

National On-Campus Report

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The Challenges Facing Student Media — and Their Advisers

Because collegiate student publications fill several roles — simultaneously being an educational tool, an outlet of student expression, a way of keeping the campus informed, and a part of the institution's public face — it is not surprising that they are the source of student-administrator tension. Recent events involving student media include

- a federal court lifting a Pennsylvania ban on alcohol advertising in public schools' student publications
- a fight over the reassignment of a Kansas State University media adviser
- an anticipated, key ruling on how much oversight a public university can have over its student newspaper's content in *Hosty v. Carter*.

National On-Campus Report recently spoke about these issues with Kathy Lawrence, University of Texas-Austin student media director and president of the national organization College Media Advisers. She spoke about what being a media adviser entails, what First Amendment cases could re-shape student media rights, how public schools should handle alcohol advertising, and whether college yearbooks can survive.

Where do student media advisers tend to fall in the institutional structure?

About half of us are attached to student affairs, and about half of us have academic attachments. Some report to a dean of

students or an activities director, and some are journalism faculty. I report directly to a vice president, but also to a publications board that governs us. Such boards are fairly common, and they're often set up so that students make up the majority of the board. Sometimes the students work directly on the publications, but most often, they don't, they just are representatives of the campus. In our case, they're elected by the student body.

Some of us work at private campuses, where students don't necessarily have First Amendment rights. The school may choose to let students exercise those rights, or they may have controls set up for student media. And the rest of us work at public institutions where students do have the right to determine content.

One of the issues we face all the time is attempts by various groups — administrators, special interest groups, or student groups — to control the content of student media. Because newspapers are more common and because newspapers are more widely distributed, they tend to come under fire the most.

What First Amendment cases or situations is the CMA watching?

Hosty v. Carter in the 7th Circuit U.S. Court of Appeals.

Governor's State University in Illinois was sued by students in January 2001 after an administrator told the newspaper's printer not to print any more issues until the school had approved the content. The attorney general has argued in this case that the school has the right to review the content [based on the U.S.

Supreme Court's 1988 *Hazelwood* decision that allows secondary schools to review student newspaper content]. Of course, we don't think that's right, because it's a public university.

That decision should be out sometime soon. The court heard oral arguments in January, and I thought the case was supposed to be decided by late spring, but it hasn't been [as of September 7].

That's the most important situation that we're watching, other than waiting to see what Ron Johnson [the KSU student newspaper adviser reassigned to a faculty position in May] does at Kansas State, if he's going to continue to pursue his case. If he doesn't, my hope is that at least the student editors will.

The situation at Kansas State is one that the CMA thinks is absolutely

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reprehensible. You have a longtime adviser with an award-winning publication, who, after getting a good performance appraisal, gets reassigned.

The school is saying it reassigned the adviser not because of the newspaper's content but because of the *quality* of its content. That's a distinction that I don't think can be drawn. You can't say that students have First Amendment rights and then reassign or punish the adviser because of content.

On the other hand, it would be perfectly appropriate for somebody to sit down with the adviser every year at performance appraisal time and say, "OK, we agreed on these goals for the year: holding X, Y, Z training opportunities; getting your budget stuff done on time; doing all of your administrative reports on time; recruiting a more diverse staff." And then the institution holds the adviser accountable for those goals. But saying just out of the blue, "We don't think the quality is good" — when a month before that, your newspaper had won multiple awards at a national conference — is over the top.

At Barton Community College, which is down the road in Kansas, the administration told the newspaper adviser that it didn't want the newspaper to run letters to the editor. The adviser said, "We can't not run letters to the editor; that's what newspapers do." She refused to tell the students they couldn't run letters to the editor, and her contract was not renewed.

CMA has not censured Barton, but it has censured Kansas State. We made a commitment to the Barton president that we wouldn't consider issuing a censure until after an administrative hearing was held, and that hearing now apparently is going to be delayed, so I'm not sure what we're going to do.

It seems that humor or April Fool's issues tend to cause a lot of headaches.

There's a case at Vincennes University in

Indiana: It appears that fallout over a humor issue is what's led to the newspaper adviser's reassignment. I know of a couple others where fallout over what students thought were humor editions are at least causing some heartaches for the advisers. Whether they're going to lose their jobs over those editions, we don't know.

As media advisers, we help students pursue stories that we may not think are such a good idea, but we have an opportunity to express that to our students. Then

“You can't say that students have First Amendment rights and then reassign or punish the newspaper adviser because of content.”

if they understand what we're saying, we still have an obligation to help them develop the story in the best way — by giving them ideas for places to go for information and that sort of thing. We're not making the assignments; we're not telling them what they should or shouldn't cover. But we're here to answer their questions and help them get to the ends they're seeking.

A Pennsylvania court recently ruled that the state can't ban alcohol advertising in public schools' student newspapers. What's happening concerning alcohol ads in other states?

When it comes to advertising, I've run into instances time and time again where the institution might not want certain types of advertising in the newspaper, like "Drink and Drown" — that sort of thing. But my position has always been that at a public school, we might encourage the advertiser to have a responsible drinking message, but if he wants to offer 25-cent beer, that's really an issue between the bar owner and the alcoholic beverage control

board.

I did have an instance at a previous school in which an administrator didn't like the way a certain beer company was advertising and got mad at the newspaper about it, but eventually went directly to the advertiser and said, "We don't want you to advertise that way on this campus." The advertiser then contacted us on his own, and we changed the ad.

I didn't particularly like that, but it was good that it worked out that way, in a sense, because no one had to be fired for insubordination! But I'd hate to see administrators going directly to advertisers all the time, because that certainly wouldn't be good for the newspaper's or radio station's business relationships.

Most of the people who have been [advising student media] for a while — and I think most of the larger beer distributors, but maybe not your Mom-and-Pop bar — understand that a more responsible drinking message is going to be better accepted. And a lot of the state beverage control boards have tightened restrictions on what you can and can't advertise.

It's not up to [media advisers] to enforce those restrictions, but if we know what the law is, we can advise clients, "Yes, you can advertise this, and we would accept the ad, but I think you might run afoul of this restriction from the alcohol control board."

How are college yearbooks faring?

In 1950, it was a big deal to get a yearbook, but now it's hard to get people to order something that they're not going to get for a year. So yearbooks constantly come in and out of existence. (More of them are going out of existence than coming into existence.) It's really a struggle to meet the needs of their market — they're just great things when you see them, but it's a pretty big undertaking, and it's expensive to do, so you have to sell quite a few of them to pay your bills.

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I know that when our yearbook here has run into some rough sailing, the university hasn't been all that interested in trying to make sure that it is retained — and it's the oldest publication on campus. We've been able to keep it going, but 20 years ago, the yearbook was selling 14,000 copies. Last year, we probably sold only 3,500 copies, and we have 50,000 students on our campus.

This year, we're trying something new, a program in which the yearbook publishing company is actually giving us the money up front to pay for our operations. They will do all of the direct marketing and sales themselves, and they'll keep all the money from those sales. In other words, these [yearbook] companies take all of the risk, and they're convinced that they know how to market these books well — they're going to market them to parents — and believe that they'll be able

to sell enough to make it all pay for itself. So we'll see. The success so far is mixed.

Saving college yearbooks is important for two reasons: the students that work on them get a wonderfully rich experience — the graphics can be really exciting, and the photography is great, and they can hone some good writing skills. The other reason is that a yearbook is a historical document about the university. ■

Student Newspapers: Current Cases

First Amendment

Funding for religious publications — In April, the University of Oklahoma-Norman settled a religious-discrimination lawsuit filed by editors of a student-run Christian newspaper. The settlement includes paying the editors \$2,500 and removing policy wording that prohibits university funding for “religious services of any nature.” The student government had given the newspaper just \$150 of the \$2,300 in funding it had requested, based on the policy wording. The wording should have been changed anyway, university officials say, to align with the U.S. Supreme Court's 1995 *Rosenberger v. University of Virginia* ruling, which states that prohibiting financial support for religious publications violates First Amendment principles.

Qualified immunity in question — In its upcoming *Hosty v. Carter* ruling, an 11-judge panel for the U.S. Court of Appeals, 7th Circuit will decide not only whether a public campus' administration can review the content of its student newspaper, but also whether a student affairs official should have known that her actions might violate students' free speech rights.

Editors of Governor's State University's student newspaper sued the university in

2001 after Dean of Student Affairs and Services Patricia Carter instructed the newspaper's printer to withhold printing each new issue until the printer received a go-ahead from the GSU administration.

In 2001, the district court granted qualified immunity as government actors to three of the four GSU administrators the lawsuit originally named. In contrast, a three-judge appeals panel ruled in 2003 that because Carter's “actions, if true, violated clear constitutional rights of which she should have been aware, the district court was correct to decline her request to exit the suit via qualified immunity.”

However, this decision was vacated when the 11-judge panel agreed to hear the case.

The panel's opinion will probably comment on whether Carter has immunity or not, said Mark Goodman, executive director of the Student Press Law Center. “My guess is that it may not be unanimous,” he said.

Advertising

Ads cited in student death lawsuit — Student newspaper policies on accepting alcohol ads at University of Wisconsin-LaCrosse have been scrutinized after the parents of a deceased student filed a \$250,000 lawsuit against the university. The parents claim that the university

facilitates the type of drinking that led to their son's death by allowing the Racquet to accept ads for campus-area taverns, among other actions.

An analysis of one of the Racquet's February 2004 issues found that alcohol-related ads accounted for about 20 percent of advertising, while cell phone ads accounted for about 30 percent.

Editors decline lost revenue payment

— Editors of the University of New Mexico's Daily Lobo will continue to run a local strip club's ads, despite an offer from the president's office to make up for some of the \$17,000 the ads bring in. The Daily Lobo's annual budget is about \$700,000. In July, the newspaper ran a letter from a UNM regent criticizing the ads.

Court overturns alcohol ad ban — In late July, a federal appeals court ruled that a Pennsylvania law banning alcohol advertisements in collegiate student newspapers and other media was a violation of First Amendment rights. The law directly penalized the advertisers for infractions, but the lawsuit challenging it was brought in 2000 by the editors of the University of Pittsburgh's Pitt News. The editors claimed the newspaper had lost about \$17,000 a year in revenue since the law was enacted in 1996. ■

START RIOT TALKS SOONER, CITY

SAYS — City and campus officials need to speak with students as soon as they arrive for the school year about the consequences of rioting, says the mayor of Fort Collins, Colo. His statement comes in response to a 1,000-student riot that occurred in a Colorado State University-area neighborhood the weekend before classes began. Twenty-three students face campus hearings.

MAGAZINE ARTICLE SPURS CLERY LETTER

— An article in Yale Alumni Magazine has prompted Security On Campus, Inc. to contact the U.S. Department of Education and ask it to review the Yale's 2001-2003 sexual assault statistics. In an Aug. 19 letter, the campus safety organization states that the article "Lux, Veritas, and Sexual Trespass" in the magazine's July/August 2004 issue points to possible Clery Act violations. The article contends that that by not requiring school officials to provide information about sexual assault complaints, the uni-

versity "effectively collected data only from the police" — a violation of Clery regulations that require such data to be collected from any campus official "who has significant responsibility for student and campus activities." The article is available at www.yalealumnimagazine.com/issues/current/harassment.html.

ONLINE MUSIC SERVICE DEALS

— Northern Illinois University is testing Ruckus Network, an online music and movie downloading service, on three floors in one residence hall. The limited pilot will help the campus determine whether the university network can handle the traffic.

Meanwhile, about 80,000 students will have access to a new, discounted online music service this fall as part of a pilot program with RealNetworks Inc. The company announced in late summer

deals with the University of Minnesota and the University of California-Berkeley to offer its Rhapsody Internet jukebox service to their students. The agreements are the first RealNetworks has signed with the higher education community. As part of the pilot, RealNetworks will offer a free two-week trial to interested students. After that, the service will be available at the following rates: purchase of an individual song, \$.79; one-month subscription, \$2.99; three-month subscription, \$5.99; one-year subscription, \$23.99.

In late July, six campuses — Cornell University, George Washington University, Middlebury College, University of Miami, University of Southern California, and Wright State University — announced that they had made deals with Napster. The details of

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Follow-ups



Endorsement Ban Stays, NCAA Says

A professional skier cannot play football for the University of Colorado-Boulder because he continues to accept skiing-related endorsements, the NCAA decided in August.

The student-athlete in question has for three years challenged NCAA rules that allow student-athletes to play and receive salaries for professional competition in one sport while playing another sport at the collegiate level, but do not allow those same student-athletes to accept endorsement contracts.

Because professional skiers don't receive salaries and earn money to continue training mainly through endorsements and media appearances the NCAA's rules constitute an "improper and unconscionable" restraint of trade

for athletes in only certain sports, the student-athlete has argued.

Before the start of the 2002 season, which would have been the athlete's first season with CU, the university asks the NCAA to waive its rule against endorsements. The NCAA denied the request, and the student sued.

At trial, the district court rejected the NCAA's assertion that since its rules applied to member organizations, not individuals, the student-athlete had no standing to sue. (Since the plaintiff was affected by NCAA rules, he could be considered a party to the contract between the NCAA and its members, the court said.)

The court found no restraint of trade and rejected the plaintiff's argu-

ment that NCAA bylaws allowed his endorsements. Although the bylaws do allow student-athletes to be professional athletes and receive salaries in other sports, another bylaw specifically prohibits them from receiving money for endorsements or advertisements.

The court also dismissed the student-athlete's claim that the association treated his requests in an "arbitrary and capricious" manner. The court found that he had submitted three different requests and that the NCAA gave his petitions no less consideration than it gave other waiver requests.

The plaintiff appealed, but the appeals court upheld the lower court's ruling. ■

On-Campus Reports



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the deals, including any cost to students, vary by campus.

ACCUSED HAZERS DENIED DUE PROCESS, COURT SAYS — A Texas judge has ruled that Texas A&M University's investigation of a fall 2002 hazing complaint violated the accused students' due process rights. In spring 2003, the university handed out punishment to several members of the campus student military group after it found them guilty of misconduct. Twenty-three of the students filed suit, claiming that the university denied them due process by telling them they should not consult with attorneys and by failing to tell them

specifically what misconduct they were accused of. Under the ruling, the university must rescind sanctions against the students and pay nearly \$350,000 in plaintiff legal fees.

PETS AS ROOMMATES — A pilot program at Stephens College in Missouri will let students in one of its on-campus residence halls keep pets other than fish in their single-occupant rooms.

The main reason for testing the idea is to make on-campus living more attractive to current and prospective students, said Deb Duren, vice president for student services. "One of the main reasons students provide for moving off campus is that pets are not allowed in on-campus living environments. As far as I know we're one of the few colleges — if not the only college — in the country allowing students to bring their pets with them."

Students may keep cats, rabbits, hamsters, mice, gerbils, guinea pigs, birds, and dogs weighing less than 40 pounds in their rooms, provided they pay a \$200 refundable pet deposit and adhere to strict pet care policies such as properly caring for the animal, disposing of waste, and taking the animal home during college breaks.

Students who want a pet but didn't bring one to campus may choose a foster pet from a local animal shelter, which will provide pets food, medicine, and a place to stay when students return home during holidays.

END ILLINIWEK FIGHT NOW, REPORT SAYS — A new report from an accrediting agency sharply criticizes the University of Illinois-Champaign-Urbana for not putting an end to the long-running controversy about its mascot, Chief Illiniwek.

The Higher Learning Commission of the North Central Association of Colleges and Schools says that unless the university resolves the issue "decisively and soon," it will continue to damage the university's reputation, morale, and ability to recruit faculty and top administrators.

"The real issue here is a troubling fail-

ure of enlightened leadership and shared governance," the report says.

The report does not affect the university's accreditation and does not recommend whether the university should retain the mascot, the Chicago Tribune reports. A separate association team, however, called in April for the university to retire the mascot in a "dignified way."

CHRISTIAN FRATERNITY SUES UNIVERSITY — Christian fraternity Alpha Iota Omega is suing the University of North Carolina-Chapel Hill after UNC denied it official recognition for the 2003-2004 academic year. UNC says it denied the group recognition, although it can remain on-campus, because members declined signing the university's non-discrimination policy. The fraternity currently requires all members to be Christian. The Alliance Defense Fund and the Foundation for Individual Rights in Education are supporting the fraternity's suit.

MOVING HOUSING TO PREVENT RIOTS — Northeastern University and Boston officials have agreed to a five-year project that will move nearly 1,000 students out of off-campus apartments in a riot-prone neighborhood and build at least two residence halls to house the students instead. The university currently leases the apartments from private property owners and

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First-Year Students of Color

In “Transforming the First Year of College for Students of Color,” a new, 190-page monograph from the National Resource Center for the First-Year Experience and Students in Transition, editors Laura I. Rendón, Mildred García, and Dawn Person argue that specialized programs are needed but not enough to make sure first-year students of color succeed. Instead, institutions must completely transform their approach to these students’ first year. Chapters include discussions on making classrooms more inclusive, fostering positive intergroup and social relations, and working with specific populations.

An excerpt, a table of contents, and ordering information (\$35) is available at www.sc.edu/fye/publications/index.html.

Revised Student Health Guidelines

The American College Health Association has released a revised version of its “Standards of Practice for Health Promotion in Higher Education.” The ACHA disseminated the first edition of the publication, which offers guidelines on improving college student health, in 2001. The revised edition is available at www.acha.org/info_resources/SPHPHE_statement.pdf.

Academic Advising and Student Retention

By under-using and poorly administering their academic advising resources, many U.S. colleges and universities are losing out on a key student retention resource, ACT reports.

In a survey conducted with the National Academic Advising Association, ACT found that most campuses don’t have a way to ensure that students in all disciplines and at all stages of their college careers are receiving quality advising. This affects student retention because one-on-one interaction with “a concerned representative of the institution” is a key factor in student persistence, says Wes Habley, author of a monograph on the study.

The monograph may be ordered

(\$25) at www.nacada.ksu.edu/Monographs/index.htm#status.

Student Credit Card Education

The National Foundation for Credit Counseling offers financial education programs geared to college students. For more information, please contact the NFCC at (301) 576-2513 or at press@nfcc.org for one-page case studies with contacts. Case studies feature programs at Princeton University, Dakota State University, and the University of Texas, among others.

Upcoming Conferences

The National Association of Student Personnel Administrators will hold its 2005 conference March 19-23 in Tampa. More information is available at www.naspa.org/conference/index.cfm.

The American College Personnel Association will hold its 81st annual convention April 2-6 in Nashville. For more information, visit www.myacpa.org/conv05/index.cfm.

The Association of College and University Housing Officers International will hold Housing Marketing Strategies Workshop Oct. 14-16 in Cancun, Mexico, and its Housing Facilities Workshop Nov. 3-6 in Tampa. More information is available at www.acuho.ohio-state.edu.

The University of Kansas will host the 8th annual Symposium on the Recruitment and Retention of Students of Color April 24-26 in Kansas City, Mo. For more information, visit www.ku.edu/~oma/symposium/.

Diversity Recruitment Directory

“Diversity Recruitment Advertising Toolkit” is a 240-page directory of more than 600 national newsletters, magazines, journals, websites, and job boards that target experienced, college-educated African American, Arab American, Asian American, Hispanic, and Native American professionals. The directory is intended to help higher education institu-

tions recruit from these populations. It may be ordered (\$69.95) at www.multiculturaladvantage.com/store.

Campus Desktop Computing Survey

The 2003 National Survey of Information Technology in U.S. Higher Education by Kenneth C. Green compiles data from 559 two- and four-year public and private U.S. campuses on their desktop computing capabilities and concerns. Issues of high concern include setting policies to deal with downloaded commercial content, planning for and deploying wireless networks, and responding to continued budget cuts for academic technology.

A summary of the report, as well as previous years’ summaries, may be downloaded for free at www.campuscomputing.net. The complete report costs \$37.00 and can be ordered at the same website. ■

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re-rents them to students. The neighborhood was the site of a Super Bowl riot in January that killed one person.

STOMACH VIRUS HITS CAMPUS —

Buses took about 90 people attending an early-August conference at the University of Maryland-College Park to local hospitals with what was first thought to be cases of food poisoning. About a third of the conference’s 300 attendees, most of them high school students, complained of feeling dizzy and nauseous after eating box lunches on the campus.

The culprit, however, appears to be the common but highly contagious norovirus, which causes stomach flu. Apparently, the virus was spread in the residence hall housing the conference attendees. The university closed the residence hall as campus maintenance workers disinfected rooms, passageways, and railings before students returned for fall. ■