in this study. While courts have granted student-produced print and online media great amounts of First Amendment protection, the same cannot be said for broadcast media. In fact, the government controls much of what broadcast media air through FCC regulations (*Columbia Broadcasting System, Inc. v. Democratic National Committee*, 1973).

Since colleges and universities that support student-produced broadcast media must hold an FCC license, they also are expected to have some control over what hits the airwaves. If the student-produced content violates FCC regulations, the school could be fined or lose its license (Alabama Educational Television Commission, 1975).

Therefore, the amount of First Amendment freedom enjoyed by students working for school-controlled campus broadcast stations is limited. Indeed, overseers of campus broadcast television and radio stations have much more legal leeway to control content and demand prior review than overseers of student-produced print or online media.

Student Press Law Center: SPLC is the nation's only legal assistance agency devoted to educating high school and college journalists about the rights and responsibilities found in the First Amendment and supporting the student press in its struggle to break free from censorship.

Summary

This study qualitatively investigates how public college and university administrators balance the First Amendment rights of the campus press and the broader interests of their institutions. The research aims to provide insight into the thought processes of these officials and generate healthy dialogue between two historically contentious groups – college administrators and campus press advocates.

However, before a beneficial study of public college administrators' perceptions on campus press freedom can ensue, an understanding of the legal context in which administrators officiate must be grasped. In the following chapter, the researcher discusses and analyzes foundational federal court cases that define the legal boundaries of the student press and the administrators who oversee it.

Chapter II

THE LEGAL CONTEXT: A REVIEW AND ANALYSIS OF RELEVANT STUDENT PRESS LAW

Introduction

Because student press law is built on the foundation of the First and Fourteenth Amendments, it is important to review these statements in the Constitution. The First Amendment declares:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Additionally, in 1866 the Fourteenth Amendment was added:

> No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Unquestionably, the rights guaranteed in the First Amendment – freedoms of religion, speech, press, assembly, and petition – are central to the democracy in which Americans live. Without these freedoms, citizens would be enslaved to their government and powerless to question those who administer

over them. This nation's forefathers certainly understood the importance of a free press. As Thomas Jefferson declared:

> The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter ("The Papers of Thomas Jefferson," 1953).

Broad theoretical support of the First Amendment is easy for most Americans. However, applying constitutional freedoms in specific contexts is much more challenging. In fact, the balancing act of administrators at focus in this study is just one example of how U.S. citizens and courts struggle to harmonize the First Amendment rights of individuals with broader societal interests.

A prominent example of this struggle is highlighted in the ongoing effort to balance freedom of the press with the right to a fair trial. Indeed, it's difficult for a defendant to receive a fair trial when "newspapers and broadcasters have convicted him in graphic terms before the trial begins" (Lewis, 2007, p. 169).

Through annual public opinion surveys, the First Amendment Center exposes the struggle to balance constitutional freedoms with other interests in more specific terms. For example, 25% of Americans in 2007 agreed or strongly agreed with the statement: "The First Amendment goes too far in the rights it

guarantees" (First Amendment Center, 2007). Additionally, the 2007 survey found 39% of Americans reported that they mildly disagreed or strongly disagreed with the statement: "People should be allowed to say things in public that might be offensive to religious groups."

Furthermore, 56% of Americans mildly disagreed or strongly disagreed that people should have the right to say things in public that might be offensive to racial groups. The extent to which First Amendment freedoms should be applied in these sensitive contexts obviously is debatable among Americans.

How much First Amendment protection should be afforded students in secondary and postsecondary educational institutions also is a topic about which the public apparently is divided.

For example, 50% of Americans in 2007 mildly agreed or strongly agreed that school officials should be allowed to discipline students who, while off campus, post entries on social networking sites like MySpace.com that may be disruptive to school classes (First Amendment Center, 2007).

Moreover, 74% of Americans in the 2007 survey reported that they mildly disagreed or strongly disagreed with the statement: "Public school students should be allowed to wear a T-shirt with a message or picture that others might find offensive."

Americans clearly do not agree on the application of First Amendment rights in the educational setting – and the level of freedom afforded the student

press certainly is part of that debate. In fact, 53% of Americans in the First Amendment Center's 2007 study mildly disagreed or strongly disagreed with the following statement: "Public school students should be allowed to report on controversial issues in their student newspapers without the approval of school authorities."

More closely related to the topic of this dissertation, 37% of Americans in 2007 reported that they mildly disagreed or strongly disagreed with allowing student newspapers at public colleges to report on controversial subjects without the approval of school authorities (First Amendment Center, 2007).

It is safe to assume that, like the American public, administrators at educational institutions broadly support the First Amendment but have difficulty applying its freedoms in specific settings – especially when they perceive those freedoms posing a threat to the general welfare of their campuses.

As mentioned briefly in chapter one, a host of court decisions have addressed the rights of the campus press. However, the rulings have not made the challenge of balancing the constitutional freedoms of the campus press and the broader interests of their institutions any easier for administrators.

Instead, courts have sent mixed messages relative to the amount of First Amendment protection the student press enjoys. In this chapter, the researcher reviews and analyzes four foundational First Amendment cases that help define

– and also confuse – the legal boundaries of the campus press at public institutions of higher education.

Tinker v. Des Moines Independent Community School District (1969)

The most influential case regarding students' constitutional rights in public education involved a high school, not a college or university. In *Tinker v. Des Moines Independent Community School District* (1969), the U.S. Supreme Court set the standard for future cases concerning student freedom of speech and press rights (Kopenhaver & Click, 2001).

The case involved two high school students – John F. Tinker, 15, and Christopher Eckhardt, 16. John's 13-year-old sister, Mary Beth Tinker, a junior high school student, also was involved. Along with their parents, the students decided to publicly protest the Vietnam War by wearing black armbands during the 1965 holiday season and fasting on December 16 and New Year's Eve.

When officials at the students' schools learned of the armband protest, they quickly adopted a policy that prohibited the wearing of armbands. The policy stated that any students who refused to remove their armbands on school property would be expelled from school.

That's exactly what happened to the Tinker siblings and Eckhardt when they wore their armbands as planned in December of 1965. The parents of the students sued the school, and after years of appeals the U.S. Supreme Court in 1969 ruled in favor of the plaintiffs, declaring that students are not expected to

"shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (*Tinker*, 1969, p. 736).

The High Court said it is unconstitutional for school officials to censor students' voices unless they can show that the expression (1) would result in a material and substantial disruption of normal school activities or (2) invades the rights of others (*Tinker*, 1969). This ruling provided public school students legal right to express themselves on campus without fear of administrative censorship. Even though the decision did not mention the student press directly, traditional interpretations concluded that campus media also gained protection under *Tinker*.

Therefore, according to the High Court, as long as student expression in student media was not substantially disruptive or otherwise illegal (invading one's privacy, libelous, or obscene), schools could not censor the student press or discipline its members simply because the content in question was controversial, unpopular, or critical of the school.

A long list of legal cases involving college press freedoms followed the standard set by the U.S. Supreme Court in *Tinker*. For example, in *Trujillo v. Love* (1971) a district court ordered the reinstatement of a managing editor of *The Arrow* at Southern Colorado State University who was suspended from her position after disagreeing with the adviser about censorship. The court ruled

that, despite the university's funding of the paper, "the state is not necessarily the unfettered master of all it creates" (*Trujillo*, 1971, p. 1,270).

Additionally, the Fifth Circuit Court of Appeals in *Bazaar v. Fortune* (1973) ruled that four-letter words in the University of Mississippi's student literary magazine, *Images*, did not alone justify censorship. Moreover, the court stated that the university's funding of the publication, and the fact that the institution paid a faculty adviser to work with the magazine, did not give the power to censor: "The university…is clearly an arm of the state, and this single fact will always distinguish it from the purely private publisher as far as censorship rights are concerned" (*Bazaar,* 1973, p. 574).

On the other hand, courts ruled in favor of administrative censorship when the stifling of expression was consistent with the *Tinker* decision. In *Norton v. Discipline Committee* (1969), for example, the Sixth Circuit Court of Appeals upheld the dismissal of students who were expelled for distributing inflammatory literature at East Tennessee State University because the pamphlets told students to "stand up and fight," which could cause, in the words of the U.S. Supreme Court in *Tinker*, substantial disruption of normal school activities (Norton, 1969).

Hazelwood School District v. Kuhlmeier (1988)

Almost 20 years after the *Tinker* decision, advocates of a free student press in public high schools lost ground in *Hazelwood School District v. Kuhlmeier* (1988).

In May 1983, the staff members of the *Spectrum*, the student newspaper of Hazelwood East High School in Missouri, intended to print articles concerning divorce and teenage pregnancy. As was standard practice at Hazelwood East, Principal Robert Eugene Reynolds reviewed the newspaper before it was printed and distributed to the student body. The *Spectrum* was tied to the school's curriculum and funded mostly by the school.

Reynolds disapproved of the teenage pregnancy article because he feared the student sources, although unnamed, could be identified in the story. He also believed the sexual nature of the article was inappropriate for younger students at the school. Furthermore, Reynolds objected to the story on divorce because the article quoted students who complained about, and made accusations against, their parents. He thought the parents should have an opportunity to respond before the story was printed.

As a result, Reynolds, who said he had no other choice if the newspaper was to be distributed before the end of the school year, deleted from the issue the two pages containing the aforementioned stories.

Members of the student newspaper staff, who did not know of Reynolds' action until the newspaper was distributed on campus, sued the school district on grounds that their First Amendment rights were violated. After years of appeals, the *Hazelwood* case found its way to the U.S. Supreme Court, which, in a surprise ruling, deviated from the *Tinker* precedent.

The court ruled that administrators can control student publications if (1) the publication is considered to be school sponsored and/or part of the educational curriculum, (2) the publication was not intended by the sponsoring school to be a public forum, and/or (3) the censorship is viewpoint neutral (*Hazelwood*, 1988).

Again, as noted in chapter one's definition of terms section, public secondary schools are not considered open public forums. As outlined in *Hazelwood*, therefore, the student press is subject to administrative control unless school officials, by policy or practice, designate the student press as a public or limited public forum. However, once school officials grant the student press this designation in policy or practice, courts have little mercy for administrators who try to control student media content.

In short, the Supreme Court ruled in *Hazelwood* that school administrators can control the student press for reasons other than what is defined under the *Tinker* standard. At the same time, the court emphasized in *Hazelwood* that school officials may not censor student media content, terminate student editors, or withdraw financial support over disagreements in viewpoint if the publication in question is considered, by policy or practice, a "forum for student expression" or a "public forum."

Either way, *Hazelwood* involved a high school, and the U.S. Supreme Court refused to comment on whether its landmark decision applied to institutions of

higher education. As a result, most interpretations, including a federal court's decision in *Student Government Association v. Board of Trustees of the University of Massachusetts* (1989), did not consider *Hazelwood* to apply to public colleges and universities – that is, until a 1997 lower court ruling in *Kincaid v. Gibson*.

Kincaid v. Gibson (2001)

Charles Kincaid, a Kentucky State University student, and Capri Coffer, an alumna of the university who had served as editor of the school's yearbook, *The Thorobred*, during the 1993-1994 school year, sued university officials in 1995 after Betty Gibson, KSU's vice president for student affairs, confiscated all copies of the 1994 yearbook (which covered the 1992-1994 school years) and refused to distribute them to the student body.

KSU administrators claimed the publication was unsatisfactory in its quality and presentation. They were particularly unhappy with (1) the book's theme, "Destination Unknown," (2) the book's focus on national news events instead of campus events, (3) a lack of captions underneath photographs in the publication, and (4) the publication's purple cover, which did not match KSU's official green and gold colors (*Kincaid*, 1999).

The students' suit claimed, among other offenses, violation of their First and Fourteenth Amendment rights and their contractual rights, as they paid the university a student activity fee that guaranteed them a yearbook. The defendants moved for summary judgment, arguing the yearbook was a school-

sponsored publication, and, therefore, administrators had the authority to withhold it from the student body because it misrepresented the institution.

U.S. District Judge Joseph Hood in 1997 ruled in favor of the school officials, citing *Hazelwood* and effectively deciding yearbooks are non-public forums, and, therefore, the students' rights were not violated: "The yearbook was not intended to be a journal of expression and communication in a public forum sense, but instead was intended to be a journal of the 'goings on' in (a) particular year at KSU" (*Kincaid,* 1999, p. 725). In his opinion, Hood quoted the Supreme Court's *Hazelwood* ruling:

> A school must be able to set higher standards for student speech that is disseminated under its auspices – standards that may be higher than those demanded by some newspaper publishers or theatrical producers in the "real" world (*Hazelwood*, 1988, p. 570).

After a panel of the Court of Appeals for the Sixth Circuit affirmed the district court's decision, the plaintiffs appealed to the sixth circuit court en banc. In 2001, the appellate court en banc ruled in favor of the plaintiffs, contending that (1) the yearbook was a limited public forum – based on KSU's policy and practice – and subject only to reasonable time, place, and manner restrictions; and (2) university officials violated the students' constitutional rights by failing to impose reasonable time, place, and manner restrictions on a limited public

forum, and by censoring based on viewpoint discrimination (*Kincaid v. Gibson*, 2001).

Most significantly, the *Kincaid* ruling served to reinforce the traditional interpretation that *Hazelwood* was applicable only to high schools, and not colleges and universities. Yet, just two years later, another legal battle emerged that would constitute a step backward for advocates of a free college press.

In the following section, the researcher presents an exhaustive biography of the landmark *Hosty* case. As it is the most recent – and likely the most controversial – decision involving the First Amendment rights of the public college press, the *Hosty* ruling serves as both the backdrop and the provocation for this study.

Hosty v. Carter (2005)

Founded in 1969, Governors State University (GSU) is a publicly funded institution of higher education near Chicago that admits only students who already have earned a degree, or who have completed at least 60 semester hours at another college or university ("Undergraduate Admission Requirements"). Accordingly, the average age of a GSU student is 34. In fact, the university, which boasts an enrollment of about 6,000 students, advertises itself as an educational institution for "working adults" ("Facts and Figures").

The *Innovator,* which was funded in part by student activities fees, had served as GSU's student newspaper since 1971. According to GSU's 2000-2001

student handbook, the Student Communications Media Board (SCMB) served as publisher of the medium and appointed its editor-in-chief ("Student Media Policy"). The SCMB selected Jeni S. Porche as editor-in-chief of the *Innovator* in May 2000.

Moreover, the SCMB, which consisted of seven student senate-appointed voting members (four students, two faculty members, and one support staff member) approved *Innovator* staff members based on the editor's recommendations. Margaret L. Hosty and Steven P. Barba were selected as the *Innovator's* managing editor and staff reporter, respectively, for the 2000-2001 academic year.

Participation on the *Innovator* staff was voluntary, and the newspaper, which published twice a month, was divorced from the university's curriculum. Although the newspaper was advised by a faculty member and responsible to the university's director of student life, SCMB policy stated that the *Innovator's* staff "will determine content and format…without censorship or advance approval" ("Student Media Policy").

The *Innovator* staff published four issues between July and November 2000 that contained several controversial articles:

(1) An Oct. 31 piece written by Hosty criticized Roger Oden, GSU's College of Arts and Sciences dean, after the university failed to renew the contract of Geoffroy de Laforcade, the *Innovator's* adviser.

(2) An opinion column attacked the university's financial aid office, which Patricia Carter, GSU's dean of Student Affairs and Services, supervised.

(3) A story highlighted student complaints against the university's English department coordinator that detailed accusations of inadequate course offerings, the hiring of unqualified faculty members, and racial bias in grading ("Brief of Petitioner-Appellant at 5," 2005).

In response to the criticism he received in the Oct. 31, 2000, issue, Oden wrote a Nov. 2, 2000, open letter to the GSU community in an attempt to defend his reputation. Although he did not address the university's decision to terminate Laforcade, Oden's letter asserted:

> M. L. Hosty's article is a collection of untruths and I believe that they know they are untrue. I also believe they are being written with the intent and purpose to damage my reputation. I will vigorously defend my name, person, and reputation against defamation (Oden, 2000).

The day after Oden submitted his letter, GSU's president, Stuart Fagan, wrote a letter to the university community that denounced the *Innovator's* reporting and called into question the newspaper's adherence to "accepted journalistic standards of professionalism":

> The *Innovator* did not enlighten nor did it inform the GSU community through thoughtful, accurate and fair reporting. Instead of fairness in reporting, the reader was presented with an angry barrage of

> unsubstantiated allegations that essentially – and unfairly – excoriated some members of the university faculty and administration (myself included) (Fagan, 2000).

Moreover, Dean Carter called a meeting of the SCMB on Nov. 7, 2000, to discuss, specifically, the Oct. 31, 2000, issue of the *Innovator*. In that meeting Hosty defended, through written statements, the article she wrote about Oden and disputed his claim of defamation:

> The fact that Oden claims he was defamed and that my article "is a collection of untruths," therefore, does not mean in any way that he is correct, and that the law will (or does) acknowledge that he was in any way, shape, or form defamed, or that (I/we) acted irresponsibility, as the documentation exists to support each of the statements regarding them as written in the article (Hosty, 2000).

Both sides of the conflict continued to exchange jabs in several public letters, including one written by Porche on Nov. 16, 2000, in which she questioned President Fagan's motive for publicly denouncing the *Innovator's* Oct. 31, 2000, issue. Laforcade also responded to Fagan's Nov. 3, 2000, letter:

> Attempts to silence and discredit (the *Innovator* staff's) work, and illegal or unethical pressures on them apparently exerted by members of your administration, have provoked no visible discomfort in your quarters.

Please step back and reflect. Who is not doing his or her job? (Laforcade, 2000).

The "illegal or unethical pressures" to which Laforcade referred in his letter concerned Dean Carter's twice calling Regional Publishing Corporation, which printed the *Innovator*, and demanding that no further issues of the newspaper be printed until she or another university administrator could approve its contents. Since the university paid Regional Publishing Corporation for printing the *Innovator*, Carter's insistence carried weight.

Nonetheless, Charles Richards, president of the publishing corporation, questioned the constitutionality of Carter's requests and wrote a letter to the *Innovator* staff informing the students of Carter's phone calls: "I replied (to Carter) that I would call her but that my interpretation of the current law precludes such administrative approval prior to printing" (Richards, 2000).

As will be discussed later in this chapter, Carter argued in court that it was unreasonable to expect her, as the dean of students, to know that requiring viewpoint-based prior review of the collegiate press was unconstitutional. Yet the owner of a local printing company understood this.

When the *Innovator* staff refused to submit its next issue for administrative approval, GSU cut off the newspaper's funding. The Oct. 31, 2000, issue of the *Innovator* was its last.

The situation was brought to the attention of the Illinois College Press Association (ICPA), and in March 2001 the ICPA reported its opinion on the matter. The organization highlighted numerous "ethical lapses" on the part of the *Innovator*, which, according to the ICPA, had harmed the *Innovator's* credibility: "Students…must realize that their First Amendment rights carry with them immense responsibilities if they are to be a credible source of news" (Killam, 2001).

Specifically, the ICPA was critical of Porche's and Hosty's involvement in GSU's student senate, the staff's publishing of a letter written by its adviser, and the failure of the *Innovator* staff to distinguish adequately between news and opinion in its pages.

Despite the aforementioned "ethical lapses," the ICPA condemned the GSU administrators' actions as a "blatant disregard for students' First Amendment rights." Specifically, ICPA denounced Dean Carter's decision to stop the presses until school officials could approve the newspaper's contents: "Courts consistently have affirmed the First Amendment rights of student journalists at public colleges and universities. A keystone in these rights is freedom from prior review – even by the adviser" (Killam, 2001).

With this in mind, Hosty, Porche, and Barba filed a federal lawsuit in January 2001 in the U.S. District Court for the Northern District of Illinois against GSU, its board of trustees, and the following university officials: Donald Bell,

administrative liaison to SCMB; Tommy Dascenzo, director of student life; Carter; Fagan; Paul Keys, provost and vice president of academic affairs; Jane Wells, faculty member; Debra Conway, secretary; Peggy Woodard, associate provost; Paul Schwellenbach, mailroom supervisor; and Frances Bradley, Peter Gunther, Ed Kammer, Dorothy Ferguson, Judy Young, and Claude Hill IV, SCMB members.

Decision of U.S. District Court

The lawsuit was based on three counts pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 2202: (1) prior restraint violations of the First and Fourteenth Amendments, (2) equitable relief, and (3) punitive damages. In total, the plaintiffs sought $1 million in damages.

Along with accusing the defendants of demanding unconstitutional prior review and suspending the newspaper's budget, which subsequently led to the students' not publishing another issue of the *Innovator* after Oct. 31, 2000, the plaintiffs and their attorney, Tamara Lynn Cummings of the Law Office of Joseph V. Roddy in Chicago, made other accusations.

They claimed the defendants denied the staff access to its office for more than a month, provided unauthorized access to the publication's office, failed to investigate four office break-ins that resulted in property damage, and stole, edited, and deleted the newspaper's mail, e-mail, and other resources necessary to publish the newspaper (*Hosty v. Governors State University, et al.*, 2001).

The defendants, represented by Gladys M. Stevens and David Wayne VandeBurgt of Illinois Attorney General's office, moved to dismiss the case for, among other reasons, lack of jurisdiction.

On April 27, 2001, U.S. District Judge Suzanne B. Conlon, a President Ronald Reagan-appointee, granted dismissal to GSU and its board of trustees on all claims, and to the individual defendants in their official capacities, in counts one and three based on the Eleventh Amendment, which bars private parties from filing federal lawsuits against a state or state officials (*Gossmeyer v. McDonald*, 1997).

However, the motion to dismiss was denied as to the individual defendants in their personal capacities. Conlon ruled, "Plaintiffs aver the university officials acted purposefully outside of the scope of their authority. This is sufficient to allege personal capacity claims against them" (*Hosty*, 2001).

Moreover, Conlon decided that the defendants were not entitled to qualified immunity, which protects public officials from liability when their conduct does not violate clearly established rights (*Harlow v. Fitzgerald*, 1982): "Efforts to frustrate students' freedom of speech has been a clear violation of law for well over a quarter of a century. … (The) defendants' conduct constitutes editorial control, and clearly violates established First Amendment law" (*Hosty*, 2001).

In response, the defendants, with three additional attorneys, requested summary judgment, arguing that the plaintiffs failed to establish individual involvement on the part of all defendants except Carter, and, therefore, the defendants could not be held liable under 42 U.S.C. § 1983. Judge Conlon agreed, and in a Nov. 16, 2001, decision, she granted summary judgment to all defendants except Carter.

While the defense admitted that Carter was directly involved in prior restraint activities, it argued that Carter was merely attempting to ensure quality, as the *Innovator's* new adviser was off campus and unable to proofread the newspaper for grammatical errors. Critics, however, found it difficult to believe Carter suddenly was concerned with the *Innovator's* grammatical mistakes just days after the publication published its fourth consecutive inflammatory issue.

Despite Carter's argument, the district court agreed with the plaintiffs' complaint that, whatever the motive, mandatory prior review of any kind was unconstitutional in light of *Fujishima v. Board of Education* (1972), *Antonelli v. Hammond* (1970), and *Schiff v. Williams* (1975).

Undeterred, the defense expanded on its contention that Carter was entitled to qualified immunity by asserting that *Hazelwood* had made it unclear as to whether prior restraint of the college press was unconstitutional. Judge Conlon was quick to disagree with that argument:

> *Hazelwood* involved a high school newspaper that was part of a journalism class. … Here, however, all editorial decisions were made by student editors and the *Innovator* was not part of a class, but was an autonomous student organization. The *Hazelwood* decision is also distinguishable because it involved a high school as opposed to a university (*Hosty*, 2001).

Decision of Seventh Circuit Court of Appeals' Three-Member Panel

In May 2002, Carter, along with her attorneys, Illinois Attorney General James E. Ryan and Illinois Solicitor General Joel D. Bertocchi, appealed the district court's decision to the U.S. Court of Appeals for the Seventh Circuit.

In its Jan. 7, 2003, argument before a three-judge panel of the circuit court – which consisted of Judges John L. Coffey, Ilana Kara Diamond Rovner, and Terrence Thomas Evans – Carter contended that (1) the plaintiffs failed to provide adequate evidence that would lead a jury to determine that she violated the students' First Amendment rights by requesting the *Innovator* be reviewed and approved before publishing, and (2) the plaintiffs failed to prove she was not entitled to qualified immunity for requesting prior review of the student newspaper ("Brief of Petitioner-Appellant," 2002).

In the first instance, the defense asserted that, in light of *Hazelwood* and *Perry Ed. Assn. v. Perry Local Educators' Assn.* (1983), the *Innovator* was considered

a nonpublic forum because the adviser often reviewed the newspaper before it went to press, and, therefore, Carter was justified for requesting prior review.

Although the *Innovator* was not part of a class, as was the student newspaper in *Hazelwood*, Carter's defense pointed out that *Hazelwood* did not deem the traditional classroom as the sole condition for a nonpublic forum, "so long as (an activity is) supervised by faculty members and the activity is designed to impart knowledge or skills to student participants and audiences" (*Hazelwood*, 1988, p. 271).

As a result, the defense argued Carter's request for prior review "did not violate the plaintiffs' First Amendment rights, especially in light of the dearth of any evidence that she intended to review for content rather than for spelling and punctuation" ("Brief of Petitioner-Appellant," 2003, p. 13).

Furthermore, Carter argued in her brief to the Seventh Circuit Court panel that despite the broad ruling in *Tinker,* the *Hazelwood* decision had "cast some doubt on the extent to which students retain free speech rights in the school setting" (*Baxter by Baxter v. Vigo County School Corp.*, 1994). Indeed, Carter contended that public college students' First Amendment rights are far more limited than those of adults in American society.

The defense continued to cite *Hazelwood* throughout its appeal, stating that when the High Court determined that the newspaper in question in *Hazelwood* was not a public forum, it ruled that school officials could reasonably regulate

the paper's style and content "so long as their actions are reasonably related to legitimate pedagogical concerns" (*Hazelwood*, 1988, p. 273). Specifically, Carter was quick to note that the Supreme Court ruled in *Hazelwood* that administrative intervention could come as a result of speech that is "ungrammatical, poorly written, inadequately researched, or biased or prejudiced…" (H*azelwood*, 1988, p. 271).

One may pause here to question why Carter would argue *Hazelwood* in her defense. After all, *Hazelwood* concerned high school students, while *Hosty* involved college students over the age of 18 (who attended a university where the average student age was 34). Unfortunately, as mentioned earlier in this chapter, the Supreme Court intentionally declined to determine whether its decision in *Hazelwood* should apply to institutions of higher education, leaving room for debate such as in *Hosty.*

In defending herself from plaintiffs' claims that her demand for prior review resulted in the *Innovator's* not printing another issue after Oct. 31, 2000, Carter argued that the plaintiffs failed to provide sufficient evidence from which a jury could conclude that future articles should receive constitutional protection in the first place, which is the most important step in a First Amendment claim, according to *Cornelius v. NAACP Legal Defense and Educ. Fund, Inc.* (1985).

In fact, the defense argued the plaintiffs failed to present in court any of the articles proposed for the next issue of the *Innovator*, and, therefore, Carter

should be granted summary judgment. However, the three-judge panel for the Seventh Circuit Court noted in its opinion that, while the proposed articles were not included in court records, the Oct. 31, 2000, issue was part of the record. The defense made no argument that this issue was undeserving of constitutional protection, and nothing in the record would support the claim that subsequent issues would differ.

The defense asserted in its second major argument in appeal that even if the plaintiffs had provided adequate evidence to support a First Amendment violation claim, Carter was entitled to summary judgment because it had not been sufficiently determined that "every reasonable university administrator would have been compelled to conclude that requesting review and approval of a post-secondary student paper violated the First Amendment" ("Brief of Petitioner-Appellant," 2002, p. 24).

The defense claimed that in order to deny a government official qualified immunity, the plaintiffs must present convincing evidence in the form of legal authorities that deemed the official's action illegal. The defense cited *Lassiter v. Alabama A&M University* (1994). "For qualified immunity to be surrendered, preexisting law must dictate, that is, truly compel…the conclusion for every like-situated, reasonable government agent that what defendant is doing violates federal law in the circumstances" (*Lassiter,* 1994, p. 1,150).

Carter's defense underscored what it believed to be a blurring of the law since *Hazelwood* and highlighted the lack of post-*Hazelwood* cases presented in the plaintiffs' complaint ("Brief of Petitioner-Appellant," 2002). Moreover, Carter argued that although the Sixth Circuit Court of Appeals in *Kincaid* ruled that administrators' efforts to confiscate a college yearbook were unconstitutional because the publication was deemed a limited public forum, the court declined to decide whether its decision was applicable to campus newspapers.

In short, the defense contended in its appeal to the circuit court panel that Carter was entitled to qualified immunity and summary judgment because the plaintiffs failed to present conclusive evidence that her actions were unconstitutional. Moreover, the defense argued that the plaintiffs failed to demonstrate how a reasonable administrator would conclude that requesting review and approval of a college newspaper was illegal, especially considering the murkiness of student press law after *Hazelwood*.

Despite Carter's argument on appeal, the three-judge panel of the Seventh Circuit Court affirmed the district court's decision on April 10, 2003, denying the defendant summary judgment and qualified immunity and refusing to throw out the case against her. In their decision, the circuit judges ruled: "Attempts by school officials…to censor or control constitutionally protected expression in student-edited media have consistently been viewed as suspect under the First Amendment" (*Hosty*, 2003, p. 4).

Among other cases, the panel cited *Rosenberger v. Rector and Visitors of University of Virginia* (1995), *Mazart v. State* (1981), and *Trujillo v. Love* (1971) to support its opinion. Perhaps more importantly, the panel refused to accept the defense's argument that *Hazelwood* applied to postsecondary educational institutions:

> But *Hazelwood's* rationale for limiting the First Amendment rights of high school journalism students is not a good fit for students at colleges or universities. The difference between a college and a high school are far greater than the obvious differences in curriculum and extracurricular activities. The missions of each are distinct reflecting the unique needs of students of differing ages and maturity levels. … While *Hazelwood* teaches that younger students in a high school setting must endure First Amendment restrictions, we see nothing in that case that should be interpreted to change the general view favoring broad First Amendment rights for students at the university level (*Hosty*, 2003, p. 948).

As most supporters of a free collegiate press had hoped – and even expected – the case against Carter appeared to be headed to trial. However, the defense made one last appeal to argue its case before the Seventh Circuit Court en banc (when all 11 members of the appellate court hear the case). That appeal would prove to alter dramatically the landscape of student press rights in the seventh circuit.

Decision of Seventh Circuit Court En Banc

In its April 24, 2003, appeal for a rehearing before the circuit court en banc, Carter's defense argued essentially the same points it made before the three-judge panel.

Namely, Carter contended that the panel's opinion (1) conflicted with the Ninth Circuit Court's decision to uphold a university's right to restrict student speech based on content, (2) conflicted with the Seventh Circuit Court's prior recognition that *Hazelwood* cast doubt on students' speech rights, and (3) misapprehended the legal landscape and evidence, which should warrant Carter summary judgment and qualified immunity ("Petition for Rehearing," 2003).

Much to the surprise of student rights advocates, the 11-member Seventh Circuit Court reheard the case en banc on Jan. 8, 2004. In a 7-4 decision on June 20, 2005, the court en banc reversed the district court's ruling and threw out the case against Carter.

As an aside, the seven judges who held the majority opinion were nominated by Republican presidents: Joel M. Flaum (Ford); Richard A. Posner (Reagan); Coffey (Reagan); Frank H. Easterbrook (Reagan); Kenneth F. Ripple (Reagan); Daniel A. Manion (Reagan), and Michael S. Kanne (Reagan).

Three of the four judges who dissented were nominated by Democratic presidents: Evans (Carter); Diane P. Wood (Clinton); and Ann C. Williams (Clinton). Rovner, who was appointed by the elder Bush, also dissented. Coffey

was the only member on the three-judge panel who changed his mind and voted to throw out the case when the court heard *Hosty* en banc.

In the majority opinion, penned by Judge Easterbrook, the circuit court's decision can be organized into three sections:

First, the court held that, "*Hazelwood's* framework applies to subsidized student newspapers at colleges as well as elementary and secondary schools" (*Hosty*, 2005, p. 735). Indeed, the majority ruled that simply because the Supreme Court avoided commenting on whether its decision in *Hazelwood* should apply to institutions of higher education does not mean it can't apply. Whether some administrative review of the student press is permissible depends on whether the publication is deemed a public forum – and the *Innovator* was not, according to the circuit court. As a result, advocates of a free college press have exhorted all college publications to construct a statement designating the medium as a public forum for expression and ask the administration to sign the statement in agreement.

In fact, the majority declared that age does not control the public-forum question (*Hosty,* 2005). Even more boldly, the court opined, "There is no sharp difference between high school and college papers" (*Hosty,* 2005, p. 735). Such statements, as Judge Evans discussed in his dissent, stand in contrast to numerous federal court decisions mentioned in this chapter.

Second, and along the same lines, the majority recognized that the Supreme Court deemed the student newspaper at focus in *Hazelwood* as a nonpublic forum because it was attached to the curriculum. However, although the *Innovator* was divorced from the curriculum at GSU, the circuit court en banc held that it was not entitled to any greater First Amendment protection against prior restraints and censorship than the high school newspaper in *Hazelwood*. In a statement with far-reaching effects, Easterbrook wrote:

> Thus, although, as in *Hazelwood*, being part of the curriculum may be a *sufficient* condition of a non-public forum, it is not a *necessary* condition. Extracurricular activities may be outside any public forum…without also falling outside all university governance. Let us not forget that academic freedom includes the authority of the university to manage an academic community and evaluate teaching and scholarship free from interference by other units of government, including the courts. … Freedom of speech does not imply that someone else must pay (*Hosty*, 2005, p. 736-737).

Under this reasoning, as Wilson (2005) points out, the only speakers on a public college or university campus that fall under public forum protection would be those that are financially self-supporting. According to the majority opinion, any funding controls apparently are directly tied to ideological controls. Critics point out that the en banc court failed to discuss the numerous court

decisions, including *Joyner v. Whiting* (1973) and *Stanley v. Magrath* (1983), that have discredited the "he who holds the purse strings" idea.

Finally, the majority ruled that even if the *Innovator* constituted a public forum within which the University could not constitutionally censor speech, Carter was nonetheless entitled to qualified immunity because student press law is sufficiently "cloudy," and, therefore, her conduct could not be said to violate petitioners' "clearly established" rights.

> It greatly overstates the certainty of the law to say that any reasonable college administrator had to know that (high schools and colleges possibly operate under different constitutional frameworks). The question had been reserved in *Hazelwood*… Post-*Hazelwood* decisions likewise had not "clearly established" that college administrators must keep their hands off all student newspapers (*Hosty v. Carter*, 2005, p. 738).

The dissenters noted, however, that the district court reported that the defendants conceded the *Innovator* served as a public forum (*Hosty*, 2001). Indeed, GSU, in policy and practice, handed editorial control of the *Innovator* to the student staff. This assertion was plainly printed across the publication's masthead.

As a result, by exerting administrative control in the form of prior review, Carter clearly violated the institution's own policy. As the dissenters stated,

Carter should have known that the *Innovator* functioned in a public forum, and, therefore, she should not have been granted qualified immunity.

Conclusion to Hosty

The U.S. Supreme Court effectively ended the *Hosty* case on Feb. 21, 2006, when it denied the plaintiffs' petition for a writ of certiorari (the official request of a court to review a lower court's decision). With that denial, college students in three states now have no more constitutional protections on campus than high school students, or for that matter, elementary students, according to the Seventh Circuit Court's en banc ruling.

The High Court, as is its typical practice when deciding whether to hear a case, did not offer a written explanation for its decision to deny certiorari. As critics have observed, considering the conservative nature of the Supreme Court today, perhaps the college press should be thankful the highest court in the land has once again reserved ruling on this subject. After all, skeptics argue, activist judges seemingly were behind the Seventh Circuit Court of Appeals' decision in 2005.

Nonetheless, the High Court surely will have opportunity in the near future to decide the extent of freedom that college journalists – and, indeed, college students generally – enjoy on campus.

While the *Hosty* decision is alarming to many college press supporters, some state legislators are taking action to ensure that such rulings don't happen

on their turf. Not surprisingly, California, which passed legislation in 1977 providing its high school student journalists with strong free press protections that were not diminished in the wake of *Hazelwood* 11 years later, has led the way since *Hosty*.

At the petitioning of college press advocates in California, including the California Newspaper Publishers Association, legislators passed what was the first state college press freedom law in the country. Signed into law in August 2006 by Gov. Arnold Schwarzenegger, the law prohibits prior restraint and other forms of censorship of the college press (AB 2581, 2006).

Ironically, Illinois – the state where *Hosty* originated and was decided – passed similar legislation in August 2007. Illinois' College Campus Press Act declares, "Campus media, whether campus-sponsored or noncampus-sponsored, is not subject to prior review by public officials of State-sponsored institutions of higher learning" (SB 0729, 2007). While the law won't change the *Hosty* decision, it surely provides some vindication for Hosty, Porche, Barba, and other advocates of a free college press.

Of the 14 individual defendants named in the original lawsuit, only three remained at GSU in 2007 – Keys, Woodard, and Schwellenbach. Moreover, a new student newspaper serves the GSU community – *The Phoenix*.

Liability for the Campus Press

This chapter has reviewed four foundational First Amendment cases that define – and confuse – the rights of the student press at public colleges and universities. However, a brief discussion of liability for the campus press is necessary, as it surely is a factor in how administrators balance the First Amendment rights of the student press and the broader interests of their campuses.

The campus press and the professional press differ in a number of ways. An obvious first example is that the student press is a learning laboratory; the professional press, on the other hand, expects its employees to already know the craft of journalism. Another difference is that readers of the professional press can suspend their subscriptions if they become disconcerted with the newspaper. However, students who are unhappy with the campus press have no right to disallow part of their student fees from supporting the student newspaper.

A third difference is that the publisher of the commercial press is obvious; its name is likely printed on the publication's masthead. However, the publisher of the campus press is less clear. Courts have determined that the university's administration does not serve as publisher, even if it allocates funds to the student press. It stands to reason, then, that if the students serve as publisher, colleges and universities should not have to worry about lawsuits when the campus newspaper prints illegal content.

But that's not the case. Universities are sued for the actions of their student newspapers because institutional pockets are much deeper than students' pockets. As a result, some administrators argue that they must review content prior to publication to avoid potential lawsuits ("Liability for Student Media," 1997). However, as already described in this chapter, courts generally have upheld the notion that college officials cannot censor or otherwise control student publications.

Therefore, college administrators who respect the student press's legal rights cannot be held responsible for the students' actions under the theories of legal liability, which state that only an authority who could have prevented injury can be responsible for it ("Liability for Student Media," 1997). Colleges that respect the First Amendment rights of their student publications simply do not meet that criterion of liability. In fact, no court to date has held a public college or university responsible for the illegal actions of its student publications ("Liability for Student Media," 1997).

Nonetheless, many institutions of higher education purchase libel insurance, which applies to a number of areas on campus besides the student press where libelous material can be published or broadcast. Although no court has held a public college responsible for the illegal actions of its student press, institutions routinely settle libel lawsuits with plaintiffs out of court to avoid the costliness of a trial. As will be discussed later in this report, an institution

represented in this study settled with a plaintiff who sued the student press for libel.

Administrators who take a hands-off approach to the campus press and allow the student journalists to work independent of institutional control are much more protected from legal liability than officials who practice prior review and other methods of control.

Summary

Legal decisions concerning First Amendment rights of the campus press are founded mainly on the Supreme Court's *Tinker* and *Hazelwood* rulings. Although courts traditionally have afforded college students constitutional protection on campus, the recent *Hosty* decision has opened the door for administrative control of the collegiate press in the seventh circuit by applying the *Hazelwood* standard to public institutions of higher education.

The courts have not given administrators clear guidelines by which to officiate as they balance the First Amendment freedoms of the campus press and the broader interests of their institutions. Before the *Hosty* decision, courts clearly prohibited administrative control of otherwise legal student expression in campus media. The student press on college campuses was generally considered a public forum. However, the *Hosty* ruling has clouded the issue, setting a precedent for increased institutional control of the campus press.

As a result, college press stakeholders encourage all student publications to include specific language in their policies that designate them as public forums for free expression. Moreover, they admonish college administrators to sign in agreement with such statements.

The responsibility of administrators to balance the First Amendment rights of the campus press and what they see as the greater good of their institutions is more complex than ever. With foundational student press law cases as its context, this study investigates how administrators perform that sensitive balancing act.

Unquestionably, officials' attempts to balance the very unique expectations of stakeholders – including students, donors, faculty and staff, parents, alumni, legislators, and civic and corporate friends – especially when the collegiate press demands the right to publish material that other constituents find inappropriate, often creates a firestorm of controversy.

The following chapter addresses more thoroughly this conflict as it is described in related literature.

Chapter III

A REVIEW OF RELATED LITERATURE

This qualitative study explores how public higher education administrators balance the First Amendment rights of the campus press and the broader interests of their institutions.

The legal cases summarized in chapter two help define the landscape of current student press law, and they underscore the well-documented tension that has existed between administrators and the student press. As a result of this historic tension, an important line of research exists that addresses the interaction of student journalists and college officials.

In the following pages, the author reviews literature related to the ongoing controversy involving administrative control of the campus press. Specifically, the following issues within the literature will be examined: (1) structure and governance of the campus press, (2) relationship between administration and the campus press, and (3) censorship of the campus press.

Structure and Governance of the Campus Press

Ingelhart (1993) claims that more than 90% of the 4,000 colleges and universities in the United States support a student newspaper. Moreover, the nation's campus newspapers boast a circulation of more than eight million (Ingelhart, 1993). College Publishers, a MTV subsidiary that hosts the Web sites of about 450 college newspapers, found in a survey that about 44% of

undergraduate students read their campus newspaper at least twice a week, and nearly 77% read the student newspaper at least once a month (College Publisher, 2006).

Cook (1989) contends that about 1/3 of campus newspapers across the nation are housed in student affairs divisions; approximately 1/3 are connected to an academic program in journalism; about 12% of the nation's campus newspapers are independent; and the remaining are associated with the "president's office, the public relations office, or within a particular college" (p. 2). Most student newspapers receive funding from their sponsoring institutions (John & Tidwell, 1996). Kopehnaver and Spielberger (1992) report that only 12% receive more than 90% of their annual income from advertisers.

Click (1980) identifies four ways to organize a student publication on a public college campus. These include designating the publication as (1) a student activity, (2) a journalism laboratory or practicum, (3) an auxiliary enterprise, or (4) an independent operation.

These forms of governance, as described below, provide a framework "to assure an orderly process in selecting the persons who will head the publications and, if it becomes necessary, in removing those persons" (Click, 1980, p. 1). Specific standards of practice and performance for members of the campus press should be detailed in policy and procedure manuals (Click, 1980).

Student Activity

For student newspapers that are considered a student activity, a student governing board often selects the editorial staff and allocates funding to the publication in the form of student activity fees. However, Click (1980) contends, "Student government control of publications tends to force the publications into political expediency, violating the principle of separation of government and the press in the United States" (p. 4).

Likely, a campus newspaper that is considered a student activity falls under the administrative oversight of a dean of students, even if the day-to-day adviser of the publication is a member of the journalism faculty.

Journalism Laboratory

For a student newspaper that is considered a journalism laboratory or practicum for academic credit, the publication's adviser may also be the student journalists' instructor (Click, 1980). The practical experiences of reporting, writing, editing, designing, taking photographs, etc., not only serve as valuable teaching tools, they result in a course grade that reflects the quality of work the students produce.

A campus newspaper that is considered a journalism laboratory often is housed in a department of journalism, and an academic chairperson or dean has administrative oversight. Publications in this situation may be fully or partially funded by the university. Rampal (1982) argues the journalism laboratory setting

was ideal for a campus newspaper because, of all the options, the laboratory setting could most effectively (1) provide professional supervision of student writing and reporting, (2) promote First Amendment freedoms, and (3) ensure dependable financial support.

Auxiliary Enterprise

A student newspaper that is considered an auxiliary enterprise is expected to receive an income – likely through advertising sales and subscriptions – that fully pays for its operations, including office space, printing costs, and personnel (Click, 1980). Student newspapers that operate as auxiliary enterprises often become incorporated and exist largely separate from the college.

However, these types of publications usually are connected to the institution in at least a few ways. For example, the publication's governing board may include faculty and staff members from the college, and the publication may use on-campus office space without paying rent (Click, 1980).

Independent Operation

An independent campus newspaper demands no connection with the college. Very few of these publications exist, as most campus newspapers are connected in some way to their sponsoring institution (Ingelhart, 1993; Kopenhaver & Spielberger, 1989; Click, 1980). Nonetheless, scores of campus newspapers across the country claim they are "independent" – an obvious

declaration of their freedom to report and editorialize without institutional interference (Ingelhart, 1993).

In order for a student newspaper to be truly independent, Ingelhart (1993) argues it must meet 26 points of criteria (see Appendix A). Apparently, few campus publications live up to full independence standards (Cook, 1989; Kopehnaver and Spielberger, 1989).

In fact, Bodle (1997) found that most student publications are not even instructionally independent, according to six of Ingelhart's (1993) standards that address instructional factors. Nonetheless, Duscha and Fischer (1973) conclude: "An independent newspaper is obviously the best answer to the problems of the student press" (p. 35). However, other authors contend that college journalists should not pursue complete independence. According to Ingelhart (1993), complete independence would be a financial disaster for most campus publications.

Yet, Kopenhaver (1983) found that half of journalism department administrators advocate complete independence for the student press because of increased institutional efforts to control it. Additionally, some college administrators say they favor independence for their campus newspapers so they are free from the liability of an irresponsible student press. However, Ingelhart (1993) perceives a more pessimistic reason: The administrators know the student press likely won't survive if it is entirely independent.

> The ostensible reason (for administrators' advocating an independent campus press) is that independence removes the institution from responsibility for the student newspaper. The college can always point out that the publication is on its own. But colleges can do that already by pointing to various federal court decisions that state that the university is not legally the publisher and that it has no content control over campus newspapers. … The actual reason for the movement toward independence on the part of some college administrators is to rid the campus of a truly independent critical voice. (p. 19)

Ingelhart's pessimistic perspective likely rings true at Colorado State University. In February, the school's president met with representatives of the local daily newspaper, *The Fort Collins Coloradoan*, which is owned by Gannett, to discuss a "partnership" with *The Rocky Mountain Collegian*, CSU's student newspaper (Doty, 2008). The meeting came a few months after the student newspaper received national attention for a profane editorial headline criticizing President Bush.

Gannett offered to purchase *The Rocky Mountain Collegian* in March, but the non-profit newspaper refused, saying it's not for sale (*Editor & Publisher*, 2008). The offer is not unprecedented. Gannett owns two for-profit campus newspapers in Florida - *The FSView & Florida Flambeau* at Florida State University

in Tallahassee, and *The Central Florida Future* at the University of Central Florida in Orlando.

Critics argue that when major media companies take over public college newspapers, the students lose their independent voice (Doty, 2008). Nonetheless, college newspapers are attractive to media companies that see great advertising benefits. As already mentioned in this literature review, college newspapers are highly read by a young audience, and college newspapers offer cheap labor (Doty, 2008).

Student Publication Boards

No matter what structure of governance student publications exist under, Gibbs (1971) stresses the importance of advisory boards, or publications boards, made up of students publication editors and advisers, faculty members, administrators, and professionals: "A publications board…offers the best method for providing guidance and leadership for the college newspaper activity" (p. 162).

These advisory boards may be responsible for selecting editors, defining the publications' missions, managing conflict, and enacting specific policies under which the student publications operate. Indeed, Click (1980) contends that administrators should delegate their authority over the campus press to student publications boards. However, Cook (1989) reminds administrators that the courts have not given advisory boards the legal right to censor the campus press.

Administration-Campus Press Relationship

Agreeing on the Purposes of the Campus Press

Before the *Tinker* (1969) decision, several authors investigated the views of campus press stakeholders concerning the purposes of the student press (Estrin and Sanderson, 1966; Hopkins, 1957; Bert, 1952). They concluded administrators don't see eye to eye with students, faculty, or, for that matter, each other concerning the functions of the campus press. These studies provide historical insight into attitudes of campus press stakeholders.

For example, Hopkins (1957), a former student newspaper adviser, studied the attitudes of collegiate press stakeholders concerning the role of student publications on college campuses. He argues (1) administrators view the student press as an official publication whose content involves the entire institution; (2) faculty view the student press as an outlet for publicity; (3) student government view it as a house organ; (4) student journalists view it as their own; and (5) journalism professors view it as a laboratory for training future professionals.

Hopkins' (1957) conclusions mostly support the results of Bert's (1952) study. Bert (1952) found that while college presidents view the campus press as an official university publication, they also perceive other functions such as a student activity and training laboratory. The perceived functions Bert (1952)

highlights seem to determine whether the presidents believe administrative control over the student press is appropriate.

The following quote from a president in Bert's (1952) study illustrates the perceived official publication function that demands administrative control: "The university bears the same relation to the school paper as the owner does in a privately owned newspaper" (p. 62).

Furthermore, the president who offers the following view understands the campus press to be both a student activity and, as a result, an official publication that should be institutionally controlled: "Since the university collects an activity fee from every student (that is allotted the campus newspaper)…it therefore follows logically that the university should participate in the formulation of publication policies" (p. 62).

However, the president behind the following quote perceives the campus press to be a learning laboratory where perhaps the faculty, not the administration, retains control: "(The) college newspaper is operated as an educational project, an educational process in which the more mature persons, the professors, counsel with the younger, the students" (p. 62).

The perspectives of these college presidents as quoted above undoubtedly lead Estrin and Sanderson (1966) to conclude that college administrators do not agree on the purposes and functions of the campus press. Perhaps with these studies in mind, Gibbs (1971) asserts that mutually agreeing on the function of

the campus press with students and faculty should be a priority for higher education officials.

Again, the aforementioned literature was published before the Supreme Court's 1969 decision in *Tinker*. Post-*Tinker* literature tells a slightly different story. The High Court's ruling in favor of public school students' First Amendment rights in *Tinker* likely is the difference.

In fact, Files (1987) found that university presidents, journalism program administrators, student newspaper advisers, and commercial newspaper editors and publishers generally agree on four functions of the campus newspaper: (1) freedom of expression, (2) campus communication vehicle, (3) instructional tool, and (4) career training. Furthermore, he determines that the same populations generally agree on four primary roles of student newspapers: (1) Watchdog, (2) university support, (3) thorough news coverage, and (4) commercial counterpart.

Likewise, Gibbs (1971) concludes the function of the campus press should reflect the purposes of the professional press: to inform, educate, and entertain its audience. She contends that the generally accepted functions of the campus press are (1) to provide an instructional environment for student journalists, (2) to inform the campus community through reporting news and opinions about issues of interest, and (3) to establish an open forum for students.

The conclusions of Files (1987) and Gibbs (1971) stand in contrast to some pre-*Tinker* literature that contends that campus press stakeholders – including

administrators, advisers, professionals, and students – have unique perspectives on the purpose of the campus press.

However, even if all campus stakeholders agree on the functions of the college press, interaction and communication between students and administration often remains problematic (Altabach & Cohen, 1990). After all, this study is based on the well-documented problem administrators have balancing the First Amendment rights of the campus press and the broader interests of their institutions:

> Every few years (college presidents are) faced with a new generation of editors and reporters, some of whom have not yet learned that press freedom carries with it the price tag of moral responsibility – particularly where material of an obscene, offensive, or pornographic nature is published (Gallagher, 1966, p. 99).

Guidelines for Administrators Who Deal With the Campus Press

In response to the ongoing tension that exists between the campus press and college administrators, Gibbs (1971) offers administrators the following 10 guidelines for dealing with student journalists:

(1) Students, faculty, and administrators should agree on clearly defined purposes of the student press; (2) the student newspaper and the professional press should have similar functions related to freedom of expression; (3) a student publication should not be considered an official university publication;

(4) public college students retain their constitutional rights on campus; (5) private colleges may be limited in the extent to which they control student expression because of the amount of state and federal funding they receive; (6) courts view positively student newspaper editorial policies that promote the lawful educational goals of the college; (7) a student publications board is the most ideal method for organizing and overseeing the student press; (8) the student press's freedom is dependent on it ability to present news and opinion responsibly, accurately, fairly, and completely; (9) an adviser with professional journalism experience is most valuable to students and administrators; and (10) the primary function of the campus press is a medium for communication for students, and all other purposes are secondary.

Furthermore, Gibbs (1978) suggests to administrators five safeguards that protect the First Amendment rights of the campus press, while also preserving the interests of the campus at large – a topic on point with the focus of this study. Gibbs (1978) contends:

(1) The university must convey to the campus community that the student press is not an official university publication, and that the views expressed in the publication are not necessarily those of the faculty, staff, or administration; (2) a leadership board of students, faculty, and administrators should be created to oversee the student press; (3) the college should provide training to those who work with student journalists so they can be aware of potential legal problems;

(4) libel insurance is an effective way to minimize the risk of institutional liability; and (5) the college, its student publications board, and the student staff members should develop procedures for dealing with irresponsible student journalists.

These guidelines certainly prove helpful to administrators working with student journalists. But what are the administrators' perspectives on the campus press? Jasinski (1994) tackled that question when he qualitatively investigated administrators' perceptions on the role of the campus fourth estate.

Administrators' Attitudes Concerning the Campus Press

Jasinski's (1994) multiple case study, which compared administrators at four institutions of higher education and how each views campus newspapers, revealed six themes that help describe the attitudes of administrators concerning the campus press:

(1) *Role of the newspaper*. Jasinski (1994) reported the assistant vice chancellor for student affairs at a large public research institution and the vice president for student affairs at a small private liberal arts college hoped the newspapers' coverage would include positive public relations material. In contrast, the vice president for academic affairs at a medium-sized public undergraduate institution and an academic dean at a small private liberal arts institution opposed any form of public relations within the pages of their campus newspapers.

It's interesting to note that the academic administrators were more opposed to the inclusion of public relations material in the campus newspaper than the student affairs officers. Similar to Gibbs (1971), Jasinski (1994) concludes that the entire academic community, students included, should be educated about how the campus press sees itself, as well as how administrators, faculty, staff, and students view the student press.

(2) *Authority and responsibility*. Jasinski (1994) reported none of the participants thought he or she had final authority of the campus newspaper. Instead, each believed authority rested with advisers or publications boards. Contrary to popular opinion, Jasiniski's (1994) qualitative study suggests that officials aren't necessarily looking to censor the student press at every turn. In fact, the administrators in his study were strong supporters of a free campus press – in theory and usually in practice.

(3) *Administration-newspaper relationship*. The four administrators in the study described their relationship with the campus press as positive, and they "almost pleaded for relationship cultivation between the newspaper and, not only their office, but those of other administrators as well." (p. 10) Jasinski's (1994) findings suggest that administrators desire strong dialogue with student journalists.

(4) *Administrator problems with newspapers*. While the administrators said they had positive relationships with their campus newspapers, all four reported

a number of problems with the student press. These difficulties included irresponsible student newspaper advisers and a failure of students to understand investigative journalism.

(5) *Legal and ethical dimensions*. None of the administrators in Jasinski's (1994) study had broad knowledge of legal cases involving the student press, although one participant mentioned the *Hazelwood* decision. However, the administrators indicate that they know student journalists have "pretty good protection of First Amendment rights" (p. 11).

Jasinski (1994) concludes that college and university officials must have a better knowledge of student press law. This conclusion reemphasizes Cook's (1989) recommendation for administrators to learn the legal rights and responsibilities of student journalists in an effort to improve their relationships with the press: "The wise administrator will understand the role of the student press and encourage its function within the free press system" (p. 1).

(6) *Adviser guidance*. The belief that the campus newspaper is only as strong as the adviser who daily works with the students was common among the four participants in Jasinski's (1994) study. The administrators believe the advisers help make their job easier by taking on a "tough job" and "major responsibility" (p. 11).

In another study, Watts and Wernsman (1996) surveyed administrators at randomly selected institutions accredited by the Association for Education in

Journalism and Mass Communication (AEJMC) in an effort to determine the administrators' attitudes on being used as sources for the student press. The study's results highlighted a slightly favorable opinion of the campus media.

Their survey research found administrators rate the overall quality of the student press as "neutral," which the researchers define as neither good nor bad. The study also reports that the administrators gave an "above average" rating to student reporters' objectivity and ability to ask pertinent questions during interviews. The surveyed administrators gave an "average" rating to student journalists for their knowledge of the subject area and overall preparedness. The administrators gave a "below average" rating for reporters' attempts to get post-publication reactions.

Censorship of the Campus Press

College administrators traditionally have been fingered as intolerant educational dictators who take advantage of every opportunity to silence students' voices within the campus press. In fact, a number of studies conducted before the Supreme Court's *Tinker* decision found a great deal of administrative censorship of the campus press (Howells, 1973).

However, as already stated in chapter one, contemporary literature tells a slightly different story (Jasinski, 1994; Ingelhart, 1993; Files, 1987). While administrative censorship of the campus press undoubtedly is present, the broad

strokes with which some alarmist authors paint administrators may be unfair (Ingelhart, 1993).

John and Tidwell (1996), for example, questioned whether contention between the collegiate press and higher education administrators results from students simply failing to uphold their journalistic obligations. The researchers attempted to determine whether a relationship exists between student publications that had been penalized or censored by their administrations and the level of on-campus journalism education available to the student staff members.

The researchers content analyzed SPLC news releases that detailed accounts of administrative action against the student press at various colleges across the country. The researchers then analyzed those institutions' journalism curricula by content analyzing their academic catalogs and AEJMC accreditation status. The investigators found a statistically significant relationship between penalized student media and the level of journalism education available on campus (John & Tidwell, 1996).

Despite how administrators justify their exerting control over student expression, it is clear in the literature that passionate First Amendment advocates are increasingly troubled by the amount of administrative censorship that continues on college campuses generally:

> Contrary to the expectations of most applicants, colleges and universities are not freer than the society at large. Indeed, they are less free, and that diminution is continuing apace. In a nation whose future depends upon an education in freedom, colleges and universities are teaching the values of censorship, self-censorship, and self-righteous abuse of power (Kors & Silverglate, 1998, p. 3).

More specific to the campus press, Holmes (1986) found that college administrators are active in censoring student journalists in three ways: (1) threatening to cut funding despite court precedent that consistently has ruled this action unconstitutional, (2) reorganizing student media governing boards and appointing administration-friendly members, and (3) hiring administration-friendly advisers without the creation of a search committee.

In light of Holmes' (1986) third conclusion, Bodle (1993) found that although 93.5% of college student newspaper advisers indicate they enjoy advising, 56.8% want to do something else within five years. Additionally, 40% indicate that administrative pressure to censor the student press is the one factor that would influence them to stop advising. About half of those respondents (20.5%) claim to have been threatened with job dismissal for allowing a story to be printed that was undesirable to an administrator (Bodle, 1993).

These data were supported one year later in Bodle' (1994) study, which surveyed 233 campus newspaper advisers at public and private institutions.

Bodle (1994) reports that 20.4% of advisers have been threatened with either job dismissal or pressured by administrators because they allowed, or considered allowing, the student press to print a news story that administrators did not want published. While about half of the advisers had been pressured by administrators or advertisers to publish or not publish certain news items, only a few had experienced more than one of these pressures and even fewer had complied with the requests.

Nonetheless, Bodle (1994) reports that 14.2% of the student newspapers advisers were asked by administrators not to publish news items. However, only 4.3% of these campus newspapers complied with such requests. Not surprisingly, compliance was significantly higher at private universities. In fact, 8.9% of campus newspapers at private institutions agreed to such administrative requests one or more times, while just 2.1% did at public institutions (Bodle, 1994).

Another study that investigated the perspectives of college student newspaper advisers on censorship found that about 80% of respondents believe it is more important for a newspaper to be free of control than it is for the institution to be protected from potentially damaging stories (Ryan & Martinson, 1986). Furthermore, the study revealed that 94% of college and university newspaper advisers believe the student press should be allowed to print a factual story even if it embarrasses the institution, and about 90% of respondents

disagree that college officials should be able to stop publication of articles they consider harmful. About 95% of the advisers disagree with the notion that articles critical of the faculty or administration should not be allowed in the campus press.

Summary

Bodle (1994) reports that Guido H. Stempel III, the former editor of *Journalism Quarterly*, argued in a 1993 interview that more research was necessary to analyze how higher education administrators react to controversial content in the campus press – a topic closely related to this qualitative dissertation. Research in this area is especially important in a post-*Hosty* culture.

Other than Jasinski's (1994) and Watts and Wernsman's (1996) studies, few have investigated administrators' perspectives on the collegiate press since Stempel's assertion in 1993. More specifically, no qualitative study has explored how public college administrators balance the First Amendment rights of the student press and the broader welfare interests of their campuses since *Hosty*. This study fills that gap by qualitatively investigating the following research question: How do public higher education administrators balance the First Amendment rights of the campus press and the broader interests of their institutions.

Chapter IV

THEORETICAL FRAMEWORK AND METHODOLOGY

The Qualitative Paradigm

The qualitative paradigm best addresses the research question at focus in this study: How do public higher education administrators balance the First Amendment freedoms of the campus press and the broader interests of their institutions?

Qualitative research methods have found increased popularity across a wide range of disciplines during the last 30 years (Huberman & Miles, 2002). While the ontological assumptions inherent in the quantitative and qualitative paradigms contrast sharply, many academics see the benefits of both research approaches. Specific research questions and purposes dictate which paradigm is most useful, and the two approaches certainly can complement each other in a variety of ways (Strauss and Corbin, 1998).

If the researcher's purpose is to confirm statistical relationships between defined variables, or test established theories with quantifiable results, then quantitative methods are appropriate (Charmaz, 2000; Strauss and Corbin, 1998). However, qualitative methods are appropriate if the researcher's purpose is to explore attitudes and perspectives of a certain cultural group in an effort to gain a more comprehensive understanding (Strauss & Corbin, 1998) – as is the purpose of this study.

As a paradigm, "qualitative research is any systematic investigation that attempts to understand the meaning that things have for individuals from their own perspectives" (Taylor, 1994, p. 266). In the qualitative paradigm, truth is determined by the meanings people have assigned to things in the world around them – including objects, events, institutions, and even other human beings. These meanings are developed through self-reflection and interactions with others – a principle known as Symbolic Interactionism (Taylor, 1994).

Simply put, qualitative researchers believe in a world of multiple realities. They understand that not everyone interprets and experiences the world in the same way. The qualitative researcher, therefore, attempts to explore those interpretations and meanings in an effort to gain an understanding of the participants' realities (Strauss & Corbin, 1998).

Qualitative inquiry does not concern itself with the statistical generalization of one truth, as is the goal of quantitative research (Lincoln & Guba, 1985). Individuals and their unique experiences are too diverse for statistical generalizations to be very useful. Taylor (1994) concludes, "People are active, thoughtful life participants who are constantly interpreting and assigning meaning to the world in which they live."

Investigators who approach their research qualitatively are more interested in understanding the lived experiences of individuals in a specific context. The qualitative researcher achieves this insight by identifying among the

various realities of each participant themes and patterns that link the participants. These uncovered concepts may be assumed to generally apply to similar participants within similar contexts, but not necessarily.

Therefore, while qualitative research doesn't allow for statistical generalizations, conceptual generalizations about cultural groups may be appropriate. A more thorough discussion of generalizing qualitative research findings is included in the following section.

Grounded Theory

The researcher in this study adheres to the grounded theory approach. While quantitative researchers often test established theories with the quantifiable data they collect, most qualitative investigators build theory as they gather and analyze the data – an approach Glaser and Strauss (1967) coined "grounded theory." Through a number of methods – interviews, focus groups, participant observation, textual analysis, ethnographies, etc. – grounded theorists uncover in the data themes, patterns, and "concepts that are the building blocks of theory" (Strauss & Corbin, 1998, p. 13).

Moreover, Charmaz (2005) contends the grounded theory approach "encourages researchers to remain close to their studied worlds and to develop an integrated set of theoretical concepts from their empirical materials that not only synthesize and interpret them but also show processual relationships (p. 508). Furthermore, she states: "The rigor of grounded theory approaches offers

qualitative researchers a set of clear guidelines from which to build explanatory frameworks that specify relationships among concepts" (p. 510).

Standards for Validity

Nonetheless, the qualitative researcher's subjective interpretation of data in the grounded theory tradition is a frequent point of criticism (Maxwell, 1992). Indeed, some positivists argue that qualitative methods, unlike quantitative methods, lack objectivity and verifiability. To counter this assertion, Maxwell (1992) presents five standards for measuring the validity of qualitative research: (1) descriptive validity, (2) interpretive validity, (3) theoretical validity, (4) generalizability, and (5) evaluative validity.

Descriptive validity. Descriptive validity refers to the accuracy of the participants' reported words and actions (Maxwell, 1992). Obviously, fundamental flaws exist in any interpretation of data that have been recorded inaccurately. Wolcott (1990) summarizes the importance of accurate description during the qualitative data-gathering process when he argues that "description is the foundation upon which qualitative research is built" (p. 27).

Interpretive validity. Interpretive validity goes beyond precisely describing the actions and words of the participants (Maxwell, 1992). Interpretive validity refers to how accurately the investigator understands the meanings and reasoning behind the words and behaviors. Maxwell (1992) contends "this aspect of understanding is most central to interpretive research, which seeks to

comprehend phenomena not on the basis of the researcher's perspectives and categories, but from those of the participants in the situations studied" (p. 48).

Theoretical validity. Theoretical validity moves "beyond concrete description and interpretation and explicitly addresses the theoretical constructions that the researcher brings to, or develops during, the study" (Maxwell, 1992, p. 50). In other words, theoretical validity refers to how well the researcher fits together and explains the themes, patterns, concepts, and relationships discovered in the data.

Generalizability. Generalizability addresses an often-debated aspect of qualitative research methods: the extent to which the findings can be transferred to "other persons, times or settings than those directly studied" (Maxwell, 1992, p. 52).

As noted in the previous section, qualitative research is not concerned with statistical generalizations. Moreover, Strauss and Corbin (1998) posit that it may be inappropriate to generalize qualitative findings to populations outside the participants directly involved in the study. However, Maxwell (1992) argues, "Generalization in qualitative research usually takes place through the development of a theory that not only makes sense of the particular persons or situations studied, but also shows how the same process, in different situations, can lead to different results" (p. 53).

Furthermore, he asserts: "Generalizability is normally based on the assumption that this theory may be useful in making sense of similar persons or situations, rather than on an explicit sampling process and the drawing of conclusions about a specified population through statistical inference" (p. 53).

Maxwell (1992) offers two types of generalizations within qualitative findings: (1) generalizing within a specific community of people, even though not all of those people or individual contexts have been studied, and (2) generalizing to outside populations unrelated to the groups involved in a specific study. He contends the former is much more important for most qualitative investigators, who "rarely make explicit claims about the external generalizability of their accounts" (p. 54).

Evaluative Validity. Evaluative validity refers to the researcher's appraisal of the phenomena he or she previously described, interpreted, explained, and generalized (Maxwell, 1992).

For example, if a qualitative researcher concludes that children of divorced parents unjustifiably blame themselves for their parents divorce, that researcher has made an evaluation of the data he or she gathered. Maxwell (1992) points out, however, that evaluative validity is not as important to qualitative researchers as the previous four standards of validity. In fact, he contends that many qualitative researchers choose to avoid statements of evaluation concerning the phenomena they study.

Hypothesis Testing v. Hypothesis Generating

As this chapter already has established, qualitative and quantitative research methods contrast in their purposes and procedures. Another specific difference concerns hypotheses. Auerbach and Silverstein (2003) define the quantitative paradigm's hypothesis-testing approach this way:

> Hypothesis-testing research investigates a phenomenon in terms of a relationship between an independent and dependent variable, both of which are measurable numerically. This relationship is called a hypothesis. The aim of the research is to test whether the hypothesized relationship is actually true, using statistical methods. (p. 5)

This approach to hypotheses, as Auerbach and Silverstein (2003) note, is inappropriate for the qualitative paradigm because hypothesis-testing research (1) assumes researchers know enough about the participants, their cultures, and their experiences to establish meaningful hypotheses with specific independent and dependent variables, and (2) demands numerically defined variables. Of course, qualitative researchers generally are interested in the subjective experiences of participants, not numerical variables.

The grounded theory approach, therefore, allows researchers to begin their studies without testable hypotheses. Instead, grounded theorists may approach their studies with working hypotheses, but those hypotheses should be

expected to change – and new hypotheses should be generated – as the data are collected (Auerbach & Silverstein, 2003):

> Qualitative hypothesis-generating research involves collecting interview data from research participants concerning a phenomenon of interest, and then using what they say in order to develop hypotheses. It uses the two principles of (1) questioning rather than measuring and (2) generating hypotheses using theoretical coding. (p. 8)

This qualitative study does not offer stated hypotheses. Instead, the researcher approaches the investigation with questions related to the study's purpose: to describe how public college administrators balance the First Amendment freedom of the student press and the broader interests of the campus community.

The Long Interview

The investigator in this present study implements long interviews as the data gathering method. As a qualitative method, the long interview is a "sharply focused, rapid, highly intensive interview process that seeks to diminish the indeterminacy and redundancy that attends more unstructured research processes" (McCracken, 1988, p. 7).

Long interviews allow researchers the opportunity to enter the everyday worlds of the participants and discover complex social connections that provide insight into those worlds (Morrison, Haley, Sheehan, & Taylor, 2002). While

quantitative researchers rely on instruments like surveys and numerical coding sheets, long interviews allow the researcher to become the instrument throughout the investigation – a characteristic of any good qualitative method. Indeed, interviews, like all qualitative methods, "can be used to obtain the intricate details about phenomena such as feelings, thought processes, and emotions that are difficult to extract or learn about through more conventional research methods" (Strauss & Corbin, 1998, p. 11).

As McCracken (1988, p. 17) posits, "The purpose of the qualitative interview is not to discover how many, and what kinds of people share a certain characteristic. It is to gain access to the cultural categories and assumptions according to which one culture construes the world." Certainly, research questions concerning "what" and "how" are best answered with qualitative methods (Morrison et al., 2002).

Participants

Purposeful Sample

The researcher used a purposeful sample that includes nine higher education administrators who represent nine types of institutions in the Southeast. (See Appendix B for a detailed description of the participants and the institutions they represent.) Quantitative researchers usually select large samples that are representative of specific populations so that the study's results can be

generally applied back to the populations (Marshall, 1996). Qualitative researchers, however, choose their samples somewhat differently.

Most commonly, qualitative investigators select a purposeful sample, which Marshall (1996, p. 523) defines as the "most productive sample to answer the research question." The purposeful sample "can involve developing a framework of the variables that might influence an individual's contribution and will be based on the researcher's practical knowledge of the research area, the available literature and evidence from the study itself" (Marshall, 1996, p. 523).

This study's purposeful sample of participants was selected after the researcher implemented a "chaining method" in which he contacted first the student newspaper adviser at each of nine types of institutions (described in the following section) and inquired as to which administrator would be most appropriate for the study.

The researcher particularly asked to speak with the administrator – likely at a vice president or dean level – who is not involved daily with the student journalists, but who holds leadership responsibilities for the department or division that houses the campus press. These administrators' names likely would appear in a lawsuit involving the campus press, and they would have authority to penalize the campus press and/or its adviser.

In this study, eight of the participants hold dean or vice president positions in student affairs divisions. One of the participants is an academic dean. All of the participants are male.

Sampling Strategy

The researcher selected the sample's nine participants using a sampling strategy that includes nine types of institutions in the Southeast, as defined by researcher-selected variables and the Carnegie Classifications of Institutions of Higher Education (Appendix C). The variables, or dimensions, that distinguish the nine types of institutions will be described in the following section of this chapter.

The sampling strategy described below allows the researcher to examine the phenomena – how college administrators balance student press freedoms with broader campus welfare interests – as manifested in nine unique structural conditions. In other words, the sample maximizes variation among higher education institutions, giving the researcher a broad range of participants (Marshall, 1996).

Strauss and Corbin (1998, p. 214) state, "When building theory inductively, the concern is with representativeness of concepts and how concepts vary dimensionally. We look for instances in which a concept might be present or absent and ask why. Why is it there? Why is it not there?"

In light of Strauss and Corbin's (1998) assertion, the researcher explores concepts within the dimensions of the sample of participants described below. See Appendix B for a more detailed description of each participant and the institution they represent, including how their student newspapers likely are designated based on Click's (1980) classifications of student publications governance.

- Participant 1 (P1) is the dean of students at a large research institution (high research activity and an enrollment of about 25,000) that supports a journalism program and a student newspaper that is connected to the curriculum.
- Participant 2 (P2) is the vice president for student affairs at a medium-sized master's institution (enrollment of about 8,500) that supports a journalism program and a student newspaper that is connected to the curriculum.
- Participant 3 (P3) is the vice chancellor for student affairs at a small baccalaureate institution (enrollment of about 2,500) that supports a journalism program and a student newspaper that is connected to the curriculum.
- Participant 4 (P4) is the associate dean of students at a large research institution (very high research activity and an enrollment of about 26,000)

that supports a journalism program and a student newspaper that is divorced from the curriculum.

- Participant 5 (P5) is the associate vice president for student affairs at a large master's institution (enrollment of about 23,000) that supports a journalism program and a student newspaper that is divorced from the curriculum.
- Participant 6 (P6) is the senior associate vice president for student affairs at a medium-sized doctorate-granting/research institution (enrollment of about 12,000) that supports a journalism program and a student newspaper that is divorced from the curriculum.
- Participant 7 (P7) is the dean of students at a large research institution (very high research activity and an enrollment of about 18,000) that does not support a journalism program but supports a student newspaper.
- Participant 8 (P8) is the vice president for student services at a small master's institution (enrollment of about 4,000) that does not support a journalism program but supports a student newspaper.
- Participant 9 (P9) is an academic dean at a small baccalaureate institution (enrollment of about 3,000) that does not support a journalism program but supports a student newspaper.

Dimensional Considerations of the Sampling Strategy

The sample includes three variables, or dimensions, that maximize variation among institutions: (1) type of institution based on the Carnegie Classification System, (2) journalism program vs. no journalism program, and (3) student press connected to curriculum vs. student press independent from curriculum.

It is important to note, however, that the researcher – consistent with the qualitative tradition – does not attempt to measure differences between the variables. Instead, the variables simply define the nine structural categories that maximize variation among the colleges, giving the researcher a broad range of participants and allowing him to explore concepts within the dimensions. The following descriptions explain the three variables and the importance of exploring them in this study.

Type of institution. Three types of colleges and universities are represented in the strategic sampling strategy: (1) research/doctorate-granting institution, (2) master's institution, and (3) baccalaureate institution.

The literature presents differing views on whether the size and classification of colleges affect how administrators perceive the campus press. As a result, it is important in this study to explore this dimension.

Bert (1952) found that officials at smaller institutions are more likely to favor administrative control of the student press. However, Kasior and Darrah

(1996) state that "censorship policies at America's state-supported universities have not been…restricted to small institutions of higher learning."

Moreover, this dissertation's pilot study, which involved one administrator at a large doctorate-granting institution, a medium-sized comprehensive university, and a small two-year college in the Southeast, concluded that the administrator representing the large research university was just as likely to favor official control of the student press as administrators at the smaller institutions (Miller, 2008).

Journalism program vs. no journalism program. From each of the three classifications of institutions, the researcher selected one school that does not offer a journalism major. Whether a college supports a journalism program is an important consideration in a study that investigates administrators' perspectives on the campus press.

John and Tidwell (1996) contend, "Inadequate journalism education and campus newspaper censorship frequently go hand in hand" (p. 22). Additionally, in this dissertation's pilot study, the administrator representing a two-year college that had no journalism program clearly favored administrative control of the student press more frequently than the participants who served institutions with journalism departments (Miller, 2008).

Student press connected to curriculum vs. student press independent from curriculum. Three institutions whose student newspapers are divorced from

curriculum were chosen for the sample. However, the researcher was unable to identify a baccalaureate institution in the Southeast that supported a student newspaper independent of its journalism curriculum. As a result, a doctorate-granting institution with less research activity than the other research institutions included in this sample, according to the Carnegie Classification system, stands in its place.

As noted in chapter three, Bodle (1997) claims that most of the nation's 101 daily student newspapers are not as instructionally independent as their members might believe – at least based on six of Ingelhart's (1993) standards for educational independence. Moreover, Bodle's (1997) study concludes:

> Most student dailies remain at least potentially susceptible to university dominance of editorial content primarily through their continued reliance on subtle university funding. Even those that embrace the teaching concept of training students through the production of a lab newspaper also must consider whether they can withstand the pressures that can come to bear on those who have their paycheck signed by the university president. (p. 24)

While most campus newspapers, according to Bodle (1997), have at least subtle ties to their institutions, this study takes into consideration whether the student publications are directly connected to the curriculum as part of a class or graduation requirement.

A campus press in this situation likely would receive significant financial support and professional assistance from the academic unit to which it is tied. And that's not to mention the fact that the student journalists receive grades for their work as part of the campus press. Therefore, an exploration of the curriculum-connection dimension is important in this study.

Issues Not Considered in the Sampling Strategy

Funding. This study's strategic sample does not consider issues specific to the funding of the student press. As already noted, most institutions fund the student press at some level (Bodle, 1997; John & Tidwell, 1996; Bodle, 1994; Kopenhaver & Spielberger, 1992). While some institutions allocate large portions of student fees to the campus press, others at least provide free office and pay those offices' electric bills. All of the institutions in this study allocate funds to the campus press, except for the universities that P1 and P4 represent. P1's and P4's institutions, however, provide free office space and technical assistance to the students.

As discussed in the first two chapters, legal precedent has decisively ruled that an institution's funding of the student press does not give it permission to control the student press. However, the *Hosty* decision has given public institutions of higher education more leeway in controlling student media that are tied to curriculum. As a result, in this study's strategic sample, questions concerning if and how the institutions fund the student press are addressed

(Appendix B), but those questions are less important than whether the student press is connected to curriculum.

Geographic location. The participants in this study represent institutions from five states in the Southeast. Kasior & Darrah (1996, p. 114) contend that "overt and covert censorship policies have not been confined to one particular geographical location." Future studies should build on the results presented in this research and study how administrators in other regions balance their responsibilities to the student press and the campus at large.

Private institutions and two-year colleges. This study excludes private institutions of higher education and community colleges. Private institutions, as mentioned in chapter one, are not considered government agencies and, therefore, are not legally bound by the First Amendment. As a result, their inclusion in this study would be inappropriate.

Likewise, community colleges are not included in this study because their campus environments are much different than four-year institutions. For example, this dissertation's pilot study concluded that community college students generally are more connected to the local community rather than the college, which makes the presence of a campus press less important (Miller, 2008).

Moreover, community colleges mostly are non-residential, two-year institutions, meaning students are not on campus as frequently or as long as

four-year college students. Therefore, community colleges often lack student interest in producing – or even reading – a student publication that addresses campus issues.

Sample Size and Theoretical Saturation

Quantitative researchers frequently misunderstand and criticize the qualitative researcher's comparably small sample sizes (Marshall, 1996). In the qualitative tradition, a study's sample size is determined by theoretical saturation – or a point of redundancy in the data (Strauss & Corbin, 1998).

Put simply, an acceptable sample size for a qualitative study "is one that adequately answers the research question. … In practice, the number of required subjects usually becomes obvious as the study progresses, as new categories, themes or explanations stop emerging from the data" (Marshall, 1996, p. 523).

As a result, a strict rule concerning the number of participants needed for a qualitative study does not exist. However, McCracken (1988) argues no more than eight interviews is sufficient for studies of cultural categories, such as this present study.

Other authors posit that as few as five or as many as 20 participants are appropriate for various types of qualitative inquiries (Kuzel, 1999; Marshall, 1996; Sandelowski, 1995; Lincoln & Guba, 1985). But then again, another qualitative study may demand 30 participants or more. In the end, theoretical saturation and the scope of the research topic will decide. This study's sampling

strategy includes nine participants who represent nine cultural categories of higher education administrators. While the researcher conducted all nine interviews, he reached theoretical saturation at about the seventh interview.

Data Collection

Qualitative researchers believe interviews are most effective when they are conducted in the natural setting (Taylor, 1994). By studying the participants in their natural setting, investigators have the ability to consider context and observe subtle nuances other instruments would miss.

Moreover, the participant is usually more comfortable in his or her natural setting, and the researcher is able to understand more completely the participant's perceptions and assigned meanings. Therefore, the researcher conducted each of the interviews in the participants' offices.

The researcher used an interview guide during the interviews (Appendix D). The interviews lasted between 45 minutes and an hour-and-a-half. An audio recorder was used during the interviews with the permission of the participants, and the researcher transcribed each of the interviews within two weeks of each meeting. The researcher traveled nearly 3,000 miles and spent more than 200 hours collecting and analyzing data.

Data Analysis

As discussed earlier, this study follows the grounded theory tradition. In this approach, the investigator aims to "develop a well integrated set of concepts

that provide a thorough theoretical explanation of social phenomena under study" (Corbin & Srauss, 1990). In this study, the researcher describes how college administrators balance campus press freedoms with the broader welfare interests of their institutions.

As the grounded theory method demands, data collection and analysis were conducted simultaneously. In other words, the researcher interpreted the information provided by the participants as he gathered it, which allowed the investigator to explore questions and phenomena he had not considered prior to the interviews. Throughout the interviews, numerous patterns emerged from the data – and even more questions arose as the researcher analyzed and interpreted the data.

The interview transcripts were examined line-by-line, and, consistent with the grounded theory tradition, the researcher constantly compared newly gathered data with insight previously gained in the research process – a tactic known as the constant comparison method (Glaser & Strauss, 1967). In this method of analysis, researchers employ a systematic comparison among a small unit of data and try to build concepts, categories, and propositions (Langley, 1999; Pandit, 1996).

Coding: Open, Axial, and Selective

Once the interview and transcribing processes were completed, the researcher followed Corbin and Strauss' (1990) three stages types of coding: open, axial, and selective.

Open coding. During the first stage of the coding process, the researcher compared the words and actions of the participants and identified concepts that accounted for similarities and differences among the participants. Altogether, more than 50 concepts were identified. Corbin and Strauss (1990) highlight the importance of identifying concepts during this first stage:

> Theories can't be built with actual incidents or activities as observed or reported; that is, from "raw data." The incidents, events, happenings are taken as, or analyzed as, potential indicators of phenomena, which are thereby given conceptual labels. … Only by comparing incidents and naming like phenomena with the same term can the theorist accumulate the basic units for theory. (p. 7)

Axial coding. In the second stage of the coding process, the researcher collapsed the more than 50 concepts and related them to four broader categories. Corbin and Strauss (1990) underscore the importance of these more encompassing categories:

> Categories are higher in level and more abstract than the concepts they represent. They are generated through the same analytic process of making comparisons to highlight similarities and differences that is used

to produce lower level concepts. Categories are the "cornerstones" of developing theory. They provide the means by which the theory can be integrated. (p. 7)

Selective coding. The selective coding stage "is the process by which all categories are unified around a 'core' category" (Corbin and Strauss, 1990, p. 14). The core category is, in fact, the phenomena at focus in this study: How public college administrators balance the First Amendment rights of the campus press and the broader welfare concerns of their campuses.

The four categories that are unified around that core category constitute a theoretical framework that helps explain the phenomenon being investigated in this study. They four categories are: (1) supporting a free campus press, (2) depending on relationships, (3) knowing how to manage controversy, and (4) resolving that they may have to intervene. The researcher uses gerunds to identify the categories, or activities, as they will be referred to throughout the remainder of this report. Gerunds are appropriate because the qualitative paradigm assumes that human beings are active individuals, engaging in purposeful related activities to achieve certain goals (Taylor, 1994). In this study, the goal is "balancing," and the participants accomplish that goal by engaging in the four aforementioned interrelated activities that will be described thoroughly in the following chapter.

Ethical Considerations

Each participant signed an IRB-approved consent form, expressing his interest in participating in the study and acknowledging that all data collected would remain anonymous.

Summary

The qualitative paradigm, grounded theory, and long interviews are appropriate for this study because it aims to investigate how public college administrators balance the First Amendment freedoms of the student press and the broader welfare concerns of their campuses.

The methods described in this chapter allow the researcher to explore the attitudes, biases, and motives behind the phenomena investigated in this study that would be impossible to understand using quantitative methods. The participants in this study have a story to tell that will shed light on an important topic – how they balance campus press freedom with the broader welfare interests of their institutions. The qualitative paradigm and long interviews will allow those stories to be told and understood most effectively.

Nine participants comprise this study's purposeful sample. A sampling strategy that allows the researcher to explore concepts within three dimensions was implemented. These dimensions, or variables, maximize variation among the participants. Theoretical saturation was reached after the seventh interview.

The researcher analyzed the data utilizing Corbin and Strauss' (1990) three coding stages: open, axial, and selective. The researcher determined that the participants balance the First Amendment rights of the campus press and the broader welfare of their institutions in the following ways: (1) supporting a free campus press, (2) keeping the lines of communication open, (3) knowing how to manage controversy, and (4) resolving that they may have to intervene.

The following chapter will present and discuss these findings.

Chapter V

FINDINGS AND DISCUSSION

The purpose of this qualitative research is to describe how public college administrators balance the constitutional freedoms of the student press and the broader interests of their campuses. The researcher conducted in-depth interviews with nine administrators and followed a sampling strategy that maximized variation among the participants.

Despite the various types of institutions the participants represent, the researcher discovered great similarity among the participants in terms of how they perform the balancing act at focus in this study. As discussed in chapter four, finding and describing the thread of similarity among a group of participants is a primary objective of the qualitative researcher.

Four thematic activities were identified that describe how the participants perform the balancing act at focus in this study: (1) supporting a free campus press, (2) keeping the lines of communication open, (3) knowing how to manage controversy, and (4) resolving that they may have to intervene.

Consistent with the grounded theory approach, these thematic activities emerged from the data and constitute a theoretical framework that helps explain the phenomenon being investigated in this study. Strauss and Corbin state, "(Grounded theory) denotes a set of well-developed categories (e.g. themes, concepts) that are systematically interrelated through statements of relationship

to form a theoretical framework that explains some relevant…phenomenon (p. 22). The thematic activities and their interrelatedness are described in this chapter.

In an effort to validate his interpretation of the data, the researcher sent each participant a list of 12 value statements (Appendix F) that reflect concepts related to the four overarching activities. The researcher asked the participants to indicate whether they agree or disagree with the statements. One respondent disagreed with four value statements (numbers 8, 9, 10,and 11). Another respondent did not answer value statement 9. The other statements received 100% validation from the respondents.

In this chapter, the researcher will present and discuss data – quotations from the participants – that defend and explain the four activities mentioned above.

Supporting a Free Campus Press

Vocal Support of First Amendment Protection

The participants approach their responsibility to balance the free campus press and their broader institutional concerns first by defending generally the value of a free campus press. The balancing act described in this research report is founded on this major activity. By placing a stake in the ground and declaring their support for a free campus press, the participants attempt to debunk the common perception that college administrators are censoring brutes.

P6: *We're an educational institution, and we are a forum for the free expression of ideas – more so than…any other institution in the land. My basic stance is, we're going to take the good with the bad, and we're going to allow free expression to take place. The best anecdote to bad stuff is more discussion.*

As will be discussed later in this chapter, the participants understand that the campus press exercises its freedom within boundaries, and that their intervention into the campus press decision-making process is necessary when those boundaries are crossed.

However, it is clear that the participants perform the balancing act at focus in this study by first determining for themselves, and declaring to others, their support of First Amendment protection for the campus press. In fact, the participants vocally advocate for student press rights even when other campus constituents question the benefits of those rights. P8 states, "*My personal feeling is that if the faculty decided they wanted to have a more active role, or wanted to censor the thing or whatever, I'd probably end up on the side of the students*."

As individuals who defend the value of a free campus press, the participants understand that they serve as resources, not dictators, to the student journalists and their advisers. The term "sounding board" was a term the participants used frequently to describe their role as a resource.

P2: *The ideal for me would be just letting (the student press and its advisers) know, I'm just here to support you. … I don't want to do anything to set up an*

adversarial relationship. I'm just (a) support base (as one who knows) the climate of the university. … I'll be a sounding board – and leave it at that.

P4: *(The students) come to me for feedback and opinions on issues that they're dealing with. So I'm more of a sounding board more than anything. … If a student said, "Well, I'm going to do this and no matter what," we couldn't stop them because we wouldn't want to get into that kind of a thing. But we would say, "Well, before you do it, just think about this and be aware of this."*

P5: *Beyond me sitting in on the editor interviews, I really don't have any direct contact with the paper itself. … (My role is) more of a sounding board. … I'd much rather take my chances to defend something that they've printed as opposed to showing up in court and trying to defend why I wouldn't let them run it.*

Along with seeing themselves as resources to the student press, not dictators, the participants expect the advisers to approach their role similarly. As will be described later, the administrators count on the advisers to provide instruction and guidance to the students, but that instruction and guidance should not necessarily lead the advisers to exert control over student press content. This understanding further underscores the administrators' vocal support for a campus press free of institutional control.

P7: *In terms of the overall mission of a college newspaper…(the adviser) should be kind of helping them think through those…philosophical questions: What role does a college newspaper play in this moment in time? ... In that respect, yes (the*

adviser should be involved in the decision-making process). In terms of what should be in this week's paper, (the adviser should not be involved).

P9: *The adviser is not a dictator of what the students publish. … So, the advisory role is…just that, advising. The adviser also helps to check and make sure that (a student staff member) is editing or correcting…so (the newspaper is) not full of grammatical errors or opinions that actually don't make sense... So, I think that's what I expect our advisers to do. Not micromanaging what the students are actually doing…*

P6: *The adviser is not the final arbitrator of what goes in the paper, does not censor the stories, cautions when there are some things that may not fit the professional standard of journalism, expresses her opinion, but it's not the final opinion; it's finally the paper. … So, the adviser is not the long arm of the administration.*

Educational Benefits

Although they vocally support a campus press free of administrative control, the participants lament that, because of its inherent freedom, the campus newspaper too frequently takes on the personality of its current editors. When that happens, the student press's value to the campus is undermined, according to the participants. While all student newspapers likely take on the personalities of their editors from year to year or semester to semester, the participants

representing the smaller institutions are especially concerned about this perceived problem.

> ***P8:*** *Whatever (the editors) bring into the mix…that's what the paper reflects for a period of time. … For example, one semester there were a couple guys who wrote sports stories. … Well, the last (issue of the campus newspaper) I looked at, I'm not sure it even mentioned we had athletics. … (The newspaper is) too centered on the personality of that editor, and how aggressive that editor has been to find writers.*

The participants perceive three specific educational purposes of a free campus that can benefit the entire university community; however, these purposes cannot be achieved, according to the participants, when the press reflects the personality and interests of just a few students.

The three purposes of a free campus press that the participants defend include: (1) an information source, (2) an outlet for student opinion, and (3) a laboratory for student learning.

Information source. Providing news and information to the campus community is a primary educational function of the student press, according to the participants. The news coverage, however, should be focused on the campus, not national or international stories that the university community can learn about from other sources.

P2: *We had a little national news section…but I say stick closer to home… Maybe what percentage of student binge drink? … What speaker is coming that the students might be interested in seeing? … I maybe would add a few more feature things about (faculty and staff). … And I'd start with the president and tell our student body, "Yeah, you all don't know the president, but here's what he does: He hunts and he fishes. And he's approachable."*

P7: *The student press did a great job when…a whole group of our students (were being fined by the record industry for illegally downloading music). (The newspaper wrote) a story on it, and then...(wrote) a story reminding students that (the school offers) a free downloading service that's been paid for already.*

P6: *(I would like the paper to do) insightful reporting about what's going on on the campus… That would make my life more difficult…if somebody was following me around and every time I turned around I was getting a phone call from the student newspaper about some decision. Nevertheless, I think that would be (positive).*

The participants broadly contend the student journalists' freedom to pursue information is one of the educational benefits of a constitutionally protected student press. P1 highlights how a student newspaper's freedom to investigate sensitive stories can educate a campus community and possibly save lives.

P1: *What if you're (a student newspaper reporter) at a party. You see dangerous amounts of alcohol and drugs being ingested. And (the student newspaper prints the story but doesn't) give away names. … But to know that kind of behavior is occurring sends a signal to…the administration…without getting (the offending students) in trouble. If they don't (have the freedom) to report that…you could have situations that are… dangerous to people's health.*

As exemplified in the above quotation from P1, avoiding controversial and sensitive stories is not necessarily the participants' primary objective as they work with the campus press and its advisers. Instead, the participants acknowledge that some controversial stories – even ones that reflect poorly on the administration – can stimulate intellectual growth and lead to positive change on campus.

In fact, the participants seem to wish the student press would include more controversial reporting, as long as the coverage is intended for the improvement of the campus.

P7: *You count on (the student newspaper) keeping us on our toes. … An issue that was really prevalent in the fall was campus safety as we opened up residence halls (in a high-crime area). … And the newspaper for a number of weeks would continue to do stories on safety and what are we doing. … They would report on every time a student was held up over there. … We needed that spotlight for people to see what was playing out was a very serious issue.*

P8: *(When student newspaper reporters come to me), I'm probably going to give them ideas of where they could sniff out more problems. … The campus actually is pretty apathetic, so I'd like to see a little more (provocative reporting in the student newspaper).*

P9: *Ideas stimulate ideas, so when that happens, you see the students actually learning beyond fact, which happens in the classroom… There ought to be…articles that are published that upset the way we look at issues, that cause us to hold our chin and say, "I wonder why he said what he said this way."*

An outlet for student opinion. In addition to serving as an information source, the participants understand the campus press is an outlet for student expression, and they defend the educational value in that purpose. Even though the participants admit the students often publicly disagree with the administration in the pages of the campus press, they believe a student voice is crucial to a properly functioning institution of higher education.

P1: *(The newspaper provides) an opportunity for students to sound off on a lot of issues... They do a great job with that. (Our) students are very independent, and if they don't like something, or if they're very much in favor of something, they will find an outlet to share that with you.*

P3: *I think it serves as a purpose of giving students a voice in the university community because there is enough freedom that they can choose the topics of the articles; they can choose who they want to talk to; they can choose the viewpoint*

they want to promote. … I think every campus needs to have a student press, and there needs to be a student voice.

P7: *(Last year) the students were very frustrated with (an increased athletic fee). … I think the (student newspaper reporters) were asking the right questions and reflecting back some of the right perspectives of (the student body). … That was a very pivotal issue in this community, (and) had the newspaper not had any coverage of it, either way, pro, con, whatever, it would have been criminal.*

Nonetheless, the participants also downplay the importance of excessive student opinion within the campus press.

P6: *A lot of the paper is opinion pieces. So, it allows students to write opinion pieces and get letters back from students… And the paper probably does more of that than they should… There probably should be more hard-reporting and a little bit less opinion.*

The participants are concerned about student opinion within the campus press when the students editorialize about a specific issue over and over. In other words, the participants prefer that the campus press avoid "beating a dead horse." P2's comments illustrate the participants' tendency to downplay the importance of excessive student opinion in the campus press:

P2: *(The campus newspaper) was speaking against (an invited speaker to campus). I said, "You can be opposed, but is it really your right to say who should come and go, or that kind of thing? There are a lot of people who show up here*

that I personally would not care to see or listen to, and I have full right to not go into that room and listen to them when they come. … So ya'll can't direct what happens on the campus with the editorial… That's really not your job."

A laboratory for student learning. Perhaps most important to the participants, the campus press serves as laboratory for the student journalists to put into practice skills they have learned in the classroom. P6 states, "*We take (the learning lab) part of it seriously, too, because we're producing some really fine young journalists out of that program.*"

All of the participants emphasize the learning laboratory purpose – even those participants who serve at institutions that do not offer a journalism program or whose campus press is divorced from curriculum.

P5: *(The campus newspaper) does exactly what student affairs is all about, which is complementing what (the students are) doing in the classroom. It gives them an avenue to put their skills to work.*

P9: *We should not lose sight of the fact that whatever we do in the university is for education process. It's the education benefit of the student. That includes the student paper and yearbooks. Everything…ought to be used strategically to instruct and to guide to those excellencies we want to see in students – both here and upon graduation.*

P2: *I don't assume when (a student newspaper reporter arrives in my office) that (he knows) what (he's) doing. … That's the teaching process. And so you, as an*

instructor, you teach them to be better. … So, every now and then, I get a student who will come in and who had done all these things in high school, and they assume knowing it all, and all this, and I say, "Wait a minute. Back up. You're still learning."

Part of being an effective learning laboratory includes allowing the students to have the opportunity to learn from their mistakes – an opportunity only afforded student journalists who are free to make decisions without administration interference, according to the participants.

P4: *(The student newspaper is a) great opportunity…for people who want to get involved in media kinds of things. … But it really is a laboratory; it's an opportunity for students to get in there and learn that business to a degree, but make mistakes (and) learn from their mistakes.*

P5: *(The adviser) doesn't sit down with them prior or while they're going through production to say, "This should be in there; this shouldn't be in there. Correct this or correct that." He does that after the fact. Once the paper has been run, he'll sit down, literally, with a red ink pen, read the entire paper, mark it up, and use that as his learning opportunities.*

Summary of First Major Thematic Activity

The participants approach their responsibility to balance the free student press and the broader interests of their campuses by supporting the value of constitutionally protected student press.

However, the participants also understand that they must keep the lines of communication open with other student press stakeholders in order to effectively perform the balancing act being explored in this study. The researcher describes that thematic activity in the following section.

Keeping the Lines of Communication Open

The participants know they must keep the lines of communication open with a number of student press stakeholders in order to effectively balance the free campus press and the broader interests of their institutions.

After declaring their general support for First Amendment protection of the campus press, the participants acknowledge their dependence on open dialogue with a number of individuals to help them perform the balancing act at focus in this study.

A description of these communicative relationships is provided in the following pages.

Relying on Communicative Relationship With Advisers

Depending on advisers to teach members of student press. As previously mentioned, one of the most emphasized missions of the campus press, as understood by the participants, is to serve as a learning laboratory for students.

As a result, the participants rely on the advisers to mentor and teach the students professional journalism standards, including how to accurately, fairly, and objectively report the news. Each of the participants holds this expectation,

despite whether his institution supports a journalism program, or whether the student press on his campus is tied to curriculum.

P6 recalls hearing about a student newspaper at another university. He is dumbfounded to understand that this adviser is completely "hands-off" and has little involvement teaching the student journalists. His perspective on this situation illustrates the importance the participants place on the advisers' teaching role.

> ***P6:*** *I don't know what (the adviser at the other university) does. She's the stated adviser for the publication, but she's not there when it's being published. In fact, she's basically told (that she has to) stand aside when (the students are) actually doing the final work up on the paper.*

A dependence on the advisers to teach professional journalism standards to the members of the student press is an important part of the participants' balancing act because the participants believe the dissemination of inaccurate information by the student press can cause tension on campus.

> ***P5:*** *I just want accurate information out there so we don't get students in an uproar about something that there's no reason to be in an uproar. … I come that close (makes small space between thumb and forefinger) every time I have a student come in and interview me for a story to say, "Hey, can I look at it before you print it?"*

P5 is not the only administrator who wishes more fact checking would take place prior to publication. P3 believes the students' carelessness with fact is a reason to support prior review. The student newspaper on P3's campus is part of the school's journalism curriculum, and he says prior review is not happening. Again, P3's comments illustrate the expectation that the participants have of the advisers to teach the students professional standards of journalism.

> ***P3:*** *I wish there were more real editorial control and editing before the paper goes out because some of the stuff is (low quality). You get a student taking a course for the first time, and…they're interviewing me (for a story) on an important topic. And then they write a story that is just full of grammatical errors, using the wrong words, the wrong terms, the wrong titles for people, it's just a mess. … I find that frustrating.*

The participants also believe the advisers must teach and exhort the members of the student press to follow legal and ethical practices in their reporting. In the eyes of the participants, an unethical and irresponsible student press can inflame a campus and complicate an administrator's duty to balance the student press and the broader interests of the campus.

P5 suggests that the adviser of the campus newspaper should discuss with the students about the intersection of "rights" and "responsibilities."

> ***P5:*** *(A Jewish student who was offended by a cartoon printed in the student newspaper) wanted everyone's head on a platter who had anything to do with that*

cartoon. … (The adviser) talked about (the cartoon with the student editors), "Yeah you have the right to do it, but is it the right thing to do?"

As described earlier, the participants believe the advisers should be resources to the student press, not dictators. Nevertheless, taking a proactive approach to advising the campus press about ethical issues is preferable to dealing with unethical decisions in the student newspaper after publication, according to the participants.

P1: *(The adviser is) a person that many of the students take classes from…and he critiques their work even as they develop the paper during the week… He is extremely pro-student, but he will remind them of the (ethical) parameters within which they work.*

P3: *One way to learn is to do something really irresponsible and get sued for it. Another way to learn is to teach…how to prevent that from happening. So I believe in the approach of trying to teach responsible journalism rather than just totally being at arm's length (and) let them do irresponsible things. Kind of a balance between freedom and responsibility.*

The participants express frustration over advisers who fail to adequately train the student press staff members in professional journalistic standards. Clearly, the participants feel their responsibility of balancing campus interests is more difficult when the student press advisers take a hands-off approach to

teaching appropriate professional practices. P2 describes this frustration most exhaustively:

> ***P2:*** *I don't think (the advisers at our school teach the students) enough. You don't want to stand over them and tell them what to write every minute… But you can't just let them run blind because then they're not learning. … I think if you're the adviser, you've got to look at what they're doing. You've got to make little suggestions. … You don't leave them to their own devices.*

Depending on advisers to inform administrators about student press law. Communication law is one of the professional standards the participants expect the advisers to teach the students. Similarly, the participants rely on the advisers to keep them abreast of issues in student press law. The participants are generally unaware of student press law, except for a basic understanding that censorship is illegal. P5, P6, and P9 are the only administrators who have heard of the *Hosty* case, but even they admit their dependence on student press advisers to inform them about issues related to student press law.

> ***P9:*** *I don't know the law about student press. I think it's important for the one who actually is involved…to (know the law). It would be very good if it were made available to them. … But we've not done that.*
>
> ***P5:*** *I guess we just cross our fingers. … I don't know enough about the law to know how we, as administrators, would come out…when you've got an editorially independent newspaper that runs something that may be defaming to*

someone… I just don't know enough about it to know whether it becomes my ultimately responsibility in that case.

P7: *I also count on the director of student publications…to have more of a sense of (the law) in terms of attending professional conferences and staying up on the issues. That's why we have him and (why) he goes off to these professional meetings. He brings back new case law to us. There are just too many things on my plate to really hone in so much (on student press law).*

Depending on advisers to alert them of potential controversy in student press. The participants also rely on the student press advisers to alert them of possible controversy that may enter the pages of the student newspaper. This trusting communicative relationship is vital to the administrators as they balance campus press rights with the broader interests of their institutions.

Mostly, the participants want to know about potentially inflammatory content so they can prepare their superiors or other involved parties.

P4: *Nobody likes to be surprised about anything, and the higher up the chain here, no one really likes to be surprised. For example, if the headline in tomorrow's (student newspaper) was going to be, "President (name) Cheats on Wife," I want to know about that headline... If someone were to say, "You don't necessarily need to know that," I'd say, "Yes I do." … Again, I'm not limiting. I'm not censoring. But there is just a way of doing things. And we try to be proactive and communicative.*

P5: *I'll be sitting in (the adviser's) office with him when we're having our meetings, and I can see the dry-erase board (where the students write story ideas for future issues), and I'll say, "OK, I see this up here. Tell me about what this is so I can be prepared." … So, that's sometimes a good portion of the hour that we meet every couple weeks is my glancing at the board saying, "OK, let me know what's going on with this so I can be fairly warned."*

Depending on advisers to communicate high expectations to student press. Finally, the participants expect the advisers to ensure a high-quality student publication that is representative in its coverage. According to the participants, a student publication that accurately and fairly reports on issues affecting the campus community at large likely will meet the least resistance from campus stakeholders, even when it is controversial. Again, when that expectation is not met, the participants feel frustration.

P2: *Our newspaper right now is kind of a take-it-or-leave-it. There are people who think it's time for (the senior adviser) to move on. (He's) 80 years old… We have really good students who work with the thing, but I don't think they're getting the breadth of (experience). … It could take a shot in the arm.*

P8: *(The adviser) knows that I would want him to be more active in pushing them to do other things: Make it more of a campus newspaper covering all stakeholders and all populations.*

Relying on Communicative Relationship With Students

Establishing a positive working relationship with the members of the campus press is seemingly as important to the participants as the relationship they have with the advisers. The participants, no matter what size campus they serve, clearly desire to get to know the students personally. And they want the relationship to be about more than just meeting when a controversial story is happening.

> ***P3:*** *One of my rationales for doing student affairs work is to build relationships…and I think if you maintain good relationships with students and the adviser, I think you can work things out and avoid problems before they happen. I don't think it serves anybody well to get into an adversarial relationship.*
>
> ***P7:*** *It worked out (that) this year's current editor of the (newspaper) is a former student of mine in my freshman seminar… So, from the very beginning there was a very nice working relationship with each other (and that is helpful).*
>
> ***P8:*** *(An editor for the campus newspaper) also worked at a pub really close to where I live… We don't go there that often, but if I was in there…with my wife, I usually pick on her about something in the (campus newspaper). ... But that's the kind of (casual) relationship I like to have with (the student journalists).*

The opportunity to get to know the student editors and build a working relationship with them allows the participants to feel that they, like the advisers,

can have some educational influence on the student press. The participants understand that part of the balancing act at focus in this research is to participate in educating the student press, particularly in the areas of ethics and responsibility.

> ***P2:*** *(When students are writing about an academic misconduct case) I make sure they are abreast of (legal and ethical issues) because, a lot of times, I don't think advisers even think of those things. … As a journalist, you have to think, "What's driving me? Yeah, I could make this article sensational. By printing that name, the person will be all over the paper… But will it endanger someone?"*
>
> ***P4:*** *Of course there is a fair amount of training involved with those students to put on the publication. If it ever gets skewed, then it is just a matter of working harder and closer with the students, to be very honest with you. (It's a challenge) balancing the whole freedom of expression and censorship (issues).*

Furthermore, the participants understand that being accessible to the student journalists likely will improve the relationship and lead to fewer problems within the campus press. The participants recognize, therefore, the benefit of being as transparent as possible.

> ***P8:*** *If you keep the lines of communication open, most of the stuff that is going to be controversial, you're going to know about it before it (it is published because) they're going to come check things out with you. And you have an opportunity to (educate and provide suggestions) that might soften the blow.*

P9: *Do you know why negatives are printed? They are the source of rumor. It is the absence of communication (and information). So when you stop the flow of information that (the students) are anticipating, they make up one. … So if the president…does not share information, (the press) will force it to be said in the open by (reporting rumor). (By reporting rumor) they are creating avenues to access (the) information (that) nobody's giving them.*

P5: *(The editor and I) have a great relationship. I think…he feels like he can come to us (because)…we'll be up front and honest with him. So I think my relationship with the editor is good. (The current editor) started out as a reporter…and had reason to come over here, and we just built that relationship because he was continually doing stories. And it's just fortunately carried over to his position as editor.*

Establishing relationships with the student journalists also allows the participants an opportunity to understand more clearly the perspectives of the students without having to communicate through a liaison, such as the adviser or other employees.

P8: *I'm not going to just flat out tell them they cannot do this or that. But I'm probably going to ask them to explain to me why they think they should do that, or where they were coming from when they did that. And what they think the impact is on their readers or their audience. … And then you just have to assume*

that when you walk away, they're going to take some of that with them. And it usually works.

P7 recalls an anonymous article that was printed in the campus newspaper that "stretched the line (of) appropriateness." P7 said he thought the anonymous article was a "cowardly way of doing something." Again, he was able to address the issue with the students directly because of his positive relationship with the campus newspaper staff, particularly the editor.

P7: *I said to (the editor), "I'm wondering was there any part of you that even wondered about this yourself?" And he said, "Yeah, there was." And I said, "Can you then help me understand why you let it through?" … And he said, "Well, (we ran it because we knew it would get reaction). But I'm probably going to go back and have a conversation with (the anonymous student writer) and say (maybe next time we should be more responsible)."*

P7 says the students and the administration should pursue a mutual understanding of each other's perspectives.

P7: *Hopefully, (the student press members) are curious to know what I think, and I'm curious to know what they think about issues. We don't have to agree, but we should be curious about each other's thoughts and opinions.*

Along with being able to understand the students' perspectives, a positive working relationship with the campus press affords the participants the chance to share with the students firsthand the administrative perspective on sensitive

issues. The opportunity to share their side of the story with the students – especially when it can be communicated outside the pages of the campus newspaper – is helpful to the participants because it often leads to the avoidance of negative publicity.

> ***P9:*** *A good (administrator) does not silence contrary opinions. However, it can be managed so that what comes out is…positive. I would invite (a criticizing student) to tell him what the facts are the way I see it. It is up to him to accept the facts I give if they make sense to him. If they don't make sense to him, I'd like to know what aspects of what I've just said does not make sense, so that we can reach an understanding before we go to wash our dirty linens in the public.*

P1 recounts how the campus press at his university distanced itself from the institution several years ago by becoming financially independent through advertising dollars. The publication still has ties to the journalism curriculum, but P1, who has administrative oversight of the newspaper, expresses exasperation over how little influence he has with the students who ultimately fall under his jurisdiction.

It's apparent that he believes his relationship with the campus newspaper is unhealthy, and the students likely would be unsympathetic to the administration's perspectives. His comments highlight the importance the participants place on building a strong rapport with the members of the student press.

***P1**: It can be very frustrating when you can't walk up to a student and say, "Let's don't print that. That's wrong." … It could be a very sensitive matter that we don't need to get out into the public, and they want to get it out there. … I would have no recourse unless I had an editor who was willing to work with me.*

P1 says the ideal situation would be for the newspaper to go back to being a student activities project with a funding line from student fees.

***P1:** (That would allow) a little bit better interaction between my office and the editor…so that I could have more of a positive…influence with what they're trying to do. The (current) structure implies that there's a lack of distrust on the students' side.*

Relying on Communicative Relationship With Superiors

In order to effectively balance the freedoms of the campus press and the broader interests of their institutions, the participants depend on their superiors to stand behind their decisions and respect the First Amendment rights of the campus press.

Each of the participants expressed thankfulness for the support they receive from their superiors. The participants recognize that their role could be much more challenging if the senior administrators to whom they report, including presidents and other governing officials, push them to control the campus press for unjustified reasons.

P4: *I've never had (a) boss…call and say, "You need to do something about (the student newspaper)." … I've never had that…which is a good thing. … (That would make) my job…more difficult than it already is. I think upper administrators know that.*

P6 says the president for whom he works currently takes a hands-off approach to the student newspaper. However, he remembers a previous president expressing concern to him about the campus newspaper. That situation made P6 uncomfortable.

P6: *(A former president said) to me one day, "The paper is really anti-administration." I said, "Well, I guess from your vantage point, Mr. President, I can see (what you mean). But remember who these people are; these are young kids; they're out there learning… He said, "I'm not telling you to do anything." I was like, "Shwooo!" (Pretends to wipe sweat from forehead).*

P1 says his president has asked him to minimize excessive criticism of the central administration within the campus press. Although he was uncomfortable with that request, P1 attempted to accomplish the task by simply getting to know the students and build a positive relationship with them – a thematic activity already explored in this chapter.

P1: *I used some old-fashioned, just getting to know them approach, instead of a pure administrative approach. … I just would go downstairs and talk with them,*

make myself available to them to gain their respect and trust. And that was all I could do.

It's clear the participants are thankful when their administrative supervisors exemplify an easy-going leadership style when it comes to the campus press. In other words, the participants depend on their superiors – and often advise their superiors – not to take criticism in the campus press too personally.

P8 gives the example of when the president of his university decides not to cancel classes despite a snowstorm warning. The student newspaper often will criticize that decision – even if the snowstorm never hits.

P8: *The president sometimes will get upset, and I say, "If you didn't read the damn (newspaper), you wouldn't worry about it. Just quit reading it!" … Just get over it! Yeah, you're going to get some criticism…*

Relying on Communicative Relationship With Other Campus Groups

In addition to depending on communicative relationships with advisers, students, and superiors, the participants also look to legal counsel and the student publications advisory boards on their campuses for assistance in balancing student press freedom and the broader interests of their institutions.

Legal counsel. P8 discusses a time he felt obligated to meet with an editor of the student newspaper to express his displeasure about an ongoing column the student was writing that had been offending women on campus. P8's comments

reflect his need for legal advice, as well as the advantage he believes he had because of his relationship with the student – a thematic strategy discussed in the previous section.

> ***P8:*** *Before I approached (the student), I talked to (a school-affiliated legal counselor) and told her what was going on. … I told her what I was thinking of doing, and she was probably a little bit more cautious than I was about approaching this kid, but I knew this student and he knew me… So, she said, "Just don't start telling him what to do." And that's fine.*

Similarly, P5 recounts a legal issue involving the campus newspaper's Web site, which a national service provider maintains. Part of the service provider's contract with the student newspaper includes the right to display outside advertisements on the publication's site. P5 says the student newspaper Web site started featuring credit card advertisements, even though a university policy prohibited credit card solicitation on campus.

> ***P5:*** *So we pull out the contract to say, "OK, can we ask them to take it off?" And it appears, according to the contract, that we could, but we can't make them do it. … Our former (dean's) dissertation dealt with the First Amendment. So I've got a resource. He's over in legal counsel's office now as an assistant attorney, and I'll just call him and say, "Here's the issue; walk me through this."*

Student publication boards. The participants also rely on student publication boards that provide oversight and often hire the editors of the campus press.

These boards vary in composition, but most of them include faculty, administrators, students, and a local professional journalist.

As noted in Appendix B, some of the participants, like P1 and P2, are part of the board, while others, like P4 and P6 remain distant. The differences in types of institutions did not determine whether the administrators were part of the board. P3 and P8 represent institutions that do not have a student publications board.

Some of the participants indicate they depend on the publications boards to provide guidelines by which the student journalists work. And when the students fail to work within those boundaries, the participants expect the board to address the issue.

P6 recalls a suggestive advertisement that the students decided to pull from the newspaper after they determined it conflicted with the student publication board guidelines. He says the guidelines are important because they set a "*buffer between the administration and the paper. … The guidelines are something that can be pointed to when there is an issue, even though they are subject to some interpretation.* "

Furthermore, the participants expect the student publications boards to hire competent editors who will perform their duties effectively – and reasonably.

P1: *There is some level of safeguard, I hope, with the communications board, but you never know. … We interview, for example, the editor of the (student newspaper). That's the only one we will hire. … He hires his entire staff. So he is answerable to (the board) in terms of his behavior.*

Summary of Second Major Thematic Activity

The participants understand that they must keep the lines of communication open with student press stakeholders – including advisers, legal counsel, student publication board members, administrative superiors, and the student journalists themselves – in order to effectively perform the balancing act being explored in this study.

By establishing positive communicative relationships with these stakeholders, some unwanted controversy can be avoided. However, when controversy does find its way into the student press, the participants must be able to mange it. Knowing how to manage controversy is the third major thematic actvity that describes how the participants balance the First Amendment rights of the campus press and the broader interests of their institutions. It is explored in the following section.

Knowing How to Manage Controversy

The participants understand that part of balancing the free campus press and the broader concerns of their institutions is knowing how to manage controversy that inevitably will arise in the student fourth estate. As already

described in this chapter, the participants vocally defend the value of a free student press and believe some controversy can lead to an improved campus environment. Again, the participants even advise their administrative colleagues not to take criticism and controversy personally, as reiterated in P8's comments:

> ***P8:*** *Usually at the senior level, if there's an article of criticism, they get nervous. If the business V.P. hears that there is an article criticizing (the bookstore), he gets really defensive... It's kind of like he feels they've attacked him. Well, my answer is, "Go meet with some of these writers. Listen to what they're finding. See if we can do anything about it. It's an avenue for change." And on this campus, if it gets so riled up that it's in the (the student newspaper), yeah, you best go look at it. There's an issues there.*

Nonetheless, the participants believe the campus is better off when some controversy is avoided. Controversial content that the participants find unacceptable is described later in this chapter.

Building positive working relationships with the members of the student press and its advisers, as described earlier, certainly is an important way the participants avoid unwanted controversy. This point is illustrated in P2's comment: *"So we always meet (the student editors at the beginning of the school year) and talk to them… So we kind of sidestep some of that (antagonism and controversy) just by our dynamic."*

However, when controversy finds its way into the campus press, the participants must know how to manage it. The participants do so in a number of ways that are described in the following pages.

Deflecting Complaints by Explaining Legal Rights

The participants frequently are the administrators to whom individuals go when they are outraged about content in the campus press. These situations allow the participants to enlighten the concerned individuals about the First Amendment rights of the student press. As already discussed, the participants don't know much about student press law, but their limited knowledge supplemented with information they receive from advisers and other resources often is enough to deflect individuals who are upset with the campus press.

> ***P4:*** *We get calls from parents, legislators, sometimes who are unhappy with what's in the (student newspaper). But, you know, it's a student-run newspaper, so sometimes we're going to be unhappy maybe with what's there. … We fully support the editorially independent nature of the newspaper. We certainly support freedom of expression. We don't always agree with everything we read from the editorials, to the columns, to the articles. But you don't have to.*
>
> ***P6:*** *My response (to complaints), uniformly, is that it's a free press; it's a student publication for a student audience. If they have some concerns, I'd be happy to communicate those to the adviser and to the publications board who will review the complaint. But it's not, "Oh, listen, I'll take care of it."*

P3: *If people have complaints, they would normally come to me. So I, again, serve as an advocate and one who will listen to complaints and explain to people the concepts of freedom of speech.*

P3 also uses other pertinent student affairs law relative to the distribution of student fees to deflect complaints about the campus press.

P3: *Students may also come in and say their student activity fees shouldn't support a certain viewpoint, so it's an opportunity to educate them on how student activities fees support all types of student activity, and everyone has an equal right to the use of those fees if following normal university procedure.*

Using Laboratory Mission to Explain Mistakes

Another method the participants use for defusing controversy is simply to explain the learning laboratory mission of the campus press to concerned individuals. For example, if campus constituents become enraged over insensitive comments or inaccuracies in the student newspaper, the participants chalk up the mistakes to the students' inexperience and ignorance – and they reassure the angry individuals that the situation will be an educational experience for the student journalists.

P2: *Nontraditional students will react to stuff. We've had married students…respond and jump on a kid…for being immature in their writing and this kind of stuff. And I'll say, "They're a kid. They're a student; they're 18, 19 years old." That's how I always start. I say, "They're not writing for the* Wall

Street Journal *or* The New York Times. *They haven't arrived yet, so you've got to take it in that context first."*

P4: *It is a really a laboratory for involvement. So if a word is misspelled, if a sentence does not make sense, or if it is a picture of the wrong person – we've done that before – then give them a break because they are new and learning. And we are all human and we all make mistakes.*

Responding Publicly to Controversy

When controversy in the campus press involves the participants or their offices, they sometimes are compelled to respond publicly to the issue. This is especially important to the participants when they believe the student press has reported inaccurate information or unbalanced coverage of an issue that may be harmful to the university or the participants' specific offices.

P2: *The thing that bothers me the most is if I pick up the paper and see an editorial about me or about something we do, and no one has ever come in and asked the questions. That to me is the worst thing. So then I have to respond to them. I can do it in the paper or not. I've learned to not do it in the paper. But, you know, I need to respond to them.*

In fact, P2 believes it may be necessary to ask a student reporter to write an article that presents the administration's side of an issue if the campus press's coverage previously has been unbalanced.

P2: *If there was a big issue (of controversy in the campus press) – say like something with the residence halls. I'll respond publicly with an article… I'll call (a student reporter) and say, "OK, you do the article. You publicize. Here, you write the rest of it. Let's do a balance thing. Let's write it up." … But yeah, I try to engage them.*

Not only do the participants feel obligated to respond publicly in order to manage controversy in the campus press, they also suggest that angered campus constituents should do the same.

P7: *If they feel that strongly about it, I say they should let their opinions be known to the editor of the newspaper. Or I say, "Write (an editorial) back." Counter it. Sometimes students will say, "Do you have any jurisdiction over this?" And I'll just be clear that we don't.*

P2: *I say (to students who are angry at the campus press): "If it's something that aggravates you, if their facts are wrong, then tell them what's wrong about it. Don't just tell them they're wrong and leave it because then that's offensive to both of you. Tell them why it's wrong – or in your opinion it's wrong." That's when the learning takes place.*

Minimizing Coverage of Controversy

Volatile situations that the student press does not instigate routinely arise on the participants' campuses, including when the president on P9's campus became involved in public controversy. When those issues surface, the

participants manage controversy in another way: They attempt to minimize the extent of coverage the campus press gives the issue by knowing how to talk to the student reporters who are investigating.

Of course, the participants also use these tactics when dealing with the professional press. P9 carries in his wallet a reference card he received in a training session for administrators in Washington, D.C., titled "10 Media Tips." He shares the tips:

> ***P9:*** *"Be prepared. Know your story. Remember your audience. Be assertive. Use flags and bridges. Turn negatives into positives. When you don't know, say so. Avoid professional buzzwords. Focus on your objective. Beware of interviewing traps." Those are the things that smart (administrators understand). … What you say to the press is very important.*

Being Honest and Lending a Sympathetic Ear

Perhaps most importantly, the participants believe simply listening to campus stakeholders who are upset about content in the student press is an effective way of managing controversy.

By being open and honest with the concerned individuals, and providing a sympathetic ear to their complaints, the participants contend that a lot of controversy can be defused. P4 recalls a controversial issue of the student newspaper that portrayed a prominent campus athletic figure in a religious context.

P4: *Quite honestly, it was the most innocent thing. … The students were taking off on the fact that many people (say sports are like) a religion around here. … It did rub some folks the wrong way. So, you just be honest with people and…explain what happened and…why it happened. I've learned in 20 some odd years that honesty and empathy and sympathy…work really well. And typically I might agree with (those who complain). (But) again, this is an experience for (the students), and they get to do it.*

P8 also recounted a time when members of the campus community complained to him about the campus newspaper. The students were regularly publishing a photograph of a squirrel in a sexually suggestive position. While P8 sympathized with those who had concerns, he says listening to their complaints was all he was prepared to do.

P8: *This (photo) would (reappear) in the God-awfulest places in the newspaper. The same picture…tied in with different articles. … Just because we changed editors, the squirrel would reappear. … I usually listen (to people who complain about the photos). (But) I'm probably not going to talk to the (students) about it.*

The participants understand that part of their role involves being held responsible for activity on campus that is often out of their control – and that includes the student press.

At the end of the day, the participants believe the best they can do is simply understand the circumstances surrounding student press controversy so

they can properly explain the situation to those who are concerned. As noted previously in this chapter, the participants gain that understanding from keeping the lines of communication open with campus press constituents.

> ***P7:*** *When something goes down, you're the one who gets called or (who) has to respond. You have virtually no control over what goes on (in several areas as a student services administrator). … Even issues of safety (are often out of my control). … You just learn to accept the fact that you're going to have to take some responsibility, and at times you're going to be on the carpet for it, and explain it the best you can.*

Summary of Third Major Thematic Activity

The participants believe that knowing how to manage controversy in the student press is critical as they perform the balancing act at focus in this study. They manage controversy in a number of ways, including explaining to concerned individuals the First Amendment rights of student journalists, and simply lending a sympathetic ear in an effort to calm those who are angry with campus press coverage.

Some controversy, on the other hand, must be avoided entirely, according to the participants. As a result, they have resolved that some circumstances necessitate their intervention into the student press decision-making process. This fourth major thematic activity that describes how the participants balance

the free student press and the broader interests of their campuses is discussed in the following section.

Resolving That They May Have to Intervene

When the participants manage controversy in the campus press, as described in the previous section, they concede that some controversy is tolerable, even beneficial, and they manage the effects as best they can.

However, some controversial content is absolutely unacceptable in the eyes of the participants. As a result, another way the participants balance the free student press and the broader concerns of their campuses is by resolving that some situations necessitate their intervention into the student press's decision-making process.

The participants clearly believe there are boundaries to the freedoms the student press enjoys.

> ***P1:*** *As an administrator, I have to hedge everything on the side of caution and error so that I can have some cushion to help…correct. If I just give them the leash, and then I try to pull it back, it's too far gone, and it may be too far beyond the ability of our office to do anything. We give them plenty of room, but there's a…chance that I'm going to get my hand into it at some point.*
>
> ***P2:*** *There are times today that I think we have taken (freedom of speech) too far. … And so I tell (the students), "It's not as free as you think… It's more responsible speech than it is free speech." … The bottom line on writing to me*

is…being a responsible journalist. You can go out and do that yellow journalism stuff and sensationalism and all that. … In order to be the best (news reporter), then (the students have) to learn what responsibility is and what is real freedom of speech.

P4: *You know, students will say anything. … We don't believe in any form of censorship. But I think we all have to make decisions as to what works for us best… "How do I treat other people? How do I want to be treated by them?"*

The participants understandably believe illegal speech – such as libel or obscenity – should be avoided at all costs. P9's declares, "Anyone who sees (the student press getting involved in something illegal) and keeps mute, I think (that person) is helping the university and the student publication or newspaper commit suicide, without saying anything."

In addition to illegal speech, the participants identify three main categories of content that they believe must be avoided within the pages of the campus press: (1) content that is damaging to individuals, (2) content that is offensive to campus community, and (3) content that is threatening to the security of the campus. From the perspective of the participants, their censoring of this type of content likely would be justified.

Damaging to Individuals

The participants are especially sensitive about news or editorial content that might cause emotional or reputable harm to individuals, including

university leaders and victims of crimes. While they don't admit to blatantly disallowing the students to print this type of sensitive information, the participants readily concede that they involve themselves in the decision-making process when this type of content is being considered.

> ***P4:*** *If in an editorial or a column a student was going to speak negatively or ill about a university administrator by name, or a student by name, then I think (I must say), "Do you really want to do this?" … (Another situation that would necessitate my intervention) would be if a student were hurt or assaulted, physically, emotionally, sexually, or whatever it is. I think you have to be sensitive to that.*
>
> ***P2:*** *If you have a date rape or something like that…I tell (the student reporters), "You may have the (police) report with the names. … You have the names of our students before you. Do you want to print that and put that in there?"*
>
> ***P3:*** *We get into some difficult situations surrounding student deaths (and suicides). …When there is a public record, sometimes I…will not provide that public record myself because I don't have to. So if they want to go to the work of finding the cause of death documentation, which is public record, they can. But then I would try to have within the conversation, "OK, what's the importance of printing some of the information? … Think about the impact on the family."*

Offensive to Campus Community

The participants believe it is their duty to step into the campus press's decision-making process when content is perceived to be offensive to the campus community. This type of material generally is of a sexual nature, as P8 describes in his recounting of a time when he asked a student newspaper editor to stop an ongoing column that was offensive to women.

> ***P8:*** *It may not have been anymore than just using the word "slut," but…I felt it had gone too far, so (the adviser) and I sat down with him. … We argued why this was improper, and he kept giving me the First Amendment stuff. Finally I said, "OK, you go home and discuss this with your mother. If she says it's fine, you won't hear another word (from me)." And after that, I saw no more of this kid. … If this was a* Penthouse *article, that's one thing. But this is the school newspaper and you have to look at your whole population, who's reading this.*

P1 says he puts a "big box" around the campus newspaper. The boundaries of the box exclude illegal speech or content that is in bad "taste." As long as they're within the parameters of the big box, P1 doesn't worry too much about the campus press.

> ***P1:*** *Any time you have one group that believes they can do what they want to do and say what they want to say versus the natural built-in control perspective of an administrator, there's going to be some conflict. Matters (of) taste and public opinion…we have to sometimes define (those) things. And remember, they still*

have to sell papers. So (they can't be) so far outside the lines that people (will refuse to read them).

Threatening to the Well-Being of the Campus

Protecting the security and vitality of their campuses is an important role the participants believe the play. As a result, they contend that student press content that jeopardizes the security of the campus or causes damage to the university's reputation merits their interfering in the students' decision-making process. In fact, the campus press, according to P4, should reflect the university's mission.

> ***P4:*** *If (the student newspaper's) mission…didn't reflect the university's, then one might question (its) existence. For example, (P4 refers to fictional headline about university president cheating on wife.) That is a tabloid kind of a thing. It does not fit…with what we are all about. (P4 reads headline from current issue of student newspaper that highlights the university's traditions.) Now this is exactly what we are all about.*

Although P9 supports the free expression of ideas, he believes university faculty, staff, and administration must be wary of editorial comment that might be destructive to the university. He argues that if negativism is allowed to "run amuck," a university's administration may "have no ship to…steer" and they may "sink with it."

P9: *I don't think the administrator cannot say, "Don't do that." … You don't want to encourage the contrary opinions that would damage the whole institution to the point that there is no place anymore for that student to practice that expression of ideas. … In that case, you have to come in and say, "No, I don't think you should do this. In fact, you should not do this."*

P9 compares the campus community to a family, where the students fill the role of children and the faculty and staff act as parents.

P9: *I allow my kids some autonomy in some areas, as they progress in the areas. They get more responsible because now they understand how to use the freedom and the liberty that you're giving them. But if you give someone liberty and freedom when they are not mature to handle it, it's like giving a mad person a fire. He doesn't know what to do with it. And he can set the whole city ablaze. Therefore, you…give (freedom incrementally) until they understand the nature of fire. It can create pain.*

The participants are especially concerned about the harm that may be caused to the university as a result of the student press's poor journalism practices. This fear certainly relates to the participants' reliance on the advisers to adequately train the students in professional journalism practices, an issue addressed previously in this chapter. The reporting of inaccurate information is of particular concern to the participants.

P3: *If the student newspaper is reporting something that is true that is hurting the image of the institution, that's OK. But if they're engaging in poor journalism and using anonymous sources, or neglecting to print facts that were provided to them and putting an intentional inaccurate spin on something that hurts the institution…or (creates) unwarranted fears…then I might (get involved).*

P3 recounts a situation in which he was involved as an administrator at another institution where the student newspaper editor's girlfriend was sexually assaulted. He remembers the editor allowing the woman to write anonymous front-page articles about her experience. He claims the accusations the woman made about how the university handled the assault were inaccurate and caused unnecessary alarm on campus.

P3: *So I had a conversation with the editor about…what it was doing to the climate of the university, where women were starting to feel unsafe because the institution didn't care about the issues of sexual assault, where what was really being printed was inaccurate. … This young women told the university that she was sexual assaulted in a fraternity house, but wouldn't tell us what fraternity house and by whom. … (But) the allegations and the headline were, "University ignores sexual assault in fraternity house."*

None of the participants, except P6, address the three categories of unacceptable speech – content that may cause damage to individuals, offend the campus community, or threaten campus security – within the context of student

publications advisory board guidelines. In other words, the participants speak about circumstances that merit their intervention in terms of their personal convictions, not the established policies of a student publications board.

However, P6 refuses to reference personal feelings about when his intervention is necessary. Instead, he yields to the established policies of his university's student publication advisory board: *"I think we would come down pretty hard if we were faced with something being published that was…against the guidelines. That's kind of a no-no."*

Summary of Fourth Major Thematic Action

For the participants, part of the balancing act at focus in this study includes a resolve that they may have to intervene in the student press decision-making process. Content that may damage the reputation of an individual, offend the general university community, or threaten the well-being of the campus are examples of when the participants believe their intervention is justified.

Summary

After conducting in-depth interviews with nine public college administrators from various types of institutions as described in the methodology chapter, the researcher uncovered four thematic actions that the participants engage in as they balance the First Amendment freedoms of the student press and the broader interests of their campuses.

This chapter has described the following actions: (1) supporting a free campus press, (2) keeping the lines of communication open, (3) knowing how to manage controversy, and (4) resolving that they may have to intervene.

In the following chapter, the researcher will present conclusions that he has drawn from the research, including recommendations for student press stakeholders and ideas for future research.

Chapter VI

CONCLUSION

Public higher education officials are faced regularly with dilemmas that pit the constitutionally protected campus press against what some administrators see as the greater good of the college or university at large. The purpose of this qualitative study is to describe how public college administrators balance the First Amendment rights of the student press and the broader interests of their campuses.

The researcher conducted in-depth interviews with nine administrators following a sampling strategy that maximized variation among the participants. Theoretical saturation was reached at about the seventh interview. The researcher traveled nearly 3,000 miles and invested more than 200 hours in collecting and analyzing data.

The researcher experienced some difficulty in gaining access to the participants. In fact, some institutions that the researcher initially approached were later replaced with other institutions because the administrators simply were inaccessible. In most instances, administrators who held doctorates were more cooperative than those who did not hold a terminal degree. Perhaps these officials felt some sympathy for this doctoral candidate.

Despite the various types of institutions the administrators represent, the researcher discovered great similarity among the participants regarding how

they perform the balancing act at focus in this study. Four thematic actions were identified that describe how the participants balance the free campus press and the broader interests of their institutions: (1) supporting a free campus press, (2) keeping the lines of communication open, (3) knowing how to manage controversy, and (4) resolving that they may have to intervene. These thematic actions constitute a theoretical framework that helps explain the phenomenon being investigated in this study.

In this concluding chapter, the researcher will (1) offer commentary on the four thematic actions that emerged from the data, (2) present recommendations to student press stakeholders in light of this study's findings, (3) highlight limitations of the research, and (4) suggest ideas for future research.

Commentary

Supporting a Free Campus Press

The fact that the participants recognize and support three educational values in a free campus press – information source, outlet for student expression, and learning laboratory – was anticipated, as it is consistent with post-*Tinker* literature (Jasinski, 1994; Files, 1987; Gibbs, 1971). However, the extent to which the participants support the value of a free campus press is surprising. Perhaps more surprising is the fact that little variance exists among the participants relative to their support of a free campus press.

One might expect the participants from the smaller baccalaureate or master's institutions, or those institutions that don't boast a journalism program, to favor more official control of the campus press. After all, John and Tidwell (1996) argue, "Inadequate journalism education and campus newspaper censorship frequently go hand in hand" (p. 22).

That is not the case. If anything, P1 and P2, two of the three administrators representing institutions that sponsor a student newspaper tied to journalism curriculum, appear less willing to vocalize absolute support of a campus press free of administrative influence. Their support certainly is existent; however, compared to other participants, it is not as passionate, and they are much quicker to point out that official control of the campus press is sometimes beneficial to all stakeholders. While mild, these sentiments can be seen in the data presented in the findings chapter.

It appears that administrators believe more official control is justified when they are dealing with a student newspaper connected to curriculum – whether or not the publication relies on university funding. From the perspectives of the participants who represent these types of institutions – P1 and P2, particularly – a student newspaper tied to curriculum is a university-organized educational laboratory, where official influence is appropriate.

The student newspaper on P5's campus is divorced from curriculum. However, the assertion that administrators can justify official influence over a student newspaper connected to a course is highlighted in his comment:

> **P5:** *I come that close (makes small space between thumb and forefinger) every time (a student newspaper reporter interviews) me for a story to say, "Hey, can I look at it before you print it?" Now, when a student…tells me they're writing something for a class that they hope to (publish) in the student paper, I will tell them, "Hey, let me take a look at that," or, "I'd be glad to take a look at it when you've got it written to make sure it's accurate."*

For student journalists, this perspective should underscore the importance of constructing a statement that designates campus publications as public forums, and asking university administrators to sign the statement in agreement. As mentioned in chapter two, campus press advocates have encouraged students to pursue such administrative support for pubic forum statements in light of the *Hosty* decision, which calls into question the forum status of college newspapers.

The researcher contacted the newspaper adviser at each institution represented in this study and asked whether the student publications include such language in their policies. The researcher asked for a copy of those statements from the institutions that had them. As noted in Appendix B, only two (P3 and P5) of the student newspapers represented in this study's sample boast such specific language in their policies.

The researcher found it interesting that, of all the participants, P1, an administrator from a large research institution offering a journalism degree, indicates the most concern about the lack of influence he has with the student journalists who fall under his jurisdiction. It's likely that his desiring more influence stems from a libel lawsuit with which the student newspaper on his campus was involved last year. The university, which has an insurance policy for such situations, eventually settled with the plaintiff for about $1,000. Indeed, prior experiences that an administrator has had with the campus press – positive or negative – apparently influence his or her perspective on student journalists and their freedoms.

P9 is another example. His institution lost a First Amendment lawsuit involving a student publication some years ago. P9's support of a free campus press is present, but it seems less sincere than other participants' support. Although P9 was not involved in the lawsuit, it's as if his support of a free press is a burden the courts strapped to him and the university he represents.

Nonetheless, the participants' defense of a free student press overall is remarkable. Although the researcher did not expect to find such broad support among the participants, perhaps the finding should not be so surprising. As already mentioned in this thesis, some authors argue that college administrators are not the censoring brutes they often are portrayed as in some alarmist

literature (Jasinski, 1994; Ingelhart, 1993; Files, 1987). This qualitative investigation seems to support those claims.

These findings should, indeed, encourage campus press advocates. If higher education is to train students adequately for citizenship in a democracy, it must uphold the principles that help define a democracy – even if those principles permit a controversial campus press. By implementing prior restraint on the campus press, colleges teach students that censorship is acceptable; by demanding prior review of the campus press, colleges and universities teach students to self-censor. Neither teaching is beneficial to a democratic society of citizens who depend on free-flowing information and ideas to make educated decisions regarding their government and personal lives. The findings in this study suggest that administrators believe similarly.

Keeping the Lines of Communication Open

The participants in this study are wise to rely on a number of groups and individuals to help them balance the First Amendment rights of the campus press and the broader interests of their institutions.

Relying on relationship with advisers. Their dependence on student publications advisers to mentor and teach the students professional journalism standards is appropriate and consistent with Jasinski's (1994) conclusion that the campus newspaper is only as strong as the adviser who works with the students. This study's findings underscore the point that advisers are in incredibly

important positions as educators. After all, likely no on-campus experience – including classroom instruction – is more valuable to a journalism student than service on a campus publication staff.

Like all of the participants in this study, the researcher believes the campus press advisers should involve themselves in the daily activities of the student staff, offering advice and guidance on all aspects of the production process. While advisers should not implement prior review practices, this researcher thinks the ideal scenario is reflected in P5's description of how the student press adviser works on his campus: The adviser engages in specific teaching post-publication. After an issue of the newspaper has been published, concerns such as inaccuracies, grammatical errors, and ethical considerations are addressed and remedied. This seems to be the best way for advisers to teach practical lessons while allowing the students editorial control of their publications.

As an aside, the student members of the campus press must be careful not to use their constitutional rights to defend unprofessional and irresponsible publications. Student journalists will find their freedoms will come much more easily – and the courts will be more sympathetic to them – if they act professionally and responsibly. Gibbs (1971) contends the student press's freedom is dependent on it ability to present news and opinion responsibly, accurately, fairly, and completely.

Indeed, this study seems to indicate that administrators are much more willing to defend a student press's freedom if the student journalists are meticulous in their gathering of facts, fair in their coverage, accurate in their reporting, and gracious in their retractions.

While it is appropriate for college administrators to rely on the student press advisers to teach the student journalists, higher education officials should learn student press law and not depend completely on the advisers for this information. Only three of the participants had even heard of the landmark *Hosty* ruling – the most recent decision involving the college press. The fact that *Hosty* only applies to the seventh circuit may explain why most of the participants, who serve are institutions in the Southeast, hadn't heard of the ruling. Nonetheless, all of the participants admitted that they knew almost nothing about student press law.

When administrators who are responsible for the campus press do not know the law, they are in danger of unlawfully infringing on students' constitutional rights, as well as being blindsided by lawsuits brought against the campus newspaper that also involve them.

P5's comment summarizes the danger that exists when administrators don't know the law:

> ***P5:*** *I don't know enough about the law to know how we, as administrators, would come out…when you've got an editorially independent newspaper that runs*

something that may be defaming to someone… I just don't know enough about it to know whether it becomes my ultimately responsibility in that case.

It's not surprising that the participants in this study are generally unaware of the legal boundaries that surround the campus press and define their role as overseers of the student press. In fact, it's consistent with the literature, which highlights the broad ignorance of administrators about student press law (Jasinski, 1994; Cook, 1989; Ingelhart, 1985).

Gibbs (1978) concludes that colleges should provide training to those who work with student journalists so they can be aware of potential legal problems. Based on this study's findings, this researcher believes training should not be limited to advisers and student publications boards. Administrators must also be aware of student press law.

Eight of the nine administrators in this study lead student affairs divisions and are responsible for understanding a number of laws related to student welfare. It is apparent, however, that they place much less importance on knowing student press law. That's unfortunate.

With a stronger knowledge of what the courts have decided concerning campus press freedom, administrators likely would avoid unnecessary confrontations with student journalists, not to mention lawsuits. Cook (1989, p. 1) concludes, "The wise administrator will understand the role of the student

press and encourage its function within the free press system." This exhortation implies knowledge of the free press system as it relates to student journalists.

Relying on relationships with students. Cook (1989) contends that learning the specifics of student press law likely would help improve the relationship administrators have with the campus press. That clearly is important to the participants in this study.

The participants' desire to get to know the student journalists reflects the findings of Jasinski (1994, p. 10): "(The administrators) almost pleaded for relationship cultivation between the newspaper and, not only their office, but those of other administrators as well."

The participants seem convinced they can avoid some controversy in the campus press by building positive relationships, establishing trust, and gaining respect with the students. After all, it's likely much easier for student journalists to be irresponsible and antagonistic toward authority figures when those individuals are unknown, mistrusted, and disrespected.

However, it would unfair to label the administrators' desire to get to the know students merely as an effort to avoid controversy. The participants perceive themselves, first and foremost, as educators. Therefore, every action they take as administrators is performed within the context of education.

As described in the findings chapter, the participants believe that by building relationships with the students, they have more opportunity to educate.

The teaching they desire to leave with the student journalists may partly serve their interests as administrators; however, it is evident that the participants sincerely believe that instruction also serves the students well. And that is admirable.

Relying on student publications boards. This researcher was surprised at how infrequently the participants referenced student publications boards during the in-depth interviews. As noted in Appendix B, all of the participants, except for P3 and P8, represent institutions that boast a student publications board.

It seems that student publications boards are perhaps the most important resource a college administrator has when attempting to balance the First Amendment rights of the student press and the broader interests of his campus. As discussed in chapter three, a number of authors have made similar claims (Jasinski, 1994; Cook, 1989; Click, 1980; Gibbs, 1978; Gibbs, 1971).

Advisory boards consisting of students, faculty, administrators, and professional journalists allow the administrators to delegate authority and remove themselves from having to make judgment calls every time a sensitive issue arises in the campus press. These boards can set specific policies relative to content that may be constitutionally protected but inappropriate for the campus newspaper. This may involve hate speech, advertisements promoting alcohol or sexually oriented business, and other material deemed tasteless.

The participants' lack of referencing student publications boards will be addressed more thoroughly later in this concluding chapter.

Knowing How to Manage Controversy

The participants seem to have developed a thick skin that deflects critical coverage in the campus newspaper – and they clearly hope their supervisors and colleagues also have that ability.

College officials must understand that students will use the campus press to regularly criticize administrators for any number of issues. That fact is simply part of an administrator's job. An official who takes that criticism too personally, or who overreacts to negativism, will surely experience miserable years in office. However, the participants in this study understand that not everyone is so easygoing. As a result, the participants believe that knowing how to manage controversy in the student press is part of the balancing act they perform.

One way the participants manage controversy is by explaining the student press's First Amendment rights to individuals who are upset about content in the campus newspaper. While student press advocates should be encouraged by this method, one wonders how well the participants can explain the freedoms of the student press, considering the participants readily admit they know little about student press law. Again, college administrators who have jurisdiction over the campus press should be compelled to learn what the courts have said concerning the First Amendment rights of the campus press.

Resolving That They May Have to Intervene

Despite their professed support of a free campus press, the participants believe that part of balancing the First Amendment rights of the campus press and the broader concerns of their institutions demands their involvement in the student press's decision-making process from time to time.

This study, however, does not indicate that the participants are attempting to gain control of the student press through the three means Holmes (1986) presents: (1) threatening to cut funding, (2) reorganizing student media governing boards and appointing administration-friendly members, and (3) hiring administration-friendly advisers without the creation of a search committee.

This study does indicate that the participants are opposed to three types of speech in the student newspapers: (1) content that is damaging to individuals, (2) content that is offensive to the campus community, and (3) content that is threatening to the well-being of the campus. The participants apparently are willing to interfere in the student press's decision-making process when this type of material is being considered.

These findings seem to contradict the participants' vocal support of campus press freedom described under the first thematic action. On the one hand they defend the student press's First Amendment rights; on the other hand they believe official intervention is justified in certain circumstances. Perhaps the

participants' ignorance of student press law explains this contradiction. The administrators may truly support freedom of the campus press but still unknowingly make illegal decisions to control student publications in the name of their institutions' greater good.

These aforementioned categories that the participants believe merit their intervention are not surprising. In fact, some student press content that fits these categories may be constitutionally unprotected. Understandably, college administrators may be concerned when the student press publishes illegal content that fit the aforementioned three categories.

In the first category, for example, an article that libels or invades someone's privacy surely could "damage" an individual. In this case, the damaging content would also be illegal. In the second category, for example, the Supreme Court has ruled that the Constitution does not protect obscene material (*Miller v. California*, 1973). As a result, obscenity in the campus newspaper may not only offend the campus community, it may also be considered illegal. In the third category, legal precedent since *Tinker* has granted school administrators the right to stifle speech that poses a threat to the campus community or substantially disrupts the educational process. As a result, content in the student press that fits these descriptions does not receive First Amendment protection.

Of course, campus press advocates argue that administrators should allow the students to make every decision independent of official control and stand

accountable for their decisions – good and bad, legal and illegal. In fact, as noted in chapter two, this argument may be the best way for public college officials to avoid liability for the illegal actions of the campus press. Again, no court to date has held an institution of higher education responsible for its student newspaper. But that doesn't mean plaintiffs won't try. That's why Gibbs (1978) suggests libel insurance for all colleges that support a student newspaper.

These legal arguments notwithstanding, the three categories of speech that the participants proffer as unacceptable are vague and subject to interpretation. Indeed, campus press advocates should be alarmed when college officials claim that content that "damages an individual" or "offends the campus community" justifies their intervention. The obvious question is, "Where do the administrators draw the line?"

Certainly, one may argue that libelous material merits prior restraint. And printing the name of a rape victim may also be inappropriate. But if a student newspaper uncovers illegal activity within an administrator's office, it has a responsibility to report that story even though it may "damage" the administrator and his or her staff.

Likewise, the participants' contention that "offensive" material justifies their intervention in the student press's decision-making process also is subject to interpretation. Clearly, what is offensive to one campus constituent is not offensive to another.

Therefore, it is surprising that few of the participants reference their student publications boards as they reflect on situations that necessitate their intervention in the student press's decision-making process. As addressed earlier in this chapter, student publications advisory boards seemingly are important resources for administrators because officials can delegate authority to the boards. These boards, made up of an array of campus constituents, can set guidelines for the student press that address specific concerns including profanity, taste, and ethics.

Nonetheless, P6 was the only participant to discuss unacceptable student press practices within the context of a student publications board: "I think we would come down pretty hard if we were faced with something being published that was obviously against the guidelines." This thinking is much more sensible than basing decisions on one's personal belief and value system – as many of the participants apparently do.

P6 seems to understand that relying solely on the standards of an advisory board disallows an administrator from making subjective and inconsistent decisions concerning censorship of the student press. Holding student journalists accountable to the agreed-upon standards set forth by the publications board lessens the pressure on administrators who oversee the student press and ensures the student journalists' independence as long as they work within those agreed-upon boundaries.

Recommendations

After reflecting on the findings presented in this study, the author makes the following recommendations to administrators, student press members, student publications advisers, and student publications advisory boards.

Recommendations to Administrators

- Learn student press law.
- Form a student publications board made up of students, faculty, administrators, and professionals; rely on that board to meet regularly and formulate specific policies concerning hiring and editorial practices.
- Be transparent and forthright with the student press.
- Encourage the student press to construct a statement designating it as a public forum and sign the statement in agreement.
- Ensure that the administration, the student journalists, their advisers, and the campus community agree on the role of the campus press.
- Understand that criticism and negativity in the student press are simply part of campus life – and that criticism often leads to positive change on campus.
- Purchase libel insurance.
- Articulate clear expectations to the student press advisers so they understand their specific roles relative to teaching and mentoring.

Recommendations to Members of the Student Press

- Don't be afraid to establish working relationships with administrators; they likely are supportive of campus press freedoms.
- Learn the professional standards of journalism and practice the craft conscientiously.
- Learn student press law, and educate your administration about student press law, so your rights and responsibilities as a student journalist are understood.
- Follow the guidelines of the student publications board, and question guidelines that don't support the legal rights to which you are entitled.
- Understand that freedom and responsibility are complementary; use common sense and don't demand protection for irresponsibility.
- Be prepared to stand accountable if you publish libelous or otherwise illegal content. A student publication free from institutional control also is likely independently liable for its actions.
- Be prepared to retract gracefully when you publish inaccurate information.
- Construct a statement designating your publication a public forum for student expression, and ask your institution's administration to sign the statement in support. (A sample public forum statement can be found in Appendix E.)

- Never be afraid to consult with legal experts when questionable content is being considered.

Recommendations to Student Press Advisers

- Know student press law and encourage your administrative supervisors to learn the law.
- Understand the expectations your administrative superiors have for your role relative to advising, mentoring, and teaching students.
- Know the professional standards of journalism and train your students in these practices.
- Refrain from implementing prior review practices; instead, meet with students post-publication to address mistakes and other considerations.
- Be prepared to explain the students' thought processes to supervisors and other campus constituents when controversial material is published in the campus press.
- Depend on the student publications board's guidelines that direct the hiring and editorial practices of the campus press; don't make decisions based on personal value systems or beliefs.

Recommendations for Student Publications Boards

- Include student, faculty, administration, and professional representatives.
- Know student press law.

- Understand how the publications board fits into the governance structure of the student press.
- Write specific guidelines for the campus press relating to issues of taste, ethical behavior, advertising policies, and editorial hiring practices.
- Institute procedures for dealing with members of the student press who fail to work within the established guidelines.

Limitations of the Study

Like most research that investigates the perspectives of individuals, the data in this study are dependent on the truthfulness of the participants. That being said, it is likely the researcher would have noted inconsistencies in the data that would have exposed a lack of forthrightness among the participants. That was not the case in this study.

One could argue that this study's inclusion of participants from only one geographic region – the Southeast – is a limitation. After all, a number of cultural factors, including political leanings and religious beliefs, could influence administrators to perform the balancing act at focus in this study differently in other regions of the country.

This study does not consider the administrative office that houses the student publications at each of the institutions represented in the sample. As a result, eight of the participants are student affairs officials, while only one participant leads an academic division. No compelling differences were noted in

the data between these two types of administrators; nonetheless, ignoring the administrative office in which each participant officiates may be a limitation.

Furthermore, this study does not account for previous experiences that the participants have had with the campus press. For example, the student newspapers at P1's and P3's institutions had been involved in lawsuits some years ago. These situations certainly influence how the administrators balance campus press freedom and the broader interests of their institutions, as noted in the findings and conclusion chapters. Therefore, not considering prior experiences may be a limitation.

A final limitation is that the researcher did not consider the successfulness of the student publications at each of the participants' institutions. An administrator who works with an award-winning and lauded student newspaper may perform the balancing act at focus in this study differently than an administrator who works with an unprofessional, amateurish publication. That dimension was not specifically explored in this study.

Future Research

The college administrator-student press relationship is a field of study rich with research possibilities. Future investigation could build on the qualitative study presented in this thesis. For example, researchers could conduct similar a qualitative analysis in another part of the United States using this study's grounded theory as a working hypothesis.

Moreover, a study that considers dimensions different from this investigation would prove fruitful. This study's sampling strategy considers three dimensions relative to the administrators: (1) type of institution, (2) whether the institution supports a journalism program, and (3) whether the student press is connected to curriculum. Future research could consider (1) the administrative office that houses the student press (student affairs, academic department, public relations office, etc.), (2) lawsuits with which that the student press has been involved, and (3) the successfulness of the student press in terms of local, regional, and national accolades.

Furthermore, qualitative investigators could conduct research examining the perspectives of student journalists on the administrators who oversee the campus press. If mutual understanding is imperative to a healthy relationship between these two groups, as this researcher contends in chapter one, then a description of the students' perspectives on how administrators perform the balancing act a focus in this study is necessary.

Along the same lines, future research could examine the effectiveness of the participants' balancing act from the perspective of other stakeholders – including student journalists, their advisers, and senior officials. This study describes the balancing act, but it does not consider the effectiveness of the balancing act. An exploration of perceptions on the strategies presented in this

report would provide valuable insight into how effectively administrators harmonize campus interests – at least from different viewpoints.

Phenomenologists may also be interested in exploring how student publications advisers and administrators view the role of the campus press adviser. This study clearly indicates that administrators rely heavily on the advisers, and, in fact, are frustrated when the advisers do not perform their duties correctly in the eyes of the officials. A comparison of these perspectives may indicate whether the two groups share similar expectations of the student press adviser's role.

A case study of a specific campus newspaper that investigates how the administration at that institution balances the constitutional freedoms of the student press and the broader interests of their campuses also would be interesting. A researcher could spend a semester or entire academic year recording and analyzing the how the student press members and administration interact in various situations.

Furthermore, as mentioned in chapter four, all of the participants in this study are men. A future studying analyzing possible differences in how male and female administrators perform the balancing act at focus in this research would be beneficial. This sort of investigation would fit nicely in a research agenda that studies women in higher education administration.

For those interested in quantifiable results, a survey based on the grounded theory presented in this report could be constructed and sent to administrators across the country in an effort to verify this study's findings. Moreover, a content analysis of SPLC newsflashes highlighting administrative censorship activity at public colleges would provide insight into what situations administrators believe their intervention is necessary. This quantitative data would complement at least the fourth theme presented in this qualitative inquiry.

Summary

First Amendment advocates should be encouraged by the amount of support the administrators in this study give to campus press freedom. Moreover, campus press supporters should be interested to know that the participants perceive three basic functions of the student press: (1) information source, (2) outlet for student expression, and (3) learning laboratory. These perceived functions are consistent with Files' (1987) contention that administrators, student media advisers, and professional journalists generally agree on the mission of the student press.

The researcher has concluded that administrators who officiate over the campus press need a stronger knowledge of student press law in order to most effectively fulfill their responsibilities to all campus constituents. The participants

in this study are generally ignorant of student press law, and that should concern First Amendment advocates.

The participants in this study desire open communication with the student journalists and their advisers. The administrators see themselves as educators, and they believe they can have a positive influence on students if they have the opportunity to get to know them. It also appears that the participants believe they can avoid some controversy within the student newspaper if they have a personal relationship with the publication's editors and reporters.

This study reveals that administrators expect the campus press advisers to actively teach students professional journalistic standards. Student journalists must learn and practice these professional standards if they expect administrators – not to mention other campus constituents, as well as the courts – to fully support their constitutional freedoms.

Finally, college administrators must rely more on the student publications boards to help them balance their responsibilities to their respective campuses. Officials should not rely on their personal convictions and biases when determining what content is suitable for the campus press. Instead, they should depend on a student publication's advisory board made up of students, faculty, administrators, and professionals to establish and enforce guidelines for the campus press.

List of References

References

AB 2581, 2006, An act to amend Section 66301 of the Education Code, relating to postsecondary education, California, Senate. (2006). Retrieved November 20, 2007, from http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_25512600/ab_2581_bill_20060828_chaptered.html

About GSU. (n.d.). Retrieved July 22, 2007, from Governors State University Web site: http://www.govst.edu/AboutGSU/

Alabama Educational Television Commission, 50 FCC 2d 461 (1975).

Altbach, P. G., & Cohen, R. (1990). American student activism. *Journal of Higher Education, 61*(1), 32–49.

Antonelli v. Hammond, 308 F. Supp. 1329 (D. Mass. 1970).

Auerbach, C. F., & Silverstein, L. B. (2003). *Qualitative Data: An Introduction to Coding and Analysis.* New York: NYU Press.

Baxter by Baxter v. Vigo County School Corp., 26 F.3d 728, 737 (7th Cir. 1994).

Bazaar v. Fortune, 476 F.2d 570, 489 F.2d 225 (5th Cir. 1973).

Bert, R. E. (1952). Trend is toward supervision on student newspapers. *Journalism Quarterly. 29*(4), 62.

Board of Regents of the University of Wisconsin System v. Southworth, 529 U.S. 217 (2000).

Bodle, J. V. (1997). The instructional independence of daily student newspapers. *Journalism & Mass Communication Educator, 51*(4), 16-26.

Bodle, J. V. (1994). Measuring the tie between funding and news control at student newspapers. *Journalism Quarterly, 71*(4), 905-913.

Bodle, J. V. (1993). Why newspaper advisers quit: Stress and professional prestige. *Journalism Educator, 48*(3), 32-37.

Bogue, E. G., & Aper, J. (2000). *Exploring the heritage of American higher education: The evolution of philosophy and policy*. Phoenix, AZ: The Oryx Press.

Bradshaw v. Rawlings, 612 F.2d 135 (3rd Cir. 1979).

Brief of Petitioner-Appellant, *Hosty v. Carter*, No. 05-377 (7th Cir. June 20, 2005).

Brief of Petitioner-Appellant, *Hosty v. Carter*, No. 01-4155 (7th Cir. April 10, 2003).

Brief of Petitioner-Appellant, *Hosty v. Carter*, No. 01-4155 (7th Cir. May 3, 2002).

Channing Club v. Board of Regents of Texas Tech, 317 F.Supp. 688 (N.D.Texas 1970).

Charmaz, K. (2005). Grounded theory in the 21st century: Applications for advancing social justice studies. In N. K. Denzin & Y. S. Lincoln (Eds.), *The Sage Handbook of Qualitative Research* (pp. 507-536). Thousands Oaks, CA: Sage Publications, Inc.

Click, J. W. (1980). *Governing college student publications*. Washington, D.C.: National Institute of Education. (ERIC Document Reproduction Service No. 191050)

Click, J. W. (1986). *Principals' and newspaper advisers' attitudes toward freedom of the student press in the United States*. Norman, OK:

Association for Education in Journalism and Mass Communication. (ERIC Document Reproduction Service No. ED 269807).

Click, J. W., & Kopenhaver, L. L. (1990). *Opinions of principals and newspaper advisers toward student press freedom and advisers' responsibilities following Hazelwood v. Kuhlmeier.* Minneapolis, MN: Association for Education in Journalism and Mass Communication. (ERIC Document Reproduction Service No. ED 323536).

College Publishers. (2008). *U.S. College Newspaper Survey*. Retrieved May 6, 2008, from: http://cpsite.collegepublisher.com/companynews/pressreleases/060711.html

Columbia Broadcasting System, Inc. v. Democratic National Committee, 412 U.S. 94, 101-102 (1973).

Cook, B. B. (1989). *The Administrator and the College Press: Strategies for a Successful Relationship.* Orlando, FL: National Seminar on Successful College Administration. (ERIC Document Reproduction Service No. ED 335689).

Corbin, J., & Strauss, A. (1990). Grounded theory research: Procedures, canons, and evaluative criteria. *Qualitative Sociology, 13*, 3-21.

Cornelius v. NAACP Legal Defense and Educ. Fund, Inc., 473 U.S. 788 (1985).

Creeley, W. (2008). *Regarding JuicyCampus.com*. Retrieved April 7, 2008, from Foundation for Individual Rights in Education (FIRE) Web site: http://www.thefire.org/index.php/article/9065.html

Dickey v. Alabama State Board of Education, 273 F.Supp. 613 (M.D. Ala. 1967).

Doty, C. (2008, February 18). College paper vows to fight a takeover by Gannett. *The New York Times*. Retrieved May 6, 2008, from http://www.nytimes.com/2008/02/18/business/media/18gannett.html ?_r=1&ref=business&oref=slogin

Duscha, J., & Fischer, T. (1973). *The campus press: Freedom and responsibility.* Washington, D.C.: American Association of State Colleges and Universities.

Editor & Publisher. (2008). *Colorado State University Campus Newspaper Says No to Gannett Offer*. Retrieved May 6, 2008, from: http://www.editorandpublisher.com/eandp/news/article_display.jsp?vnu_content_id=1003720692

Estrin, H. A., & Sanderson, A. M. (1966). *Freedom and censorship of the college press*. Dubuque, IA: WM. C. Brown Company Publishers.

Eveslage, T. (1982). Media censorship is alive on the college campus. *College Press Review, 22*(fall), 11-13.

Facts and Figures. (n.d.). Retrieved July 22, 2007, from Governors State University Web site: http://www.govst.edu/AboutGSU/t_AboutGSU.aspx?id=204

Fagan, S. (2000). *Governors State University President Fagan denounces the Innovator*. Retrieved July 6, 2007, from the College Freedom Web site: http://collegefreedom.org/gsu.htm

Files, J. A. (1987). Academic and professional perceptions of the roles and functions of the student newspaper (Doctoral dissertation, Oklahoma State University, 1987). *Dissertation Abstracts International, 48*, no. 10A, (1987): 2496.

Fiore, M. (2002). Trampling the "marketplace of ideas": The case against extending *Hazelwood* to college campuses. *University of Pennsylvania Law Review, 150*(6), 1915-1968.

First Amendment Center: State of the First Amendment 2007. (2007). Retrieved February 18, 2008, from http://www.firstamendmentcenter.org/sofa_reports/index.aspx

Flawn, P. T. (1990). *A Primer for Presidents: Managing the Modern University*. Austin, TX: University of Texas Press.

Fujishima v. Board of Education, 460 F.2d 1355 (7th Cir. 1972).

Gallagher, B. G. (1966). The administrator and the college press. In H. A. Estrin & A. M. Sanderson (Eds.), *Freedom and censorship of the college press* (pp. 98-100). Dubuquie, IA: WM. C. Brown.

Gibbs, A. (1971). The student press: Guidelines for college administrators. *The Journal of the National Association of Women Deans and Counselors, 34*(1), 159-163.

Glaser, G. G., & Strauss, A. L. (1967). *The discovery of grounded theory;*

strategies for qualitative research. Chicago: Aldine Publishing Company.

Gossmeyer v. McDonald, 128 F3d 481 (1997).Harlow v. Fitzgerald, 457 U.S. 800 (1982).

Gott v. Berea College, 156 Ky. 376, 161 S.W. 204 (1913).

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).

Healy v. James, 408 U.S. 169 (1972).

Holmes, I., Minden, E. A., & Getz, J. E. (1988). *Censorship of the campus press: A study of 18 university newspapers*. Brookings, S.D.: Dept. of Journalism and Mass Communication, South Dakota State University.

Hopkins, E. J. (1957). Educational approach to supervision. *NCCPA College Press Review, 2*(5), 4-7.

Hosty, M. L. (2000). *Defense by managing editor Margaret Hosty for November, 7, 2000 emergency meeting of the media board called by Dean Patricia Carter*. Retrieved July 6, 2007, from the College Freedom Web site: http://collegefreedom.org/HostyDefense.htm

Hosty v. Governors State University, et al., 174 F. Supp. 2d 782 (N.D. Ill. 2001).

Hosty v. Carter, 325 F.3d 945 (7th Cir. 2003).

Hosty v. Carter, 412 F.3d 731 (7th Cir. 2005) (en banc).

Hosty v. Carter Information Page. (2006). Retrieved May 14, 2008 from Student Press Law Center Web site: http://www.splc.org/legalresearch.asp?id=49

Howells, R. F. (1973). *An analysis of editorial freedom and administrative*

control of the student newspaper in the four-year colleges and universities in New York State. Unpublished doctoral dissertation, State University of New York, Albany.

Huberman, A. M., & Miles, M. B. (2002) Introduction. In A. M. Huberman & M. B. Miles (Eds.) *The qualitative researcher's companion*, (pp. 37-64). Thousands Oaks, CA: Sage Publications.

Hudgens v. National Labor Relations Board, 424 U.S. 507 (1976).

Ingelhart, L. E. (1985). *Freedom for the college press: Court cases and related decisions defining the campus fourth estate boundaries*. Westport, CT: Greenwood Press.

Ingelhart, L. E. (1993). *Student publications: Legalities, governance, and operation*. Ames, IA: Iowa State University Press.

Jasinski, J. (1994). As they see it: College newspapers may not look the same to campus administrators. *College Media Review, 33*(2), 8-11.

Jefferson, Thomas. *The Papers of Thomas Jefferson*. Edited by Julian P. Boyd, with Mina R. Bryan and Elizabeth L. Hutter, associate editors. Vol. VII: March 1784 to February 1785. Pp xxviii, 652. Princeton, N. J.: Princeton University Press, 1953.

John, J. A., & Tidwell, J. (1996). Links between professional education and the penalized campus press. *Journalism & Mass Communication Educator, 51*(2), 15-24.

Joyner v. Whiting, 447 F.2d 456 (4th Cir. 1973).

Kasior, S., & Darrah, E. (1996). Censorship of the Collegiate Presses. *Journal of the Association for Communication Administration*, 2, 111-123.

Killam, J. (2001). *Report by the Illinois College Press Association about the Innovator*. Retrieved July 6, 2007, from the College Freedom Web site: http://collegefreedom.org/ICPA.htm

Kincaid v. Gibson, 197 F. 3d. 828. (6th Cir. 1999).

Kincaid v. Gibson, CIV 95-98 (W.D. Ky. Nov. 14, 1997), reversed at, 236 F.3d 342, (6th Cir. 2001) (en banc).

Kopenhaver, L. L. (1983). Assistance: What journalism units provide student publications. *College Press Review, 22*(2-3), 2.

Kopenhaver, L. L., & Click, J. W. (2001). High school newspapers still censored thirty years after Tinker. *Journalism and Mass Communication Quarterly*. *78*(2), 321-339.

Kopenhaver, L. L., & Spielberger, R. E. (1991). Advisers post some gains, fewer losses. *College Media Review, 30*(Summer/Fall), 21.

Kopenhaver, L. L., & Spielberger, R. E. (1992). Small media operations predominate on campuses. *College Media Review 31*(Winter/Spring), 30.

Kopenhaver, L. L., & Spielberger, R. E. (1989). Are independent college papers really independent? *College Media Review, 5*(spring), 5-7.

Kuzel, A. J. (1999). Sampling in qualitative inquiry. In B. F. Crabtree & W.L.

Miller (Eds.) *Doing Qualitative Research*, (pp. 33-46). Thousands Oaks, CA: Sage Publications.

Laforcade, G. (2001). *Open letter to Stuart Fagan*. Retrieved July 6, 2007, from the College Freedom Web site: http://collegefreedom.org/Advisor.htm

Langley, A. (1999). Strategies for theorizing from process data. *The Academy of Management Review, 24*(4), 691-711.

Lassiter v. Alabama A&M Univesity, 8 F.3d 1146, 1149 (11th Cir. 1994).

Lewis, A. (2007). *Freedom for the thought that we hate: A biography of the First Amendment*. New York: Basic Books.

Liability for Student Media: Who's Responsible in the Event of a Lawsuit? (1997). Retrieved May 14, 2008 from Student Press Law Center Web site: http://www.splc.org/legalresearch.asp?id=30

Lincoln, Y., & Guba, E. (1985). Naturalistic inquiry. Newbury, CA: Sage.

Lueth v. St. Clair County Community College, 732 F.Supp. 1410 (E.D. Mich. 1990).

Marshall, M. N. (1996). Sampling for qualitative research. *Family Practice, 13*(6), 522-525.

Martinson, D. L. (1995). Public school administrators and freedom of the student press: a suggested solution to the continuing conflict. *The High School Journal, 79*, 14-20.

Martinson, D. L. (1998). Vulgar, indecent, and offensive student speech: how should public school administrators respond? *The Clearing House,*

71(6), 345-349.

Maxwell, J. A., 1992, Understanding and validity in qualitative research. In A. M. Huberman & M. B. Miles (Eds.), *The qualitative researcher's companion*, (pp. 37-64). Thousands Oaks, CA: Sage Publications (Reprinted from Harvard Educational Review, 1992, 62, 3; 279-300).

Mazart v. State, 441 N.Y.S. 2d 600 (N.Y. Ct. Cl. 1981).

McCracken, G. (1988). *The long interview.* Newbury Park, CA: Sage Publications.

Miller v. California, 413 U.S. 15 (1973).

Miller, J. E. (2008, February). *"Students Don't Just Have Carte Blanche to do Whatever They Want": A Qualitative Investigation of Public College and University Administrators' Perceptions on their Role as Overseers of the Student Press After* Hosty v. Carter. Paper presented at the annual conference of the University of Tennessee's College of Communication and Information. Retrieved from http://www.cci.utk.edu/symposium/program

Morrison, M., Haley, E., Sheehan, K. B., & Taylor, R. E. (2002). *Using qualitative research in advertising: Strategies, techniques, and applications.* Thousand Oaks, CA: Sage Publications.

Norton v. Discipline Committee, 419 F.2d 195 (6th Cir. 1969).

Oden, R. K. (2000). *Dean Roger Oden's denunciation of the Innovator*. Retrieved July 6, 2007, from the College Freedom Web site: http://collegefreedom.org/Oden.htm

Pandit, N. R. (1996). *The Creation of Theory: A Recent Application of the Grounded Theory Method*. Retrieved February 11, 2008, from http://www.nova.edu/ssss/QR/QR2-4/pandit.html

Papish v. Board of Curators of the University of Missouri, 410 U.S. 667 (1973).

Perry Ed. Assn. v. Perry Local Educators' Assn., 460 U.S. 37 (1983).

Petition for Rehearing with Suggestions for Rehearing En Banc of Petitioner-Appellant at 3,6,8, *Hosty v. Carter*, No. 01-4155 (7th Cir. April 24, 2003).

Rampal, K. R. (1982). Department-run campus newspaper has definite educational advantages. *Journalism Educator, 37*(1), 48-50.

Richards, C. (2000). *Statement by Charles Richards, owner of Regional Publishing, about Dean Carter's demands for prior review*. Retrieved July 6, 2007, from the College Freedom Web site: http://collegefreedom.org/Printer.htm

Roberts v. Haragan, 346 F. Supp. 2d 853 (N.D.Tex 2004).

Rosenberger v. Rector and Visitors of University of Virginia, 515 U.S. 819 (1995).

Ryan, M., & D. L. Martinson. (1986). Attitudes of college newspaper advisers toward censorship of the student press. *Journalism Quarterly, 63*(1), 55-60, 88.

Sandelowski, M. (1995). Focus on qualitative methods: Sample size in qualitative research. *Research in Nursing and Health 18*, 179-183.

SB0729, An Act concerning education, Illinois, Senate. (2007). Retrieved November 20, 2007, from

http://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=51&GA=95&DocTypeId=SB&DocNum=729&GAID=9&LegID=28617&SpecSess=&Session=

Schiff v. Williams, 519 F.2d 257 (5th Cir. 1975).

Shipman, M. (1994). Perceptions of campus police about newsgathering and access to public records. *Newspaper Research Journal, 15*(2), 2-13.

Simpson, S. (1987). Principal favors "safety net" for administrators. *Journalism Education Today, 21*(1), 11.

SPLC Law Library. (n.d.). Retrieved July 14, 2007 from Student Press Law Center Web site: http://www.splc.org/law_library.asp

Stanley v. McGrath, 719 F.2d 279 (8th Cir. 1983).

Strauss, A., & Corbin, J. (1998). *Basics of qualitative research: Techniques and procedures for developing grounded theory*. Thousand Oaks, CA: Sage. Student Government Association v. Board of Trustees of the University of Massachusetts, 868 F.2d 473 (1st Cir. 1989).

Student Media Policy. (n.d.). Retrieved July 22, 2007, from College Freedom Web site: http://collegefreedom.org/GSUhandbook.htm

Supreme Court Announces it Will Not Hear Appeal in College Censorship Case: Ruling Means College Students in Three Midwestern States Will Have Extra Challenges in Defending Their Press Freedom. (n.d.). Retrieved July 14,

2007 from Student Press Law Center Web site: http://www.splc.org/newsflash.asp?id=1190

Taylor, R. E. (1994). Qualitative Research. In M. Singletary (Ed.). *Mass communication research* (chapter 14). New York: Longman.

Thomas, N. L. (1991). The new in loco parentis. *Change 23*(5), 32-39.

Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969).

Treise, D. M., Taylor, R. E., & Wells, L.G. (1994). How recovering alcoholics interpret alcohol-beverage advertising. *Health Marketing Quarterly, 12*(2), 125-139.

Trujillo v. Love, 322 F. Supp. 1266 (D. Colo. 1971).

Undergraduate Admission Requirements (n.d.). Retrieved July 22, 2007, from Governors State University Web site: http://www.govst.edu/catalog/ug_adm_requirements_cat.htm?

Watts, L., & Wernsman, R. (1996). *College and university administrators' views about serving as news sources for student reporters*. Paper contributed to the Annual Meeting of the Association for Education in Journalism and Mass Communication (79th), Anaheim, CA. (ERIC Document Reproduction Service No. ED401534).

Widmar v. Vincent, 454 U.S. 263 (1981).

Wilson, J. K. (2005). (2005, June 24). The Case of the Censored Newspaper. *Inside Higher Ed.* Retrieved July 20, 2007,

http://insidehighered.com/views/2005/06/24/wilson

Young, J. R. (2008, March 17). How to combat a campus gossip web site (and why you shouldn't). *The Chronicle of Higher Education*. Retrieved April 7, 2008, from http://chronicle.com/free/2008/03/2136n.htm

Appendices

APPENDIX A

Ingelhart's (1993) Criteria for a Student Publication to be Considered Independent

1. The publication must be incorporated, but not as a nonprofit educational corporation.

2. The publication cannot receive student fee funds.

3. The publication cannot receive college or university fund allocation, directly or indirectly.

4. The publication cannot use campus facilities or space.

5. The publication cannot enter into any publishing agreements with the university.

6. The publication cannot have a university adviser.

7. The university cannot pay debts or delay bankruptcy of the publication.

8. The university cannot supply technical assistance or advice.

9. The university cannot participate in selection or dismissal of staff members – nor can it take disciplinary action against staff members.

10. The publication cannot have any relationship to any instructional program.

11. No university or college staff person can be on the board of directors of the publication.

12. There can be no stipulations of any kind in the incorporation charter that in any way relate the publication to the university or college.

13. Membership on the staff of the publication cannot be limited to or specify student status.

14. Readership cannot be confined primarily to students.

15. The name of the publication cannot contain the name of the college.

16. The publication cannot be accorded preferential distribution or sales arrangements by the university.

17. There must be no relationship between the publication and the student government.

18. Content of the publication cannot be confined to or dominated by university-related material.

19. No effort, overt or covert, can ever be made by any university person or agency to affect the content of the publication.

20. The university can in no way participate in any legal proceedings involving the publication.

21. The newspaper cannot qualify for a second-class educational mailing permit.

22. The newspaper cannot publish a page of university notices disguised as advertising since such a practice is really subsidization.

23. The newspaper cannot receive mail through the university mail system.

24. The newspaper cannot be licensed or chartered by the university.

25. The university cannot provide placement assistance to newspaper student staff on the basis of learning done on the staff of the publication, nor can it grant course credits for work on the staff not awarded in a similar manner for work on commercial publications. Nor can it require enrollment in university courses.

26. The university cannot specify required grade point averages for student eligibility to be on the staff.

APPENDIX B

Descriptions of Participants, the Institutions They Represent, and the Student Newspapers with Which They Work

Participant 1 (P1): P1 is the dean of students at a large research institution (high research activity). The institution boasts an enrollment of about 25,000. P1 holds a doctorate degree and has served the institution for nine years; however, he's only been dean of students for two years. P1 reports to the president of the university. The student newspaper advisers report to P1. P1 is chairman of the student publications board.

Other responsibilities P1 oversees include Greek life, judicial affairs, international student life, student government, the student radio station, new student orientation, minority student services, intramurals, wellness and fitness facilities, and student activities (including more than 300 student organizations).

The weekly campus newspaper at P1's institution is connected to journalism curriculum. Every journalism student must work on the campus newspaper staff for at least 45 hours before graduation. However, based on Click's (1980) classifications of student publications governance, the newspaper at P1's institution is likely considered an auxiliary because the student newspaper is financially independent, other than the office space it uses on campus. P1's office is responsible for approving the publication's budget, but the student staff generates its own revenues.

The campus newspaper at P1's institution does not include language that designates it as a public forum for student expression.

Participant 2 (P2): P2 is the vice president for student affairs at a medium-sized master's institution. The institution boasts an enrollment of about 8,500. P2 has served as vice president for about 18 years. P2 reports to the university's provost, who reports to the president. The student newspaper advisers report directly to P2. P2 is a member of the student publications board.

Other responsibilities P2 oversees include the counseling center, dean of students office (including judicial affairs), Greek life, health services, minority affairs, orientation and student success, recreation and fitness facilities, residential life, student activities (including student government, more than 100 student organizations, and intramural sports), and the student radio station.

Based on Click's (1980) classifications of student publications governance, the newspaper at P2's institution is considered a journalism laboratory. The campus newspaper at P2's institution publishes about nine times per semester and is connected to the journalism curriculum. At least two courses in the university's mass communication curriculum require students to work on the campus newspaper staff. The publication's advisers are members of the journalism faculty.

The student newspaper receives most of its funds from the university's regular operating budget. The student editors are paid a small stipend. P2 is

responsible for approving and overseeing the publication's budget. The campus newspaper at P2's institution does not include language that designates it as a public forum for student expression.

Participant 3 (P3): P3 is the vice chancellor for student affairs at a small baccalaureate institution. The institution boasts an enrollment of about 2,500. P3 holds a doctorate and has served the university in this position for nearly two years. He has worked in student affairs at other institutions for almost 15 years. He reports to the university's chancellor. The student newspaper reports to another administrator, who reports to P3. A student publications board does not exist on P3's campus.

Other responsibilities P3 oversees include residence life, dining services, judicial affairs, student activities (including Greek life, multicultural programs, student organizations, and student government), counseling services, health services, and recreation and wellness services.

Based on Click's (1980) classifications of student publications governance, the newspaper at P3's institution is considered a journalism laboratory. The campus newspaper at P3's university publishes weekly and is connected to the journalism curriculum. The student staff members are part of a class and graded for their work on the publication. The student newspaper is supported mainly through student fees. Only about 1/3 of its expense budget is supported through

advertising sales. The student newspaper includes in its masthead a statement designating it as a public forum.

Participant 4 (P4): P4 is the associate dean of students at a large research institution (very high research activity). The institution boasts an enrollment of about 26,000. P4 has been in the position for four years. He reports to the dean of students, who reports to the vice chancellor, who reports to the chancellor of the university. The newspaper adviser reports to P4. P4 is not a member of the university's student publications board. Other responsibilities P4 oversees include Greek life, recreation services and intramurals.

Based on Click's (1980) classifications of student publications governance, the newspaper at P4's institution is considered an auxiliary. The student newspaper at P4's university publishes daily and is divorced from the curriculum. The publication is financially independent, other than the office space it uses on campus. P1's office is responsible for approving the publication's budget, but the student staff is self-sustaining through advertising. The student newspaper does not include specific language in its policies that designate it as a public forum.

Participant 5 (P5): P5 is the associate vice president for student affairs at a large master's institution. The institution boasts an enrollment of about 23,000. P5 holds a doctorate and has been in the position for three years. He reports to the vice president for student affairs, who reports to the president of the

university. The student newspaper adviser reports directly to P5. P5 is a member of the university's student publication board.

Other responsibilities P5 oversees include spirit teams (cheerleading, dance), campus recreation (intramurals, fitness center, etc.), judicial affairs, student health services, student government association, student activities (programming board and student union), Greek life, and diversity affairs.

Based on Click's (1980) classifications of student publications governance, the newspaper at P5's institution is considered a student activity. The student newspaper at P5's university publishes twice weekly and is divorced from the curriculum. The publication receives most of its funding from the university, and P5's office is responsible for approving the publication's budget. The campus newspaper includes specific language in its policies that designate it as a public forum for student expression.

Participant 6 (P6): P6 is the senior associate vice president for student affairs at a medium-sized doctorate-granting/research institution. The institution boasts an enrollment of about 12,000. P6 holds a doctorate and has been in the position for 24 years. P6 reports to a vice president, who reports to the president of the university. The student newspaper adviser reports directly to P6. P6 is not a member of the university's student publication board.

Other responsibilities P6 oversees include campus recreation (intramurals, fitness centers, etc.), counseling center, nontraditional student services, dining

services, disability services, housing, career center, judicial affairs, multicultural affairs, orientation, student activities (including programming boards and nearly 200 student organizations), Greek life, and student government.

Based on Click's (1980) classifications of student publications governance, the newspaper at P6's institution is considered a student activity. The student newspaper at P6's university publishes twice weekly and is divorced from the curriculum. The publication receives some funding from university student fees, but the majority of its revenue is self-generated through advertising. P6's office is responsible for approving the publication's budget. The campus newspaper at P6's institution does not include specific language that designates it as a public forum for student expression.

Participant 7 (P7): P7 is the dean of students at a large research institution (very high research activity). The institution boasts an enrollment of about 18,000. P7 has been in the position for two years. P7 reports to the vice president for student affairs, who reports to the president of the university. The newspaper adviser answers to an assistant dean who reports to P7. P7 is not a member of the university's student publication board.

Other responsibilities P7 oversees include judicial affairs, student government, disability services, Greek affairs, multicultural and diversity programs, women's center, student involvement (including more than 100 student organizations), and community service programs.

Based on Click's (1980) classifications of student publications governance, the newspaper at P7's institution is considered a student activity. The student newspaper at P7's university publishes weekly, but the university does not support a journalism program. Through student fees, P7's university pays the salary of the professional staff members who work with the campus press. Student fees also provide small stipends to some editors. Otherwise, the publication is self-supported through advertising sales. The campus newspaper at P7's institution does not include language that designates it as a public forum for student expression.

Participant 8 (P8): P8 is the vice president for student services at a small master's institution. The institution boasts an enrollment of about 4,000. P8 holds a doctorate and has been in the position for 11 years. He has worked in higher education for 31 years. P8 reports directly to the president. The newspaper adviser reports directly to P8. No student publications board exists at the university.

Other responsibilities P8 oversees include admissions, career services, counseling services, financial aid, institutional research, planning and assessment, recreational sports and athletics, recruitment, registrar and student records, and student life (including residence life, judicial affairs, food service, Greek life, nearly 100 student organizations, campus programming board, bookstore, and post office).

Based on Click's (1980) classifications of student publications governance, the newspaper at P8's institution is considered a student activity. The student newspaper at P8's university publishes twice weekly, but the university does not support a journalism program. The publication is supported entirely by university student fees, as allotted by the Student Government Association. The student newspaper does not include specific language in its policies that designate it as a public forum.

Participant 9 (P9): P9 is an academic dean at a small baccalaureate institution. The institution boasts an enrollment of about 3,000. P9 holds a doctorate and has been in the position for 12 years. P8 reports to the provost, who reports to the president. The newspaper adviser reports to an academic department chairman, who reports to P9. P9 is not a member of the university's student publication board.

P9 oversees academic programs in behavior and social sciences; fine arts; literature, language and philosophy; the honors program; and liberal studies. Academic majors, leading to the Bachelor of Arts degree, are offered in the following areas: art, music, English, political science, psychology, social sciences, liberal studies, and student-designed major.

Based on Click's (1980) classifications of student publications governance, the newspaper at P9's institution is considered a student activity. The student newspaper at P9's university publishes about twice per month, but the university

does not support a journalism program. The publication is supported primarily through university student fees, but the publication raises some funds through advertising sales. The student newspaper does not include specific language in its policies that designate it as a public forum.

APPENDIX C

Carnegie Classifications of Institutions of Higher Education

Baccalaureate institution: Baccalaureate Institutions, as designated by the Carnegie Foundation for the Advancement of Teaching, include colleges and universities where baccalaureate degrees represent at least 10 percent of all undergraduate degrees and that award fewer than 50 master's degrees or 20 doctoral degrees per year. These institutions are perceived to be undergraduate student focused.

Master's institution: As designated by the Carnegie Foundation for the Advancement of Teaching, this category generally includes institutions that award at least 50 master's degrees and fewer than 20 doctoral degrees per year. These institutions are perceived to be mostly undergraduate student focused.

Research/doctorate-granting institution: Research/doctorate-granting institutions, as designated by the Carnegie Foundation for the Advancement of Teaching, award at least 20 doctoral degrees per year. The foundation recognizes three types of research institutions: (1) Very high research activity, (2) high research activity, and (3) research/doctoral. These institutions are perceived to be graduate student focused.

APPENDIX D

Interview Guide

Personal information

How is the student press funded?

What's your role relative to student press?

Describe the purpose of student media as you see it.

Describe your relationship with the student media adviser(s) and/or media advisory boards.

Share your philosophies of management relative to student media.

Tell me about your opinions on censorship.

Tell me about incidents with which you have been involved as an administrator where censorship of the student press was considered.

Tell me about pressures you may feel concerning the censoring of the student press.

How does the law affect decisions you make concerning censorship of the student press?

Do you ever seek counsel from others – including peers, legal office, etc. – concerning matters involving student press?

Describe the ideal situation concerning the student press at your institution.

APPENDIX E

Sample Public Forum Statement

[*Name of school*] recognizes and affirms the editorial independence and press freedom of all student-edited campus media. Student editors have the authority to make all content decisions free from censorship and advance approval and consequently they bear the responsibility for the decisions that they make ("*Hosty v. Carter* Information Page," 2006).

APPENDIX F
Value Statements

1. The administrators support the value of a free campus press.

2. The administrators understand their role as resources, not dictators, to the student press.

3. The administrators recognize the educational purposes of a free campus press, including being a campus information source, an outlet for student opinion, and a laboratory for student learning.

4. The administrators depend on the student publications advisers to mentor and effectively train the students in professional journalism standards.

5. The administrators desire a positive working relationship with the student members of the campus press.

6. The administrators rely on student publications boards to hire strong editors and provide effective oversight of campus press.

7. The administrators believe some controversy in the student press is beneficial to the campus.

8. The administrators understand that some unwanted controversy can be avoided through positive working relationships with the students and student press advisers.

9. The administrators believe there are boundaries to the freedom the student press enjoys.

10. The administrators believe speech in the student press that may damage the institution or threaten the safety of the campus is unacceptable.

11. The administrators believe knowing how to manage and defuse controversy in the campus press is important.

12. The administrators depend on the advisers and legal counsel to stay abreast of student press law.

Vita

James Edward Miller was born December 21, 1974, and was raised in St. Louis, MO, where he attended North Glendale Elementary School and Nipher Middle School. He graduated Kirkwood High School in 1993 and attended Harding University, a four-year private institution of higher education. James earned a bachelor's degree in biblical studies and later received a master's degree in education at Harding. He is pursuing a doctorate in the College of Communication and Information at the University of Tennessee. Once the terminal degree is completed, James will return to Harding University as an assistant professor of communication.