Censoring What Tutors' Clothing "Says": First Amendment Rights/Writes Within Tutorial Space

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by Margaret Weaver

If as educators we do not abide by the First Amendment, if we believe some speech is more equal than other, then all our trumpeting about “academic freedom” is hypocritical rot.

—Jeanne Simpson

One of the tutors working in our Writing Center showed up for work last semester in a T-shirt with “fuck” plastered in large letters across the back. Throughout the day, several tutors and students sought me out to express how offended they were by his shirt. I took the initiative to seek out this particular tutor late in the day. “Several people have expressed concern about your shirt,” I began. Before I could complete my sentence, though, he responded, “Well, I can wear whatever I want. Freedom of Speech, you know.”

This issue became the focus of our next round of small group meetings. Each month, the student tutors meet in small groups to discuss any concerns, to share successes, and to brainstorm about techniques. When I asked the question whether they thought a dress code was needed in the center, tutors unanimously said no. Interestingly, though, many expressed that I as the Director should encourage appropriate attire.

What exactly was meant by appropriate attire? One tutor clarified: “You know, neutral clothing, no slogans or stuff.” Another tutor shed her sweatshirt to reveal a T-shirt with a pictorial representation of evolution from quadruped ape to biped human: “I suspect that my shirt isn’t appropriate.” This statement reminded me of an interview with a prospective tutor several years ago who wore a shirt with a graphic depiction of

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Christ’s crucifixion to the interview. Several of the tutors thought that the center should not hire him.4

Because it was so politically correct, the idea of neutral clothing spoke to me. Yet I found myself plagued by what the tutor had said when I tried to discuss his clothing. This tutor was absolutely correct. He did have a constitutional right to wear whatever he wanted to the Writing Center at our state-funded institution of higher learning. Numerous courts have emphasized this particular right time and time again: physical adornment is a form of symbolic speech.

The court case that set the precedent was Tinker v. Des Moines Independent Community School District (1969), in which the Supreme Court ruled that high school students had the constitutional right to wear black arm bands in protest of the Vietnam War as a form of symbolic speech protected by the First Amendment. The court ruled that “[neither] students [n]or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate” (506).5 This case has continued to provide guidance for not only secondary schools but also colleges and universities. In Lansdale v. Tyler Junior College (1972), for example, the U.S. Court of Appeals found that the college’s dress code for students violated students’ constitutional rights because it prohibited three long-haired men from registering for classes. This court further concluded that “the college campus is the line of demarcation where the weight of the student’s maturity, as compared with the institution’s modified role in his education, tips the scales in favor of the individual and marks the boundary of the area within which a student’s hirsute adornment becomes constitutionally irrelevant to the pursuit of educational activities” (664). The court, in other words, specified that the qualification mentioned in Tinker—symbolic speech can be banned if it “materially and substantially interferes with the operation of the school”—is not applicable on the college or university level. A 1975 court case, Hander v. San Jacinto Junior College, ruled that the Tinker finding was also applicable to faculty/staff as well as to students: grooming standards for faculty are unconstitutional.6

As these multiple court cases indicate, dress codes for students and/or faculty on college and university campuses are considered violations of the First Amendment, so requiring neutral clothing would indeed violate the tutor’s First Amendment rights. The majority of tutors in our Writing Center seem quite aware of this right (again, note the tutors’ suggestions: no dress code and “encourage,” not require, neutral clothing). Of the 21 tutors, 16 acknowledged in our small groups that they knew the tutor’s T-shirt was protected by the First Amendment. One tutor even made direct reference to a court case that addresses the issue of the word “fuck” on clothing.7 In Cohen v.
the court ruled that wearing offensive clothing, such as that featuring the word "fuck," is protected by the Constitution.

Looking for Loopholes

Ideally, these court cases should have resolved the issue for me, but the issue was far from solved. I was plagued by the comment that I should somehow encourage appropriate attire. Perhaps the most visible rehashing happened when I shared the results of my foray into First Amendment law with colleagues at the International Writing Centers Association (IWCA) conference in Savannah, Georgia. Many writing center directors, like me, also felt compelled to find loopholes that would allow them to restrict in some way what tutors wear when working. Several directors had unofficial uniforms for tutors—"Writing Center" T-shirts—while others argued that they had established dress codes following the laws governing traditional work places. In defense of this position, they suggested that publicly displaying the "F" word bordered on sexual harassment punishable under Title VII, which makes it "unlawful... for an employer... to discriminate against any individual with respect to... race, color, religion, sex, or national origin" (42 U.S. Code). Within this framework, the Equal Employment Opportunity Commission (EEOC) defines sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature... [that] has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment" (29 C.F.R.). Title IX of the Education Amendments makes the university liable for civil damages and threatens the loss of federal funding if a university discriminates against students on the basis of race (42 U.S. Code) or sex (20 U.S. Code 1681).

The tutor's T-shirt did create an offensive working environment for several of the tutors and students, based on their complaints to me. Thus, the T-shirt would seem to constitute sexual harassment according to the EEOC, and writing center directors would be wise to protect the university, and even more importantly the students and tutors, by encouraging tutors to wear neutral clothing. But the issue is complicated by the numerous individuals and organizations, including the U.S. Department of Education, that question the applicability of the hostile-environment theory to the university environment. Law commentators Kingsley Browne and Eugene Volokh, among others, have argued that the EEOC's hostile-environment theory imposes content- and viewpoint-based restrictions on workplace speech, including that which appears on clothing. While these restrictions may be somewhat necessary in industrial plants,
they are problematic for public universities, where the free expression of competing views is essential to the institution’s educational mission. Law commentator Robert W. Gall concurs that “the Supreme Court’s jurisprudence on academic freedom — both for students and teachers — suggests that the university is a special setting where a premium is to be placed on free expression so that a ‘pall of orthodoxy’ does not descend upon the classroom” (203). He points out that the Supreme Court’s rulings consistently suggest that the university is different from the traditional workplace and, as such, cannot adopt the hostile-environment theory without substantial modifications.

Indeed, the Department of Education’s (DOE) guidelines for the investigation of racial and sexual harassment claims significantly modify the workplace hostile-environment theory. While the EEOC Guidelines have construed Title VII to forbid verbal conduct that creates “an intimidating, hostile, or offensive working environment,” the DOE bans only conduct that creates a “hostile” environment. A hostile environment is one in which the words are likely to incite an immediate breach of peace (“fighting words” according to the Chaplinsky v. New Hampshire case). The federal courts have made clear that university speech codes can forbid the utterance of fighting words. But the lone word “fuck” plastered on a T-shirt could hardly qualify as an utterance of fighting words. Consequently, even this loophole used by some writing center directors (an appeal to hostile-environment theory) did not seem to be a sufficient way to limit what tutors wear to work.

Interestingly, what struck me most as I reflected on these creative suggestions from writing center directors at the IWCA conference was not that these loopholes did not provide a definitive means to address my tutor’s shirt but that many of us share a desire to find ways to squelch tutors’ freedom of expression when it could offend other students. I felt compelled to ask why we were so inclined to disregard the First Amendment, at least as it applies to the symbolic speech on tutors’ clothing. Tutors were chosen to work in the writing center because they are the students who demonstrate strong writing skills and value the expression of ideas in writing; these are the students for whom the First Amendment should be most coveted.

A Defunct “Safe House”?

Understandably, offending students is a concern for those of us in Composition. The National Council of Teachers of English (NCTE) has pointed out in its various policies that sexist, racist, offensive, or profane speech (speech protected by the First Amendment) tends to disrupt a sense of community among students. What, then, does this suggest for the tutor whose clothing “says” sexist, racist, offensive, or pro-
fane speech? How are other students to disregard this? Clothing that uses sexist, racist, offensive, or profane speech, it stands to reason, can also potentially disrupt a sense of community. This disruption is problematic for composition teachers, but even more so for writing centers that have marketed themselves as writing communities.

Early on, Kenneth Bruffee proclaimed that the writing center "provides a particular kind of social context for conversation, a particular kind of community" (8). Years later, Michael Pemberton, in the same vein, suggests that a natural metaphor for the writing center is the "community center" ("The Prison" 15). Richard Leahy, likewise, identifies community as the purpose and/or mission for the writing center (46).

As the title of Bruffee's article suggests ("Peer Tutoring and the 'Conversation of Mankind'"), the writing center's ability to create a community has historically been attributed to its reliance on "peer" tutors. John Trimbur's description is particularly helpful in linking peerness to community: "The tutors' loyalty to their peers results from their shared status as undergraduates. Both tutors and tutees find themselves at the bottom of the academic hierarchy...This common position in the traditional hierarchy, moreover, tends to create social bonds among students, to unionize them" (290). These social bonds reduce the anxiety that students experience when preparing writing assignments; students realize that because the tutors are also students, they share the same deadline pressures and experience the same fear in regard to judgment by their professors. Writing center practitioners have justified the existence of writing centers by claiming that this alternative learning environment differs significantly from the traditional classroom; unlike the hierarchical class where student writers are often intimidated by the teacher/judge, the writing center is a comfortable "community of readers and other writers" (Bruffee 8).

Granted, Trimbur and several other writing practitioners have since acknowledged that student tutors are not really "peers" (Fayer; Grimm; Harris; Lunsford; Young). There exists, as Trimbur explains, "a certain institutional authority in the tutors that their tutees have not earned" (290). Because of this inherent authority, Nancy Grimm suggests that the "community" metaphor is problematic: "The academic community metaphor encourages writing center workers to imagine their work as welcoming and initiating and disguises its truer, disciplining function. Writing Center workers perceive students classified as remedial as individuals needing their help rather than as potential research partners [or peers]" (87). Following Grimm's lead, many writing center practitioners now accept that "community" is less a description of the writing center than an ideal—but an ideal to be sought, nonetheless. As Elizabeth Boquet points out in her recently published Noise, there exists a "continual reassertion of
community in those regional and national writing center forums” (30), and "the assertion of writing center community among writing center staff has not changed" (152), even if the terminology we use has changed.

Grimm’s work prompted the adoption of other metaphors that expand upon and complicate the term "community”—most notably, the term "safe house." Janice Wolff uses Mary Louise Pratt’s metaphor of a “safe house” to discuss the ideal writing tutorial. She begins by acknowledging that the tutor and student are “two people who occupy asymmetrical positions, one with the discourse of power and the other marginalized and with little language for talking about writing” (49). Based on this realization, Wolff then proposes that the writing center needs to be “the site for safe houses” (49). Now, rather than references to community, writing center practitioners tend to make references to creating a safe house for students, but clearly it is the same ideal. Wolff makes reference to Pratt’s definition of “safe houses” as those spaces “where groups can constitute themselves as horizontal, homogeneous, sovereign communities” (Pratt 40, emphasis added). The biggest difference is that, rather than focusing on the peer relationship between tutor and student (as early writing center practitioners did), Wolff suggests that a "safe house" is created by eliminating "legacies of oppression" in the center. Aside from the asymmetrical relationship that exists between tutor and student, Wolff never explicitly states what might constitute other legacies of oppression over which we might have some control. The implication is quite clear, though: writing centers mirror NCTE—we believe that the language that tutors use (both spoken and worn) can serve as a legacy of oppression.

It is no wonder that writing center practitioners openly express disillusionment when they are unable to create a sense of community or express a need to censor when things like a T-shirt plastered with offensive words threaten to disrupt a sense of community. Reflecting on Boquet’s book, James McDonald writes, "Noise often expresses disillusionment about where we work. ‘For many of us, our universities are not the communities we thought they would be’ (5), Boquet writes, and she doubts that she has made her writing center into a community” (12). The nostalgic flavor of McDonald’s observation is unmistakable; he, along with countless other writing center directors, shares Boquet’s longing for community.

Many writing centers, ours included, have mission statements that emphasize the writing center as a “comfortable place” for writing on campus because we believe, as Wolff suggests, that the writing center can and should provide “one of the few comfort zones in the university” (45). In addition to our staff of peer tutors, our Writing Center, like those centers described in Kinkead and Harris’ Writing Centers in Context,
is decorated with plants, couches, and a coffeepot, designed to make the center feel
more "home-like." Our student evaluations even ask students to verify if they found
the writing center to provide a comfortable learning environment. These evaluations,
therefore, seemed to be the logical place to start to determine if the tutor’s T-shirt
impacted the students who sought assistance in the Writing Center. I feared that by not
squelching the tutor’s wearing of the T-shirt I had disrupted our "safe house."

During the semester in which the offensive T-shirt was worn at least four times by the
tutor, 1357 student evaluations were returned to the Writing Center. Of these respon-
dents, only two responded that the Writing Center did not provide a comfortable learning
environment (the rest responded affirmatively). As for the reasons given for why the
Writing Center did not provide a comfortable learning environment, one made reference
to the cold temperature of the room, and the other mentioned that the noise level was
distracting. Quite frankly, I was surprised that none of the students we assisted men-
tioned the offensive T-shirt. Our "safe house" did not seem to be disturbed by the T-
shirt, despite the handful of individual tutor and student complaints that I had received.

"Most of Us Would Sooner Censor Ourselves"

I was relieved by these evaluations. Perhaps the First Amendment did not pose a
threat to writing centers, at least in regard to what tutors choose to "say" on their cloth-
ing. Perhaps I and other writing center directors did not have to worry any further
about tutors’ clothing. I shared the results of the evaluations with the tutors and
assumed that the results indicated that clothing was not an issue, but several of the
tutors again reiterated that they thought I should still encourage neutral attire. Despite
what the student evaluations revealed, 12 tutors felt that clothing did affect the friend-
ly, comfortable environment and 10 tutors felt that it did not. More revealing, though,
was how they thought the clothing affected the environment.

I asked the tutors to write responses on paper to several questions, including "What
impression do you think the "F" shirt gives students about the Writing Center?" Rather
than "it offends students," the tutor responses I received fit neatly into two categories:
"it is nonjudgmental" and "it is unprofessional." These responses were intimately
connected to the question of a comfortable environment. Those that responded "non-
judgmental" were the individuals who did not think that what tutors wear damages the
center’s ability to provide a comfortable environment; those that responded "unpro-
fessional" did think that what tutors wear damages the center’s ability to provide a
comfortable environment. The "nonjudgmental" responses included, not surpris-
ingly, close references to the First Amendment: "It is a place of open and free expres-
sion," "we are an open facility, nonjudgmental, and free to express our ideas," and "the Writing Center supports First Amend. Rights." The other half of the responses, the ones that mentioned "unprofessional," revealed something else that I had overlooked when contemplating the implications of the First Amendment for our "safe house" mission. Before I address this, however, it is interesting to note that all of the tutors, when asked, "What is more important: the rights of tutors to wear what they want or providing a friendly, comfortable environment for students seeking tutoring?" affirmed in writing that providing a friendly, comfortable environment is more important than their right to wear what they want. The question, then, was why. Why were the student tutors inclined to sacrifice their right to freedom of expression? Why were these strong writers willing to "toe the party line" of their directors? The "nonprofessional" responses offered some insight.

The "nonprofessional" responses included such statements as "it is not professional. Employees can be casual, but should maintain some level of professional behavior," "that we are not serious," "His shirt was inappropriate... It makes us look unprofessional," and "It gives a very unprofessional impression about our staff." For these tutors, a friendly and comfortable environment depends upon tutors maintaining "professional behavior." Included in this professional behavior is wearing neutral attire. The issue is not whether the clothing could be considered sexist, racist, offensive, or profane, but whether the clothing could be construed as advocating any position. As one of the responders wrote, "I don't believe it is my job to tinker with someone's value system in a 60-minute tutoring session." Tutors' clothing, in other words, is interpreted as being another way that tutors impose their own opinions on students (disrupting community), perhaps in a way even more directly influential than what tutors say orally.

This concern is well founded. As many rhetoricians, such as Richard Weaver, have maintained, our use of language is inevitably "sermonic" (178); we each attempt to preach our view to those around us. Gregory Clark attributes this "preaching" to a basic tendency within rhetoric:

This tendency of rhetoric—to present what is only someone's belief by portraying that belief as if it carried the authority of shared, social knowledge—creates the ethical problems that have always been rhetoric's burden. By presenting our beliefs to others as if they had already judged and accepted them we not only assume their assent, we demand it. And when our statement is written rather than spoken, both that assumption and its implicit demand are intensified. (51)
Unlike what tutors say in any given moment during a tutoring session, comments that may be summarily dismissed or unheard by the student whose mind is contemplating other issues, what tutors “say” on their clothing continues to speak throughout the tutoring session each time the student looks at the tutor. The repetitive nature of the visual communication intensifies the written “demand” on the shirt.

Although Weaver, Clark, and others suggest that this demand is inevitable regardless of whether the rhetoric is spoken or written, writing center practitioners have attempted to reduce the demand by supposedly maintaining objectivity. The writing center has historically defended itself against charges of unethical plagiarism by attempting to adhere to noninterventionist pedagogy. One need only pick up back issues of Writing Lab Newsletter or The Writing Center Journal from the 1970s and early 1980s, such as Mark Hartstein’s 1984 article, “Objectivity in Tutoring,” to see such guidelines as “never write on a student’s paper,” “never suggest specific wording,” and “never appropriate a student’s text.” The assumption has been that, if writing center tutors do not touch the content of a paper and comment only on surface correctness, this will ease the minds of the many professors who question whether the papers of students who seek assistance in the writing center are plagiarized and represent the tutor’s ideas more than the student’s ideas. The suggestions offered in Jeff Brooks’ 1991 article, “Minimalist Tutoring: Making the Student Do All the Work,” have continued to provide a foundation for writing center pedagogy: “Ask questions,” “Give the student a discrete writing task, then go away for a few minutes and let him do it,” and “Be completely honest with the student who is giving you a hard time. If she says, ‘What should I do here?’ you can say in a friendly, non-threatening way, ‘I can’t tell you that—it’s your grade, not mine,’ or, ‘I don’t know—it’s your paper’” (4).

One of Michael Pemberton’s Writing Lab Newsletter “Ethics” columns even challenges writing center practitioners to consider “What are the legal, social, and ethical consequences of actually trying to influence a student’s beliefs or feelings or arguments in doing a writing tutorial?” (1993, 10). Steve Sherwood attempts to answer part of Pemberton’s question by speculating about the legal consequences of commenting on student content in his article “Censoring Students, Censoring Ourselves.” He proposes that in voicing our opinion and encouraging students to rethink their positions, we could be silencing students from more fully exploring ideas and enacting a form of censorship upon students that possibly violates their First Amendment rights. Boquet provides a telling example in Stories from the Center that illustrates Sherwood’s point. She shares her experience with “working-class” Joe, a young student who wrote a paper about the injustices of being a white male. The first thing Boquet admits is that
she "took a deep breath" and "braced" herself for the session with Joe. She confronts Joe on the content of his paper: "I challenged him that for every instance he could think of where the court system was female based, I could give him three instances to prove that it wasn’t. At this point, I realized I was out of line and pulled back. I was no longer helping him to grow, either as a person or a writer. In fact, I was on the verge of attacking him...He looked small and tired " (26).

Like Boquet, many tutors have an incredible fear of censoring the students they tutor. Sherwood admits that one of the reasons he as a tutor has such a fear is his strict interpretation of the First Amendment that the student has "a constitutionally protected right to voice his [her] opinions" (52). He suggests that "most of us would sooner censor ourselves—refusing to reveal our opinions on issues for fear of being too directive—than censor a student writer" (52). This stance, however, is complicated by the numerous forms of "censorship" that we are asked to enact, such as NCTE’s prohibition of sexist language and our own concern that a paper of a student who works with us does not come across as "arrogant, naïve, preachy, or wrongheaded" (53). These forms of censorship seem to run counter to students’ First Amendment Rights. "We want to protect students from practical and political effects of their words," explains Sherwood. "We want to show them...that using sexist or racist terms...can cost them good grades and the esteem of their teachers and fellow students” (52-3).

Sherwood cautions, though, that any time we offer our opinions about what we believe a student "should" write in his/her paper, we could be preventing the writer from more fully exploring her/his ideas and values and, thus, could be censoring the writer. Sherwood shares this reasoning: "I may have encouraged students to write in ways I believed their professors would find more appropriate. By urging them to play it safe, I may have discouraged them from taking the kinds of personal and rhetorical risks that could have led to important insights and interesting pieces of writing” (53-54).

While Sherwood’s remarks are aimed at what tutors say during a tutoring session, the applicability to tutors’ clothing is undeniable. A tutor’s clothing can "speak" the tutor’s opinion and prompt the student to self-censor, especially if the student’s view counters the tutor’s publicized view. Tutors’ clothing, then, could disrupt a sense of community not by simply offending students but by hindering students’ ability to express ideas. Sherwood’s responses resonate with our tutors. As they indicated in their written remarks, our tutors think that their First Amendment rights are not (and, for many of them, should not be) as important as the First Amendment rights of the students whom they tutor.
I probably need not mention that this recognition of why the tutors were so willing to sacrifice their First Amendment rights implicated me, the writing center director, in a way that I found incredibly disturbing. I was responsible for the tutors who, through extensive tutor training and reading of the literature, had become well versed in writing center practices. But somehow this stance of objectivity had gone awry. Jeanne Simpson was right: “if we believe some speech is more equal than other, then all our trumpeting about ‘academic freedom’ is hypocritical rot” (qtd. in Pemberton, 1994: 15).

Making Some Noise!

Michael Blitz and Mark Hurlbert ask, "Is it enough to give students a safe place—a writing center, for instance—in which to tell stories?" (85) The tutor with the “fuck” T-shirt answered with a resounding “No!” I concur with Boquet that "When students resist our attempts to create a community in the writing center, we should ask ourselves what to make of their repeated and systematic denials” (Noise 27). This particular student tutor chose not to wear the shirt just once, even after I confronted him, but numerous times throughout the semester. His resistance was pedagogical “noise … that we are [he was] supposed to refrain from making” (Boquet, Noise 6): he was making noise in response to the writing center’s supposed stance of objectivity. In the wearing of his T-shirt, he was forcing all of us in the Writing Center to reimagine our community as something other than a "safe house."

This tutor is not alone. A few writing center theorists are also beginning to question whether providing a safe house is enough. Carol Severino focuses on an often ignored element in Pratt's work. Whereas Wolff focuses on the image of the comfortable safe house, Severino directs her attention at Pratt’s use of the term “contact zone.” She suggests that writing centers are contact zones where cultures inevitably collide between the tutor and the student. It is deceptive, therefore, to act as if the tutor is objective. Continuing this line of thinking, Grimm encourages writing centers to relinquish the neutrality of the academic community (87)—that is, to relinquish the objectivity we associate with community. Tutors should instead "coax people out of their safe houses into a mediation of differences" (79), just as the tutor in our writing center did.

Laura Rogers and Carolyn Statler are concerned that in some writing centers, "there are voices not being heard; there are contexts not being invoked; there are dialogues that are not happening," and they rhetorically ask, "Can we function as adequate responders to student texts if, for any reason, part of our response is silenced?" (81).
Similar to Sherwood, they recognize that telling students what to write or what they should include can function as a form of censorship. However, they make an important distinction that Sherwood only hints at: voicing our opinions during a tutoring session, whether through sound or shirt, is different from forcing students to incorporate these opinions into their papers and/or psyches.

The First Amendment states, "Congress shall make no law abridging the freedom of speech." The amendment is intended to protect individuals from any type of law/state action that would punish them for their speech. Censorship is usually interpreted as an action by some arm of the government that prohibits people from expressing their views. Because students often see tutors as authority figures, argues Sherwood, "students are only too eager to follow our advice" (53). That is, if a tutor suggests that a student not include something in his/her paper, this suggestion can be interpreted as a form of prohibition by the student and can coerce a student into giving up his/her rights to free speech. Yet, according to the First Amendment, prohibition and prevention must be tied to an ability to punish if the student places the questionable material in the paper. Tutors in the writing center do not have such power, and many tutors are quite aware of this.

Wangeci JoAnne Karuri shared the results of a survey completed by 26 conference attendees at the NWCA Conference in 1994. The first question posed the following scenario: "When you are in a conference dealing with a paper you find offensive, do you think it is your job to discuss and debate the issue with the author?" Fifty percent of the respondents answered YES, 23% indicated NO, and the remaining 27% responded that they would discuss but not debate the issue (81). Or put another way, 77% of writing center practitioners/tutors would discuss content with a writer. This finding is particularly revealing. Despite recommendations made by individuals such as Brooks, some writing center tutors do become involved with a student’s content. While they acknowledge that debating an issue can serve as a form of disruptive censorship, discussing an issue is acceptable and, in some situations, quite necessary, as Sherwood suggests.

Many of the tutors in our Writing Center also make this distinction. When asked, "If a student you were tutoring expressed concern about a shirt that you were wearing, what would you do?”, the tutors who did not think that what they wear damages the center’s comfortable and friendly environment responded that they would use this as an opportunity for discussion: "we would talk about why it was offensive." "consider his/her concern and...explain why I'm wearing it,” “Ask the student why it bothers him/her and go from there.” “I'd be interested in knowing why...if legit reason, I'd
think twice about that shirt," and "would like to discuss with them." In other words, the tutors did not think what they wear damages the environment because they saw the clothing as an opportunity to invite discussion with the students. Conversely, the tutors who did think that what they wear could damage the environment and make the center appear "unprofessional" responded that they would "apologize...and not wear it again." "apologize, then not wear it again," "apologize and probably wouldn't ever wear it again," and "apologize...and not wear the garment again." Several of these tutors even suggested that they believed that this would so severely impact the "safe house" that they would "apologize and offer to have someone else work with the student," "apologize and offer to arrange a session with a different tutor," and "apologize ...and ask whether they would like to work with someone else."

Unlike these tutors who see disruption as something to be avoided by either apologizing and dropping the subject or stopping the tutoring session, writing center tutor Stacey Freed argues in her article that "we [tutors] must make students aware of other points of view that may be 'disturbing' to them and may 'distress' them" (42). An important observation to make is that both debating and discussing an issue are disruptive; however, the former is disruptive because it censors students, and the latter is disruptive because it raises other points of view. It is this second form of disruption that is inevitable, and necessary, when cultures collide. Writing centers inevitably prompt a certain amount of discomfort, according to Grimm, because students begin to experience conflict and recognize "the possibilities and impossibilities of negotiating cultural...conflicts" (544-45). Severino refers to this as the "violence of language contact—the clashing, the colliding, the grating, and grinding" (2). She emphasizes that it is through this clashing and colliding that astonishing things happen: "Sparks fly, humor happens, surprising new combinations emerge; sometimes out of open wounds, new texts and forms of consciousness are born" (3).

Contrary to first appearances, these contact zones indicate community. But not community in the sense of a "safe house." A "safe house" is safe because it discourages conflict through a stance of objectivity; tutors censor themselves and restrict their comments only to those that help the student better express his/her ideas. Rhetorician D. Diane Davis cautions us against thinking of community as this kind of communion: "Communion names the final culmination of sharing, the end of sharing" (194). Rather, she suggests that "what community shares is not the 'annulment of sharing'; what it shares is sharing itself" (194). Gregory Clark similarly proposes that pluralism requires that conflicting notions of shared, social knowledge coexist, and that the conflicts themselves be publicly explored.
Consequently, it necessitates that the conversations that sustain a community proceed not toward agreements that would end the exchange but toward the exposure of disagreements. In essence, it means that the primary agreement that supports the process of conversation is the agreement to converse. (57)

Reconstructing community in this sense suggests that not only should writing center tutors share their different opinions with the students they tutor, but tutors also have a responsibility to sustain, not end, the conversation with students.

**Not a Loss**

I can hear many of my writing center colleagues—"you are jeopardizing the thin foundation upon which we have justified the existence of writing centers." If we do not offer a "safe house" for students, how are we to gain their trust? If we openly do not take a stance of objectivity, how are we to counter accusations of plagiarism? Rather than lamenting our loss of a foundation, I propose that we embrace this unworking, for, as Davis suggests, "It is not in the work but in the 'unworking' that community is exposed, not in the pulling together but in the breaking up" (196). The tutor with his T-shirt performed this breaking up for us; he resisted the pulling together (the encouragement to wear neutral clothing) and the "safe" community that would be created. He exposed us by asking why some speech is more equal than other speech in the very place that professes to encourage the free expression of ideas.

Rather than interpreting his resistance as a detrimental problem to be "solved" (by silencing him through banning his shirt), another way to view his resistance is as an affirmative performance that opened a space for our writing center to overflow—to move beyond a community, that is, as Grimm describes, a community "connected with the need to serve and to please" more toward a community that has "the desire to understand, to articulate, and to interpret" (88). I share Davis' description of this type of resistance: "affirmative responses view the nonfoundational state not as the loss of a foundation but as a space of overflow. The Some-Thing does not give way to a No-Thing; rather it is exploded into a radical excess. Where we thought there was one One Thing, there exists a wild multiplicity" (25).

Thanks to this tutor, I, as well as the other tutors in our Writing Center, am reimagining community as a place, borrowing Chaim Perelman's words, "proficient in pluralism" (71). Where else will students have the opportunity to participate in pluralism? Not in the classroom, where they hear about different positions. Not from their friends and family, who typically serve as reflective mirrors. In the writing center, students can participate in pluralism by hearing from different positions. As Davis
reminds us, “community...cannot be built or produced. One experiences community” (195-6).

Perhaps the recent trend among writing center practitioners to embrace Vygotsky and his conclusion that the intellect develops by participating in conversations with other human beings is not as much about empowering the students we tutor as it is about empowering student tutors. Grimm contends that the writing center should be a place where student writers find opportunities to discuss because, “if we do not have the opportunities to interact with others on topics that we must write about, then we cannot internalize the concepts we must draw on in order to write” (87). I would add that the writing center can be a place where student tutors find opportunities to discuss and voice their opinions. They, too, are first and foremost writers, lest we forget. Perhaps our mission should not be to provide a friendly and comfortable “safe house” for students where tutors censor themselves but to provide a disruptive environment of dialogue that reflects our commitment to the First Amendment, not only in spoken dialogue but in symbolic speech as well—a place where both the student and the tutor can choose to wear a shirt imprinted with a pictorial representation of evolution, a graphic depiction of Christ’s crucifixion, or even the word “fuck.”

NOTES

1. Credit for the subtitle goes to one of the reviewers who used this phrase in his/her review. For me, it captured the essence of this article. Thank you.
2. Qtd. in Pemberton, 1994, p.15.
3. This comment, made by SMSU Writing Center tutor M. Casey Reid, is what prompted me to think of this issue in larger terms and served as the catalyst for this project.
4. Incidentally, we did hire him.
5. Since the early 1970s, schools have attempted to argue the constitutionality of a variety of dress codes on the grounds that such things as the length of skirts, color of hair, and style of clothing meet the criteria for censorship established in the Tinker case—that is, that these things hamper the educational environment by disturbing school operations and discipline. Numerous cases involving dress codes instituted since Columbine have been upheld following this Tinker criteria. Recently, in Castorina and Dargavell v. Madison County School Board, several high school students were suspended for wearing t-shirts that violated the school's dress code that banned clothing containing any “illegal, immoral or racist implications.” The t-shirts in question were embossed with the confederate flag. The students claimed that other students were allowed to wear clothing with the “X” symbol for Malcolm X, so the school’s suspension of the students appeared to be a targeted ban, as was the case in Tinker. Even though no disturbance was reported or even anticipated as a result of the t-shirts, the lower district court upheld the ban, stating that the t-shirts were a “mere display of a confederate flag” and, therefore, not a form of protected symbolic speech. The U.S. Court of Appeals, however, found that, when the plaintiffs testified, they both intended to convey southern pride, so the t-shirts were protected under the First Amendment.
6. The court ruled that the college could not require that all male faculty members be “clean shaven, wear reasonable hair styles and have no excessively long sideburns” (275).
7. In 1971, the U.S. Supreme Court decided in the case of Cohen v. California that punishment of a man for wearing “Fuck the Draft” on the back of a jacket was unconstitutional. The defendant wore the offending jacket into a corridor of the Los Angeles County Courthouse.
and was promptly arrested for disturbing the peace and offensive conduct. Because he did not engage in any act of violence (which would then place this case within the same category of Chaplinsky v. New Hampshire and the fighting words doctrine—outlawing words likely to cause an average person to fight), the U.S. Supreme Court found that "[t]he conviction quite clearly rests upon the asserted offensiveness of the words Cohen used to convey his message to the public" (18) and was thus a clear violation of his First Amendment rights.

8. I am so appreciative of the pointed questions that Ellen Mohr of Johnson County Community College asked me regarding the creation of a "hostile work environment." Her questions spurred me to explore higher education's hesitancy to adopt the Hostile Workplace Theory.

9. Not to acknowledge any such difference severely undermines the free speech and academic freedom that are so fundamental to the university's "spirit of free inquiry," as spelled out in the 1957 case of Sweezy v. New Hampshire, wherein the Court overturned the conviction of a socialist university professor who refused to answer questions at a hearing about the content of his lectures. The court ruled that forcing the professor to answer these questions would limit his academic freedom and the university's "spirit of free inquiry" (262). Federal case law on university speech codes has clearly indicated that the university's "spirit of free inquiry" takes precedence over restrictions that might protect individuals from working/learning in an offensive environment. In particular, the University of Michigan issued a disciplinary policy for verbal discriminatory harassment, including speech within the classroom. A psychology graduate student sued for an injunction against the enforcement of this policy when he suspected that his discussion of theories regarding biologically-based differences between men and women might be labeled as sexist. In Doe v. University of Michigan (1989), the district court ruled that the university's policy was impermissibly overbroad and was an attempt to regulate not only "fighting words," but "certain speech because it [the university] disagreed with ideas or messages sought to be conveyed" (863). The District Court made specific reference to the Cohen v. California case. In addition, the court offered the following observation: "[T]hese principles acquire a special significance in the university setting, where the free and unfettered interplay of competing views is essential to the institution's educational mission" (863). Several of the federal cases following the 1989 Doe v. University of Michigan have raised the same concerns about overbroad speech codes and have, thus, resulted in similar rulings (UWM Post, Inc. v. Board of Regents, Dambrot v. Central Michigan University, and Silva v. University of New Hampshire).

10. For a more in-depth discussion of the ethics of writing center intervention, see Irene L. Clark and Dave Healy's "Are Writing Centers Ethical?" and Irene L. Clark's "Writing Centers and Plagiarism."

11. Several writing center practitioners have suggested that this stance of objectivity encourages a limited understanding of authorship because it perpetuates the ideas of individual responsibility and accountability and does not acknowledge, as Marilyn Cooper points out, "the extent to which they [writers] are not owners of their texts...how various institutional forces impinge on how and what they write * (101).

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