provide a forum for participants to concentrate on the philosophy of Christian education and general school objectives, and can provide goals that will help the faculty measure their classroom efforts.

We cannot be certain that all of our teachers are equally successful in infusing a Christian world view into their particular subject. Our students have a right to know the Seventh-day Adventist Church’s world view as it applies to issues that emerge in the study of a particular discipline. Too frequently in the past, student and parental criticism may have been correct when it asserted that there was little difference in the teaching of some courses between an Adventist school and a secular college.

3. Conduct a seminar for new teachers. At our campus, all new teachers are required to attend such a seminar, whether they have taught for 20 years or are just beginning. The mix of veteran and novice teachers is very helpful. In conducting such a seminar I have consistently used two books, Education and Teaching Tips for Beginning College Teachers. Reading assignments are given, and a senior faculty member is invited to discuss with the seminar an area in which he or she is recognized as an expert. Topics include approaches to teaching, philosophy, techniques, and other areas of interest. Each teacher is asked to bring a course syllabus, which will be discussed by the group as the nature of the course is presented. In this way a teacher can get immediate opinions about the strengths and weaknesses of his course outline. Particular problems that teachers are currently encountering are also brought to the group. This seminar meets for two hours a week during the first term.

4. Evaluate teaching. A regular teaching evaluation program should be implemented in every college. This program should include self-evaluation by teachers. Such evaluation can usually be done whenever the teacher is being considered for promotion. A form can be supplied asking the teacher to describe his personal philosophy of education and how he implements this philosophy in the classroom. The teacher should be asked to assess how well he has succeeded in meeting his personal objectives. The department chairman can then give an appraisal of the teacher, based on periodic interviews and the teacher’s evaluation. Next, the academic dean can give an overall statement about the chairman’s appraisal and the student’s performance.

A regular teaching evaluation program should be implemented in every college.

Many great books can be profitably discussed by a college faculty.

FACING THE LAW: Educators on Unfamiliar Turf

By Kent Daniels Seltman and Jillian E. Staples

The authors' view of our professional responsibilities was modified about four years ago when we were called from our classes by a sheriff's officer who served us with papers charging us in the complaint of a former student. After we had spent two years in research and thousands of dollars of institutional money had been spent in our defense, the student withdrew his complaint just before jury selection was to begin for the trial. Our reflections upon this experience in the larger context of recent judicial practice should provide some guidance to educators who daily expose themselves to legal liabilities they hardly ever think about.

Traditionally, U.S. courts have shied away from cases dealing with academic issues. However, in the past 25 years fundamental shifts in social attitudes and educational practice have resulted in some significant changes in the traditional attitude of the courts. The 1954 and 1955 Supreme Court decisions in Brown vs. Board of Education ruled that racial segregation was illegal. In matters of discipline, the Supreme Court ruled in Gunns vs. Lopez that students in public schools are entitled to an informal hearing before even a short suspension of ten days or less. Another Supreme Court decision, Tinker vs. Des Moines, gave public school students the right to nondisruptive symbolic speech on school grounds. Two landmark decisions have been added other court decisions too numerous to mention here. Presently, these decisions deal only with State-operated schools, but the legal picture is further complicated by the fact that the courts have been reluctant to enter the domain of academic evaluation except in cases of extremely arbitrary or capricious action such as the assignment of a student's final grade before he had enrolled in the course.

Sloths have traditionally enjoyed considerable legal autonomy. They have created their own systems of justice and have acted without much judicial interference in matters relating to both students and teachers. Thomas J. Piirg has observed, 'Only a few years ago we believed that minors possessed no constitutional rights and that adults relinquished whatever rights they may have if they became public school teachers.' Stated in more precise terms, in their relationship to students, the schools have for many years acted upon the legal theory of in loco parenthood, which "places the student under the jurisdiction of the college which is able to stand in place of the parent and which regalates the student in any manner it chooses up to the limit that the parents could." But the

Federal antidiscrimination and student record laws of the 1960's and 1970's which have affected practices in the private as well as public sector. As a result of these decisions and laws, educational institutions and individual educators, from classroom teachers through administrators and even board members, must face their responsibilities in a legal context not dreamed of a few years ago.

Though educational malpractices suits have grabbed some headlines in recent years, the courts have not decided harshly
development of civil rights and consumer movements in recent years has forced schools to temper this autonomy with legal responsibility. 

As a result, the legal theorists now advocate a contract model as the best concept on which to build educational practice. This contract is described as an "implied or quasicontract" as opposed to a traditional written or expressed contract. The contract is based upon the bulletin of the institution, but does not end there. It includes correspondence, oral exchanges, and even academic tradition. Our recent experience in Hubbard v. Pacific Union College Association, et al. is a case based primarily upon an allegation of racial discrimination, but the complaint is stated from the point of view of a consumer who has paid a fee to a business-Pacific Union College-for the purpose of obtaining an education.

Is a College a "Business"?

The definition of Pacific Union College as a business was not established in court. In fact, the college attorneys argued otherwise. Private colleges are regulated by the Education Code, not the Business Code, and thus, a private educational institution is not a "business establishment" as that term is used in the Unruh Civil Rights Act. A school is unlike a business in that a student must not only pay tuition, but also perform at acceptable levels in order to receive the product—academic credit or a degree. Courts have traditionally considered themselves with the question of whether school authorities were acting with malice or acted capriciously in the treatment of a student. In other words, were the students, as the parties entering into this quasicontract, as both acceptable legal entities in ways only recently being spelled out. In practical terms, the preparation for each course of a syllabus that clearly and completely states the requirements for the course and the manner in which the grade will be determined is legally as well as pedagogically important. Further, specific theme assignments—particularly for a research paper—should probably be prepared in writing so that a student cannot claim that he misunderstood or that the teacher failed to give adequate instruction. Fortunately, in Hubbard v. Pacific Union College Association, et al., we have these documents, whose value proved to be immeasurable.

We now turn to the suit, not to try it out of court, but to discuss it, in order that others may learn from our experience. In spite of having had three years in which to bring the suit, the student concluded that his complaint had no merit as demonstrated when he learned that he had "made a complete and thorough investigation of his claim" and that the allegations of discrimination [sic] were "not substantiated." Furthermore, he stated that the function of the defendants had "acted in good faith toward him" and that he did not dispute it. The statement directly contradicts the claim in his complaint and settles the legal issue, but the additional details below describe the vulnerability faced by all teachers, administrators, and institutions.

In his complaint, filed March 14, 1978, the student, "a person of the Black race," alleged that Jillian E. Stables, a "Native of South Africa," "who performed her own research [sic] and prejudice, falsely accused plaintiff of plagiarizing materials used in his assigned work and gave him a failing grade for the course. . . ." In a second cause of action the administrators (also named as defendants in the case) were alleged to have acted "negligently and with complete disregard and insensitivity toward plaintiff and all other black students enrolled in Pacific Union College Association by being, and allowing person of defendant Stables' prejudice and bias [sic] to teach a class in which students of the Black race were enrolled . . ." The complaint asked for $25,000 in punitive damages.

Since the charge of an abstract evil . . . is difficult to counter, a defense must rest on the lesser, more tangible issues that can be demonstrated.

The instructor had given it without comment to two other department members for evaluation. Because of stylistic mannerisms, form, and sources, both corrected independently with the instructor that the paper did not appear to be plagiarized. The case was not a situation in which an instructor had to resort to the more specialized legal libraries in the campus library in order to find the student, causing her to question whether a college freshman would have had access to these sources. Next, we noted that most of the pages had staple holes from a previous stapling while a few pages, which had not been typed on a different type writer, had only one set of holes. Finally, the reprinted pages were not stapled at the beginning and end of the paper—pages that would normally contain written comments from a teacher. In spite of the above evidence, the paper did not receive the failing grade awarded to all cases of proven plagiarism. However, the C+ given to the essay did not give the student enough points to pass the course.

After threatening litigation in telephone conversations with the instructor, the student's mother and brother were told that if the student wished to continue his studies there, he would be required to use and mail it back.

Then the roommate testified to the student's involvement in these activities: "First, after he would receive the assignment from his teacher for any given subject, he would call home, tell his mother—he called collect and the rest was personal and he would tell them the subject matter he needed, the amount of work he needed, and then "they would let him know whether or not they had it, and if they did they'd send it special delivery." Then the roommate testified that after the student received the package, "He would read the title page and usually the last page and any page that had the main text in it, and he would turn them in." On the day of the trial we interrogated this witness on the testimony that the paper was indeed plagiarized. Further, in the wake of the previously sworn testimony of the student on several occasions, we were shocked by the details our investigation uncovered. The star witness for our defense was the student's roommate, whose sworn deposition suggested a family conspiracy promoting academic dishonesty. Below, in the unedited words of his oral transcript, the roommate described how the student's mother told both of the young men that when they had received packages due in their courses, they always thought they'd have to look elsewhere, because she knew that she had to sign for the packages and her husband had to finish his Master's degree. So, they had paper from all the courses they had attended, so she did not say that these were good papers. They made A's on all three papers and so first she told Bob that if he needed something, just to call home and let her know what the subject was and how long the paper had to be, and they'd mail it to him, and he would do it. (To page 4)
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Additional Evidence

Upon more careful examination of the instructor's additional evidence supported our original suspicions. First, some of the sources were "inappropriate" in that the defense's classroom arose over the evaluation of the research paper submitted by the student in his freshman English course in the winter of 1977. Immediately after reading the essay, the instructor had given it without comment to two other department members for evaluation. Because of stylistic mannerisms, form, and sources, both commented independently with the instructor that the paper did not appear to be the work of a college freshman. The paper relied on a rather sophisticated, if not always accurate, use of sociological jargon, with which a college freshman would have been unlikely to have been familiar. Further, the bibliography and footnote format was not that taught in the course. In addition, the student had been absent from class during the times the bibliography and note cards were examined by the instructor, and so, the first saw of his research work was the finished product. Also, the paper lacked a thesis statement -- the principal rhetorical focus of the course. The English professors who read the essay suspected that it had originally been written for another course, probably in the early 70's, since the expert dealt in community control of the police, a topic about which there had been a referendum in Berkeley, California, municipal election in April, 1971. This was referred to in the draft of the recent election. Further, all of the sources cited in the paper had been published between 1968 and 1971.

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several of the defendants, the student, his attorney, and his mother and stepfather met with the president on April 26, 1977. Although the defendants felt that this meeting resolved the issues, it was ultimately not successful in preventing the threatened litigation.

Though we as defendants were confident of our integrity and good faith in the academic process, we were shocked by the details our investigation uncovered. The star witness for our side was J. Thomas, a retired police officer, whose sworn deposition suggested a family conspiracy in promoting academic dishonesty. Below, in the unedited words of his oral transcript, the roommate described how the student's mother told both of the young men that when they had

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those goals. The bulk of Hook's dissertation is a step-by-step exposition of the development of Avondale from its inception to the dispersion of the Avondale pioneers in 1909. The whole undertaking of their task. Hook has reconstructed the development of the school, the material处境 and its frcors went through, and its frustratrons and success in detail from the primary sources left by its originators. His treatment is detailed and informative without being sluggish and pedantic. This history provides the concrete context in which the goals and methodologies make sense for today. Hook's dissertation is the most thorough study ever done on early Avondale.

The focus of Lindsay's thesis was on the influence of Ellen White on the development of the Adventist school system in Australia up through 1930. A result, it provides a detailed history of Avondale, but rather highlights the impact of the school on the philosophical, goals, and daily operations of that institution. It demonstrates how philosophy was implemented in the development of Avondale. In our current educational system, the focus of analysis of that philosophy.

Lindsay's study, however, paves the way toward a more comprehensive understanding of Ellen White's influence on the Adventist school system which was stimulated by her personal involvement in Australia. Most Seventh-Day Adventists have not realized that there was a strong educational component in Avondale until after 1895. Lindsay provides us with the most thorough treatment of the development of the Adventist elementary movement yet written.

By giving us breadth of coverage on Mrs. White's total impact on education in Australia, Lindsay has helped us gain a fuller understanding of the importance of this period for Adventist education. It is in the context of this fuller picture that we begin to see the ramifications of the 1909's change the shape of Adventist education. Avondale's "experiment" had repercussions that were wide felt in Adventist education around the world. In some institutions the impact was gradual and moderate, while in others, such as Battle Creek College, the effects were immediate and extreme. Whether modest or severe, however, the impact of Avondale was felt and continues to be felt in Adventist education. No less drastic were the reverberations from the counsel on the elementary school work. There was only one Adventist elementary school in 1980, and nine in 1990. On the other hand, there were soe 220 elementary schools by 1900, 506 by 1910, and 928 by 1920.

Adventist education has never been without the impact of those crucial years of the 1890's. Neither the elementary school nor the historical writings of Ellen White can be understood in the lack of information that we come to grips with the significance of those years. Hook and Lindsay provided documented histories of that period. For this reason their work should be read and study is generally the recorded accuracy of the graduate students.
Facing the Law (Continued from page 9)


Mr. White, in his role as the school's constitutional officer, had written on this subject. In 1909, he had written a detailed account of the Avondale story, which was also published in the school's newspaper, the "Avondale College Review.

The application of Hook's dissertation was also an application to a different philosophy in education. In this case, the philosophy was implemented in the development of Avondale. In the early years of the school, the philosophy was not fully developed.

Lindsay's study, however, revealed that beyond the system of Adventist educational philosophy was stimulated by the lack of education in Australia. Most Sevent-day Adventists have never realized that the school had an educational system in place. After 1885, Lindsay provided the most thorough treatment of the development of the Adventist education system.

By giving us breadth of coverage on Mrs. White's total impact on the educational system in Australia, Lindsay has helped his readers gain a fuller understanding of the importance of this period for Adventist education, in the context of its full place in the development of the educational system of the church.

In conclusion, we should note that the events of the 1890's changed the shape of Adventist education. The Avondale "experiment" had repercussions that were widely felt in Adventist higher education around the world. In some institutions the impact was gradual and moderate, while in others, such as Battle Creek College, the effects were immediate and extreme. Whether modest or extreme, however, the impact of Avondale education was felt and continues to be felt in Adventist education.

New Development Procedures

Our new procedures also include documenting with written notes all controversial telephone calls and personal conversations. In this case, these notes kept in our personal files helped prepare us for the testimony. Furthermore, the department has adopted the policy of having student essays become the property of the department when they are handed in. This does not preclude the student's having a copy of his essay, but it does mean that we can have in our files all the material needed for our defense should another student raise a complaint. (This practice also deters the circulation of hundreds of previously written essays.) Though it was very frustrating for us to be involved in the long and painful process of building a legal defense, we would not argue that it is necessary for the sake of maintaining our educational and transport work. It is almost no other aspect of society that is balance of power so threatened in one direction as it is in the direction of the professor in the educational establishment. This tradition places a great deal of responsibility upon the shoulders of the educator who must be scrupulously fair and equitable, and just in his relationships with student consumers. The fact that we are ethically accountable to our students as they have for years been academically and ethically accountable to us is evidence that we have succeeded in educating students who see themselves as full human beings in their relationship to us in our classrooms.

NOTES

1 Brown, A. B., Board of Education of Tepa, 647 (1907-1908), 647. (1907-1908).

2 For a fuller review see Thomas B. Frye, Activities of the School, 7th ed., Teachers College, 1909.


