Name of Publication: NATIONAL SOCIAL SCIENCE JOURNAL
Issue: Volume 48 # 2 ISSN 2154-1736
Frequency: Quarterly
Offices of Publication: National Social Science Association
Mailing Address
2020 Hills Lake Drive
El Cajon, CA  92020

Office Address:
9131 Fletcher Parkway, Suite 119
La Mesa, CA 91942

On Line journals: http://nssa.us
E-mail address: natsoescl@aol.com; nssa1@cox.net

The National Social Science Journal is being abstracted in: Cabell's Directory; Eric Clearinghouse; EBSCO, Economic Abstracts; Historical Abstracts; Index to Periodical Articles; Social Science Source; Social Science Index; Sociological Abstracts; the University Reference System.

We wish to thank all authors for the licensing of the articles. And we wish to thank all those who have reviewed these articles for publication

This work is licensed under a Creative Commons Attribution 3.0 Unported License.

Editor, Barba Patton

EDITORIAL BOARD

Editorial Board:
Nancy Adams., Lamar University
Stanley Alexander, Suffolk County Community College
Mark Bellnap, Embry-Riddle Aeronautical University
Richard Bieker, Delaware State University
Benita Bruster, Austin Peay University
Sue Burum, Minnesota State University, Mankato
Jose da Cruz, Armstrong Atlantic State University
Robert Dewhirst, Northwest Missouri State University
Amy Shriver Dreussi, University of Akron
Talitha Hudgins, Utah Valley University
James Mbuva, National University
Barbara Peterson, Austin Peay University
Pegly Vaz, Fort Hays State University
Table of Contents

Teacher Perceptions of Professional Development Issues in One-to-One Initiative
Paul E. Goebel, L. Kay Abernathy, Donna Azodi, Cynthia D. Cummings, Lamar University 1

Apple v. FBI: Privacy vs. Security?
Sue Burum, Georgia Holmes, Minnesota State University, Mankato 9

Students’ Views of Civic Principles, Values and Constitutional Rights and Responsibilities
Jeffrey M. Byford, The University of Memphis
Sean Lennon, Valdosta State University
Sarah Smilowitz, Nevada Joint Union School District - Bear River High School 22

Constructive Alignment of Learning Outcomes to the Program Intended Learning Outcomes
Rosita Guzman Castro, AMA International University Bahrain 34

E-Learning Opens Doors to the Online Community: Lessons from a Longitudinal Study
Anita Chadha, University of Houston, Downtown 45

Factors Affecting Stage of Breast Cancer at Diagnosis: Payer Source May Outweigh Ethnicity
Linda Ann Esch, Praphul Joshi, Lamar University 53

The Admiral, The Mayor, and the General: The Battle of New Orleans, 1862
William M. Kirtley, Central Texas College
Patricia M. Kirtley, Independent Scholar 62

The Development of SafeZONE Online: Creating and Serving as Safe Spaces on Campus
Santos Torres, Jr., Debra L. Welkley, Chris Kent, California State University, Sacramento 74

Minimizing Classroom Disruptions Through Culturally Responsive Teacher Candidate Pedagogical Behaviors
Kathleen Wagner, Eastern New Mexico University 81

The HyFlex Course Design: A Case Study on Adult and Career Education Courses
Diane Wright, Valdosta State University 88
Teacher Perceptions of Professional Development Issues in One-to-One Initiative

Paul E. Goebel
L. Kay Abernathy
Donna Azodi
Cynthia D. Cummings
Lamar University

Introduction and Background

When considering whether or not to embrace an environment where a student has one-to-one access to a technology device, administration should consider how technology impacts the quality of education that their students will receive. Many schools are integrating technology into student learning and making the transformation from a traditional classroom to one that can equip students for today’s technologically rich society. One common perception is that the students know more about technology than the teachers. While a digital immigrant can attribute this thinking to the fact that their students are digital natives, the truth remains that teachers need effective professional development to become proficient with technology. The fact persists that we must construct a learning environment for teachers that will adequately provide professional development using the digital devices and equip them to execute their daily tasks. Heick (2014) in a recent blog illuminated a common sentiment regarding a teacher’s technology competency when he stated:

Further complicating matters is the difficulty of effectively integrating technology in the classroom. This is hard for some educators to appreciate. You have to understand content, teaching, and technology on nearly equal terms; and when you don’t, it all has an awkward way of illuminating the holes in a teacher’s expertise.

This situation makes a compelling argument for professional development that inspires educators’ confidence in their technological competencies. The purpose of this paper was to examine technology support and professional development issues that led to effective preparation and teaching for the one-to-one iPad initiative. The study took place at a high school of ninth through twelfth graders in rural Southeast Texas. Teachers received iPads and attended initial professional development sessions the year before iPads were distributed to the students.

Many campuses wanted to integrate technological tools into their classrooms, and the school district studied was fortunate to receive federal recovery funds from a recent hurricane. These funds allowed for the initial purchase of tablet devices. The technology budget was supplemented with successful grant writing experiences as well. Additionally, the network was fortified, and mobile hotspots were installed throughout the campus with 100 percent coverage. The district secured robust connectivity from the Internet service provider. With diverse applications available, outstanding support from the manufacturer, and product durability, teachers and students received the tablet, a hard case, and portability. Having a robust network allowed each student to download applications, videos, and portable document format (PDF) files at school, which negated the need for them to have Wi-Fi access in order to study and
complete their studies at home. This infrastructure maintained parity among all of the students at the campus and allowed all of the students to have access to the rich content that the technology affords.

**Review of the Literature**

A review of the literature showed the benefits and challenges of direct access to rich and relevant digital content. The literature relevant to the one-to-one iPad initiative interventions reviewed for this study included the categories of planning, implementation, teachers’ attitudes, and other professional development issues involved in the one-to-one iPad initiative. The following sections in this literature review contain information that provided a consensus that this action research project was necessary and validated the need for the current research. The research will bolster the existing body of literature by providing insight into how professional development may be a positive experience and yet challenge educators involved.

**Teacher Attitudes.** In the study, Brantley-Dias (2013) found that “teachers have been seeking the difficult and sometimes indefinable notion of technology integration for more than two decades” (p.105). Some educators fully accepted technology and understood that we were moving from using digital devices as a substitution for the tools we currently have to a fully integrated learning environment where individuals work collaboratively. Professional development specialists also faced the teachers who fear using technology because of perceived negative outcomes such as social media privacy, bullying, and browsing of questionable sites. The teacher embracing technology was much easier to guide because they saw the immediate need to become proficient in the technology that was at their disposal. Their attitudes embraced the professional development offered which contributed to a positive school culture. “To obtain desired results, teachers need to harness supportive attitudes toward, feel comfortable using, and actually incorporate the technology; further, an institutional culture of technology use must be established” (Ertmer & Ottenbreit-Leftwich, 2010, p.255). It was imperative that all educators and their ideas were acknowledged on a given campus. Through the acceptance of the varied audience, technology leaders realized that professional development was a highly specialized task that required knowledge, interpersonal skills, and most importantly vision.

**Professional Development Issues.** Professional development support for teachers included providing essential educational technology specialists devoted to planning and implementing the iPad intervention. Questions arose when administrators were faced with adding additional personnel. This circumstance also affected another part of the equation leaving a district or campus to ask, “How does staffing affect technology integration and support” (Hooker, 2014)? Beglau (2011) found that schools invested in technology in classrooms with the expectation that it would impact student learning and achievement. Therefore, professional development for intervention programs must focus on student learning and achievement.

**Design of the Study**

**Participants.** The target population of this research included teachers from within a high school in rural Southeast Texas with an enrollment of 571 students. According to Texas Education Agency data, 96.1% of the teachers were White, .7% were African-American, 2.0% were Hispanic, and 1.3% were Other. A survey was sent throughout the high school via email to enlist teachers to participate in the study. In total, the sample size for this research was 20 high school faculty members from a total of 47 teachers for 43%.

**Questionnaire.** The focus of the study depended on surveys to determine attitudes, staffing, and professional development. The survey was modeled after the Hooker’s Technology Support Staffing Survey (2014) yet had distinctly different queries that pertained directly to the
effectiveness of the professional development received by the local teachers. Hooker’s survey addressed questions regarding technology support and coaching staffing as well as the quality of service provided by those technology coaches. The survey developed for this study asked some similar questions about staffing, but added additional questions regarding professional development and challenges posed by one-to-one integration. A link to the survey form that was created in Google Docs was sent via campus email to teachers. By using this method of survey, each respondent was given the ability to remain anonymous and feel comfortable giving genuine responses without fear of retribution.

Findings and Discussion

After analyzing the data from the online survey, the following findings have been extrapolated. Of the 20 teachers in the sample group from the high school, 75% reported that they were adequately trained on the iPads that the students interacted with on a regular basis. Additionally, 100% of the group believed that their technology integration specialist was available when they had a technology need. The review of the literature and best practices made clear that a technology integration specialist was an essential part of a successful integration technology team (Deutsch, Gaines, Hill, & Nuss, 2016). The survey supported those findings. Ninety percent of the teachers agreed that a full-time technology integration specialist was a campus asset. The survey also provided information regarding the quality of support provided by the technology staff at the high school. The study participants indicated the technology staff adequately supported the teachers in their technology needs. These results mirrored Hooker’s findings in his survey that led him to conclude, “More people equals better support and integration of technology. While that seems like a no-brainer, digging into the data revealed the level of disparity between support and integration in these districts” (Hooker, 2014).

The survey illuminated some distinct issues that needed to be addressed regarding the quality of professional development provided at the high school being studied. Only 25% of the survey participants believed that the professional development program for the one-to-one iPad program had been sufficient. There are factors that would be difficult for the technology department to overcome such as personal time constraints that affected 60% percent of the teachers surveyed. However, 20% of the individuals still struggled with device complexity and an additional 30% found that the sessions were too generalized. It was also interesting to note that 30% of the respondents desired training for the iPad that was more specific in nature to their classroom curricula.

The survey addressed some device-specific items that were presented to the teacher participants. The issue that affected the most individuals was broadband and Internet connectivity. There were 60% of the respondents citing this as a problem. Blocking web sites was cited by 25%, and 15% named software applications allowed on the network within the domain of the network. At this point these were established protocols for student safety. Applications could always be reviewed and presented to administration and the school board for consideration to be placed or removed from the blacklist. Fifty percent of respondents also cited that device troubleshooting was an issue with which they struggled. Use of video functions on the iPad remained a struggle for teachers in this study. Twenty percent cited video editing; fifteen percent cited video uploads and downloads; and twenty percent cited iMovies as problem areas that should be addressed by professional development planning sessions. iBooks were cited by 10 percent, and ten percent of participants named student submissions via email as problem issues. The use of iTunesU was cited by ten percent of participants. Using portable document
format (PDF) use was complicated by the fact that teachers must often use both iPads and laptop devices seamlessly in order to achieve optimal results.

The final survey question that could be used to drive future decisions was who exactly was responsible for seeking out applications that could be integrated into the curriculum. Exactly 70% of the respondents stated that it was the technology integration specialist that should be providing these resources. This finding supported the premise that a technology integration specialist or a coach was critical to the success of one-to-one integration. Respondents also stated that the teacher bore 60% of the burden, and to a lesser degree 45% of teacher participants reported that department heads and administrators should be responsible for providing resources for teachers.

**Conclusions**

In the past, the only assistance provided to the high school campus was from the district technology coordinator, the network administrator, and one technology specialist. Upon the advent of the high school campus’ one-to-one initiative, the district employed two part-time technology integration specialists to assist the high school campus. These two educators were classroom teachers with the duties of assisting faculty with the iPad initiative along with other technology needs. The original technology leaders who were already in place were crucial to assisting and instructing the two new technology specialists. In addition to training the new staff members, the original staff was also integral to training and supporting the teachers and staff at the high school. The course of action prior to the first year at the high school acquiring iPads was to have nine courses that covered the basics of the iPad. Teacher participation was not required.

The response to this professional development project was not favorable. Out of 28 participants, only 8 teachers attended 4 or more of the courses. Of those 8 teachers, only 3 completed 6 or more of the courses. Only one teacher completed all 9 sessions. This lack of participation made it clear that a new strategy was needed. The strategy employed by the high school technology integration specialists and the district technology director was to make regular visits to the teachers during their conference periods and ask if they had any particular technology issues or concerns. These visits were in addition to monthly district technology trainings and an after school technology training that catered to each department specifically. Based on the less-than-favorable results of this class administration by the technology specialists, the results from this survey highlighted some critical needs for the high school campus.

It was critical for the technology specialists to create professional development activities that were specific to a department and applications on the iPad. The following statements were taken directly from surveys taken from district professional development evaluations from the past year. One veteran teacher stated this concern:

Picking specific apps that are geared toward our subject area and giving training on those specific apps would be very helpful. I would love to get to the top of the SAMR model with my kids, but trying to find good apps and learn them for both my students and myself can be difficult. Most of our technology trainings get redundant for those of us who know basic technology.

Another high school teacher stated her desires this way, “Make it more geared toward the subject that the teacher teaches (Ex - fine arts for art teacher, etc.).”

The results of the survey also stated that we were dealing with a campus that was moving forward at different rates. It would be necessary to offer personal professional development guidance on the iPads that were at the beginner, advanced, and intermediate levels for each
specific topic addressed. A seasoned teacher at the high school made this statement on a recent survey, “Maybe separate by experience level? There are always some that can't find what you are showing on the screen with those who are two steps ahead of you.”

It would be critical to assess competency of each individual teacher in order to know whether they had been adequately trained on the iPad. This analysis could only be achieved with mission critical staff present at each campus. Furthermore, the current technology integration specialists at the high school had only three periods between the two of them to interact with the teachers on a daily basis. One technology integration specialist made this statement,

With a full campus of iPads from the iPad initiative and integration needs from teachers, I spend the better part of my day handling service requests and integration issues. The specialist position is a full time position in and of itself without even teaching the six sections of classes I'm responsible for.

Increasing the amount of time that the integration specialist had to provide professional development opportunities and deal with technology concerns would become a great benefit to the campus. Deficiencies from lack of training or challenges posed by the complexity of the iPad could be addressed during these times.

**Recommendations**

The iPad training at the high school was reactionary in nature and was administered in the best way possible given the rate at which the integration took place. However, the research revealed that there were campus needs. The professional development program needed to include sessions specific in nature, and they also needed to be at a time where people were able to attend. Professional development should be planned and addressed for the various skill levels within the campus, and each session needed to be offered at the beginning, intermediate, and advanced levels of competency. Developing personalized learning plans plus implementing a local online support group also were recommended. The qualitative statement from the current technology integration specialist revealed that the position may be understaffed as three more grades acquired iPads for the next year. It was necessary to make the technology integration specialist position a full-time position on the high school campus.

Currently, there is a large body of research that supports the need for a technology integration specialist with the positive aspects of one-to-one technology integration. However, this research process cast a critical light on the need for accurate documentation and quantitative data throughout one-to-one integration. This data needed to be acquired regularly from inception and should be analyzed throughout the integration process in order to maximize the overall effectiveness of the one-to-one integration into the modern classroom.

**References**


iPad classes offered 2012-13

Class 1: iPad Basics / Settings
Class 2: iPad Basics / Settings / adding apps
Class 3: Gmail/Organization of Student Work
Class 4: NEU Annotate / Pages
Class 5: iTunesU / Docs (Course/Curriculum Specific)
Class 6: Google Docs (Course/Curriculum Specific)
Class 7: Classroom Management
Class 8: iBooks Author (Course/Curriculum Specific)
Class 9: Edmodo

Do you feel that you are adequately trained on the devices that the students interact with on a regular basis?

- yes 15 (75%)
- no 5 (25%)

Do you feel that your Technology Integration Specialist (TIS) is accessible when you have technology issues/needs?

- yes 20 (100%)
- no 0 (0%)
- Our campus does not have a TIS. 0 (0%)

Do you feel that a 1:1 Technology Initiative merits having a full-time Technology Integration Specialist?

- yes 18 (90%)
- no 2 (10%)

Do you feel that your campus adequately supports your other technology needs outside of a 1:1 Technology Integration?

- yes 20 (100%)
- no 0 (0%)
Apple v. FBI: Privacy vs. Security?

Sue Burum  
Georgia Holmes  
Minnesota State University, Mankato

Introduction
Imagine in the not too distant future, a pimp in Florida who solicits customers for prostitution with his girls from his cellphone. Later, he is found shot in an alley. The police have a reasonable belief that a customer may have been blackmailed by the pimp and retaliated by shooting the pimp. The police also have a reasonable belief that the pimp used his iPhone to conduct business. Therefore, they suspect that his iPhone will contain contacts with other pimps, drug dealers, and criminals. They also want to see his list of customers to shut down prostitution in the city. The police have a reasonable suspicion that his iPhone may contain evidence of many other different criminal activities. The police go to a court and ask for a warrant to open the iPhone and search for criminal activity. The officers establish probable cause and the court gives the department a search warrant. However, the pimp’s iPhone is locked. The iPhone he was using is an iPhone running iOS 12 (a hypothetical future iPhone operating system), and it is password protected by the iris scan and thumbprint recognition features. The body was in an alley for a while, so the victim’s thumbs and eyes will have decomposed and cooled to the point where they no longer open the iPhone. The conductance that triggers the iPhone’s sensor requires an alive person who has a working metabolism. The police do not know how to get into the dead pimp’s iPhone. They want Apple to open the iPhone so the police can access the information they believe the search warrant entitles them to look for. They ask a court to order Apple, through the All Writs Act (AWA) of 1789, to create a backdoor to iPhones for all law enforcement agencies to use to get around secured iPhones with a court warrant (AWA, 1789). The iPhone, with the hypothetical iOS 12, will self-destruct if too many attempts are made to get around security measures. Apple then informs law enforcement agencies that the company does not have a backdoor or secret way to get around the built-in security measures. Therefore, the police department feels helpless.

This hypothetical situation is likely to occur more and more frequently. Therefore, this paper will analyze cellphone users’ desire for secure phones and the United States government agencies’ need to see if legally searchable information is stored on these cellphones. These authors will provide potential solutions to be considered for immediate law enforcement cases as well as future cases, such as the one presented in this introduction. These authors believe law enforcement have and, in the future, will have many tools available to execute search warrants on what appear to be locked cellphones.

History and Current Case Facts
The National Security Agency (NSA) is an intelligence agency that was formed in 1952. The agency’s task is to intercept foreign signals and keep America’s information safe (NSA, 2016). In 1980, the NSA developed Skipjack, a cryptographic algorithm, which is a kind of programming to keep a system secure when information travels over untrustworthy networks like the Internet, to break the codes that protect foreign government communications (Crypto Museum, 2016). In 1987, Congress passed the Computer Security Act (Computer Security Law, 1987). This law was intended to limit the NSA’s role in developing standards for civilian communication systems. In spite of this legislation, the NSA developed the Clipper Chip in 1993 (Electronic Privacy Information Center, 2016). It is a cryptographic device that is supposed to protect private communications while providing a built-in backdoor to the government that would enable access to privately encrypted cellphone communication. The hope was that telecommunications companies would adopt the chip. In 1994, Matt Blaze, Associate Professor of
Computer and Information Science at the University of Pennsylvania and researcher in the areas of secure systems, cryptography, and trust management, published a paper demonstrating the vulnerability of the chip that allowed it to be hacked (Blaze, 1994). Papers by others who were critical of the chip followed (Frankel & Yung, 1995). The chip was not adopted by manufacturers or embraced by consumers. In 1994, Congress passed the Communications Assistance for Law Enforcement Act (CALEA) to aid law enforcement in its effort to conduct criminal investigations of tapping digital telephone networks (CALEA, 1994). CALEA required telecommunications companies to make it possible for law enforcement agencies to tap any phone conversation carried out over their networks. Congress provided money to companies to implement the law. By 1996, the Clipper Chip was no longer relevant. The U.S. government continued to press for the creation of another backdoor to updated cryptographic software, but widespread use of stronger cryptographic software that was not under the control of the government seemed to end the debate on the use of a chip. CALEA was updated in 2006 to cover some Voice over Internet Protocol (VoIP) services and broadband Internet. However, technology and encryption was changing so fast the law was never able to keep up, so Congress did not continue to update the law.

After the terrorist attacks on the World Trade Centers on September 11, President George W. Bush, by executive order, authorized the NSA to search phone calls, messages, and Internet activity without a warrant if any party was outside the country, even if the other party was in the country (Washington, 2008). The Bush Administration, under public pressure, stopped the program in January 2007 and returned review of surveillance to the U.S. Foreign Intelligence Surveillance Court (FISA Court). In 2008, in the FISA Amendment Act, Congress relaxed some of the FISA Court requirements, and warrantless wiretapping continued during President Barack Obama’s administration (Washington, 2008).

In 2013, ex-NSA contractor Edward Snowden released intelligence files that he had access to and took during his NSA employment. On August 6, 2013, President Obama made a public appearance on national television in which he reassured Americans that "We don't have a domestic spying program" and "There is no spying on Americans" (Henderson, 2013). However, further leaks of Snowden’s files demonstrated that the NSA and the British government had access to user data on iPhone, Blackberry, and Android cellphones. The NSA was actually spying domestically and could read almost all smartphone information. In 2015, the NSA began dismantling their domestic spying program (TakePart, 2016). However, the desire of other law enforcement agencies to have a backdoor to cellphones continued.

Since iOS 8 in 2014, Apple intentionally developed new encryption methods that were so effective that even Apple could no longer comply with law enforcement’s requests for the extraction of information from its devices. By September 2015, Apple created the iOS 9 operating system. In this operating system, the device was protected by a four-digit code. The contents of the phone could not be accessed after ten attempts to unlock the phone with the wrong code. Shortly thereafter, two cases arose concerning Apple’s iPhones and encryption.

In the first current case, on October 8, 2015, investigators seized an iPhone 5C running iOS 7 from a suspected drug dealer, Jun Feng, in Brooklyn, New York. The Brooklyn U.S. Attorney’s office sought to compel Apple, through the All Writs Act of 1789, to help them to get past the encryption. On October 9, Magistrate Judge James Orenstein, from New York’s eastern district, denied the request. The All Writs Act allows courts to request the assistance of a third party. For example, Apple, who is not one of the actual parties in the drug case, would be a third party. Magistrate Judge Orenstein did not issue a ruling but indicated that the government’s reasoning was not sufficient to compel Apple’s assistance. Apple responded to his decision ten days later on October 19 and indicated that the government’s request was unreasonably burdensome because it was technically impossible for Apple to open the iPhone. Apple also indicated that, even if it were possible, doing so would damage customers’ trust in Apple’s products and tarnish Apple’s brand. On October 22, the Brooklyn district attorney responded to Apple’s unreasonably burdensome argument by saying that Apple assisted in the past in different cases under All Writs Act orders. Therefore, it was technically possible to assist (Mintz 1, 2016).

A second case arose on December 2, 2015. Syed Fizwan Farook and Tashfeen Malik killed 14 people and injured 22 more at the Inland Regional Center in San Bernardino, California. It is believed the attack was inspired by the Islamic State terror group. The shooters died four hours after the attack—after
destroying their personal cellphones—in a shootout with police. Farook worked for San Bernardino County, and he was issued an iPhone 5C running iOS 9 through his work. His work iPhone was later recovered intact. On February 9, the FBI announced that it was unable to unlock the county-owned iPhone because of its advanced security features. The FBI asked Apple to create a new version of the iPhone’s mobile operating system that could be installed and run on random access memory (RAM), in order for them to disable security features. Apple declined.

Unlike the New York case in which the judge ruled that Apple did not have to create a backdoor into their iPhones, the California Justice Department tried to force Apple to bypass the security features on Farook’s iPhone, on February 16, 2016. California Magistrate Judge Sheri Pym, under the All Writs Act of 1789, ordered Apple to create a new operating system, that has a backdoor for law enforcement use and install that operating system as an update on all iPhones. This would make it easier for law enforcement agencies to access any data on any cellphones after getting a warrant. Apple was given 10 days, until February 26, to comply with the order. However, on the same day as the judge’s order, Apple CEO Tim Cook distributed a public letter to customers indicating that Apple would not comply with it. He indicated that creating a backdoor was too dangerous because it could be used by hackers to get around security measures on all Apple devices running the operating system. Therefore, to comply would compromise the security of all users (Cook, 2016).

In February 2016, the two cases—the one in New York and the one in California—began to merge. On February 17, Apple wrote a letter to New York Magistrate Judge Orenstein saying the company had received similar requests to gain access to iPhones through the All Writs Act. Apple said this indicated that the government’s request was not a single-use request. On February 19, California Magistrate Judge Pym was asked by the FBI to force Apple to comply with the order to access Farook’s iPhone. The government said Apple’s refusal to comply was just a marketing strategy. In a call to reporters, Apple countered that San Bernardino County changed the iPhone’s Apple ID. This mishandling of Farook’s iPhone ruined the government’s chances of getting into the iPhone without forcing Apple to write new software.

Also on February 19, Manhattan District Attorney Cyrus R. Vance, Jr., said encryption was preventing his investigators from accessing 175 Apple devices. On February 25, Apple formally objected to California Magistrate Judge Pym’s order. On February 29, New York Magistrate Judge Orenstein formally denied the government’s request to force Apple to assist, under the All Writs Act of 1789. The judge said the use of the All Writs Act in the case at hand would not be “agreeable to the usage and principles of the law” (Mintz 1, 2016). To use the All Writs Act the way the Justice Department proposed would undermine the Constitution’s separation of powers framework. Activist trial courts would now have the power to issue any orders, even if Congress did not expressly authorize courts to do so. The courts should not be forcing Congress to make or change laws when Congress has decided it does not wish to do so. The government’s interpretation would give activist trial courts law making powers, rather than limited gap-filling powers in interpreting law Congress already passed. The government’s interpretation would then allow for the courts to sidestep Congress. Magistrate Judge Orenstein noted that Congress had considered whether to require information service providers like Apple to assist in criminal investigations, but did not enact legislation. Thus Congress considered updating the law, but decided not to do so. They believe the courts should not be going around Congress to update the law.

On March 7, the Brooklyn District Attorney’s Office appealed New York Magistrate Judge Orenstein’s decision that Apple would not need to create a backdoor. On March 10, the government filed a response to Apple’s request to California Magistrate Judge Pym. Apple wanted her to abandon her order requiring Apple to assist in creating the backdoor. The government said it is just a measure to be used in the one case; it would not be used extensively in the future. The government also argued the backdoor request is modest and would not cause undue hardship on Apple to make. On March 21, researchers at Johns Hopkins University discovered a security flaw in Apple’s encrypted iMessage platform that allowed them to decrypt photos and videos on all Apple iPad and iPhone devices. The FBI also said there was a third party who could potentially help them access the California iPhone of Farook, but they never mentioned who this mysterious third party was (Brandon, 2016). They requested the March 22 court date
be postponed. On March 28, the FBI indicated that it was able to unlock the iPhone with the undisclosed third-party’s help. The Department of Justice ended its pursuit of forcing Apple’s compliance in the case. However, FBI Director Comey said the third-party hack was limited and could only unlock iPhone 5C and older models that lack the Touch ID sensor. Therefore, on April 8, the Justice Department told the New York court that it intended to continue with its request for assistance in that case. The iPhones in the California and New York cases were different models with different encryption. The third-party hack that worked on the iPhone in California did not work on the iPhone in New York. On April 22, the New York case came to a conclusion. Someone provided a pass code for the iPhone (Carollo, 2016).

During the days when these cases were in the news, the United States was split on how the cases should be resolved. Law enforcement agencies and prosecutors sided with the FBI, as well as 50% of Americans who responded to a CBS News poll (CBS, 2016). 45% of the Americans in the CBS News poll sided with Apple, and so did the technology companies and American Civil Liberties Union. The remaining 5% were undecided. Republican presidential candidates Ted Cruz and Donald Trump sided with the FBI (Detsch, 2016). Other presidential candidates like Bernie Sanders, Hillary Clinton, and Marco Rubio did not take sides and saw the issue as more nuanced (McGregor & Tan, 2016).

The Dispute
The FBI’s Position

The FBI wanted Apple to open iPhones or create a backdoor in its operating systems even before these two cases occurred. On October 16, 2014, at the Brookings Institution in Washington D.C., FBI Director James Comey delivered a speech that questioned whether technology and privacy were on a collision course with public safety (Comey, 2014). He indicated that technology had become the tool of choice for very dangerous people who threaten the United States’ safety. He informed people that law enforcement agencies were going dark. This means that law enforcement agencies are unable to execute a warrant due to the inability to get into a locked cellphone or device. Prosecutors and investigators were having trouble doing their jobs. They were not able to access evidence on devices like Smartphones, even with court warrants, because they lacked the technology to do so. Access is a problem for real time data like cellphone calls, email, and live chat sessions. It is also a problem for information that is stored on cellphones. According to Comey, interception is now far more difficult (2014). In the past, all law enforcement needed to do was identify a person and develop probable cause to show the court the person was a bad actor who was connected to criminal activity. If the court was convinced there was probable cause that criminal activity was afoot and this person was connected to that criminal activity, law enforcement could get a wiretap. There was one telephone provider and, under court supervision, the agency could tap a telephone and collect evidence. Today there are countless providers and many devices that can be used to communicate, severely complicating the work of law enforcement agencies. Comey (2014) noted:

If a suspected criminal is in his car, and he switches from cellular coverage to Wi-Fi, we may be out of luck. If he switches from one app to another, from an iPhone to a prepaid phone, or from cellular voice service to a voice or messaging app, we may lose him. We may not have the capability to quickly switch lawful surveillance between devices, methods, and networks. The bad guys know this; they’re taking advantage of it every day.

FBI Director Comey’s view of law enforcement powers is very expansive.

Clearly the Communications Assistance for Law Enforcement Act (CALEA) of 1994 failed to keep up with changing technology and encryption. By 2013, the FBI wanted communications that were encrypted and went across the Internet, such as instant messages, video chats, and emails, to be covered by CALEA and made accessible to law enforcement agencies. Congress did not change the law. CALEA’s purpose was to enable law enforcement agencies to conduct electronic surveillance by requiring carriers and phone manufacturers to build in surveillance capabilities to allow for wiretaps. It was extended to cover broadband Internet and VoIP traffic. But it did not continue to cover newer forms of communication. Thousands of companies provide communication services, and most are not required to provide lawful intercept capabilities. In addition to this, encryption can make intercepted data useless. With Apple’s newer operating systems, encryption is the default method. This makes it such that the companies cannot
Even unlock cellphones. The FBI considered CALEA to be a loss, and this contributed to the feeling that law enforcement was going dark. This was also a contributing factor in the agency deciding to try to get the courts to do what Congress was not doing and change the law.

Farook’s iPhone was an iPhone 5C running iOS 9. This model was sold in late 2013 through 2015. The model was initially sold with iOS 7 that had some encryption options a user could use. When iOS 8 was developed, the encryption was automatic and more extensive. Techniques for looking into older iPhones involved examining the iPhone’s storage disk, but that technique did not work on Farook’s iPhone 5C running iOS 9. In the case of Farook’s iPhone, then, the FBI could no longer just remove the storage disk and examine it. One needs the cryptographic key to decrypt the data on the iPhone. The only way to access the phone’s memory, according to the FBI, is through the cellphone using the correct passcode (Bonneau, 2016). However, the keys on the iPhone might be erased after ten unsuccessful attempts to guess the password. After each failed password attempt, the time interval before someone could try again becomes longer. In the case of Farook’s iPhone 5C running iOS 9, the FBI did not want the time interval between attempts to lengthen in order for them to use a computer to make many password guessing attempts quickly and make sure that keys would not be erased. This is called brute force. In all of these iPhone and cellphone cases, the FBI has wanted to access personal data such as photos, messages and attachments, email, contacts, call history, Internet searches, iTunes content, notes, and reminders. This is far beyond what law enforcement agencies could access with a warrant to tap a landline phone. A warrant to tap a cellphone is more like a warrant to search a house. The FBI also wants Apple to create a backdoor program that does not include the delay time between password attempts so the FBI can use brute force attacks, therefore allowing them to use high speed computers to guess passwords quickly many times. The longer intervals between failed attempts was created to stop these types of brute force attempts to get around the ten incorrect-attempt limit. Apple designed the system so Apple itself would not have access to the passwords to customers’ devices. However, the FBI cannot write its own backdoor software because it would take a long time, and it would be very difficult to reverse-engineer all the details of Apple’s encryption. Also, iPhones are only designed to run software that is digitally signed by Apple. Only Apple knows the signing key, which allows programs to be installed on their computers. Apple would certainly insist on testing any software they had to sign or accept for use. The New York drug dealer’s iPhone 5C was running iOS 7. Apple already possessed the ability to circumvent passcode security on iPhones running iOS 7 and older. Apple Stores had the ability to bypass the unlock screen in those older operating systems when customers had forgotten their passcode (Zetter, 2016).

To force Apple to write new software that would better accommodate attempts to break into a cellphone, the FBI turned to the All Writs Act. The All Writs Act authorized the United States federal courts to “issue all writs necessary or appropriate in the aid of their respective jurisdictions and agreeable to the usages and principles of the law” in 28 U.S.C. section 1651 (AWA, 1789). The act was part of the Judiciary Act of 1789. In the past, the U.S. Supreme Court has considered the use of this act through a couple of cases concerning landline telephones. In FTC v. Dean Foods Co (1966), the U.S. Supreme Court concluded the need for the use of the writ must be “compelling.” The U.S. Supreme Court, in United States v. New York Telephone Co. (1977), held that a U.S. District Court could order a telephone company to assist law enforcement in installing a single-use device on a rotary phone in order to track the phone numbers dialed on that telephone because there was a reasonable belief that it was being used for criminal activity (US., 1977). Since 2008, the government has been trying to use the All Writs Act to force companies to provide assistance in cracking into their customers’ cellphones. Four conditions must be met before the All Writs Act can be used to force Apple and other manufacturers to create a backdoor to its iPhones (Richards & Hartog, 2016):

1. The All Writs Act is only applicable if there is no statute, law, or rule on the books to deal with the issue in a case.
2. The business has to have some connection to the investigation.
3. There must be extraordinary circumstances that justify the use of the All Writs Act.
4. The All Writs Act only applies if compliance is not an unreasonable burden.
In these cellphone cases, the first three qualifications are met. First, there is no law that compels a software company to create new software to bypass a security feature on a device and operating system it developed. Second, Apple is connected to this investigation because the criminals used an iPhone and operating system developed by Apple. Third, at least in the Farook case, there is an extraordinary circumstance as 14 people died and there could be information on the iPhone that could help in the investigation. The fourth qualification is the one that has been in question. The request must not place an unreasonable burden on Apple. The FBI concluded there is no unreasonable burden to Apple because they have complied with court orders in the past. This is just a one-device request and, because Apple wrote the software, it should be relatively easy to create a backdoor to access this device, and any other iPhone they may have a need to access.

**Apple’s Response**

In response to past court orders, Apple has helped the government extract certain specific information from older iPhones. According to press reports, this could have happened as many as seventy times before the current requests (Bonneau, 2016). But Apple says there is no way for the company to do so on the newer operating system. Apple’s response to the FBI’s line of argument focuses on four areas.

Firstly, they claim that law enforcement is not going dark. Most owners of Apple devices back up those devices to iCloud. The Cloud is accessible to the FBI (Thielman, 2016). While not all data on a device is uploaded to the Cloud, many items are. The cellphone providers people use also have data. This data includes telephone records and location information, although it would not provide the content of communications. Also, some kinds of online metadata, which underlie programs that run things, especially for business, will remain unencrypted. The networked systems could not function otherwise (Naughton, 2016).

Secondly, Apple says writing secure software is not easy. It would require extensive manpower and it would take time as it would have to go through robust testing. Creating the new software would be a massive burden to Apple.

Thirdly, Apple believes a backdoor is something that should never be created. It is simply too dangerous. Once it exists, it will not be used for just one case (Powles & Chaparro, 2016). All law enforcement agencies will want access to the backdoor. Also, a backdoor could fall into the hands of hackers. This would make devices running the software subject to being hacked. All of Apple’s customers could face a loss of their privacy. Governments in other countries would also demand access to the tool once it exists. It would be impossible to keep a backdoor solely for the use of the U.S. Government (Bonneau, 2016). This would further erode customer trust, as well as decrease the security of all of Apple’s devices.

And fourthly, Apple believes the country needs a legislative fix to update the law and to create a level playing field among all cellphone providers and manufacturers. In a post-Snowden world, this may be hard. People have a better understanding of hacking and the amount of data that could be at risk. However, the consideration of customers’ concerns for privacy and the threat to their security if the backdoor falls into the wrong hands is so dire, Congress is the one that must decide this issue. It has been too long since Congress passed laws even remotely related to this situation. Cellphones did not exist in 1789 when the All Writs Act was created. Even the case *United States v. New York Telephone Co.* (1977) may be too old to adequately apply the All Writs Act to. It is especially too old to apply to new cell phone cases. New York Telephone was a highly regulated industry, which could allow the government to impose more obligations on the company. However, Apple is not a highly regulated industry. Also, the FBI is asking the company to write code that does not exist. In the New York Telephone case, the FBI simply wanted the telephone company to give them some telephone lines next to the gamblers’ lines. These lines already existed. The courts cannot take the 1977 case, which dealt with landlines and attached telephones, and apply it to cellphones (Shahani, 2016). This action would really result in the courts making new laws. The courts do not hold hearings and hear the concerns of many people. They focus of the facts and the case in front of them. This focus is too narrow to make new policy in this area. The role of the courts is to decide specific cases, not to hold hearings on the issues of public concern.
Apple’s Position

Apple believes they need to provide security and privacy in the use of their devices. Devices are like the purses or wallets of old. Devices hold people’s credit card information, photos, messages, calendars, books, Internet searches, and they can be used to communicate with family members, including children. In the wrong hands, this information can adversely affect the owner of the device. There is a constant battle between Blackhat hackers and Apple. Blackhat hackers are dangerous hackers that violate computer security simply to be malicious or for personal gain. Because of this, Apple believes they need advance security to keep customers’ data secure. They cannot be forced to create backdoors to their operating systems, as these can never be kept so that only law enforcement can use them. A backdoor will become a hacker’s tool and enable governments in other countries, who may be less sensitive to an individual’s freedoms, to demand the use of the backdoor to better control their citizens. It may be impossible for Apple to deny another government’s request if they created one for the FBI to use. In another country’s hands, the use of a backdoor could include infringing on an individual’s rights. All computer hardware and software companies face these same issues. Even Facebook, in their instant messenger application, switched to end-to-end encryption (Kulik, 2016). End-to-end encryption will hopefully make it so only a user can read a message, and in principle prevents potential hackers. If Apple does not fight this battle with the FBI or loses this fight, the requests for law enforcement assistance will expand to all other technology companies (Kulik, 2016). Apple believes they cannot allow for a broad precedent to be set through the courts. What happens to one company happens to all. Congress must review and make laws that balance the need for both the government and individuals to be secure in their devices (Richards & Hartzog, 2016). Until Congress acts, Apple says the FBI must use other means to gather information.

Apple also argues that complying with the order requires writing code. Some courts have indicated in other cases that computer code could be a form of speech (Golumbia, 2016). If so, the government is forcing Apple to speak when Apple objects to the writing of what it considers to be malicious code. This is a violation of Apple’s First Amendment Freedom of Speech rights.

The FBI’s Response

The FBI downplayed Apple’s security concerns. Law Enforcement is trying to solve crimes and fight terrorism. They are not trying to pose a threat to consumer privacy or digital security. The FBI believes they are the “good guy,” and people need to give up a little privacy in order to be more secure. The FBI went so far as to accuse Apple of refusing to cooperate with a court order simply for business concerns. Comey concluded that corporations like Apple that have a monetary stake in an outcome should not resolve the tension between privacy and security. It should also not be resolved by the FBI that investigates for a living. The tension is one the courts must consider every time they consider issuing a warrant (Barrett, 2016).

The Authors’ Positions

Not Privacy Versus Security

The authors writing this article see five areas for careful thought in resolving the interests of Apple and the FBI and in any future cases. First, the issues are not a case of privacy versus security. At a minimum, they are a case of security versus security (Benkler, 2016). The United States needs to be secure. After seeing terrorist attacks on U.S. soil and overseas, people realize that there is no way to exercise freedoms and rights, or even have a normal day, if they need to look over their shoulders all the time for someone who might want to make some statement by harming or killing them. People do not just need privacy in their cellphones. Their cellphones also need to be secure. The security of the cellphone is the only way the material on it can be private. This implies that the conflict is not privacy versus security but is security versus security. People need both a secure country and a secure cellphone. But this description alone does not fully explain the conflict. It is also a conflict over legitimacy. Law enforcement and other national security agencies like to have all the backdoors and wield unlimited power in keeping people safe. People are expected to trust the government because it is the “good guy.” But that much power in the hands of any agency is too subject to abuse. Edward Snowden copied and leaked information that revealed numerous global surveillance programs. The NSA gathered private information such as the content of
emails and instant messages from millions of civilians without court supervision or orders. They tracked
and mapped the location of cellphones and even used cookies. Cookies are little files hidden in a
computer to track browsing sessions and save useful information like account names and passwords.
Advertisers use cookies to track products that may interest consumers. What was the government doing
with the information they collected from their cookies, especially since most of the information was
gathered from people who were not suspects or people of interest? These people did not consent to the
government gathering information on them. What databases were developed and for what purpose? How
much information should the government gather on noncriminal citizens? Was Snowden a patriot or
traitor? Does it even matter? In a democracy, how much information can a government keep secret from
their people and yet still allow the people to effectively do their job as citizens to act as a check and
balance to government?

One of the real damages that was done is the lessening of public trust in government. Citizens are
concerned about whether the U.S. is acting legitimately and within the Constitution. People are not as
willing to trust that the government is only using vast powers to protect people. This is important to this
case. Apple’s decision to redesign its iPhone’s software was a direct reaction to the Snowden disclosures.
Apple designed its software such that even they could not crack into it to reassure customers that their
devices were secure for the owner’s most private data. Citizens do not want a government that refuses to
be transparent or accountable looking into their phones and devices. People want their autonomy and
privacy. Until trust is restored government, there will be a conflict between institutions and trust-
independent technology. It is not just a criminal or terrorist who wants encryption and secure phones.

**Apple’s Attempt to Expand Corporate Personhood**

Second, these authors are also very concerned about Apple’s attempt to claim First Amendment
Freedom of Speech rights. The rights in the Bill of Rights are individual rights held by real, natural
people. Corporations are not people in the traditional sense. Courts and Congress need to carefully
consider whether individual rights should be extended to corporations and how far the individual rights
should cover the corporation (Powles & Chaparro, 2016). In a legal sense, this is referred to as corporate
personhood, which means that corporations have some, but not all, of the legal rights and responsibilities
held that corporations have a Freedom of Speech right to make contributions in ballot initiative
campaigns (First, 1978). Massachusetts tried to bar several corporations, including First National Bank,
from contributing in a ballot initiative because they that the corporations were trying to influence the
election. The Court concluded that Massachusetts was interfering with corporate speech rights. The First
Amendment was designed to foster individual self-expression, but it also had a role to play in providing
the public access to information and ideas. The free flow of information, even commercial information, to
the public should not depend on the source of the information. Thus, both corporations and individual
speakers have a role to play in public debate and discussion.

This case helped pave the way for the 2010 decision in *Citizens United v. Federal Election
Commission* (Citizens, 2010). Central to the decision in this case is the issue of whether a corporation, by
virtue of being an artificial entity rather than a natural one, was enough reason to be able to impede the
speech rights guaranteed by the First Amendment. Relying on *First National Bank of Boston* (1978), the
Court rejected the argument that the political speech of corporations should be treated differently than
natural persons. Supreme Court Justice Anton Scalia commented, “The [First] Amendment is written in
terms of ‘speech,’ not speakers. Its text offers no foothold for excluding any category of speaker, from the
single individuals to partnerships of individuals, to unincorporated associations of individuals, to
incorporated associations of individuals” (Citizens, 2010). Thus, freedom of speech is also held by
corporations.

Why do corporations want speech rights, which are considered to be personal freedoms? Initially, the
desire for Due Process and Equal Protection rights may have been mostly for economic reasons. A
corporation would not want to be treated differently from a private person in business, lest the corporation
find itself at a competitive disadvantage to the individual business person. If regulations would require a
corporation do more or provide more than a private person in business, this extra regulation could result
in added costs for the corporation that a private businessperson would not have. However, for some companies, the purpose for attaining Corporate Personhood may now involve the exertion of a more proactive influence on society. This may involve the ability to support political candidates who share values with the owners of the corporations or simply the opportunity to be heard on social issues. If a corporation has more money to spend than a natural person, the corporation has a better chance of being heard. Is there any harm in sharing personal freedoms with a corporation? There may be harms to individuals. In the case of free speech, if a corporation can spend whatever amount it chooses to influence elections, the election process could become complicated. Politicians and the public may listen to a corporation that has a large pocketbook. However, an individual with different views and a much smaller pocketbook may encounter trouble being heard by anyone. This does not contribute to the goal of the First Amendment, which is to present as many views as possible to the electorate so voters can hear many different ideas, weigh those ideas, and vote based on what they believe to be the best solutions. Fewer ideas will be heard (Holmes & Burum, 2015).

Companies, including Apple, like to argue that code is speech (Editorial, 2016). If companies are people and have First Amendment rights, then they cannot be forced to write code. This interpretation could do damage to the government’s ability to regulate commerce and protect consumers (Golumbia, 2016). Setting up formulas in a spreadsheet is writing code. Code does not have to be as complicated as writing an operating system for devices. If companies cannot be forced to create spreadsheets, then regulating the finances of a company becomes impossible. If a company does not like some financial transparency requirements, the company could simply claim it is compelled speech to make the company create a financial spreadsheet. Environmental laws are designed to protect the health of citizens in the country. The Clean Water Act of 1948, which was greatly expanded in 1972, requires polluters to “install, use, and maintain” monitoring equipment and use the data to “make reports” about what is discovered. Companies have to use software to implement an environmental policy. But what happens if the company disagrees with the policy? Again, the company could argue creating the reports would violate the company’s freedom of speech. The government would be compelling the company to speak. This would make it impossible for the government to regulate businesses to protect the health of citizens.

Changes to the Copyright Act in 1980 (Copyright Act, 1980) have made it clear that computer code is covered by copyright law, which also protects speech, rather than by patent law, which protects innovations. However, it does not necessarily follow that computer code is speech protected by the First Amendment. Courts and Congress have yet to expand First Amendment free speech rights to the writing of code, and Apple is expanding the law by arguing that writing computer software code is constitutionally protected free speech. Apply seems to be conflating intellectual property law concepts with constitutional law concepts. Doing so in this case expands the corporate personhood rights of corporations that write code without any public discussion of the long-term implications of this expansion. It would also open the door to too much statutory lawmaking by trial courts. This is an area that Congress, rather than courts, should address.

This is not to say companies should not have some rights. A company can be an artificial person and be able to enter into contracts with natural people. Companies should have Fourth Amendment protections from searches that are not under a warrant based on probable cause. But expansions of personal rights to companies should not be given lightly. If companies end up having all the personal rights of real people, it will diminish those rights for people. Congress and the courts need to carefully consider the ramifications of declaring code to be speech. Maybe code is better thought of as action which can be regulated (Holmes & Burum, 2015).

Incorrect Use of the All Writs Act

Third, these authors believe that both the New York and California courts did not resolve their cases correctly in terms of the All Writs Act (Turton, 2016). The first three criteria for the application of the All Writs Act were analyzed correctly by both courts. Firstly, there is no statute, law or rule on the books to deal with the issue in a case. Secondly, Apple has a connection to the investigation because it is the manufacturer of the iPhones and the creator of the software that runs the phones. And thirdly, at least in
the California case, the amount of carnage and the connection to terrorism created extraordinary circumstances that justified the use of the All Writs Act.

However, people may disagree whether a case involving a drug dealer rises to the level of extraordinary circumstances that would allow for the use of the All Writs Act (Mintz 2, 2016). The problem these authors believe that the two courts encountered was in analyzing the fourth requirement, which is whether requiring Apple to open the iPhone in the case created an unreasonable burden. These two authors’ views, and the view of some others (Chesney & Vladeck, 2016), is that the All Writs Act should be read to authorize the kind of order the government has sought in these cases only when Apple is compelled to help the government utilize existing vulnerabilities in its software, and not when the order directs Apple to devote its resources to creating new software vulnerabilities which can then be exploited by the government. The test needs to focus on the extent to which the underlying vulnerability already exists. Applying this potential solution to the New York and California cases, these authors conclude that both magistrate judges erred on the question of whether the All Writs Act authorizes such relief. Magistrate Judge Pym in the California case of the terrorist shooters ordered Apple to devise new software to unlock the iPhone. There was no existing way for Apple to open the iPhone running iOS 9. Therefore, the All Writs Act should not apply. Magistrate Judge Orenstein concluded Apple did not have to open the iPhone in the New York case of the drug dealer. This ruling would be incorrect, under these authors’ proposal because, in that case, Apple knew of a vulnerability to the iPhone. Since a vulnerability existed, Apple should have had to try to exploit it to open the iPhone running iOS 7. As the vulnerability already existed, it is not an unreasonable burden to use the All Writs Act to force Apple to try to open the device. There was no financial burden to the company because the company’s stores already had the ability to open that operating system. Thus, Apple should not have been ordered to open the cellphone in the California case, but should have been expected to help the FBI in the New York case. The approach of these authors would give the courts guidance that is easy for a court to analyze until Congress reviews the law and provides further guidance.

**Congress is the Appropriate Branch to Update Laws**

Fourth, these authors believe Congress should be the branch of government to update the laws to cover cellphones. Many factors need to be weighed to update the law to cover the new technology age. More tools need to be given to law enforcement if they truly are going dark. How cellphones are used and the types of personal data stored on devices needs to be investigated. The balance between how to provide security to devices while still keeping the United States secure also needs to be analyzed. How much people trust companies and government agencies needs to be explored. These types of inquiries need to involve public hearings. Courts are not designed to do this. Also, the laws covering these cases are too old. The laws do not just need to be reinterpreted, there actually may need to be new laws. As New York Magistrate Judge Orenstein suggested, Congress is the law-making branch and, therefore, must lead this effort (Mintz 2, 2016). The check and balance system of the Constitution is destroyed when courts start to take over Congress’ job of making laws. The courts must show restraint.

**Law Enforcement May Not Be Going Dark**

And fifth, law enforcement may not be going dark. To these authors, the problem is more one of laziness, a lack of in-house expertise, or a lack of imagination on the part of law enforcement. Law enforcement needs to have technology experts within their agencies. Companies will constantly try to stay ahead of hackers and those who would try to do their customers or the company harm. Thus, law enforcement will never be able to stand still. Agencies will constantly have to develop new techniques to gather evidence and catch criminals or terrorists before they can do harm. Law enforcement will need warrants, based on probable cause, to use new techniques. But, after being issued a warrant, law enforcement should be able to use the same type of military and spy tools one sees in movies. As these can be very extreme methods that can collect much data, working under a warrant would be mandatory. If a thumbprint is needed to open a device, a print could be lifted from the display. A 3D printer could make a print. Then the model of the print could be made to discharge electricity just like a real thumb. This conductivity or radio frequency in the 3D print can be detected by the sensor and open a device (Eveleth, 2016). This could be developed for iris recognition, as well (Ackerman, 2013). If an agency needs to bug
a home or other location, a mechanical bug (mini drone) could literally be flown into or onto the house (Mikkelsen, 2015). The bug could have heat-seeking technology or video and sound capture capabilities. Law enforcement agencies can go to companies like Apple and ask for all of a person’s data that the person had sent to cloud storage. Backup to the Cloud could be the default position. If Apple could not backup enough data from each customer, the government could provide some tax help so even more cloud storage could be developed by Apple and other cellphone manufacturers to capture more. But all of this may be an unnecessarily high-tech approach. Tunnel vision may be preventing law enforcement investigators from thinking about this as anything other than a computer coding issue. Lower-tech electronic interventions may be able to open even new phones. If so, one only needs to possess the device.

**Conclusion**

Returning to the proposed future scenario from the introduction, law enforcement has the pimp’s phone. They can lift a thumbprint from the criminal’s home with a warrant or maybe even the case of the phone. They could create a 3D image of that thumb to open the phone. They can go to his phone service provider and learn the numbers dialed from that phone and other data. They can go to Apple and see what is stored in iCloud. They could go on the Internet to see if anyone published a paper demonstrating the vulnerability of the chip that could allow it to be hacked. A law enforcement agency could use the courts to issue an All Writs Act to Samsung, for example, to open their chip, assuming they are the manufacturer of the future chip. If there is a known vulnerability to hacking the chip, Samsung would be creating nothing new. If the manufacturer of the chip could hack the chip, then there is access to all information stored on the cellphone. The cellphone could be disassembled to bypass security, and the casing to a cellphone’s processor chip could be physically removed (Lovejoy, 2016). Law enforcement investigators could connect electronic probes capable of reading the cellphone’s unique identification code from where it is fused to the cellphone’s hardware. This method also could be used to read the algorithm that combines the code with the user password. In theory, this could unlock the phone. If the information could be obtained through this method, it could be loaded onto another computer where thousands of attempts could be run to guess the password without being concerned about triggering an auto-erase function after ten wrong attempts (McMillion, 2016). There will always be an escalating battle between cellphone and chip manufacturers, law enforcement, and Blackhat hackers. Each will always try to stay ahead of the others. Imagination will fuel the escalations of the future. But imagination will always make the battle unwinnable by any one group.

**References**

Ackerman, S. (2013, April 9). Now your iPhone can read fingerprints, scan irises, and id your face. Retrieved from: https://www.wired.com/2013/04/iphone-biometrics/


Lovejoy, B. (2016, February 2). Edward Snowden describes how the FBI could physically extract passcode from iPhone chip without Apple’s help. Retrieved from: https://9to5mac.com/2016/02/22/fbi-iphone-hack-chip-de-capping/


Students’ Views of Civic Principles, Values and Constitutional Rights and Responsibilities

Jeffrey M. Byford  
The University of Memphis  
Sean Lennon  
Valdosta State University  
Sarah Smilowitz  
Nevada Joint Union School District  
Bear River High School

Abstract
Replicating a more than fifty-year research study, the authors looked into common, political and economic factors as understood by high school seniors in a rural, Southeastern high school. Participants, mostly seniors, were given a Likert-scaled study, designed and used in 1958, to see if they responded similarly despite changes American politics and culture in the nearly six decades that have passed. The students illustrated differences than that of their earlier peers and shown a glimpse of how millennials differ on a broad range of topics commonly associated with the teaching of social studies.

Introduction
In recent years, the concept of civic participation, knowledge of democratic values and civic principles has received increased attention as an important role in post-high school civic engagement. Risinger (2003) indicated the percentage of voting young adults between the ages of 18 and 24 has continually declined since 1972. The historically low voter turnout of young adults combined with the publicly perceived poor attitudes and perceptions of citizenship provides a potentially alarming disconnect with society. The perceived lack of democratic practice of classroom debates, discussions, and investigations on social, political and economic issues limits students from learning important character values such as teamwork, group decision-making, and problem-solving skills. While Risinger (2003) indicated a disconnect with the country’s youth and young adults from social issues, high school graduates believe that schools provide an adequate effort in providing information needed to make informed decisions, such as voting in elections, formulating discussion and action modeled in a democratic society (Paul, 2002).

Literature Review
Historically, there has been attempts to understand students’ view of a democratic society. Over the last sixty years, increased research conducted by university faculty have tried to identify and measure students’ perceptions of democratic values and civic principles (Remmers, 1958; Barr, Barth, and Shermis, 1977; and Byford, Lennon, & Russell, 2008). One historical example is the 1957 Purdue Public Opinion Poll in which 2,000 high school students provided their knowledge and attitudes toward democratic values. The intent of the survey helped illustrate the potential effectiveness of participating schools attempt to transmit democratic values via social studies curriculum and student interest in democratic values impact citizenship education. One belief the 1957 poll was if schools efficiently communicated democratic ideals towards students, over a four year period the democratic orientation of students would increase. The survey was quantitative in construct, assigning a numeric value score for each participant and compared scores across grade levels. Remmers (1958) findings, as defined by these scales, indicated
an overall decrease in common knowledge. He suggested the overall decline in democratic education resulted from political, social and economic events.

The discussion and practice of civic issues in the social studies classroom may provide support for a democratically based curriculum (Hess, 2008; Hunt and Metcalf, 1968 and Snyder, 2008). For example: in Remmers 1957 Purdue Public Opinion poll, selected students constitutional knowledge was surveyed. Topics included: a) freedom of speech, b) search and seizure, c) religious liberty and d) knowing one’s accuser. Additional areas included: e) an individual’s right to assembly, f) unalienable freedoms, g) habeas corpus, h) eminent domain, i) cruel and unusual punishment and j) self-incrimination found in the Bill of Rights. The poll indicated teaching and discussing concepts of the Bill of Rights and First Amendment to the United States Constitution encouraged not only in the engagement of discussions but also allowed students to debate and foster essential knowledge. For example, social studies teachers could discuss what constitutes ‘probable cause,’ ‘search and seizure’ and ‘Miranda rights with students as they explore concepts of the Bill of Rights. This is important as according to the Purdue Public Opinion Poll; students illustrated mixed results regarding both essential pieces of knowledge and of the Bill of Rights. According to Remmers (1958):

Twenty-eight percent of twelfth-grade students agreed that in some cases the police should be allowed to search a person or their home without a search warrant; while only 37% disagree that local police may sometimes be right in holding individuals in jail without informing them of any formal charges against them and 38% agree the cops or FBI may sometimes be right in forcing individuals to talk (p.8)

Another measured aspect of citizenship education was through economics. Economic issues dominate both public policy and debates that range from discussion of the economic security of social security to national debt and international security (Otlin, 2008). Economic concepts evaluated in Remmer’s poll included notions of individual and state ownership and government control of industry and financial institutions. Regarding economic issues, the survey attempted to address students’ attitudes toward the government’s rightful place in a capitalist society. Results suggested 42% of seniors agreed that large estates on which land lies idle and unused should be divided up among the poor for farming. Also, 17% of seniors agreed that all banking and credit institutions should fall under government control.

Lastly, democratic principles regarding the concept of affirmative action, acceptance and conformity, individual voting rights, and students notions of conceptualized freedoms. When surveyed, 68% of seniors were in agreement that most Americans do not realize how much others control them, and 30% agreed that Americans with wild ideas and a lack of common sense should not have the right to vote. When asked if students would favor a law in their state that requires employers to hire a person if they are qualified regardless of race, religion or color, only 68% agreed. Even though the Purdue Public Opinion poll took place nearly 60 years ago, the study provided a glimpse into student’s perceptions and potential concerns in government education, economic, enterprise, and cultural aspirations and values. The limited findings of the 1957 Purdue Public Opinion poll revealed the need for a general re-examination of social studies curriculum, particularly in the area of civics.

Despite a renewed interest in the school’s role to promote civic engagement, today, social studies teachers are overwhelmed with high-stakes testing, meeting district and state requirements and rising graduation requirements. Based on the National Council for Social Studies (NCSS) position statement in 2001 that “the primary goal of public education is to prepare students to be engaged and effective citizens” (p.15), the researchers provided a twenty-four item survey designed to measure students’ perceptions of citizenship education. More importantly, students responses to conditional statements over democratic values and civic principles associated with national and global events based on democratic values, economic principles, and constitutional rights and responsibilities.

**Research Study**

For many social studies teachers in the high school setting, the persistent emphasis on testing, accountability, and curriculum pacing, narrows daily teaching to limited content found in state-mandated
textbooks. Through the researcher’s combined 56 years teaching experiences and discussions with other social studies teachers throughout the country, it is noted the goal of citizenship and various aspects of civics appears lost through the introduction of different state standards dissecting social studies subjects. A new examination of the Purdue Public Opinion Poll might identify potential strengths and in deficiencies in the implementation of and current state of citizenship education in the social studies.

According to Brickmore (2001), the practice of democracy through knowledge in global issues, student empathy and understanding tolerance and diversity is the foundation of all social studies classes. Building on previous research, the researchers surveyed high school seniors to answer the following questions:

A) How do students’ perceptions of democratic values differ by such demographic characteristics as gender, ethnicity, grade point average, perceived level of classroom discussion in social studies courses, and political orientation?

B) How do students’ perceptions of constitutional rights and responsibilities differ by such demographic characteristics as gender, ethnicity, grade point average, and political orientation? Moreover,

C) How do students’ perceptions of economic issues vary by such demographic characteristics as gender, ethnicity, grade point average, and political orientation?

Methods and Sample Selection

The survey was administered to 186 high school seniors in a single high school in a Southeastern state. The latest statistics indicate that, in 2015, there was a total of 144,000 students enrolled in the district from kindergarten through 12th grade. This study occurred between March and April 2015. The survey was voluntary, and all participants were enrolled in a government class at either the University or technical path requirements for graduation. Participants’ ages ranged from 18-19 years old. Several demographic questions were included in the survey, designed to reveal characteristics such as ethnicity and political orientation for the use of comparing responses. Other demographic questions were developed to reveal underlying concepts such as student’s cumulative GPA and perceived level of discussion in high school social studies classes. Classes were purposively selected. Since the researchers administered the surveys in person, a return rate of 100% was met. The amount of time each student needed to complete the study varied from 10 to 20 minutes. The survey consisted of 18 statements that were designed to measure students’ opinions of Democratic values. Survey construction consisted of statements designed on a four-point Likert scale or continuum (i.e. agree, tend to agree, tend to disagree, and disagree) modeled by Creswell (2008). The questions/statements (Appendix A) were categorized into taxonomies constructed to measure essential knowledge, economic principles, and democratic beliefs. Special consideration was given to trends in vocabulary and current events.

Research Findings

The 186 students consisted of 64 males to 122 female students. As shown in Table 1, ethnicity, some 44% of sampled students categorized themselves as white, while 25% identified as being African American. Of the remaining 31% of sampled students, 20% said they were Hispanic, while 7% self-identified as “other.” When asked about their Grade Point Averages (GPAs), slightly more than half of the sampled students (58%) reported they were either “well above average” (13%) or “above average” (45%) in achievement. The remaining 42% of students indicated their GPAs were either “average” (35%), “below average” (5%) or “well below average” (2%). In terms of time devoted to discussion of historical and civic issues in students’ classes, 69% of students reported there was either “a great deal” or “some” discussion. The remaining 31%, reported there was either “little” to “almost no” discussion of such issues.

Regarding political orientation, the sample skewed towards a liberal philosophy. Sixty-four percent indicated they were to some degree “liberal” in their views, while the remaining 36% offered their political orientation to some extent as “conservative.” A similar pattern was illustrated by students’ responses to the question concerning confidence in the current U.S. Presidential administration and its policies. To this question, 59% indicated either they had “a great deal” or at least “some” confidence,
while the remaining 41% reported having only “a little” or “almost no” confidence in the present presidential administration and its policies.

[See Table ]

Three of the five Democratic values statements indicated students were in general agreement to the prompts. The survey statement “Americans are getting lazy, most people need stricter discipline and the determination to fight for what they believe is right” suggests the need for civic efficacy. Ideally, this could lead to the belief that students’ actions can make a difference and have an individual responsibility to speak out for or against public policy. Bosstrom (2000) agreed that over the last several decade's adults responded that today’s youth was much more selfish, materialistic, and reckless than the generation before. According to Wells (2010), today’s youth has a weak sense of duty to participate in government compared to previous generations. Today’s young citizen is more likely to join online social media groups in support of a cause, enabling more of a “digital action.” The idea of civic efficacy and this understanding of a new generation of citizens may explain the changes in attitudes and the movement toward democratic values. The most significant negative approval recorded was the statement “People who have wild ideas and don’t use good judgment should not have the right to vote.”

[See Table 2]

This potential shift in generational attitudes toward the right to vote may be the result of a lack of knowledge of the definition of the term “citizenship.” Younger citizens expressed a feeling of less accountability and less liable to do their duty to participate in politics, for example, that of voting. Acknowledging an increased engagement of social networking, blogging, and online discussion is not, however, the same as civic engagement. Opinions and open debate on issues of social concern imply some notion of public involvement; however, commenting in the media through the internet and voting on paper ballots are two very different forms of civic participation (Renwick, 2015).

Of the ten statements dedicated to constitutional rights and responsibilities, nine concluded in general disagreement. Only the statement “If a person is accused of a crime, they should always have the right to know who is accusing them” was in agreement among student participants. Changes in attitudes may reflect historical events such as 9/11 and the passage of the Patriot Act intended to protect American from acts of terrorism. Detention of immigrants, unlawful searches of homes and businesses and monitoring telephone calls, electronic mail, and financial records without a court order are included in the Patriot Act. Many of these provisions are considered unconstitutional and controversial. This controversy may contribute to the enhanced distrust of government participants in the current study.

[See Table 3]

Of the three statements regarding economic principles, the abolishment of inheritance to ensure equality illustrated the largest degree of disagreement. Such a result may reflect the current economic struggles facing Americans today. Today, students have limitless access to electronic media. Economics issues, including welfare, housing, gas prices, and taxes on goods and services are the most publicized in the past decade. The expansion and the accessibility of the internet allow students many opportunities to view these concepts.

[See Table 4]

Conclusion
Students illustrated a broad range of responses towards public understanding and knowledge often with differences determined by race and gender. In the first taxonomy, students were in general agreement with statements such as Americans being lazy and secret agendas controlling their lives. Students were inconclusive regarding Americans do not know what was good for them, and expressing wild ideas should deny one from voting.

They were also inconsistent in economic constructs and were definitely against redistributing inheritance and taking land without a court order. However, in determining government control of industry and banking, they were inconclusive. Such indecisions mirror millennial sentiment as property distribution and democratic socialist ideas as a single payer health system is more prominent within their generation while still often rejected by older Americans.
For common beliefs, students had interesting responses, one being in agreement towards hiring individuals based on skill rather than race or possible sexual orientation. They disagreed though in limiting public speeches, protected under the 1st Amendment and also did not agree with police searches without a warrant, as protected under the 4th Amendment. The students were in agreement to know their accuser, a provision of the 5th Amendment and in limiting restrictions for some people to hold meetings, also protected under the Bill of Rights. However, regarding religious freedoms, there were differences in student responses despite protection by the 1st Amendment. Students were in strong disagreement of holding a person in jail without formal charges, but inconclusive towards the harsh treatment of individuals, a direct conflict with the 8th amendment and the ability to force people to testify against their will, also against their constitutional rights (5th Amendment).

Findings may suggest the lack of democratic practices in classrooms hinders students from learning and discussing important character values as responsibility, group decision-making, and problem-solving skills. With the combined teaching experience of fifty-six years in the classroom, the researchers teaching experience and daily discussions with social studies teachers, it is noted the overarching goal of citizenship appears lost via required state mandated standards across the disciplines. The practice of democracy in the classroom and school administration and faculty encourages an empowered and free-thinking environment for autonomous learners with critical thinking skills, decision-making skills to enhance their ability and willingness to become responsible and informed citizens.

References
Appendix A

A SURVEY OF HIGH SCHOOL STUDENTS’ OPINIONS ABOUT CIVIC PRINCIPLES

The following questionnaire is designed to help educators, administrators, and researchers to learn about and understand students’ opinions concerning civic principles.

TO MAINTAIN YOUR ANONYMITY, PLEASE DO NOT WRITE YOUR NAME ON THIS PAPER.

Demographics, Items 1 through 6: Please circle your responses to the following questions about you.

1. What is your gender?
   a. Male
   b. Female

2. With which ethnic/racial group do you most identify?
   a. African American
   b. Asian
   c. American Indian
   d. Hawaiian/Pacific Islander
   e. Hispanic/ Latin American
   f. White/Caucasian
   g. Other Ethnicity

3. How would you describe your current GPA (grade point average)?
   a. Well above average
   b. Above average
   c. Average
   d. Below average
   e. Well below average

4. How much discussion is there of social and political issues in your social studies classes?
   a. A great deal
   b. Some
   c. A little
   d. Almost none. It is mostly lecture.

5. Which of the following best describes your political orientation?
   a. Liberal
   b. Mostly liberal
   c. Liberal-leaning
   d. Conservative-leaning
   e. Mostly conservative
   f. Definitely conservative

6. In general, how much confidence do you have in the current U.S. Presidential administration and its policies?
   a. A great deal
   b. Some
   c. A little
   d. Almost none
Survey Directions, Items 7 through 24: Listed below are several statements that deal with civic principles. Tell how much you agree or disagree with each statement by CIRCLING THE LETTER of the response that reflects your opinion. Please note that the number of answer choices may vary by the declaration.

7. We should not limit and control immigration of foreigners into this country as much as we do now.
   a. Agree
   b. Tend to agree
   c. Tend to disagree
   d. Disagree

8. Would you favor a law in your state which requires employers to hire a person if they are qualified for a job, regardless of their race, religion, or color?
   a. Agree
   b. Tend to agree
   c. Tend to disagree
   d. Disagree

9. Americans are getting lazy; most people need stricter discipline and the determination to fight for what they believe is right.
   a. Agree
   b. Tend to agree
   c. Tend to disagree
   d. Disagree

10. People who have wild ideas and don’t use good judgment should not have the right to vote.
    a. Agree
    b. Tend to agree
    c. Tend to disagree
    d. Disagree

11. Most Americans do not realize how much their lives are controlled by other people’s agendas (plans).
    a. Agree
    b. Tend to agree
    c. Tend to disagree
    d. Disagree

12. The government should abolish all rights of inheritance to ensure equality of opportunity.
    a. Agree
    b. Tend to agree
    c. Tend to disagree
    d. Disagree

13. The government should prohibit some people from making public speeches.
    a. Agree
    b. Tend to agree
    c. Tend to disagree
    d. Disagree
14. In some cases, the police should be allowed to search a person or their home, even though they do not have a search warrant.
   a. Agree
   b. Tend to agree
   c. Tend to disagree
   d. Disagree

15. Most basic industries, like mining and manufacturing, should be owned by the government.
   a. Agree
   b. Tend to agree
   c. Tend to disagree
   d. Disagree

16. Some religious groups should not be allowed the same freedoms as others.
   a. Agree
   b. Tend to agree
   c. Tend to disagree
   d. Disagree

17. If a person is accused of a crime, they should always have the right to know who is accusing them.
   a. Agree
   b. Tend to agree
   c. Tend to disagree
   d. Disagree

18. Certain groups should not be allowed to hold public meetings even though they gather peacefully and only make speeches.
   a. Agree
   b. Tend to agree
   c. Tend to disagree
   d. Disagree

19. Most Americans are not capable of determining what is and what is not good for them.
   a. Agree
   b. Tend to agree
   c. Tend to disagree
   d. Disagree

20. Local police may sometimes be right in holding persons in jail without telling them of any formal charges against them.
   a. Agree
   b. Tend to agree
   c. Tend to disagree
   d. Disagree

21. In some cases, the government should have the right to take over a person’s land alternatively, property without bothering to go through the judicial system.
   a. Agree
   b. Tend to agree
   c. Tend to disagree
   d. Disagree
22. The police, FBI, or CIA may sometimes be right in giving individuals harsh treatment to make them talk.
   a. Agree
   b. Tend to agree
   c. Tend to disagree
   d. Disagree

23. All banks and credit institutions should be run by the government.
   a. Agree
   b. Tend to agree
   c. Tend to disagree
   d. Disagree

24. Persons who refuse to testify against themselves (that gives evidence that would show that they are guilty of criminal acts) should be forced to talk or be punished.
   a. Agree
   b. Tend to agree
   c. Tend to disagree
   d. Disagree

THANKS FOR YOUR PARTICIPATION!
## Table 1: Demographic Characteristics of Students in Sample (n=186)

<table>
<thead>
<tr>
<th>Category</th>
<th>f</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gender</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>64</td>
<td>34.0</td>
</tr>
<tr>
<td>Female</td>
<td>122</td>
<td>66.0</td>
</tr>
<tr>
<td><strong>Ethnicity</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>African American</td>
<td>46</td>
<td>25.0</td>
</tr>
<tr>
<td>Asian</td>
<td>8</td>
<td>4.0</td>
</tr>
<tr>
<td>Hispanic</td>
<td>37</td>
<td>20.0</td>
</tr>
<tr>
<td>White</td>
<td>81</td>
<td>44.0</td>
</tr>
<tr>
<td>Other</td>
<td>14</td>
<td>7.0</td>
</tr>
<tr>
<td><strong>Grade Point Average</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Well Above Average</td>
<td>24</td>
<td>13.0</td>
</tr>
<tr>
<td>Above Average</td>
<td>82</td>
<td>45.0</td>
</tr>
<tr>
<td>Average</td>
<td>65</td>
<td>35.0</td>
</tr>
<tr>
<td>Below Average</td>
<td>10</td>
<td>5.0</td>
</tr>
<tr>
<td>Well Below Average</td>
<td>3</td>
<td>2.0</td>
</tr>
<tr>
<td><strong>Level of Discussion over Historical and Current Issues</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A Great Deal</td>
<td>42</td>
<td>23.0</td>
</tr>
<tr>
<td>Some</td>
<td>85</td>
<td>46.0</td>
</tr>
<tr>
<td>A Little</td>
<td>37</td>
<td>20.0</td>
</tr>
<tr>
<td>Almost None</td>
<td>21</td>
<td>11.0</td>
</tr>
<tr>
<td><strong>Political Orientation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Definitely Liberal</td>
<td>17</td>
<td>9.0</td>
</tr>
<tr>
<td>Mostly Liberal</td>
<td>45</td>
<td>24.0</td>
</tr>
<tr>
<td>Liberal Leaning</td>
<td>55</td>
<td>31.0</td>
</tr>
<tr>
<td>Conservative Leaning</td>
<td>42</td>
<td>23.0</td>
</tr>
<tr>
<td>Mostly Conservative Leaning</td>
<td>17</td>
<td>9.0</td>
</tr>
<tr>
<td>Definitely Conservative Leaning</td>
<td>8</td>
<td>4.0</td>
</tr>
<tr>
<td><strong>Confidence in Current Presidential Administration</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A Great Deal</td>
<td>22</td>
<td>12.0</td>
</tr>
<tr>
<td>Some</td>
<td>87</td>
<td>47.0</td>
</tr>
<tr>
<td>A Little</td>
<td>49</td>
<td>26.0</td>
</tr>
<tr>
<td>Almost None</td>
<td>28</td>
<td>15.0</td>
</tr>
</tbody>
</table>
Table 2: Mean responses of students’ statements dealing with democratic values in society (1=Agree, 2=Tend to Agree, 3=Tend to Disagree, 4=Disagree)

<table>
<thead>
<tr>
<th>Survey Statement</th>
<th>X</th>
<th>SD</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Favor laws to enforce hiring qualifications</td>
<td>1.2</td>
<td>.06</td>
<td>Agree</td>
</tr>
<tr>
<td>Americans are getting lazy and need stricter discipline</td>
<td>1.8</td>
<td>.09</td>
<td>Tend to Agree</td>
</tr>
<tr>
<td>People with wild ideas and bad judgment should not vote</td>
<td>3.2</td>
<td>.09</td>
<td>Tend to Disagree</td>
</tr>
<tr>
<td>Most lives are controlled by other people’s agendas</td>
<td>1.8</td>
<td>.07</td>
<td>Tend to Agree</td>
</tr>
<tr>
<td>Americans are not capable of positive determination</td>
<td>2.7</td>
<td>.09</td>
<td>Tend to Disagree</td>
</tr>
</tbody>
</table>

Table 3: Mean responses of students’ statements dealing with constitutional knowledge (1=Agree, 2=Tend to Agree, 3=Tend to Disagree, 4=Disagree)

<table>
<thead>
<tr>
<th>Survey Statement</th>
<th>X</th>
<th>SD</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not limit and control immigration of foreigners</td>
<td>2.5</td>
<td>1.0</td>
<td>Tend to Disagree</td>
</tr>
<tr>
<td>The government prohibits some from public speeches</td>
<td>3.3</td>
<td>.09</td>
<td>Tend to Disagree</td>
</tr>
<tr>
<td>Police should search without warrants</td>
<td>3.3</td>
<td>1.0</td>
<td>Tend to Disagree</td>
</tr>
<tr>
<td>Some religious groups should have less freedom as others</td>
<td>3.8</td>
<td>.04</td>
<td>Disagree</td>
</tr>
<tr>
<td>The right to know your accuser</td>
<td>2.0</td>
<td>1.0</td>
<td>Tend to Agree</td>
</tr>
<tr>
<td>Certain groups cannot hold public meetings</td>
<td>3.6</td>
<td>.07</td>
<td>Disagree</td>
</tr>
<tr>
<td>Police can hold a person in jail w/out formal charges</td>
<td>3.5</td>
<td>.08</td>
<td>Disagree</td>
</tr>
<tr>
<td>The Government has the right to take private land</td>
<td>3.7</td>
<td>.06</td>
<td>Disagree</td>
</tr>
<tr>
<td>The police can use harsh treatments to make people talk</td>
<td>2.8</td>
<td>.09</td>
<td>Tend to Disagree</td>
</tr>
<tr>
<td>Persons must testify in court or be punished</td>
<td>3.1</td>
<td>.08</td>
<td>Tend to Disagree</td>
</tr>
</tbody>
</table>
### Table 4: Mean responses of students’ statements dealing with economic principles (1=Agree, 2=Tend to Agree, 3=Tend to Disagree, 4=Disagree)

<table>
<thead>
<tr>
<th>Survey Statement</th>
<th>X</th>
<th>SD</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abolish inheritance to ensure equality and opportunity</td>
<td>3.3</td>
<td>.09</td>
<td>Tend to Disagree</td>
</tr>
<tr>
<td>Mining and manufacturing should be owned by the government</td>
<td>3.0</td>
<td>1.0</td>
<td>Tend to Disagree</td>
</tr>
<tr>
<td>Banks should be owned by the government</td>
<td>2.9</td>
<td>1.1</td>
<td>Tend to Disagree</td>
</tr>
</tbody>
</table>
Constructive Alignment of Learning Outcomes to the Program Intended Learning Outcomes

Rosita Guzman Castro
AMA International University Bahrain

Abstract
The primary aim of this study was to determine the contribution of the social sciences course intended learning outcomes (CILOs) to the Bachelor of Science in Business Informatics program intended learning outcomes (PILOs) in terms of teaching-learning activities and assessment methods. The descriptive research method was used to determine the alignment of the social science courses with the BSBI curriculum. Respondents were BSBI students enrolled in Social Science courses in the 3rd Trimester, SY 2014-2015. The weighted mean and Five-Point Likert Scale were used for data analysis and interpretation. Results of the study showed that the Social Sciences CILOs are correlated to the BSBI program intended learning outcomes. Statistical analysis using Pearson Product Moment Correlation indicated that, though not statistically significant, the Social Sciences CILOs are positively correlated to the BSBI PILOs in terms of teaching-learning; in terms of assessment methods, the CILOs and the BSBI PILOs are negatively correlated. CILOs which received lower mean, specifically on subject specific skills, thinking skills, and general transferrable skills, need to be revisited. In view of there being slow learners noted, tutorial classes, peer tutoring, and consultations should be intensively conducted, with more activities given in the context of, among other things, promoting independent learning.

Keywords: Assessment, Constructive Alignment, Course Mapping, Learning Outcomes, Curriculum

1. Introduction
Education is a developmental process through which an individual gains knowledge and skills contributive to his or her individual culture or refinement. The AMA International University-Bahrain (AMAIUB) education system demonstrates commitment to quality and excellence. Its mission is to “provide access to quality education through its commitment to outcome-based instruction, research, and community engagement,” in order to “produce highly skilled and competent graduates dedicated to lifelong learning, and responsive to the growing socio-economic needs of Bahrain and the region” (AMAIUB-CAFS Catalogue, 2013-2014). AMAIUB is in particular attentive to learning outcomes—specific abilities, skills, or behavior that a student is expected to demonstrate upon completion of a course. As Mann (2004) pointed out, learning outcomes describe what students should be able to demonstrate about a specific knowledge, skill, and attitude, by the end of the program/course. To know whether the intended learning outcomes of a course and its assessment methods are mapped/aligned, a subject teacher engaged in self-assessment normally asks: 1. What do I want my students to achieve after the completion of the course?, and 2. What activities will reveal that students have established the learning outcomes I have specified in my CILOs? This method of alignment is what global educators term as curriculum mapping, a way of evaluating specific course intended learning outcomes, as well as of determining where, when, and how learning outcomes are taught and assessed within a degree program, Uchiyama, K.P., and Radin, J.L. (2009).

Outcomes are perceptible and measurable, showing action done by students instead of subject teachers. Effective and useful intended learning outcomes normally feature these characteristics: they are observable, measurable, and student-centered. They denote the behavior of the learner that is to be
tested, and focus on what the students will learn, rather than on how the subject teacher will organize their learning McNeill, M. and et al. (2012). This contention, backed by John Biggs’s (1999), Constructive Alignment concept, is the foundation behind the requisites for the formulation of program specification. Biggs’s Constructive Alignment has two parts: 1. Students create meaning from what they do to learn, and 2. The teacher aligns / maps the planned learning activities with the learning outcomes. At AMAIUB, the Bachelor of Science in Business Informatics (BSBI) curriculum includes Social Science courses, which are mapped or aligned to the BSBI program intended learning outcomes (PILOs). Each of the social science courses has its own course intended learning outcomes (CILOs), which are used as basis for the attainment of the PILOs. These CILOs are assessed by the students enrolled in the course at the end of the trimester. This study focuses on the assessment of the students on how the social science courses contribute to their program intended learning outcomes.

Based on the foregoing, the researcher established an immense interest in determining the contribution of the social sciences course intended learning outcomes which lay the foundation for the attainment of the BSBI program intended learning outcome, as stipulated in ECBE (2011). Alignment is a manner of analyzing the clarity of the criteria being assessed (AMAIUB-BSBI Curriculum Plan, 2013-2014). To be able to achieve this, intended learning outcomes, teaching strategies, and assessment methods need to be closely aligned so that they strengthen one another (Martone, et al. (2009). Consequently, alignment is a way of understanding the extent to which different components of an educational system work together to support a common goal. Biggs and Tang (2011) noted that intended learning outcomes come first; the learning activities, second; and the assessment methods, last Reeves, Thomas. (2006). Learning is constructed by what activities students shall perform; learning is about what they do, not about what the teachers do. Assessment is about how well students achieve the intended outcomes, not about how well they report back to the teachers what they have told them, Najjar, J. and et al. (2010). This underscores the educational experience being learner centered and activity-based, instead of being teacher- and content-based. All institutions of learning require activities along with assessment practices aligned/ mapped with the course intended learning outcomes (Burger, Marina (2008). Burger investigating the alignment of teaching, learning, and assessment, inferred that although teachers are aware of the importance of the alignment of teaching, learning and assessment, they do not understand the assessment standards attached to each learning outcome. Dochy and McDowell (1997) portrayed assessment method as a means to establish the pace of progress of a student in opposition to both separately conferred goals and prior performances. This connects well to Wiggins and McTighe's (2006) view of assessment as “the shaping of the extent to which the curricular goals are being and have been achieved". Hattie (2009) asserted that assessment data are vital when one starts to consider the achievement data as something about the teacher’s method of teaching rather than what the teacher imposes on students to achieve, Brettd (2011). Relative to social science courses, three ideas have been advanced in their favor: the courses demand 1) that people be liberally educated if they are to compete in the global economy, 2) that people need to participate and contribute responsibly in a democratic society, and 3) that liberal education deepens and enriches individual experience Wang Lixun (2013). As a writer states, “The objective of social science is to watch where the society has been heading and what more can be done to benefit the entire race.... It is fascinating to know that great philosophers like Aristotle and Plato were supporters of social science and their philosophies are based on the objectives of social sciences only” Spady,W.G. (1988).

This study aimed to determine the contribution of the social sciences in the attainment of the BSBI program intended learning outcomes. Specifically, it sought to answer the following:

1. What is the assessment of the BSBI students on how the Social Sciences CILOs laid the foundation for the attainment of the Program Intended Learning Outcomes of the BSBI curriculum in terms of the following courses:
   1.1 ARAB 400 (Arabic Studies);
   1.2 HIST400 (History of Bahrain & the GCC);
   1.3 HUMR400 (Human Rights); and
   1.4 SOCI400 (Sociology)?
2. Is there a significant relationship between the Social Sciences CILOs and the BSBI Program Intended Learning Outcomes?

Hypothesis: There is no significant relationship between the Social Sciences CILOs and the BSBI Program Intended Learning Outcomes.

**Conceptual Framework**

The Course Intended Learning Outcomes (CILOs) of the Social Sciences courses were assessed by the BSBI students, who also evaluated the contributions of these courses to the attainment of their Program Intended Learning Outcome (PILOs) in terms of assessment methods, as well as teaching-learning activities.

**Theoretical Framework**

This study is anchored on John Biggs’s Constructive Alignment [5], which has two fundamental features: (1) Students create meaning from what they do to learn, and (2) The teacher aligns / maps the planned learning activities with the learning outcomes. Constructive alignment, thus, situates itself within an educational system where the curriculum is formulated so that the learning activities and assessment methods are in accordance with expected learning outcomes.

The existing BSBI curriculum at AMAIUB has its courses aligned as informed by the European Council for Business Education (ECBE) standards. The courses and programs "accredited meet the requirements of the EHEA (European Higher Education Area) as set out in the Bologna Declaration....A great advantage for learners is that they find their credits are transferable across different schools, programmes and countries, making them more mobile which gives them greater life experience”.

To ECBE, Program Intended Learning Outcomes (PILOs) are the totality of what would be the students’ manifestation of learning after graduation. PILOs represent the knowledge, skills, attitudes or behavior students should be able to demonstrate after course completion, indicating competence related to the outcome. Even in preparatory social science courses which provide students with skills and information in a broader perspective, the attainment of PILOs is ensured through articulated intended learning outcomes of the program’s component courses. As stated in the BSBI curriculum plan 2013-2014, each course has a set of intended learning outcomes (CILOs) which guide faculty members in course delivery. These CILOs are mapped against the PILOs. Attaining the CILOs enables the student to attain the corresponding PILOs--essentially soft skills that prepare graduates to extend their knowledge so that they can practice successful management in business and industry, as well as professionalism grounded on the highest ethical standards.

The present study, which specifically focuses on the attainment of the BSBI program intended learning outcomes, addresses whether the CILOs are aligned/ mapped in the Program Intended Learning Outcomes, particularly in terms of learning and teaching activities and assessment methods used in the learning environment.

3. **Research Methodology**

This study made use of the descriptive research method, where a questionnaire was used to determine the alignment of the social science courses in the BSBI curriculum by evaluating the BSBI Program Intended Learning Outcomes (PILOs) in terms of teaching and learning activities and assessment methods. To triangulate the responses of the students, the researcher conducted a semi-structured interview with the BSBI students enrolled in ARAB400, HIST400, HUMR400 and SOCI400 in the 3rd trimester, SY 2014-2015.

For the quantitative data, a questionnaire was used to elicit information on the attainment of BSBI Program Intended Learning Outcomes (PILOs), which served as the basis of determining the alignment of the Social Science courses in the BSBI curriculum. The questionnaire has two parts: Part 1 is the researcher-made questionnaire taken from the Course Specifications of Social Science courses that deal with the alignment of Social Sciences’ Course Intended Learning Outcomes with the BSBI Program Intended Learning Outcomes (PILOs).
Part 2 of the questionnaire was partially adapted from Mr. Wang Lixun’s (2013) research study, with modification done by the current researcher to suit the present study. The instrument was designed by the Outcome-Based Learning (OBL) project team (five academic staff of HKIED, one external OBL consultant from Australia, and one research assistant from HKIED) and was validated by the Hong Kong Institute of Education OBL unit. Mr. Wang Lixun’s research has been published in Research in Higher Education Journal and it has undergone reviews by the reputable educators and therefore this instrument is valid. Spady (1988; 1993) [19] noted that the most desirable learning outcomes are first identified and the curriculum and instructional materials are formulated to support the course intended learning outcomes. Constructive alignment is attained when there is coherence between the assessment, teaching strategies, and intended learning outcomes in the curriculum. This is the reason why the current researcher adapted Mr. Wang Lixun’s instrument for the present study.

Weighted mean and the Five-Point Likert Scale were utilized for data interpretation. The Pearson Product Moment Correlation was used to find out significant relationships in students’ responses based on courses. The test of hypothesis was at 0.05 level of significance.

3. Results and Discussion
This section deals with data based on the sequence of the problem statements.
See Table 1
See Table 2
See Table 3
See Table 4
See Table 5

Interview Data
To triangulate the responses of the students the researcher employed qualitative data from semi-structured interviews.

Some students agreed that the Social Science courses are helpful and enjoyable. One Bahraini student said “the teacher teaches the lesson based on what is stated in the course specifications. Generally, teachers show concern to what the students need because they give formative assessment first before letting us take a summative assessment.” This confirmed the results of CILOs A1, A2, C1, and C2—which scored a higher mean compared to other CILOs.

Another student claimed, “I agree that what is taught in our subject aligns with the learning objectives, because if not then this course is not being offered.” A Pakistani student pointed out that “the courses are somewhat less significant to my degree program because I learned and studied history and Arabic studies already in my basic education my courses should focused more on my major subjects; however I found out that Social Sciences courses learning activities are interesting.” The finding is parallel to the result of BSBI CILOs being positively correlated to the learning activities. Five students perceived HUMR400 as something that has not been carried out fully in terms of the CILO “Apply basic principles and components of human rights in various interactions”. They said the “teaching methodology of teacher was focused most on the teaching discussion.” This finding is also in agreement with the CILOs on subject specific skills, critical thinking skills, and general transferrable skills-- which did not meet the level of acceptance for significance of correlations between the teaching and learning activities.

Students used interesting analogies to compare the BSBI CILOs of SOCI400 with the assessment used, and teaching and learning activities by the teacher as perceived by Indian, Persian and Bahraini students. An Indian student said “yes, the learning outcomes of the course are clear and understandable. The course activities are well prepared and delivered and I enjoyed this much because there is a connection of this subject to what is happening in real life.” A Persian student agreed that “what is interesting about the course is that we get to learn other societies with different backgrounds.” A Bahraini student supported their statements, “yes, I agree because every day we deal or interact with people what is being discussed here is what we really experience in our daily interactions with people.”
This also confirmed the result that the BSBI respondents assessed the correlations between the Social Sciences CILOs and indicated that they are moderately correlated to the teaching and learning activities. However, in terms of assessment method used, an incoming second-year student claimed, “I found clear assessment criterion of the assessment tasks in the course but some assessments are not relevant to the course intended learning outcomes because the question is too difficult specially when asking us to identify the wrong statement and we correct them. The teacher should help us not to make difficult question.” This finding infers congruence to CILOs of SOCI400 and HUMR400 which disclosed a higher self-rating in terms of Pearson-r as compared to the assessment given to other CILOs being assessed.

In terms of aligning the CILOs with the assessment, one student claimed, “I assume the teaching and learning activities and assessment methods aligned with the CILOs. For example, in the lesson Culture we were required to read an article which is stated in the course specification and we should write our reaction about this how culture is related to another culture how culture is unique.” This is supported by another student “I totally agree because after reading the story and made our reaction or reflection it is our own negative judgment that makes the other people different from us.” The first year Bahraini student opined “though the activity is hard because we have to read and answer activity in our moodle but if we want to learn we have to follow the instructions of the teacher.”

A Bahraini student gave his reflection about all his courses under the Social Sciences, “Generally, every teaching and learning activities are clear because the subjects are very basic for us and we know what we are going to learn and do at the end of the instruction.” This finding elicited the same result with regard to the BSBI CILOs that are positively correlated in terms of teaching and learning activities.

Conclusions

The following conclusions are based on the findings of the study: one, that the respondents are in agreement that the CILOs are positively correlated to BSBI program intended learning outcomes in terms of teaching and learning activities; two, that the Social Sciences CILOs are aligned with the PILOs and are appropriate to the BSBI program and to the level of the course; three, that the CILOs yielded a negative correlation as to the assessment methods, and not statistically significant between the social sciences’ CILOs to BSBI program intended learning outcomes; and four, that in terms of teaching and learning activities, the Social Sciences CILOs are positively correlated to the BSBI program intended learning outcomes, except that the assessment method used yielded a negative correlation.

Recommendations

The following recommendations are based on the findings and conclusions of the study:

1. CILOs which received lower mean specifically on subject specific skills, thinking skills, and general transferrable skills should be revisited;
2. Students should be given thorough orientation on the significance of the formative assessments to appreciate their value;
3. Incentives should be given to activities that involve learning management systems or e-learning (such as Moodle and the like), classroom seat works, and assignments to justify the importance of formative and consequential summative assessments;
4. Mechanisms should be intensified relative to aiding students' learning, such as conducting tutorial classes, holding peer tutoring, and provision for more activities that promote independent learning, among other things;
5. Assessment tools to enhance the attainment of CILOs should be periodically reviewed; and
6. Future work or researches should replicate this study to determine its usefulness or applicability.

References

AMAIUB- BSBI Curriculum Plan (2013-2014). Salmabad, Kingdom of Bahrain
AMAIUB-CAFS Catalogue, SY2013-2014


Mann, S.J. (2004). Guidelines for Writing Aims and Intended Learning Outcomes at the Programme and Course level


Theoretical Framework

Figure 1. Constructive Alignment of learning outcomes, learning and teaching activities and the assessment. Adapted from Biggs (1999).

Table 1. ARAB 400 (Arabic Studies) CILOs alignment with BSBI program intended learning outcomes.

<table>
<thead>
<tr>
<th>Course Intended Learning Outcomes</th>
<th>Mean (N=90)</th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1. Identify major concepts in Arabic Studies in discussing language, culture, and literature;</td>
<td>4.72</td>
<td>Strongly Agree</td>
</tr>
<tr>
<td>A2. Recognize the central theme of the story and manner of presentation in major literary works.</td>
<td>4.48</td>
<td>Agree</td>
</tr>
<tr>
<td>B1. Discuss productive and insightful Arabic language writings, culture and literature.</td>
<td>3.03</td>
<td>Neither Agree nor Disagree</td>
</tr>
<tr>
<td>B2. Apply knowledge of literary works and specific selections of Arabic literature;</td>
<td>4.00</td>
<td>Agree</td>
</tr>
<tr>
<td>C1. Examine Arabian literary pieces essential to critical and analytical thinking;</td>
<td>3.00</td>
<td>Neither Agree nor Disagree</td>
</tr>
<tr>
<td>C2. Analyze the Arabian culture for the students’ socio-cultural awareness.</td>
<td>2.02</td>
<td>Disagree</td>
</tr>
<tr>
<td>D1. Demonstrate effective use of written and oral communication skills.</td>
<td>2.46</td>
<td>Disagree</td>
</tr>
<tr>
<td>D2. Promote ethical and professional behavior.</td>
<td>2.84</td>
<td>Neither Agree nor Disagree</td>
</tr>
</tbody>
</table>

Weighted Mean 3.32 Neither Agree nor Disagree

Table 1 presents the course intended learning outcomes of Arabic Studies, as well as reveals the status of attainment of Arabic Studies CILOs. The overall weighted mean of 3.32 indicates that the students neither agree nor disagree that ARABIC studies CILOs attained PILO 1, which is to function effectively as an individual and member of a team, and PILO 2, which is to promote ethical and professional behavior.
Table 2. HIST400 (History of Bahrain & the GCC) CILOs alignment with BSBI program intended learning outcomes.

<table>
<thead>
<tr>
<th>Course Intended Learning Outcomes</th>
<th>Mean (N=90)</th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1. Enumerate the significant events in the history of the Kingdom of Bahrain;</td>
<td>4.37</td>
<td>Agree</td>
</tr>
<tr>
<td>A2. Describe historical places and personalities in the History of Bahrain.</td>
<td>3.97</td>
<td>Agree</td>
</tr>
<tr>
<td>B1. State and illustrate the influences of the historical events in the light of the current situation;</td>
<td>3.07</td>
<td>Neither Agree nor Disagree</td>
</tr>
<tr>
<td>B2. Compose personal plans to demonstrate patriotism to the country.</td>
<td>2.03</td>
<td>Disagree</td>
</tr>
<tr>
<td>C1. Summarize the historical developments of the Kingdom of Bahrain;</td>
<td>3.97</td>
<td>Agree</td>
</tr>
<tr>
<td>C2. Evaluate historical events significant to the growth and development of the Kingdom and the region</td>
<td>3.63</td>
<td>Agree</td>
</tr>
<tr>
<td>D1. Demonstrate scientific literacy through effective oral and written communication skills.</td>
<td>2.70</td>
<td>Neither Agree nor Disagree</td>
</tr>
<tr>
<td>D2. Work productively and effectively in a team.</td>
<td>2.82</td>
<td>Neither Agree nor Disagree</td>
</tr>
<tr>
<td><strong>Weighted Mean</strong></td>
<td><strong>3.32</strong></td>
<td>Neither Agree nor Disagree</td>
</tr>
</tbody>
</table>

Table 2 displays the course intended learning outcomes of History of Bahrain. The weighted mean of 3.32 indicates that the students neither agree nor disagree with the attainment of the BSBI intended learning outcomes.

Table 3. HUMR400 (Human Rights) CILOs alignment with BSBI program intended learning outcomes.

<table>
<thead>
<tr>
<th>Course Intended Learning Outcomes</th>
<th>Mean (N=78)</th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1. Recognize and name the basic principles and components of human rights;</td>
<td>3.65</td>
<td>Agree</td>
</tr>
<tr>
<td>A2. Identify and describe the influence of international institutions on national legal systems;</td>
<td>3.92</td>
<td>Agree</td>
</tr>
<tr>
<td>B1. Discuss the various principles and components of human rights;</td>
<td>2.96</td>
<td>Neither Agree nor Disagree</td>
</tr>
<tr>
<td>B2. Apply basic principles and components of human rights in various interactions.</td>
<td>2.96</td>
<td>Neither Agree nor Disagree</td>
</tr>
<tr>
<td>C1. Distinguish different components of human rights;</td>
<td>3.92</td>
<td>Agree</td>
</tr>
<tr>
<td>C2. Evaluate components of human rights issues.</td>
<td>3.92</td>
<td>Agree</td>
</tr>
<tr>
<td>D1. Demonstrate ability in analyzing legal issues.</td>
<td>2.96</td>
<td>Neither Agree nor Disagree</td>
</tr>
<tr>
<td>D2. Practice ethical reasoning skills.</td>
<td>2.91</td>
<td>Neither Agree nor Disagree</td>
</tr>
<tr>
<td><strong>Weighted Mean</strong></td>
<td><strong>3.40</strong></td>
<td>Neither Agree nor Disagree</td>
</tr>
</tbody>
</table>
Table 3 shows the status of attainment of the course intended learning outcomes of Human Rights under the BSBI program intended learning outcomes. The weighted mean of 3.40 indicates that the students neither agree nor disagree with the program intended learning outcomes of BSBI which states "Functions effectively as an individual and as a member of a team and promote ethical and professional behavior” have been integrated in their Human Rights lessons.

The overall assessment of the respondents suggests that the course had little effect in terms of demonstrating the subject specific skills and employing general transferrable skills to improve their comprehension and awareness of the implications and implementations of the various laws as stipulated in the international bill of human rights.

Table 4. SOCIO400 (Sociology) CILOs alignment with BSBI program intended learning outcomes

<table>
<thead>
<tr>
<th>Course Intended Learning Outcomes</th>
<th>Mean (N=90)</th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1. Recognize and name the sociological perspective, and its components;</td>
<td>4.68</td>
<td>Strongly Agree</td>
</tr>
<tr>
<td>A2. Identify the social thinkers and describe the social structure and institutions.</td>
<td>4.04</td>
<td>Agree</td>
</tr>
<tr>
<td>B1. Discuss the various sociological components;</td>
<td>4.04</td>
<td>Agree</td>
</tr>
<tr>
<td>B2. Explain the ethical, legal, security and social responsibilities in various sociological interactions.</td>
<td>4.20</td>
<td>Agree</td>
</tr>
<tr>
<td>C1. Distinguish and analyze the contributions of different social institutions and groups;</td>
<td>4.16</td>
<td>Agree</td>
</tr>
<tr>
<td>C2. Evaluate and point out the social structures, and the sociological components.</td>
<td>3.07</td>
<td>Neither Agree nor Disagree</td>
</tr>
<tr>
<td>D1. Demonstrate skills in oral / written communications.</td>
<td>3.43</td>
<td>Neither Agree nor Disagree</td>
</tr>
<tr>
<td>D2. Work productively and effectively as an individual and as a member of a team.</td>
<td>3.07</td>
<td>Neither Agree nor Disagree</td>
</tr>
<tr>
<td>Weighted Mean</td>
<td><strong>3.84</strong></td>
<td>Agree</td>
</tr>
</tbody>
</table>

Table 4 discloses the status of attainment of the course intended learning outcomes of Sociology under the BSBI program intended learning outcomes. The respondents elicited their highest weighted mean of 3.84 among the courses evaluated.

It can be inferred from the finding that BSBI students have demonstrated their knowledge and understanding relative to sociological concepts, foundations and forerunners of sociology.
Table 5: RELATIONSHIP BETWEEN THE SOCIAL SCIENCES’ CILOs TO BSBI CURRICULUM IN TERMS OF TEACHING AND LEARNING ACTIVITIES AND ASSESSMENT METHODS

A. CORRELATIONS BETWEEN SOCIAL SCIENCES’ CILOs TO BSBI CURRICULUM IN TERMS OF TEACHING AND LEARNING ACTIVITIES

<table>
<thead>
<tr>
<th>Course Code</th>
<th>Course Name</th>
<th>Pearson Correlation</th>
<th>Sig. (2-tailed)</th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARAB400</td>
<td>ARABIC STUDIES</td>
<td>.372</td>
<td>.538</td>
<td>Weak uphill (Positive) correlation</td>
</tr>
<tr>
<td>HIST400</td>
<td>HISTORY OF BAHRAIN &amp; THE GCC</td>
<td>.406</td>
<td>.497</td>
<td>Weak uphill (Positive) correlation</td>
</tr>
<tr>
<td>HUMR400</td>
<td>HUMAN RIGHTS</td>
<td>.611</td>
<td>.274</td>
<td>Moderate uphill (Positive) correlation</td>
</tr>
<tr>
<td>SOCI400</td>
<td>SOCIOLOGY</td>
<td>.611</td>
<td>.274</td>
<td>Moderate uphill (Positive) correlation</td>
</tr>
</tbody>
</table>

*Correlation is significant at the 0.05 level (2-tailed)

Table 5 reflects the correlations between Social Sciences CILOs and BSBI curriculum in terms of teaching and learning activities. The table shows that Social Sciences' CILOs are positively correlated to BSBI program intended learning outcomes in terms of teaching and learning activities. This means that a high score in CILOs reflects a high in teaching and learning activities.

It can be underscored that although the BSBI respondents assessed the correlations between the Social Sciences CILOs and proved that they are moderately correlated to the teaching and learning activities, CILOs of SOCI400 and HUMR400 disclosed a higher self-rating in terms of Pearson-r as compared to the assessment given to the ARAB400 and HIST400. The finding shows a high sense of teaching and learning activities in terms of Pearson-r for the courses SOCI400 and HUMR400.
### B. CORRELATIONS BETWEEN SOCIAL SCIENCES CILOs AND BSBI CURRICULUM IN TERMS OF ASSESSMENT METHODS

<table>
<thead>
<tr>
<th></th>
<th>Assessment Methods</th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pearson Correlation</td>
<td>A weak downhill (negative) linear relationship</td>
</tr>
<tr>
<td>ARAB</td>
<td>-.437</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sig. (2-tailed)</td>
<td>.462</td>
</tr>
<tr>
<td></td>
<td>N</td>
<td>90</td>
</tr>
<tr>
<td>HIST</td>
<td>-.946</td>
<td>A strong downhill (negative) linear relationship</td>
</tr>
<tr>
<td></td>
<td>Sig. (2-tailed)</td>
<td>.015*</td>
</tr>
<tr>
<td></td>
<td>N</td>
<td>90</td>
</tr>
<tr>
<td>HUMR</td>
<td>-.836</td>
<td>A strong downhill (negative) linear relationship</td>
</tr>
<tr>
<td></td>
<td>Sig. (2-tailed)</td>
<td>.078</td>
</tr>
<tr>
<td></td>
<td>N</td>
<td>78</td>
</tr>
<tr>
<td>SOCI</td>
<td>-.619</td>
<td>A strong downhill (negative) linear relationship</td>
</tr>
<tr>
<td></td>
<td>Sig. (2-tailed)</td>
<td>.265</td>
</tr>
<tr>
<td></td>
<td>N</td>
<td>90</td>
</tr>
</tbody>
</table>

*Correlation is significant at the 0.05 level (2-tailed).

The table shows the correlations between Social Sciences CILOs and the BSBI curriculum in terms of the assessment methods. The high score in CILOs reflects a low score in assessment methods. The student respondents all agree that there is a clear assessment criterion of the assessment tasks in the course and the course assessment tasks are fair, reasonable and appropriate; however, they scored with a lower mean in terms of the variable “that assessment methods encourage student involvement.”

On the other hand, CILOs on subject specific skills, critical thinking skills, and general transferrable skills did not meet the level of acceptance for significance of correlations between the CILOs and assessment methods used. This suggests that CILO’s are aligned to the PILO’s and are appropriate to the BSBI program and are appropriate to the level of the course.
Growth of Asynchronous Online Learning

Online education has grown in the last decade with close to seven million higher education students taking at least one online course (Allen & Seaman, 2013; Means, Bakia, & Murphy, 2014). Retention rates were on par between online and face-to-face courses as there is concern about retention in online classes (Wladis, Conway, & Hachey, 2015). And there were no significant differences in course outcomes between these classes as well (Bolsen et al., 2016). The “democratizing” effects of online discussions have been widely anticipated (Caspī, Chajut, & Saporta, 2008; Herring, 1993; Kahn & Brookshire, 1991; Kiesler, Siegel, & McGuire, 1984; Resca, 2013), in part because the medium may subdue or eliminate status cues and online applications offer both increased access and more equal access because participants have greater liberty to occupy the non-hierarchical space at their discretion and at their own pace (Graddol & Swann, 1989; Kiesler et al., 1984; Shaw, 2016). The growth of online education has been a boon for students and instructors alike as it is offered at a time and pace that is comfortable for the tech-savvy, employed or deployed student.

Online learning is also gaining wider acceptance by academic leaders as well, largely as online learning is critical to their long-term enrollment strategy rising from less than 50% in 2002 to 66% in 2013 (Allen & Seaman, 2013) and propelled by several positive structural issues as well, such as not having to have a physical classroom, a specific class meeting time and requiring minimal hardware (MacKenzie, 2015). By far, the most crucial factor for increasing the acceptance of online learning is evidence suggesting that there is no significant difference in learning outcomes between face-to-face and online instruction (Bolsen et al., 2016; Chadha & Van Vechten, 2011; MacKenzie, 2015; Russell, 2001) and in hybrid course where online students performed better than those receiving the traditional face-to-face instruction (U.S. Dept. of Education, 2010). This upward trend continuing in current studies as reported in Bolsen et al. (2016).

Growth of Asynchronous Learning

Increasingly more studies show that in an online asynchronous exchange format among peers were open, frank, expansive, curious, and even confessional in their willingness to share and discuss sensitive issues and are known to boost academic progression (Anderson, 2003; Chadha & Van Vechten, 2011; Merryfield, 2001b). These forms of discussions are a constructive means by which to collaborate and engage students in higher order thinking (Meyer, 2003; Faraj, Jarvenpaa, & Majchrzak, 2011) with student ownership of the discussion (Chen, Wang, & Hung, 2009). The asynchronous format places a premium on quality student-student interaction that allows for reflection and scholarly expression in text format. What’s more, discussion interactions online was more gender equitable and cross cultural than on campus (Merryfield, 2001a; Wladis, Hachey, & Conway, 2015a). Other researchers point out that certain types of online tools, such as asynchronous discussion forums where students can post responses anytime, help students engage with issues and material more meaningfully because they have the chance to think through arguments, evaluate evidence, draw conclusions, reflect, and reconsider and reestablish their positions (Hamann, Pollock, & Wilson, 2009; Yoo, 2013). In fact, when students are given the time,
space and ownership of discussions, it sharpens their perspective (Anderson, 2003) giving them the opportunity to interact with their peers, provide peer feedback, and reflect on the status of their personal learning goals and outcomes (Er, Özden, & Arifoglu, 2009; Harris, Mishra, & Koehler, 2009; Simonson, Smaldino, Albright, & Zvacek, 2012).

**Comparability across Courses**

Instructors across several states that had prior experiences with these collaborations, agreed to collaborate on an invitation-only web-project in courses based on similarities in the university required course objectives that would engage students in discussions about American politics. Their students who participated in the program were enrolled in these American Politics courses “virtually” linked by a collaborative project and using asynchronous discussions across different states and time zones. This longitudinal study used three continuous semesters of data collected across these collaborations. While different universities participated throughout these semesters, the method, design, structure and intent of these collaborations remained identical.

Instructors agreed to distribute common standardized instructions as well as a course grade as part of their syllabus. Students were required to post a response to the same number of instructor question and respond to the same number of students’ posts in order to build continuous dialogue, further discussions, and maintain a discussion-oriented online community. Professors monitored online student conversations for signs that students were abiding by general rules of respect and civility, but refrained from actually participating or extending the discussion of the forums reminding students of these ground rules when necessary. Each class was a university requirement at a liberal arts Institution. Students were enrolled in the same class type, an American Politics course, across these campuses, a descriptive summary of comparisons are provided in table 1. Insert Table 1 here.

As Table 1 shows, all courses were undergraduate American Politics courses offered at four-year institutions. The instructors had agreed to the same common course objectives and goal for the courses themselves, each centered on lectures in classes. None of the professors furthered discussion of the instructor questions in class as well lending to these similarities. Course grades ranged from 10-15% of their total grade. Data across gender, race and other characteristics showed no significant difference in participation across their posts and responses.

Instructors rotated responsibility for posing questions weekly across a variety of contemporary and enduring issues in American Politics. The total number of required posts and responses was exactly the same by each instructor, with a similar grade percentage (10-15%) in the course as noted in table 1. The array of in class activities was the same across participating classes, further maintaining the similarities across the collaboration. Learning goals were outlined in respective syllabi, and included developing a better understanding of other points of view, deepening (students’) sense of identity as members of a political community, improving their communication, research, analytical, and critical thinking skills through short writing assignments, including those online (Chadha & Van Vechten, 2011). While not a course requirement, several students initiated their own questions furthering a sense of community. Student questions did not duplicate the instructor questions.

**Methods:**

Content analysis of online discussions that were a part of the students’ course requirements were conducted across several variables over a four semester period. Over this four semester period measurement of student discussions for academic and reflectivity depth and not a knee jerk or quick reaction such as an agreement to a peers’ post was performed.

**The Dependent Variable**

To measure for the academic/reflectivity depth, an index was created comprised of five variables: reflective/deliberative + referred to class or text + provided media link + posed an honest question + length of post (+1 for short, +2 for medium, +3 for long).

To be *Reflective/Deliberative* means that students had reflected, deliberated, or reconsidered their own views when they responded to questions or when they commented on other students’ posts. They puzzled through problems or issues, further questioned others, challenged others or held them accountable for their views in a positive way. They thought about the question and responded with reflective, deliberate...
comments. A score of 1 or 0 was assigned. + Classroom ideas or texts: In their responses did the students refer to ideas to which they had been exposed in class or mention their professors or discussions in class. …I learned this in class… Or …the text says… A score of 1 or 0 was assigned. + References or outside links: Did the students post or cite links to external sites when responding to questions, or did they refer to (court) cases in such a manner that one could look it up? Did they cite current events or media-related stories that could be looked up or located by another student? Did they provide an actual link to another related source? A score of 1 or 0 was assigned. + Poses honest question: Did the students actually ask one or more questions that enlarged the scopes of the discussions; not rhetorical ones that assumed answers. “Who decides what is proper and appropriate?” A score of 1 or 0 was assigned. + Length: A scale of 1-3 was used: 1= a short response of usually 75 words or fewer, or up to 4 full lines of text; 2=a medium response, between 5-9 lines of text; and 3=a long response, longer than 10 lines. A scale score was assigned.

One point each was assigned to the first four of the five variables. The fifth variable, length, had a range of points. The least a student could score was one while the most a student could score was eight. The total number of postings per student (example: student X posted six times a day, five days in a row) was not a measure toward increased learning as it was not the total number of posts and responses that would be reflective, but rather the reflective score is a measurement of thoughtful understanding and contribution to a post or response.

The Hypotheses

Using the academic/reflectivity index as the dependent variable, the hypothesis followed: H1: Student online discussions would be continuously academically reflective over the semesters. H2: Student online discussions would be similarly reflective across gender over the semesters similar to those based on part research by Wladis et al. (2015a). H3: Student online discussions would be consistent reflective across any type of question asked and over the semesters.

To measure these three hypotheses, a mixed methods approach was used. Content analysis of online discussions that were a part of the students’ course requirements was first conducted across variables measuring academic usage. Next, a repeated measures anova to test for statistical significance of scores over the course of the term was used. The professors administered an anonymous, online survey during the first week of class with a follow-up survey at the end of the semester.

Results

Anovas reveal statistical significance of reflectivity scores across each of the semesters. Table 2 displays the mean and standard deviation (SD) scores of reflectiveness and scores of reflectiveness by gender across these semesters. Insert Table 2 here

A one-way between-groups analysis of variance was conducted to explore reflectivity scores by students over the entire three semester period. Anova results (F ratio and eta² statistics) comparing reflectivity scores over the semesters are listed in table 3 depicting significance in reflectivity scores by the semester, p< .000 and by gender p< .476 supporting hypothesis 1 and 2. Insert Table 3 here

Given the significance for reflectivity scores over the semester and gender, LSD post-hoc significance of test differences in mean scores and standard error for each semester by the reflectiveness index and gender are reported in table 4. Insert Table 4 here

To prove hypothesis 4, student online discussions across question type asked over the semesters was analyzed. Closer examination of the questions with statistical significance in the post-hoc reflectivity scores show that the question asked by the instructors was immaterial, as each question type was responded to with significant reflectivity. The standard error, significance, and partial eta for reflectivity over eight sample questions asked are reported in table 5. Insert Table 5 here

These statistically significant testing of hypotheses speak to the students’ consistent interaction with each other and the material with thoughtful and deliberative discussions. The asynchronous nature of these discussions are a boon for students as they can visit and re-visit discussion when they have formed seasoned opinions and when they have the time.
Conclusions and Recommendations

The Anova results support the three hypotheses in this study and give further credence to the growth of online learning supported by several researchers (MacKenzie, 2015; Russell, 2005) along with the academic vigor of asynchronous online instructions (Anderson, 2003; Chadha et al., 2011; Merryfield, 2001b; Meyer, 2003; U.S. Department of Education report, 2010) defined in the literature.

While even more research is needed to continuously examine the potential of online spaces, the present study provides an example towards creating defined online academic spaces for building and refining student work. Students ‘belong’ to the community of online learning, going beyond their grade requirements and in being deliberative and thoughtful, and one such example of a student exchange is provided in table 6 having to do with privacy versus speech. INSERT TABLE 6 HERE

The collaborations were conceived as a forum for exchange of common discussions in an undergraduate American Politics course taught throughout the country. Students were not provided with any scripts of response styles other than a grade and minimum number of post requirements. Therefore, finding these significant exchanges lends to greater credence given that students were motivated to visit and revisit their responses and reach out to peers to challenge, clarify or post with academic vigor. Much more research in this area of online and asynchronous education is needed, especially as online learning continues to grow globally. Moving forward in collaborations of this nature, varying activities such as town hall meetings or live chats with speakers could be incorporated for variety and also to encourage participation and to accommodate different communication styles. It is possible to design a collaboration that would encourage peer interaction either verbally or in written format and studies of these would be compelling. While students indicated that there was value in the interactive components of the online introductory course, potential for improvement still exists, particularly in terms of increasing attendance and participation in synchronous sessions. Instructors may also incorporate synchronous activities such as telephone correspondence and skype-like conferences (Anderson, 2003) in addition to the asynchronous discussion activities. Future studies may examine strategies to address these issues and assess any changes in student perceptions and performance with greater online interaction. Online asynchronous learning is a story that is still being written, and how it progresses will likely depend on those present. This research additionally serves as a resource related to asynchronous course development for faculty in higher education settings.

References


Russell, T. L. (2001). *The no significant difference phenomenon: A comparative research annotated bibliography on technology in distance education (5th Ed.).* IDECC


Table 1: Courses and Participants*

<table>
<thead>
<tr>
<th>Course Title</th>
<th>American Politics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Course Level</td>
<td>Undergraduate Required American Politics Course</td>
</tr>
<tr>
<td>University Type</td>
<td>4 Year University</td>
</tr>
<tr>
<td>Class requirement</td>
<td>Face-to-Face with Online collaboration requirement</td>
</tr>
<tr>
<td>Minimum Class Requirements</td>
<td>8 posts/8 responses per student</td>
</tr>
<tr>
<td></td>
<td>75 word minimum per post/response</td>
</tr>
<tr>
<td></td>
<td>Class requirement Grade between 10%-15%</td>
</tr>
</tbody>
</table>

*Gender and Race well distributed  
N= 700 entries.

Table 2: Mean and Standard Deviation scores by the reflectivity index  
And gender over each of the semesters

<table>
<thead>
<tr>
<th>Variable</th>
<th>Semester</th>
<th>Mean</th>
<th>Std. Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reflectivity Index</td>
<td>Fall A</td>
<td>96.90000</td>
<td>53.43371</td>
</tr>
<tr>
<td></td>
<td>Spring B</td>
<td>131.07500</td>
<td>50.03813</td>
</tr>
<tr>
<td></td>
<td>Fall C</td>
<td>193.77420</td>
<td>110.63467</td>
</tr>
<tr>
<td>Genders of Student responding to each other</td>
<td>Fall A</td>
<td>2.23000</td>
<td>1.13578</td>
</tr>
<tr>
<td></td>
<td>Spring B</td>
<td>2.32500</td>
<td>1.11832</td>
</tr>
<tr>
<td></td>
<td>Fall C</td>
<td>2.08870</td>
<td>1.11174</td>
</tr>
</tbody>
</table>

Table 3: One-way ANOVA results (F ratio and eta² statistics) scores by reflectivity and gender over the semesters.

<table>
<thead>
<tr>
<th>Dependent Variable</th>
<th>df</th>
<th>F</th>
<th>Sig.</th>
<th>Partial Eta Squared</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reflective Index</td>
<td>2</td>
<td>36.838</td>
<td>.000</td>
<td>.220</td>
</tr>
<tr>
<td>Gender of Respondent</td>
<td>2</td>
<td>.745</td>
<td>.476</td>
<td>.006</td>
</tr>
</tbody>
</table>
Table 4: LSD post-hoc significance of test differences in mean scores and standard error for each Semester by the reflectiveness index and gender

<table>
<thead>
<tr>
<th>Dependent Variable</th>
<th>(I) Semester</th>
<th>(J) Semester</th>
<th>Mean Difference (I-J)</th>
<th>Std. Error</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reflectiveness Index</td>
<td>Fall A</td>
<td>Spring B</td>
<td>-34.1750*</td>
<td>15.9025</td>
<td>0.033</td>
</tr>
<tr>
<td></td>
<td>Fall C</td>
<td>Fall A</td>
<td>-96.8742*</td>
<td>11.42469</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Fall C</td>
<td>Spring B</td>
<td>34.1750*</td>
<td>15.9025</td>
<td>0.033</td>
</tr>
<tr>
<td></td>
<td>Spring B</td>
<td>Fall C</td>
<td>-62.6992*</td>
<td>15.45655</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Fall C</td>
<td>Fall A</td>
<td>96.8742*</td>
<td>11.42469</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Spring B</td>
<td>Fall C</td>
<td>62.6992*</td>
<td>15.45655</td>
<td>0</td>
</tr>
<tr>
<td>Gender</td>
<td>Fall A</td>
<td>Spring B</td>
<td>0.02</td>
<td>0.09197</td>
<td>0.828</td>
</tr>
<tr>
<td></td>
<td>Fall C</td>
<td>Fall A</td>
<td>-0.0671</td>
<td>0.06607</td>
<td>0.311</td>
</tr>
<tr>
<td></td>
<td>Spring B</td>
<td>Fall C</td>
<td>-0.02</td>
<td>0.09197</td>
<td>0.828</td>
</tr>
<tr>
<td></td>
<td>Fall C</td>
<td>Spring B</td>
<td>-0.0871</td>
<td>0.08939</td>
<td>0.331</td>
</tr>
</tbody>
</table>

Table 5. Std. Error, significance, and partial eta for reflectivity over sample questions per semester.

<table>
<thead>
<tr>
<th>DQs</th>
<th>B</th>
<th>Std. Error</th>
<th>T</th>
<th>Sig.</th>
<th>Partial Eta Squared</th>
</tr>
</thead>
<tbody>
<tr>
<td>DQ 1</td>
<td>-28.456</td>
<td>17.26</td>
<td>-1.649</td>
<td>0.1</td>
<td>0.011</td>
</tr>
<tr>
<td>DQ 2</td>
<td>65.819</td>
<td>20.643</td>
<td>3.188</td>
<td>0.002</td>
<td>0.038</td>
</tr>
<tr>
<td>DQ 3</td>
<td>78.464</td>
<td>25.8</td>
<td>3.041</td>
<td>0.003</td>
<td>0.035</td>
</tr>
<tr>
<td>DQ 4</td>
<td>14.825</td>
<td>19.096</td>
<td>0.776</td>
<td>0.438</td>
<td>0.002</td>
</tr>
<tr>
<td>DQ 5</td>
<td>32.114</td>
<td>22.299</td>
<td>1.44</td>
<td>0.151</td>
<td>0.008</td>
</tr>
<tr>
<td>DQ 6</td>
<td>170.806</td>
<td>23.722</td>
<td>7.2</td>
<td>0</td>
<td>0.169</td>
</tr>
<tr>
<td>DQ 7</td>
<td>82.013</td>
<td>23.319</td>
<td>3.517</td>
<td>0.001</td>
<td>0.046</td>
</tr>
<tr>
<td>DQ 8</td>
<td>57.568</td>
<td>22.299</td>
<td>2.582</td>
<td>0.01</td>
<td>0.025</td>
</tr>
</tbody>
</table>
Table 6: Student (names changed) exchanges in their own words.

| Jill: “I think that piracy on the internet should be loosely defined. The internet should be used as a resource, a mode of communication and a store. I think that illegally downloading videos, songs and books should be more strictly regulated, and that illegal copying and sharing of that specific information should be made much more difficult. The people who produce those materials are talented artists who are trying to make a living on their creative product and copying their product is stealing. On the other side, I think that search engines as well as other websites should be able to provide links to parts of such information previously mentioned. If there are lyrics to a song, an excerpt from a book, or a short clip from a movie, that material should be acceptable and accessible. This is the resource aspect of the internet that needs to be considered. Furthermore, people should have the freedom of speech to mention these items in blogs, or on their personal web space. The authors have published this material and have intended for people to see it and integrate it into their lives and opinions. Lastly I think it is the role of the producer, publisher etc., to keep track of the material that their artist has created. They made it accessible to the public, so they should keep tabs on it from there on out. Lastly, I must mention that anything that is not copyrighted (i.e. photos people post on facebook, blogs, etc.,) should have to privacy law attached to it. If you choose to post something to the internet, you should be aware that any person can look at it and share it as they please.”

| Tom: ”I agree piracy should be redefined. People downloading some free songs or a movie off the web is very different than going to a store and physically stealing them. The internet needs to be defined as what it is and the government needs to realize it is something that cannot be compared to anything else. Time will tell how we treat the internet and it’s laws.

Darren. I am not arguing for or against piracy or copyright laws, I just want to understand your position. I would like to understand the difference between "downloading some free songs or a movie off the web" and "going to a store and physically stealing them". I believe they are almost the same thing. When you take something physically you are taking away property that belonged to someone else that they invested time and money into. When you download something for free on the internet that is not intended to be free you are also taking away property that belonged to someone else that they invested time and money into. They are both forms of stealing in my eyes, so how is a distinction created between them.

1) Instructors followed IRB rules on their campus. Students were told and given details about the collaboration and asked to sign consent forms, after which they were sent invitations to join this academic site. Only then could they create their own profile and participate in the discussions. If a student chose not to consent, an alternative exercise was assigned to them.

2) Instructors agreed that all students would be required to post and respond to the same minimum number of questions that would be a minimum of 8 posts and 8 responses. Each with a minimum word requirement, that of 75 words for posts and responses.
Factors Affecting Stage of Breast Cancer at Diagnosis: 
Payer Source May Outweigh Ethnicity

Linda Ann Esch 
Praphul Joshi 
Lamar University

Introduction

Studies have shown that African-Americans tend to be diagnosed at later stages than Caucasians for many forms of cancer, including breast cancer. This article presents the results of a database analysis of breast cancer patients in Southeast Texas. Primary payer source was a more significant variable, with a larger difference noted among patients who had Medicaid as primary payer, rather than Medicare or private insurance. However, the Medicaid group was fairly small and this may have skewed the results somewhat. The results point up the need for further study of variables affecting cancer stage at diagnosis. Information regarding breast cancer is important for planning promotional efforts for screening programs and also affects government health programs, such as Medicaid, which are impacted by the 2010 Affordable Care Act (ACA).

Breast Cancer: A Major Health Issue Nationally and Locally

Breast cancer has been identified as a priority in Healthy People 2020, which has set a national goal of a 10% reduction in breast cancer deaths, by means of preventive measures such as smoking cessation and weight control, and early detection measures such as mammography and breast self-examination (United States Department of Health and Human Services, 2014). Breast cancer is a serious health problem among women in the United States, especially African-American women. The average American woman has a 1 in 8 risk of being diagnosed with breast cancer during her lifetime (American Cancer Society, 2011).

Breast cancer is the most commonly-diagnosed form of cancer and the second-highest cause of death due to cancer for women in this country, and death rates are higher for African-American women. This disparity is believed to be due to limited resources and lower rates of participation in screening activities, such as mammograms, among African-Americans; many studies have shown that they tend to be diagnosed at later stages and hence have poorer prognoses than those who are diagnosed at earlier stages (Cronan et al., 2008). The Centers for Disease Control have noted that, for the time period from 2003 to 2012 in the United States, the incidence rate for breast cancer increased by 0.8% per year among African-American women, while remaining level for Caucasian and Hispanic-American women (Centers for Disease Control, 2016).

When caught in its early stages, breast cancer is very treatable, and, in many cases, curable. Among patients in whom the cancer has not spread beyond the breast or to the lymph nodes, and who receive prompt treatment, 98.5% will be alive after five years (Breast Cancer Research Foundation, 2015). Survival rates drop dramatically when breast cancer is diagnosed at later stages. This is why preventive measures and screening programs are important. Early detection requires both regular breast self-examination and regular screening mammography, so it is very important for women to be educated in both of these areas.

Breast cancer has been identified as a major health threat in the Beaumont, Texas area. Beaumont is located on the Neches River and is the county seat of Jefferson County, which had a population of 252,273 as of the 2010 census (United States Census Bureau, 2015). (Jefferson County’s demographics are summarized in Table 1.) Beaumont's primary industry is oil and the National Cancer Institute (2015)
has identified the exposure to toxic chemicals due to the large number of chemical plants and oil refineries in the area as one of the key risk factors for cancer of all types. Another risk factor for cancer that has been noted is the tendency toward obesity among area residents. According to the American Cancer Society (2011), the incidence rate for female breast cancer in Texas among African-Americans was 117.1 per 100,000 population for the years 2004 through 2008 and the mortality rate was 35.3 per 100,000 population for the years 2003 through 2007. Both rates are higher than the national averages of 111.6 per 100,000 population incidence rate and 32.4 per 100,000 mortality rate for African-American women during the same time periods.

In response to the high cancer rates, the Beaumont Gift of Life program, a local non-profit foundation, offers a number of programs to deal with various aspects of cancer—educational, preventive, and screening. Mammograms are furnished for women who qualify, based on lack of health insurance, income guidelines, and personal risk factors, and transportation is provided, with mobile mammography vans and volunteer rides. Also, the ACA mandates insurance coverage for preventive care such as mammograms with no co-pay or deductibles, for women 40 and older; this applies to health plans formulated after passage of the ACA (Department of Health and Human Services, 2015). Unfortunately, women in this area are not taking advantage of this resource, and this under-utilization is even more pronounced among minority women, according to Christina Morris, R.N., Gift of Life Program Services Manager (Christina Morris, R.N., personal communication, November 13, 2015). This lack of use of screening services may be a factor in the high breast cancer rates in this area.

**Purpose and Methods of the Analysis**

This purpose of this study was to see if African-American women in this area are more likely to be diagnosed at an advanced stage of breast cancer than are Caucasian women, and if the payer status has a bearing on diagnostic stage. The analysis was conducted in a similar fashion to the study done by Farkas, Greenbaum, Singhal, and Cosgrove (2012), who studied 910 patients with breast cancer and colorectal cancer in a hospital in the South Bronx which is located in a poverty district (the poorest Congressional district in the United States). The purpose of their study was to assess the effect of payer status on cancer stage at diagnosis in a safety-net hospital. The majority of the patients studied were from minority ethnic groups. The results showed that patients with Medicaid showed rates of advanced stage cancer which were similar to those for patients with other forms of health insurance coverage. Uninsured patients, however, showed higher rates of advanced stage cancer. African-American patients showed a higher rate of advanced-stage disease than did Hispanic-Americans (the study included too few Caucasians to provide a significant sample).

This analysis used a database of female breast cancer patients at Texas Oncology, which is affiliated with the Mamie McFaddin Ward Cancer Center at CHRISTUS Southeast Texas St. Elizabeth Hospital in Beaumont. CHRISTUS St. Elizabeth Hospital is one of the major hospitals in the Beaumont area and is a 431-bed acute care and trauma facility. The database excluded patient names to maintain confidentiality. The information provided for each patient included date of first contact, age at diagnosis, city and county of residence, ethnicity, primary payer, clinical stage (noted by the physician at diagnosis), and pathologic stage (noted by the physician when surgery was performed). The designation “White” in the ethnicity category of ethnicity included both Caucasians and Hispanic-Americans; these patients are referred to simply as Caucasians in this article. The database spanned the time period from 2009 to 2014. Approximately 80% of the patients in the database were from Jefferson, Hardin, and Orange counties; the rest were from various other Texas counties plus a small number from out of state (Bridget Langley, C.T.R., personal communication, July 13, 2016).

The original database contained 937 patients and spanned the years 2009 through 2014. Because the study focused on stages of breast cancer in Caucasians versus African-Americans, a small group of patients who did not belong to either of these ethnic groups was dropped from the list. Also, patients whose records did not show a clinical staging were eliminated; this left a working database of 796 patients. The entire group was studied, rather than breaking it down by years, because several years showed only very small numbers of patients in a given category. Table 2 shows a demographic summary.
Payer categories were combined to simplify the analysis. Private Insurance includes insurance policies other than governmental plans, managed care organizations, preferred provider organizations, and health management organizations. Medicare includes Medicare patients with and without supplements, Medicare administered through a managed care plan, and Medicare with Medicaid as secondary coverage. Military includes both active military members and patients covered under Tricare (which covers groups such as reservists and military family members).

In a similar fashion to the Farkas et al. (2012) study, Stages 0, 1, and 2 have been grouped as early-stage cancers; Stages 3 and 4 are considered late-stage cancers. Stage 0 refers to ductal carcinoma in situ (DCIS), in which the malignancy is completely within the mammary duct and has not spread to the surrounding tissue. The other stages refer to the severity and spread of the malignancy with Stage 4 being the most severe (American Cancer Society, 2009). Table 3 presents a breakdown of the clinical stage at diagnosis by ethnicity; Table 4 shows clinical stage at diagnosis by ethnicity and payer source. Table 5 shows counts and percentages when the numbers for the Medicare and Private Insurance categories are combined.

The data were analyzed using Excel 2013. A Pearson correlation test was done among the variables of ethnicity, type of insurance coverage, and early or late clinical stage at diagnosis. The results are presented in Table 6.

**Results**

The results were surprising. When the numbers of early-stage and late-stage cancer patients were totaled, 87.0% of Caucasians were diagnosed with early-stage cancer and 13.0% with late-stage cancer, versus 85.5% of African-Americans with early-stage cancer and 14.5% with late-stage. This shows more African-Americans diagnosed with late-stage cancer; however, the difference in percentages is not large. The Pearson correlation test showed an r value of 0.02 (0.02, p≤0.001, n=796), which does not represent a significant correlation between the variables of ethnicity and clinical stage.

Results of early-stage versus late-stage cancer by payer were also somewhat surprising. Three categories (Not Insured/Self Pay, Military, and Unknown) had such small numbers that the percentages are not terribly informative and are hence shown at the bottom of the table. Ethnicity and payer source were not correlated; the Pearson correlation test showed an r value of zero (0, p≤0.001, n=796), hence, there was no payer source dominated by a given ethnicity.

The group which was clearly at a disadvantage is the Medicaid patients. Overall, 71.1% were diagnosed with early-stage cancers and 28.9% with late-stage, and, once again, the differences between Caucasians and African-Americans were not large (70.4% early-stage and 29.6% late-stage for Caucasians, 72.7% early-stage and 27.3% late-stage for African-Americans). The Pearson correlation test showed an r value of -0.08 (-0.08, p≤0.001, n=796), indicating some correlation between payer source and clinical stage at diagnosis. The Medicaid group was rather small in this sample, and this may have skewed the results somewhat.

As is evident in Table 4, the results were most favorable for patients with private insurance as their primary payer, with 89.4% diagnosed with early-stage tumors and 10.6% with late-stage tumors. And, in this category, African-Americans actually had fewer late-stage tumors than did Caucasians, with 90.4% diagnosed in the early stages and 9.6% in late stages. The numbers for Caucasians were 89.2% for early-stage tumors and 10.8% for late-stage; very similar numbers to those for African-Americans.

Medicare patients also showed favorable percentages, with Caucasians diagnosed in 86.2% of cases with early-stage tumors and in 13.8% of cases with late-stage. The percentages for African-Americans were 81.2% early-stage and 18.8% late-stage.

When totals for the Private Insurance and Medicare groups were combined, as shown in Table 5, 87.5% were diagnosed with early-stage tumors and 12.5% with late-stage. Once again, there were only slight differences between Caucasians and African-Americans (87.8% of Caucasians had early-stage tumors and 12.2% had late-stage tumors, versus 86.2% early-stage and 13.8% late-stage among African-Americans).
Discussion

These results are quite interesting and they show that further research on breast cancer stage patterns is needed, because this database did not fit the pattern of many previous studies, which have shown African-Americans to be at a decided disadvantage in breast cancer screening.

One study which showed marked differences by ethnicity in stage at diagnosis was done by George et al. (2015), who conducted a retrospective cohort study among 634 female breast cancer patients in New Jersey. They noted that African-American women tended to be diagnosed at later stages due to a number of clinical characteristics, and that later-stage diagnosis seems to be associated with delays in obtaining treatment. The African-American women in this database had larger tumor sizes (for example, 39.8% of the African-American women had tumors larger than 2.0 centimeters in diameter, as compared to 22.7% of the Caucasian women), poorer tumor grades (42.4 of the African-American women had tumors rated as “Poor,” as compared to 28.2% of the Caucasian women), and more likelihood of lymph node involvement (26.6% of the African-American women showed positive lymph nodes, whereas only 24.8% of the Caucasian women had lymph nodes involved). The researchers studied factors that could have delayed diagnosis and treatment for the patients, and noted several factors, such as transportation issues and lack of education, that were associated with delays in seeking care.

Another study which did show significant differences in diagnostic stage by ethnic group was done at the MedStar Georgetown University Hospital, where researchers studied 2,587 breast cancer cases who were treated from 2000 to 2009. African-Americans were more likely than Caucasians to be diagnosed at advanced stages (18.0% of African-Americans were diagnosed at Stage 3 or 4 versus 11.5% of Caucasians). This difference was even more pronounced when the results were stratified by age (Oppong et al., 2015).

These results, however, do not show a significant difference by ethnicity. What appears to be more significant is the difference in payer, with Medicaid patients at a disadvantage. The finding that Medicaid patients fared markedly worse than patients with private coverage or Medicare is rather disturbing, although the sample size was small and this may have distorted the results. This may have implications for a need for reform beyond the local level.

This study had a number of limitations and challenges. The sample size was fairly small, which may have skewed the results somewhat. More studies are needed with larger groups to determine if the findings of this study represent a consistent pattern of breast cancer patients in this area or if the results were due to chance. Future studies should include larger groups of Medicaid patients to obtain information to allow planning to improve their situation. Medicaid patients represent a large group of people with limited resources, and if they are diagnosed and treated promptly the costs are less for the patients and the taxpayers.

Based on the study sample, Hispanics were grouped with the Caucasians to enable statistical procedures. Future studies should examine differences with Hispanic-Americans as a separate group, because in many statistical presentations this group shows different patterns, and different interventions may be needed which are oriented to this ethnic group.

Future studies also should address outcomes of breast cancer treatment following diagnosis. This database did not include any information on outcomes. Follow-up studies to determine how patients with various demographic characteristics fared in treatment and afterwards could help improve the entire spectrum of patient care for breast cancer.

Another aspect of the patients’ lives that was not addressed in the database was occupational exposure. With the strong oilfield presence in Beaumont, occupational exposures undoubtedly play a part in cancer incidence, staging, and prognosis. This is a topic that should be dealt with in future studies.

Also, as the ACA makes insurance available to more individuals, payer rates and stages should be monitored to determine the long-term effects of this legislation. Adjustments or additional laws may become necessary.

Future research also should study preventive measures and screening programs and how they may affect cancer incidence rates and staging. As mentioned previously, many breast cancers can be cured if discovered early enough, so programs should be implemented to promote BSE and mammography, and
the effects on the incidence rates, staging, and other aspects of breast cancer in the area should be monitored.

**Recommendations for Local Action**

Statistics have already indicated that breast cancer is a major problem in the Beaumont area. This study shows that both Caucasians and African-Americans are affected, and that the most severely affected patients are Medicaid recipients. This indicates that efforts to promote prevention and screening activities should be oriented to both ethnic groups and also should include Medicaid recipients. Many possibilities exist for planning and promoting appropriate programs.

Farkas et al. (2012) noted in their study results that many patients are unaware of the resources offered by the safety-net hospital, such as screenings and care at reduced costs or free for indigent patients. Many people in the Beaumont area also may be unaware of the availability of free mammograms and other screening programs; publicity measures are needed that stress preventive measures. The Gift of Life Foundation already does educational programs for high school girls on BSE, mammography, and ovarian cancer screening (Christina Morris, R.N., personal communication, November 13, 2015); these efforts should be continued and expanded to promote lifetime health habits.

One strategy that could be employed would be the use of female physicians as role models. Frank, Rimer, Brogan, and Elon (2000), in the Women Physicians’ Health Study, found that women MDs could be very effective role models for their patients.

Another aspect of a health-promotion plan for breast cancer detection would be to use bilingual workers who could speak the patients’ native languages. McGarvey et al. (2003) used bilingual workers with low-income Vietnamese-American, Cambodian-American, and Hispanic-American women and found that this was a key motivating factor in encouraging the women to participate in screening activities. Beaumont has a large Spanish-speaking population and bilingual mentors could be very helpful to this group.

Any program could use the strategies employed by Wong (n.d.). This study noted the importance of phone calls to remind patients of mammography appointments and follow up when appointments were missed. Also, the use of visual materials showing minority women in pictures and prominent minority women speaking in support of screening mammography were found to be effective techniques.

Screening mammography could be done in workplace programs, where workers could obtain mammograms on mobile vans parked at the employer’s location. Another option which could be quite effective would be promotion of mammograms through churches. Beaumont is a religious city, with 77.7% of the population identifying with an organized religious group (United States Religion Census, 2010). Appointments on the mobile mammography van could be planned for times when a service or other activity is taking place at the church; people would be there anyway and screenings would be very convenient.

**Recommendations for Public Policy**

The results of this study also may have implications for action beyond the local level, since Medicaid patients are shown to be at a disadvantage, with later-stage diagnoses for breast cancer. Under the ACA, states are offered the option to widen the criteria for Medicaid eligibility. A ruling by the United States Supreme Court in June, 2012, allowed individual states to choose whether or not they would participate in Medicaid expansion (Choi et al., 2015). As of July 7, 2016, 32 states had chosen to expand Medicaid eligibility; the remainder had not; the latter group includes the state of Texas (Henry J. Kaiser Family Foundation, 2016).

Han, Nguyen, Drope, and Jemal (2015) studied low-income adults aged 18 to 64 from the Medical Expenditure Panel Survey and compared a group of 9755 clients from Medicaid-expanding states with a group of 7455 clients from non-Medicaid-expanding states. The low-income groups in the non-Medicaid-expanding states showed a preponderance of African-Americans and rural residents and were less likely to have a usual source of care and to engage in preventive-care activities. The recommendation of the authors was for the non-Medicaid-expanding states to expand Medicaid services to improve the health care of marginal populations.
Zwelling and Kantarjian (2014) put forth that Texas should expand Medicaid eligibility, and that this would benefit the entire state. They note that Texas has the highest rate of uninsured individuals, with more than 6 million, or 28%, without coverage, including approximately 1.25 million children. They state that increasing Medicaid coverage would reduce this number by approximately half, and be likely to improve outcomes and reduce mortality, according to previous research.

However, if Medicaid patients are faring markedly worse, perhaps simply widening the eligibility criteria will not be sufficient and additional measures are needed. One possible aspect of the problem, noted by Farkas et al. (2012), is that many health care providers do not accept Medicaid, this may mean that Medicaid patients postpone seeking care longer and thus are diagnosed at later stages. The Medicaid program may need to be revised to provide the means for patients to participate in screening and early detection programs and seek care promptly. De Alteriis (1992) states that many health care providers refuse to see Medicaid patients due to excessive paperwork, low reimbursement rates, bureaucracy, and ideological conflicts, and that the care they do receive is often substandard. This tends to create a vicious circle because poor care leads to needing more care in the long run, and this is overloading a program which is already quite expensive to taxpayers.

Holahan and Weil (2007) present several plans for Medicaid reform. They mention the need to focus on wellness and prevention, improve care coordination for high-needs groups, improve reimbursement rates, and simplify the Medicaid bureaucracy. The ACA’s proviso for mammograms to be covered is one example of a preventive measure, which saves large amounts of money later since breast cancer is much easier and less expensive to treat when diagnosed earlier.

Breast cancer poses a serious challenge in southeast Texas. Proactive measures should be taken to increase prevention and early detection, and to continue to study the patterns of this disease. As this data analysis shows, breast cancer can show some interesting twists which need further investigation to increase our understanding of this situation.

**Table 1: Demographic Data Summary of Jefferson County, Texas**

| Population (United States Census Bureau, 2015) | 252,273 (2010 Census) |
| Major Ethnic Groups Represented, 2010 (United States Census Bureau, 2015) | Caucasians 59.3% |
| | African-Americans 34.3% |
| | Hispanic-Americans 18.9% |
| Leading Causes of Death, 2010 (Texas Department of State Health Services, 2015) | Heart Diseases 541 Deaths |
| | Malignant Neoplasms 523 Deaths |

Note that statistics were used from 2010 to correspond to the most recent decennial census having been in 2010.
<table>
<thead>
<tr>
<th>Table 2: Patient Demographics</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Age in Years</strong></td>
</tr>
<tr>
<td>Range</td>
</tr>
<tr>
<td>Mean</td>
</tr>
<tr>
<td>Standard Deviation</td>
</tr>
<tr>
<td><strong>Number (N=796 Women)</strong></td>
</tr>
<tr>
<td>Ethnicity</td>
</tr>
<tr>
<td>Caucasian</td>
</tr>
<tr>
<td>African-American</td>
</tr>
<tr>
<td><strong>Clinical Stage at Diagnosis</strong></td>
</tr>
<tr>
<td>0 (DCIS)</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>Primary Payer</td>
</tr>
<tr>
<td>Medicaid</td>
</tr>
<tr>
<td>Medicare</td>
</tr>
<tr>
<td>Private Insurance</td>
</tr>
<tr>
<td>Military</td>
</tr>
<tr>
<td>Not Insured/Self-Pay</td>
</tr>
<tr>
<td>Insurance Status Unknown</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 3: Clinical Stage at Diagnosis by Ethnicity (N=796 Women)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Caucasians</td>
</tr>
<tr>
<td>African-Americans</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 4: Clinical Stage at Diagnosis by Ethnicity and Payer (N=796 Women)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Medicaid</td>
</tr>
<tr>
<td>Medicare</td>
</tr>
<tr>
<td>Private Insurance</td>
</tr>
<tr>
<td>Military</td>
</tr>
<tr>
<td>Not Insured/Self-Pay</td>
</tr>
<tr>
<td>Unknown</td>
</tr>
</tbody>
</table>
Table 5: Clinical Stage at Diagnosis When Medicare and Private Insurance Patients Are Combined (N=735 Women: 337 Medicare, 398 Private Insurance)

<table>
<thead>
<tr>
<th></th>
<th>Caucasians</th>
<th></th>
<th></th>
<th>African-Americans</th>
<th></th>
<th></th>
<th>Total</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Early Stage</td>
<td>Late Stage</td>
<td>Early Stage</td>
<td>Late Stage</td>
<td>Early Stage</td>
<td>Late Stage</td>
<td>No.</td>
<td>%</td>
<td>No.</td>
</tr>
<tr>
<td>No.</td>
<td>512</td>
<td>71</td>
<td>123</td>
<td>86.2%</td>
<td>21</td>
<td>13.8%</td>
<td>643</td>
<td>89.5%</td>
<td>92</td>
</tr>
<tr>
<td>%</td>
<td>87.8%</td>
<td>12.2%</td>
<td>86.2%</td>
<td>13.8%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 6: Results of the Pearson Correlation Test of Ethnicity, Payer Source, and Clinical Stage

![Pearson Correlation Chart](chart.png)

PEARSON CORRELATION OF ETHNICITY, INSURANCE, AND CLINICAL STAGE

<table>
<thead>
<tr>
<th></th>
<th>Ethnicity</th>
<th>Insurance</th>
<th>Clinical Stage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethnicity</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insurance</td>
<td></td>
<td>0.004344864</td>
<td>1</td>
</tr>
<tr>
<td>Clinical Stage</td>
<td>0.020599145</td>
<td>-0.076025325</td>
<td>1</td>
</tr>
</tbody>
</table>

Bibliography


The Admiral, The Mayor, and the General:
The Battle of New Orleans, 1862

William M. Kirtley
Central Texas College

Patricia M. Kirtley
Independent Scholar

Introduction
General Robert E. Lee surrendered his army at Appomattox courthouse on 6 April 1865 thus ending the Civil War. The war of words continues one hundred and fifty years later. The Library of Congress holds over 70,000 volumes on every aspect of the Civil War (“The Present Past,” p. 25). This paper adds a nuanced and in-depth analysis of the 1862 Battle of New Orleans using letters, personal correspondence, and newspapers of the times to this formidable amount of literature.

This paper, first examines the personalities and relationships of Admiral David Glasgow Farragut, Mayor John T. Monroe, and General Benjamin Franklin Butler. Then it chronicles the Admiral’s brilliant campaign, his use of Commander David Porter’s mortar ships to reduce Confederate defenses, the brave dash of Farragut’s ships through a gauntlet of fire, and the unexpected arrival of his warships at the docks of New Orleans. Lastly, this paper describes the reaction of Monroe to his surprising situation and Butler’s civil and military programs to pacify New Orleans.

The mayor and many of the people of the Crescent City challenged the legitimacy of the federal government. Officers of the United States military considered their action rebellious, an “organized movement aimed at the overthrow of a constituted government” (Department of the Army, 2007, p. 1-1). Butler implemented programs to suppress this insurrection, established institutions loyal to the Union, and prepared the way for Louisiana to re-enter the Union. His initiatives involved political, economic, military, and civil actions. Ironically the most reviled general in the history of the United States originated many of the concepts of modern insurgency warfare. The thesis of this paper is Butler’s ideas form the bedrock of modern counter-insurgency doctrine, regardless of history’s verdict on this complex man.

Background to the Battle
The First Battle of Bull Run on 21 July 1861 indicated a single armed conflict would not end the war. General Winfield Scott, ill and unable to command U.S. forces, outlined a long-range strategy, the Anaconda plan, in a letter to George Brinton McClellan, General in Chief of the Union Army. Scott called on the U.S. Navy to blockade the major ports of the South thus preventing the Confederacy from selling cotton to England in exchange for arms, ammunition, medicine, and warships. Scott argued a naval action, followed by an expedition to control the Mississippi River, would strangle the Confederate economy and achieve victory, with less bloodshed than conventional land warfare (Scott, 1861, p. 1).

Seizure of New Orleans was integral to the Anaconda plan. The Crescent City was the third largest port in the United States and with 140,000 inhabitants was the most populous city in the Confederacy. Thirty-three steamship lines served the Queen of the Mississippi, generating over 500 million dollars in trade a year (Hearn, 1995, p. 41). In an article, “The Importance of the Capture of New Orleans: A British View of the Situation,” The London Morning Herald (1862, May 4) enthused “New Orleans is the commercial metropolis of the South and West. It is the emporium of the vast tracts traversed by the Mississippi and all the tributaries of the most mighty of rivers” (p. 1)
New Orleans led the United States in the slave trade from Africa until Constitutional provisions outlawed this nefarious business in 1808. New Orleans auction houses formed the hub of the domestic slave trade. The bankers and merchants of New Orleans facilitated a cotton economy based on the yoke of slavery. These aristocrats took the lead in advocating secession and contributed many of their sons to the Confederate cause (Hickman, 2015, p. 1).

According to sociologist Elizabeth Fussell of Brown University (2007), in her article “Constructing Race: A population history of New Orleans” in the Journal of American History, New Orleans experienced four population characteristics pertinent to the battle of New Orleans. First, white American citizens numbered 44.9% of the city’s population. The elite and the poor working classes belonging to this group formed the core of support for the Confederates. Second, the city experienced 366 per cent growth from 1830 to 1860 (p. 846). Foreign nationals from Ireland, Germany, and Sicily sought work in the city. They formed 39.8% of the total population. (p. 846). Third, the number of African Americans in the city declined after the end of the slave trade. Slaves residing in the city (8.3%) worked mainly as household help. Free Blacks (7%) engaged in a variety of skilled occupations (p. 846). Some even owned slaves and formed their own regiment in the state militia. Fourth, during and after the War, slaves on nearby plantations sought freedom and opportunity in the city. As a result, the number of Blacks in New Orleans increased by 25% from 1860 to 1870 (p. 846).

Fort Jackson and Fort St. Philip, located seventy miles downriver, guarded New Orleans. Commodore David Dixon Porter, a brilliant, self-absorbed, naval officer, conceived the idea of using 13-inch mortars mounted on ships, scows, and barges. He planned on hiding these vessels behind brush and intervening terrain. The high parabolic trajectories of the mortars could reach targets shielded by earthworks and pulverize the two garrisons into submission. He presented the idea to Gideon Welles, Secretary of the Navy. Welles and Porter visited the White House the same evening and rousted President Lincoln from his bed. Lincoln, clad in his nightshirt, gave his support to the plan (Hickman, 2015, p. 1).

The next day Welles, Porter, and Lincoln visited McClellan. The General-in-Chief warmed to the idea of mortars, but warned he could not spare any troops, except perhaps those under command of a pesky political general adept at lobbying in Washington, Butler. McClellan loathed Butler and thought the scheme was an excellent way to dispose of him. Author and Civil War historian Chester G. Hearn (1997) in his book, When the Devil Came Down to Dixie, observed McClellan mistakenly believed Butler’s credentials as a Democrat would endear him to the populace of New Orleans (p. 42).

Welles asked Porter to help him select the commanding officer of a joint Navy-Army task force. After considering all 33 officers on the Captain’s list, they decided on Porter’s adopted brother, Farragut. Welles asked Porter to interview his brother, even though Porter was the junior officer. Brotherly affection overcame the awkwardness of the situation (Hearn, 1997 p. 43). Porter tendered and Farragut accepted command of the West Gulf Blockading Squadron with the title of Flag officer. The Admiral stipulated Porter command the mortar boats and accepted Butler as commander of the Army forces. Lincoln authorized a naval expedition on 12 November 1861 with the objective of capturing New Orleans and implementing the Anaconda plan (Porter, 1889, p. 175).

**The Admiral**

Farragut, self-possessed and imperturbable, possessed the experience of a lifetime at sea in peace and war. His father was a merchant Captain from the island of Minorca and served as a Navy Captain during the American Revolution. As a five-year old, Farragut journeyed down the Mississippi River to New Orleans. When he was very young, his mother died of yellow fever. His father put him out for adoption with the navy family of David Porter. Farragut received a commission as Midshipman in the United States Navy at the age of nine. The British wounded him in action during the War of 1812 and he served with distinction in the Mexican War of 1846 (Farragut, 2015, p. 1).

The Admiral sailed his forty-three-ship fleet from Hampton Roads, Virginia on 20 January 1862. A shortage of manpower led him to recruit African American sailors who served with distinction in fully integrated crews (Reidy, 2001, p. 1). Several of his ships grounded on the shoals at the entrance to the mouth of the Mississippi River. However, the Admiral soon arrayed his forces against the two Confederate masonry forts blocking his way to New Orleans. The battle commenced on 18 April 1862.
Farragut succinctly described it, “I attacked Fort St. Phillip and Fort Jackson with my little fleet, and Commander Porter gallantly bombarded them” (as cited by Porter, 1889, p. 190).

Porter, in his *Naval History of the Civil War* (1898) enumerated the opposing forces. The U.S. Navy commanded 167 guns on wooden vessels, while the Confederate fixed defenses and naval forces contained 177 guns. He cited the consensus among naval warfare experts that one gun on land was the equal of three guns on a ship. Porter (1889) observed the Southerners enhanced the effectiveness of their cannon fire by blocking the river with an iron chain and floating blazing rafts (p. 179).

Porter led the mortar boat division, a non-descript collection of ships, boats, and scows outfitted with twenty-one 13-inch naval mortars firing 200 lb. explosive shells. He ordered U.S. Coastal Service surveyors to paddle small boats into the waters adjacent to the forts the night before the attack. They measured distances and azimuths to these fortifications. They left marking buoys in an area shielded by a bend in the river concealed by brush and trees from observation. Once the mortar boats maneuvered into position, their gunners had the exact co-ordinates of the Confederate positions. Union sailors camouflaged the masts of their vessels to blend in with the foliage. From their lofty perches, they called in adjustments resulting in devastatingly accurate high-angle fire (Porter, 1889, p. 178).

Porter’s gunners fired mortar shells at the rate of one every ten minutes for three days. The Confederate forces did not have the training to withstand this intense barrage. Historian John D. Winters (1963), author of *The Civil War in Louisiana*, accused the Confederates of making “a sorry showing” in their defense of the two forts (p. 94). He listed as causes of their defeat: the absence of co-operation, cowardice, lack of preparation, and “the murderous fire of the federal gunboats” (p. 95). Farragut, observed, “such a fire the world has never seen” (cited by Porter, 1889, p. 190).

At 2 a.m. on April 24, 1862, thirteen of the Admiral’s ships raced by Fort Jackson and Fort St. Phillip. Butler included a congratulatory letter to Farragut in his *Private and Official Correspondence*. Butler (1917) stated, “He had never witnessed a more gallant exploit” and characterized the maneuver as “bold, daring, brilliant and successful” (p. 420). But privately he wrote to his wife Sarah, claiming Farragut’s “race for glory” was “unmilitary” (p. 422). The remainder of the fleet, under Porter’s command, unloaded Butler’s soldiers in preparation for attacks on both forts. However, after another intense barrage, the garrison at Fort Jackson mutinied and deserted. Unable to continue the battle, the Confederates hoisted the white flag of surrender. According to Porter (1889), he sent a steamer to bring Butler and his troops to occupy the forts after marines and sailors took control of them (p. 187).

Butler’s version of events differed from Porter’s. According to the General, the Confederates surrendered to one of his patrols. Porter delayed providing ships to ferry the General to the defeated forts so Porter himself could gain the honor of receiving the surrender. In addition, The General diminished the effects of Porter’s mortar fire. Butler (1917) wrote the two forts remained “substantially as defensible as before the bombardment” (p. 428). Lastly, Butler charged Porter once again deliberately delayed providing ships, this time to transport soldiers to occupy New Orleans.

**The Mayor**

James T. Monroe arrived in New Orleans from Missouri at the age of twenty with only a few dollars in his pocket. He found ready work as a longshoreman on the docks. His fellow workers elected him union representative, then city council person, and finally the 16th mayor of New Orleans. He was a Mason and member of the Pickwick Club, an old-line social club that sponsored a Mardi Gras float and parade. Monroe, a resolute and tenacious man, was a popular mayor, with a penchant for socializing with the aristocrats of New Orleans and, at the same time, representing the interests of workingmen (Monroe, 2015, “Administration,” p. 1).

The capture of New Orleans shocked the world, lifted the spirits of the North, and left the people of New Orleans bewildered and defiant. A few months before they celebrated Mardi Gras (Fat Tuesday) with masquerade balls and colorful parades; now their city was vulnerable and in chaos. Since the level of the river was higher than the streets, the formidable guns of Farragut’s war ships could destroy any single target and possessed the capability of flooding the entire city by breaching its protective levees.

Porter described the events of Saturday, April 25. 1862. Farragut gave Theodorus Bailey, Captain of the first ship to run the blockade, the honor of delivering the Admiral’s letter demanding surrender and
removal of all state and Confederate flags to John T. Monroe, Mayor of New Orleans. Flags were, and still are, important symbols of power and legitimacy. Farragut understood the banners flying on what he considered federal property, the Customs House and the New Orleans Mint, were potent symbols of sovereignty.

Lt. George H. Perkins accompanied Captain Bailey. The two Union officers stepped onto the docks and demanded to see the mayor, whereupon, the crowd “erupted in outrage” (Porter, 1889, p. 235). Author George W. Cable described the scene. “Two U.S. Navy officers walked through the crowd, unguarded and alone. They looked straight ahead, neither frowning nor flinching, while the mob screamed in their ears, shook cocked pistols in their faces, cursed and crowded and gnashed upon them” (cited in Gooley, 2014, p. 1).

Pierre Soulé, a former U.S. Senator and envoy to Spain, served as an intermediary between Monroe and Farragut. Reportedly, Soulé used his influence to guarantee the safety of Bailey and Perkins. The mayor received the two officers and sent a reply on Sunday, 26 April 1862. Monroe stated:

I am no military man, and possess no authority beyond that of executing the municipal laws of the city of New Orleans. It would be presumptuous in me to attempt to lead an army in the field, if I had one in my command, and I know still less how to surrender an undefended place, held as this at the mercy of your gunships and mouths of your mortars. To surrender such a place were an idle and unmeaning ceremony. This city is yours by the power of brutal force and not by any choice or consent of its inhabitants. (Porter, 1889, p. 195)

As for the offending Louisiana and Confederate flags, the Mayor insisted he could find no man to haul them down. He reiterated his position that only Confederate General Mansfield Lovell could surrender the city and Lovell was unavailable. Monroe crafted his response based on advice from Soulé and Jefferson Davis (Monroe, Telegram to Davis, 1862). Lovell, with over 2,800 Confederate troops, remained hidden in the city (Lonn, 1940, p. 115). The mayor’s letters constituted a delaying action to give these soldiers time to escape. Lovell offered to stay and fight, but the Mayor advised him it was impossible to defend the city, given Farragut’s commanding position and tremendous firepower.

On the same day, Sunday, 26 April, Captain Henry W. Morris ordered U.S. Marines from the Pocahontas to enter New Orleans, and remove the offending flags from the Federal Mint and raise the Stars and Stripes. After the marines returned to their ship, members of an unruly mob, including a gambler named William Bruce Mumford, tore down the Union flag (Hearn, 1997, p. 70). Gunners on the Pocahontas fired on the mob and a flying piece of brick injured Mumford. With cheers from local onlookers, Mumford carried the Union flag to the Mayor at city hall. Enraged onlookers tore at the flag as he walked, reducing it to a rag. Captain Charles Bell sent marines back into the city, loaded his guns with grape shot and explosives, and raised the United States flag again (Roehl, 1987, p. G11).

The Admiral wrote the mayor once again ordering him to remove all state and Confederate flags on government buildings. The mayor repeated his assertion that Lovell had departed and as a civilian authority he could not surrender. He insisted no one in the city would dare strike the flag of Louisiana. He promised to try to enforce the peace, a pledge he failed to honor (cited by Porter, 1889, p. 197).

The Mayor replied immediately in writing. He claimed Captain Bailey had mentioned nothing about flags in their initial meeting. Furthermore, if Farragut wished to murder innocent women and children on a “question of etiquette,” it would constitute a heinous war crime the world would never forget (Porter, 1889, p. 197). The Admiral replied to the Mayor “As my duties call me away, I request you send further replies to any vessel present” (as cited in Porter, 1889, p. 197). As historian Chester G. Hearn (1997) explained, “(Farragut) could now turn loose of the tiger’s tail, since the keeper of the zoo (Butler) had arrived” (p. 72).

On Wednesday 29 April 1862, The Admiral ordered 250 marines from the Hartford to remove the Louisiana State flag from the New Orleans City Hall. This accomplished, he moved the bulk of his fleet upriver to attack fortifications north of the city in preparation for the campaign against Vicksburg. He left with sadness because he never had a chance to visit his relatives in New Orleans. The only force for law and order from Farragut’s arrival on April 25 until Butler’s troops occupied the city on May 1 were soldiers of the Native Guard, a black militia, and the European Brigade composed of foreign nationals.
On May 2, U.S. Secretary of State William H. Seward blithely announced the Union had “recovered” New Orleans and the U.S. Postal Service had resumed deliveries (Appleton’s, 1862, p. 1).

**The General**

Farragut faced an aroused populace and an obstinate mayor who openly challenged his threat to use force. Monroe firmly believed “as a civil magistrate he could maintain his allegiance to the Confederate government and ignore the invader” (Hearn, 1997, p. 68). Farragut realized he could not compel allegiance, force a civilian authority to surrender, or breach the levies and destroy the city. He left the problem for General Benjamin Franklin Butler to solve.

Butler was born in Deerfield, New Hampshire. Shortly after his birth, Butler’s father died of yellow fever while working in the Caribbean. His mother moved to Lowell Massachusetts, a cotton mill town, where she eked out a living running a boarding house for women workers. As a boy, Butler was always a serious student. He attended Exeter Academy and Lowell High School. He failed to win an appointment to West Point, a great disappointment. He excelled in debate at Colby College. After graduation, he read law with a Lowell attorney and gained admission to the bar. Butler advocated change through legal action. Butler represented the workers in their fight for the ten-hour day. He earned a reputation as a friend of labor and represented Lowell as a Democrat in the state legislature. He also took cases from mill owners and developed a lucrative practice (Benjamin Franklin Butler Facts, 2004, p. 1).

Butler’s fight for respectability in the tough hardscrabble mill town of Lowell influenced his worldview. He despised the Boston Brahmins who used their influence to ensure their sons obtained appointments to West Point. He sympathized with the hard working Irish women who lived in his mother’s boarding house and represented their interests as an attorney and legislator.

An article in *Harper’s Weekly*, (1861, June 1) described Butler’s acerbic personality, “as an advocate he is distinguished by the energy with which he devotes himself to his client, and by the strong, playful, and somewhat vehement language hurled against opposing counsel” (Major General Butler, p. 1). He married Sarah Hildreth, an actress, and had four children. Butler carried on a lively correspondence with his wife during the few times the war separated them, asking her to “kiss the children for me” (Butler, 1917, p. 625). He was loyal to Sarah who always saw the best in her husband. In a letter to a friend, she discussed her husband’s dim prospects of receiving reinforcements in New Orleans. She noted, “I believe he can do more with small means than any other man” (Butler, 1917, p. 438).

Butler began his military career as a private in the Lowell militia, a predominantly Irish-American regiment. He rose in rank until its members voted him their leader with the rank of Brigadier General. His regiment volunteered for the Civil War and moved to protect Washington D.C. On his own initiative, Butler ordered his troops to occupy Annapolis, home of the U.S. Naval Academy, and Baltimore, an important seaport. The Northern press lionized Butler for preserving these cities and the state of Maryland for the Union (Benjamin Franklin Butler Facts, 2004, p. 1).

Edwin M. Stanton, Secretary of War, ordered Butler to hold New Orleans, control Louisiana, and support the campaign against Vicksburg. To accomplish this mission, he had a force of 2,500 men to control a population of approximately 140,000. In all of Louisiana, he commanded 15,000 troops, not nearly enough to defend the state or the city from Confederate troops (Hearn, 1997, p. 81). The War Department told him not to expect reinforcements, and, despite Butler’s pleas, remained true to their word. This, despite the fact, the South possessed the capability and commitment to retake the city from the hated Yankees.

Butler established the tone of his occupation on his first day, 2 May 1862. He commandeered the St. Charles Hotel as his headquarters and requested a meeting with the mayor. When Monroe refused, Butler sent several of his officers who persuaded Monroe, if he wished to remain a free man, he should visit the general. Monroe and Pierre Soulé arrived at the hotel accompanied by an angry mob. Members of the unruly assemblage loudly demanded Butler make an appearance. After Monroe unsuccessfully tried to quiet the crowd, Butler went to the window and asked, “Who calls me? I am here” (as cited in Hearn, 1997, p. 84). At this point, a U.S. Marine battery of six mobile artillery pieces (Napoleons) formed up in front of the hotel and trained their weapons on the unruly throng. The protesters quickly dispersed.
When Butler confronted the crowd, he spotted a man wearing a boutonniere made from a piece of a U.S. Flag. Butler’s soldiers identified the man as Mumford, the man who tore the flag down at the U.S. Mint. Butler soldiers apprehended him. A military tribunal convicted Mumford of high crimes and misdemeanors. The charge against him noted he was “a sporting man much accustomed to drink” and on June 7, 1862, Butler ordered Mumford hanged at the U.S. Mint, the spot where he committed his crime (Butler, 1917, p. 283).

The meeting continued that afternoon in the parlor of the hotel. Monroe, Soulé, Butler, three members of his staff, and Sarah Butler, sat down to a light dinner and commenced the discussion. Butler issued General Order No. 1, an edict announcing the continuation of martial law declared by Confederate General Lovell. Butler also outlawed the flying of any flag save the Stars and Stripes, restricted newspapers from reporting military movements, licensed businesses and required them to stay open, forbade assemblages of persons by day or by night, and required all enemies of the United States to turn in their arms.

The Mayor persisted in his argument as a civilian authority he had no standing before a military governor. For three hours, he disputed every provision of Butler’s order. As Hearn (1997) put it, submitting to “nothing less than what the conqueror was able to extract from the conquered” (p. 96). Monroe made little effort to conceal his hatred of Butler. The General, in return, remarked he disliked “hardheaded men” like Monroe (as cited in Hearn, 1997, p. 89). Butler began his eight-month rule of New Orleans in a conciliatory frame of mind, but intransigence such as Monroe’s and the defiant actions of the citizenry soon hardened his approach.

Monroe continued to elicit Butler’s unfavorable attention. Butler related in his correspondence, his belief the Mayor fomented a plot to gather volunteers, commandeer a Union vessel, and join Confederate forces. One hundred men volunteered, but the leaders of the plot called it off because they did not think they had enough men to overpower the sailors on a Union vessel (Butler, 1917, p. 499).

Next, the Mayor and Common Council invited the French fleet to visit New Orleans. The invitation mentioned historic ties with France to whom “New Orleans owes its foundation and early prosperity” (Butler, 1917, p. 496). The invitation almost begged the French to capture the city, an easy task since Farragut moved his fleet northward to besiege Vicksburg. Butler decisively responded the invitation was an insult and he alone, had the power to invite foreign naval vessels to New Orleans. He ordered the council to rescind the invitation and they complied (Butler, 1917, p. 497).

Butler discovered evidence the mayor used $20,000 of city funds to help paroled Confederates escape. In addition, Butler’s soldiers apprehended a group of six parolees who planned on overpowering Union soldiers and escaping. Butler explained the conspirators called themselves the “Monroe Guard” (p. 499). When Butler asked the mayor for an explanation, Monroe asserted his only crime was to give an escaping Confederate soldier $25 out of his own pocket. Butler replied he was tired of being played like a “weathercock” and ordered Monroe’s incarceration in prison at Fort Jackson (p. 499). A few months later, Monroe’s wife asked Butler to release him to visit to his dying son. Butler agreed on the condition Monroe take an oath of allegiance to the United States, but Monroe refused (Hearn, 1997. p. 132).

At first, Butler listened to Soulé and accepted the former Senator’s suggestion he station most of the Union troops, especially Black soldiers, on the outskirts of the city. As relationships soured, Butler realized Soulé’s loyalties still lay with the Confederacy. Butler arrested him and sent him to a military prison in New York. He listed two charges against Soulé in a letter to the Secretary of War: first, Soulé was the leader of a secret society, the Southern Independence Society, whose members swore allegiance to the Confederacy, second, he was the author of the “insolent letters” sent under Monroe’s name to Farragut (Butler, 1917, p. 432).

A modern attorney, pastor, and lecturer at the Citadel, Rudolph C. Barnes noted in *The Rule of Law and Civil Affairs in the Battle for Legitimacy* (2008) in counter-insurgency operations “success is not defined by winning military victory but by winning the battle for the public support needed for effective governance” (p. 4). The purpose of this paper is to examine the effectiveness of the political, economic, military, paramilitary, psychological, and civic actions taken by Butler to establish effective governance under the aegis of the of the United States.
Butler’s actions in New Orleans fall within the purview of Counter-Insurgency (COIN) as outlined in FM 3-24 (2006), an Army field manual written, for the most part, by General David Petraeus, who defined an insurgency as “the organized use of subversion and violence to seize, nullify, or challenge political control of a region” (Department of the Army, 2007, p. 2-1). This most certainly is an accurate description of the problems Butler faced.

Both generals believed the best way to combat an insurgency was to balance the measured use of force with non-military programs. They saw success lay in eliminating unrest and meeting the populace’s needs. Petraeus outlined several areas of concern: security from civil unrest and crime, provision for basic economic needs, stipulation for essential services, sustainment of social and cultural institutions, and contributions to quality of life (Department of the Army, 2007, 2-6). The following ten actions show Butler clearly understood what are today called principles of counter-insurgency.

First, he showed concern for the poor contributing $1000 from his own funds to buy food for hungry people. He fed over 1900 destitute families with beef and flour abandoned by the Confederates. He raised $300,000 for the poor by taxing cotton brokers. When the money ran out, he reinstated the tax. The secessionist Governor of Louisiana, Thomas Overton Moore, ordered the people to have no economic dealings with the occupying forces. Butler remarked, had the people of New Orleans followed the governor’s injunctions, they would have starved (Hearn, 1997, p. 93).

Second, he suppressed the newspaper that published Governor Moore’s directive and several other newspapers, but over all, was fairly lenient with the press (Hearn, 1997, p. 100).

Third, although the General sent three Protestant ministers to jail, in general, he showed forbearance toward the city’s religious leaders and institutions. The leaders of the city’s churches declared a day of penance and closed the churches at the behest of the Confederate government. Butler ordered them to stay open and pray for peace. He placed a particularly obstinate Catholic priest under house arrest. Butler was generally tolerant towards Catholics, who had always voted for him in Lowell. In fact, he supported a Catholic orphanage in New Orleans with his own money and was unstinting in his praise of nuns who cared for the poor (Hearn, 1997, p. 100).

Fourth, Butler understood the need of reviving the economy of New Orleans. His forces controlled access to food and supplies. No one could enter or leave the city without a pass. The General issued passes to steamboat captains and ensured them the protection of the federal fleet. His actions restarted commerce on the Mississippi and brought down the price of food (Butler, 1917, p. 515).

Fifth, Butler provided essential civil services for the people of New Orleans. The Mayor hired workers to clean the streets, but they did little to remove the piles of fetid rubbish. On 9 May 1862, Butler wrote the Mayor to “call attention to the sanitary condition of your streets,” he continued, “Resolutions and inaction will not do” (Butler, 1917, p. 456) He reminded the Mayor there were plenty of starving men whom the city could and should employ cleaning up the streets. When the mayor did not respond, Butler hired the unemployed workers to clean up the city.

Sixth, Butler hired locals to work on the docks and keep supplies flowing to the Union Army. He put people to work expanding the city sewer system and setting up pumps to keep the city dry. Terry Jones (2012), a professor at the University of Louisiana in a New York Times article “The Beast in the Big Easy,” credited Butler’s sanitation efforts with preventing an expected yellow fever epidemic (p. 1).

Seventh, Butler paid for his social programs by taxing the richest citizens of New Orleans. The "Robin Hood" aspects of his programs provided a broad base of political support, an extensive informal intelligence and counter-espionage organization, and provided law and order. When he discovered Southern sympathizers diverted some of the food to feed Confederate forces, he set up a commission with the power to apprehend and punish smugglers.

Eighth, Butler carried out the counter-insurgency aim of performing civilian police functions. It is usually better if the civil government continues to run the day-to-day operations of the city. If adequate civilian capacity is unable or unwilling, military forces must secure the peace. When the Mayor refused to carry out his duties, Butler replaced him with a military officer who assumed the administrative functions of city government.
The members of the New Orleans police force, except for eleven individuals, resigned rather than swear an oath of allegiance to the United States. Butler fired them and hired 500 replacements. He authorized military officers to act as judges. One month after the arrival of Union soldiers, New Orleans enjoyed the benefits of possibly the most honest police force in the history of the city.

Ninth, the General maintained escaped slaves were property of parties at war with the United States and since they were contraband, he could not legally return them to their masters. Butler followed this legal principle when Joseph Davis, the brother of Jefferson Davis, petitioned Butler to return his runaway slaves. Butler hired contrabands to build ships, repair levees, clear drainage ditches, and construct fortifications (Jones, 2012, p. 1).

Tenth, Butler gave dignity and a sense of worth to Free Blacks and runaway slaves by enlisting them in the Union Army. Free black soldiers joined the Louisiana State Militia before the war. They sought prestige, fraternity, and a way to hold their place in the hierarchy of the unique multi-racial, and cultural society of New Orleans. James G. Hollandsworth (1995), a history professor at the University of Southern Mississippi, noted in The Louisiana Native Guards The Native Guard consisted of 31 black officers and 731 black enlisted men (p. 1). The Native Guard remained to keep the peace when Confederate soldiers under General Lovell retreated from the city. It is not entirely clear whether Butler asked the Native Guards to join the Union Army or they came to him with the request to join. It is certain Butler was in desperate need of manpower and this African-American unit provided a solution.

The narrow defeat of Confederate forces at Baton Rouge and the understanding New Orleans was their next objective indicated Butler needed black soldiers to shore up his seriously undermanned army. Butler understood the notion of black soldiers challenged several assumptions about race. Confederate General Howell Cobb observed, “If slaves make good soldiers our whole theory of slavery is wrong” (as cited in Hollandsworth, 1995, p. 65). Many people in the North and the South believed Blacks were suited only for manual labor and unsuited for soldiery and former slaves might turn their bayonets on their former masters.

Butler recruited 3,122 free blacks and escaped slaves into three regiments of infantry, the First, Second, and Third Louisiana Native Guards, the Corps D’Afrique. At first, the Union Army used Black soldiers primarily for digging ditches and building fortifications; but as the war progressed they distinguished themselves in battle. Several Black officers credited their military experience as helping them succeed in later life. P. S. Pinchback, a Captain in the Guards, became Governor of Louisiana.

Butler correctly believed the key to control the city lay in divorcing the elite from the lower class. However, by attacking the rich so viscerally he earned their eternal enmity, a cardinal violation of the principles of counter-insurgency warfare. The following programs, however well intentioned, had negative consequences for pacification of New Orleans.

Butler recruited African Americans out of principle and necessity. The racism of many in New Orleans led to an ugly riot. The streetcar companies reserved the first car for whites. When Black Union soldiers sought to board the first car, mayhem ensued. The recruitment of Blacks so outraged Jefferson Davis, President of the Confederacy on 23 December 1862 publicly called for the execution of both Butler and African-American Union soldiers (Civil War Daily Gazette, p. 1).

Butler believed the wealthy bankers and cotton traders of New Orleans made millions of dollars exploiting the work of slaves. He argued the upper classes supported treason as a means of protecting their entrenched interests. Upon the advent of war, these aristocrats financed the Confederacy. He loathed the crème de la crème of New Orleans and sought to destroy them. Butler (1917) lashed out at them in General Order No. 25 (pp. 47-48):

They have betrayed their country. They have been false to every trust. They have shown themselves incapable of defending the state they seized upon, although they have forced every poor man’s child into their service as soldiers for that purpose, while they made their sons and nephews officers. They will not feed those whom they are starving.

The General planned to change the social structure of New Orleans by isolating the privileged class. In General Order No. 25 dated 9 May 1862. Butler (1917) blamed the uncaring elite for the starvation and destitution among the working class of the city. “This hunger does not pinch the wealthy and the
influential, the leaders of the rebellion who have gotten up this war and are now endeavoring to prosecute it without regard to the starving poor” (p. 457). Butler noted the nabobs of New Orleans burned eleven thousand bales of cotton and property worth millions to keep these assets out of the hands of the Union Army. These wasted resources were worth more than enough to feed the deserving poor.

Butler required members of the upper classes to take an oath of allegiance or lose the right to practice their professions. If they declined, he issued them a certificate declaring them enemies of the United States, and, as such, they forfeited their property. Butler sentenced members of the elite to prison. He sent three of the town’s leading ministers to Lafayette prison in New York for refusing to include mention of the President of the United States in their weekly blessings.

Governor Moore of Louisiana responded with an argument often made by Southerners who insisted wage slavery was worse than chattel slavery.

General Butler’s attempt to excite the poor against the more wealthy is characteristic of the man, and is as mean as it is contemptible. He springs from a race that has ever been purse-proud when fortune favored them and idolatrous worshipers of the almighty dollar. He comes from a section of the country that has done more than any other to degrade and cheapen and reduce the laboring man to the condition of a slave. (cited by Butler, 1917, p. 459)

Butler attracted unfavorable national and international publicity when he ordered his soldiers to treat any lady who insulted them as a woman of the town plying her avocation, i.e. a prostitute. Upper class women of the period enjoyed a certain status. When the women of New Orleans exceeded the bounds of the role expected of them, the General felt it was logical his forces should treat them as lower class women. Monroe sent a letter to Butler asserting he wanted to vindicate the virtuous women of the City. Butler (1917) replied his order did not apply to “virtuous women,” and the Mayor apologized (p. 498). In any event, the women of New Orleans occasionally resorted to dumping dishwater from the balconies of buildings on unsuspecting Union soldiers passing underneath.

Banks lost millions on deposits when Butler declared people could not use Confederate currency for payment of debt. The General included bankers. He ordered those who wished to do business in New Orleans must swear allegiance to the United States. Judah P. Benjamin, the Confederate Secretary of State, expressed dismay when his brother, Solomon, took the oath. Bankers continued to funnel Confederate deposits of gold and silver to Europe through the 18 foreign consuls in New Orleans. Butler confiscated $800,000 deposited in the office of the Dutch consul who protested he did not know how it got there (Hearn, 1997, p. 156).

Similar incidents occurred when Butler seized specie held by the Belgian, Spanish, and French consuls. The foreign ministers of these countries complained vocally and vehemently to William H. Seward, the U.S. Secretary of State. Seward sent two of his emissaries to New Orleans to investigate their complaints. His representatives recommended Butler return the funds. After doing so, Butler discovered corroborating evidence the Confederates used these funds to purchase arms in foreign countries. President Lincoln sympathized with Butler’s attempts to seize these assets, but was more concerned about alienating European powers that might recognize the Confederacy (Hearn, 1997, p. 156).

Butler’s economic incentives provided opportunities for greed, graft, and misunderstanding. Salmon P. Chase, Secretary of the U.S. Treasury, sent a warm and meandering letter to Butler warning him someone had charged him with using his military office for personal gain. Butler stockpiled coal aboard his ship on the voyage down the coast to New Orleans. When the Navy ships ran out of coal he sold it to them. Another accusation arose when Butler ordered U.S. Navy ships to carry sugar owned by his brother, Andrew Jackson Butler, as ballast on the trip back to the North. Butler (1917) was clear in his correspondence the government had the first option on purchasing the sugar (p. 534).

Chase sent two treasury agents to investigate. They suspected Butler’s brother, of profiting at the government’s expense, but could not “discover any good proof that Butler had improperly done, or permitted anything for his own personal advantage. “ He is such a smart man, it would be in any case difficult to discover what he wished to conceal” (as cited in Hearn, 1997, p. 191). The treasury agents did uncover an incident besmirching the General’s reputation. They seized a schooner smuggling salt across...
Lake Pontchartrain. Butler ordered the vessel released because he had issued a pass to its Captain. The salt ended up in rebel hands and charges ensued accusing Butler of trading with the enemy.

Butler knew the Union embargo had damaged trade through the port of New Orleans. The value of goods passing through New Orleans declined from $500 million to $52 million during the period 1860 to 1862 (Hearn, 1995, p. 41). The General used his extensive commercial contacts to revive commerce in the city, exporting 17,000 bales of cotton to the New England mills and re-establishing international trade. Charges of corruption swirled around Butler’s economic programs, but no one ever proved them. He was a smart lawyer and a shrewd businessman.

President Lincoln signed the second Confiscation Act of 1862, which allowed Union soldiers to seize the property and possessions of Confederate civil and military officers upon detection. In the incident in which Butler acquired the nickname “spoons,” he issued a pass for a lady to leave the city and join her husband in Confederate-held territory. Union soldiers found silver spoons hidden in her carriage and confiscated them as contraband. The lady claimed they were not her spoons, asserted they belonged to a French citizen, and demanded them back. The spoons were lost in bureaucratic red tape, but Southerners claimed the spoons ended up on Butler’s table, hence the derogatory appellation, “Spoons Butler” (Hearn, 1997, pp. 222-223).

Butler made anti-Semitic statements during his efforts to prevent the financial institutions of New Orleans from transferring funds to the Confederacy. While searching the Bank of Solomon Benjamin, his soldiers found a box containing U.S. currency in a hole in the wall. The initials of Judah P. Benjamin, Solomon’s brother and the Secretary of State of the Confederacy, appeared on the top of the box (Butler, 1917, p. 489). Butler charged Jews in the banking business conspired to prevent Union officers from confiscating Confederate funds (Hearn, 1997, p. 163). A Jewish newspaper quoted Butler as saying he would "suck the blood of every Jew, and …will detain every Jew as long as he can" (cited by Regenstein, 2007, p. 1).

Myer Isaacs, editor of the Jewish Messenger, questioned Butler’s use of language in identifying five individuals apprehended while they were trying to run the blockade as Jewish, rather than listing their nationality. Isaacs informed Butler Jewish was a religion, not a nationality, citing himself as an example. He gently reminded Butler Jews practiced a number of different professions, not just banking. Isaacs corrected Butler’s misconception that several members of the Confederate cabinet were Jewish. In an exchange of letters, Butler continued to demonstrate his prejudice by explaining he came from a small town in Massachusetts and had never met a Jew who was not a banker, admitted his misconceptions, and asked Isaacs continue to inform him on the subject (Isaacs Correspondence, 1864, p. 1).

Conclusion

A society based on unequal distribution of wealth, slavery, and racism, resisted change for many years. Even had Butler, avoided antagonizing the elite, contained his brother’s avarice, used diplomacy with foreign bankers and consuls, and avoided the anti-Semitism of his day, nothing would have changed. Confederate sympathizers in New Orleans would have regarded any Union General as a vile and evil man. In the midst of wartime propaganda it is all too easy to forget Butler accomplished his mission. He maintained Union control of New Orleans and Louisiana.

Butler was one of the most volatile and contradictory personalities of the Civil War. He was infamous in New Orleans for confrontational proclamations and assailed for corruption. If these things were his only capabilities, he could never have held the city, or prevented Confederate forces from re-capturing it. Confederate officials and sympathizers created the false impression Union forces held New Orleans by brute military force and terror. They portrayed Butler as a corrupt money hungry totalitarian dictator. An article on History.net succinctly stated the problem of evaluating Butler’s contributions for posterity. Butler’s “genius for antagonizing powerful adversaries, not only domestically but abroad” countered his “administrative genius” (Maj. General Butler, 2015, History-net).

The expected rebel counteroffensive came on August 5, 1862 in the form of a naval and army assault on Baton Rouge, led by Maj. Gen. John C. Breckinridge. After a hard fought battle, Union forces drove Confederate forces out of the city. The significant aspect of the battle was it did not result in a popular uprising, nor widespread support for Confederate forces in Louisiana. Rebel forces failed to mount a
sustained campaign to retake New Orleans. Historians attribute this to victory on the battlefield and Butler’s consensus building, political manipulation, and broad based political support. Lincoln replaced Butler in December 1862, not because of his performance, but for political reasons. On 14 December 1862, Maj. Gen. Nathaniel Banks took command of the Department of the Gulf. Butler did not learn of his dismissal until after Banks’ arrival.

Conquerors throughout history faced the difficult task of controlling a city whose people would not submit. The Romans could not conquer what the Bible called “a stiff-necked people,” so they destroyed Jerusalem. The U.S. Army and Iraqi government forces captured, occupied, and lost Fallujah, Iraq to Islamic militants. The battle of New Orleans points out another way, counter-insurgency, i.e., pacification through the measured use of force, as well as, political, economic, and social programs.

Butler’s arbitrariness, financial dealings, interference with foreign consuls, and blatant anti-Semitism tarnished his reputation. His abrasive style provoked Southerners who gave him the lasting sobriquet, “Beast Butler.” Merchants sold chamber pots with his likeness at the bottom. Cartoonists portrayed him with the body of a fly. Yet, Butler's administration benefited New Orleans. Farragut best summed up Butler’s eight months as military governor of New Orleans, "They may say what they please about General Butler, but he was the right man in the right place in New Orleans" (as cited in Hearn, 1997, p. 4). He kept the city both orderly and healthy. His programs saved New Orleans for the Union, hastened the end of the war, and established the paradigm for the tactics of modern counter-insurgency warfare.

References


Monroe, J. (1862). Telegram to Jefferson Davis. Tulane University, Louisiana Research Collection. LaRC/Manuscripts Collection M-1109.
The Development of SafeZONE Online:
Creating and Serving as Safe Spaces on Campus

Santos Torres, Jr.
Debra L. Welkley
Chris Kent
California State University, Sacramento

Abstract

SafeZONE Online is an innovative training program designed to increase understanding among allies regarding the LGBTQ community. Allyship also extends to within the LGBTQ community. Designed to create safe spaces for LGBTQ students, faculty and staff and the community at large. Creating safe spaces is instrumental in advancing equality and social justice on college/university campuses. Training online provides a critically important means for educating all LGBTQ allies. Likely, the first such program of its kind, SafeZONE Online could serve as the template for the entire California State University system.

SafeZONE Online: Creating and Serving as Safe Spaces on Campus

Safe zone is a term used when referencing trainings and the support for environments that have the aim of providing an “inclusive and accepting campus climate” to the LGBTQ community. Safe Zone training is aimed at creating safe spaces/zones that enable learning communities to create and serve as safe spaces for LGBTQ students, staff, and faculty. At the end of the training, participants receive a “Safe Zone” logo sticker, to make visible their status as a trained community member. The PRIDE Center at CSUS began offering Safe Zone training for students, faculty, and staff in 2006. From 2006 to Spring 2014 approximately 600 people participated in these trainings. In the summer of 2014, the Center revised its training materials and trained approximately 200 people during the 2014/2015 academic year. Overarching goals of Safe Zone trainings include: (1) increased awareness of LGBTQ concerns on campus, and (2) increased support for the LGBTQ community and its allies. Diversity is at the heart of the California State University, Sacramento’s mission and commitment to the community. With nearly 30,000 students, about 1,400 faculty, and 1,300 staff, part of the diversity is the LGBTQ community and its allies.

Over the past several years, the two faculty authors regularly invited PRIDE Center Panels to present to their classes (a group of volunteers, comprised of faculty, staff, students and community members, who share their coming-out story and various experiences that can lend insight to others regarding the LGBTQ experience). Additionally, they have worked with other colleagues to create and host the Pride Film Series during the 2012/2013 academic year. Both took part in Safe Zone Training and the inaugural Safe Zone Train-the-Trainer sessions during the Fall 2014. These experiences served to positively augment their instructional approaches and broadened the knowledge and learning opportunities they are able to bring to students and colleagues both in and out of the classroom.

These experiences coupled with the teaching and use of instructional technology by the authors served as the impetus for the development of an online delivery of the PRIDE Center’s Safe Zone Training. Being able to offer greater access to this important training will increase not only safe spaces across the campus, but the capacity and reality to be a more inclusive campus community and demonstrate its commitment to diversity. Additionally, being able to provide a “just-in-time” accessible set of educational modules enables interested individuals to participate in the training despite an already strapped schedule.
This project, SafeZONE Online, created online modules for delivering educational training to faculty, staff, and students at CSUS. Combined the three project partners (two faculty and one campus program administrator) have over six decades of experience teaching, serving in administrative roles, nonprofit work, and activism, and during the past decade both faculty have attended many different online course development and teaching workshops and trainings. Offering these modules online creates an accessible vehicle for educating LGBTQ allies while also cultivating a supportive environment for the LGBTQ community at Sacramento State. These efforts complement existing PRIDE Center approaches to create accessibility to those who seek to participate in Safe Zone training and other ongoing center activities. Learning objectives/outcomes for participants who engage in these online modules include: 1) to understand the experiences of the LGBTQ community; 2) to build a sense of solidarity with the LGBTQ community; 3) to learn about heterosexual and cisgender privilege and its impact; 4) to apply learning directly to real world settings and interactions; and, to self-assess one’s capacity as an LGBTQ ally.

Literature Review
This review of the literature highlights the history of Safe Zone trainings, the utility of online education and trainings, and recommended strategies for the implementation of online education. These different areas of the literature helped provide the foundation for the utility in developing an online Safe Zone training to be delivered at California State University, Sacramento.

It would seem the literature relative to LGBTQ awareness training for faculty, staff, and students on college campuses is sparse, however has grown over the past decade. Johnson (2014) addressed this in her dissertation while reviewing existing literature on LGBTQ awareness trainings, campus climate, and faculty development and adult education models. “Offering LGBTQ awareness training is a way of demonstrating institutional commitment to the wellbeing of LGBTQ people on campus” (Johnson, 2014, p. 7). Literature suggests that Safe Zone trainings on college campuses have existed for over two decades. The first “safe program” was implemented at Ball State University in 1992 (Medical University of South Carolina, n.d.; University of Illinois at Chicago, n.d.). “The purpose of “Safe Programs” across the country is to eradicate homophobia and discrimination against lesbian, gay, bisexual, transgender, queer, questioning, allied, asexual and intersex (LGBTQQAAI) people on college campuses” (Medical University of South Carolina, n.d., para. 2). While safe zone trainings have been around, many college campuses have just begun their implementation; therefore, demonstrating utility in exploring delivery models that can increase their accessibility.

Some research has been conducted to assess the effectiveness of safe zone trainings on college/university campuses. Finkel, Storaasli, Bandele, and Schaefer (2003) reported that the Safe Zone training at the University of Denver “had a positive impact...by helping to create a more affirming, open environment for LGBT people, by raising awareness of the issues that affect them, and by conveying accurate information about sexual orientation....” (p. 559). Another researcher, Johnson (2014) “used rubrics to analyze LGBTQ awareness curricula from five universities...and determine how well they all incorporated adult learning principles and research-based content into their training curricula” (p. vi). A criticism of the curricula analyzed in this study was that they appeared to have minimal information relative to intersecting social identities, how to respond to harassment, and providing support to students in the classroom. Johnson (2014) indicated that the universities provided a small number of safe zone trainings.

Online education (also referred to as e-learning) has been expanding and growing throughout higher and secondary education (Babson Survey Research Group, 2016). Additionally, there has been a growing trend to offer online trainings for employees in various corporations as well as students, staff, and faculty in academic settings (e-Learning Industry, 2016). This is demonstrated by the continued increase in what is referenced to as the e-learning market, as reported in e-Learning Industry (2016), as well as the Learning Management System market growth. Currently, it is reported that approximately 77% of US corporations offer online training for professional development and employee trainings (e-Learning Industry, 2016). Similarly, over 70% of higher education institutions report using online education, while only about 50% of higher education institutions reported online utilization in 2002 (Allen & Seaman, 2013).
Researchers Templeton and Pilot (2011) recommend combining the principles of **context**, **content**, and **chain of activities** when designing online courses or programs. They propose that the blending of these three principles helps to interweave theory and practice into the delivery of online learning. **Context** involves incorporating authenticity in assignments where information provided is what is needed to best complete assignments included. What learners need to gain and in what they need to integrate knowledge, skills, and values (or attitude) should be incorporated into the structure of the learning experience (**content**). The **chain of activities** emphasizes “relating elements of theory and practice in a way that is meaningful from the students’ perspectives and carefully structured so they can construct meaningful wholes of knowledge, skills, and attitudes” (Templeton & Pilot, 2011, para. 4).

According to Dechant and Dechant (2010) there are many challenges when conceptualizing the development of an online education program, course, or training. Their research utilizes systems theory as a framework to “analyze the nature and impact” of what needs to be part of the environment to “support online education within a university” (p. 291). However, the framework they developed can be applied at a macro or meso level when developing a program for online delivery as well as when creating a course or training component. Their model is a modified rendition of the Galbraith Model (a five part model that includes strategy, structure, processes, people, and rewards) in which they add a sixth component, culture. Their research explains issues related to each of these dimensions that need to be considered in the “shaping of online education…,[while attending] to an organization’s environment” (p. 292). After addressing these six areas and ways in which they can be utilized the authors give several recommendations that have a common thread, “alignment among all dimensions of the system will contribute to the success of starting up or maintaining an online initiative” (p. 298). Alignment is a central element recommended by Quality Matters, an organization that supports quality assurance and certifies the quality of online courses and components (Quality Matters, 2014).

When cultivating and developing the use of learning technology, Papa (2011) recommends that it should be “done in a purposeful and supportive manner” and the technology selected should “support the goals of the administration, the teachers, and the students” (p. 109). Planning efforts should develop “communities of practice”, which is defined as the organization involving important stakeholders in a collaborative effort. While engaging in the planning process it is important to recognize that “there is no one specific solution for integrating technology” (Papa, 2011, p. 113) and that technology and the needs for technology will continually change.

As a program or curriculum is developed it is important to interweave formative and summative evaluation procedures into the plan (Rossi, Lipsey, & Freeman, 2003). Formative evaluation occurs during the initial implementation stages so that changes can be made and additional elements included if needed; whereas, summative evaluation is done at the end of a full execution of a designed program. Rossi, Lipsey & Freeman (2003) recommend that both of these types of evaluation occur at regular intervals so that improvements can occur, as well as ensure program currency, and that one is able to assess whether what is being delivered produces or impacts the program’s intention.

**Launching the Project**

Strategic planning meetings with the PRIDE Center occurred to explore how to best lend andragogical/pedagogical instructional and course development expertise with on-ground, hybrid, and fully online teaching formats to the Center’s service, education, and training mission. Upon receiving the Pedagogy Enhancement Award (PEA) from the Center for Teaching and Learning (CTL), CSUS, the two faculty authors partnered with the PRIDE Center Coordinator, and gained support from SacCT staff, which is housed within Academic Technology and Creative Services (ATCS), to obtain assistance toward development of multimedia resources for use in the training modules. The PEA Program, funded through the CTL, is “a competitive grant program that supports faculty to develop expertise, curriculum, and programs that improve the quality of teaching and learning at Sacramento State” (Center for Teaching and Learning, 2016). Sacramento State’s learning management system is called SacCT, which includes professional staff who support faculty with their on-line course and materials development for on-line delivery and access. These services are a segment of ATCS, which provide technological assistance to faculty and departments throughout the university. The support provided by these programs served to
undergird the collaboration of these authors in development of SafeZONE Online and to building a community of practice as recommended by Papa (2011).

Project Target Goals

This innovative SafeZONE Online instruction resource serves to greatly strengthen the Center’s capacity and efficacy in preparing the campus’ many constituents as the campus increases its understanding and inclusivity of the LGBTQ community. Along with the many other services already provided by the Center, this new resource allows for an on-demand user-ready capacity that was not previously available. This project represents an important means of integrating LGBTQ content into the classes taught by the two involved faculty members (i.e., classes in social work and sociology) and will prove to be an indispensable resource as the authors seek to support students in their understanding and empathy for the LGBTQ community. As other faculty complete the training they too will be able to utilize selected modules to complement course content, instructional and institutional goals, and learning objectives. Additionally, CSUS faculty and staff are able to include this as part of their professional development achievements.

The core work for this project involved the time needed to generate the content modules and integrative materials to support learning and knowledge application. This entailed the modification of content materials (i.e., articles, handouts), inclusion of short videos, and the creation of application exercises to assist in higher-level learning. Additionally, development of the modules included the editing and preparation of streaming video, interactive discussions, and interrelated learning assessments. The SafeZONE Online training modules are administered through the PRIDE Center as part of the services they offer to the campus community.

The authors believe that individuals who utilize the SafeZONE Online training will not only attain the learning goals established by the PRIDE Center but will also report an increased understanding of the LGBTQ community and how to be a supportive ally. As Vacarro, August and Kennedy (2012) write, people “who understand the scope of discrimination for all LGBTQ people are best posed to support youth in their communities” (p. 9). Therefore, safe zone trainings seek to increase the knowledge and understanding of those who are committed to supporting students on campus. Since this project will work in tandem with Center services, a central means of evaluation will be feedback from Center leadership relative to its utility in complementing and advancing its mission.

The Training Modules

Templeton & Pilot’s (2011) context, content, and the chain of activities were used as a guide when developing the training modules for SafeZONE Online. Aligning the Safe Zone on-the-ground training with the new initiative for SafeZONE Online utilized Dechant & Dechant’s (2010) discussion of systems theory and their six-part model that encouraged consideration of the environment in which the training would be offered. In order to ensure all training participants have a certain familiarity with BlackBoard (SacCT), the learning management system (LMS), used at California State University, Sacramento for this training, an online orientation is offered before starting the developed modules. This orientation is a short video that guides the viewer throughout the layout and setup of the training modules and reiterates the overall Safe Zone Training objectives. While all learning modules include much of the same content covered when it is delivered in a face-to-face format, additional videos and learning application activities were cultivated for this particular delivery method.

The first module, Module 1: Introduction, introduces participants to what a “safe one” is and why it is important. An overview of ground rules and norms as people dialogue together in this training is provided as well as a handout on “How to be an ‘ally’”. After reviewing this information and a few short video clips, individuals are invited to participate in a discussion forum to share why they want to be a Safe Zone and whether they have any fears about becoming a safe zone. Finally, as is the case with each of the content modules, participants complete a quiz. In order to move on to the next module, trainees must take part in the discussion forum and complete the module quiz (this is the case for each module).

The next module, Module 2: Identity Categories, explores the definitions, differences, and similarities between sex, gender, gender presentation, sexual orientation, and relationship orientation. After reading a
few pieces developed for this module and viewing a few videos, again participants dialogue together in a discussion forum on this information and complete a short quiz.

Module 3: Heterosexual & Cisgender Privilege acquaints trainees with the concept of privilege and how it manifests relative to gender identity and sexual orientation. The concept of privilege is covered through reading materials and a couple short videos. An initial discussion at the beginning of this module is provided to encourage participant discussion of ways they think privilege operates at an interpersonal and institutional level. The intention is that as trainees then move through the material they will return to this discussion to contrast ideas they initially had with new information or level of understanding as they move forward. Once again, as participants complete the module they submit a quiz.

Finally, the last module, Module 4: How to Create a Safe Zone?, becomes accessible to participants. This section provides an overview of the “coming out” process and how while there are some similarities for people as they share about their gender identity or sexual orientation, the experience for each person needs to be recognized as their own personal narrative. Trainees are guided through an assignment activity, readings, and videos that not only highlight the coming out process, but also homosexual identity development and LGBTQ intimate partner violence. Finally, strategies for inclusion and tips on creating a safe zone are addressed. In the discussion forum for this module, several hypothetical scenarios are included and participants are asked to share how they would respond to those situations and/or dialogues.

At the end of SafeZONE Online participants are asked to complete an evaluation of the training so that modifications can be made to strengthen the training as well as what is working well for trainees. An array of resources that can be helpful directly to the ally as well as those they come in touch with who could use some additional support.

Accessibility & Diversity

In order to ensure that all applicable multimedia resources included as part of the online modules are accessible, ADA compliance guidelines were applied (i.e., captioning; text to speech). The project was guided by the expertise in the office of ATCS and SacCT to ensure compliance wherever possible.

This project, at its core, is driven by one of the most important emerging perspectives in the area of human diversity, that of intersectionality.

"Intersectionality" is the name that is now given to the complex of reciprocal attachments and sometimes polarizing conflicts that confront both individuals and movements as they seek to "navigate" among the raced, gendered, and class-based dimensions of social and political life. Both as individuals seeking to make a socially just and fulfilling "everyday life," and as collectivities seeking to "make history" through political action and social movements, we struggle with the unstable connections between race, gender, and class. (University of California Center for New Racial Studies, n.d.)

Therefore, the modules were conceptually framed to be culturally and gender representative, considerate of varied LGBTQ statuses, intergenerational, as well as responsive to the varied professional statuses of those who might participate in SafeZONE Online training. Individuals from varied backgrounds should be able to connect through this resource as well as help construct an empathic understanding for the LGBTQ community. This project provides a dynamic interactive mechanism for the user while delivering essential information relative to the creation of “safe places”.

Time and Resources

This project required the fall semester 2015 and part of the spring semester to develop and set up the content, multimedia, and SacCT modules. Preliminary work began during the Summer 2015, which included developing an outline for the specific curricular modules the PRIDE Center would find useful to have available online. Simultaneously, development of a materials list and useful videos was created. During Fall 2015 the three authors worked on creating the online modules to ensure consistency and interactive content was included. Then during Spring 2016 the focus shifted to finalizing the modules while having some Center staff move through the coursework on line so that any modifications that are needed can be executed with the final product completed mid-Spring 2016. The Center is now able to roll out the use of SafeZONE Online.
Funds to purchase materials (books and videos) that can be used in any face-to-face, online, and hybrid trainings (see Recommended Resources). Additionally, these resources complement the resources the PRIDE Center currently houses for continued access and use by SafeZONE Online training participants.

**Implementation**

At the time of preparing this manuscript, a plan for the complete roll-out of SafeZONE Online was being developed. As part of the initial phase, a select group of students, staff, and faculty will complete the SafeZONE Online Training. This initial step is being used to identify technical and content issues that may need to be addressed as part of the formative evaluation process (Rossi, Lipsey, & Freeman, 2003). Individuals who have already been trained in-person will be invited to use SafeZONE Online as a means of keeping current, which continues to build a “community of practice” (Papa, 2011) for the PRIDE Center and SafeZONE Online. Another component of this roll-out is inviting interested participants to enroll in SafeZONE Online as a precursor to participating in an on-the-ground face-to-face training. Those who participate in this initial phase will be asked to provide feedback so that any modifications can be made in preparation for the final roll-out. This will also provide information as the final summative evaluation design is solidified.

**Conclusion, Broader Dissemination, & Recommendations**

The final SafeZONE Online training provides the PRIDE Center the ability to support the LGBTQ community through a broader range of trained student leaders, staff, and faculty across the campus. The audience for this project includes the entire CSUS campus community. As “a sign of the university’s commitment to inclusion and its fostering of a healthy and open-minded campus community” (Alvarez & Schneider, 2008, p. 72), the authors hope that the administration of Sacramento State will support the PRIDE Center’s Safe Zone Training as it expands in its delivery. The authors have begun exploring how SafeZONE Online might be used by organizations outside of CSUS (e.g., other college/university campuses; organizations or community groups in Sacramento). Finally, the authors believe SafeZONE Online may be the first program of its kind and seek to “showcase” this training approach throughout the CSU system and beyond.

**References**


**Recommended Resources**

**Books**

**Movies**
During the student teaching field experience, teacher candidates are encouraged to foster positive relationships with all students in the classroom. Successful interactions are the foundation on which positive, professional teacher-student relationships are developed and maintained during field experiences. Social interaction is a critical component of the learning environment (Hollins, 2008; Kohn, 1996, 2011; Sheets, 2005). According to Sheets (2005), the classroom is a place where the social aspects of life are experienced by students and teachers. Classroom field experiences offer candidates the social context to practice and develop professional relationships with all students. This development is contingent on the candidate’s ability to validate students through culturally responsive teaching (Gay, 2010). Therefore, candidates must understand how their pedagogy influences the social learning environment (Gay, 2010; Hollins, 2008; Kohn, 2011; Sheets, 2005) because skilled teacher behaviors promote effective interaction during the teaching-learning process (Gay, 2010, Hollins, 2008; Sheets, 2005).

The student teaching field experience provides the context for candidates to engage in purposeful behaviors that build interpersonal relationships with students. During this time, the candidate’s belief of and response to disruptive student behavior impacts the development of a positive learning environment. Successful reaction to disruptive behavior during student teaching is sustained by positive dispositions regarding students and the candidate’s capacity to inquire into the ways students’ lives may influence classroom behavior (Martin & Van Gunten, 2002; McAllister & Irvine, 2002; Weinstein, Curran, & Tomlinson-Clarke, 2003). Therefore, effective social interaction during student teaching affords candidates the opportunity to discover more about students in the classroom context, promoting occasions for successful teacher-student interaction and minimizing disruptive student behavior.

Purposeful teacher-student interactions play a significant role in the classroom, because potentially they encourage students to be more cooperative (Sheets, 2005). Positive, professional rapport with all students is significant in minimizing disciplinary events in classrooms (Kohn, 1996; Marzano & Marzano, 2003; Sheets, 2005). In light of this research, a candidate’s ability to purposefully interact with students and develop positive teacher-student relationships during student teaching potentially reduces disruptive student behavior in the classroom. Since scholars contend that discipline issues are a concern during student teaching (Knudson & Turley, 2000; Meinick & Meister, 2008; Wiggins & Clift, 1995), understanding how candidates cultivate professional relationships with students is essential. Consequently, insight is needed on how candidates purposefully engage in pedagogical behaviors that support social interaction, because effective classroom disciplinary actions often hinge on the ability to develop and maintain positive, professional relationships with students (Emmer & Evertson, 2009; Kosnic & Beck, 2009; Sheets, 2005). Therefore, knowledge how candidates interact with students provides teacher educators with the understanding needed to further assist candidate conceptualization of the role interpersonal relationships play in the teaching-learning process.

According to Sheets (2005), the preparation of culturally responsive teacher candidates is based on the candidate’s ability to understand and react to the context of the learning environment. Diversity pedagogy theory (DPT) (Sheets, 2005) promotes a developmental process where candidates engage in deliberate, teacher pedagogical behaviors that support student cultural displays. When candidates understand the
reasoning and logic behind student behaviors, they can implement wise disciplinary decisions through purposeful, teacher pedagogical behaviors (Sheets, 2005).

Effective teacher pedagogical behaviors empower all students to express themselves in an environment that is responsive to their individual, unique needs, resulting in a safe classroom context where successful classroom discipline is experienced (Gay, 2010; Hollis, 2008; Sheets, 2005). These behaviors enable candidates to relate to students in ways that define the nature and improve the quality of teacher-student interpersonal relationships. Classroom disciplinary solutions depend on positive, social interactions. DPT emphasizes how responses to student behavior can either build positive rapport with students or escalate existing disciplinary events. Culturally responsive reactions to student misbehavior can result in a positive teacher-student relationship and have the student’s best interest at heart.

This study investigates how teacher candidates engage in thoughtful, teacher pedagogical behaviors that promote student cultural displays with the intention of minimizing classroom disciplinary problems. Each of these behaviors identified in DPT was investigated in this qualitative, multicase study:

- Be aware of the students’ social, cultural, and academic classroom interactions
- Identify the cultural nuances present in student behavior and adapts contextual elements accordingly
- Promote self-control in classroom management decisions and disciplinary actions
- View self equally responsible for classroom disruptions and order
- Acquire classroom management skills and instructional strategies that help students practice self-control
- Understand the reciprocal teacher-student interpersonal process involved when making disciplinary decisions (Sheets, 2005).

**Method**

The participants in this multicase study included three teacher candidates enrolled at Western Plains University (WPU) and completed their sixteen-week student teaching experience in a rural, high school classroom. Through purposive selection, Anna, Matthew, and Tom were chosen. All participants were Anglo American. Data sources included a questionnaire, eight interviews, eighteen classroom observations, three cohort, meeting observations, a researcher’s journal, and multiple documents. Documents included weekly journals, lesson plans, teacher evaluations, cooperating teacher conference notes, and student discipline logs. The university supervisor and cooperating teachers were interviewed and served as secondary data sources. Multiple data sources provided triangulation and contribute to the credibility of the study (Lincoln & Guba, 1985).

**Research Findings**

The pedagogical behaviors targeted in this research are discussed in the sections below and disclose how candidates interacted with students in a culturally responsive manner to minimize classroom discipline problems. Findings revealed that candidates did attempt to create a culturally safe classroom context as described in the diversity pedagogy theory components examined throughout this investigation.

**Classroom Interaction Awareness**

Candidates were aware of the importance of student-to-student interaction in the classroom and demonstrated an awareness of how students interact socially with one another in the classroom. Anna demonstrated an understanding of how social interaction among students enhanced the learning environment. She planned lessons that required her students to interact in small groups, such as a Jeopardy game to review literature concepts for a test. She instructed her students to “get into groups” and told them to choose their group.

Anna told her students at the end of class that they could talk quietly to other students until the bell rang. As students talked in small groups, she remained at the front of the classroom and did not enter in the conversations. Anna indicated that she does not “intervene in their little personal bubble” because she “never like my [her] personal space being invaded by somebody [teacher].” Anna was conscious of the students’ need to socialize with other students in the classroom.

Whereas Anna demonstrated an understanding of how social interaction among students enhanced the learning environment, Tom and Matthew were aware of student behaviors that potentially distracted from
the learning-teaching process. Tom believed that social interaction among students was deterred by their respect for his authority in the classroom. He stated:

They [students] kind of respect you more when you interact with them. It [positive teacher-student interaction] kind of helps overall because whenever you ask them to be quiet [refrain from social interaction among themselves], they realize it is time to get to work and get down to business.

Matthew noted how one student changed the dynamic of the class. Matthew shared, “He [student interacting inappropriately during the lesson] really likes to get the classroom [other students] going.” Matthew took the student into the hall to discuss the unacceptable behavior. When Matthew and the student came back into the classroom, Matthew continued the lesson and the student did not interact with others around him. The data concurred that the candidate was aware that their authority impacts student’s social interaction among students in the classroom.

Candidates demonstrated an awareness of social, cultural, and academic interactions during the student teaching experience. However, interaction was viewed as both detrimental and beneficial to the learning-teaching process depending on the students’ abilities to remain focused on the learning outcome.

**Adaptation to Student Cultural Nuances**

DPT states that teachers should identify and adapt to student cultural displays in the classroom. Candidates responded to student cultural displays and adapted their behavior or classroom experiences. When a group of students communicated in Spanish, Anna looked up at them and smiled. She did not discourage them in talking in their home language. Anna also explained how she preferred students to call her “Ms. Bennett,” she noted that several of her students often call her “Miss.” She shared that when she was in high school many Hispanic students would call a female teacher “Miss” and that she did not consider it a form of disrespect.

**Promotion of Student Self-Control**

Candidates also demonstrated how they promoted student self-control in classroom management decisions and disciplinary actions. They used directives to promote self-control in students. Anna calmly stated to a group of boys, “Gentlemen, I believe the bell has rung. It is time to start class.” She was direct and to the point. Yet, questioning was also a tool used to enhance self-control. When Matthew noticed that a group of boys were not completing the expectations of their group project, he walked over to the group and asked, “Okay, what have we got over here?” He did not take disciplinary actions and discipline the boys for being off-task, but rather used the question to guide them toward appropriate behavior. Tom used humor to promote self-control with his students and enhance classroom management. He teased two students about “being so responsible today” because they both had their planners signed by their parents. In another incident Tom told a student “patience is a virtue” in a teasing manner when the student told him that her computer in the lab would not work. In all of these interactions, candidates revealed how they encouraged students to change their behavior without taking disciplinary actions.

**Responsibility of Self**

Another teacher pedagogical behavior posited in DPT Dimension 4 was the candidates’ ability to view self equally responsible for classroom disruptions and order. Matthew captured this concept, “You [teacher] have the power to diffuse the situation or escalate the situation” and suggests that professional interaction causes a teacher to react effectively to students emotions. “Professional rapport is on you [teacher] and how you conduct yourself I think.” He also added that teacher-student interaction is affected by “how you [teacher] perceive the student and then that influences how you discipline the student and the way would discipline the student.” Tom agreed that he was equally responsible for classroom disruptions and order, “On top of having a hectic week, my classroom management skills have been lacking. There are a few select students in classes that I cannot get to work or pay attention.” However, he further stated, “The more you [teacher] interact and get to know your students the better they perform in class and they feel more welcome and open to learning.” His cooperating teacher, Ms. Lucas, affirmed, “The kids were talking the other day about fear versus respect. We had the discussion of being afraid of a teacher and being afraid not to do to what they want. It’s [fear] not what we want, but we want them to do
the things out of consideration and respect for the teacher. And I think he [Tom] has done a good job of that.”

Anna struggled with discipline issues on a different level. Lack of student involvement was a major concern of hers. She observed that students were not asking questions and participating in discussions like she had hoped. “This means I need to find a different avenue in which to reach them and give them a chance to learn in a way that is best for them.” She relied on games that incorporated small group discussion and moved the arrangement of the classroom to encourage student engagement. She asked the students to form a large circle with their desks and she read aloud to them while rolling around in a teacher’s chair in the center. When asked about disciplinary actions during this event, she stated, “I didn’t even need it [discipline], because of the atmosphere and how it changed. They were more interested in learning because the environment wasn’t what they were used to.” Anna perceived her actions as critical in maintaining classroom order, as well as an instructional strategy to help maintain effective classroom discipline.

Self-Control Practice

Another behavior advocated by DPT Dimension 4 is for candidates to acquire classroom management skills and instructional strategies that assist students in practicing self-control. While candidates engaged in behaviors that promoted student self-control through the use of efficient management and effective instructional design, substantial data did not support the assisting of students in practicing self-control. The findings for this category were inconclusive.

Reciprocal Interpersonal Process

According to the data, candidates valued the reciprocal interpersonal process involved when making disciplinary decisions. Matthew viewed himself responsible for escalating or diffusing student misbehavior. For example, when asked about the impact of social interaction on classroom discipline, Matthew commented:

How is it not important? That’s everything. If you can’t interact with them, if you don’t know your students, I don’t know how you would teach them. I think if they have that connection with the teacher, if you [teacher] have that interaction that’s how they [students] are most capable of allowing you to teach them. Sometimes they can be rough. They can shut you off and not let you in and those heads will go down on the desk. And they will start sleeping and you’re going ‘No, I’ve lost them!’ So you [teacher] being able to interact with them and earning their respect through that interaction allows you [teacher] to teach them.

Although Matthew acknowledges the importance of social interaction of the interpersonal process on classroom-wide discipline, he demonstrated how conferencing one-on-one with a student has positive results on student misbehavior. In another instance when a student was disrupting class, Matthew told the student to follow him out into the hallway. The student complied. Matthew closed the classroom door, and had a brief conference with him in the hall. After approximately one minute, Matthew and the student came back into the room. The student was quieter and contributed to the lesson. At first he sat low in his chair, but after a few minutes went by, he sat up taller and verbally interacted more. Classroom discipline was improved after Matthew took the time to interact interpersonally with the student.

Tom also acknowledged the importance of the reciprocal interpersonal process involved when making disciplinary decisions. He shared that connecting with students on a personal level yet authoritative is “where they still respect you; where they can come talk to you.”

Discussion and Implications

Teacher candidates are aware of the importance of social interaction in the classroom during student teaching in high school classrooms. While they do believe student-to-student interaction is a significant part of the learning environment (Hollis, 2008; Kohn, 2011; Sheets, 2005), they contend that the interaction can potentially distract from the learning-teaching process. Candidates consider their professional rapport with students as the basis on which students comply and respect with requests to not interact with other students when appropriate. The social interaction among the members in the learning environment is interconnected. Candidates are conscious of how the behaviors of one student can influence the interaction of others. However, they implement pedagogy designed to enhance positive
social interaction in the classroom (Gay, 2010; Hollis, 2008; Sheets, 2005). Students are afforded the opportunity to work with one another, while the candidate facilitates and monitors progress.

Identifying and adapting to student cultural displays in the classroom is another behavior candidate exhibit (Sheets, 2005). They responded sensitively to nuances of language behaviors, application of geographical practices, and modes of communication. Candidates value the student’s communicating in their home language (Brown, 2003; Sheets, 2005), adapting the curriculum to regional culture, and implementing technology in the learning-teaching process. Understanding more about the students’ cultures was significant in how the candidate responded to students during classroom social interaction (Brown, 2003; Hollis, 2008; Sheets, 2005). The teacher-student relationship was strengthened by the candidate’s quest to identify and modify the teaching-learning process on account of student cultural displays.

Candidates demonstrate their ability to promote student self-control in classroom management decisions and disciplinary actions (Hollis, 2008; Kohn, 2011; Sheets, 2005). Directives, questions, and humorous interactions are used as a successful way to encourage student compliance. While directives are precise in regards to student expectations, the manner in which they are spoken, or linguistic politeness, promoted student self-control (Jiang, 2010). Questions pertaining to student progress are used to enable students to evaluate their own behavior. Humor is used as a non-threatening way for students to self-examine their behavior as well (Fovet, 2009). Candidates effectively guide students to self-correct their behavior and promote self-control in classroom management decision and disciplinary actions (Jiang, 2010; Sheets, 2005).

Viewing oneself equally responsible for classroom disruptions is significant in candidate behavior (Sheets, 2005). Candidates understand the importance of their own behavior in the classroom. They believe their positive social interaction with students minimizes classroom disruptions (Emmer & Evertson, 2009; Kosnic & Beck, 2009; Sheets, 2005). Initiatives are made to develop rapport with students through social interaction during classroom learning experience. Candidates recognize how their beliefs about and response to student behavior affects the classroom environment (Crosnoe, Johnson, & Elder, 2004). They consider their reactions to students and instructional practices as critical components in decreasing classroom disruptions.

Although the fourth dimension of DPT advocates the attainment of classroom management skills and instructional strategies that assist students in practicing self-control, the data collected was insufficient to support this claim. The parameters of this study inhibited the complete manifestation of this teacher pedagogical behavior of candidates (Coulon, 2000). Since student teaching is viewed as a time where candidates can apply theory to practice (Synder, 1998; Valencia, Martin, Place, & Grossman, 2009; Zeichner, 2002), much of the candidate’s energy was spent applying what they learned in their teacher education program and the counsel of their cooperating teacher and university supervisor. The classroom management strategies were created and established by the cooperating teacher; therefore, the candidate had little to no input. Even though candidates were active in acquiring classroom management skills and instructional strategies from their mentors, the attainment did not specify assisting student in practicing self-control.

Finally, candidates value the reciprocal interpersonal process involved when making disciplinary decisions. This behavior of the fourth dimension of DPT requires students to appreciate how social interaction during disciplinary decisions promotes a culturally safe classroom context (Sheets, 2005). Candidates perceive that effective social interaction is the foundation of positive disciplinary decisions (Emmer & Evertson, 2009; Kosnic & Back, 2009; Sheets, 2005). They consider that understanding students on an interpersonal level enables them to make effective disciplinary decisions (Allday, Bush, Ticknor, & Walker, 2011; Decker, Dona, & Christenson, 2007; Marzano & Marzano, 2003). These decisions enable the candidate to establish and maintain a professional rapport with high school students. Candidates comprehend the concept of a being respectful to students in order to receive respect from students during interaction. This give and take process minimizes classroom disciplinary problems (Crosnoe, Johnson, & Elder, 2004). Candidates are proactive in establishing a professional rapport with
high school students with the intention of enhancing the reciprocal interpersonal process involved in disciplinary actions.

Although this study gave insight on how three candidates viewed social interaction as a means to cultivate a positive relationship with high school students, further research is necessary. Investigating how teacher candidates continue their behaviors during their first years of teaching would provide the context to determine independent teacher pedagogical behaviors. The influence of the cooperating teacher remained a limitation of this qualitative study. The student teaching field experience often requires the candidate to adopt the classroom management and instruction strategies established by the cooperating teacher. The context of the first years of teaching would also provide the means to examine all pedagogical behaviors identified in the fourth dimension of DPT, as well as other dimensions designed to promote culturally competent teaching that optimizes learning for all students.

According to the fourth dimension of DPT, teacher pedagogical behaviors directly impact the creation of a culturally safe classroom context (Sheets, 2005). This study suggests that teacher candidates are able to engage in culturally responsive behaviors during their student teaching field experience in high school classrooms. These behaviors potentially elicit student cultural displays and encourage the development of a positive teacher-student relationship. Candidates are cognizant of how their conduct influences the learning environment during student teaching. Since effective classroom disciplinary actions often hinges on the teacher’s ability to develop and maintain positive relationships with all students (Emmer & Evertson, 2009; Kosnic & Beck, 2009; Sheets, 2005), understanding how teacher candidates perceive social interaction designed to promote professional rapport during the student teaching field experience was the focus of this qualitative, multicase study. When candidates continually invest in an appraisal of how their behaviors and attitudes affect student outcomes, the reflective practice theoretically minimizes student misbehavior. A culturally competent candidate reflects on each of the eight dimensions of DPT on a daily basis (Sheets, 2005). Commitment, dedication, and desire to meet all students’ needs are revealed as candidates seek to create a non-threatening learning environment where all students can learn, share, and grow.

References
Kohn, A. (2011, September). Ten obvious truths that we shouldn’t be ignoring. The Education Digest, 11-16.
The HyFlex Course Design: A Case Study on Adult and Career Education Courses

Diane Wright
Valdosta State University

Abstract
This case study describes the implementation of the HyFlex model in Adult and Career Education courses. HyFlex learning incorporates blended learning characteristics with a more flexible framework. With this model students chose to participate face-to-face, online, or both. In addition, the author presents key findings and lessons learned from implementing the HyFlex model.

Introduction
For public universities, such as Valdosta State University (VSU), which has a mission to expand its programmatic outreach by developing and offering programs by distance learning and at off campus locations throughout the region, the goal of increasing access is especially significant. As a leader in both traditional and non-traditional instruction, the Department of Adult and Career Education (ACED) at Valdosta State University offers its degree programs in a variety of formats including on-campus, hybrid, online, and at various locations, including the Kings Bay Nuclear Submarine Base and Moody Air Force Base.

The undergraduate programs in ACED are designed to give program completers the professional knowledge, skills, and dispositions to prepare them for success as certified career-technical educators, adult educators or as industry practitioners or trainers in their professional fields. The department's graduate programs build upon this foundation and are designed to further enhance program completers' success as a leader in education or in the private sector. A primary focus of all programs is to provide program completers with relevant, practical coursework that encourages life-long learning and the utilization of technology.

VSU continues to face the challenges of serving more students with stable or declining budgets. To address these challenges, the author of this paper was encouraged to find an effective and flexible delivery model to provide students with more convenient access to quality learning experiences than is possible with traditional on-campus offerings alone. Shrinking budgets, growing enrollments, and a Valdosta State University-wide initiative to increase the rate of student graduation have prompted the Adult and Career Education (ACED) Department to develop a comprehensive strategy around the delivery of HyFlex courses.

Beatty (2006) defines the HyFlex design as a hybrid model, combining online and face-to-face teaching and learning activities, and flexible, providing students the choice to attend face-to-face instruction. In a HyFlex course, each student can make the choice of participation mode independently. The instructor provides lecture content, structure, and activities to meet the goals of the syllabus. This must be done in such a way as to give “equivalency,” so that students can experience the course content and complete the course requirements in comparable ways whether attending online, face-to-face, or in some combination of the two (Beatty, 2010).

Brown (2012) found that:
A key benefit for the university is that it can serve both onsite and online students without maintaining a self-contained online degree program. Students engage in generative activities that reinforce learning and contribute to reduced attrition and fewer repeated courses. Maximizing the use of limited resources, the HyFlex model has gained wide acceptance among faculty and students and is...
seen as achieving the best of both in-class and online instruction (p. 23).

This study is an analysis of outcomes in nine courses that were taught by the author using the HyFlex Model format.

Literature Review

Researchers of education have constantly explored the impact of learning environments in relation to learning outcomes. For example, the U.S. Department of Education (2010) found students who took all or part of their course online performed better, on average, than those taking the same course through traditional face-to-face instruction. According to Khan (2007), flexible learning is an innovative approach for delivering well-designed, learner centered, and interactive learning environments to anyone, anywhere, anytime by utilizing the attributes and resources of the Internet and digital technologies” (p. 1). This conceptualization of blended course delivery is exemplified in what Khan calls flexible learning and is illustrated in the HyFlex Model in which course design considers both present and distance students. Casey and Wilson (2005) revealed that designing for good quality, efficient and economic flexible learning depends on the experience, expertise and resources your faculty has at hand. The faculty also needs an acceptance that there has to be upfront investment in terms of time and resources to make it work.

Blankson, Godwyll & Nur-Awaleh (2014) suggested that when given the opportunity to choose the best blend, students would select activities based on flexibility, convenience, and learning style and needs. As such, when well developed, the Hyflex model can ensure choice, a more active approach to learning, and a high level of course satisfaction. As seen in the 2011 ECAR National Study of Students and IT, students prefer and say they learn more in classes with online components. More students prefer a blended learning environment of seminars and other smaller classes with some online components.

A study by Hodge, Tucker, and Williams (2004) that investigated student perceptions of online, traditional and blended delivery methods found that those students who had access to online course materials and classroom instruction were more motivated by the instructor than those who received only one form of delivery. HyFlex is an innovative approach to blended learning that has proven to be effective in increasing student satisfaction, engagement, and access (Beatty, 2007).

Methodology

The purpose of this study was to answer the following questions: Why did the instructor choose to implement the HyFlex model? Did students perceive that they learned as much or more in the course as expected? Were students satisfied with their interactions and learning in the HyFlex course? and How connected did the students feel to the learning community?

After conducting a literature review, the instructor chose the HyFlex Model. The 2009 Hanover Research revealed criteria to adopt a HyFlex course design. The criteria included the consideration of factors such as how the course promoted learner choice in the course participation modes on a regular basis, how the course design provided equivalent learning activities in each participation mode, and how the course was technologically accessible to students.

The HyFlex Model provided the students in the courses the opportunity to select how they wanted to participate in class. The adult students were returning to school later in life, held jobs, had to balance coursework with caring for families, or were former members of the military embarking on new careers. Trying to coordinate other responsibilities with school was hard for them. This challenge led the instructor to rethink how and where to deliver course content to meet the needs of this growing sector of adult students.

The process began with the instructor redesigning the instructional content and activities to meet the needs of students participating both in class and online. The curriculum design was equivalent sets of activities selected so that student learning could be effective in either participation format. Based on Beatty’s (2010) research, four factors were considered when implementing the HyFlex Model. The factors were as follows:

Learner Choice: Provide meaningful alternative participation modes and enable students to choose between participation.
Equivalency: Provide equivalent learning activities in all participation modes. Reusability: Utilize artifacts from learning activities in each participation mode as learning objects for all students. Accessibility: Equip students with technology skills and access to all participation modes.

The instructor began implementing the HyFlex Model in Fall 2013 when teaching the same course in both an online as well as an on-campus format. The online course was designed to accomplish the same goals as the on-campus course in a different modality. Having one instructor teach both sections provided the opportunity to bridge the gap between the modalities of instruction.

The participants in this study consisted of 186 undergraduate and graduate students enrolled in nine ACED courses from Fall 2013 to Spring 2015. The instructor redesigned the courses to integrate online and face-to-face approaches to instruction. Following Beatty’s HyFlex model, the primary goal for this study was to provide students with attendance options. Specifically, the live attendance options made available to students in this HyFlex model were face-to-face (traditional) attendance and synchronous online attendance. The course was structured so students could choose how they wished to attend class; no requirements were imposed on how often students attended online or traditionally. For example, students could attend completely face-to-face, completely online, or some combination of the two.

The HyFlex model was introduced on the first day of lecture, during which attendance methods and technological implementations were outlined. Student assignments included readings, learning activities, discussions, and projects. A frequent feature of the HyFlex model was small-group engagement and collaborative work, which called for team meetings, conducted virtually or in person. Because the HyFlex model is a conceptual framework—not software—it was easily implemented using VSU’s existing course management system and online course infrastructure. The Center for eLearning supports VSU-collaborative students with troubleshooting support for technology-enhanced courses using BlazeVIEW, an integrated learning platform and Blackboard Collaborate, web conferencing tool.

Findings

In order to assess student feedback, end-of-semester surveys were used to ask students about their participation preferences, satisfaction with their learning with the HyFlex course design, and how connected they felt to the learning community. Students were asked to respond to how they wanted courses delivered. Chart 1 presents the results of student participation preferences.

<table>
<thead>
<tr>
<th>Preference for Course Format</th>
<th>18% HyFlex</th>
<th>26% Blended</th>
<th>44% Fully Online</th>
<th>10% Face-to-Face</th>
<th>2% Undecided</th>
</tr>
</thead>
</table>

The results indicate that students prefer a flexible delivery model. The HyFlex Model allows students to choose their own mix of participation modes, either in-class or online, on a weekly or topical basis (Beatty, 2012). In the HyFlex course design, students can choose to attend face-to-face, synchronous class sessions or complete course learning activities online without physically attending class (Beatty, 2010).

Students were asked if they felt as though they had learned as much or more than expected in the course using the HyFlex Model design. Ninety-five percent of the students surveyed indicated they strongly agreed or agreed to learning as much as they expected. Chart 2 presents the results.

<table>
<thead>
<tr>
<th>Learned As Much or More Than Expected</th>
<th>Yes</th>
</tr>
</thead>
</table>

Students were asked to evaluate how connected they felt to their peers and instructor. Results indicated that 94 percent of the students surveyed felt connected to their peers and 96 percent felt connected to their instructor. Chart 3 presents the results.

<table>
<thead>
<tr>
<th>Engagement with Peers and Instructor</th>
<th>Yes</th>
</tr>
</thead>
</table>

Lim (2004) explored the connection between the engagement of learners in online environments and their subsequent level of success. He identified several factors including course design, faculty, and technical support that affect online student retention. Research finds that students who report feeling a personal connection with their instructor also indicate higher levels of engagement. As highlighted by Bates and Bates and Poole (2003), “teaching is the creation of opportunities that facilitate learning. Learning is essential a social process, requiring communication among learner, teacher, and others. This
social process cannot effectively be replaced by technology, but technology can facilitate and even enhance it.”

Discussion

This case study points to a number of critical issues about implementing the HyFlex Model in ACED and raises questions for further study. First, adjustments to teaching strategies are necessary to use this delivery format. Second, researching and developing courses with flexible formats takes time and requires new ways of thinking about curriculum development. Third, schools have to improve their IT support and build strong network infrastructures; instructors have to coordinate with students and other faculty and be willing to implement and use new technology; and most importantly, students themselves have to take greater responsibility for their own learning process and educational outcomes.

Training, technical assistance, and resources will need to be provided before other ACED faculty members embrace the HyFlex Model in the Adult and Career Education Department. Errington (2004) study found that beliefs of university teachers could have a significant impact on the success of flexible learning innovations. He argues that the infrastructure for the adoption or rejection of flexible learning innovation exists at the level of beliefs of instructors.

Overall, implementing the HyFlex model into the ACED courses by this author provided students with an opportunity to explore how they learn best. Adults need a range of flexible design and delivery options that recognize the time constraints facing people who work, have family responsibilities and are trying to upgrade their skills to be more competitive in the labor market and improve their standard of living. According to Yusuf (2009) flexible delivery offers learners with a myriad of choices as to how they want their learning experiences to occur. These myriad choices can meet the diverse learning styles, preferences, and needs.

Conclusion

Learners need flexibility and the HyFlex process provides this flexibility. With this flexible approach, ACED can serve more students and meet their learning needs while maintaining high levels of educational quality. Four themes emerged in this case study:

- Adult learners need flexible learning so they can balance study, work, family, and other commitments.
- The HyFlex course design acknowledges that learners have different needs and preferences concerning participation in the instructional environment.
- The HyFlex course design encourages students to study when and where they are able to do so.
- Educators of adult learners are actively encouraged to find effective and flexible delivery models to provide all students with more convenient access to quality learning experiences than is possible with traditional on campus offerings alone.
References


Hodge, E., Tucker, S., Williams, S. (2004). Teaching and learning: Student perceptions of course delivery methods. New Horizons In Adult Education. 18(1)4


Chart 1
Preference for Course Format

Chart 2
Learned As Much or More Than Expected

Chart 3
Engagement with Peers and Instructor