

January 2021

Censorship Concerns in College Media: A Multiple Case Study Analysis on the Silencing of Student Journalists

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**CENSORSHIP CONCERNS IN COLLEGE MEDIA: A
MULTIPLE CASE STUDY ANALYSIS ON THE SILENCING OF
STUDENT JOURNALISTS**

A Dissertation

Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural Mechanical College
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

in

The College of Human Sciences and Education

by
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May 2021

This dissertation is dedicated to my sister, Mallory Matlock, who somewhere along the way also became my best friend.

ACKNOWLEDGEMENTS

I want to begin by thanking my committee for their time and guidance in helping me shape this research. To my committee chair, Dr. Joy Blanchard: You have been such a tremendous help to me. You have made me a more adept writer, a better student and a stronger professional. Your genuine interest in this research has kept me motivated and your expertise and guidance have helped me feel confident in the results of this process. To my committee members, Dr. Erin Coyle and Dr. Ashley Clayton: I consider myself quite fortunate to have crossed paths with faculty who are so incredibly passionate about their work and also willing to help me tackle such a nuanced topic. To my dean's representative, Dr. Wei-Ling Song: Thank you for providing helpful ideas on data collection methods. This research greatly benefited from the guidance of these four amazing professionals and their willingness to help me turn an idea into a study.

I want to thank the student journalists, former journalists, advisers and legal experts who participated in this research: there is simply no way to let you know how much I appreciate your trust in me and your willingness to share all that you did. I truly wish each of you the best.

I have been blessed with a number of special people in my life. Ashton, Anthony and Allie, I have yet to find a greater joy in life than being your aunt. I cannot imagine that I ever will. I love you unconditionally. My parents, Larry and Melissa Matlock, and grandparents, Jim and Theresa Ashby and Betty Templeton, have provided examples of a strong work ethic that inspired me from an early age. I greatly appreciate their sacrifices and encouragement. My dad built thousands of tires and my mom answered thousands of phone calls to provide me with a foundation that would help me find my way in life. I am especially grateful to my grandmother, Theresa Ashby, for dedicating her Friday evenings to my phone calls for the last several years. Her prayers and guidance have been immeasurable.

I must thank the amazing medical staff at Baton Rouge Clinic (especially Cheri Wittmer) and Mary Bird Perkins Cancer Center (especially Dr. Derrick Spell, Dr. Renee Levine and Roxanne Kenny) for the care and compassion that they gave me during the most challenging time of my life. I also want to thank friends and mentors who have offered me influential encouragement and support. Brad Meyers, Kaylee Boswell, Hannah Perkins Stark, Steve and Sue Lander, Dr. Brandi Roberts, Blake and Haley Bourgeois, Dr. David Ashby, Renee Iannacchione, Barb Schoen, LJ Giacone-Sepe, ShawnMarie Parry, Mollee Thomason and Ashley Veney, thank you for always encouraging me. I am forever grateful for each of you. Britney Jean, I could never thank you enough for your endless inspiration. Kevin Schatell, I will always appreciate that you gave me my fifteen minutes of fame and the best NYC experience I could ever hope for.

Never one to meet a stranger, I have also been inspired by countless individuals I have met on flights, in subway stations, in restaurants, in line at Broadway plays, on busses, in clinic waiting rooms, in elevators and in the other places I've found myself during my life's journey. I cherish these conversations that make the world seem a little less intimidating. I've shared my hopes, fears and dreams with people I've stumbled across, and they've done the same. I would especially like to thank Natalie from Mississippi State University. I never thought a conversation with the passenger next to me on a flight would give me the encouragement I needed to take the leap and move to New York. One serendipitous meeting continues to give me the courage to take chances and live life without regret.

To my fellow first-generation college students: There is inspiration all around you, but it is often up to you to find it.

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ABSTRACT

The aim of this qualitative study was to conduct a multiple case study that provides an analysis of censorship concerns at campus newspapers affiliated with public, four-year universities. Eighteen individuals from seven institutions participated in interviews. Interviewees consisted of former and current student journalists and advisers who worked at university publications where allegations of censorship have occurred within the last decade. The Student Press Law Center routinely investigates claims of censorship and provides pro bono legal counsel to student journalists (Zagier, 2011). While courts commonly sided with students in disagreements regarding free speech, *Hazelwood v Kuhlmeier* (1988) scaled back freedoms for high school journalists who were part of the school newspaper. *Hosty v Carter* (2005) applied the *Hazelwood* precedent at a collegiate level, leading to contentious debates between legal scholars about the legality of such a decision (*Hazelwood v Kuhlmeier*, 1988; *Hosty v Carter*, 2005). With no explicit instructions from the Supreme Court regarding the applicability of student press court precedents to college journalism, student journalists have sometimes pursued legal action to maintain a free press. Interview participants spoke about the challenges with censorship that they have encountered.

CHAPTER I. INTRODUCTION AND BACKGROUND

Introduction

“There are two occupations in America that are more dangerous the better you are at them. Journalism adviser and suicide bomber,” Frank LoMonte told The Associated Press in 2011 during an interview regarding the termination of Missouri Southern State University’s newspaper adviser (Zagier, 2011). The university terminated the adviser after the campus newspaper ran coverage criticizing the university’s administration. LoMonte was the executive director of the Student Press Law Center at the time, an organization that provides legal guidance for student journalists who believe they have experienced censorship. LoMonte reported that his center typically received five to six reports of terminated advisers annually (Zagier, 2011).

While removing a newspaper adviser is one means of retaliation, other forms are also prevalent. Retaliation can often occur in the form of threats or cuts to funding. The threat of a loss of funding can pressure advisers and students to only publish content that administrators and student leadership find favorable instead of accurately reporting the facts of an issue. Student publications that are incredibly dependent on institutional funding may be especially vulnerable to threats or fears of retaliation in the form of funding cuts. For example, a newspaper may have funding threatened or cut after printing an unfavorable article that is critical of university administrators or student government associations.

There have been several allegations of censorship within the last decade. The University of Massachusetts’ Student Government Association threatened to cut funding after a controversial opinion piece was published in *The Daily Collegian* (Applegate, 2005), and University of Memphis’ student publication had funding threatened after the newspaper printed critiques of the university’s public safety protocol (Wheeler, 2015). After publishing a satirical

article that made jokes about the topic of male sexual assault, Michigan Technological University's newspaper staff had to attend Title IX training and the student government cut funding to the publication (Malone, 2016). The University of California-San Diego also decreased funding as a response to content after a satirical article regarding protective spaces on college campuses was published (Warth, 2017). The threat of a loss of funding can pressure advisers and students to only publish content that administrators and student leadership find favorable instead of accurately reporting the facts of an issue. Student publications that are incredibly dependent on institutional funding may be especially vulnerable to threats or fears of retaliation in the form of funding cuts.

Student publications may also be subjected to a form of censorship through prior restraint, which occurs when an administrator demands to review content before publication. In 2001, a dean at Governors State University ordered the publishing company not to print the student newspaper without her prior approval (Corrigan, 2005). Prior restraint places pressure on college media advisers and student journalists to conform to institutional expectations regarding content decisions.

Background of the Problem

The debate over student press censorship is certainly nothing new. Journalism programs and students' published content have been questioned since the beginning of journalism as a program of study (Folkerts, 2014). Since the formation of student media, courts have heard several cases to determine the applicability of the First Amendment to students. *Dickey v Alabama State Board of Education* (1967), *Channing Club v The Board of Regents of Texas Tech University* (1970), *Antonelli v Hammond* (1979), *Hazelwood v Kuhlmeier* (1986) and *Hosty v*

Carter (2005) were court cases filed after student journalists felt that they were being censored in their work at their college publications.

Even the study of journalism has faced resistance since it was founded. While a mass communication degree is now a standard requirement for jobs in the journalism field, a historical account of journalism education concluded that many individuals in the journalism field were at first hesitant to accept the idea of college coursework (Folkerts, 2014). During the late 1800s, many people believed that only an actual newsroom could teach journalism principles and techniques. However, journalism classes began around 1900 at a few institutions, and by 1920 a degree in journalism was offered at several institutions (Folkerts, 2014). Soon after college newspapers were formed, they were viewed as a potential liability, partly because of the potential for reporting negative views of the institution and also due to administrators' fears that the papers may not accurately reflect views of the entire student population (Blackwell, 1939). College administrators had already begun to wonder what consequences an institution could face for the published thoughts and feelings of its students.

Censorship of college journalists in the 1920s and 1930s was widespread (Cain, 2012). One of the earliest major incidents occurred at Louisiana State University in 1934 when seven student editors were expelled after publishing a letter to the editor that criticized U.S. Senator and former Louisiana Governor Huey Long. Long also had thousands of copies of the paper destroyed (Comparato, 2016).

Those early concerns were only the beginning of a tumultuous relationship between college journalists and their universities, as college media has been subjected to many attacks since then. In the late 1960s and early 1970s, students routinely took to college campuses to proclaim their disagreement with the war in Vietnam, and college journalists provided news

coverage of these events and wrote columns expressing their opinions. These movements—and administrators' efforts to quash them—led to the formation of underground college newspapers where student journalists felt more comfortable publishing their views (Banks et al., 2002).

Underground newspapers may have seemed to solve the problem student journalists encountered, but they were not exempt from legal challenges. In 1970, Texas Tech University administrators tried to suppress the underground student newspaper *The Catalyst*, arguing that it was a distraction to education. In *Channing Club v Board of Regents* (1970), a judge ruled that a university is able to limit the First Amendment rights of student journalists under particular circumstances, such as risks pertaining to safety concerns, property damages or unrest (Banks et al., 2002).

Decades after these initial concerns and court cases, instances of censorship have continued, with two specific court cases, *Hazelwood v Kuhlmeier* (1988) and *Hosty v Carter* (2005), resulting in decisions that provided campus administrators with the ability to restrict speech. This research reviewed these court cases that have primarily shaped the applicability of First Amendment protections for student journalists and included interviews with student editors and journalism advisers who have worked at university newspapers that have had censorship concerns. The First Amendment serves as the theoretical framework for this research. Therefore, the first chapter outlines the research and the application of the First Amendment in regard to student media. Chapter Two thoroughly reviews the forum doctrine of First Amendment law, court cases that have provided decisions regarding the censorship of student media, and state legislative efforts to protect college journalists. Chapter Three details the methodology of this qualitative research, including participant selection and the rationale for the inclusion of the participants. Chapter Four provides the results of the qualitative research, and Chapter Five

offers conclusions and suggestions for further research, along with a discussion of the limitations of this research. The appendices contain interview protocols, supplemental forms and the IRB approval.

Legal Standards as Applied to Student Media

Courts have debated the applicability of First Amendment protections to students and have historically supported students' rights to freedom of expression (*Tinker v Des Moines Independent School District*, 1969; *Antonelli v Hammond*, 1970; *Papish v Board of Curators of the University of Missouri*, 1973). However, other court cases have scaled back the rights of student journalists. The reasoning for narrowing student press protections has included the forum doctrine of the First Amendment and the maturity of the students (*Hazelwood v Kuhlmeier*, 1988; *Hosty v Carter*, 2005). The court decisions have not provided a definitive answer regarding the applicability of the First Amendment to college journalists.

Because of the possibility that the First Amendment protections are not always upheld for student journalists, a potential resolution for college journalists and their advisers would be for university administrators to commit to creating institutional policies that provide specific protections to their college media publications. College journalists and their advisers could benefit tremendously from institutional policies guaranteeing them the applicability of First Amendment protections through the mutual understanding that their media is a public forum. If university administrators acknowledge that the media students produce is a public forum, rather than a limited forum, then college journalists and their advisers will have some reassurance that they will be able to claim First Amendment rights when potential issues of censorship arise. Prior researchers have concluded that a forum specifically designed for college newspapers may be a feasible solution (Comparato, 2016; Tanner, 2007). While the solution is not yet clearly defined,

the forum designation is a critical component in determining the First Amendment applicability for college journalists and advisers. Changes or clarification of the forum designation hold significant influence for college publications.

Significance of the Study

The censorship concerns in college media are significant for several reasons. Primarily, these concerns are harmful because college newspapers serve as a learning tool for journalism students to develop their abilities. College newspapers provide the opportunity for aspiring journalists to gain experience through offering chances to investigate, report, edit and publish content that is relevant to their campuses. Employment at a campus newspaper provides students a chance to become familiar with their chosen career path and learn marketable journalism skills. Studies have confirmed that students with concrete skills and experiences are more likely to gain employment upon graduation, and research specific to mass communication students also affirms this finding (Lowrey & Becker, 2001).

Supporters of college journalism have pointed to the numerous professional journalists, politicians, business leaders and other successful individuals who worked in college newsrooms to gain skills and emphasized the role of college newspaper learning experiences in teaching student journalists to write coverage that is engaging, interesting and beneficial to the public (Bockino, 2018; Burnham, 2011). If these opportunities are suppressed through prior restraint, intimidation, threats of budget cuts as a retaliatory measure or through other means, then these journalists are missing out on a valuable educational tool. Without the opportunity to develop skills outside of the classroom, journalism graduates will not be as prepared to enter the professional field.

Along with being an important educational tool, college newspapers are sometimes able to fill a gap in media. A 2019 article from *The New York Times* reported that the University of Michigan's newspaper has been Ann Arbor's only daily newspaper for over a decade (Levin, 2019). *The Michigan Daily* covers topics relevant to the entire city. The newspaper's student journalists routinely cover the city's government, budget and police (Levin, 2019). Other student-run newspapers are also providing major news. Arizona State University's *Cronkite News Service* gained widespread attention when it was the first to break the news of the resignation of the State Department's envoy to Ukraine (Bogel-Burroughs, 2019).

The threat to college media is also important for administrators as they strive to offer educational opportunities for student journalists while simultaneously trying to preserve the reputations of their institutions. Campus administrators have at times resorted to unethical or illegal measures, such as prior restraint, to restrict the information being published about their institutions (Comparato, 2016; Hapney & Russo, 2013). The results have been mixed: courts have sometimes allowed administrators to stifle the rights of college journalists (*Hosty v Carter*, 2005), but at other times courts have sided with college journalists in their pursuit to publish content (*Kincaid v Gibson*, 2001).

While student press has legal protections, universities may restructure an adviser's position or remove an adviser after the publication of controversial content. Therefore, even a court victory for college journalists still leaves many advisers in a precarious situation because universities can often legally terminate advisers for any reason due to at-will employment laws. A recent study confirmed that the majority of employees in the United States are employed under at-will laws (Werhane & Radin, 2019). For college media advisers, at-will employment laws

mean that college media advisers who are terminated for advocating for student journalists may have no recourse if they are terminated.

Furthermore, the concept of academic freedom does not apply for advisers. The basis for academic freedom is established in the American Association of University Professors' and Association of American Colleges and Universities' 1940 *Statement of Principles on Academic Freedom and Tenure*, which clarified that this protection applies to allow teachers who are in classroom settings to debate the merits of ideas without fear of jeopardizing their careers (Euben, 2002). While academic freedom allows traditional ideas to be challenged in the classroom for the benefit of education, it does not provide absolute protection (Strauss, 2004). Additionally, Strauss (2004) noted that as an employer, the government generally has more protection because of employer rights, meaning that employees may have even less freedom.

Research Questions

This research aims to provide an update and analysis of how institutions that have historically had problems with the censorship of their student media are currently allowing their college media publications to operate and the extent to which student journalists are being allowed to publish without censorship. While a review of literature illustrated that research has focused on censorship threats in prior decades, or on budgetary concerns, the review also revealed that there has not been a recent comprehensive study that provides an in-depth analysis of the current censorship concern to college newspapers. *Hosty v Carter* (2005) was a monumental court decision that impacted the rights of college journalists. All of the participants in the study will be associated with institutions that have had censorship concerns after the *Hosty v Carter* (2005) court ruling. As state legislators responded differently to the *Hosty* ruling—with California administrators suggesting that they may gain more control of college media and

Illinois lawmakers approving legislation to ban prior review of college media—student journalists may have more or less freedoms in the aftermath of *Hosty*, depending on how their legislators responded (Beddingfield, 2014; Noble, 2007).

In regard to gaps in research, no recent qualitative studies that examine student media censorship without limitation to one state have been found. Scholars conducted qualitative studies focused on institutions solely in Pennsylvania (Beddingfield, 2014) and Ohio (Hapney & Lucas, 2014). This study aims to help close this gap in the research. College media student editors and advisers were asked to provide a current assessment of the state of their college newspaper, details regarding their relationships to institution administrators and information about any concerns of censorship at their publications. The participants were asked extensively to detail their content selection processes. Specifically, through interviews and observations, this research seeks to answer these questions:

- (1) How do student journalists and college media advisers define censorship?
- (2) What types of censorship, if any, are college journalists experiencing?
- (3) How does the source of funding impact the content decisions that student journalists and their advisers make?
- (4) How do college journalists and their advisers work together to make content decisions?
- (5) Do advisers feel secure enough in their jobs to publish controversial material?

Definition of Key Terms

This study is focused on the concerns of student journalists in regard to censorship threats, and there are many ways that censorship can occur. Censorship may occur prior to or after publication. It is critical that participants are precise in their definitions and explanations to

allow the correct conclusions to be reached regarding the current threats that college media faces. For clarification, this study uses the following definitions to define the key terms that are relevant in this research:

Censorship. This term broadly refers to the obstruction, restriction or regulating of information. There are many different ways that the restriction can occur. (Petress, 2005).

Censorship by starvation. This term refers to situations in which information (such as documents or records) is withheld from the media by those who are in authority to prevent the newspaper from reporting it (Trego, 2018).

Distribution. In the context of censorship, concerns regarding distribution refer to the institution's attempt to keep papers from being distributed, either through destroying the papers or removing them from campus (Hapney & Russo, 2013).

Prior restraint. This term refers to the occurrence of administrators attempting to stop the publication before it is printed (Emerson, 1955).

Prior review. This term references a requirement enforced by administrators who attempt to review all items prior to their publication (Finnigan, 2006).

Retaliation. Retaliation will be used to describe any action that occurs after publication that is believed to be a result of the publication, such as the termination of an adviser or a decrease in funding (Buller, 2011).

Self-censorship. Self-censorship is frequently mentioned in literature discussing censorship of college journalists, and this concept is understood to refer to the practice of opting not to publish items that would be negatively received. While this concept may be mentioned by participants during the course of their interviews, this research primarily focuses on more direct

forms of censorship rather than self-censorship that occurs on the basis of perceptions (Farquhar & Carey, 2018).

Limitations

This study does have some limitations. Specifically, qualitative findings are typically not generalizable to the rest of the field of research (Creswell & Poth, 2017). Therefore, the data collected and conclusions gathered from this research may not portray a holistic account of the censorship concerns—or lack of censorship concerns—that other college journalists and their editors are experiencing. Additionally, while the qualitative nature of this research does provide for in-depth analysis, the level of depth also results in a smaller number of participants being included in the study. This research also only included four-year institutions. Further research could aim to include additional participants who have reported censorship concerns. Additional studies may also more thoroughly explore the concept of self-censorship.

CHAPTER II. LITERATURE REVIEW

This literature review traces the history of student press court cases that have been instrumental in determining the applicability of First Amendment protections for student journalists. To provide the legal framework regarding student press rights, this review is first divided into sections that discuss the forum doctrine of the First Amendment, additional legislation that is relevant to student press and a chronological history of court cases involving the First Amendment rights of students. While some of these cases, such as *Tinker* and *Hazelwood*, do not involve college students, their influence on collegiate student press censorship has been well documented (Applegate, 2005; Buller, 2013; Fiore, 2002; Lisby, 2002; Ng, 2008; Silver, 2007; Trego, 2018). In fact, legal commentators have noted that there is an “over-reliance by courts on the K-12 speech cases to construct First Amendment policies that extend to higher education students” (Sun et al., 2013, p. 53). Additional subsections of this literature review discuss state laws that have been enacted to provide explicitly stated protections for student journalists. Finally, this literature review includes a summary of research previously conducted regarding college media.

Forum Analysis

The concept of freedom of speech is commonly referred to, but the application of the freedom can be nuanced, particularly in regard to the rights of student journalists. Although the First Amendment offers the press freedom of speech, the forum doctrine established in *Perry Ed. Assn. v. Perry Local Educators’ Assn.* (1983) adds levels of complexity to the applicability of the First Amendment’s freedom of speech protection. The forum designation determines how the First Amendment applies to a situation. Therefore, the court first decides which type of forum

designation to use and then uses that decision to determine what level of speech restriction is allowed (Ng, 2008).

In a traditional public forum, the regulation of speech is under “strict scrutiny” and regulation requires the government to have a “compelling” interest (*Perry Education Association v Perry Local Educators’ Association*, 1983). Examples of public forums include spaces for public use, such as parks and public streets (Comparato, 2016). The court has the least ability to restrict speech in a public forum, but does have the ability to enable limitations on time, place and manner (Comparato, 2016; Ng, 2008). Therefore, a public forum status offers the highest level of protection from government interference.

A limited forum is a space that has been specifically opened to allow for expressive activity to occur, even though the original purpose of the space was not for public expression (Comparato, 2016; Ng, 2008). An example of a limited, or designated, public forum is a bulletin board where a school allows the public to post information (Comparato, 2016). The government may allow content discrimination for the purpose of enacting limits on the forum, but viewpoint discrimination is not allowed (Ng, 2008). Most college newspapers operate as a limited forum (Rooksby, 2006).

The non-public forum category applies to settings that are not designated for expressive activity and permits a greater amount of interference, as long as the regulation is not grounded in viewpoint discrimination (Ng, 2008). The government has latitude to regulate speech based on an assessment of the purpose of the forum and the situation (Comparato, 2016).

Research has also referenced the addition of another type of forum, known as a limited public forum (Comparato, 2016). The limited public forum designation, has been described as a forum in which the government permits certain groups to have expression or allows specific

topic discussion (*Walker v Texas*, 2015; Comparato, 2016). However, there is lack of clarity regarding the limited public forum designation, as well as concern that courts have sometimes used terminology interchangeably (Comparato, 2016; Rohr, 2009).

While court cases such as *Southeastern Promotions, Ltd. V. Conrad* (1975) and *Greer v. Spock* (1976) made references to the concept of a public forum, *Perry Ed. Assn. v. Perry Local Educators' Assn.* (1983) was the court case that defined the types of forums and the limitations on speech that the courts can declare for each forum (Hudson, 2017). *Perry Ed. Assn. v. Perry Local Educators' Assn.* (1983) was a U.S. Supreme Court case that occurred when Perry Local Educators Association filed suit after a competing teachers' union, Perry Education Association, was awarded a contract allowing a right to use the school mail system exclusively (*Perry Education Association v. Perry Local Educators' Association*, 1983). The Court reversed a district court ruling in a 5-4 decision that determined the First Amendment was not violated because the mail system was not considered a public forum (*Perry Education Association v. Perry Local Educators' Association*, 1983). Justice Byron R. White wrote the majority opinion and explicitly defined three distinct forums: public, limited and nonpublic (*Perry Education Association v. Perry Local Educators' Association*, 1983).

The Court considers intention when determining a forum classification. In *Cornelius v NAACP Legal Defense & Educational Fund, Inc.*, (1985), the majority opinion declared that the government can choose to create a public forum through intentionally opening the forum for public discussion. Furthermore, the Court stated that the government's lack of action or permissiveness does not automatically create a public forum (*Cornelius v NAACP Legal Defense & Educational Fund, Inc.*, 1985). Legal research has referenced the ambiguity that this statement created, as it can be difficult to determine a correct forum designation in a situation where speech

has traditionally been allowed, but the government can still claim to have no intention of allowing a public forum designation (Rohr, 2009).

Court Decisions Regarding Student Expression

Dickey v Alabama State Board of Education (1967)

The first court case to apply the First Amendment in a student press case was *Dickey v Alabama State Board of Education* (Buckley, 1985; *Dickey v Alabama State Board of Education*, 1967). The lawsuit was filed in Alabama when Troy State College attempted to expel a student editor for choosing to publish a critical editorial of the governor. Gary Dickey was a college student and editor of the campus newspaper at Troy State College when he asked for permission to publish an editorial that criticized the state legislature. The editorial supported the president of the University of Alabama, who was in an argument with the Alabama governor and legislature (Buckley, 1985). Dickey's request was denied, as an institutional policy prohibited the criticism of state officials (*Dickey v Alabama State Board of Education*, 1967). In response to the denial, Dickey printed the word "censored" in the newspaper where his editorial would have been published if it had been approved and was suspended from the college. Dickey filed a lawsuit in an Alabama district court against the college for infringing upon his First Amendment rights (*Dickey v Alabama State Board of Education*, 1967).

Troy State officials argued that the rule restricting speech critical of the governor and the legislature was valid because the state essentially owned the paper, and a newspaper should not criticize its ownership (Buckley, 1985). In the court's rationale, the court sided with Dickey, determining that the rule disallowing criticism of state officials was not reasonable and that Dickey's editorial would not have caused any disruption (*Dickey v Alabama State Board of Education*, 1967). However, the court also declared that the school did not have a responsibility

to allow Dickey to continue working on the newspaper as an editor (*Dickey v Alabama State Board of Education*, 1967). The ruling did not allow for punishment, but at the same time, it did specify that the college has the authority to determine who has editorial control of the paper (Buckley, 1985).

Tinker v Des Moines Independent Community School District (1969)

Tinker v Des Moines (1969) did not involve student media or college students, but the landmark decision has served as a guide regarding the First Amendment rights of students and has been cited in student press court decisions. When junior high school student Mary Beth Tinker, along with four other students, was suspended from school for wearing a black armband to protest the war in Vietnam, her family filed suit against the school district and alleged that her First Amendment rights were violated (*Tinker v Des Moines*, 1969). School administrators had previously become aware of students' intent to wear armbands as a means of protesting the war and had banned the armbands before Tinker and the other students wore them (*Tinker v Des Moines*, 1969). In the first filing, the U.S. District Court for the Southern District of Iowa agreed with the school district on the basis that the necessity for providing discipline to students took priority over the symbolism of Tinker's protest (*Tinker v Des Moines*, 1969).

An appeal to the U.S. Eighth Circuit Court of Appeals resulted in a 4-4 decision, but ultimately, in a 7-2 decision, the U.S. Supreme Court sided with the students (*Tinker v Des Moines*, 1969). Writing for the majority, Justice Abe Fortas stated that the school has to respect the rights of the students, affirming that "it can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (*Tinker v Des Moines*, 1969). The majority opinion concluded that the fear of a disruption is not an adequate justification for restricting student expression (*Tinker v Des Moines*, 1969).

Furthermore, the court also did not approve of restriction on the basis of a viewpoint, as the school district had seemed to punish Tinker for her reaction to the war in Vietnam (*Tinker v Des Moines*, 1969). In the dissent, Justice Hugo Black found the armband protest to be a disruption and argued that the *Tinker* standard would not provide enough authority to school administrators (*Tinker v Des Moines*, 1969). Black maintained that the purpose of the school was to provide an education and not an appropriate place for students to express their opinions (*Tinker v Des Moines*, 1969).

Perhaps most importantly, the rationale in the *Tinker* case included a standard to use when determining if students are within their First Amendment rights when they express their opinions or views on campuses. This standard requires that students who are expressing themselves can only be restricted if the act of expression meets one of two criteria: it either significantly disrupts the school or impacts the rights of other students (*Tinker v Des Moines*, 1969). In writing the majority opinion, the Court determined that the armband protest did not cause significant disruption or interfere with the rights of other students (*Tinker v Des Moines*, 1969). The protest had been silent, passive and had caused no disruptions in the classroom (*Tinker v Des Moines*, 1969).

The “*Tinker* test” became so commonly used that it is referred to as “the basis of student speech law” (Sternberg, 2014). Portions of the *Tinker* rationale have been cited in hundreds of federal court cases (Sklar, 2007). The *Tinker* test provided a clarification regarding student rights and offered a balance between administrators and students: it allowed school administrators to use judgement in determining what acts of expression can be allowed, but it also provided broad protections for students (Ceglia, 2012).

Antonelli v Hammond (1970)

Only a few years after *Dickey* won his case regarding post-publication punishment, another student press censorship lawsuit addressed prior restraint. John Antonelli, student editor of the campus newspaper at Fitchburg State College in Massachusetts, filed a lawsuit when the college president stated that he would need to approve all the newspaper's material prior to publication (*Antonelli v Hammond*, 1970). The college president was upset with material that Antonelli published and formed a faculty advisory board to review all content prior to publication (Bohman, 2005). The president stated that student fees allocated for the newspaper would not be released for use unless the paper had the administration's approval (*Antonelli v Hammond*, 1970).

The court sided with Antonelli and determined that the administrators cannot tie funding to a requirement of prior review (Buckley, 1985). The rationale stated that the students' speech should not be restricted, even when the school is funding the paper, unless it is necessary to restrict speech to maintain order (*Antonelli v Hammond*, 1970). The court cited *Dickey* as a precedent and noted the administration's failure to provide a definition for content material that was inappropriate (*Antonelli v Hammond*, 1970). Legal commentator Buckley (1985) noted that the court also "stopped short of giving student editors complete control over the student press" (p. 273) because the court said that administrators did have the authority to impose rules regarding reprinted content. Further legal commentary mentioned that this court decision left student editors open to possible censorship if administrators allege that unfavorable content is detrimental to education (Bobbitt, 2017).

Channing Club v Board of Regents, (1970)

After Texas Tech University administration banned an issue from campus for the inclusion of profanity and an editorial that nicknamed the university's new football coach "Morality Fats," the campus organization that sponsored the newspaper, The Channing Club, filed a lawsuit in the U.S. District Court for the Northern District of Texas (*Channing Club v Board of Regents, 1970; Duemer et al., 2005*). Multiple administrators referred to student code of conduct policies regarding vulgar language to defend their decision to ban the issue, but they also admitted that they had concerns of student disobedience and unrest that would arise from the publication of the issue (*Channing Club v Board of Regents, 1970*). In the court decision, the judge agreed with the students and determined that the anticipation of campus violence or unrest was unsubstantiated, and furthermore, that language used in the issue of the newspaper was no different than language present in publications that were available in the campus libraries (*Channing Club v Board of Regents 1970*).

Analysis of *Channing* noted that the administrators failed to prove that campus unrest was a probable reaction to the content that the newspaper had published (Bankes et al., 2002; Duemer et al., 2005). They could not provide any substance for their claims that the newspaper would bring violence to the campus, and their speculation was not enough to convince the judge that they had the right to restrict student speech. The judge did confirm that administrators do have some authority to restrict speech under specific conditions, such as a threat to safety (*Channing Club v Board of Regents, 1970*). However, the administrators had to prove that there was a likely threat and not just express concern that there would be a threat (Bankes et al., 2002).

Papish v Board of Curators of the University of Missouri (1973)

Student press rights were reaffirmed again when Barbara Papish won her court case against the University of Missouri. The university expelled Papish after she distributed a newspaper on campus that contained reproductions of a cartoon depiction of policemen raping the Statue of Liberty and the goddess of justice, along with an article that included profanity (*Papish v Board of Curators of the University of Missouri*, 1973). Papish’s paper was not produced as part of a curriculum. Papish produced her newspaper on her own and did not use the university’s resources or name (Sarabyn, 2008). The university’s administration alleged that Papish had violated the student code of conduct. In the initial hearing, the Eighth Circuit Court of Appeals agreed with the university and found that the expectation of decency did not infringe upon Papish’s First Amendment rights (*Papish v Board of Curators of the University of Missouri*, 1973).

In a 6-3 decision, the U.S. Supreme Court overturned the initial ruling and stated that “the mere dissemination of ideas—no matter how offensive to good taste—on a state university campus may not be shut off in the name alone of ‘conventions of decency’” (*Papish v Board of Curators of the University of Missouri*, 1973). In the rationale, the majority opinion cited *Healy v James* (1972)¹, which had been decided after the Eighth Court decision, and again confirmed that state universities still must allow students to express rights guaranteed to them under the First

¹ *Healy v James* (1972) was a U.S. Supreme Court case filed after Central Connecticut State College administrators refused to officially recognize the Students for a Democratic Society as a campus organization on the belief that the group would cause disruption. The Court reversed a lower court ruling and sided with the students (*Healy v James*, 1972).

Amendment. The court also cited *Gooding v Wilson*² (1972) and *Cohen v California*³ (1971) in the determination that the content was not obscene. Furthermore, the majority wrote that Papish had been unfairly expelled based on the content of the publication (*Papish v Board of Curators of the University of Missouri*, 1973).

The dissenting opinion countered that the university had the right to expel Papish for the publication on the basis that the university has a responsibility to teach students to behave in a professional manner. The dissent noted a distinction between Papish being expelled for her conduct and criminalized for her conduct, and held that Papish was rightfully expelled (*Papish v Board of Curators of the University of Missouri*, 1973). In regard to the obscenity of Papish's publication, Justice William Rehnquist cited *Chaplinsky v New Hampshire*⁴ (1942) to support the opinion of Papish's use of an expletive as obscenity (*Papish v Board of Curators of the University of Missouri*, 1973).

Papish's lawsuit is not frequently cited in research, however, legal analysis has referenced the university's lack of explanation regarding the determination of Papish's speech to be inappropriate and stated that the court's decision did not make clear the distinction between allowed expression and inappropriate expression (LaVigne, 2008). Additionally, because the

² *Gooding v Wilson* (1972) was U.S. Supreme Court case filed after Johnny Wilson was charged with a misdemeanor in Georgia for telling a police officer "You son of a bitch, I'll choke you to death" and making other similar threats including "I'll kill you" and "I'll cut you all to pieces" (*Gooding v Wilson*, 1972). The Court reversed lower court rulings and sided with Wilson's reasoning that the state statute prohibiting "abusive" speech was too broad (*Gooding v Wilson*, 1972).

³ *Cohen v California* (1971) was a U.S. Supreme Court case filed after Paul Cohen wore a jacket with "F--- the Draft" written on it in public to view opposition to the Vietnam War and was charged with disturbing the peace. The Court sided with Cohen and ruled that the language was not a threat. The majority opinion stated that "one man's vulgarity is another's lyric." (*Cohen v California*, 1971).

⁴ *Chaplinsky v New Hampshire* (1942) was a New Hampshire Supreme Court case that determined Walter Chaplinsky was rightfully charged when he called the town marshal a "God-damned racketeer" and "a damned Fascist" while on a public sidewalk distributing religious literature that was upsetting the public. Chaplinsky argued that a state law prohibiting the speech violated his First Amendment rights, but the Court determined that the marshal was trying to maintain peace and Chaplinsky's statements were "fighting words" (*Chaplinsky v New Hampshire*, 1942).

university had no part in producing or subsidizing the newspaper, the university's limited control over the newspaper is an unsurprising outcome (Flanders, 2018).

Hazelwood v Kuhlmeier (1988)

Almost twenty years after *Tinker*, another incident that has been monumental regarding student press censorship occurred when high school journalism students in St. Louis, Missouri, experienced prior restraint after they wrote newspaper articles about divorce and teenage pregnancy during their journalism class (*Hazelwood v Kuhlmeier*, 1988; Lisby, 2002; Student Press Law Center, 2008). The principal opposed the inclusion of the articles in the newspaper because he felt that the pregnancy story included references inappropriate for a high school audience and that the parents of the student who wrote about a family divorce should have a chance to respond (Comparato, 2017). Without discussing his concerns with the students, the principal removed the pages before the newspaper was published. Students responded with a lawsuit in the U.S. District Court for the Eastern District of Missouri in St. Louis, and the initial court ruling agreed with the school and stated that the school had the authority to remove articles that were produced as part of a class (*Hazelwood v Kuhlmeier*, 1988; Lisby, 2002; Ng, 2008). The students appealed to the U.S. Court of Appeals for the Eighth Circuit, and the appeals court determined that the newspaper was a public forum and sided with the students (*Hazelwood v Kuhlmeier*, 1988).

In a final appeal, the U.S. Supreme Court agreed with the school in a 5-3 decision. The Court stated that the school newspaper was not a public forum as the earlier court had determined, and that the school was justified to remove pages from a paper that it sponsors (*Hazelwood v Kuhlmeier*, 1988). While the court declared that the student newspaper in

Hazelwood was not a public forum, the court did not state what type of forum the paper was or provide further analysis regarding the forum status of student newspapers (Lisby, 2002).

The age and level of maturity of the students involved in *Hazelwood* were cited as reasons for the restriction of the newspaper content (Ng, 2008). To this point, the rationale specified that administrators were within the context of the First Amendment because their intent was “reasonably related to legitimate pedagogical concerns” (*Hazelwood v Kuhlmeier*, 1988). In the dissent, Justice William Brennan stated that the high school principal should have sought alternatives instead of removing the content from the publication, and that the court should apply the *Tinker* standard instead of disregarding it (*Hazelwood v Kuhlmeier*, 1988; Lisby, 2002). Justice Brennan also wrote that the decision would provide educators with too much latitude to restrict student speech and would provide administrators with a readily available excuse for the restriction (*Hazelwood v Kuhlmeier*, 1988).

Hazelwood was the first application of the public forum doctrine in regard to student speech in school (Sklar, 2007). The *Hazelwood* ruling narrowed the broad freedoms that had been granted to students in *Tinker*, and the *Hazelwood* Court acknowledged the distinction between the two cases, writing that “whether the First Amendment requires a school to tolerate particular student speech—the question that we addressed in *Tinker*—is different from the question whether the First Amendment requires a school affirmatively to promote particular student speech” (*Hazelwood v Kuhlmeier*, 1988). The high school’s newspaper, *Spectrum*, was partially funded with funds from the Board of Education budget (Comparato, 2017). The court’s interpretation of the school’s sponsorship of the newspaper was that sponsorship meant the school was essentially endorsing the speech and not merely allowing it. Legal commentary noted

the *Hazelwood* Court's inability to discern school speech from student speech (Chemerinsky, 2009).

The *Hazelwood* court referenced college media in a footnote without taking a definitive stance on the application of the ruling to college media, stating that the court "need not now decide whether the same degree of deference is appropriate with respect to school-sponsored expressive activities at the college and university level" (*Hazelwood v Kuhlmeier*, 1988). The ambiguity of the footnote has led to extensive speculation regarding the meaning. It has been suggested that the inclusion of this footnote implies that the court recognized that rights for college students should receive further consideration and that the *Hazelwood* ruling should not automatically apply to them (Lisby, 2002). Since the *Hazelwood* rationale did not clarify whether the ruling applies to college students, circuit courts have been making determinations on whether to apply the ruling as a precedent. Some circuit courts, such as the Tenth and Eleventh Circuits, have applied the *Hazelwood* precedent to college students on the basis that college media is part of the curriculum (Ng, 2008). Yet other courts—the Sixth Circuit and First Circuit—have taken the position that *Hazelwood's* ruling is not applicable in college settings and noted the unclear footnote in *Hazelwood* that the decision for college applicability is not specified in the ruling (Ng, 2008).

The opinions are divided on whether the ruling in *Hazelwood* should apply to the college setting. Researchers refer to the rationale's inclusion of both maturity and sponsorship in attempts to decipher the applicability of the ruling to college students. In an analysis of the extension of *Hazelwood v Kuhlmeier* to college journalists, some research suggested that the court decision restricting high school students should not be applied to college journalists because college students generally have more rights and freedoms than high school students

since they are adults (LoMonte, 2013). Legal commentators noted that the *Tinker* and *Hazelwood* standards are not appropriate for college students because they restrict the exchange of ideas and limit opportunities for college students' educational development (Sun et al., 2013). However, supporters of applying *Hazelwood* at the collegiate level stress that universities hold the same interest in school-sponsored media that lower level educational institutions do and should be able to protect their own interests (Ng, 2008). Although other research (Beddingfield, 2014) has disagreed, LoMonte (2013) concluded that institutions cannot be declared responsible for the published opinions of their students, and therefore should not be able to censor the students' publications. Furthermore, LoMonte (2013) emphasized that the ruling reached in *Hazelwood* does not allow punishment or retaliation to occur, and only permits the refusal to allow the distribution of media (LoMonte, 2013).

Hazelwood supporters also recognize that courts have traditionally deferred to school administrators to make academic decisions and educational policies (*University of Michigan v Ewing*, 1985; Ng, 2008). If newspapers are part of a journalism education, then *Hazelwood* supporters surmise that the legislation should extend to college campuses and allow administrators more control. However, analysis of *Hazelwood* has recognized that the rationale for the decision included the newspaper's production as part of an academic course and countered that college newspapers are typically extracurricular (Hapney & Russo, 2014; Miles & Yoxall, 1989). Therefore, the college newspaper may be part of a student journalist's training but not part of a course, and the appropriateness of the application of *Hazelwood* in this regard is unclear.

Legal commentators also recognized the distinction between the rights of minors and the rights of adults, with acknowledgment that the government must have a "compelling state

interest” to restrict speech in a public forum, but only a “reasonable basis” to restrict the speech in K-12 schools (Avery & Simpson, 1987). The *Hazelwood* court’s inclusion of maturity as a rationale for the decision is a cause of much of the division regarding whether the ruling should be applied in college media. Those who advocated against expanding *Hazelwood* to the college setting based arguments on the U.S. Supreme Court’s statement regarding the “legitimate pedagogical concerns” and emphasized that those concerns would not be applicable in a college setting because the students are adults (Fiore, 2002; Lisby, 2002; Ng, 2008). Additionally, supporters of broader free speech rights for college students argued that restricting the speech through the application of *Hazelwood* in a college setting contradicts with the purpose of higher education through the limitation of the exchange of ideas (Fiore, 2002; Ng, 2008).

Rosenberger v Rectors and Visitors of the University of Virginia (1995)

Ronald Rosenberger, a student at the University of Virginia, filed a lawsuit after he was denied funding from the university’s Student Activities Fund for the printing costs for his magazine (*Rosenberger v Rectors and Visitors of the University of Virginia*, 1995). Rosenberger’s magazine published articles about topics such as racism and teen pregnancy with a Christian viewpoint (Angus, 1996). The fund was established to financially support students’ extracurricular activities, and Rosenberger applied for—and received—certification from the fund prior to his magazine’s publication. However, after publication, the request for Rosenberger’s funding was denied on the basis that the magazine was considered to be a “religious activity” that was not permitted per the guidelines of the Student Activities Fund (*Rosenberger v Rectors and Visitors of the University of Virginia*, 1995).

The district court concluded that the Student Activities Fund was justified in denying the funds for Rosenberger, and the Fourth Circuit Court of Appeals affirmed the decision

(*Rosenberger v Rectors and Visitors of the University of Virginia*, 1995). The Fourth Circuit court acknowledged that the university's financial support of the publication may cause political impacts and violate the entanglement prong of the Lemon test⁵ that had been established in *Lemon v Kurtzman* (*Rosenberger v Rectors and Visitors of the University of Virginia*, 1995).

In a 5-4 U.S. Supreme Court decision, the Court determined that Rosenberger's First Amendment rights had been infringed upon because the university's decision included discrimination based upon viewpoint (*Rosenberger v Rectors and Visitors of the University of Virginia*, 1995). The majority opinion noted that the Student Activities Fund existed for the purpose of increasing diversity and that Rosenberger's magazine sought funding as a student publication, not a religious activity (*Rosenberger v Rectors and Visitors of the University of Virginia*, 1995). Furthermore, the Student Activities Fund's source of revenue was student fees, which the court determined should equally be available to student groups (*Rosenberger v Rectors and Visitors of the University of Virginia*, 1995). The *Rosenberger* court included the use of a third-party vendor—the printing company—to validate the statement that the university was only indirectly funding the religious publication (*Rosenberger v Rectors and Visitors of the University of Virginia*, 1995).

The commentary regarding the *Rosenberger* decision primarily focuses on the court's use of a standard of neutrality and the court's decision to not apply the precedent in *Lemon v Kurtzman* (Hamblin, 2007; Manhire, Jr., 1996; Shur, 1995). Legal analysis has disagreed with the court's ruling and stated that the court failed to distinguish between allowing and subsidizing

⁵ The U.S. Supreme Court used the Lemon test to determine if the government had infringed upon the First Amendment in *Lemon v Kurtzman* (1971), which was filed when public funds were used to support religious schools. According to the Lemon test, the Court must consider the beneficiary of the aid, the type of aid provided and the entanglement between the government entity and the religious institution (*Lemon v Kurtzman*, 1971).

speech (Hamblin, 2007) and that the ruling may cause confusion for university administrators who are aiming to draft policies because it is not specific enough (Manhire, Jr., 1996).

Kincaid v Gibson (2001)

Another influential student press censorship lawsuit was filed after Kentucky State University administrators confiscated all of the school's yearbooks before they were distributed, citing the poor quality of the yearbooks as a rationale for doing so (*Kincaid v Gibson*, 2001). The administrators were dissatisfied with grammatical mistakes, photograph quality, captions and other aspects of the student-produced yearbook, which was paid for with student fees (Lisby, 2002). When administrators would not distribute the yearbooks, a Kentucky State University student filed suit in the U.S. District Court for the Eastern District of Kentucky. The district court determined that the yearbook was not considered a public forum and that First Amendment rights had not been violated (*Kincaid v Gibson*, 2001). The yearbook was considered to be a nonpublic forum because yearbooks are not typically used to express views (Lisby, 2002). Furthermore, the court cited *Hazelwood* as a precedent and stated that the *Hazelwood* decision allows educational institutions the latitude to disassociate from publications. The Court of Appeals for the Sixth Circuit agreed with the lower court (*Kincaid v Gibson*, 2001).

The majority opinion had not cited the age of the students in their rationale, but Judge Guy Cole had referenced the age and maturity levels of college students in his dissent, as he stated that college students did not require the same amount of concern than high school students do (*Kincaid v Gibson*, 2001). In a petition for a rehearing, Kincaid and supporters referenced the differences in age and maturity between high school and college students and implored the court to consider that the *Hazelwood* decision should not be used as a precedent (Lisby, 2002).

In a rehearing, the Sixth Circuit Court of Appeals sided with Kincaid in a 10-3 en banc decision and declared that the yearbook was a limited public forum. The rationale for the declaration of the yearbook as a limited public forum referenced the university's publications policies that allowed students to make content and editorial decisions (*Kincaid v Gibson*, 2001). The rationale also concluded that the age of the editorial staff and the audience contributed to the yearbook's designation as a limited public forum (*Kincaid v Gibson*, 2001). Furthermore, the court determined that the university had intended for the yearbook to serve as a limited public forum on the basis that yearbook production inherently allows for expressive activity (Silver, 2007). As a precedent, the decision referenced a First Circuit decision in *Student Government Association v. Board of Trustees of University of Massachusetts* (1989) that had determined *Hazelwood* was inapplicable to college settings because of the ambiguity in the *Hazelwood* footnote that referenced colleges but did not specifically apply the ruling to them (Ng, 2008).

Hosty v Carter (2005)

Hosty v Carter was a 2005 Seventh Circuit case that affirmed that the dean of Governors State University had the authority to review the university's newspaper prior to publication. The original complaint was filed in 2001 after the dean ordered the publishing company to cease printing unless the content had the approval of the university administration (*Hosty v Carter*, 2005). The dean's prior restraint came after published content was critical of the university's financial aid office and the hiring process for instructors (Finnigan, 2006; Pittman, 2007). The owner of the publishing company, Charles Richards, told Dean Carter that her request was not constitutional and contacted the editors of the newspaper when she insisted he allow it regardless (Pittman, 2007). After this occurrence of prior censorship, the student newspaper at Governors State University, *The Innovator*, stopped production (Noble, 2007).

In 2003 a district court agreed with the students that *Hazelwood* should not be applied as a precedent and stated that the college newspaper was a public forum and deserved freedom of the press protections (*Hosty v Carter*, 2003). The court acknowledged that the newspaper in the *Hazelwood* case had been produced in the classroom, while the newspaper at Governors State University was an extracurricular activity (Murphy, 2007). However, during an appeal, the U.S. Court of Appeals for the Seventh Circuit reversed course and stated that, as in *Hazelwood*, the school's sponsorship of the paper meant that the administration could have prior review. The administrator in the case, Patricia Carter, was granted qualified immunity on the determination that the laws regarding the application of the First Amendment were unclear in regard to college media (*Hosty v Carter*, 2005).

In the court decision, two dissenting judges expressed concerns that *Hazelwood* should not be applied because the newspaper at Governors State University was not produced during class time and was an extracurricular activity (*Hosty v Carter*, 2005). Without determining the forum status of the newspaper, Judge Frank Easterbrook wrote the majority opinion and declared that *Hazelwood* was an appropriate precedent because the forum status of the newspaper should be questioned (*Hosty v Carter*, 2005). Additionally, the court affirmed that censorship in public forums is not allowed, but also stated that the sponsoring university is allowed to determine whether a forum is public or limited (*Hosty v Carter*, 2005). However, legal research has emphasized that the court did not adequately consider the distinctions between high school and college funding, and that the use of student fees to fund the newspaper at Governors State University should have been a consideration of the court because the U.S. Supreme Court "has recognized...student fees are distinguishable from actual college or university funds" (Seay,

2007). The Court determined that there is a distinction between student fees and university funds in *University of Wisconsin v Southworth* (2000) (Seay, 2007).

The decision in *Hosty v Carter* is frequently discussed in college newspaper censorship research (Applegate, 2005; Hopkins, 2007; Ng, 2008; Noble, 2007; Seay, 2007; Sklar, 2007; Tanner, 2007). The ruling caused strong reactions because it applied the *Hazelwood* precedent at the collegiate level, something other courts had declined to do (Merritt, 2007). The decision also strayed from the precedents established in prior cases, such as *Papish* and *Rosenberger*, which affirmed student press rights (Pittman, 2007). Additionally, in regard to the authority of administrators to restrict content for “legitimate” concerns, the court never provided a definition of what constitutes a legitimate concern on a college campus (Sklar, 2007).

Research regarding *Hosty v Carter* examined the framework of an institution of higher education as a marketplace to discuss ideas and the status of a university as a public forum (Applegate, 2005; Fiore, 2002). Much of the research concluded that college and high school environments are significantly dissimilar, that high school students and college students are different in regards to age and development, and the newspapers are not structured in a similar manner, and therefore the *Hazelwood* decision should not extend to college campuses (Applegate, 2005; Merritt, 2007; Seay, 2007). The restriction of student press protection would limit the exchange of ideas and could contradict the educational goals of the university.

Furthermore, there is debate about the educational value of the prior restraint that the *Hosty v Carter* decision allowed (Hopkins, 2007; Merritt, 2007; Seay, 2007). While most of the research did not support the application of the *Hazelwood* precedent in *Hosty v Carter*, another viewpoint referenced the college newspaper as an educational tool and the use of prior restraint as a teaching method, comparing a college journalist with full freedom of press protection to a

young medical student performing a solo surgery (Hopkins, 2007). Hopkins (2007) supported Dean Carter's actions and concluded that college journalists can benefit from prior restraint that enables them to become more qualified and responsible journalists once they begin their careers post-college. Support for Dean Carter's decision and the general use of prior restraint to hold student journalists accountable to quality standards regarding investigative reporting has also been published (Rooksby, 2007).

However, research that supports broader student press rights for college media countered that the *Hosty* decision is a detriment for college journalists' educational development because it does not allow students to have control over content decisions or be responsible for their own publication (Applegate, 2005; Seay, 2007). Additionally, it has been suggested that the *Hosty* decision will mean that "students are not encouraged to pursue hard-hitting stories and often leave a journalism education course with little practice or guidance on the proper ways one would pursue such stories" (Merritt, 2007). Other research has agreed that the decision will likely restrict the growth of future journalists (Pittman, 2007).

Tatro v University of Minnesota (2012)

While *Tatro v University of Minnesota* did not involve student media, the case directly focused on freedom of speech rights for college students and could potentially influence college media. Amanda Tatro was a student in the University of Minnesota's Mortuary Science Program when she posted about her anatomy laboratory classes in social media status updates (*Tatro v University of Minnesota, 2012*). Students had to sign a code of conduct prior to enrollment in the course, and Tatro agreed, as part of the code, to refrain from blogging about the course or displaying unprofessional behavior (*Tatro v University of Minnesota, 2012*). Despite her agreement to refrain from making online comments about the program, Tatro made posts that she

stated she was “looking forward to Monday’s embalming therapy as well as a rumored opportunity to aspirate” and mentioned that there was “lots of aggression to be taken out with a trocar” (*Tatro v University of Minnesota*, 2012). Another post stated that the “embalming lab was so cathartic” and included Tatro’s desire to “stab a certain someone in the throat with a trocar” and her plans to “spend the evening updating [her] ‘Death List #5’” (*Tatro v University of Minnesota*, 2012).

Additionally, the code of conduct stipulated that students were to treat cadavers with dignity and any conversation about the cadavers had to be respectful (Calvert, 2017). However, Tatro’s posts stated that she had nicknamed her cadaver “Bernie” and that she would miss him after the lab course ended, with a statement saying “Bye, bye. Bernie. Lock of hair in my pocket” (*Tatro v University of Minnesota*, 2012). The university received reports of the posts, and a conduct hearing resulted in a failing grade and a required ethics course for Tatro (*Tatro v University of Minnesota*, 2012). Tatro stated that her posts were meant as sarcastic attempts at humor and did not impose a threat to anyone (*Tatro v University of Minnesota*, 2012; Lindsay, 2012).

After Tatro requested a judicial review of the university’s conduct decision, the Minnesota Court of Appeals agreed with the university (*Tatro v University of Minnesota*, 2012). The court applied the *Tinker* test and determined that Tatro’s posts caused a significant disruption (*Tatro v University of Minnesota*, 2012). The University of Minnesota was reliant on the trust of donors to supply cadavers for the laboratory, and Tatro’s posts had jeopardized public trust in the program (Calvert, 2017; Wormani, 2013).

An appeal to the Minnesota Supreme Court resulted in another decision in the university’s favor, but the rationale differed significantly. The Minnesota Supreme Court did not

apply the *Tinker* test because the disruption that *Tinker* refers to was not the cause of the punishment. (*Tatro v University of Minnesota*, 2012). The *Tatro* court referenced *Hazelwood*, but again stated that the precedent did not apply to *Tatro*, as the speech was not school-sponsored and the court did not wish to apply the pedagogical concerns reasoning and provide such broad authority to administrators (*Tatro v University of Minnesota*, 2012). Instead, the majority opinion cited *Keeton v Anderson*⁶ (2011) and reaffirmed that students who opt to enroll in a program do not have a right to refuse to follow the program's rules (*Tatro v University of Minnesota*, 2012). The court determined that speech in violation of "established professional conduct standards" can be regulated (*Tatro v University of Minnesota*, 2012).

Legal researchers who analyzed *Tatro* have challenged the court's initial decision to apply *Tinker* and the failure of the Minnesota Supreme Court to acknowledge that *Tinker* should not have been applied because student safety was not a concern (Lindsay, 2012; Wirmani, 2013). While the Minnesota Supreme Court did not apply the *Tinker* standard, the court also did not use the occasion to clarify that the lower court had misapplied *Tinker*. Additionally, legal commentators noted that the new standard established in *Tatro* disregards censorship concerns regarding viewpoint and instead allows institutions to determine regulations through professional standards of behavior (Calvert, 2017). If the professional conduct standards prohibit a disrespectful statement, then that statement can be regulated, even if it contains the viewpoint of a student who is expressing it. Furthermore, questions remain about what programs can be considered professional programs that *Tatro* would be applicable to and what students would not

⁶ *Keeton v Anderson* (2011) was a U.S. Court of Appeals for the Eleventh Circuit case filed after Augusta State University (ASU) graduate counseling program administrators required student Jennifer Keeton to agree to a remediation plan to enable her to effectively counsel GLBTQ and multicultural populations. The faculty expressed concern that Keeton had deficiencies in these areas. Keeton stated that her First Amendment rights were violated, but ASU administrators stated that Keeton made statements conflicting with the ethics of the American Counseling Association (ACA). The court sided with ASU on the basis that the university has a compelling interest to align with the ACA Code of Ethics to protect the school's accreditation status (*Keeton v Anderson*, 2011).

face the restrictions that the *Tatro* court deemed allowable (Calvert, 2017). Legal commentators in support of the court's decision to restrict Tatro's speech recognized that institutions must have the ability to protect legitimate interests that pertain to academic matters (Sun et al., 2013).

State and Federal Legislation

State Legislative Review

Since courts had sided with students in several cases—*Tinker*, *Dickey*, *Antonelli*, and *Channing*, among others—the decision of the court to narrow student rights in *Hazelwood* was unexpected (Lisby, 2002; Ng, 2008). The courts had historically prioritized students' First Amendment protections, but *Hazelwood* permitted school administrators more control and discretion to determine student press content. Several states passed legislation as a reaction to *Hazelwood* that aims to provide specific protection for student journalists. These pieces of legislation are referred to as “anti-*Hazelwood*” or “New Voices” laws, and the majority of them reinstate the broader *Tinker* standard in regard to the regulation of student press (Buller, 2013; Trego, 2018).

In light of the lack of clarity from the U.S. Supreme Court regarding the application of *Hazelwood* to collegiate settings, organizations and commentators have widely stated the need for specific protection for college journalists. The American Bar Association, the organization responsible for law school accreditation, announced support for New Voices legislation in 2017 that would solidify broader rights for college journalists (Dieterich, 2017). In a 2008 *Hazelwood* analysis, attorney Richard Ng summarized the confusion regarding the ruling:

Without clear guidance from the Supreme Court, the federal circuit courts have split on whether or not the *Hazelwood* framework is applicable to the university setting, leading to the current state of affairs in the United States: where geographic location determines both the scope of public university student journalists' First Amendment rights and the states' authority to regulate university-sponsored speech at state-sponsored universities. (pp. 345-346)

The only state with specific protections for student journalists prior to the *Hazelwood* ruling was California (Trego, 2018). The California Student Free Expression Law took effect in 1971 and affirmed that students in California are entitled to freedoms of expression, specifically stating that student editors have the authority to make content decisions for student publications and that employees cannot face punishment for allowing students to exercise these rights (Buller, 2013). Furthermore, after the *Hazelwood* decision, the California Court of Appeals confirmed that the decision to censor student content, even for maturity reasons as stated in *Hazelwood*, was not an option for California educators (Buller, 2013).

Several other states have also adopted statutes to protect their student journalists. Illinois enacted the College Campus Press Act in 2007 to ban public university administrators from enacting prior review regulations on college student media publications (Beddingfield, 2014). The act specified that every college newspaper in the state of Illinois qualifies as a public forum and absolves the state of liability for student-produced publications, which means that administrators cannot censor content and claim fears of liability (Comparato, 2017). Colorado has also passed a law that declares school-sponsored, student-produced publications as public forums (Sklar, 2007). Maryland and Vermont passed laws in 2016 and 2017, respectively, that specify student journalists have the authority to make final editorial decisions and uses the *Tinker* standard in regard to students' freedom of expression (Trego, 2018). Nevada, Oregon, North Dakota and Rhode Island also passed state legislation that provides broader protections to students than what the *Hazelwood* decision offered (Trego, 2018). Most recently, Missouri passed a New Voices bill in 2019 that restores student journalists' rights to the *Tinker* standard (Dawson, 2019).

These reactions at the state level are reminders of the lack of protection for student journalists that remains at the federal level (Ng, 2007). Until there is a federal precedent that guarantees First Amendment protections are secured for college journalists, or broadens their protections beyond the standard put forth in *Hazelwood*, the level of protection available may depend on a lawmaker's reaction to decisions, such as in *Hosty v Carter*.

However, state statutes that attempt to provide protections to student journalists are not without problems. Legal research has stated that anti-*Hazelwood* legislation is difficult to enforce because there are often no penalties for violations and many school administrators are not even aware of the existence of such legislation (Buller, 2013). In regard to effectiveness, responses from editors in a 2018 study revealed that editors in states with anti-*Hazelwood* legislation were just as likely to encounter censorship as editors in states that did not have the legislation (Trego, 2018). Additionally, the state legislation generally only refers to direct forms of censorship, which still allows administrators the ability to find ways to indirectly censor students, such as reactionary funding reductions or adviser terminations that are blamed on general institutional budget cuts (Buller, 2013).

Conclusively, researchers were generally supportive of state legislation that protects student journalists, but also emphasized the need for a federal decision that will provide firm protection to journalists who may live in states that do not guarantee freedom from censorship to college journalists (Buller, 2013; Ng, 2008; Noble, 2007). Scholars consistently emphasized the lack of federal protection of First Amendment rights for student journalists and the vulnerability that they encounter because of the implications of the *Hazelwood* and *Hosty* rulings (Applegate, 2005; Beddingfield, 2014; Bohman, 2005; Comparato, 2017; Tenhoff, 1990). A “tailored public forum” was suggested as an alternative and would allow universities to determine who has the

ability to participate in the forum. After the participants are determined, the university would then regulate control of the publication to the participants (Comparato, 2017). The creation of this forum type would clearly define the status of college media and eliminate the lack of clarity provided through prior court decisions.

Freedom of Information Laws

Freedom of information laws, which are applicable at public universities, mandate that all records are generally available to the public (Conway, 2016). The laws were enacted so that the media could adequately inform the public about government activities (Silver, 2016). Journalists are able to submit requests to obtain information that they need. There are a few exceptions to freedom of information legislation, including an exception for unnecessary record access that raises concerns regarding privacy (Conway, 2016). Additionally, the laws mandate that redactions are necessary when student information is included unless FERPA permits the inclusion of the information (Conway, 2016). An analysis of freedom of information law processes stated that there are concerns, such as lengthy delays, that restrict the legislation's ability to adequately meet journalists' needs (Silver, 2016).

Clery Act

After university student Jeanne Clery was murdered on campus in her dorm in 1986, her parents advocated for uniform college criminal reporting standards (Holder, 2017). The Clery Act mandates that universities report crime that occurs on their campus (Nobles et al., 2012). Institutions are required to comply with the Clery Act to continue receiving federal financial aid (Holder, 2017). Research has stated that potential students and their families, as well as potential staff and faculty, may consider campus crime statistics when making enrollment or employment decisions (Nobles et al., 2012). Campus law enforcement officers provide the data needed for the

Clery Act requirements (Nobles et al., 2012). Institutions are required to maintain a crime log that is available to the public and to promptly keep students informed of any threats to their safety (Holder, 2017). In response to audits that found a majority of universities were not accurately reporting crime statistics, the Department of Education published a handbook to ensure that universities clearly understand the reporting requirements (Holder, 2017). During interviews, participants mentioned that institution administrators are sometimes hesitant to adhere to Clery Act requirements in an effort to protect the university brand.

Additional Student Press Censorship Research

While the majority of student press censorship research regarded the legal framework of the First Amendment and analyses of the court decisions, other student censorship research covered additional topics, such as student media structure and funding (Beddingfield, 2014; Bodle, 1996; Hapney and Russo, 2013). These topics can provide insight to processes and settings that lead to censorship. For example, a common research topic regarding college newspapers analyzes their level of independence from their institution, because the intersection between reliance on institutional resources and freedom to publish critical content is a frequent topic of discussion. Student newspaper content has also been studied (List, 1991; Trego, 2018).

Research Regarding Content

An extensive case study from 1991 provided an in-depth analysis of the student newspaper at the University of Massachusetts and efforts to ensure that the publication's journalists were not censored but also were not offensive to groups of students or individuals. Specifically, the institution wanted to ensure that harmful stereotypes were not being portrayed in the publication's pages (List, 1991). The solution to the problem was guaranteed pages of coverage to women's issues and the creation of a women's desk within the newsroom that would

focus solely on women's issues. The case study interviewed nine women who had served as editors at the paper and noted that they had been satisfied with their inclusion but generally resented that their articles had been so heavily edited (List, 1991).

The research examined the campus newspaper's solution of guaranteeing pages to women under Edmund Lambeth's framework of considerations for ethical journalism. Under this framework, regard for justice, truth-telling, humaneness and freedom are essential to the practice of journalism (Lambeth, 1987). List (1991) noted that the newspaper cannot effectively sustain a commitment to being just and fair if editorial control is continually relinquished to groups with specific interests. Furthermore, the study emphasized that there are a number of other groups that may attempt to follow this precedent and request their own pages in the newspaper. If this standard were allowed to continue, then the newspaper could become consumed with guaranteed pages promised to special groups of individuals and eventually fail to freely report the news.

This case study effectively provided an in-depth analysis of the problem facing the Collegian and a critique of the proposal. Additionally, the author went as far as to suggest that the editorial control should remain with the editors of the paper and not with any special interest groups (List, 1991). Guaranteeing pages to a select group of individuals would violate Lambeth's humaneness principle that discourages the prioritization of one group over another. Ultimately, the research concluded that a stronger commitment to journalistic ethical principles would ensure that the newspaper protects First Amendment rights and avoid the marginalization of individuals or groups of individuals.

Decisions over content still occur within college newspapers. More recently, a quantitative study completed in 2018 included responses from 199 editors about censorship issues at their public universities (Trego, 2018). The study found that approximately half of the

participants reported that university administrators had asked the editors not to publish content; approximately one-fourth of participants responded that they had been threatened with funding restrictions because of published content (Trego, 2018).

Research Regarding Structure and Independence

An overview of the structure of college newspapers in the United States compared the structure and activities of papers that are completed within and outside of the classroom and made note of issues that papers may experience in relation to censorship: funding decreases, prior restraint, administrative review and theft or destruction of papers. The researchers provided insights from four Ohio institutions that have previously been involved in court cases regarding the censorship of their college media publication (Hapney & Russo, 2014). The study included interviews with student journalists, journalism faculty members, newspaper advisory board members and legal employees at these institutions that describe clashes between campus administration and journalism students, threats and intimidation that have occurred and other acts of pressure that student journalists and their advisers have been subjected to in their efforts to provide news coverage to their campuses (Hapney & Lucas, 2014).

Another state-based college media study was conducted in Pennsylvania. Researchers examined the level of independence of college newspapers in Pennsylvania (Beddingfield, 2014). The study collected data through an online survey that was sent to the editor of the student newspaper. The questions included topics such as funding and office space, and the primary investigator noted that he worked with a law professor and higher education expert to create the survey items (Beddingfield, 2014). Unlike a 2013 research study published by Frank LoMonte, a University of Florida Professor of Media Law, this research noted the strong likelihood that an institution would be liable for any damage caused by the student media publication because of

the level of dependability that a newspaper typically has on the institution (LoMonte, 2013 and Beddingfield, 2014). The determination of whether an institution is liable for the publication is important because the institutional liability could encourage campus administrators to request more oversight of the publication.

Summary

Research studies involving college media have mostly been restricted to a state or have focused on topics other than censorship. However, the other topics discussed can still have connections to censorship concerns. Funding is an important topic of discussion regarding student media because student journalists and college media advisers who are dependent on institutional funding may feel compelled to only publish content that will please the university administrators. The level of independence that a college newspaper has is also important in determining how content decisions are made at the newspaper. The structure of a newspaper can also have an important role in the determination of a forum designation, as the courts do consider intent in their decisions. To thoroughly examine censorship concerns at a publication, funding, structure and level of independence are important considerations.

CHAPTER III. METHODOLOGY

Introduction

To answer the research questions listed in Chapter One, this research included a review of literature regarding censorship of college media and utilized a qualitative multiple case study approach to examine current censorship threats at college newspaper publications. The literature review referenced primary and secondary sources regarding student press censorship and extensively analyzed multiple court cases, including two court cases critical to the issue of censorship in college media: *Hazelwood v Kuhlmeier* (1988) and *Hosty v Carter* (2005).

To conduct a literature review, I used Nexis Uni, an academic research database. I searched for “student press” paired with “censorship” and “First Amendment” to find relevant information. The Nexis Uni database provided access to primary sources, such as court decisions, and secondary information, such as law reviews. The court decisions and law reviews explained the rationale that the court used to make a determination, with the law reviews providing extensive discussion and analysis of the decision that was made. The rationale is essential to understanding the applicability of the First Amendment for the college media publications included in this study. For example, if a court case uses the forum doctrine or the source of newspaper funding as a rationale for a determination, then these factors are critical components of a thorough research study on college media censorship.

The literature review showed that the research conducted regarding censorship of college media has either been regionally bound or has been quantitative (Beddingfield, 2014; Hapney & Russo, 2013; Trego, 2018). To gain an in-depth analysis of censorship threats at institutions where censorship has been a reported problem in the last decade, I decided to conduct a

qualitative study focusing on college media at public institutions without being restricted to a particular region.

Conducting the research with a group of participants from institutions that have had a possible occurrence of censorship aims to help fill a present gap that exists in the research. Research has previously primarily examined censorship and college media concerns based on regions. Prior studies have explored college media in a selected state, such as Pennsylvania or Ohio (Beddingfield, 2014; Hapney, 2016). A recent widespread study on student press censorship included a quantitative survey to determine the prevalence of censorship at public institutions (Trego, 2018). This research sought to provide a thorough update on current threats to college media at institutions that have previously experienced censorship concerns within the past decade. While some censorship concerns may exist at private institutions, this study focused on public institutions, as the First Amendment specifically prohibits censorship from the government and does not regard the actions of private institutions. Therefore, attempts to control content at those institutions were not relevant to this research.

Rationale for a Qualitative Design

A qualitative study provided several advantages for this research. Because of the levels of complexity involved in this research topic, a qualitative design provided the best opportunity to gather detailed answers and analyze the threats of censorship occurring at each institution included in the research. For example, student journalists and their advisers could be subjected to prior restraint, have fears of retaliation, be intimidated by administration or encounter other types of pressure. Each occurrence of censorship has specific details that supported the need for a qualitative study. I conducted qualitative interviews with open-ended questions that provided the chance for these journalists and their advisers to share their stories. The qualitative research

design allowed for a full study of interview content and discovery of common themes (Creswell & Poth, 2017). Interview answers that have greater amounts of detail provided a more thorough examination to determine what instances are actually censorship and what instances should merely be considered as guidance that an adviser may provide to a journalism student as an adviser in any field would provide a student who seeks advice.

Specifically, a collective case study is an appropriate design for this research, as this research focuses on a singular concern that is being investigated in regard to each study participant. Creswell and Poth (2017) suggested a case study approach when occurrences of a situation have been recognized and a thorough inquiry of the occurrences is needed. Therefore, concerns of censorship that have occurred at the institutions identified and the attempt to silence the voices of the college media at these institutions fits well with the suggestion of a collective case study. Additionally, a case study approach is recommended for research that aims to answer why a situation occurs or how it happens (Yin, 2002). As this research sought to answer how a student newspaper works and why the process may lead to censorship, a case study design was appropriate. This collective case study included a within-case analysis and a cross-case analysis so that each participant was thoroughly examined independently and in conjunction with the other participants. The cross-case analysis allowed for a comparison of editor-adviser relationships, perceptions of censorship and experiences with campus administrators.

There are a few different models that exist among student newspapers: newspapers may be completely independent from the university, they may receive funding from the university, they may be extracurricular or they may be considered a part of the curriculum. In regard to censorship research, an in-depth study is particularly critical for determining the level of independence that college newspapers have, as this information can be specific and nuanced. It is

essential to determine whether a newspaper is independent or not when aiming to apply the forum doctrine of the First Amendment. This qualitative research seeks to gather the thorough information needed to examine the independence level of the participants and the application of the *Hazelwood* precedent at those institutions.

Additionally, researchers emphasize that a qualitative approach is valuable in allowing individuals to share their stories and voice their concerns about a topic (Creswell & Poth, 2017). With open-ended questions, participants could choose to elaborate regarding concerns about the structure or level of independence of their institution's newspaper as part of their responses. While an interview protocol was used, the qualitative design allowed participants to freely express their perceptions and concerns to gather as much detail as possible. Participant responses to a prior question sometimes led to subsequent follow-up questions not listed on the protocol. Participants were also provided an opportunity to offer any information that they found relevant to the topic or to student media.

The ability to allow participants to respond in their own words is especially important in the context of research on censorship, as these individuals may have had their voices quieted. Each participant was allowed to express concerns and answer questions without being restricted and had the opportunity to share any other additional details that the participant felt are relevant to college journalists and this research.

Research Design

This research answers the research questions presented in Chapter One through a collective case study. This design is appropriate for this research, as this study focuses on a singular concern that is being investigated in regard to each study participant. A case study is advantageous because it allows for an in-depth level of inquiry that other research designs may

not allow (Yin, 2002). Creswell and Poth (2017) suggested a case study approach for a thorough inquiry of occurrences with a common theme. Therefore, concerns of censorship and the attempt to silence the voices of the college media at these institutions fits well with the suggestion of a collective case study. Furthermore, as recommended for qualitative research, this study utilizes multiple data collection methods (Creswell & Poth, 2017).

Case study scholars disagree about the level of flexibility involved in case study research (Yazan, 2015). Stake (1995) encourages a very flexible approach, while Yin (2002) encourages a rigid approach that involves extensive prior planning. Merriam (1998) supports a combination of structure and flexibility. This research aligns most closely with Merriam's structure. Interview protocols provided consistency, but participants were also allowed and encouraged to share any thoughts or experiences during the interview.

There are four interview protocols for this research (Appendix A). Student editors, student reporters, advisers, past student editors and past advisers answered questions based on their association with the publication. The interview questions explored the relationship between student editors and advisers, the process for finalizing content decisions and the individual's understanding of censorship. The advisers' interview questions also included questions regarding perceptions of job security.

Multiple data collection methods are typical with qualitative research (Creswell & Poth, 2017). Interviewees sometimes felt uncomfortable sharing concerns, particularly if they have been silenced or intimidated in the past. In an attempt to thoroughly analyze the workflow processes between editors and advisers and the pressures that may exist inside a college newsroom, observations and document analysis were included as an additional data collection method.

Once the interviews were complete, the interviews from each institution were coded to examine themes among individual experiences. I also used notes from the observations and document analysis to explore themes. This within-case analysis provided an update of whether censorship concerns had improved, worsened or stayed the same after the alleged censorship had occurred.

Next, all of the participants' responses, from all seven participating institutions, were then examined collectively to explore themes across multiple institutions. This allowed for an opportunity to see trends regarding censorship concerns at publications of various levels of independence, to examine relationships with advisers and administrators and to see what commonalities and differences exist. Then, I contacted Frank LoMonte, a well-known legal scholar regarding student press and First Amendment rights, to discuss the themes of the research. Participant responses from all seven institutions were used to answer the research questions presented in Chapter One.

Participant Selection

This research utilized a purposeful sampling method. Case study scholars support using purposeful sampling (Merriam, 1998; Stake, 1995). Prior case study methodology has suggested that researchers select cases that are likely to provide knowledge about the topic and also likely to offer participants who are willing to share insights (Stake, 1995).

Therefore, participants of this study were individuals who are currently involved with or have been previously involved in the production of the student newspaper at institutions that have experienced censorship concerns within the past ten years. To find institutions that met this criteria, I searched through news stories and press releases from the Student Press Law Center and the Foundation for Individual Rights in Education. At a minimum, this research included

interviews with a past employee (either student or professional) and current employee (either student or professional) from each participating institution. The decision to interview at least these two individuals from each school allows for multiple perspectives from individuals who are highly knowledgeable in the operations of the newspaper and have strong knowledge of any threats of censorship that have occurred. In many of the occurrences of censorship or possible censorship that have been examined, campus administration has disciplined or removed the media adviser in response to unflattering content about the university, so these individuals were in an ideal position to provide an overview of censorship attempts at an institution. Additionally, this research included past editors and advisers of the included publications in an attempt to gain further knowledge of any censorship concerns that these individuals experienced while working in college media. Past editors and advisers were also included because they may feel more comfortable discussing their concerns since they are no longer active with the publication.

Each individual included in the study, and their institution, is anonymous. Only broad identifying information is provided, but no information included compromises the identity of any participating institution or individual. General institution size and a general overview of the censorship history is published in this study, but institution and publication names, along with specific censorship allegation details, were not provided in order to protect the anonymity of the participants. Information provided has been carefully reviewed to ensure that anonymity is protected.

Because of the thorough nature of the study, seven institutions were included as participants. Each of the participants were chosen for inclusion due to being a public institution that the Student Press Law Center or Freedom for Individual Rights in Education reported as having a censorship concern in the past 10 years. Since this research is centered on the

applicability of the First Amendment for college media, only public institutions were included. If two individuals from a selected participant were not available for interviews or did not wish to be included, then an alternate participant was chosen. Each newspaper's website was used to find contact information for the current editor-in-chief and adviser. Interview requests were sent to these two individuals. Other editors, such as the managing editor, opinion editor or features editor, were invited if the editor-in-chief did not respond. Additionally, archived copies of the publications identified previous editors and advisers.

Data Collection

Creswell and Poth (2017) recommended using more than one instrument or technique to collect data in a qualitative study to provide more credibility to the study and provide a greater depth of analysis that may be helpful in future research on the topic. This study primarily used structured interviews with open-ended questions, as this allowed participants an opportunity to share experiences without being constrained to choosing a pre-determined answer. While each interview generally aimed to follow the protocol, answers to the provided questions sometimes lead to follow-up questions to gain more insight into a particular narrative. Phone and Zoom were the primary methods used for participant interviews in this study. Interview recordings were obtained with participant agreement.

The interview protocols for editors, advisers, past editors and past advisers all included questions to establish a dialogue with the participant and become familiar with the participant's background, asking about the participant's interest in journalism, length of time working for the publication and the participant's favorite story to cover. Next, the interview explored the relationship between the adviser and the editor before asking about how content decisions are made and if retractions have been printed. The interview also included questions that inquired

about the funding source of the publication, pressures to print or refrain from printing stories and controversy that may have ensued as a result of published content.

Advisers were also asked to provide details about any prior roles they held as newspaper advisers and how relationships with campus administrators may have differed at different institutions or during different times during their employment. Lastly, advisers were asked if they have felt that their job has been or will be in jeopardy due to content decisions. All of the questions were phrased to discourage one-word answers and encourage detailed explanations.

In addition to interviews, participants were asked to share any documentation that they could offer related to this issue. This documentation included retractions that have been published, correspondence between lawyers that student editors hired and university administrators, financial documents providing information about the funding sources for the publication and documentation detailing guidance provided to student journalists. Analysis of these documents helped distinguish what communication could be regarded as guidance and what communication was within the context of censorship. It is important that this distinction is made, as student journalists can benefit and develop from guidance but can be hindered by censorship.

Because of the COVID-19 pandemic, many participants reported that their publications were holding virtual meetings, if any meetings at all. Observations from college newsroom virtual meetings were included in an effort to gain understanding of the relationship between advisers and editors. These observations were used to determine the level of guidance that is provided and the types of suggestions that are offered to students regarding publication decisions. Newsroom observations offered the opportunity to examine content decision-making processes and see a news story develop from a suggestion to a published article.

Recording interviews helped with the transcription and coding process. It was understandable that a participant may not feel comfortable being recorded because of the history of censorship at these institutions and the consequences that have occurred for student media publications and the advisers who work for them. If the participant requested not to be recorded, then the interview was not recorded. No data collection occurred until after IRB approval was obtained. Participants submitted signed consent forms before their interviews.

Data Analysis

Responses to the interview questions were coded to determine themes. Researchers cautioned that in many cases results from qualitative studies cannot be generalized (Creswell & Poth, 2017). The possibility of censorship or the types of censorship that have occurred or may be occurring at the included institutions may not be generalizable to other institutions outside of the study, but this data analysis sought to determine if there were any commonalities among the study participants. Once the interview responses were coded, then themes from the institutions were analyzed to determine any patterns that may exist, such as the prevalence or type of censorship that is occurring.

The documents provided (news articles from the institution's publication, correspondence from university administrators regarding campus publications or other documents that the participant was willing to share) were also analyzed. Copies of any retractions that were published were requested from each participant, and participants were asked to explain the context surrounding why the retraction was deemed necessary. The exploration of retractions was done to provide insight into any possibilities of intimidation that are occurring. Because of the occurrences of student government associations and university administrators threatening to

withhold funding in response to student journalists' editorial decisions, I also reviewed funding sources and financial details for each publication.

The data analysis aimed to categorize any censorship concerns to determine if prior restraint, prior review intimidation, retaliation (financial or otherwise) or other pressures are present. These determinations aimed to provide a conclusive result regarding the extent to which censorship threats exist, and specifically, what kind of censorship is being encountered among college media students and their advisers. Suggestions for further research and potential solutions are included as part of the conclusions of the study. Recommendations for campus policy changes that will offer college publications protection from censorship are also included in the study conclusion.

Subjectivity Statement

Researchers have previously concluded that complete objectivity is not possible, as each researcher enters a project with preconceived ideas or assumptions. However, researchers have provided suggestions for attempting to bracket personal experiences to keep them separated from the data that is being collected (Ahern, 1999). As this study was conducted, I ensured that participants were each allowed to speak freely and that all responses were coded appropriately and given proper acknowledgement in the research project. This minimized any bias or prior assumptions that existed. I focused on the stories of the participants and let them relay their experiences without guiding answers or prompting them in their answers. Unless a participant objected, all interviews were recorded and transcribed to ensure transparency, accuracy and completeness during the data collection and analysis processes. Observations of editors and advisers were as objective as possible, relying primarily on facts and relaying conversations between the individuals to analyze the working relationships that exist in college newsrooms.

Prior to this research, I had never visited any of the campuses of any participants in this study, nor did I know any staff, faculty or students at any of the institutions. In regard to my personal and professional background, while I have not been a part of a college newspaper, I have taken several college journalism courses. Additionally, I was a contributor to my high school newspaper in 2004 and served as editor in 2005.

CHAPTER IV. RESULTS

This chapter provides the data gathered from interviews, documents and observations. The chapter begins with a brief overview of each publication's background regarding censorship concerns, an introduction of interviewees' affiliation with the publication and information about the publication's funding sources and model (extracurricular, classroom or hybrid). This chapter then reports findings by theme and then refers to the research questions first presented in Chapter One. In Chapter Five, I will provide answers to the research questions presented in Chapter One and recommendations for further study.

Randomly assigned colors are used to identify each publication. Details of prior censorship concerns are intentionally brief to protect participants' anonymity. This research included 18 interviews representing seven institutions from multiple states. Although minimal descriptors are provided to ensure participants remain anonymous, each publication's institution is noted by size. For the purposes of this study, an institution with less than 10,000 students was categorized as "small," an institution with between 10,000 and 15,000 students was categorized as "mid-sized" and an institution with more than 15,000 students was categorized as "large." Each institution provided the enrollment number that was used to categorize each participant.

It is important to note that many of the publications are classified as independent but do receive funding from the university, primarily through student fees. In college media, there is a distinction between being financially independent and editorially independent. Many newspapers included in this study are editorially, but not financially, independent of their affiliated institution.

Site Descriptions

Gray Newspaper

Background. I chose to include Gray Newspaper because in recent years staff alleged censorship occurred as retaliation for coverage that portrayed the university negatively. The newspaper's student fee allocation was slated to be greatly reduced until student newspaper staff threatened to file a lawsuit against the university. Furthermore, newspaper staff had not been allowed to attend the meeting where the funding cut was decided. The decision to restrict access to the meeting was an additional point of contention that legal scholars and advocates scrutinized. The funding was ultimately restored after the pending lawsuit and the publicity that resulted from the allegations.

Publication Structure. Gray Newspaper is located at a large institution. Gray Newspaper is considered to be an editorially independent newspaper, and the publication receives funding from student fees and advertising revenue. Interviewees commented that it is a "student-run" newspaper. Additionally, interviewees stated that while they are paid for their work, there is also an option available to receive class credit for their work on the newspaper.

Study Participants. The publication's current student editor-in-chief, as well as a previous student editor-in-chief, participated in interviews. The past editor was at the publication when the censorship allegation occurred. Both of the editors have worked with the same adviser.

Green Newspaper

Background. After a significant cut to funding at Green Newspaper, student staff filed a lawsuit declaring that the funding cuts had occurred because of unfavorable coverage of a student organization. Funding was restored after the lawsuit was filed.

Publication Structure. Green Newspaper is located at a large institution. The newspaper is editorially independent but receives student fees. Advertising revenue also provides funding for the newspaper.

Green Newspaper offers class credit to students for their work and is moving toward even more of a class-credit structure rather than a payroll model. During the interview, the past editor spoke of an advanced copywriting course that many copy editors took, as well as a class for reporters who cover government topics. The class visits government buildings as part of their investigative reporting curriculum. The past editor noted that while section editors and some reporters were paid, some reporters, known as contributors, were not paid. The current editor mentioned that COVID-19 has led to budget cuts, resulting in a complete restructuring and that the newspaper has recently transitioned to become an independent study course. Editors are required to enroll in the course. Students receive course credit instead of being paid.

Study Participants. I conducted three interviews with staff members from the newspaper: the current student editor-in-chief and a past student editor-in-chief were interviewed, as well as an adviser. The adviser who participated is currently a faculty member who previously held the role of official adviser to the newspaper. The adviser stated that a restructuring occurred, and the full-time adviser position duties transitioned to a role that is now split between advising the newspaper and serving as instructional faculty. There are multiple faculty members who have their duties assigned this way: they teach two classes and dedicate a portion of their research and service obligation to advising the newspaper.

Yellow Newspaper

Background. The newspaper had published an editorial criticizing the university's lack of oversight regarding campus safety. According to the censorship allegation that occurred at

Yellow Newspaper, university administrators expressed displeasure with the newspaper's campus crime reporting and threatened to cut funding because of the content. After receiving a notice that funding would be greatly reduced for the upcoming year, newspaper staff met with a university administrator regarding the budget reduction. Ultimately, newspaper staff decided to contact a lawyer in an effort to sustain the funding at the previous level. Funding was later restored after a lawyer representing the publication contacted university administration.

Publication Structure. Yellow Newspaper is affiliated with a large institution and is editorially independent. The newspaper receives university funding, and interviewees explained that the first semester as a student reporter is unpaid. After the first semester, student staff receive a stipend. Class credit, offered as a three-hour elective, is available for one semester if students apply to receive credit.

Interview Participants. I conducted four interviews with staff from Yellow Newspaper: a current reporter, a past reporter, a past editor and the current adviser participated in interviews. The adviser has held the role for over 10 years, which means that the adviser was present before, during and after the censorship allegation. The past editor was with the newspaper during the censorship allegation as well and provided substantial documentation from university administration, lawyers and campus police for analysis. The past reporter worked at the publication after the censorship allegation had occurred.

Orange Newspaper

Background. A censorship allegation surfaced after Orange Newspaper published an investigative report on student health concerns that occurred purportedly because of unsafe campus facilities. After the story broke, the university removed the professional newspaper

adviser from the role, and multiple student staff member subsequently resigned in protest of the administration's response to the incident.

Publication Structure. Orange Newspaper is affiliated with a small university. While the interviewees were unclear about the independent nature of the paper, university governance documents state that the newspaper is an independent student production. Student fees provide financial support to the publication. The publication provides a small stipend for regular reporters, but volunteer reporters are also able to cover stories for the newspaper. Interviewees confirmed that editors are paid a stipend and are also given an hour of class credit.

Interview Participants. I conducted two interviews with staff from Orange Newspaper: the current student editor-in-chief and a past student editor-in-chief both participated. The past editor was part of the publication when the censorship allegation occurred.

Purple Newspaper

Background. Past student editors at Purple Newspaper alleged that censorship occurred when they were told that a university staff member would have the authority to review all content before it would be published. The students on the newspaper staff stated that they were not consulted before this restructure occurred, and multiple student journalists resigned as a result of the change. After media outlets covered the story, university administration followed up with a statement that students would be able to make final content decisions.

Publication Structure. Purple Newspaper is affiliated with a large university, and the newspaper does not receive any university funding or student fees. Staff sell advertising space to fully fund the newspaper.

Interview Participants. Three staff affiliated with Purple Newspaper participated in this research: the current editor-in-chief, a past editor-in-chief and a past managing editor.

Additionally, the current editor-in-chief permitted me to observe budget and content discussions. Over 20 student staff members, along with the publication's adviser, attended the discussions.

Gold Newspaper

Background. Gold Newspaper experienced alleged censorship when the student journalists were denied access to records requested through state legislation governing open records. The journalists were in pursuit of records pertaining to a crime allegedly committed by a university employee. The state government supported the newspaper and declared that the records should be released. The university appealed the mandate in court and the judge sided with the university, stating that even redacted records would expose too much information that could make it possible to identify victims. The decision effectively barred the student journalists from the information that would have allowed them to report employee criminal misconduct.

Publication Structure. The participants who interviewed confirmed that Gold Newspaper is independent but receives university funding from student fees. The newspaper also generates funding from selling advertisements. There is no option for class credit at the publication. Staff reporters are not paid for the first four articles that they write, but after that they are paid per article. Graphic designers and editors receive a stipend each semester.

Interview Participants. Two participants from Gold Newspaper participated in this research: a past editor-in-chief and a current reporter. Current editors did not respond to requests for participation. The editor-in-chief who participated in this research was part of the publication's staff when the censorship allegation happened but was not the editor-in-chief during the time of the incident.

Blue Newspaper

Background. During an alleged instance of censorship at Blue Newspaper, student journalists stated that the university advisory board removed the adviser from the publication and denied the top editorial position to a deserving student editor as a response to aggressive coverage that was critical of the university. The newspaper had published coverage that critiqued university spending. Student staff also alleged that they were subjected to intimidation from university employees, but the university investigated the claims and reported that they were not able to find evidence of intimidation.

Publication Structure. Interviewees confirmed that the newspaper is considered to be editorially independent but relies on university funding. The newspaper, along with the university's journalism curriculum, has a hybrid model that offers opportunities for payment or class credit; coursework for the journalism minor requires students to write a number of articles for the newspaper. Both research participants reported that editors are paid for 20 hours per week but do not receive class credit.

Interview Participants. The current editor-in-chief and a past editor-in-chief participated in interviews. The past editor-in-chief who participated was part of the newspaper staff prior to, during and after the censorship allegation occurred.

Participant Site Overview

Table 1. Participant Site Overview

Publication	Participants	Structure	Receives University Funding
Gray	Current editor-in-chief Past editor-in-chief	Course credit offered	Yes
Green	Current editor-in-chief Past editor-in-chief Current adviser	Course credit offered	Yes
Yellow	Current reporter Past editor-in-chief Past reporter Current adviser	No class credit option	Yes
Orange	Past editor-in-chief Current editor-in-chief	Course credit offered	Yes
Purple	Current editor-in-chief Past editor-in-chief Past managing editor	No class credit option	No
Gold	Past editor-in-chief Current reporter	No class credit option	Yes
Blue	Past editor-in-chief Current editor-in-chief	Course credit offered	Yes

Recurring Interview Themes

As participants reflected on their experiences with journalism, their publications and their institutions, several themes emerged from the research. Interviews provided extensive information about the following themes: (1) the definition of censorship, (2) relationships between student journalists and their advisers, (3) the content decision process, (4) external

pressures, (5) Freedom of Information Law Requests, (6) outcomes of legal action and (7) the impact of newspaper experience. While my interview questions were designed to directly inquire into some of these themes, such as the definition of censorship and the content decision process, other themes, such as freedom of information law requests and the outcomes of legal action arose organically during the interview conversations.

Definition of Censorship

During each interview, participants shared their definition of censorship. The purpose of including a definition for censorship was to distinguish between instruction and censorship. A journalism adviser may need to tell a student journalist, for example, that a story is not developed enough or is not fact-checked. Expecting journalism students to adhere to the journalism principles of fact-checking is by no means censorship. Blocking publication of a topic due to the content, however, is an example of censorship. Asking participants, both students and advisers, to share their definition of censorship provided context regarding the role of the newspaper adviser, the content decision process, and, ultimately, the occurrences of censorship that may occur at the publications. Conclusively, participants offered definitions of censorship that were generally similar: most definitions referred to the suppressing of information, the direct or indirect prohibiting of publishing information or intimidation in an attempt to dissuade journalists from publishing information. Interview participants did not distinguish between freedom of speech and freedom of the press during the interviews; they used the terms interchangeably.

The two participants from Gray Newspaper shared similar censorship definitions. The past editor-in-chief referred to censorship as “holding back the truth...it doesn’t necessarily have to be something big...just trying to repress facts” and the current editor-in-chief identified it as

“powerful people trying to prevent not so powerful people from expressing their points of view or information that they know.”

Both Blue Newspaper participants also shared responses that resembled one another. “Anytime somebody is intimidated into not writing something...that feels like censorship,” the past editor-in-chief shared. Similarly, the current editor-in-chief also spoke of intimidation while discussing the definition of censorship. Along with direct intimidation, the current editor mentioned being “scared of academic or financial repercussions” and not pursuing a story because of these fears.

Student participants from Green Newspaper defined censorship as “directly or indirectly stopping a publication from publishing something” (current editor-in-chief) and “prohibiting the ability for reporters to do their job” (past editor-in-chief). Additionally, the adviser from Green Newspaper defined censorship as “anytime the powerful try to suppress information.” Participants from Purple Newspaper stated censorship is “preventing elements of a story from being printed and shared” (current editor-in-chief) and “stopping the flow of information in a way that does not help the public” (past editor-in-chief).

Yellow Newspaper’s past editor-in-chief commented that censorship is “any influence or attempt of influence on a reporter to sway content in the newspaper...not only a direct statement, but also something indirect as well. A lot of administration would ask us to review the article before it was published.” The adviser at Yellow Newspaper offered a broad definition: “anything that keeps people from reporting the truth” and followed up with multiple examples, ranging from administrators who intimidate student editors to administrators who replace assertive newspaper advisers with advisers who are more apt to only publish content that portrays the

institution positively. “They are smart enough not to come out and say ‘you can’t do this.’ Instead they just veil threats. To me, that’s censorship,” the adviser commented.

Participants sometimes acknowledged the need for guidance and redacted information as they discussed their definition, and they made the distinction between these occurrences and censorship. The past editor-in-chief of Blue Newspaper noted “there is a difference between feedback: that should always be welcome.” The current editor-in-chief of Orange Newspaper commented that there is an expectation that adviser tells you how “to improve,” but “they’re telling us what we can cover, what we’re are allowed to do, anything that can be controversial, you get punished for it.” The past editor-in-chief from Gold Newspaper mentioned that “in documents, if names need to be blacked out and its’ their legal right to do so, that’s fine. But we had the right to get some information, and they didn’t let us have it. We were being censored in that regard.”

Adviser-Student Relationships

My interview protocols included questions inquiring into details about the relationship between the student journalists on the newspaper staff and their newspaper advisers. To explore the dynamics of the adviser-student relationship, student staff participants were asked to provide information about the content-decision process, disputes that may have arisen regarding content and the guidance that they receive from advisers. Advisers were also asked to provide details about the relationship they typically maintain with student staff and the types of feedback and guidance that they provide to their students.

Positive Relationships. Interviewees, including student staff, past student staff and newspaper advisers, generally spoke of positive relationships between advisers and student staff. Student staff participants from Gray Newspaper emphasized that the adviser has been incredibly

supportive. The interviewees stated that students control content decisions and the adviser gives opinions but allow students the autonomy to make decisions. The current editor reflected on the adviser's journalism experience and ability to provide guidance on reducing bias and fair reporting.

Similarly, both the current and past editor at Green Newspaper reported positive adviser-editor relationships. They were appreciative of the fact that they were allowed to have full control over content decisions, with the current editor commenting that the adviser “doesn’t make big decisions” and that “we are a student-run paper...[the adviser] helps us navigate decisions, but at the end of the day, they are our call so we can get real-world experience.”

At Yellow Newspaper, all of the student staff participants, both past and present, spoke of a positive relationship with the adviser. Participants expressed that the adviser is “approachable” and a “great mentor” who “let the editor-in-chief make their own decisions.”

Though some advisers are not as involved in daily operations, the adviser at Purple Newspaper attends staff meetings. The current editor-in-chief spoke with the adviser to obtain permission before I was allowed to observe. Throughout the meeting, the student staff led the content discussions and the adviser provided guidance and suggestions, such as offering to connect a student journalist with a contact at a local agency. During interviews, the current editor-in-chief was unaware of any content disputes and said that the adviser is incredibly organized and usually able to offer guidance. The past editor-in-chief mentioned that the adviser was always able to offer assistance and would suggest that the students have a lawyer—who assists the publication pro bono—review any stories that may be controversial before they were published. A former managing editor commented that the adviser would remind student journalists “this is your newsroom” and would offer advice.

The past editor at Blue Newspaper worked with two different advisers over a span of multiple years and shared positive experiences with both advisers. Specially, the advisers were able to offer guidance about investigative reporting on sexual assault. The current editor expressed gratitude for the current adviser's expertise with multimedia journalism.

Strained Relationships. Not all of the interviewees reported positive experiences in regard to adviser-editor relationships. The current editor at Orange Newspaper and the past editor at Gold Newspaper reported strained adviser-editor relationships. The past editor at Orange Newspaper spoke of a positive relationship with the then-adviser, but the current editor stated that the university now uses the adviser to “keep a leash” on the student journalists. Additionally, Orange Newspaper's current editor shared that the publication has had a different adviser almost every semester during the past few years and that the adviser has to approve all content prior to publication. The past editor at Gold Newspaper reported that the adviser historically had strained relationships with editors and tried to persuade them on what content to cover.

Adviser Perceptions. Both advisers who participated in interviews reported positive adviser-editor relationships. The adviser at Yellow Newspaper spoke highly of the student editors and stated that the adviser-editor relationship is usually built on a history of mutual trust and respect since editors typically join the staff as freshman and are well-versed in the newspaper production process prior to being chosen for the editor role. Green Newspaper's adviser commented that students routinely ask for guidance and advice for high-profile stories. The adviser stated that she always encourages student journalists to pursue investigative topics that they wish to pursue and defends the students' rights to publish their content.

Appreciation for Experience. One of the traits that student journalists found most helpful was an adviser's journalism background and professional experience. Every publication

had at least one student participant who commented on the guidance that advisers who have had professional journalism experience are able to offer. The past editor at Gray Newspaper commented that the adviser “gives us advice about how to be balanced and make sure we are not showing bias” because the adviser “has experience in the field.” From being able to teach aspiring journalists about the job market (Yellow Newspaper) to helping student journalists contact lawyers (Gray Newspaper) to teaching staff how to pursue investigative reporting (Blue Newspaper), student interviewees consistently appreciated advisers who could provide guidance generated from journalism experience.

Content Decision Process

To further explore the relationship between advisers and student journalists, and to understand the workflow processes of college newspapers, I asked participants to detail the content decision process. Interviewees provided an overview of how a story is developed—from pitching an idea to having the story published—to provide insight into how content is chosen, approved and edited.

Interviews revealed that publications typically follow a very similar process. Participants from multiple newspapers (Gray, Green, Yellow, Purple, Gold and Blue) mentioned that their student editors have meetings to determine content. The editors have discussions about current events and upcoming events on campus and decide what events students would be interested in reading about in the newspaper. Student editors work together to determine what the paper’s layout will be, such as the number of articles and pages that will be included. Interviewees from Yellow and Gold emphasized that the editor-in-chief has the final say determining content, and Green Newspaper interviewees stated that ideas must be thoroughly researched before they are even pitched. Student editors, both past and present, widely reported that editors are generally

supportive of each other. Most advisers only become part of the content process when student staff request their guidance.

While student editors have meetings on their own at several institutions, the adviser joins the content meeting at Purple Newspaper and Orange Newspaper. The content process for Orange Newspaper varies significantly from the rest of the processes included in this research. The student staff pitch ideas to the adviser, who then has to provide approval before the student staff can pursue the topic. The adviser runs topics that have the potential to be controversial through higher administrators prior to approving them.

External Pressures

My interview protocols were designed to ask participants, both students and advisers, to share details about external pressures that they have experienced during their time at the publication. Student journalists were also asked to share any insight they had about their adviser's relationship with university administration. I designed the questions to collect detailed answers that were not limited to a particular group, so participants were able to share pressures that arose from multiple groups of stakeholders, such as student organizations, faculty, donors and administrators.

Pressures from Administration. The most common source of external pressure among the seven publications was the university administration. The past editor from Gray Newspaper recalled a meeting between a student reporter and “high-level administrators” during which the administration threatened to pursue legal action against the reporter because they were upset with the publication's unflattering coverage of the university. The current editor reported that concerns regarding censorship have improved since the public allegation, stating that “things have gotten better...the administration knows that there will be backlash if they try to censor us.”

Student journalists at Green Newspaper have also dealt with external pressure from university administrators. The adviser at Green Newspaper spoke of trying to set a tone with the administration immediately upon being hired:

When I first got there, two of the highest people in Public Relations wanted to meet me, so I had a meeting in their office where I made it clear that the student editors were in charge of the paper and I wouldn't make their decisions for them. They said 'yeah, we understand,' but those two in particular have always been roadblocks to the student journalists.

Although the adviser didn't feel consistent pressure from administrators, she did acknowledge that a past student editor "was often saying this vice chancellor contacted her and said she shouldn't be writing this...fortunately she was really tough." The adviser also stated that university administrators seemed to direct more pressure to the general manager of the newspaper, who was a graduate of the university. The adviser perceived that she did not receive the pressure that the general manager did because the administrators were not familiar with her and because she had taken a strong pro-free speech stance in her early meetings with them.

Interviewees at Yellow Newspaper and Orange Newspaper reported that the university president had been directly involved in the censorship allegations. In acknowledging that the amount of hostility is dependent on who is the university president is, the adviser at Yellow Newspaper noted that the current president sometimes becomes upset at the newspaper's coverage but also "does believe in the First Amendment rights of the newspaper."

This change in administration is a positive move for students concerned with student press rights, as the adviser commented that a prior university president—who held the position during the censorship allegations—had made the statement: "I believe in free student press as long as they act responsibly." Although the lawsuit seems to have led to some improvements, the adviser cautioned that "it is not a fairytale that ends with we all live happily ever after" in regard

to the fact that administrators still become upset and apply pressure when students publish stories that portray the university negatively.

The past editor-in-chief and the adviser from Yellow Newspaper shared detailed accounts of the censorship allegation that occurred at the publication and the university's response to the allegation. The past editor-in-chief provided the university president's response to the student's lawyer, which stated that "there is not, nor has there ever been, a 'disciplinary case' being pursued" against the student for the investigative work that the student had done while reporting campus news. However, documentation from campus police confirmed a report against the student editor for investigating a story on campus had been filed with the student conduct office, as well as the Dean of Students' office and University Counsel. The university president's response to the publication's lawyer did not appear to align with the documentation that university employees had filed against the student. During interviews, Yellow Newspaper staff commented that the then-president had also contacted university employees and instructed them not to provide campus police reports to the campus newspaper. Additionally, interviewees confirmed that an upper-level administrator stated—during a meeting with the past editor and adviser—that funding cuts were due to the administration and student government's dissatisfaction with the newspaper's prominent campus crime coverage.

At Orange Newspaper, the past student editor was shocked when a dean at the university requested to review all content prior to publication. While that was unsettling, the past student editor stated the following about what happened next:

The most shocking thing to me, throughout this experience, was how high up this went. After we encountered prior restraint, I thought it was to my advantage to meet with the [university] president, I thought 'no way they are going to go along with this'. It was shocking to sit in a meeting and hear 'You have two options. Publish what we tell you to publish or leave the newspaper.' I had the president tell me 'you don't want to know what

could happen to your scholarship, just think what could happen to your scholarship and the potential of you getting a degree if you continue embarrassing the university.'

Even years after the censorship allegation and lawsuit, the current editor at Orange Newspaper reported that administration is still heavily involved in the content decision process. After the submitting content to the faculty adviser for prior review, the current editor stated that the adviser

Has to hand it to somebody above them, there's a whole committee in the background...somebody gets called on the carpet in the background... 'Hey, what's going on with this? This shouldn't be allowed to happen.' The adviser, she's privately told me, 'this isn't the Public Relations arm for the school,' but then she gets told to do something. Most of it is hush-hush.

Furthermore, the current editor stated that anything that can be controversial will not be published and stated that students can be punished for trying to circumvent the process. The interviewee shared that a student journalist at Orange Newspaper was no longer allowed to cover certain topics after the student published a controversial opinion piece about supporting the university's decision to rent out an event space to a religious speaker without submitting it for prior review. The editor remarked that the decision had seemed unfair, confirming that despite supposedly being a "student run" paper, the decision was beyond student control.

The past editor at Blue Newspaper recounted receiving pressure from the chair of the academic department, who scheduled a meeting and warned the editor that she was risking her reputation and future job prospects by pursuing controversial content, such as campus sexual assaults. University administrators had several meetings with the prior editor, including one where "they said 'what do you think happens when a prospective student reads about sexual assault? That doesn't make them want to come here'." In regard to the experience of receiving seemingly constant criticism from university administrators, the past editor described it as "the most dramatic thing [she] had been through in my life, the stress." The pressures at Blue

Newspaper still exist, but the current editor feels the publication is “going in the right direction” while noting that “if we were to put something bad about the university, they would stop that before we did it.” The editor stated that the university administration has made it clear to student journalists that “any topic about the university, we are supposed to paint in a very positive light.”

Of the publications included in this research, student journalists at Purple Newspaper and Gold Newspaper seemed to experience the least amount of intimidation from university administration. Purple Newspaper has a relatively transparent relationship with university administrators. A prior managing editor from Purple Newspaper reported that the administration has sometimes gotten “upset” with the newspaper, but that the adviser defends the students and protects them from becoming involved, even to the extent that the prior editor did not have any specific knowledge of administrators’ reactions. The current editor stated that sometimes the university will contact the publication after a story has been printed and express dissatisfaction that the paper has portrayed the university in a negative light. However, the editor stated that the “response is that we have to be transparent and hold [the administration] accountable.” The editor commented of being “unsure” whether these exchanges damage the relationship between the publication and the university but ultimately did not feel pressure from the campus administration. The study participants from Gold Newspaper did not mention recent pressures from administration. The past editor was aware that a university administrator threatened a prior editor-in-chief with a lawsuit but stated that the publication’s student journalists are generally “fearless” when pursuing coverage, regardless of pushback.

Pressure from Student Government. While external pressure from university administrators was the most common, some interviewees did report receiving pressure from other sources, such as student government, faculty and donors. Student government typically has

jurisdiction over the allocation of student fee funds, so strained relationships between newspaper staff and student government can be costly for publications.

The past editor at Green Newspaper stated that the student senate members would often try to intimidate their classmates who were reporters. When the students saw each other in political science classes, the past editor said that student senate members would say “what is coming to you is well deserved” in reference to the funding cuts. The newspaper staff recorded student senate members taunting the newspaper student staff, but administration stayed silent on the issue.

The past editor at Yellow Newspaper met with the president of the Student Government Association and asked why the publication’s funds were cut. The past editor provided extensive notes from the discussion, during which the student government president told the editor that the Student Government Association and the editor should “share decision-making” regarding content and that the newspaper being independently run was “not in the best interest of the student body.” Furthermore, the student government president expressed concern that the newspaper was not printing exactly what they wanted it to and suggested that the student government representatives should be able to have a “self-reporting” process where they submit content that the newspaper staff would only check for grammar before publishing. The past editor recounted that the student government president was upset when the newspaper didn’t feature coverage of a student government-sponsored event. The editor had discussions with the student government officials to explain how a free press works and why it is valuable for the campus, but the student government officials were angry and moved to cut the publication’s funding.

Pressure from Students. Students who are not part of student government may also pressure the campus newspaper in regard to published content. The current editor at Orange Newspaper recalled receiving significant backlash from students after the paper published a story about a well-known student leader who attempted to strangle another student. Students were outraged that the newspaper would report on it because the student was well-liked. Discussing the reaction to the story, the editor commented that

It is not just faculty and administration, then you have the students who want to shut you up too. You have a lot of people who are like ‘oh he’s a nice guy’...we were getting flak from students. He might be a nice guy, but he was arrested for felony strangulation. It doesn’t make me a mean person to report it.

Pressure from Donors. While the adviser at Green Newspaper did not report receiving routine external pressure, there was a particular incident that the adviser recalled regarding pressure from donors. The publication published a story about negative allegations involving the basketball team, and the adviser stated that the “phone started ringing off the hook. Everybody said ‘you are traitors to the university and we need you to reel in those students.’” The adviser said that no one from administration reached out directly, but plenty of donors called. While there was no way to confirm that administration had instructed donors to call, the adviser was aware from the conversations that the donors had close relationships with university administrators and believes that they were encouraged to call and voice displeasure with the content.

Funding Concerns

Participants frequently discussed funding concerns that they have experienced at their publications, both in the past and currently. All of the participants, with the exception of one (Purple Newspaper), rely on funding from the university. Purple Newspaper has a business manager that sells advertisements that fully fund the publication, but the other six publications

operate on funding from student fees and advertising. Most newspapers receive the university funding through the allocation of student fees, with the exception of Gold Newspaper, whose participants referenced a journalism course fee that the department provides to the publication. Out of the six publications that receive university funding, Gold Newspaper participants were the only individuals who did not seem concerned with funding during the interviews.

The prior allegations of censorship at Green, Gray and Yellow Newspapers involved threats to, or actual reduction of, funding levels for the publications. Unsurprisingly, some of the study participants from these newspapers spoke extensively about funding concerns due to the prior history of funding being reduced. The past editor at Gray Newspaper cited censorship through funding reduction as the biggest threat to college media, commenting “I guess I’m biased because we had our funding taken away, but when they can literally take away money, that’s a big threat.” The adviser at Green Newspaper explained that the settlement the newspaper had reached with the university, which stipulated that the newspaper would establish and fund an endowment to sustain itself, likely “wasn’t a good idea because the paper makes ad money but not enough to operate.” Additionally, the adviser stated that finances are the most critical threat to college media and that “when student papers have to rely on getting their money from the school, they are obviously more apt to have the school act like they’re the publisher.” The adviser believes that Green Newspaper only current has funding because of the lawsuit and the university’s awareness that the newspaper would pursue legal action as a response to decreased funding. Similarly, the adviser at Yellow Newspaper stated that the newspaper has managed to “win against any financial punishment so far” but expressed concern that the paper will be unsustainable in the future as the university plans massive budget cuts.

The current editor at Blue Newspaper also spoke extensively about funding concerns as well as the unique funding predicament that the publication has experienced. The publication had previously been renting space and equipment from the university but had incurred tens of thousands of dollars in debt due to a drop in advertising revenue. The publication's adviser had explained to the student staff that the purpose of the publication renting the space and equipment was to provide the newspaper with greater independence. The editor stated that the university forgave the debt earlier this year, but there is currently no money to pay staff. The newspaper's recent proposal for fee increases was rejected. Additionally, the editor stated that the university assembled a task force to work on a resource allocation project, and the task force's recommendations indicate that they want the publication to "phase out."

While the university has not directly threatened funding, the current editor at Orange Newspaper mentioned that the university administration has managed to inadvertently block some funding for the publication. The editor explained that the publication has recently transitioned to an online format to save money. The newspaper staff has requested guidance on how to receive and deposit money; they have not been given access to any account information. The newspaper editor has repeatedly asked for assistance from multiple sources with the university but "nobody knows...the school is silent."

Funding concerns unrelated to university intervention are also prevalent. Multiple interview participants at Yellow Newspaper spoke about the inability for online advertising to generate as much revenue as print advertising historically has. The advisers from Green Newspaper and from Yellow Newspaper reported that print advertising has traditionally generated greater revenue than online advertising, and the move to focus on more of an online format has led to revenue decreases. Additionally, the adviser from Yellow Newspaper

commented that businesses who purchase advertising have reported that they don't see the results from online advertising that they see from print advertising. Therefore, it seems that businesses aren't willing to spend much money on online advertising.

Freedom of Information Law Requests

This research initially focused on direct forms of censorship, such as retaliation, prior review and intimidation. However, participants at three publications—Green, Yellow and Purple Newspapers—expressed concerns of indirect censorship through restricted record access. Current and past student editors, as well as advisers, repeatedly referenced their inability to gain access to records that they should be required access to under Freedom of Information laws. Both of the advisers interviewed as part of this research spoke of concerns with freedom of information law requests. The tension between the publications and the university administrators regarding information requests and restricted access to information warranted inclusion of the topic as part of this research.

The current editor-in-chief at Green Newspaper stated that the university administrators are often unwilling to answer interview and freedom of information law requests for the publication. The editor stated that local newspapers get better access to administrators, but that the university administration is not forthcoming when it comes to the student publication. The adviser at Green Newspaper affirmed the editor's statements and spoke extensively of the university's ability to keep the publication from printing negative stories through withholding information. The adviser commented that while the legislation allows institutions to charge a normal administration fee to provide the records journalists request, three of the largest universities in the state attempted to charge their student publications—including Green Newspaper— anywhere from \$1,600 to \$9,000 for campus sexual assault records. The

institutions stated that the fees were justified because they would need to redact names from the records before releasing them. The editors at the publications ultimately worked together with Student Press Law Center to obtain legal representation to resolve their record requests. Green Newspaper, like many student newspapers, has had significant funding concerns and cannot afford to pay such high costs for records.

The adviser at Yellow Newspaper also recounted the university's attempt to withhold campus crime reports from the publication. The adviser mentioned that a former university president had contacted the campus police department and "said she didn't want our newspaper to ever have any police reports." The adviser stated that the police contacted the human resources department for guidance and ultimately the human resources director called the president and stated that the police department would have to provide reports to the publication as required by law. In response to that, the adviser stated that the president "was furious" and "from then on she would tell the police department to redact information...we would get a report that would have everything redacted except the crime." The past editor from Yellow Newspaper provided documents that included a police report, which was filed against the editor while attempting to obtain crime records from campus police.

The past editor-in-chief for Purple Newspaper mentioned that the student journalists were often unsuccessful when they attempted to submit freedom of information law requests to the university under their own names. As a solution, the publication's adviser would submit the records requests for the students. The editor reported that the requests were processed much faster when the adviser submitted them. The editor also stated that university employees generally avoided talking to student reporters, but the adviser was able to get university employees to provide information for news coverage. While the current editor-in-chief at Purple

Newspaper didn't mention any ongoing concerns regarding information requests at the publication, the current editor-in-chief did introduce the topic during a discussion about current concerns in student media. The current editor-in-chief commented that Purple Newspaper successfully uses freedom of information law requests frequently, but discussions "with other college media" have revealed that there is a fear among college journalists that "open records requests will take longer and won't be granted...these institutions are wanting to hide from the problems, they don't want to make themselves look bad."

Outcomes of Legal Action

Several of the participants included in this research were present at the publications when allegations of censorship led to legal action. Some of the interviewees who contacted lawyers to help navigate the censorship allegations offered additional insights into the process of attempting to take legal action against a state institution. Participants from three publications—Green, Yellow and Orange Newspapers—spoke of the outcomes of the situations they were involved in and the unique challenges that student journalists must overcome when they attempt fight censorship.

Green Newspaper. The past editor-in-chief from Green Newspaper recounted being a plaintiff in the lawsuit against the university, referring to it as a "lonely time" and commenting that "as young student editors, a lawsuit is very scary."

Ultimately, the attorney recommended that the students settle out of court because "taking it to court didn't seem like it would be beneficial or financially viable for a student paper. The bulk of people who were supporting this were graduating that semester." The university temporarily restored funding to provide time for the newspaper staff to fund an endowment to sustain the newspaper. During interviews, the adviser, who was hired shortly after the settlement

was reached, commented that it took almost a year for the groups to negotiate the initial settlement and that renegotiations occurred later as the staff realized they could not secure the funding they needed for the endowment. The adviser position was unfilled during the negotiations, and the general manager took on both roles. The journalism department absorbed some of the salary costs for the adviser and general manager to alleviate some of the newspaper's financial obligations.

Yellow Newspaper. The past editor-in-chief from Yellow Newspaper, who obtained audio recording of a university administrator admitting that a funding reduction was a result of unfavorable content, also reflected on the experience of being in a confrontation with university administration, stating that “for a second there, I was like ‘am I about to get arrested?’...I was so fearful.” The adviser recalled the threats that the editor-in-chief during the censorship allegation as well:

Administration started threatening her, threatened to arrest her for asking questions from police, tried to get her in trouble with her academic dean. I kept telling her, they can't hurt you. There's no way a court would let a state university do anything to you.

The adviser provided a detailed overview of the events that occurred: a lawyer who specialized in First Amendment rights took the case pro bono and sent a letter of demands to the university administration. The letter specified an amount of funding that the university should provide to the publication, requested an investigation into how the censorship had occurred and an assurance that it would not happen again and required an improved process for providing funding to the publication in the future. The adviser was satisfied with the investigation and with the final report, which admitted that the university infringed upon the First Amendment rights of the student editor-in-chief and recommended that the university adhere to the lawyer's demands.

Years later, there is still no improved process for the publication to obtain funding, but the funding has only been slightly cut so far. The adviser emphasized two items during the interview: (1) the progress reached would not have been possible without the audio recording of the university administrator admitting funding cuts were related to content decisions and (2) the university's publication is still at the mercy of the same funding model that existed before the censorship incident occurred.

Orange Newspaper. The past editor-in-chief from Orange Newspaper recalled speaking with a lawyer and discussing legal action against the university regarding the threats and prior restraint that had occurred. The adviser who worked at Orange Newspaper during the censorship allegations was terminated and ultimately reached a settlement with the university. The past editor-in-chief commented that the university “put a gag order on him where he couldn't talk to any newspaper staff.”

During our interview, the editor stated that the lawyer felt it was a “pretty easy win” and sent letters to the university's board that relayed the problems and the newspaper staff's intent to take legal action. However, the editor stated that the adviser's termination and the timing prevented further legal action. Student staff were concerned that their lawsuit would negatively impact the former adviser's settlement. The past editor-in-chief also recognized a risk to career goals and personal reputation: “I was graduating a semester early, and there was no way I could put my career on hold to further pursue it...if I try to get a job and someone takes the side of the university, I didn't want it affecting my future” the past editor-in-chief commented.

Impact of Newspaper Experience

In my interview protocols, I asked past editors to reflect on their experiences working at their college publications and how those experiences have impacted their lives. Past editors, even

those who ultimately pursued careers outside of journalism, consistently commented on the positive impact that their work as a student editor has had on their career. For example, the past editor-in-chief for Yellow Newspaper, who no longer works as a journalist, described having a level of confidence approaching higher-level executives that peers do not seem to have and attributes experiences as an editor as providing the opportunity to gain this confidence. The editor mentioned that interviewing politicians and university administrators as a student journalist led to a feeling of comfortability navigating conversations that colleagues may find stressful. Similarly, the past editor of Blue Newspaper, who is also not currently working in journalism, shared that the confrontation experienced during censorship allegations provided conflict resolution experience that has been beneficial while working in the “real world.” The past editor for Orange Newspaper explained that “confronting high level administrators provided confidence and the ability to talk to people above.” Additionally, the past editor for Gray Newspaper, who currently works as a journalist, emphasized that the experience as an editor provided significant job opportunities. Past editors, even those who encountered significant challenges during their work, were overwhelmingly positive as they reflected on the impact of their student journalism experience on their lives post-college.

Legal Scholar Commentary

This research began with a quote from Frank LoMonte, J.D., to the Associated Press, in which LoMonte reflected on the precarious position journalism advisers are in as they attempt to ensure the First Amendment rights of their students and simultaneously appease their employer institutions, who may infringe upon those First Amendment rights. Frank LoMonte was previously the Executive Director of the Student Press Law Center and is currently the Director of Brechner Center for Freedom of Information at the University of Florida. I explained to

LoMonte that I wanted to broadly discuss my findings with him and discuss his perspectives (F. LoMonte, personal communication, September 30, 2020).

Censorship Definition

When providing a definition for censorship, LoMonte focused on the use of “official authority to compel or coerce someone to say or not say something” while recognizing that he does not include community or peer pressure. I asked LoMonte about situations where students in student government apply pressure to student journalists, as those students could potentially have some authority or influence on funding. LoMonte made the distinction between student government students still having a First Amendment right to express dissatisfaction with the newspaper but not having the right to restrict funding because of it.

Freedom of Information Law Requests

LoMonte stated that it is “not surprising at all” that publications are encountering resistance when they try to gain investigate stories on their campuses. LoMonte explained that

Colleges generally understand that it would be a bad optic to directly engage in censorship...but they recognize they can cut them off from meaningful access to information and accomplish the same agenda. This is a growing and worrisome problem.

Changing Perceptions

LoMonte offered a perspective on the disturbing trends regarding censorship in college media, recounting that censorship used to be associated with a stigma, but as distrust in media grows, censorship isn’t seen as such a problem. Additionally, colleges are “more obsessed with image than they have ever been before” because of reductions in state funding. LoMonte also recognized the challenges that social media has brought for institutions, commenting that

It used to be an article was read for a day, it will blow over and go away. But social media and Google search results allow stories to have a broader reach. Stories that used to be shrugged off are regarded as a direct hit on the university’s image. It is the perfect storm:

financially weakened newspaper with diminished public support up against this more forceful image.

Suggestions for Further Study

I explained my methodology to LoMonte and suggested that further studies could include publications that have not expressed prior censorship concerns. I ventured that there are likely other publications who are struggling with censorship but haven't pursued action and therefore have not been in the news. LoMonte agreed, commenting that journalism students who called the Student Press Law Center "would say 'please do not tell anyone that we called you because we know that our adviser's job is on the line'" and that many callers "very often did not want to go public."

Possible Solutions

I asked Frank LoMonte if a legal or non-legal solution would work best for student journalists and their advisers. LoMonte advocates for a legal solution, noting that he believes "legislation is the shortest and easiest distance between two points." LoMonte values the absolute status that legislation would provide, whereas other ideas don't provide such firm boundaries.

LoMonte proposes that the most effective non-legal solution would be one in which large donors, such as the Gates Foundation, tie their funding to an expectation that the institution takes a stance against censorship. LoMonte pointed out that an increasing number of foundations are now inquiring about diversity initiatives, as they only want to fund projects and agencies that prioritize diversity and inclusion. In a similar manner, LoMonte suggests that foundations could state that they will not provide money to institutions who allow censorship conditions to persist. LoMonte provided this suggestion as a "utopian" ideal and noted that it has significant

challenges. LoMonte encourages parents and students to advocate for campus newspapers, stating

What are the pressure points that colleges respond to? Donors, alumni, students, elected officials. Students and parents ask about whether the gym has a rock-climbing wall, they should also ask ‘do you have a well-supported newspaper and how are you funding it?’

For a non-legal solution involving significant support from donors and potential students to be successful, philanthropic foundations and potential students will have to prioritize student journalism and campus publications. This will likely be challenging, particularly since many interview participants commented on the persistent distrust of media that exists on their campuses. As LoMonte emphasized, a non-legal solution would likely not be implemented as seamlessly as a piece of legislation could be. It seems unlikely that a single organization, unless it is indeed an incredibly large-scale foundation, could spur such a shift in priorities. Meanwhile, potential students and their families will also need to affirm their support for campus publications.

CHAPTER V. DISCUSSION AND CONCLUSIONS

The purpose of this study was to determine the current prevalence of censorship concerns at campus publications that have previously had highly publicized allegations of censorship. This study included five questions and used interviews, document analysis and observations in an attempt to answer those questions thoroughly. In Chapter Four, I included background information about the publications, participants and censorship allegations, as well as research findings by theme. In Chapter Five, I will now more thoroughly discuss findings in regard to the research questions and offer implications, recommendations and suggestions for further research.

Research Questions

Research Question 1: *How do student journalists and college media advisers define censorship?*

The first research question sought to answer how student journalists and college media advisers define censorship. As explained in Chapter Four, most answers were very similar: participants generally spoke of the prohibition of the publication of information. Participants often referenced that censorship could also occur indirectly, such as through the suppression of information. One of the advisers included in this research, from Yellow Newspaper, also included the replacement of an adviser who advocates for student free press as an example of censorship. During the discussion of student-adviser relationships, student journalists often commented on their appreciation for an adviser's feedback and guidance. The students were able to discern the difference between constructive guidance, such as being told that a story's lede was not strong enough or that more fact-checking was needed and being censored. As such, there were no examples of students referring to feedback about technique, writing skills or investigative style as censorship. Participants were especially grateful for advisers who had

“real-world” experience to draw from and felt that they benefitted from the feedback and constructive criticism that these advisers were able to offer.

Research Question 2: *What types of censorship, if any, are college journalists experiencing?*

The second research question asked what types of censorship, if any, college journalists are experiencing. Part of the rationale for choosing a qualitative study was to allow participants the opportunity to provide in-depth reflections regarding their experiences with censorship. Instead of asking participants directly whether they have experienced specific types of censorship, such as intimidation, prior restraint, or retaliation, participants were able to share narratives that fully explained the context of their content-decision processes, relationships with campus administration and perceptions of censorship concerns at their publications. These questions allowed for an in-depth analysis to determine what types of censorship may be present at the publications.

Past allegations. As mentioned earlier, the past allegations, which led to the inclusion of the publications in this study, included various types of censorship. Retaliation in the form of budget cuts had been the most common, with three participants (Gray, Green and Yellow) reporting this type of occurrence. Two publications (Orange and Blue) had alleged that the newspaper adviser was removed as retaliation. Purple Newspaper had reported prior review, and Gold Newspaper’s student journalists had encountered a legal battle with their publication over access to records, which effectively stopped them from being able to report on campus crime.

Current Concerns. To determine what types of censorship may currently be happening at these publications, interview protocols asked all participants to describe a time that they felt pressure to refrain from printing a story. This question allowed participants an open-ended opportunity to share details about their experiences. Participants from Orange, Green, Yellow

and Gold Newspapers mentioned current censorship concerns. Additionally, the current editor from Blue Newspaper mentioned that prior review at the publication has only recently stopped because a new adviser has taken over the role.

Direct Censorship. During the conversation that occurred regarding pressure, Orange Newspaper's current student editor emphasized that the content review process includes prior review. In addition to student staff having to submit content to the adviser for further approval, the adviser often has to gain further approval from campus administrators prior to publication. The editor mentioned that deviations from the prior review process can cause a student journalist to be retaliated against: a student journalist was removed from an assigned coverage area for not following the process. The adviser at Yellow Newspaper spoke of being threatened with a lawsuit, even years after the censorship allegation had occurred. While there have been some positive administrative changes, some of the administrators who have made threats and given warnings to Yellow Newspaper's staff are still in their positions.

Indirect Censorship. Two of the newspapers, Green and Gold, spoke of ongoing experiences of more indirect forms of censorship. Green Newspaper's current concern regarding censorship is censorship by starvation: both participants from Green Newspaper reiterated that the university often does not recognize freedom of information law requests, making it near impossible for the publication to report on topics such as campus crime. The current reporter from Gold Newspaper stated that a story written regarding tuition increases at the university was not published and referenced a culture at the publication that only allows student voices that speak positively about the university. The reporter's declaration that "you can't write anything bad about the school because you get funding from it" provided insight into the ongoing work environment at the newspaper. The interview revealed the publication's tendency to proactively

refrain from printing anything that may be controversial in the interest of protecting the newspaper from possible financial retaliation. This self-censorship is unsurprising given the past allegations of censorship by starvation that led to Gold Newspaper's inclusion in this research and imply a pattern of indirect censorship at the institution.

Research Question 3: *How does the source of funding impact the content decisions that student journalists and their advisers make?*

The third research question inquired as to how the source of funding impacts the content decisions that student journalists and their advisers make. This question was included because censorship in the form of retaliation through budget cuts was prevalent in past censorship allegations. All of the participants included in this research, with the exception of one (Purple Newspaper), currently receive funding from their university. Student government organizations typically allocate money from student fees for the newspaper, although the journalism department may provide funding through course fees instead (Gold Newspaper).

While participants mentioned funding concerns extensively throughout interviews, this research question specifically sought to determine if funding sources impact the content that publications opt to publish. It is reasonable to presume that publications may be hesitant to publish content that critiques a university that funds their work. The interview protocols did not directly ask participants whether the funding source impacted the content decisions; instead, an analysis of the narratives examined the intersection of funding and content decisions. The most outright declaration of influence on content being tied to funding sources was Gold Newspaper's reporter's declaration that there is an understanding among newspaper staff that they shouldn't write anything negative about the university because the university funds the publication. In contrast, the current editor-in-chief from Purple Newspaper acknowledged the freedom that

comes from being financially independent: “we can cover [the university] without fear of retribution because we don’t receive any funds from the university.”

Other participants who receive university funding acknowledged funding concerns and intimidation, but generally seemed resolved to push forward with publishing coverage that they deemed to be important, even if it meant there would be backlash from campus administration. Both advisers interviewed (from Green and Yellow Newspapers) reported that they have strongly advocated for students’ right to a free press, regardless of the controversy that may occur. While intimidation may often be present, student editors and journalism advisers are routinely advocating for themselves and ultimately not allowing the pressure to influence their content decisions, even when funding may be at stake.

In regard to funding sources other than university funding, all of the publications included in this research utilize advertising as a source of revenue. Many interviewees noted that advertising decisions are kept completely separate from the editorial staff, assuring that there is no interference or influence. Interviews revealed that publications generally have a manager who handles the marketing and advertising for the publication.

Research Question 4: *How do college journalists and their advisers work together to make content decisions?*

The fourth research question aimed to discover how college journalists and their advisers work together to make content decisions. As explained in Chapter Four, most content decision processes follow a similar pattern: editors work together to determine what coverage will be. The editor-in-chief generally has the final say (with the notable exception of Orange Newspaper, which requires prior review). Most publications have at least four editors, with one publication having over twenty editors. Reporters are generally able to pitch ideas to their section editor, and

then the section editors provide updates to the editor-in-chief. Content meetings discuss upcoming events and items of importance to ensure that the publication is providing reporters and photographers to cover upcoming events. While several student staff, both current and former, reported going to their advisers for guidance or assistance, students are generally left in charge of the content decisions. Student editors commented that even during rare times of disagreement with advisers regarding content, they are left with the ultimate decision on whether to publish a piece. However, editors and advisers both commented that there is also an understanding that the editor-in-chief will then be the first point of contact for upset readers who want to express their disdain with the newspaper.

Research Question 5: *Do advisers feel secure enough in their jobs to publish controversial material?*

The final research question asked whether advisers feel secure enough in their jobs to publish controversial material. Both advisers included in the study provided extensive details on their feelings of job security and their attitudes toward their positions at their respective publications.

Yellow Newspaper. Yellow Newspaper's adviser recalled many fears of being afraid of being terminated, often expecting to receive a "pink slip" and being surprised when an outgoing president didn't terminate the position. While the situation regarding censorship has somewhat improved with a change in administration, the adviser expressed concern that the university will use budget cuts—particularly with extensive cuts happening due to COVID-19—as an excuse to eliminate the newspaper adviser position and downsize the publication. The pandemic and resulting need for budget cuts would presumably allow the university administration justification to make sweeping cuts.

In regard to general concerns about job stability and content decisions, the adviser was adamant that fears about job security would not stifle the First Amendment rights of students at Yellow Newspaper. The adviser recalled that during the height of the censorship allegation, colleagues who were tenured faculty members would appear on national news media to discuss the censorship concerns because they wanted to shield the adviser from possible repercussions. The adviser remembered how worried the then-editor-in-chief was that the adviser would be terminated as a result of pursuing the censorship allegation against the university. Regardless of the potential consequences, the adviser remained steadfast in the pursuit of the truth and encouraged the editor-in-chief not to worry about the adviser's job when deciding whether to take legal action.

Green Newspaper. The adviser from Green Newspaper, who was previously in the adviser role full-time but now has split duties between teaching and advising, primarily expressed job security concerns in regard to funding. The adviser expressed fears of being terminated because of a lack of funding but noted that the journalism department's ability to absorb the adviser's salary alleviated much of this fear.

In regard to allowing concerns about job security to influence content decisions, the adviser had been aware of tension that prior advisers had experienced with university administrators due to Green Newspaper's content and entered the position prepared to fight for students' free press rights. Green Newspaper's adviser emphasized that advocating for students' ability to run their own publication is a priority. The adviser acknowledged receiving incredible pressure due to a story critiquing a university athletics team but is otherwise generally not subjected to pressures or intimidation. As discussed in Chapter Four, the adviser also recognized that multiple colleagues who serve as newspaper advisers do receive incredible pressure, and

from a relative standpoint, the adviser feels fortunate. The adviser commented that the general manager (a full-time, professional employee) and the student editor-in-chief generally received most of the pressure from university administration and attributed it to the fact that the general manager was a university graduate while the adviser was an outsider who was unknown to the administration. The adviser perceived that the administration may not have felt as comfortable expressing their content concerns to a new adviser as they did to a general manager whom they were already familiar with or to a student whom they held positional authority over.

Summary of Findings

Within-case Comparisons

The findings from this research reveal that even years after censorship allegations led to legal action and, at times, national headlines, censorship concerns still exist at many publications. Four of the seven publications included in this research expressed ongoing concerns, with two being indirect and two being direct. However, most interview participants who are currently working at the included publications—with the exception of the editor-in-chief from Orange Newspaper—did feel that conditions have improved since the censorship allegations occurred. Changes in advisers (Blue Newspaper), administration (Gray and Yellow Newspapers) and funding processes (Green Newspaper) have led to some improvements for many of the publications. Concerns regarding censorship persist, however, and several participants acknowledged that printing controversial topics could possibly lead to further intimidation or prior review.

Forum Designation and Publication Structure

During Chapter Two, this research included a review of student press court cases and a First Amendment framework that explained the forum designations and the implications of each

designation in regard to First Amendment protections. As discussed, the forum designation is a significant factor in the restriction or allowance of free speech, and the Tenth and Eleventh circuit courts have determined that the precedent from *Hazelwood*, which allowed censorship, was applicable to college students because the college media was part of a curriculum and not a public forum (Ng, 2008). Therefore, the structure of a publication as a course offered for credit or as an extracurricular activity could impact the forum designation and the free press protections for the students. Universities may have more authority to influence content if the publication is structured as part of a course.

Out of the seven publications included in this research, four (Gray, Green, Orange and Blue) newspapers offer the option for course credit, while three (Yellow, Purple and Gold) do not. Due to an inability to continue paying newspaper staff, Green Newspaper is transitioning to a structure where all students will receive course credit for their work on the publication instead of being paid. At the four publications where course credit is offered, the credit is typically offered as an internship or practicum and ranges from one to six credit hours. Participants from three (Gray, Orange and Blue) of the four publications that offer course credit confirmed that there is no curriculum or formal instruction; there does not seem to be any difference among students who opt for course credit in addition to or instead of payment. Green Newspaper interviewees, however, explained that staff may opt to take an advanced copywriting or governmental reporting course and complete their reporting assignments as part of their coursework.

If universities are aiming to limit the expression of their student journalists, then opting to make the campus newspaper part of a curriculum may allow them some flexibility to do so. While all of the First Amendment's forum designations prohibit viewpoint discrimination,

labeling the campus newspaper as a classroom activity rather than an extracurricular activity may expand a university's potential to more closely regulate the content of the newspaper. A newspaper that is part of a course, such as in *Hazelwood*, may be considered a non-public forum that does not have to provide students with an opportunity to express themselves. With the number of college newspapers offering class credit seemingly increasing, the clarification of a forum designation for college newspapers is critical.

Journalist-administrator Relationships

The advisers and student journalists typically do not experience a great amount of tension in their working relationships; participants reiterated that whatever tension is present is most likely to exist between university administration and student journalists. Frank LoMonte, former Executive Director of the Student Press Law Center, affirmed this while reflecting on the results (F. LoMonte, personal communication, September 30, 2020). Generally, student journalists who participated in this research enjoy positive relationships with their advisers, with the exception of participants from two publications (Orange Newspaper and Gold Newspaper). Student journalists typically value their adviser's experience and ability to expedite freedom of information law requests or provide access to contacts who will agree to interviews with the publications. Most student journalists appreciate having the adviser as a resource to provide guidance.

Participants commented that university administrators are often involved in the happenings of the campus publication. Notably, a past editor from Orange Newspaper recalled being stunned at "how high up this went" after having the university president threaten to revoke a scholarship. Yellow Newspaper participants, who had positive relationships with their adviser, recounted negative experiences with the university president. Green Newspaper's adviser

recalled learning that a Vice Chancellor had contacted the editor multiple times and told the editor not to publish negative content. The university's Public Relations directors also met with Green Newspaper's adviser in an attempt to dissuade the publication from publishing negative content about the university. The current editor-in-chief at Orange Newspaper stated that an on-campus department decided not to offer the editor-in-chief an internship because they were worried about being affiliated with the newspaper. The past editor-in-chief at Gold Newspaper recalled that a university administrator had told another editor that she would be personally sued if she pursued a story about the university restricting the publication's access to records, but that the then-adviser had been supportive of the editor's desire to pursue the story regardless of the threat.

Ultimately, concerns about job security do not appear to have a direct impact on content decisions. Both advisers stated firm beliefs in providing students with First Amendment rights to a free press. The determination of the advisers to ensure students have these rights seemingly transcends any fears that the advisers have. That is not to say that the advisers have not witnessed or experienced pressure; it is to say that the advisers have not succumbed to the pressure. Since the advisers who participated in interviews do not subject their student journalists to prior review, their students maintain full control over content decisions.

Contentious Topics

Participants routinely stated that administrators who engage in censorship appear to do so when the newspaper publishes unflattering coverage of the university. There were some commonalities in the topics that most often cause a dispute. Published content that is most likely to cause a strained relationship between the campus administrators and the newspaper staff included safety concerns on campus (Yellow, Gold and Orange Newspapers) and negative

athletic coverage (Green Newspaper). “Basketball is king,” remarked Green Newspaper’s adviser, reiterating that the university’s staff and students do not respond well when the newspaper includes any critical coverage of the athletic team. During a discussion with Frank LoMonte, he confirmed that administrators are generally upset with any coverage that would dissuade potential students and their families from choosing to enroll in the university, such as campus crime coverage.

Implications for Practice

The findings from this research can benefit student journalists, college media advisers and campus administrators as they aim to reach their professional goals. Student journalists who participated in this research consistently expressed a commitment to pursuing and reporting campus coverage, regardless of potential consequences from administration. Likewise, the college media advisers also expressed a willingness to advocate for their student journalists, even if it leads to a loss of employment. With student journalists and media advisers who are committed to telling the truth, and lawyers at the Student Press Law Center who are able to assist journalism students who choose to pursue legal action against their campus administration, it is to the benefit of campus administrators to work with student journalists rather than attempt to stifle them. Ultimately, even if a campus publication does not pursue a critical news story, other media outlets may still opt to cover it. Attempts to silence student journalists will likely result only in diminishing their opportunities to obtain journalism experience.

The student journalists and the media advisers who participated in this research consistently expressed satisfaction that awareness is being brought to the topic of student media censorship. Past and current student editors remarked about the stress and isolation that they often feel when campus administrators, student government representatives and university public

relations officials pressure them to change their content. This research adds a qualitative perspective to the quantitative research that has been conducted on student censorship, affirms the presence of ongoing censorship concerns and emphasizes the need for a solution.

Further Discussion and Recommendations

Participants revealed that there are often conflicting missions of publications and administrators. While campus publications want to publish information about campus crime, administrators, based on statements made to many interview participants, often do not want this information reported in the campus newspaper. The Center on Budget and Policy Priorities published findings in 2016 that showed state governments had higher education funding cuts in forty-six states. The research also concluded that as of 2016, tuition at public universities rose more than 33 percent, on average, since the 2007-2008 academic year (Mitchell et al., 2016). Interviews with participants and discussion with Frank LoMonte also revealed that administrators recognize the importance of protecting their image to prospective parents and students. As participants discussed in their interviews, administrators often become especially upset and apply pressure to publications when they publish negative coverage that may dissuade potential students from enrolling. Therefore, it seems unlikely that a dialogue or agreement between administrators and publication staff would mediate the conflict that persists.

Tailored Forum

If administrators are unlikely to agree to provide protections for student journalists and their advisers, then a legal solution would be the most probable solution to ensure that journalists and their advisers are able to investigate reports and publish content without fear. Therefore, Comparato's (2016) suggestion of a tailored forum specifically for college media seems to be a

feasible solution to this dilemma. This legislation would need to explicitly provide protection for college media advisers as well. Their lack of job protection thus far has created a seemingly impossible solution: if they allow students to express their First Amendment rights, they risk their employment, but if they follow the directives of their employer, they infringe upon student rights and risk being sued. Additionally, with many publications opting for a hybrid model that offers course credit, the creation of a forum may be even more necessary to provide free speech protections for student journalists, especially if the offer of course credit could mean that the publication is a non-public forum. This designation would restrict the free speech protections available to student journalists.

Tenured Advisers

Additionally, because of the precarious situation that advisers are placed in, I also recommend that a newspaper adviser role should be held by a tenured employee. If an adviser is able to have employment protection, then the adviser will not have to be fearful when student journalists pursue controversial coverage. While both of the advisers who participated in this research stated that they ultimately support their student journalists regardless of the threat to their own employment, the advisers should not be placed in a situation where their employment is in jeopardy for allowing students to exercise their First Amendment rights.

Suggestions for Further Study

Additional qualitative studies that allow more participants the opportunity to share their experiences could be helpful to determine how prevalent censorship concerns are at other universities. During interviews, editors and advisers mentioned being aware of censorship concerns that their colleagues are experiencing. This study only included publications that have experienced well-publicized censorship allegations, but there may be other publications that have

not had these public allegations and still have censorship concerns. A broader study that does not restrict inclusion to the presence of prior censorship allegations could provide greater perspective. Additionally, studies that include more advisers could be particularly helpful. However, advisers may not be willing to participate; only two of the twelve advisers contacted to participate in this research responded. Since many student journalists and advisers expressed concern that the publication is expected to be a public relations tool for the university to use, interviews with university administrators may also provide context regarding the relationships between publication staff and campus administration.

APPENDIX A: INTERVIEW PROTOCOLS

Interview Questions for Current Student Editors/Newspaper Student Staff

1. What do you enjoy about journalism?
2. What are your career plans after college?
3. How long have you been a part of this publication?
4. What has been your favorite story or topic that you covered?
5. Describe your relationship with your publication's adviser.
6. Who determines content decisions?
7. What concerns or disagreements about content have arisen?
8. Have you printed any retractions? If so, what led to the retraction(s) occurring?
9. How is your publication financially supported? Has this ever changed?
10. Can you describe a time that you felt pressure to refrain from printing a particular story?
11. What is your definition of "censorship" and have you encountered it in your work?
12. What do you consider to be the most critical threats to college media?

Interview Questions for Current Advisers/Staff or Journalism Faculty

1. What do you enjoy about the field of journalism?
2. Describe your career path leading to this position.
3. What has been your favorite story that you covered for this publication?
4. How long have you been the adviser for this publication?
5. Describe your relationship with your student editor.
6. How are content decisions made?
7. How is your publication financially supported? Has this ever changed?
8. Describe your relationship with university administration.
9. Have you ever felt pressure to refrain from printing a story? How was this resolved?
10. Have you ever felt that your job would be in jeopardy due to the publication's content?
11. Do you ever feel that the publication's funding is at risk due to content decisions?
12. Explain how you define "censorship."
13. What do you consider to be the most critical threats to college media?
14. Does your publication have any type of liability insurance? Are you aware of any time that it has been used? Please provide any details that you can.

Interview Questions for Past Student Editors/Newspaper Student Staff

1. How did your experience as a student editor impact your life and career?
2. What did/do you enjoy about journalism?
3. Describe your relationship with your media adviser during your time as an editor.
4. How were content decisions determined?
5. How often were there disputes about content decisions? How were they handled?
6. How was your publication financially supported?
7. Explain any pressure you felt to refrain from printing a particular story.
8. Describe any details you can about your adviser's relationship with campus administration.
9. How do you define "censorship?"
10. Describe the censorship occurrence that was reported during your time at your publication.
11. What do you consider to be the most critical threats to college media?

Interview Questions for Past Advisers/Staff or Journalism Faculty

1. What do you enjoy about the field of journalism?
2. What has your career path been?
3. Describe how your relationships with your student editors have been.
4. How were content decisions made?
5. When concerns arose about content, and how were they addressed?
6. How was your publication financially supported?
7. Describe your relationship with university administration.
8. Describe any occurrences when you felt pressure to refrain from printing a story.
9. Did you feel that your job would be in jeopardy due to the publication's content? How?
10. Did you ever feel that the publication's funding was at risk due to content decisions?
11. Explain how you define "censorship."
12. Describe the censorship occurrence that was reported during your time at your publication.
13. What do you consider to be the most critical threats to college media?

APPENDIX B: SUPPLEMENTAL FORMS

Letter to Current Editor and Current Adviser/Staff or Faculty Participants

Dear _____,

I am writing to ask for your help with my doctoral research regarding student media. I am a graduate student in Educational Leadership and Research at Louisiana State University. I am hoping to conduct a site visit at (name of institution) to observe the workings of a college newsroom. If you agree to participate, I will reach out to plan the visit and schedule an interview. If a site visit is not feasible, then I would like to conduct an interview via phone or Skype.

I am hopeful that my research will be beneficial to college journalists and their advisers in combatting concerns regarding content decisions. My research explores the forum doctrine of the First Amendment and the applicability of the freedom of speech protections to journalists at public institutions. I assure you that any information I collect will be kept anonymous in my research. Each institution will only be identified in broad terms. No names will be published.

If you are willing to participate, please contact me. Your participation is voluntary, but I feel that (institution) would be an ideal participant. You are able to withdraw your participation agreement at any time during the site visit.

Thank you for your time, and I look forward to hearing from you.

Sincerely,

Haley Matlock
111 Waverly Ave. Suite 200
Syracuse, NY 13244
Hmatlo3@lsu.edu
225.347.1983

Letter to Past Editor and Past Adviser Participants

Dear _____,

I am writing to ask for your help with my doctoral research regarding student media. I am a graduate student in Educational Leadership and Research at Louisiana State University. I am hoping to interview you about your experiences while working for (name of publication). If you agree to participate, I will reach out to schedule an interview. I would like to conduct an interview via phone or Skype.

I am hopeful that my research will be beneficial to college journalists and their advisers in combatting concerns regarding content decisions. My research explores the forum doctrine of the First Amendment and the applicability of the freedom of speech protections to journalists at public institutions. I assure you that any information I collect will be kept anonymous in my research. Each institution will only be identified in broad terms. No names will be published.

If you are willing to participate, please contact me. Your participation is voluntary, but I feel that your participation would be an important addition to this research. You are able to withdraw your participation agreement at any time during the interview.

Thank you for your time, and I look forward to hearing from you.

Sincerely,

Haley Matlock
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Syracuse, NY 13244
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APPENDIX C: INSTITUTIONAL REVIEW BOARD APPROVAL

ACTION ON PROTOCOL APPROVAL REQUEST



Institutional Review Board
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TO: Joy Blanchard
Education

FROM: Alex Cohen
Chair, Institutional Review Board

DATE: June 16, 2020

RE: IRB# 4390

TITLE: Censorship Concerns in College Media

New Protocol/Modification/Continuation: New Protocol

Review type: Full ___ Expedited X Review date: 6/2/2020

Risk Factor: Minimal X Uncertain ___ Greater Than Minimal ___

Approved X Disapproved ___

Approval Date: 6/15/2020 Approval Expiration Date: 6/14/2021

Re-review frequency: Annually

Number of subjects approved: 30

LSU Proposal Number (if applicable):

By: Alex Cohen, Chairman 

**PRINCIPAL INVESTIGATOR: PLEASE READ THE FOLLOWING –
Continuing approval is CONDITIONAL on:**

1. Adherence to the approved protocol, familiarity with, and adherence to the ethical standards of the Belmont Report, and LSU's Assurance of Compliance with DHHS regulations for the protection of human subjects*
2. Prior approval of a change in protocol, including revision of the consent documents or an increase in the number of subjects over that approved.
3. Obtaining renewed approval (or submittal of a termination report), prior to the approval expiration date, upon request by the IRB office (irrespective of when the project actually begins); notification of project termination.
4. Retention of documentation of informed consent and study records for at least 3 years after the study ends.
5. Continuing attention to the physical and psychological well-being and informed consent of the individual participants, including notification of new information that might affect consent.
6. A prompt report to the IRB of any adverse event affecting a participant potentially arising from the study.
7. Notification of the IRB of a serious compliance failure.
8. **SPECIAL NOTE: When emailing more than one recipient, make sure you use bcc.**

**All investigators and support staff have access to copies of the Belmont Report, LSU's Assurance with DHHS, DHHS (45 CFR 46) and FDA regulations governing use of human subjects, and other relevant documents in print in this office or on our World Wide Web site at <http://www.lsu.edu/research>*

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VITA

Haley Matlock is originally from Texarkana, Arkansas. A first-generation college student, Haley earned an undergraduate degree from Southeastern Louisiana University and a Master of Public Administration degree from Louisiana State University. While enrolled as a graduate student at LSU, Ms. Matlock began her career in higher education with a position in LSU Enrollment Management during April 2014.

Ms. Matlock began her doctoral coursework immediately upon graduating from the public administration program, and continued to work for LSU, serving as a manager with LSU Auxiliary Services. After completing her doctoral coursework, she relocated to Syracuse, New York to pursue an opportunity with the Office of Student Living at Syracuse University.

Ms. Matlock plans to continue her career in higher education and focuses on using a holistic philosophy to help each student find a path to success. She has experience responding to student crises, overseeing student conduct cases, advising student organizations, managing departmental budgets, recruiting, teaching undergraduate courses and creating training plans and learning outcomes.