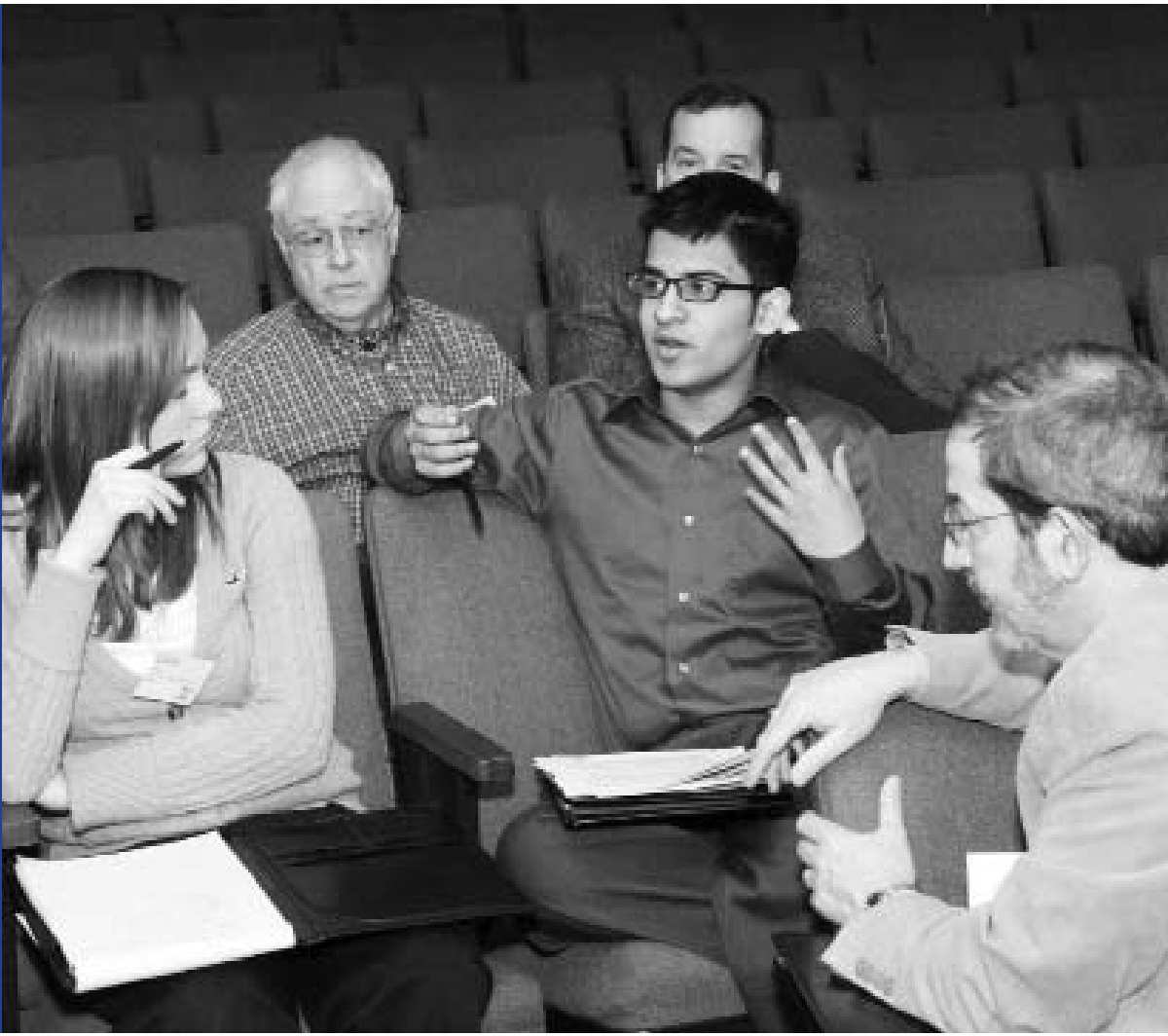
McCormick Foundation

Protocol

For Free & Responsible Student News Media



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Protocol

A fair balance of freedom and structure can be achieved when stakeholders work in partnership to nurture the competence and ethical development of student journalists in an environment that inspires civic engagement and First Amendment values.

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Our Definition of 'Protocol'

We believe it is in the best interests of all stakeholders (in scholastic journalism) to adopt protocols for ethical decision-making.

A protocol is not a policy setting down specific rules. Instead, a protocol is a process and a framework for making good decisions. A protocol includes key principles and important questions.

The principles provide reference points on your moral compass, represent "what you stand for," and guide you in ethical decision-making.

The checklist of questions is a pathway to follow to resolve conflicting principles and to help determine your actions.

Bob Steele, Poynter Institute Scholar for Journalism Values

The First Amendment
United States Constitution

Congress shall make no law respecting the 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.

“The only way to teach the First Amendment effectively is to practice the First Amendment throughout the school culture. School officials fail to teach the First Amendment when they talk about the First Amendment, but discourage free expression, deny religious liberty, and censor the student press. Far too many schools are failing to teach, practice and model the First Amendment.

The biggest obstacle to practicing First Amendment principles in schools is the undemocratic, repressive way in which many schools are run. If schools want to take the First Amendment seriously, they must give students and all members of the school community a meaningful voice in shaping the life of the school.”

Charles Haynes
Senior Scholar
Freedom Forum
First Amendment Center
Vanderbilt University
Nashville, Tenn.

A Core Value of Journalism

> A core value of being a journalist is to understand the role of the press in a free society. That role is to provide an independent source of information so that a citizen can make informed decisions. It is often the case that this core value of journalistic independence requires a journalist to question authority rather than side with authority. Thus, if the role of the press in a democratic society is to have any value, all journalists — including student journalists — must be allowed to publish viewpoints contrary to those of state authorities without intervention or censorship by the authorities themselves. Without protection, the freedoms of speech and press are meaningless and the press becomes a mere channel for official thought.

Dean v. Utica Community Schools (2004)

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Foreword

The McCormick Foundation Civic Program is proud to present the *Protocol for Free & Responsible Student News Media*. Through the Civic Program, the McCormick Foundation lives the legacy of our benefactor, Robert R. McCormick, the crusading former publisher of the *Chicago Tribune*. McCormick carried the First Amendment near and dear to his heart, considering its five freedoms—religion, speech, press, assembly and petition—fundamental to informed participation in our democracy. The Civic Program seeks to improve understanding of and appreciation for the First Amendment among middle and high school students through programming for students and teachers.

The Protocol represents a logical next step for the Civic Program in our work to further the cause of civic education in Illinois. In 2009, we released the Illinois Civic Blueprint, a document detailing six promising approaches to teaching civic education in high schools across the state. Among the approaches is making student activities available that encourage greater involvement and connection to school and community. The link between certain extracurricular activities and lifelong civic engagement is well documented, particularly those organizations that pursue a collective outcome, such as student government, youth service clubs and, perhaps most prominently, scholastic news media.

Another approach emphasizes authentic student voice in school governance. This entails student opportunities to discuss school policies, present viewpoints, and have a respectful hearing of their concerns. It also includes information about student rights and responsibilities in school, and established processes for students to air their grievances, including issues of fairness. The Protocol that follows embodies these principles and more.

The protocol represents the hard work of report writer Randy Swikle, a dedicated journalism educator who has devoted his career to this cause, and Kim Ruff and the entire staff at the Illinois Press Foundation, our partner for the February 2010 conference that inspired this

important document. It also reflects the enormous contributions of the fifty-plus attendees of the conference. Attendees include student journalists, their advisers, administrators, school board members, superintendents, representatives of professional media, and organizations dedicated to the cause of free and responsible student media.

The Knight Foundation's annual survey of student appreciation for the First Amendment shows that students are much more likely than their teachers or administrators to take for granted the First Amendment's five freedoms. However, students enrolled in classes with First Amendment or media content show higher levels of support for freedom of expression. Additionally, when First Amendment freedoms are rooted in their daily lives, students are much more likely to protect not only their own rights but also the rights of others. Such a reciprocal commitment is the best way to preserve First Amendment freedoms.

All too often student media fall victim to the inevitable tensions associated with schools' perpetual balancing act between freedom and structure. Lack of structure invites sloppy journalism that reflects poorly upon the school it represents. Lack of freedom fails to prepare tomorrow's journalists for professional responsibilities and obligations and tomorrow's citizens for news consumption critical to informed democratic participation.

The Protocol is our best effort to find balance between freedom and structure. It is a consensus document that student journalists, their advisers and school administrators can turn to repeatedly during times of both harmony and discord. When a controversy surrounding a student newspaper gathers headlines in the professional press or ends up in the courtroom, all parties lose. On the other hand, when adversaries become allies, when contentious issues are resolved through consensus, and when student journalists practice their craft with the proper mix of freedom and structure, all parties win.

Sincerely,

Shawn P. Healy

Shawn Healy,
Director of Education
Civic Program

Introduction

Ethical protocol is a valuable tool for cultivating free and responsible student news media, improving communication among scholastic journalism stakeholders and enhancing democratic learning in schools.

Recognizing a pressing need for such protocol, the McCormick Foundation Civic Program convened a two-day conference to garner ideas that would be integrated into a protocol designed for student news media. The conference was held on Feb. 8-9, 2010, at Cantigny Park, Wheaton, Ill. The Illinois Press Foundation served as the executive agent.

More than 50 participants from Illinois and around the country brought their expertise and imagination to the conference to generate ideas for voluntary protocol that, in addition to many other benefits, can help facilitate ethical decision-making, dialogue and partnership among scholastic journalism stakeholders. The participants represented students, journalism educators, administrators, school board members, professional journalists, attorneys and a wide variety of organizations.

Among the conference speakers, topics and activities:

Sam Chaltain, director of the Forum for Education and Democracy in Washington, D.C., delivered the keynote address on "American Schools: Creating School Cultures that Can Celebrate Youth Voice and Media." Chaltain said the most essential challenge for any organizational culture is to strike the right balance between individual freedom and group structure.

Candace Perkins Bowen, director of the Center for Scholastic Journalism at Kent State University, discussed the value of journalism. In support of free and responsible student news media, she asked, "How can students problem-solve if other people are doing the thinking for them and making decisions that should belong to the students?"

Pam Selman and **Evan Ribot** former editors of *The Statesman* student newspaper at Adlai E. Stevenson High School, Lincolnshire, Ill., and their former faculty adviser Barb Thill addressed the need for protocol. The students expressed their frustration over their inability to forge a more ideal relationship between student journalists and school authorities.

Tom Gayda, news media adviser at North Central High School in Indianapolis, served as moderator of a panel that explored strategies for building and maintaining exemplary educational relationships among student journalists, news media advisers and administrators. Panel members included Nick Chaskin, editor of *The Midway* at University of Chicago Laboratory High School; Bill Dussling, school board president at Township High School District 214; and Tina Cantrell, principal of John Hersey High School, Arlington Heights, Ill.

Mark Goodman, attorney and Knight Chair in Scholastic Journalism at Kent State University, moderated a panel of attorneys who identified the legal parameters of students and school authorities in controlling the editorial content of student news media. Other panelists were Frank LoMonte, director of the Student Press Law Center in Virginia; James Tidwell, attorney and chair of the Department of Journalism at Eastern Illinois University; and Melinda Selbee, general counsel for the Illinois Association of School Boards.

Wendy Wallace, a faculty member at the Poynter Institute, St. Petersburg, Fla., presented an ethical framework for problem-solving journalism issues and controversies in ways that don't jeopardize student press rights, adviser welfare or administrator pedagogic responsibilities.

Vanessa Shelton, executive director of Quill & Scroll International Honorary Society for High School Journalists, led a discussion about student news media qualities that foster exemplary relationships among students, school administrators and school boards.

David Cuillier, chairman of the Freedom of Information Committee of the Society of Professional Journalists, reflected on principles of journalism ethics, educator ethics and skillful leadership that schools should inculcate and learners and educators engage in.

These general session topics were accompanied by breakout sessions of small groups focusing on components of each larger issue. General sessions were audio recorded, and small group discussions were summarized on flip charts. Ideas were integrated into this report.

The need to use ethical protocol has become more urgent as journalism's landscape has undergone momentous change in the past decade.

New media have made journalism more instantaneous. Convergence has integrated different media and delivery systems to accelerate the awareness and dissemination of news in multiple platforms. Today, if the news is important, it will quickly find you. *Protocol helps to ensure that the instantaneous delivery of journalism will not impede the discipline of journalism.*

Journalists use Twitter, Google Talk, Mobile, RSS (Real Simple Syndication), APPs (Applications), blogs, Facebook and Skype in various ways to gather and distribute news in real time. Those same media already are being integrated into scholastic journalism, which naturally follows the industry's lead. *Protocol identifies new ethical questions that accompany present-day and emerging media.*

As the scholastic press becomes more instantaneous, the deficiencies of prior review and micromanagement of student media by some educators become more apparent. *Protocol offers an effective alternative to prior review, discourages micromanagement and fortifies student responsibility for decision-making*.

As student access to new media grows, school boards may be more likely to recognize student news media as public forums. If student journalists can't use their school news media as forums to disseminate diverse perspectives, nothing prevents them from easily posting their censored stories independently on other media, perhaps getting wider distribution of their stories. Administrators' clout cannot achieve control when students communicate protected speech beyond the school arena and administrators' jurisdiction. The upside is a free student press; the downside, without the influence of journalism educators it may be a less responsible student press. *Protocol enhances journalistic competence and ethical development, stirs intrinsic motivation, nurtures responsible self-control and guards the forum role of authentic journalism from abuse.*

Few schools have an ethical decision-making protocol that fits the needs of scholastic journalism. As a result, contentious issues involving the student press too often deteriorate into calamities that destroy relationships, endanger careers, compromise school prestige and demoralize students, teachers and others. Rather than provoke undesirable consequences, those same contentious issues instead can give rise to constructive communication and collaboration.

Appealing to intrinsic motivation through collaboration is the preferred strategy above clout in influencing people to do the right thing. As motivator Dale Carnegie observed: "A man convinced against his will is of the same opinion still."

The plan for ethical protocol presented in this report embraces experiential learning and democratic engagement. Schools may customize the plan to meet their particular needs. The protocol process is applicable in public and private schools and to any student news medium.

This report contains two parts and an appendix. Part One covers "Dynamics of Ethical Protocol." Part Two covers "Examples of Protocol" that are particularly relevant issues in scholastic journalism. The appendix contains case studies and supporting information.

Part One

Dynamics of Ethical Protocol

The following topics provide a panoramic vision of ethical protocol and how it can be a force in cultivating free and responsible student news media and stimulating a school culture of democratic learning and civic engagement.

I. Balancing Freedom & Structure

Balancing individual freedom and group structure is a fundamental principle of both democracy and scholastic journalism.

Good schools engage in authentic journalism and democratic learning when they strike a proper balance between the press rights of students and the pedagogic responsibilities of educators. Students are empowered but not emancipated; educators are authoritative but not authoritarian; and the school culture is collaborative and not autocratic.

A good way to measure the value a school puts on scholastic journalism and democratic learning is to examine the balance of control over student news media.
What are the parameters of student autonomy?
What are the parameters for administrators' intervention?
What responsibilities belong to students and to administrators?

Do student journalists expect carte blanche to run their news medium as they see fit? Does their faculty adviser sidestep intervention when reporting is shoddy, when writing is inferior and when consideration of community values seems absent? Are students permitted to tackle controversial stories without a plan that includes clear objectives, legal and ethical considerations and strategies to enhance competent reporting? Do school authorities want student journalists to be undisciplined, reckless and self-serving?

Do school officials fear student freedom and seek to control the voices of students and their media by imposing restrictions to minimize student autonomy and experiential learning? Do they disallow student news media the essential functions of journalism, including the role of providing a limited public forum for use by the community to contribute and consider diverse perspectives? Do they want student journalists to be docile, compliant and unquestioning?

Or, finally, do all stakeholders value the indispensability of journalism in democracy by cultivating free and responsible student news media with emphasis on competence, law, ethics and self-discipline? Do they recognize the qualified [by scholastic press law]

(L) Discussion groups included a cross-section of journalism stakeholders; (R) Wendy Wallace, a Poynter Institute faculty member, presented ethical framework for problem-solving.

independence of student journalists and use collaboration rather than clout in influencing them to pursue the highest standards of their craft? Do they want student journalists to be caring, responsible and independent?

Educator Paulo Freire offers a barometer for measuring proper balance: "If the authority of the [educator] goes beyond the limits authority has to have in relation to the students' freedom, then we no longer have authority. We no longer have freedom. We have *authoritarianism."*

No competent stakeholder believes students should have unbridled control of their news medium. Neither do they believe that in a democratic society school authorities should have autocratic control. Neither students nor administrators own the press. Free and responsible student news media require a balance that defines parameters of management. Within those parameters, students have autonomy; beyond those parameters, school authorities can intervene. (Parameters are set by two U.S. Supreme Court cases—*Tinker v. Des Moines Board of Education* and *Hazelwood School District v. Kuhlmeier.* See "VIII. Scholastic Press Law & Protocol.")

Students should understand they are custodians, not owners, of their news medium. They have an inherent obligation in decision-making to consider the heritage of their news medium, the values of the school community, the tenets of the school mission, the pedagogic concerns of school officials and the wants, needs and interests of readers/listeners/viewers.

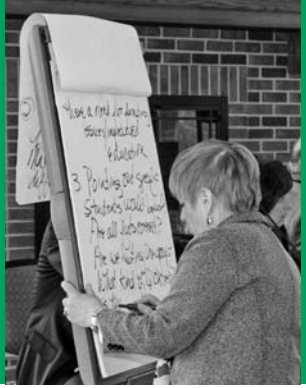
The community should understand that public school authorities serve as agents of the state and are obligated to recognize the First Amendment rights of student journalists as defined by judicial rulings and/or extended by state

(L) Principal Tina Cantrell and media advisers Tom Gayda and Stan Zoller summarized perspectives from three breakout groups; (R) Clark Bell, director of the McCormick Foundation journalism program.

legislation. Public school authorities may not deny students those rights under the guise that they are acting *in loco parentis* [in place of the parent]. As Justice Samuel Alito wrote in his concurring opinion in the Supreme Court's 2007 *Morse v. Frederick* ruling: "When public school authorities regulate student speech, they act as agents of the State; they do not stand in the shoes of the students' parents. It is a dangerous fiction to pretend that parents simply delegate their authority—including their authority to determine what their children may say and hear—to public school authorities. ... It is therefore wrong to treat public school officials, for purposes relevant to the First Amendment, as if they were private, nongovernmental actors standing *in loco parentis*."[1]

Under the *Tinker v. Des Moines* decision, student expression may not be censored merely because school officials dislike its message or because it provokes controversy or debate. Under *Hazelwood v. Kuhlmeier,* censorship of school-sponsored student expression is constitutionally permitted when school officials can show their actions are "reasonably related to legitimate pedagogical concerns." Seven states have passed anti-Hazelwood legislation in favor of granting students the greater First Amendment protection offered by the *Tinker* decision.

Stakeholders in scholastic journalism and democratic learning know that effective communication is essential. In schools where communication is accompanied by accountability, transparency, partnership, respect, trust, ethics and competent leadership, mutual understanding can be achieved, and scholastic journalism and democratic learning can thrive.



(L) Half of the 50+ conference participants were Illinois residents; (R) Candace Perkins Bowen, director of the Center for Scholastic Journalism at Kent State University, led a discussion on the value of student news media.

The challenge is to implement a process that continually nurtures proper balance and effective communication. **Ethical protocol** is a strategy that fits journalism and civic education well.

Bob Steele, a Poynter Institute scholar for journalism values, provides this definition of **ethical protocol**:

> We believe it is in the best interests of all stakeholders [in scholastic journalism] to adopt protocols for ethical decision-making.
>
> A protocol is not a policy setting down specific rules. Instead, a protocol is a process and a framework for making good decisions. A protocol includes key principles and important questions.
>
> The principles provide reference points on your moral compass, represent what you stand for, and guide you in ethical decision-making.
>
> The checklist of questions is a pathway to follow to resolve conflicting principles and to help determine your actions.

The simplicity of the process and the appeal to intrinsic motivation are two reasons why ethical protocol can have a desirable effect on communication among the stakeholders of scholastic journalism.

(L) The conference venue was Cantigny Park, Wheaton, Ill., home of the the late Colonel Robert R. McCormick.
(R) Editors Alexandria Johnson and Jimmy Hibsch of Rolling Meadows High School confer during lunch.

Here's an example of the protocol process:

Suppose a high school athletic director learns that the student newspaper's sports staff made its own "Most Valuable Player" selections at the end of the fall sports season and plans to publish the list. Among other reasons, the AD is upset that the newspaper's choices may confuse readers about the traditional selections made by coaches with player input.

Two principles from the National Scholastic Press Association's Model Code of Ethics for High School Journalists apply to this protocol example:
1. Self-accountability requires journalists to consider possible consequences of their actions and to weigh those consequences in decision-making; and
2. Journalists are obligated to declare any personal or unavoidable conflict of interest, perceived or certain, in covering stories or participating in editorial decisions.[2]

Questions could include the following:
1. What are the potential consequences—positive and negative—that can result from publishing the newspaper's own MVP list?
2. Why are sports reporters motivated to create their own MVP list?
3. Does evidence exist that the coach's MVP selection was self-serving and discriminatory? If so, what feasible alternatives exist to printing the newspaper's own MVP list?
4. How can the student sports staff show their selections are not influenced by personal friendships, biases or other self-serving factors?
5. How are journalistic standards and the newspaper's interests served by the sports staff's article?
6. What effects can the sports staff's actions have on the newspaper's objectivity and credibility?

II. Civic Mission of Scholastic Journalism

Democracy depends on journalism.

Roy Peter Clark, senior scholar at the Poynter Institute, puts it this way:

> Journalism and democracy are coterminous [share the same boundaries]. Without journalism, democratic life dies from lack of oxygen. Without democracy, journalism loses its heartbeat.
>
> Without a serious study of journalism, there can be no understanding of citizenship, democracy, or community.

Protocol for free and responsible student news media favors a "communicate and collaborate" leadership style over a more autocratic "command and control" approach. The former inspires dialogue; the latter, monologue.

Historically, democratic learning was the fundamental purpose of American education. As the 2009 Illinois Civic Blueprint published by the McCormick Foundation pointed out:

> Public schools were created in America with the primary purpose of preparing children to participate constructively as adult citizens in our democracy. However, recent school reform efforts have focused primarily on improving student achievement in reading, math and science. As a result, the historical function of the American public school—to educate students for democratic participation and citizenship—has been pushed aside. Like millions of their peers across the country, most Illinois high school students lack sufficient formal instruction and opportunities for the development of civic engagement. [3]

Since school leaders have a vested interest in how their "improving student achievement" successes/failures are portrayed, they are more tempted to want *to control* student media in order to influence the public's perception of the school image. But many school authorities have found the wiser strategy is *to cultivate* free and responsible media. Bad news can be made into good news when problems are shared and the resources of the community are garnered to remedy the problems.

III. Value of Free & Responsible Student News Media

Arguably, scholastic journalism and its product of student news media can affect school culture beneficially more than any other curricular/extracurricular offering. As instruments of democratic learning, they are unsurpassed.

By knowing the extraordinary value of journalism, the importance of cultivating free and responsible student news media becomes paramount. Good journalism energizes school culture. It integrates every dimension of school into its function and engages the entire school community in democratic participation. Every academic discipline, extracurricular activity, school issue, event, news consumer need and interest falls within the scope of journalism. The school mission of civic engagement and every principle of American democracy is protected and served by journalism.

Not only does scholastic journalism benefit its student practitioners, its peripheral effects on the school community strengthen partnership, participation, accountability, transparency, trust and all other essential components of a democratic school system. Student news media can be a bridge that connects administrators, students and the community in ways that profoundly benefit school culture.

The functions of journalism help show the value of free and responsible student news media in schools.

In *A Free and Responsible Student Press*, Robert Dardenne, chair of the Department of Journalism and Media Studies at the University of South Florida in St. Petersburg, lists 10 functions of the student press:

1. To Educate. Beyond the diverse skills journalism hones for its practitioners, its news media *educate* their consumers about "practical matters and issues" as well as more "abstract ideas and concepts."

2. To Inform. From posting the school calendar to showing which topics letter writers are concerned about, student news media *inform* in ways that offer both convenient and essential services.

(L) Janet Liao, program officer in the McCormick Foundation's journalism program, leads a discussion about arbitrary censorship; (R) Faique Moqeet, a Northside College Prep High School student journalist.

3. To Provide Diversity. In its range of coverage, from issues and perspectives to creeds and cultures, media provide *diverse* voices consideration in the "marketplace of ideas."

4. To Involve People. As a forum for all, student media *involve people* throughout the community in conversations about issues and events.

5. To Find Common Ground. Reporting differences can also help the discovery of *common ground*, which boosts civility and tolerance.

6. To Encourage Discussion. When they *encourage discussion*, student media open opportunities that can help eliminate distrust, alienation, misunderstanding and other detrimental features of a poor relationship.

7. To Entertain. By providing responsible *entertainment*, student media can lift morale and improve the school climate.

8. To Persuade. In editorials, columns, letters, advertising and other features, the chance *to persuade* satisfies an inherent need of people and contributes to the potential for improvement.

9. To Interpret. In a world deluged with information, the student media *interpret* the facts and provide a context that reveals significance.

10. To Share School Culture. Student media *share school culture*, preserving its history and impacting its present state.[4]

Frank D. LoMonte, executive director of the Student Press Law Center, Arlington, Va., suggests another function of scholastic journalism relevant to the Internet era:

(L) Frank LoMonte, of the Student Press Law Center; Ken Keller, of the Illinois Broadcasters Association; Linda Dawson, of the Illinois Association of School Boards, listen to protocol issues; (R) Mark Hallett, of the McCormick Foundation.

11. To Promote Civility. Today's school administrators are understandably concerned about the proliferation of uncivil attack speech disseminated over social-networking sites. The values that a solid journalism education conveys—that people must check their facts, sign their names to their work, correct mistakes, and prominently publish views different from their own—can be an antidote to 'cyberbullying.' Students seek out the uncensored venue of social networking sites to criticize school policies and personnel because schools offer no meaningful alternative forum for them to be heard. Online 'drive-by' grievances can and should constructively be channeled into peer-moderated student media where discussion can occur civilly but without undue restraint.

"For the student who is not the quarterback of the football team or the queen of homecoming, high school can be a disempowering experience, and disempowered students are those most prone to lash out in frustration," LoMonte said. "Student journalism that occasionally nudges against dainty adult sensibilities is a healthy outlet for the student who often feels voiceless in the cliquish world of teen culture."

The value of scholastic journalism and free and responsible student news media is far-reaching. No other course and extracurricular can offer more potential for impacting learners, school culture and the whole community. Ethical protocol helps student media achieve their highest potential in serving the school community.

IV. Need for Protocol

Scholastic journalism is in jeopardy. Ethical protocol can help protect and cultivate the role of student media in serving the school community. It also can help protect journalism stakeholders.

Injurious forces are eroding journalism's authenticity, diluting its product, compromising its ethics, manipulating its practitioners and denying its consumers. Not everywhere. But in a growing number of schools, true journalism is dying—in part, a victim of excesses: too much permissiveness, or too much autocratic control, or too much apathy, or too much self-centeredness.

Be cautious in pointing an accusing finger and singling out authoritarian administrators. *All* deficient stakeholders in scholastic journalism share responsibility for the decline of free and responsible student news media that serve the best interests of school communities.

News media advisers who are poorly trained in journalistic standards can be either too permissive or too afraid of controversy and thereby inhibit students from learning news media skills and developing decision-making competence necessary to practice responsible journalism.

Journalism students who think their individual liberties trump their societal and journalism responsibilities abandon the discipline of their craft and give cause for censorship.

Administrators who don't partner with journalism stakeholders and who refuse to participate in ethical protocol minimize dialogue, dodge accountability and lose a great opportunity to connect with students and the community.

School boards that allow educators arbitrarily to silence student perspectives just because they are controversial, critical or unpopular deny themselves essential information for decision-making and diminish democratic learning in school.

Parents, faculty, students and the extended **school community** who do not advocate for student press rights, balanced with competence and ethics, and for a school culture of civic engagement threaten the fabric of our country's freedom by their apathy.

Professional journalists who don't use their influence to protect the First Amendment in schools will feel the disastrous effect of their disregard when their news media ranks eventually swell with recruits who were taught obedience to authority instead of press responsibility in school.

If you're a stakeholder in scholastic journalism, it's time to revisit your relationship with student news media and to check your commitment to preserving a healthy environment for student journalism.

Here are some questions to ask yourself:

> Do I appreciate the value of free and responsible student news media?
> Do I appreciate the need for qualified independence of student news media?
> Do I prioritize the rights of student journalists above my personal biases and self-interests?
> Do I contribute to the welfare of student news media by being timely, open and fair in dealing with scholastic journalism issues?
> Do I nurture the intrinsic motivation of student journalists?
> Do I take initiative in supporting the student press, and am I proactive in dealing with challenges of scholastic journalism?
> And most importantly, am I willing to engage in ethical protocol, discuss principles, answer questions and go on record about my attitudes?

Stakeholders and schools that sincerely participate in ethical protocol show that journalism and democratic learning are valued in their school culture.

V. Purposes of Protocol

The fundamental aim of ethical protocol for free and responsible student news media is to provide a process and a framework for making good decisions that enhance scholastic journalism and civic engagement. Additional objectives include the following:

- To help journalism students achieve a proper balance of individual rights and societal responsibilities that results in authentic journalism and a democratic learning environment.
- To create proactive opportunities to tap the experience and expertise of journalism stakeholders during decision-making.
- To provide problem-solving strategies for dealing with journalism issues and controversies without jeopardizing student rights and responsibilities, adviser job security and educator pedagogical duties.
- To nurture a respectful, educational partnership that contributes to the integration of scholastic journalism's principles and the school mission of civic engagement.
- To make transparent the values of stakeholders and to enhance accountability.
- To educate all stakeholders about journalism's high standards for competence and ethics.

VI. Essentials of Protocol

Five components are essential to the success of ethical protocol as a tool for cultivating free and responsible student news media and a school culture of democratic learning:

1. Shared Vision. Protocol works best when stakeholders share fundamental values, recognize the needs of different stakeholders, understand and consider the alternatives that exist in decision-making and commit themselves to finding common ground with others.

2. Participation of All Stakeholders. Students, teachers, administrators, parents, school board members, professional journalists and other citizens are among key stakeholders who have special interest in the success of scholastic journalism and student news media. All should be included in the efforts to resolve problems, enhance competence, inspire ethical development and create learning opportunities.

3. Respect. Stakeholders always should treat one another with civility and respect, regardless of age or rank. Interaction should be amiable, and students should be treated as young adults rather than as subordinates. Students' First Amendment rights and educators' pedagogic responsibilities should be acknowledged and respected.

4. Commitment to Experiential Learning. Authentic journalism is more than an academic exercise; it requires engagement. Students learn responsibility when they are given responsibility. Aristotle voiced this commitment to experiential learning: "The things we have to learn before we do them, we learn by doing them."

5. Public Accountability and Transparency. The process for ethical protocol prioritizes the merit of an argument over the rank of a stakeholder. Every stakeholder should be willing to engage in public dialogue, be open about his/her attitudes and rationales and accept personal accountability in decision-making. This is especially true in educational institutions, where enlightenment is a fundamental goal.

VII. Structure of Protocol

Ethical protocol may be implemented as a formal or informal process in public and private schools. Its structure may be customized to meet a school's particular needs. Protocol's general structure is issue-oriented, proactive, collaborative, democratic and nonthreatening. This protocol is designed to involve journalism stakeholders, working cooperatively, in decision-making. Stakeholders examine principles that are relevant to a need or pending decision, and they ask relevant questions. The eight steps of ethical protocol follow.

Step 1

Initiate Protocol

> Student journalists, their adviser(s) or another stakeholder can initiate the protocol process for one-on-one or group participation. The focus of the protocol can involve any action or issue involving scholastic journalism, including the exploration of ethical dimensions of media stories from the time of their inception to post-publication.

> In situations involving possible contention, a meeting may be scheduled at a comfortable, neutral place—away from any partisan "turf." Because of the immediacy of journalism, timely meetings are important.

> To minimize anxiety and allow the opportunity for preparation, the initiator should identify the topic of the meeting and any issue or potential problem(s) during the first contact with stakeholders.

> Prior to the protocol meeting, a neutral individual may be selected by participating stakeholders to serve as an impartial moderator.

> Stakeholders—especially students and advisers who may feel intimidated by school administrators—may bring advocates or neutral observers/participants to a protocol meeting to help ensure civility and to keep the focus on issues rather than personalities.

> Stakeholders should be informed of who will be attending a protocol meeting as early as possible.

Step 2

Define the Problem

- Particularly in matters of contention, the initiator should state in writing (so everyone has the same understanding) the precise issue(s) to be discussed/resolved. Phrase the problem in simple language.
- Be specific. Don't say, "The problem is a student newspaper story that would/did invade a student's privacy." Instead, say, "This statement, (quote appropriate text from a news medium story), illegally or unethically infringes on this student's (name of student) right or expectation of privacy, because … (provide rationale)."
- Right away, make sure everyone understands the parameters of the issue/problem so focus is not diverted to unrelated issues.
- Determine whether the issue/problem involves law, ethics, competence, policy, relationships, expectations, interpretation or another such topic.
- Examine the issue/problem from different perspectives, such as the student's perspective, the adviser's, the administrator's and the news consumers'.
- Approach any conflict as a problem to solve together, not as a battle to be won.

Step 3

Define the Decision To Be Made

- State in a simple sentence the decision that needs to be made.
- What feasible options/alternatives exist?
- Who will be effected by the decision? How?
- Who has/had the initial responsibility for making the decision? Why that person or group?
- Is someone challenging an initial decision? Who? Why? What is the motive for the challenge? Is the motive based on legal, ethical, journalistic, educational or arbitrary reasons?
- Should the issue/problem be decided collaboratively? If not, who should decide? What is the rationale?
- What criteria will be used in making the decision? To whom may the decision be appealed? What would be causes for appeal?

Step 4

Identify Relevant Principles

- List journalistic, educational, ethical and other key principles relevant to the issue being examined.
- The principles provide reference points on your moral compass, represent "what you stand for," and guide you in ethical decision-making.
- Begin with "we agree" statements, identifying common ground—the principles stakeholders hold in common.
- Identify any contentious principles, and explore the different attitudes stakeholders have about them.
- Identify conflicting principles, and during the protocol process determine which should have priority. What is the rationale?

(L) Keith Carlson, adviser for *The Central Times* at Naperville Central High School, makes a point during a general session; (R) Jimmy Hibsch, Rolling Meadows high school student newspaper editor

Step 5

Ask Important Questions

> Stakeholders ask questions that are relevant to the principles and issues at hand. The checklist of questions is a pathway to follow to resolve conflicting principles and to help determine your actions.

> During dialogue, seek first to understand, then to be understood.

> Listen in a caring, empathetic way.

> Questioning authority is fundamental to democracy, and leaders should not be offended or seek retribution for questions that may put them on the defense.

> Every point of view is subject to questioning.

> Keep questions focused on principles and issues, not on personalities.

> Stakeholders should respond to questions.

Step 6

Be Transparent and Accountable

> When contentious issues and dilemmas arise, ethical protocol considers the merits of arguments above the rank of adversaries.

> The protocol sets a level playing field. All stakeholders, regardless of their position on the hierarchy of power, are held accountable for their attitudes and actions, and their rationales are brought to light for public scrutiny. The protocol process itself may occur at a public gathering.

> The transparency provided by the protocol helps identify any personal biases, self-interests and misuse of power that can corrupt the process of decision-making.

> Transparency helps the true merits of arguments rise to the forefront to be weighed, and it protects the public interest by making decision-makers accountable.

> Stakeholders are expected to be candid and not hide behind sophistic arguments and pseudo-assertions in refusing to share information, and they are expected to be less concerned with building images and facades than with being transparent toward building an improved school culture.

(L) A cross-section of stakeholders strategize how to complete a balancing activity; (R) Vanessa Shelton, executive director of Quill & Scroll International Honorary Society for High School Journalists, talked about building partnerships.

Step 7

Seek Consensus

- Consensus is a process for group decision-making. All stakeholders contribute ideas that are synthesized to arrive at a final decision acceptable to all.
- Consensus differs from voting in these ways: (1) Voting chooses one alternative from several; consensus integrates diverse ideas together. (2) Voting is a win-lose, quantitative process; consensus is a win-win, qualitative process. (3) Voting does not address individual feelings or needs; consensus considers individual interests as stakeholders work through differences to reach a mutually acceptable agreement.
- Consensus is more easily achieved when stakeholders share common values.
- Avoid a premature consensus and superficial analysis by not allowing the group to agree too quickly; ask questions that lead to a deeper analysis; agree only when satisfied that the group has explored all possibilities.
- Ask stakeholders to explain their reasoning process so it is clear enough to all.
- In seeking consensus, a goal is to reach a decision or solution that will satisfy everyone in the group rather than just the majority. Finding middle or common ground is important. Majority rule is competitive; unanimity is cooperative.
- All stakeholders have equal opportunity to provide input.
- Both sides of an issue are expected to consider what concessions they can make while still being true to their ethics and responsibilities.
- Work in partnership to resolve a problem, and do not pit stakeholders' interests against each other.
- If consensus cannot be achieved, identify and discuss the conflicting values of different stakeholders. Consider the intensity of stakeholder opinions.

Consider which stakeholders are most affected. Consider who is the person or group closest to the decision. Consider which decision is most responsible regarding legal and ethical questions. Ask these four questions about each potential decision: (1) Does this decision promote dignity or humiliation? (2) Does this decision teach responsibility or obedience? (3) Does this decision motivate students to learn? (4) Does this decision foster commitment? If consensus is still not achieved, check for precedent or consider doing nothing if that is applicable.

> A group committed to consensus may utilize other forms of decision-making, including individual, compromise or majority rules.

> At the end of the collaborative process, every stakeholder should be satisfied that his/her voice was heard and understood.

Step 8

Implement Decision

> Communicate the decision openly and clearly. Avoid any kind of secrecy.

> Share rationale that supports the decision, and be willing to explain the protocol process.

> Analyze the public's reaction to the decision.

> Measure the effects of the decision, and be willing to reconsider if warranted.

> Was this decision fair and in the best interests of learners, journalism, democratic education and the school community?

VIII. Scholastic Press Law & Protocol

Although the U.S. Supreme Court's *Tinker v. Des Moines Independent Community School District* case determined that students maintain their First Amendment rights on school grounds, student journalists still have some limitations based on other precedents set by the Court.[5]

In the 1969 *Tinker* case, the court ruled that school officials can regulate student speech only if it would cause a material and substantial disruption of school activities or if it is libelous, obscene or an invasion of the rights of others.

In the 1988 *Hazelwood School District v. Kuhlmeier* case, the court determined that school officials can censor student speech if they demonstrate a reasonable educational justification for the censorship. Some courts also require that school officials show the censorship is "viewpoint neutral" and doesn't discriminate against particular views. [6]

For 19 years after the *Tinker v. Des Moines* (1969) decision, public schools widely recognized that student news media were entitled to broad First Amendment protections. The parameters for student expression set by Tinker did not result in any successful libel suits against schools. In fact, there never has been a published court decision in which a school has been held libelous for the editorial content of student media, according to the Student Press Law Center, a legal and educational organization devoted to aiding the student press.

The *Hazelwood* decision didn't overturn the *Tinker* case, but it created another interpretation between student-initiated speech and curricular speech in settings such as a student newspaper, yearbook or school play. The *Hazelwood* decision helped define distinctions between student expression which takes place in a "public forum" versus a "non-public forum."

School-sponsored media is sometimes considered part of a non-public forum, because some school officials exercise hands-on gatekeeping authority over editorial content. The public forum definition more often covers extracurricular and independently produced student media. Student media that are considered public forums have greater First Amendment protections than non-public forums and are not subject to *Hazelwood's* standards.

School-sponsored media defined as non-public forums can have wide First Amendment protection, but those are determined on a case-by-case basis.

According to the Student Press Law Center, private school media are not legally affected by either the *Tinker* or *Hazelwood* rulings, because the First Amendment only protects against action by government officials. [7]

Seven states have passed laws that provide more protections for student journalists than what is offered in the *Hazelwood* decision. They are California, 1977; Massachusetts, 1988; Iowa, 1989; Colorado, 1990; Kansas, 1992; Arkansas, 1995; Oregon, 2007. In 1997 the Illinois House of Representatives passed student press rights legislation by a vote of 109-4, and the Senate followed, 57-0, but the governor vetoed the bill.

The *Hazelwood* decision is not generally thought to apply to the college media, and many experts say the college media have the same First Amendment protection as professional journalists. The standard for college censorship cases in Illinois, Indiana and Wisconsin was set through a 7th U.S. Circuit Court of Appeals decision in the *Hosty v. Carter* case. In that case, a college administrator in Illinois attempted to use the *Hazelwood* decision as justification for prior review of a student newspaper. The newspaper had just printed articles and editorials critical of the administration. A lower court ruled unanimously in favor of the student newspaper finding that the *Hazelwood* standard isn't appropriate for college media and affirming the strong First Amendment protection for the college press. But the 7th U.S. Circuit Court of Appeals later ruled in favor of the administration in 2005, saying that the *Hazelwood* standard should be the "starting point" in college censorship cases. The U.S. Supreme Court refused to hear the case in 2006.

Although Illinois is part of the 7th U.S. Circuit Court of Appeals jurisdiction, the state passed legislation negating the *Hosty* decision.

All student journalists in public schools have significant First Amendment press rights, regardless of whether the school subscribes to the *Tinker* or the *Hazelwood* decision. It is not correct to say that *Hazelwood* removed all First Amendment protection from the student media.

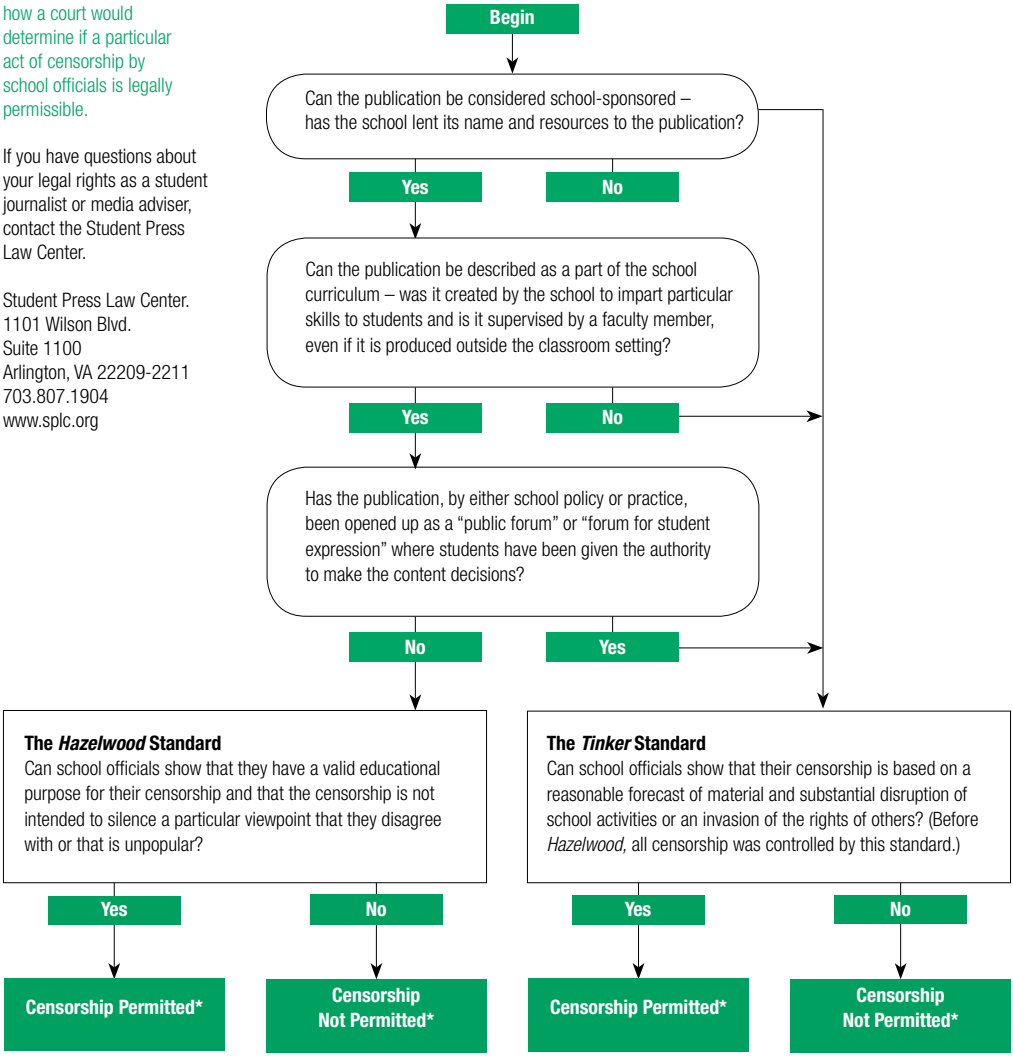
Many educators believe that democratic learning is best served by authentic journalism that has the degree of autonomy defined in *Tinker*. These educators find it unusual that a student would have greater First Amendment freedom to wear a message on a T-shirt than to write it on a newspaper's opinion page. Other educators believe the minimum freedoms of *Hazelwood* better serve the school. In either case, ethical protocol helps guard the welfare of learners, educators and the community.

First Amendment Rights of Public High School Student Journalists

This diagram describes how a court would determine if a particular act of censorship by school officials is legally permissible.

If you have questions about your legal rights as a student journalist or media adviser, contact the Student Press Law Center.

Student Press Law Center.
1101 Wilson Blvd.
Suite 1100
Arlington, VA 22209-2211
703.807.1904
www.splc.org



*As of February 2008, if your state is Arkansas, California, Colorado, Iowa, Kansas, Massachusetts, Oregon, Pennsylvania or Washington, the censorship may not be permitted under your state law or regulations.

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IX. Ethics & Protocol

Ethical protocol causes individuals to examine their own values and to review how well their ethics align with their actions and with the values of others. It brings to a conscious level an examination of a person's basic beliefs and behavior. When an individual discovers inconsistencies or conflicting values in his/her own actions or in the actions of others, the protocol offers a pathway to resolution.

Ethical protocol also helps reveal the extent to which stakeholders' values are aligned. When stakeholders share common values, differences may be resolved more easily.

It is useful to review the values of each association that represents the interests of stakeholder groups. By checking the Code of Ethics of stakeholders' organizations, a clearer picture emerges of motivating factors that may affect decision-making.

Relevant to scholastic journalism stakeholders, here is a small sampling of organizations that have a code of ethics:

> National Scholastic Press Association
> Journalism Education Association
> National Education Association
> American Association of School Administrators
> National Association of Secondary School Principals
> Society of Professional Journalists
> American Society of Newspaper Editors

The shield of the First Amendment can be used for good or bad. A person's motives, values and moral awareness are among the factors that direct an individual toward good or bad, right or wrong decisions.

First Amendment freedoms, intentionally or inadvertently, can be abused. Supreme Court Justice Byron White warned against frustrating the core value of the amendment, which is protecting the "flow of intelligence" necessary to support self-government in a free society. He criticized those who would use the shield of the amendment for unethical purposes. Protocol helps guard against such abuse.

Dilemmas sometime frustrate advisers and administrators: What is legal may not be what is ethical; having the right to say something doesn't make it right to say it. Conversely, having the legal opportunity to block expression does not make taking such action ethical.

So how can school officials guide students away from abusing their press freedoms without arbitrarily and autocratically demanding that students follow administrators' ethical choices? Perhaps the best way to influence students is to appeal to their intrinsic motivation. Such strategy begins with accepting a student's right to legislate and enforce his/her own ethics and, barring intrusion on the rights of others, allow expression of those ethics. Rather than use clout to dictate ethics, an effective educator uses reasoning to influence a student's judgment toward high moral principles and good decisions that nurture rather than abuse press freedoms. If such strategy fails, a system of checks and balances is a democratic choice for remedying ethical lapses. Student editors, codes of ethics, media policy protections, ethical protocol and other checks are more effective than having administrators impose *their* ethics in a show of authoritarian clout.

Administrators, who may have good intentions, must be cautious of public perception. As Justice Samuel Alito said in his 2010 opinion in *Nurre v. Whitehead*, dissenting from the Court's refusal to entertain the free-speech claims of a student who wished to perform a Christian hymn at graduation:

> "When a public school purports to allow students to express themselves, it must respect the students' free speech rights. School administrators may not behave like puppet masters who create the illusion that students are engaging in personal expression when in fact the school administration is pulling the strings.[8]"

While public school teachers may be obligated to inculcate universal values in students, as agents of the state they are not allowed discriminately to teach, express belief in (in their capacity as a teacher) or suppress student expression of *controversial values*. A *universal value* may be defined as a principle or ethical statement that almost everyone finds valuable. A *controversial value* may be defined as a principle or ethical statement that lacks consensus in the community.

Public school educators may provide information or facilitate discussion about a controversial value, but they may not use their position to influence a student to take a particular side regarding a controversial value.

If a principal has a bias about tattoos, he may not disallow students to publish a story about tattoos, on the basis of his prejudice, in the official student newspaper. He may, however, prohibit students from publishing an

article that encourages students to get a tattoo without parental approval before they reach the age of lawful consent.

Some choices that students make lack ethical integrity, betray the spirit of the First Amendment and fall at the very far edge of a protected freedom. In such a case, the temptation to narrow that freedom may be great. But many who support the First Amendment believe the temptation must be resisted:

A line will always exist between behavior protected by law and behavior that is not. If we reduce the distance to that line each time free speech is challenged, our freedoms perpetually erode.

The "Credo for a Free and Responsible Communication in a Democratic Society" of the National Communication Association defends tolerating expression that falls at the very edge of protected speech:

> "We support the proposition that a free society can absorb with equanimity speech which exceeds the boundaries of generally accepted beliefs and morals; that much good and little harm can ensue if we err on the side of freedom, whereas much harm and little good may follow if we err on the side of suppression.[9]"

The best way to promote ethics and fight abuse of the First Amendment is to develop a keen understanding—a panoramic vision—of that cornerstone of American freedom. The more we learn about the First Amendment, the more we can appreciate the beauty of its protective, multidimensional, evolving nature.

X. Forum & Protocol

A trend in scholastic journalism has been to disempower students by changing the status of their news media from open forum to closed forum.

Public forum analysis is a doctrine the courts have developed to evaluate the legality of government restrictions on expression on government-owned property.

There are three types of forums:

> **Traditional Public Forum** (a.k.a. **Open Forum**): Government-owned or controlled property that by tradition has been devoted to free expression (sidewalks, parks).

> **Limited Public Forum** (a.k.a. **Designated Public Forum**): A forum that, "by policy or practice," has been opened for expressive activity, but only for certain groups or topics (university facilities opened for meetings of student groups or other organizations).

> **Closed Forum** (a.k.a. **Nonpublic Forum**): Public property that has not by tradition or designation served as a location for free expression (military bases, jails).

Student news media recognized by policy or practice as limited public forums follow the parameters set by *Tinker v. Des Moines Board of Education* (1969) and students have a greater level of editorial control. Media recognized by policy or practice as closed forums follow the parameters set by *Hazelwood School District v. Kuhlmeier* (1988), which gives student journalists less editorial control.

In *Tinker*, school officials have a relatively "hands-off" role regarding content of student media, but freedom is in no way absolute or on the level that a professional publication would expect. Officials may stop dissemination of news media that is libelous, obscene, would create a material and substantial disruption or would otherwise exceed the parameters of protected expression. Advisers teach and offer students advice, but they neither control nor make final decisions regarding media content.

In *Hazelwood*, the *Tinker* decision was reaffirmed, but the Supreme Court added another criterion when dealing with "curricular" media: Can school

officials show they have a *legitimate educational purpose* for the censorship and that the censorship is not intended to silence a particular viewpoint they disagree with or that is unpopular?

A dilemma occurs when school officials must decide whether to silence a student's voice in order to avoid public perception that the voice bears the imprimatur of the school. That dilemma is significantly lessened when (1) student news media are recognized as limited public forums with students controlling editorial content within the parameters set by *Tinker*, and (2) student news media are not subjected to a policy of prior review by administrators. Under *Hazelwood*, news consumers may mistake administrators' *approval* of student news media content with the false notion that they necessarily *endorse* the perspectives reflected in the content.

In all but seven states, public school boards may set policy regarding which of the two forum options they choose to recognize for student media. In California, Massachusetts, Iowa, Colorado, Kansas, Arkansas and Oregon, state legislatures have passed laws that nullify the more restrictive *Hazelwood* ruling in favor of adopting the *Tinker* parameters for protected student expression. Public school officials in those states are required to recognize student media as limited public forums. [7]

For the 19 years between *Tinker* and *Hazelwood*, public schools recognized their student news media as having extensive First Amendment protection. But since the *Hazelwood* decision, a growing number of schools are opting to exercise greater control over student media, minimizing the First Amendment rights of students. Some student journalists and advisers contend the increased control is motivated more by protecting the school's image than by nurturing good journalism practices. Some school officials contend that the greater control is needed to protect against liability and safety risks.

Ethical protocol provides the opportunity to have dialogue about the merits and liabilities of both open forum and closed forum recognition of student news media.

XI. Prior Review & Protocol

No issue in scholastic journalism is more contentious than the policy of prior review.

The Student Press Law Center explains prior review as "one of the most troublesome forms of censorship high school student media confront." Journalism educators and professional practitioners widely oppose the practice of prior review because it almost always leads to prior restraint.

Many school administrators believe that prior review is necessary to protect the school's interests and the students' safety. Many administrators argue that their intervention under prior review does not represent censorship but rather the editing of content to support responsible standards of journalism.

The different attitudes about prior review are a rare departure from the usual practice of high school authorities following the advice of professional practitioners and expert educators specializing in an academic discipline. Journalism education associations have repeatedly tried to get school officials to engage in public discussions about the merits and liabilities of prior review, but they have had practically no success.

Prior review occurs when anyone not on the news medium's staff requires that he or she be allowed to *read, view or approve* student material before distribution, airing or publication.

Prior restraint occurs when someone not on the news medium's staff *requires changes to or removal of* student media content before distribution, airing or publication.

According to the Journalism Education Association, prior review itself is a form of prior restraint. It inevitably leads the reviewer to censor and student journalists to self-censor in an effort to assure approval.[10]

The JEA states that an officially designated adviser, when working with students as part of the coaching and learning process, who reads or views student media content before publication is not engaged in prior review. However, when an adviser *requires* pre-distribution changes, his/her actions then become prior restraint.

Ethical protocol can bring to light the arguments for and against prior review, can offer alternatives to prior review and can hold accountable officials who practice prior review.

The Supreme Court in its *Hazelwood* decision said that high school officials could exercise prior review—reading only—of school-sponsored publications without written guidelines. They can do so even if the news medium is operating as a limited public forum unless school policy or state law prohibits it.

In practicing prior review, school authorities examine news media content to detect student expression that's not protected by the First Amendment or—if *Hazelwood* standards apply—that constitutes "a legitimate pedagogical reason" for censorship.

However, the practice of prior review tends to be an inconsistent process of micromanagement, controlling the school image, dictating ethics on controversial issues, arbitrary censorship and even intimidation. School authorities often become editors rather than overseers, thereby undermining the responsibility of student editors and their trained journalism teachers.

Prior review controversies as reported in the professional media show that the ethical justification and autocratic practice of prior review simply can not coincide. Censorship of protected speech occurs under the guise of "editing" by administrators.

Because prior review so often leads to prior restraint (censorship), leaders of the Journalism Education Association, the National Scholastic Press Association, the Society of Professional Journalists (see appendix) and other journalism and civic organizations strongly oppose the practice of prior review.

Some question why, if censorship is justified by "a legitimate educational reason," the action is not followed by mentoring—explaining the legal or educational justification for the censorship and showing how coverage of the story may continue in a way consistent with journalistic standards and ethics.

Additionally, some question why the judgments of some school administrators regarding scholastic press law, journalism standards and ethics trumps the assessments of trained journalism educators and professional practitioners.

Some feel that when it comes to cultivating free and responsible student news media, some educators are prioritizing control and clout above collaboration and consensus. Control should be an exercise of purpose, not power; and self-control is decidedly preferable to authoritarian control.

School authorities are not expected to yield their pedagogic responsibilities, just as student journalists should not be expected to yield their First Amendment rights. There is a middle ground that can satisfy the concerns of all stakeholders. That may be found by examining alternatives to prior review. There are many alternatives, including the process of ethical protocol.

If students engage in ethical protocol routinely; habitually consider the ethics to do the right thing; work collaboratively to enhance their competence; partner with stakeholders to hone skills; and watch over one another, there should be no compelling reason administrators should engage in prior review.

Finally, the whole debate about the value of prior review soon may be moot. The emergence of instantaneous media is already changing the landscape of scholastic journalism, which naturally replicates changing skills and new standards of professional journalism. There will be little time for prior review, and that's one reason why it is critical to explore effective alternatives to prior review now.

XII. Youth Voice & Protocol

Sam Chaltain, director of the Forum for Education and Democracy, a national education "action tank" devoted to restoring the purpose of public education, delivered the keynote address at the protocol conference. His talk, "American Schools: Creating School Cultures That Can Celebrate Youth Voice and Media," stirred participants with insightful and innovative ideas for enhancing democratic learning and achieving a proper balance of freedom and structure in schools. Chaltain advocates providing enough structure to empower students to do their best work and enough freedom so that each student's inherent creativity can be unleashed. His philosophy fits well with the aim of protocol as a way to help keep free and responsible student news media in balance with the best interests of all journalism stakeholders.

Below are some of Chaltain's comments.

Excerpts from keynote address, *"American Schools—Creating School Cultures That Can Celebrate Youth Voice and Media":*

"How do we create the most receptive climate for student journalism, and, in the process, how do we make the role of the student journalist central to a healthy school culture?

The most essential challenge for any organizational culture is to strike the right balance between individual freedom and group structure. Some schools err on the side of too much freedom and not enough structure. They mistakenly think that the best way to empower young people is just to say to them, 'All right, you have voice now. Go.' Then there are also schools that feel freedom is something to be feared, and they err on the side of too much structure and not enough freedom. The central challenge as a school culture is striking the right balance between freedom and structure. That's an essential role for a free and responsible student press to play—sharing information, making sure that the actions of school are monitored, providing information, creating news literacy and empowering young people to exercise their rights responsibly.

When we think about school cultures, the things that we pay attention to are the things we see—the visible aspects of the school culture. So test scores, school trophy cases, uniforms, maybe the latest copy of the school newspaper—all of those things are important. But they are only one part of the puzzle. If we are really serious about creating a receptive climate for stu-

dent journalism, then all of us need to be more attuned to the invisible aspects of a school culture, including the quality of relationships that exist among people in the building. Those invisible aspects of a school culture need to get addressed, including the invisible aspects of student journalism, [one of which is] the fear of freedom—the fear of giving young people a voice, because if we give them a voice, what will they say?

Countless research has demonstrated that the best way we learn is democratically, and the best environment in which we can learn is a democratic learning environment, [one] that balances individual freedom and group structure, [one] that tends to both visible and invisible aspects of the culture, [one] where adults are authoritative facilitators of learning, not authoritarian presences that just try to shove facts into kids rather than try to pull ideas out.

All of the things that student journalism does—the way it helps young people develop critical thinking, writing skills, working cooperatively; the way it contributes to an overall healthy educational culture—these are the ways all of us need to talk about [in regards] to student journalism. And oh, by the way, it prepares young people for democracy. Journalism is one of the best possible programs for doing that.

There is no more appropriate front line for the causes of democracy than student journalists … trying to make sure that all schools are healthy, high-functioning, democratic learning environments where all young people are given the skills and self-confidence they need to be meaningful and responsible contributors to the common good.

President Barack Obama said one of the things he is most interested in seeing in the next education policy is a different way of assessing whether or not schools are successful. What we currently have—and this is the epitome of insanity—are schools being judged successes or failures based on a single-day, student performance on basic skills, standardized, third and eighth grade reading and math scores.

The president wants to get a broader measure to determine whether or not schools are being successful. I think that opens up space for principals and teachers to go back to the things they know were important for student learning and youth engagement. One of the first things, I think, that needs to be on that plate is student journalism. Programs like [journalism] are essential aspects of a high-quality education. Only with student journalism, only with a healthy free press can we even make sure our leaders are making the decisions that need to be made.

What's been most frustrating to me when schools err on the extreme side of freedom is the same frustration when schools err on the extreme side of structure: I don't see a lot of learning going on.

The best school mission statement I've ever seen: 'Empowering each individual with the knowledge and skills to use his or her unique voice effectively and with integrity to co-create our common public world.'

Part Two

Examples of Ethical Protocol

The following examples of ethical protocol were chosen because they embody core issues in scholastic journalism. The principles represent widely accepted truths that serve as the foundation for a person's beliefs, behavior or chain of reasoning. The questions are a sampling of inquiries that are relevant to student journalists and their news media.

Part Two: Examples of Ethical Protocol

I. Principles of Forum

1. Although there is no requirement that any government agency establish a forum of any kind, it is essential to civic engagement that students be provided with robust forums at school from which they may exercise their First Amendment rights.
2. Once a government does establish a forum, it cannot dictate the content of that forum.
3. Of the three types of forums—**traditional, limited, closed** (see "X. Forum & Protocol")—**closed public forums** minimize the First Amendment rights of students.
4. The **limited public forum** status for student news media provides a more authentic training ground than a **closed public forum** for students to learn responsible application of First Amendment freedoms.
5. The right of school officials to prohibit unprotected student expression is not diminished by recognizing student media as **limited public forums**.
6. Since the *Hazelwood School District v. Kuhlmeier* (1988) U.S. Supreme Court decision, public school boards have a choice of recognizing whether their student news media is a **limited public forum** *(Tinker)* or a **closed public forum** *(Hazelwood)*.
7. A **limited public forum** enables students to make decisions on content, thus empowering them to practice critical thinking and civic engagement roles.
8. The educational value of the **limited public forum** is reflected by the democratic learning opportunities afforded by such a forum.
9. A school's intent is critical in determining the forum status of student media. The school's intent may be revealed by written school policy, if one exists, or by how the publication has operated over time. Actual practice speaks louder than words in determining whether the school intended to create a **limited public forum**.
10. Studies, such as the annual State of the First Amendment survey conducted by the First Amendment Center, have clearly shown that students, and communities in general, do not understand the substance and spirit of the First Amendment and how it impacts citizens. One reason may be that students are not allowed to practice what they are taught while in schools, and thus they do not believe the theories of the democratic system.

Q:

How does each type of forum impact First Amendment education in school?

Questions about Forum

1. What are the arguments for and against recognizing student media as limited public forums, and what is the rationale of the school board in making its decision?
2. If journalism educators and professional practitioners widely recommend that high school student media should be recognized as limited public forums, why do some schools still choose closed forum status?
3. How does the process of protocol strengthen the argument for recognizing student media as limited public forums?
4. If school officials are at greater liability risks under a policy of closed forum rather than limited forum for student media, why do they choose closed forum?
5. What is the importance of a forum for student expression? What does it help teach students, and how can it help with a school system's commitment to excellence?
6. From a purely educational standpoint, which type of forum—limited or closed—is the best choice for student media?
7. How does a closed forum for student media diminish opportunities for members of the school community to voice their perspectives?
8. What student-initiated limited forum can foster dialogue, discussion and debate better than student news media?
9. What legitimate educational mission does a closed forum accomplish?
10. How does each type of forum impact First Amendment education in school?

II. Principles of Prior Review

1. The arguments for a policy of prior review diminish when responsible journalism occurs—when a qualified faculty adviser, clear publications policies and professionally oriented journalism curriculum exist.
2. Authority to *read* content before it goes to press or air is not the same as the authority to demand changes, to punish for content decisions, or otherwise censor disfavored material. The former is prior review. The latter, censorship, is prior restraint.
3. A student news medium cannot remain an independent source of news or serve as a watchdog for the school community when a school administrator is shaping its content before it goes to press or air.
4. Rights, more than authority and discipline, prepare students for roles in a democracy as thinking, discerning, contributing citizens.

5. Prior review creates the possibility of viewpoint discrimination, undermining the marketplace of ideas and all pretext of responsible journalism.
6. Prior review can enable public school authorities, who are government officials, to decide in advance what people will read or know. Such officials are potential newsmakers, and their involvement with the news dissemination process can interfere with the public's right to know.
7. Prior review can negate the educational value of a trained, professionally active adviser and teacher working with students in a counseling, educational environment. Prior review simply can make the teacher an accessory, as if what is taught really doesn't matter.
8. Prior review can lead toward self-censorship, the most chilling and pervasive form of censorship. Such fear eliminates any chance of critical thinking, decision-making or respect for the opinions of others.
9. School authorities can achieve the school's educational mission without implementing a policy of prior review.
10. Prior review is not illegal in most judicial circuits; however, no court ruling justifies it or encourages it for educational reasons. This makes prior review primarily an educational issue, and most scholastic journalism educators have stated it has no legitimate pedagogical value. Prior review and a lack of trust in students to produce quality journalism undermines the very missions school officials say are among their most important.

Questions about Prior Review

1. Are school authorities who participate in prior review influenced to censor expression that may displease their supervisors?
2. What is the purpose of prior review? To prevent misinformation? To protect the school's image? To enhance student learning? To provide accurate information to the school's communities (including voters)? Which of the reasons given for review are educationally valid, fitting within *Hazelwood's* framework?
3. What journalism skills and motives do administrators bring to their review? How does review affect the school's curriculum, especially student learning? Does review provide the lessons that the curriculum intends?
4. If we can agree that prior review has no legitimate educational value, what can we design that can take its place and still leave a reality of protection for all the stakeholders in the educational process?
5. How has prior review improved the educational process or safety of schools where it exists? What case studies, provable educational studies/research/standards exist to show the effectiveness of prior review?
6. Does administrator review, since the reviewers are agents of the state, reflect our democratic traditions and heritage?

7 What case studies can we show where prior review does not exist, and how can we use these models to build a process of achieving oversight without prior review?
8 What happens after prior review? Deletion of all or part of a story? If deletion or telling students to remove copy or change it occurs, how does this affect the truthful and accurate reporting a school's community should expect from its media?
9 What does a cross section of professional media personnel have to say about prior review? What would they recommend as the best process for students to learn journalism and both the freedoms and responsibilities that go with it?
10 What checks do student journalists have that school officials will not use prior review as a vehicle for prior restraint and for serving self-interests?

III. Principles of Partnership

1. School partnerships are built on shared values and philosophies, and all stakeholders collaborate to align their participation with the best interests of learners, the school mission and the whole school community.
2. Scholastic journalism partnership begins with stakeholders participating in open and straightforward discussions about values, goals and needs of journalism students, their news media and the community they serve.
3. The potential for student journalists and their news media to achieve excellence depends largely on their partnership with other stakeholders, their competence and their ethics.
4. All stakeholders of an educational partnership should be valued and treated with dignity in private and public interactions and without any detrimental distinctions involving rank, age, intellect or other such considerations.
5. In antiquated hierarchies leaders were considered simply bosses. Today's leaders must be partners with their people; they cannot lead effectively solely based on positional power.
6. Empathic listening, motivated by the desire to truly understand another's point of view, requires the listener to shelve temporarily his personal agenda in favor of considering other stakeholders' perspectives.
7. Frequent, non-threatening communication and varied opportunities to interact increase stakeholder participation and nurture an effective partnership.
8. High ranking school authorities are more effective when they build a partnership than when they exercise command.
9. Partnerships prosper when judgments are not rushed and when decisions may be revisited in light of new information or other factors.
10. Partnerships require continual maintenance, and protocol provides a structure for such maintenance.

Q:

Do journalism stakeholders demonstrate accountability, transparency, trust and other characteristics of a strong partnership?

Questions about Partnership

1. How do journalism stakeholders nurture their partnership with each other?
2. How do journalism stakeholders identify their shared values and philosophies?
3. Who monitors and reports on the interactions of journalism stakeholders in ways that nurture an effective partnership?
4. In the partnership of journalism stakeholders, is the focus more on "controlling learning" (autocratically) or on "cultivating learning" (democratically)? Why?
5. When disputes arise within a partnership, do partners begin the process of resolving differences by identifying first the principles and issues they agree on?
6. Who takes initiative to rehabilitate damaged partnerships, and what strategies are applied?
7. Are the principal, adviser and others in supervisory positions willing to enter collaborations as "partners" rather than as "managers"?
8. Do representatives from each stakeholder group meet occasionally to identify mutually beneficial goals and to check the alignment of stakeholders' values?
9. Do all partners in scholastic journalism have the opportunity to be heard and to engage in meaningful dialogue with other stakeholders about journalism issues?
10. Do journalism stakeholders demonstrate accountability, transparency, trust and other characteristics of a strong partnership?

IV. Principles of Controversy

1. Controversial topics are an inherent feature of news media. A journalism curriculum should include teaching students how to cover controversy and provide them with experiential opportunities.
2. Controversy is in the eyes of the beholder and is difficult to predict or assess. The best way of handling controversy is preparation.
3. Preparation for handling controversy includes following and practicing professional standards of journalism like those articulated by the Society of Professional Journalists, The Poynter Institute, Radio Television Digital News Association, National Press Photographers Association and the Journalism Education Association. Professional standards include measurable "best" practices as well as ethical considerations. It is important to note that ethical standards are guidelines and not rules and should not be used for punishment if not achieved.
4. The foundation for implementing professional standards is publishing the truth. All other journalistic processes are built on this foundation. The many dimensions of most controversies can make discovery of truth particularly challenging.

5. Covering controversial stories usually poses significant risks, but it can be more precarious not to take a risk at all.
6. Safety is not achieved by shielding students from controversy but rather by teaching them how to deal with controversy.
7. If students feel the information they gather and report can lead to significant controversy, they should design an assessment process to thoroughly vet foreseeable issues before publication. School officials— including journalism teachers, media advisers and administrators— should provide students with the tools and background to make this assessment process successful and then trust the students to carry out the process.
8. The goal of reporting controversial stories is not to sensationalize or tantalize, but rather to create better understanding and communication about topics or issues important to the community's awareness.
9. In a democratic society, "the lowest common denominator" among citizens does not get to dictate what information everyone else receives by stirring up controversy. An essential part of the socialization mission of schools is to help everyone in the school community learn tolerance for views different from their own. This mission is not served by categorically banning all discussion of controversial issues on which strong opinions exist from the student media. Such categorical prohibitions give the thinnest-skinned member of the audience veto authority over what information everyone else can receive.
10. The English poet John Milton provides this value of *controversy*: "There is no learned man but will confess he hath much profited by reading controversies; his senses awakened, his judgment sharpened, and the truth which he holds more firmly established. In logic they teach that contraries laid together more evidently appear; and controversy being permitted, falsehood will appear more false, and truth more true."

Questions about Controversy

1. Since controversy is an inherent feature of journalism, do school officials encourage journalism students to pursue controversial topics? Why or why not?
2. Specifically, what controversial topics are student media prohibited from covering in our school, and are those same topics prohibited throughout the school curriculum?
3. Should school officials who arbitrarily deny student journalists the opportunity to cover controversial stories be required to identify themselves and provide in writing the legal rationale behind the denial? Why or why not?
4. Why do some educators fear the practice of student journalists covering controversial topics?

5 If controversy is truly in the eye of the beholder, how can student editors and media advisers be required to give administrators a “heads up” when pursuing “controversial” stories?
6 Whose judgment holds the most value in evaluating student competence in covering controversial issues: a school administrator’s, a trained media adviser’s, a professional practitioner’s, an ombudsman’s or a journalism organization’s (such as the Poynter Institute)? Are those who are most trained to evaluate the quality of journalism sought to render their opinion when controversial coverage becomes a matter of contention between student journalists and administrators?
7 Are student media advisers allowed to advocate on behalf of their students when administrators are upset with controversial coverage? If they are not, who can serve as a student advocate? If media advisers are allowed to advocate for students, what protection do they have against retributions?
8 Why are journalism teachers and advisers sometimes ordered by school officials to refrain from participating in debate surrounding student news media controversies?
9 Under what circumstances is there justification for chastising or punishing journalism students and teachers for disseminating controversial perspectives or participating in the debate of controversial issues?
10 Should administrators filter their reactions to controversial stories through the media adviser, or should they meet directly with student editors themselves? What is the rationale?

V. Principles of Accountability

1. The root of journalistic accountability is to discover and report the truth, and then to inspire people to live by the truth.
2. Accountability in scholastic journalism includes the processes through which each individual or group makes a commitment and then delivers to meet the commitment.
3. Protocol requires that accountability be a reciprocal arrangement in which every stakeholder in scholastic journalism is empowered to hold himself and all other stakeholders accountable.
4. A critical aspect of accountability involves the right of every stakeholder, regardless of rank, to initiate grievances without fear of reciprocity.
5. Self-accountability is essential for keeping individuals on an ethical and responsible track.
6. Self-accountability inspires journalism stakeholders to consider possible consequences of their actions and to weigh those consequences in decision-making.
7. To strengthen accountability, journalism stakeholders should collaboratively discuss objectives. Then they should monitor themselves and one another to help keep everyone aligned toward achieving the shared objectives.
8. Accountability is enhanced by a continual evaluation of all stakeholder actions and student news medium quality to learn ways to improve and to enable adjustments that can facilitate achieving objectives.
9. Accountability for student journalists requires that they have clearly defined areas of responsibility; they be given the authority to carry out their duties; and they fully understand the expectations of all stakeholders.
10. Accountability processes in public schools should be consistent with sound principles of experiential and democratic learning.

Questions about Accountability

1. Do all stakeholders of journalism, including student journalists, agree that they have the right and responsibility to hold themselves and all other stakeholders accountable for their words and actions?
2. Will school authorities agree to put their specific rationale for any incident of censorship in writing in order to lessen any misinterpretation or disagreement over the reason for censorship?
3. What can be done to nurture accountability among journalism stakeholders?
4. How are students, advisers, administrators and school board members held accountable to the community for their actions and attitudes regarding student news media?

Q:

What can be done to nurture accountability among journalism stakeholders?

5 Do the school board and administration have forums, such as "town meetings" that allow for public dialogue or debate with school officials regarding issues involving free and responsible student news media?
6 Do school authorities have a protocol for handling community and media inquiries about student news media issues such as censorship? When should the public relations person speak for the school, and when should an administrator or school board official speak directly to the public?
7 Are journalism advisers given permission by school officials to address the public on student news media issues without fear of retaliation or job consequences?
8 Can student journalists show they have a good purpose and a responsible plan for covering controversial stories and that they have taken precautions to minimize harm?
9 Can student journalists show they have considered the ethical dimensions of each story they cover?
10 Do student news media print corrections in a timely manner?

VI. Principles of Transparency

1. Transparency is a powerful force that improves school governance by promoting accountability and keeping citizens informed.
2. Transparency inspires school officials and other stakeholders to be more careful and efficient so as to withstand public scrutiny.
3. Openness and candor are essential in providing school stakeholders with information upon which they may form educated judgments and act.
4. Every stakeholder in the school community has a right to access timely, accurate information that school officials are obligated to share.
5. While transparency enhances the democratic climate of a school, it can impede quality democracy if disclosure compromises interests that are higher than the public's right to know. (Legislatures can provide balance by defining criteria for determining when information may be withheld, thereby preventing arbitrary value judgments of school officials. For example, school officials may not be allowed to release a student's discipline records to the public when it is of higher priority to protect the student's privacy.)
6. No stakeholder should hide behind sophistic arguments and pseudo-assertions in refusing to share information. School authorities should be more concerned with building improved school cultures than with building images that are facades.
7. When excessive transparency is directed at manipulating the image of a school, attention may be taken away from issues that need more attention.
8. Transparency is an ongoing dialogue among all stakeholders and is more than a one-way flow of information.

9. When all stakeholders are transparent in sharing their honest perspectives, judgments and motives, collaboration is more authentic.
10. Increasing participation among school stakeholders is an effective way of advancing transparency, openness and democratic learning in schools.

Questions about Transparency

1. What are dangers of a lack of transparency?
2. How can being selectively transparent with information create wrong impressions?
3. Was a decision not to be transparent with information based on arbitrary or legal reasons?
4. How are school authorities held accountable for their reasons to share or not to share information?
5. Under what circumstances are officials of public schools obligated to share information with the student news media? When are they legally justified in withholding information from dissemination by student media?
6. What circumstances would legally justify school officials being transparent with professional media but not student media?
7. What circumstances would ethically justify school officials discouraging student journalists to file Freedom of Information Act requests?
8. What are legal and ethical differences between public and private schools regarding transparency and sharing information?
9. What is the proper balance between transparency and privacy concerns in covering stories in the student news media?
10. Does the Family Educational Rights and Privacy Act (FERPA) restrict student news media? If so, how?

VII. Principles of Empowerment

1. Student and teacher empowerment is essential in any school that practices democratic learning.
2. The need for power and control emerges at an early age, and the best schools provide empowerment opportunities for students to help them develop autonomous skills and ethical values.
3. Empowering students to produce free and responsible student news media is effective when student rights are respected, adviser responsibilities are secure and administrator pedagogical concerns are addressed.
4. When a principal empowers journalism students and their advisers, he/she makes it possible for them to maximize their potential.
5. When student empowerment unjustifiably is diminished, students may sometimes try to satisfy their need for power in undesirable ways.

Q:

What is the rationale for minimizing or maximizing the empowerment of student journalists at our school?

6. Disempowering students can lead them to abdicate personal responsibility and deliberately underachieve as a negative way of creating a new sense of control.
7. Empowered stakeholders play a more equal and influential role in shared decision-making.
8. Empowerment generates energy and enthusiasm and makes people feel valued and important.
9. Mutual trust, direct and honest communication, respect for autonomy and a flatter, less hierarchical structure of administrative authority all nurture student empowerment.
10. An ideal approach to empowerment prioritizes cooperation above compliance, commitment above control and collaboration above clout.

Questions about Empowerment

1. What autonomous powers do student journalists of limited public forum news media have?
2. What autonomous powers do student journalists of non-public forum news media have?
3. What is the rationale for minimizing or maximizing the empowerment of student journalists at our school?
4. What rights do school authorities recognize and not recognize for student journalists? What powers do student journalists recognize and not recognize for school authorities?
5. What checks and balances keep empowered individuals accountable?
6. How can school authorities show they seriously investigate alternatives to censorship?
7. What evidence exists that shows student empowerment is real and not just cosmetic?
8. Does “nonpublic forum” status of a student news medium disempower students? If so, how?
9. How does prior review affect student and adviser empowerment?
10. Is student empowerment at our school based on the arbitrary decision of an administrator or upon policy? If the former, what administrator defines the empowerment? If the latter, where is the policy written?

VIII. Principles of Trust

1. High trust among stakeholders significantly improves communication, collaboration, execution, innovation, strategy, engagement, partnering and relationships.
2. When stakeholders trust one another and are not afraid to admit the truth about themselves, even when that truth may not be flattering, then they disengage the kind of political behavior that wastes everyone's time and energy.
3. Vulnerability-based trust takes courage because stakeholders cannot always be certain that their vulnerability will be respected and reciprocated.
4. Trust begins to erode the moment there is a suspicion about a person's true motives.
5. One of the fastest ways to restore trust is to make and keep commitments.
6. Trust is a powerful motivation that inspires stakeholders to pursue excellence.
7. Trust is a function of character (do the right thing) and competence (get the right thing done).
8. Trust requires straight talk, respect, accountability, transparency and a willingness to admit and correct mistakes.
9. The greater the autonomy the deeper the trust.
10. In cultivating trust, focus on successes, not failures; focus on opportunities, not problems; and create winners, not losers.

Questions about Trust

1. How do stakeholders define trust in the context of scholastic journalism?
2. How do we measure the level of trust among stakeholders of scholastic journalism, and what can be done to enhance that trust?
3. Since prior review diminishes trust among journalism stakeholders, what alternative strategies offer safeguards against incompetence and abuse of press rights but also nurture trust?
4. How successfully do administrators initiate trust?
5. What are the dividends of trust regarding journalism, democratic learning and school culture?
6. What are the benefits/deficiencies of a high trust/low trust school?
7. How can trust be nurtured if school authorities and journalism stakeholders do not agree to have substantive dialogue, accountability and transparency?
8. How does the relationship among journalism stakeholders at our school reflect an exemplary model of respect and trust?
9. Is there evidence of a caring relationship between our student journalists and administrators? What effect does a caring relationship have on trust?
10. Can consumers of student news media trust that the media truly reflects student perspectives that are uncontaminated by arbitrary censorship and repressive actions of overseers?

Appendix

The following cases and commentary are intended to serve as catalysts to inspire thought about how ethical protocol can make a positive difference toward improving competent and ethical decision-making, partnerships, student media and civic engagement in schools.

A. Precarious Censorship

Censorship can be precarious.

The October 2006 issue of *The Red and Black* student newspaper of Hillsborough High School, Tampa, Fla., was distributed with a gaping hole cut into page 3. Scissors removed a story from the school paper, but the act of censorship did not stop a voice; rather, it caused the story to be widely circulated in other media.

The principal's effort to contain information ended in a cascade of media attention that amplified what the principal wanted to silence.

Similar scenarios can occur every time school authorities don't weigh the risks of their censorship. Their effort to suppress may backfire and cause greater dissemination of a message than would have occurred if they let the story run in the first place.

Applying ethical protocol can help an administrator avoid the danger of making a vulnerable decision without the benefit of other perspectives.

Here's a synopsis of the censorship incident at Hillsborough High and an example of protocol questions that might have helped to avoid censorship while still addressing the principal's concerns:

The Red and Black of Hillsborough High boasts of being Florida's first high school newspaper. Since 1898 it has been covering issues and events of the school community, often tackling controversial stories.

About a third of Hillsborough's students are white; a third, black and a third, Hispanic. More than half are eligible for free or reduced lunch.

Joe Humphrey advises *The Red and Black*. Joe is a former reporter with the *Tampa Tribune* who decided some years ago to teach journalism. He mentors students who participate in the school's journalism program. He has a good relationship with his principal, William Orr, and he encourages his students to pursue substantive stories.

The staff of *The Red and Black* decided to do a story on the results of the statewide assessment test that Florida students take starting in third grade. The test is called the FCAT, and the State Department of Education publishes the results on its Web site.

The editor of the student newspaper decided to write the story herself, focusing on the achievement disparity that those test scores reflect—that

white students at Hillsborough High scored significantly better on the test than did students of color. She wants to run a chart that shows those results, broken down by race. And she wants to do a story to tell her classmates what the school administration is doing to address the disparity in scores.

Principal Orr said the article about the school's achievement gap was inappropriate for the student newspaper.

"If it's something that has a potential to hurt students' self-esteem, then I have an obligation not to let that happen," he said. "I don't think it's the job of the school newspaper to embarrass the students."[11] He ordered the article to be removed from the paper.

Mike Hiestand, an attorney representing the Student Press Law Center, felt the principal's rationale ignored the real problem.

"If it [disparity in test scores] is a problem, it needs to be solved by addressing it accurately and openly, and it sounds like that's what the students tried to do," Hiestand told the *St. Petersburg Times*. "You don't fix a problem simply by putting your head in the sand."[11]

Had the principal engaged in ethical protocol with student journalists and other stakeholders, an alternative to censorship may have been agreed upon. Professional journalists use ethical protocol, and it is applicable for scholastic journalism, too.

News media practitioners who are coached by mentors at the Poynter Institute in St. Petersburg often use a series of 10 questions developed by Bob Steele, a Poynter Institute scholar for journalism values and a professor at DePauw University. The basic premise of the exercise is that ethical decision-making isn't a yes or no thing. With prompting, journalists realize there are far more options than just whether or not to publish. These questions also help journalists identify all the stakeholders in a story, consider, the possible consequences of the story for each stakeholder and maximize journalistic values as the journalists minimize harm.

Wendy Wallace, a Poynter Institute mentor, edited Steele's 10 questions to make them especially relevant to high school journalism, where students have not only journalistic ethics to consider but also the ethics and educational objectives of the adviser and the school administration.

Here are the revised questions that can guide student journalists in decision-making:

(1) What do we know? What do we need to know?
(2) What's the journalistic purpose? What's the school's educational purpose?
(3) What are the student journalists' ethical concerns? What are the adviser's ethical concerns? What are the principal's educational concerns?
(4) What precedents, school policies or student media guidelines should decision-makers consider?

(5) How can we include other people, with different perspectives, in the decision-making process?
(6) Who are the stakeholders—those affected by a decision? What are the possible consequences of our actions on them?
(7) What are the alternatives to maximize the journalistic purpose and the school's educational purpose and to minimize harm?
(8) Can we clearly and fully justify our thinking and the decision to the stakeholders? To anyone in the school? To the public?[12]

These questions and the whole protocol process might have helped the principal at Hillsborough High make his decision. The perspectives of other stakeholders could have been weighed, and alternatives to censorship could have been explored. A consensus might have been reached.

Information is the oxygen of democracy. The public's right to know is one of democracy's highest values. Ethical protocol can guide journalism stakeholders toward protecting the public's right to know while minimizing harm. In schools that value democratic learning, ethical protocol is a useful tool.

B. Importance of Preparedness

Risks accompany journalists whenever they pursue controversial stories. The difference between taking careless risks and calculated risks is found in the degree of preparedness. Ethical protocol helps to prepare student journalists to tackle controversial stories by tapping the experiences and expertise of other stakeholders and by raising questions about issues that need to be considered before reporting begins.

Ethical protocol works best when it is proactive.

Student journalists, their adviser and school authorities at Emerald Ridge High School, Puyallup, Wash., may have avoided trouble had they applied the protocol process before a controversial story package appeared in the student newspaper. It brought about a lawsuit.

In the February 2008 edition of *The JagWire*, the student newspaper at Emerald Ridge High School, student journalists ran a set of stories addressing the prevalence of oral sex among students and the health concerns associated with it. Although the story package won a statewide award, it contained some red flags that could have been addressed early if ethical protocol had been applied.[13]

The student newspaper reported statements attributed to several high school students who said they had engaged in oral sex. The students, one of whom was a 17-year-old minor, were identified. Four students claimed the newspaper did not have their permission to print information about their sexual experiences. They sued the school district, three student reporters

and two faculty members for invasion of privacy, negligence, and intentional infliction of emotional distress, among other torts.

One red flag deals with the first principle listed under "Minimize Harm" in the *Model Code of Ethics for High School Journalists*[2] published by the National Scholastic Press Association:

"Look beyond the likely impacts of each story, keeping alert to identify and respond to any unintended or undesirable consequences the story may hold in the shadows. Identify options for dealing with undesirable consequences. Determine if full disclosure of information may jeopardize student welfare unnecessarily; if so, decide what can be held back without jeopardizing the public's right to know."

Among the questions that could be raised in this situation:

> Was it necessary to name the students who shared their sexual histories?

> Did reporters secure evidence that they quoted students accurately and had their permission to identify them in the article?

> Should parents have been notified about their child's statements—particularly the parents of the 17-year-old minor—even though courts traditionally recognize a minor's consent if he or she is capable of understanding the consequences?

> Did an attorney check the story to see if it was a potential invasion of privacy?

A second red flag deals with another principle under "Minimize Harm":

"Be especially sensitive to the maturity and vulnerability of young people when gathering and reporting information. Take particular care to protect young sources from their own poor judgment when their comments can put themselves and others in jeopardy."

Among the questions:

> Did reporters consider the maturity and vulnerability of those they interviewed? Of their readers/listeners/viewers?

> Did they take care to protect the interviewees from what arguably could be their own poor judgment?

> Should the reporters have warned the interviewees of consequences that could result from their admissions?

> Would reporters ethically be justified in withholding student names even if the students gave permission to use their names?

Participating in the protocol process with journalism stakeholders not on the newspaper staff could have provided the benefit of additional precautions offered by professional journalists, school officials or parents. At the very least, prior input by different professional sources could weaken any charges of negligence.

A Pierce County jury found in favor of the Puyallup School District on April 21, 2010, ruling that the student newspaper article did not violate the privacy rights of student plaintiffs. The judge declared that the student newspaper had been operating as a limited public forum.

"There is no documented case [in America] of a school being successfully sued for a penny over something its student newspaper has published," according to Frank LoMonte, executive director of the Student Press Law Center. "The 'liability run amok' argument has always been a smokescreen for people whose agenda is to do away with independent journalism, and this verdict just further reinforces and validates that."

When ethical protocol is applied early in the journalism process, potential hazards can be identified, and effective strategies for covering controversy can be developed. The advice of such stakeholders as counselors, administrators, parents and professional journalists can be considered.

Ethical protocol better prepares student journalists to handle controversy.

C. Need for Dialogue

Ethical protocol provides important opportunities for democratic discussion, debate, argument, conciliation and consensus. But to realize its potential, protocol requires the participation of all key stakeholders and the belief that power does not justify authoritarian leadership in schools.

A "my way or the highway" attitude shuts down two-way communication and undermines the value of ethical protocol. It is particularly important that all stakeholders—especially those with the most power—take initiative to get other stakeholders to "buy in" to ideas rather than simply wield power to "command and control" decision-making. The ultimate frustration is for stakeholders to feel their input is merely cosmetic and "collaboration" is really a facade.

The Statesman student newspaper at Adlai E. Stevenson High School, Lincolnshire, Ill., its staff of talented journalists and its veteran adviser Barb Thill were all nationally recognized as exemplars in scholastic journalism. The newspaper was a regular recipient of the high school Pacemaker award, the most prestigious and exclusive honor of the National Scholastic Press Association. Individuals on the student staff won countless accolades in contests and evaluations, and the adviser was nationally acclaimed for her mentoring skills and journalism prowess.

In 2009 this superior journalism program fell into upheaval. The newspaper adviser was publicly rebuked and disempowered by school officials after her students published a story about "hooking up," a term used to describe

casual sexual encounters among students. Thill resigned her journalism position after learning a new adviser would take over part of her journalism classes and share oversight of the student newspaper. The newspaper was repeatedly censored, and the school board took away the paper's status as a limited public forum. School officials accused students of practicing "shoddy journalism," although a *Chicago Tribune* editorial disagreed.

Referring to the "hooking up" story and incidents of censorship, the *Tribune* editorial said:

"… the 'hooking up' issue explored the changing nature of teen dating in jaw-dropping detail. Administrators said it was irresponsible, unbalanced and lacking in news value. We saw it. We gave it five stars. …School officials insist they're not trying to water down the editorial content of *The Statesman*, but that's exactly what they've done. This isn't editing, it's censorship."[14]

In November 2009, administrators took control of the content of *The Statesman* and forced students to publish, against their will, an administration version of the paper. Students did not want their bylines appearing in the censored issue, but they were required under threat of grades to acquiesce.

Among the stories censored by Stevenson High School officials during first semester 2009:

> A story that included two unnamed members of the National Honor Society who admitted to violating the Student Code of Conduct.

> A story in which a student told how drugs prescribed by her doctor had undesirable side effects.

> An editorial informing readers that *The Statesman* was being censored.

Students and parents met with administrators for 45 minutes on Nov. 23 to discuss censorship controversies. Stevenson spokesman Jim Conrey declined to share information about the meeting.

"The meeting that occurred this morning was a private meeting related to student progress in a course that is part of our curriculum," he said in an e-mail. "Consequently, we will not be releasing any details from the meeting."

In January 2010, all but four members of the newspaper staff dropped journalism from their schedules. A second newspaper adviser expressed disenchantment with restrictive administrative oversight and announced at mid-year she would not accept the journalism position again.

What led 11 passionate journalists, student leaders with distinguished reputations, to drop the course and quit the newspaper mid-year?

During the opening of the Feb. 8-9 protocol conference, *The Statesman's* former editor Pam Selman and former managing editor Evan Ribot delivered a joint address expressing the reasons for their decision to resign their positions

and the need for protocol. Here is a portion of their remarks:

"We came into this year with every intention of recreating a positive relationship with our administrators by opening channels of communication and hoping that we could once again see eye-to-eye on the importance of an open and active student press in our community. We needed the administration to understand that a student publication sees its brightest and proudest moments when a story creates change in the community, [encourages] conversation and shines light on a societal issue.

"What derailed our efforts at continuing to publish a quality product was the breakdown in communication between our staff and our administration. Whenever we seemed to make progress in having conversations with administrators, that progress was quickly reversed by administrators changing their minds. Nothing proved more frustrating … than the fact we were attempting to negotiate with people who constantly retracted past statements or [gave] elusive and evasive answers to our pressing questions.

"Every attempt at compromise … every speech we made and every board meeting we attended, we failed to create an appropriate protocol or any standard we could all agree upon.

"Students … must be willing to cooperate [with] and make concessions to administrators. There are indeed certain rules for student publications—the courts have said so. On the other hand, administrators must be willing to play by the rules as well and not simply make up the rules as they go along.

"[We] urge every administrator to look into setting up dialogue with the student publication [staff] to establish a clear understanding of the role of the publication in the community. Chances are student journalists are some of the brightest, most driven students in school. Connect with them!

"The Statesman was one of the brightest spots on Stevenson's educational mosaic. When an administration appears open to negotiation and is willing to let journalism students fully explore their passion, these students will hold up their end of the bargain as well.

"An administrator popping into a newspaper class or layout session just to say hello and offer words of encouragement every so often is an easy way to foster good relations. Like any relationship, that between the [student newspaper] staff and the [school] administration is built on trust and treatment.

"We urge administrators, student journalists and advisers to work cooperatively, follow proper protocol and exercise responsible journalism in order to avoid the downfall of a [good journalism] program."

Ethical protocol does not cause school officials to abdicate their power and responsibilities, but it does recommend that they engage in protocol more as

partners than as bosses. The coercive capacity of a 'boss' can interfere with the process of ethical protocol, which requires arguments to be considered by their merits more than by the rank of stakeholders.

District 125 school board president Bruce Lubin read a statement about the student newspaper controversies at the Dec. 17, 2009, board meeting. Here is a portion of his remarks:

"Some have suggested that … the school practices censorship and ignores the First Amendment rights of the student who produce the newspaper to ensure that *The Statesman* does not publish articles that either criticize the school or the administration, or are controversial in nature.

"However, the record of topics reported and editorialized upon in the paper in recent years clearly refutes this charge. … *The Statesman* has reported on provocative and sensitive subjects in the past, and undoubtedly will continue to do so in the future.

"The issues presented by the most recent controversies are not, fundamentally, ones of 'censorship,' but of helping our students to learn appropriate curricular and journalistic standards. The District and its taxpayers provide most of the funding which supports the publication of the paper. As such, *The Statesman* is not a "public forum," but rather an educational and curriculum endeavor. Under the U.S. Supreme Court's *Hazelwood v. Kuhlmeier*, school administrators may step in to impose restrictions on a newspaper of this type provided that their actions are reasonably related to legitimate pedagogical concerns.

"We, too, value and respect the First Amendment and hope to instill and encourage in our student journalists a passion for reporting and writing. However, we part company with those who insist school district leaders should allow school-sponsored student newspapers to be published free of and unrestricted by administrative review.

"Our educators believe … that there are only limited instances in which the use of anonymous sources is appropriate in the school setting. … experience has taught us that promises of … anonymity made by student reporters do not prevent other students from deducing the identity of sources.

"Another area which a school may lawfully regulate is the publication in a school-sponsored student newspaper of confidential, private medical information about identified students. … Administrators identified concerns with an article that dealt with the use and potential side effects of prescription drugs, citing and focusing on potential side effects of birth control pills, in particular. We do not believe that it is appropriate for a school district to make public this type of confidential personal information about an identified student by disclosing it in a school-sponsored newspaper or in any other format."[15]

Enhancing communication can contribute to a more desirable rapport between students and administrators, and it can help resolve conflicting interpretations and judgments that lead to contentious relationships. Ethical protocol can help enhance communication.

(*Ethical Disclosure*: Randy Swikle, the author of this report, spoke as an advocate for Stevenson High School student journalists at the Dec. 17, 2009, District 125 school board meeting.)

D. Society of Professional Journalists on Prior Review

The Wolf's Howl, student newspaper at Timberland High School, Timberland, Mo., has been under a policy of prior review since 2008. In October 2009, principal Winston Rogers required the removal of an article and editorial about tattoos from the newspaper. The principal told student editors that the topic of tattoos was not age-appropriate for students. [16]

Two months later, Rogers stopped distribution of the newspaper because it contained a small image of a student's ankle tattooed with a cancer-support ribbon and the name of a student who passed away from the disease.

In protest of prior review and censorship, veteran journalism teacher Cathy McCandless resigned as adviser of *The Wolf's Howl*, effective on the last day of the 2009-2010 school year.

On March 23, the Society of Professional Journalists wrote the following letter to administrators and school board members denouncing prior review and arbitrary censorship. SPJ is the nation's most broad-based journalism organization, dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behavior.

Appendix

Dear Principal Winston Rogers,
Superintendent Terry Adams and members
of the Wentzville School District Board of Education:

Leaders of the Society of Professional Journalists are disappointed to learn about the decision to institute prior review on *The Wolf's Howl*, the student newspaper at Timberland High School.

We understand that high school administrators have a responsibility to help provide a safe and nurturing environment for their students, and we know their job is difficult. But the recent actions taken against *The Wolf's Howl*—including the requirement that an issue of the newspaper be pulled from distribution because it included articles about and photos of tattoos—do more to harm the students than to help them.

A student newspaper needs to be a place where students can read about and discuss issues that are important to them even if those issues sometimes make people uncomfortable. Of course, administrators should prevent students from publishing any content typically considered to be unprotected speech, such as libel or obscenity. And administrators have a right to control expression that clearly would violate privacy or substantially disrupt the school. But restricting student expression over matters of personal taste protects no one, and it runs the risk of chilling speech about important issues.

Administrators at some schools prefer that their student "newspapers" publish nothing controversial, that the student journalists report only on positive events. But those publications are not really newspapers, and they teach students nothing about journalism or the role that journalism plays in our society.

So far, the restrictions placed on *The Wolf's Howl* have disrupted the school, cost the district a fine newspaper adviser and focused unwanted national attention on the district. Continuing these restrictions will only cause further damage to a once well-respected student publication, and it will send the message to students that governmental control of the news media is valued over a free press. We urge that Principal Rogers abandon efforts to conduct prior review over the student newspaper, and we ask that he work with the student staff to provide a responsible, vibrant and important newspaper that students want to read.

Sincerely,
Kevin Smith, President
Neil Ralston, Vice President, Campus Chapter Affairs

The journalism program at John Hersey High School, Arlington Heights, Ill., and its student newspaper, *The Correspondent* are exemplars in scholastic journalism. The paper operates as a limited public forum without prior review by administrators. It has won top prizes in journalism contests, and its staff members have won countless individual awards.

Informal protocol has been important in maintaining a strong partnership among the journalism stakeholders in the school. Below, four stakeholders—a student editor, an adviser, a principal and a school board member—each answer a question about their partnership:

Why are you and other student journalists of *The Correspondent* trusted with maximum independence and press freedom guaranteed by *Tinker* rather than restricted to minimum independence and press freedom under *Hazelwood*?

Megan Anderluh, Editor, *The Correspondent*:
I am a proud member of a student newspaper that hasn't been censored in its more than forty years of existence. A tradition of mutual respect and communication between administrators and student journalists pervades the atmosphere of *The Correspondent,* and for that reason prior review has never taken place for this publication.

Respect in *The Correspondent* office begins with an experienced adviser who is knowledgeable in journalism law and takes the time to teach it thoroughly to her students – we know about cases such as *Hazelwood* and *Tinker*, and we know the rights they guarantee us.

Almost every article idea that is proposed is subject to discussion, often with the entire staff. If a topic is controversial, we ensure that what gets printed has merit. We ask questions like, "Why does the student body need to know this story?" "Whom could it possibly offend?" And, "Is it worth it?" Nothing ever goes to publication just for shock value.

Hersey's administration is usually aware an article is being written before it gets printed, and they let the newspaper staff know of concerns they may have. We assure them we know why they might have qualms, that possible complications have been discussed, and that we're taking them into account. A free and successful school newspaper is all about open communication and trust between its writers and the administrators.

How do you describe the partnership that exists among student journalists, the adviser, administrators and the school board in District 214?

Janet Levin, Adviser, *The Correspondent*:
Students determine the content of the school newspaper. My job is to advise. When an administrator or board member comes into the district, I try to help (advise) them to understand that a good relationship with the newspaper will ensure a better tenure.

My students always have an initial interview with the new person; they start with this question, "Do you believe in prior review?" They do their best to explain the tradition at John Hersey High School of having a quality journalism program due in part to no prior review.

They explain that they hope to have a friendly relationship. They hope they can count on this person as a source of information, making it clear that they intend to continue to work without prior review. In time, most administrators and board members come to understand that they can get students to cover a lot more news they would like them to cover: the bragging rights stuff, if they are supportive of them when they write about the controversial topics.

My students often cover controversial issues. It is my job to make sure they cover them responsibly. I also help my students stand behind their stories, or admit their mistakes. If administrators or board members have a complaint, it's my job to defend my students and to ensure prior review is not ever seen as a solution. Since *The Correspondent* is sent to all board members and administrators, they can read for themselves how the publication's goal is to make the school better, even if the paper covers the school's problems.

Why have you chosen not to practice prior review on *The Correspondent*?

Tina Cantrell, Principal, John Hersey High School
At John Hersey High School, we believe in teaching responsibility. With that goes trust. The advisor of our school newspaper and the students know that they must be able to defend their decisions for publishing articles. If there is prior review, then it is the administration that must defend those decisions. One of the main purposes of having a student-led newspaper is to teach the students to make good choices and then to be able to defend them. I have set my expectations and am always available to discuss situations with the newspaper students before they go to print, but I read what has been printed for the first time when the paper is delivered. When/if students betray my trust, I will use it as a learning experience. Hopefully that should handle the situation. If not, then other steps will have to be taken. If we truly believe in the democratic process and the First Amendment, then prior review seems to contradict those beliefs.

Why is it important to recognize *The Correspondent* as a limited public forum?

Bill Dussling, President, District No. 214 Board of Education
The Correspondent at John Hersey High School is an important platform for student learning about journalism skills. It is also an important platform to learn about free speech and the responsibilities that attend free speech. We believe that it is important to present students with various sides of issues that will cause them to think and come to decisions that will result in positive conclusions. Some topics presented may have diverse views, but we have excellent advisers for our student newspapers and have the confidence in their ability to instruct and work with journalism students in a collaborative manner that will result in positive decisions required to present first class journalistic articles.

Partnership, accountability, transparency, empowerment and trust are values that journalism stakeholders in School District No. 214 and John Hersey High School practice throughout the school culture.

List of Participants

Olutoye Adegboro
Northside College Prep High School

Megan Anderluh
John Hersey High School

Taryen Belasich
Naperville Central High School

John Bowen
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Wayne Brasler
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Tina Cantrell
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Keith Carlson
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Linda Dawson
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Harrisburg High School

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This ethical protocol offers the opportunity for all stakeholders to have their voices heard and their values and priorities weighed in the robust arena of democratic engagement. It holds every stakeholder accountable in an open, transparent, collaborative forum. It nurtures free and responsible student news media and the competence and ethical development of student journalists. Above all, it cultivates real partnership toward meeting today's educational challenges.

McCormick Foundation

About the McCormick Foundation

The McCormick Foundation is a nonprofit organization committed to strengthening our free, democratic society by investing in children, communities and country. Through its grantmaking programs, Cantigny Park and Golf, museums, and civic outreach program the Foundation helps build a more active and engaged citizenry. It was established as a charitable trust in 1955, upon the death of Colonel Robert R. McCormick, the longtime editor and publisher of the Chicago Tribune. The McCormick Foundation is one of the nation's largest charities, with more than $1 billion in assets. For more information, please visit www.McCormickFoundation.org.

About the Civic Program

The McCormick Foundation Civic Program is dedicated to providing Chicagoland youth, ages 12-22, with the knowledge, skills and opportunities that are essential to lifelong civic engagement. This approach is founded on the belief that both knowledge and action are important to developing an engaged populace. The Civic Program pursues this mission by: delivering content and services that serve youth and teachers; funding organizations that improve civic education and engagement; and by advocating for policy changes which impact the civic education system.