

April 2006

## "And They Call Pennsylvania a Blue State?"

Pat Heilman

*Association of Pennsylvania State College and University Faculties*

Follow this and additional works at: <https://thekeep.eiu.edu/jcba>

---

### Recommended Citation

Heilman, Pat (2006) "'And They Call Pennsylvania a Blue State?'," *Journal of Collective Bargaining in the Academy*. Vol. 0, Article 8.

DOI: <https://doi.org/10.58188/1941-8043.1027>

Available at: <https://thekeep.eiu.edu/jcba/vol0/iss1/8>

This Proceedings Material is brought to you for free and open access by the Journals at The Keep. It has been accepted for inclusion in Journal of Collective Bargaining in the Academy by an authorized editor of The Keep. For more information, please contact [tabruns@eiu.edu](mailto:tabruns@eiu.edu).

National Center for the Study of Collective Bargaining in Higher Education and the Professions  
April 2-4, 2006  
New York City

**Future of Academic Freedom. The Role of Unions and Management Panel**

## **“And They Call Pennsylvania a Blue State?”**

**By Pat Heilman, President, APSCUF  
(Association of Pennsylvania State College and University Faculties)**

By now, most academicians are aware of the assaults on academic freedom as contained in the Academic Bill of Rights (ABOR) legislation introduced, in some form, in some 24 states. Part of a national movement to muzzle professors deemed too liberal for our colleges and universities, this witch hunt, instigated by former liberal radical David Horowitz, has had a chilling effect on campuses. Some faculty organizations are fighting back; APSCUF (Association of Pennsylvania State College and University Faculties), a union representing some 5,500 faculty and coaches in the Pennsylvania State System of Higher Education (PASSHE), is one of them. This paper outlines what has occurred in Pennsylvania and the measures APSCUF has taken to defuse and debunk Horowitz's assaults on academic freedom.

On July 5, 2005, the Pennsylvania House of Representatives passed, mainly along party lines, House Resolution 177 -- the so-called "Academic Bill of Rights." This piece of legislation has engaged the academic institutions within Pennsylvania in a firestorm of debate, spawning numerous conferences, newspaper editorials and broadcast interviews. To place this action in context, HR 177 was passed two days prior to the legislature passing the now infamous legislative pay raise increasing the salaries of Pennsylvania legislators, judges and executives by 16% to 34%, with a corollary impact on their

defined benefit pensions. Under penalty of being tarred and feathered by the citizenry, the legislature repealed the pay raise in October. Apparently, absurd legislation gets passed in Pennsylvania over the Fourth of July holiday.

Rep. Gibson Armstrong (R) of Lancaster, Pennsylvania is the sponsor of House Resolution 177. In seeking co-sponsorship and votes for this resolution, Armstrong reported receiving 50 email complaints from students across the Commonwealth, alleging professorial bias in the classroom and/or lowering of grades because the students espoused different political views than their professors. Armstrong at first refused to share these emails with anyone, and refused to explain how all of these students sent complaints only to him. HR 177 governs only state-related institutions (University of Pittsburgh, Penn State, Temple University and Lincoln University), the 14 state-owned universities (Bloomsburg, California, Cheney, Clarion, East Stroudsburg, Edinboro, Indiana, Kutztown, Lock Haven, Mansfield, Millersville, Shippensburg, Slippery Rock and West Chester), and Pennsylvania's community colleges. According to Rep. Armstrong, there were no student complaints from the community colleges and state-owned universities, and four (two of which were later reported to be bogus) came from the state-related schools. The other 46 complaints came from students at the Commonwealth's private universities, although HR 177 did not include those institutions. That is 46 complaints (if they pan out as legitimate) out of, conservatively, some 500,000 Pennsylvania college and university students. Furthermore, Rep. Armstrong admitted from the outset of his quest for this resolution in April, 2005, that he had not verified any of the student complaints he had received. Is it any wonder that more level-headed

representatives on this Select Committee called the resolution "a solution in search of a problem?"

HR177 called for the creation of a Select Committee, comprised of eight Republicans and six Democrats. The Democrats argued, unsuccessfully, for equal representation on the Select Committee, asking how a politically biased Select Committee could objectively explore political bias in college professors. The motion for equal representation failed – along political lines. The Select Committee set up a series of hearings at various locations in Pennsylvania. The first was held at the Capitol in Harrisburg in September; the second in November at the University of Pittsburgh; the third in January at Temple University; and the fourth in March at Millersville University of Pennsylvania (Armstrong's home district). The last will be held at the State Capitol in Harrisburg in May, if deemed necessary by the committee. Interestingly enough, Rep. Armstrong controls who will testify at these hearings; it is only through much Democratic cajoling that witnesses against ABOR have been permitted to provide testimony (during much shorter time allotments, in the Public Comments portion of the hearings).

The purpose of the resolution, the ultimate perpetrator (David Horowitz), and the conduct of these hearings should all invite farce and ridicule, not worthy of too much effort on the part of those being attacked in these forum -- namely, Pennsylvania's higher education faculty. In fact, at the outset, many suggested that the more prudent approach might be to ignore the hearings. But Rep. Armstrong launched an effective public relations campaign, utilizing the media, including statewide television through the Pennsylvania Cable Network, to win both attention and support for his crusade. The

faculty – and the administration – of Pennsylvania public institutions of higher education decided to mount an anti-ABOR campaign.

The potential damage that HR177 could do to academic freedom forced faculty and administrators across the Commonwealth to spend countless hours preparing testimony, researching student complaint procedures and protections already in place at our universities, communicating with interested parties both within Pennsylvania and across the country, building coalitions with those against HR177, participating in conferences and debates on academic freedom, performing radio and television interviews and call-ins, and explaining why this version of “academic freedom” is not “Mom and apple pie.”

The most insidious language in this resolution is that which suggests that hiring, tenure and promotion decisions should be based on “intellectual diversity,” defined through this resolution as political affiliation. In an era where applicants are not asked about their marital status, sexual orientation, religious beliefs, etc., Rep. Armstrong’s model for intellectual diversity requires search committees to query candidates about their political affiliations and beliefs. At the Pennsylvania State System of Higher Education Board meeting in January, I reminded our System’s leaders of the Pennsylvania origins of such practices:

*“Some of us are old enough to remember the days of patronage, when your hiring for a state position was based more on your party registration than your qualifications for the position. And, when your party went out of power, well, so did you. Surely, we are not moving backwards in Pennsylvania.*

*“The budget for this Select Committee to hold hearings on this non-issue is \$10,000. I’m sure it will cost more than that, but I’m also sure we’ll never receive a full budgetary accounting. What will never be factored in as a wasted expense, however, is how much time, effort and money has been spent by organizations such as APSCUF and PASSHE to defend against these spurious attacks. For example, APSCUF has provided each member of the Select Committee with copies of the student complaint procedures at each of our 14 universities. We have provided evidence that students, even in anonymous venues, have never complained about professors’ political biases nor have students been graded differently because of their political persuasion. We have worked to ensure a balance among testifiers, and we have assisted other organizations to prepare for these hearings.”*

Since our union has an active Political Action Committee, APSCUF began to place pressure on those legislators on the House Education Committee in April 2005 as they were considering this resolution. Here is the text of the letter that was sent to each one:

"Date: April 12, 2005  
Subject: House Resolution 177 "Academic Bill of Rights"  
To: Member  
House Education Committee  
From: Patricia I. Heilman  
President, APSCUF (Association of State College and University Faculties)

I write to request that you oppose HR 177 as a resolution that would have a "chilling" effect on the academic climate of our universities if faculty and students must worry about whether a "select" committee will be functioning as "thought police."

Let me address some of the particulars of this resolution:

"(1) faculty are hired, fired, promoted and granted tenure based on their professional competence and subject matter knowledge and, in the humanities, social sciences and arts, with a view of helping students explore and understand various methodologies and perspectives;"

**The hiring procedures for faculty at the Pennsylvania State System of Higher Education adhere to the highest standards of recruitment, including all Affirmative Action guidelines, ensuring that all qualified applicants receive the most thorough of reviews. Our Five Year Review process ( Post-Tenure review) insures faculty are periodically evaluated by students, peers, and the university administration.**

"(2) students have an academic environment, quality life on campus and reasonable access to affordable course materials that create an environment conducive to learning, the development of critical thinking and the exploration and expression of independent thought and that the students are evaluated based on their subject knowledge or ability to defend their perspective in various courses;"

**The Academic Freedom article of our CBA (Article 2; see [www.apscuf.org](http://www.apscuf.org), APSCUF in Print, APSCUF/State System Contract, 2003-2007) provides direction on this very point: "A FACULTY MEMBER is entitled to freedom in the classroom in discussing his/her subject, but he/she should be careful not to introduce into his/her teaching controversial matter which has no relation to his/her subject." In addition, the wording of the resolution implies that students will be evaluated based on their subject knowledge OR ability to defend their perspective. Clearly, students must be evaluated on BOTH. Students who believe they have not been fairly evaluated have recourse on all 14 PASSHE university campuses through the Grade Appeal Policies, adopted by Faculty, Management and Students.**

"(3) academic freedom and the right to explore and express independent thought is available to and practiced freely by faculty and students;"

**APSCUF understands that Rep. Gibson Armstrong has collected anecdotal evidence where students believe their ability to express independent thought was not available or permitted. APSCUF believes that such complaints by students are rare and should be investigated by the home University. The Collective Bargaining Agreement provides a process for this to happen in a structured way, insuring all parties receive equal protection. To tar all universities and all faculty on the basis of anecdotal evidence is inappropriate.**

Pennsylvania's institutions of higher learning uphold the highest standards of excellence in teaching and research. Pennsylvania's faculty pride themselves on the success of our alumni, many of whom are serving as our legislators, teachers, doctors, nurses, etc. Let us continue to serve tomorrow's leaders in the same spirit of academic freedom that has proven so effective in their preparation."

After the House Education Committee hearing in April, nothing happened on this resolution. Given the outcry from education groups, unions, students and others at the hearing, it appeared the resolution would fade away. Had it been voted on that day by the committee, it would have been defeated. However, the resolution was tabled. In July, during the flurry of activity regarding the passage of the budget, the House Education Committee voted this out of committee and onto the floor of the House for action. It passed; again, mainly along party lines. The vote was 111 in favor, 87 opposed (seven Democrats voted in favor of HR177; five Republicans voted against it).

Immediately following HR177's passage, our organization responded with letters to all of the legislators who voted, praising those who voted against the resolution and chastising those who voted for it. Here are the texts of those letters:

### **Thank You Letter to Those Who Voted Against HR 177**

"July 8, 2005

The Honorable (first) (last)  
PA House of Representatives  
(Address 1)  
(House Box)  
(City, state, zip)

Dear Representative (last):

Thank you, on behalf of the 6,000 faculty members and coaches of the Pennsylvania State System of Higher Education, for your vote opposing House Resolution 177. Your outcry of criticism for the resolution did not go unrecognized. We have already reported your vote of opposition to the resolution to our membership.

The Association of Pennsylvania State College and University Faculties (APSCUF) is aware of the dangers of this resolution, and the fact that the resolution is not supported by any documentation or legitimate research. APSCUF is concerned with the usage of taxpayer money on an issue that has not been established as a problem in Pennsylvania. APSCUF offers our support on your behalf, if you should seek any additional assistance on similar issues. We truly believe that any decision to regulate expression of independent thought, particularly in Pennsylvania's state-related and state-owned universities and the community colleges, would be contrary to the best interests of our Commonwealth.

Again, we thank you for your opposition to this issue. We greatly appreciate the efforts you extended on our behalf. Our organization thanks you for all your efforts to date. We look forward to working with you on future legislation.

Sincerely,

Patricia Heilman  
APSCUF President"

### **Letter to Those Who Voted For HR 177**

"July 13, 2005

Honorable (first) (last)  
PA House of Representatives  
(Address 1)  
(House Box)  
(City, state, zip)

Dear Representative (last):

On behalf of the 6,000 faculty members and coaches of the Pennsylvania State System of Higher Education, we must voice our disappointment for your vote supporting House Resolution 177. Your support for the resolution did not go unrecognized among the faculty, as a report of your vote was provided to our membership. Many faculty members will kindly request reasons for your action.

The Association of Pennsylvania State College and University Faculties (APSCUF) is aware of the dangers of this resolution, which is not supported by any documentation. APSCUF is concerned with the usage of taxpayer money on an issue that has not been established as a problem in Pennsylvania. APSCUF offers any support on your behalf, if you should seek a better understanding of the current university policies and student evaluation process already implemented at each state college/university. We truly believe that any decision to regulate expression of independent thought, particularly in Pennsylvania's state-related and state-owned colleges, universities and community colleges, would be contrary to the best interest of our Commonwealth.

Again, we hope that you will reconsider your position to this issue. We would appreciate a brief meeting with you to discuss your view on this matter. As an APSCUF supporter, we appreciate your help in the past and look forward to working with you in the future. But this particular legislation has a very negative impact that could affect the very foundation of academic freedom and needs to be addressed. We will be in contact to request a meeting to discuss these issues at your earliest convenience.

Sincerely,

Patricia Heilman  
President



Cc: (school name) University of Pennsylvania Local Chapter  
Legislative/CAP Committee”

In addition, when Pro-HR177 legislators requested our presence, support, or donations to their reelection war chests, APSCUF sent a letter reminding them that our organization could not support them while they were still on record as supporting HR177.

For example:

“October 30, 2005

Honorable Dave Argall  
Pennsylvania House of Representatives  
121 Main Capitol Building  
House Box 202020  
Harrisburg, PA 17120-2020

Dear Representative Argall:

The Association of Pennsylvania State College and University Faculties (APSCUF) recently received a phone call from you concerning participation in a fundraiser. After providing this information to members of our APSCUF/CAP committee, they have decided not to provide a contribution to this particular event.

APSCUF has endorsed you, and we hope to continue to do so in the future, but at this time, our members are very concerned with HR 177 and are watching it very closely. From the recent HR 177 hearing on Sept. 19, 2005, statements were offered that enforced our position that Pennsylvania does not have a problem with student complaints of faculty. Students are more likely to complain about real concerns, such as the rise in tuition rates. We kindly ask that you reconsider your position on this resolution.

Please do not hesitate to contact our office with assistance on your issues. We look forward to working with you this fall.

Sincerely,

Laura Statler  
Assistant Director of Governmental Relations APSCUF”

Outside the political arena, APSCUF assisted local campuses in holding academic freedom conferences/teach-ins for faculty, students and administrators. These events helped to place our universities in a positive light, removing some of the blight caused by Rep. Armstrong’s unsubstantiated allegations. APSCUF also co-sponsored and

participated in a statewide symposium of academic freedom issues held at Gettysburg College on March 24<sup>th</sup>.

HR177 requires a report of any findings and/or recommendations by the Select Committee be released by June 30, 2006 with a time extension to November 30, 2006, if further investigation is needed. It remains to be seen what comes out of these hearings; the results so far have reinforced the anti-ABOR position. This includes Horowitz's own testimony at the Temple University hearings, where he said he could not spend time checking out allegations, and acknowledged that the infamous Penn State complaints of a biology professor showing the film "Fahrenheit 9/11" in class were, indeed, unsubstantiated. The best faculty could hope for would be that the administrations at Pennsylvania college and universities would be directed to more effectively disseminate policies governing student complaint procedures. The most onerous outcome would be legislation requiring some sort of ideological standard among faculty for hiring, tenure and promotion purposes.

What Pennsylvania faculty have learned from this escapade is that anything or anyone can be attacked, including academic freedom and professors. Take nothing for granted. Be prepared to fight for principles. If this can happen in a "blue" state, no matter how light the shade, it can happen anywhere!