



**REPORT OF THE SELECT COMMITTEE ON ACADEMIC  
FREEDOM IN HIGHER EDUCATION  
PURSUANT TO HOUSE RESOLUTION 177**

**NOVEMBER 21, 2006**

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*House of Representatives*  
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HARRISBURG

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AUTISM

November 13, 2006

To the Recipients of HR177 Report:

On July 5, 2005, when HR177 was passed by the House, I felt like a political hot potato had been thrown in my lap. The debate on the House floor was contentious and the vote was generally along party lines.

Thereafter, and prior to our hearing at the University of Pittsburgh, the loyal opposition tried to "deep-six" our inquiry into academic freedom and intellectual diversity issues at our colleges, universities and community colleges by sending out blast e-mails to faculty, students and the media denouncing our investigation as a "witch hunt". As a result of these attempts, I did have a difficult time in running the various hearings in a fair manner.

Despite these challenges, the Select Committee has reached the consensus that we do not have a widespread problem of violations of students' and faculty members' academic freedom rights. I believe our findings and recommendations indicate this fact. Even the loyal opposition determined at our last hearing at Harrisburg Area Community College that the hearings were worthwhile and has since determined that further follow-up is necessary.

I would like to thank every member of the Select Committee and staff for their contributions to our investigation. I would also like to thank every witness that testified at our hearings. Their testimony proved invaluable. Hopefully, you'll find the Report useful now and in the future.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas A. Stevenson".

Tom Stevenson, Chairman  
Select Committee on Academic Freedom  
In Higher Education

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE RESOLUTION**

**No. 177**      Session of  
2005

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INTRODUCED BY ARMSTRONG, BARRAR, BENNINGHOFF, BIRMELIN, BOYD,  
CALTAGIRONE, CLYMER, CRAHALLA, CREIGHTON, FAIRCHILD, FICHTER,  
FORCIER, GABIG, GILLESPIE, GINGRICH, HERSHEY, JAMES,  
W. KELLER, KILLION, LEH, METCALFE, R. MILLER, MUSTIO,  
PHILLIPS, READSHAW, ROBERTS, ROHRER, SCHRODER, STERN,  
R. STEVENSON, E. Z. TAYLOR, TRUE, WILT, YOUNGBLOOD,  
DENLINGER, CIVERA, RAPP, FLEAGLE, FLICK, BASTIAN, BROWNE,  
HARPER AND PAYNE, MARCH 29, 2005

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AS AMENDED, HOUSE OF REPRESENTATIVES, JULY 5, 2005

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A RESOLUTION

1 Establishing a select committee to examine the academic  
2 atmosphere and the degree to which faculty have the  
3 opportunity to instruct and students have the opportunity to  
4 learn in an environment conducive to the pursuit of knowledge  
5 and truth at State-related and State-owned colleges and  
6 universities and community colleges in this Commonwealth.

7 WHEREAS, Academic freedom and intellectual diversity are  
8 values indispensable to the American colleges and universities;  
9 and

10 WHEREAS, From its first formulation in the General Report of  
11 the Committee on Academic Freedom and Tenure of the American  
12 Association of University Professors, the concept of academic  
13 freedom has been premised on the idea that human knowledge is a  
14 never-ending pursuit of the truth, that there is no humanly  
15 accessible truth that is not, in principle, open to challenge,  
16 and that no party or intellectual faction has a monopoly on  
17 wisdom; and

1       WHEREAS, Academic freedom is likely to thrive in an  
2 environment of intellectual diversity that protects and fosters  
3 independence of thought and speech; and

4       WHEREAS, Students and faculty should be protected from the  
5 imposition of ideological orthodoxy, and faculty members have  
6 the responsibility to not take advantage of their authority  
7 position to introduce inappropriate or irrelevant subject matter  
8 outside their field of study; therefore be it

9       RESOLVED, That a select committee composed of the  
10 Subcommittee on Higher Education of the Education Committee,  
11 plus one member appointed by the Speaker of the House of  
12 Representatives and one member appointed by the Minority Leader  
13 of the House of Representatives, examine, study and inform the  
14 House of Representatives on matters relating to the academic  
15 atmosphere and the degree to which faculty have the opportunity  
16 to instruct and students have the opportunity to learn in an  
17 environment conducive to the pursuit of knowledge and truth and  
18 the expression of independent thought at State-related and  
19 State-owned colleges, universities and community colleges,  
20 including, but not limited to, whether:

21           (1) faculty are hired, fired, promoted and granted  
22 tenure based on their professional competence and subject  
23 matter knowledge and with a view of helping students explore  
24 and understand various methodologies and perspectives;

25           (2) students have an academic environment, quality life  
26 on campus and reasonable access to course materials that  
27 create an environment conducive to learning, the development  
28 of critical thinking and the exploration and expression of  
29 independent thought and that the students are evaluated based  
30 on their subject knowledge; and

1           (3) that students are graded based on academic merit,  
2 without regard for ideological views, and that academic  
3 freedom and the right to explore and express independent  
4 thought is available to and practiced freely by faculty and  
5 students;

6 and be it further

7       RESOLVED, That the chairman of the Subcommittee on Higher  
8 Education of the Education Committee of the House of  
9 Representatives shall be chairman of the select committee, that  
10 committee vacancies not affect the power of the remaining  
11 members to execute committee functions and that committee  
12 vacancies be filled in the same manner as the original  
13 appointment; and be it further

14       RESOLVED, That the committee may hold hearings, take  
15 testimony and conduct investigations within this Commonwealth as  
16 necessary; and be it further

17       RESOLVED, THAT IF AN INDIVIDUAL MAKES AN ALLEGATION AGAINST A <—  
18 FACULTY MEMBER CLAIMING BIAS, THE FACULTY MEMBER MUST BE GIVEN  
19 AT LEAST 48 HOURS' NOTICE OF THE SPECIFICS OF THE ALLEGATION  
20 PRIOR TO THE TESTIMONY BEING GIVEN AND BE GIVEN AN OPPORTUNITY  
21 TO TESTIFY AT THE SAME HEARING AS THE INDIVIDUAL MAKING THE  
22 ALLEGATION; AND BE IT FURTHER

23       RESOLVED, That the Chief Clerk, with the Speaker's approval,  
24 pay for the reasonable, appropriate and proper expenses incurred  
25 by the committee; and be it further

26       RESOLVED, That the committee make a report of its findings  
27 and any recommendations for remedial legislation and other  
28 appropriate action by June 30, 2006, and that the committee may  
29 extend the investigation for additional time, if necessary, but  
30 no later than November 30, 2006.

# ***Members of the Select Committee on Academic Freedom in Higher Education***

**Representative Thomas L. Stevenson, Chairman**

**Representative Lawrence H. Curry, Minority Chairman**

## **Majority Members:**

Rep. Gibson C. Armstrong  
Rep. Michael Diven  
Rep. Patrick E. Fleagle  
Rep. Lynn B. Herman  
Rep. Beverly Mackereth  
Rep. Bernard T. O'Neill  
Rep. Thomas J. Quigley

## **Minority Members:**

Rep. Dan B. Frankel  
Rep. Richard T. Grucela  
Rep. John E. Pallone  
Rep. Dan A. Surra  
Rep. John T. Yudichak

Representative Jess M. Stairs, Chairman of the House Education Committee, and Representative James R. Roebuck Jr., Minority Chairman of the House Education Committee, are *ex-officio* members of the Select Committee.

## **PURPOSE**

House Resolution 177 of 2006 created the Select Committee on Academic Freedom in Higher Education and required it to:

“...examine, study, and inform the House of Representatives on matters relating to the academic atmosphere and the degree to which faculty have the opportunity to instruct and students have the opportunity to learn in an environment conducive to the pursuit of knowledge and truth and the expression of independent thought at State-related and State-owned colleges, universities, and community colleges...” (Pg. 2, Lines 13-19)

This includes, but is not limited to whether:

- Faculty are hired, fired, promoted and granted tenure based on their professional competence and subject matter knowledge and with a view of helping students explore and understand various methodologies and perspectives:
- Students have an academic environment quality life on campus and reasonable access to 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; and
- That students are graded based on academic merit, without regard for ideological views, and that academic freedom and the right to explore and express independent thought is available to and practiced freely by faculty and students.

## **COMMITTEE STRUCTURE**

HR 177 specified that the Select Committee would be comprised of the Members of the Sub-Committee on Higher Education of the House Education Committee, with the Chairman and Minority Chairman of the Sub-Committee on Higher Education acting in the same capacity on the Select Committee. In addition, one member of the Select Committee was appointed by the Speaker of the House and one member was appointed by the Minority Leader. Finally, the Chairman and Minority Chairman of the House Education Committee were included as *ex-officio* members of the Select



Committee since they have *ex-officio* status on the Sub-Committee on Higher Education.

## **METHOD**

In order to learn more about the existing policies at State-owned and State-related colleges and universities as well as community colleges, the Select Committee requested that each institution provide its policies regarding academic freedom; lodging, verification, and resolution of student complaints; a list of academic freedom complaints during the previous five years; and any actions taken to correct policies based on handling of prior complaints.

After receiving the requested information from each institution, the Select Committee staff reviewed and compiled the information for the Select Committee's future use. The staff determined that a significant number of institutions had adopted faculty academic freedom policies, but not student academic freedom policies. Based on this discovery, the staff recommended meeting with each sector of higher education and interested parties in order to determine whether current academic freedom policies are effective and applicable to students.

Because of the Select Committee's concern that "students and faculty should be protected from the imposition of ideological orthodoxy," it first heard testimony in Harrisburg from attorney David French, then-executive director of the Foundation for Individual Rights in Education, based in Philadelphia, and an expert on First Amendment rights as they affect academic freedom. French was asked to explain the concept of academic freedom and its relation to free speech.

Following the informational meeting, the Chairman and Minority Chairman of the Select Committee agreed to hold four public hearings at institutions throughout the Commonwealth. The meetings would focus on each sector of higher education as well as each region of the Commonwealth. For this reason, meetings were held in Pittsburgh, Philadelphia, Millersville, and Harrisburg. Specifically, the Committee heard testimony from the University of Pittsburgh, Penn State University, Temple University, Millersville University, The State System of Higher Education (SSHE), and the Pennsylvania Commission for Community Colleges (PACCC).

Throughout the four hearings, the Select Committee also heard testimony from interested faculty and research organizations, which included the American

Association of University Professors (AAUP), the American Federation of Teachers of Pennsylvania (AFT-PA), the Pennsylvania State Education Association (PSEA), the Thomas Jefferson Center for the Protection of Free Expression, the American Council of Trustees and Alumni (ACTA), the Center for the Study of Popular Culture, United University Professionals (UUP), the National Association of Scholars (NAS), and the Intercollegiate Study Institute (ISI).

From September 19, 2005 through June 1, 2006, the Select Committee on Academic Freedom in Higher Education held hearings on the state of academic freedom in Pennsylvania's public colleges and universities. An informational hearing was held at the State Capitol, and eight days of on-site public hearings were held at the University of Pittsburgh, Temple University, Millersville University and Harrisburg Area Community College.

Based on a review of previous actions taken, it appears that these were the first statewide public hearings on academic freedom in the nation's history. However, this Select Committee is not the first Committee commissioned by the Pennsylvania House of Representatives for the purpose of studying academic freedom at a public institution of higher education. In fact, during the 1930's the House created a five member Committee for the purpose of studying the status of academic freedom at the University of Pittsburgh (an excerpt from the article "University of Pittsburgh: Through One Hundred and Fifty Years" is attached in Appendix A).

Chairman Stevenson opened the first day of off-site hearings, at the University of Pittsburgh, by laying out clear and unambiguous guidelines describing the nature and limits of the Committee's business. He stated that "[t]his Committee's focus will be on the [academic] institutions and their policies, not on professors, not on students"

Over the course of eight months, which included nine full days of hearings, not a single professor was identified by name for complaint and not a single specific class was mentioned by any witness or committee member. The focus of the Select Committee remained "institutions and their policies."

Chairman Stevenson further elaborated the Committee's goals:

"We are here to really study and inform the full House on academic freedom issues and intellectual diversity issues at our universities and colleges across the Commonwealth. Academic freedom is likely to thrive in an atmosphere and an environment of intellectual diversity that fosters independent thought and speech."

To further these goals, the Select Committee focused its attention on the following questions:

- What are the academic freedom policies at Pennsylvania's public colleges and universities?
- Are they being enforced?
- What problems concerning academic freedom issues exist at Pennsylvania's public colleges and universities?
- Are they being addressed?
- Are students aware of their academic freedom rights?
- Is there adequate grievance machinery in place to handle student complaints about academic freedom issues?
- What are the policies of Pennsylvania's public colleges and universities on intellectual diversity?
- Are they being observed?
- What reforms of present university policies and procedures are recommended for strengthening the principles of academic freedom and intellectual diversity at Pennsylvania's public colleges and universities?

The committee heard testimony from several students and faculty members at each of the four hearings. Additionally, during the public comment period provided at the end of each hearing day, the committee heard from students and faculty who were not included in the official meeting agenda.

## **FINDINGS**

Based on testimony provided at the four public hearings, the Select Committee came to a general consensus that legislation requiring the adoption of a uniform statewide academic freedom policy, which was referenced by several testifiers, was not necessary. Instead, the Committee chose to focus on whether academic freedom violations were widespread at public institutions of higher education in Pennsylvania; student awareness of academic freedom policies; the effectiveness of existing policies including each student's ability to file a grievance and obtain resolution; the balance of political views represented on university campuses; and the ability of colleges and universities to adapt these policies.

The Committee received testimony from each sector of public higher education and determined that academic freedom violations are rare. However, questions arose regarding students' ability to report academic freedom violations when no specific academic freedom policy or grievance procedure is in place.

The Committee heard testimony from several institutions confirming that student awareness of academic freedom policies, and the grievance policies available to them, may be a concern.

Concerns regarding the effectiveness of academic freedom policies were raised during the four public hearings. However, at institutions with academic freedom policies in place, it appears the policies are effective at resolving disputes.

On the other hand, concerns were raised regarding the willingness of students to confront the professor they felt was in violation of the academic freedom policy. This concern stemmed from the common requirement that students must first report concerns to the professor, then the department head, then the dean and finally the president of the university until resolution occurs. Some students might feel uncomfortable with this process if they perceive such proceedings as affecting performance in future courses with the same professor. While such concerns could not be validated or disproved, some testifiers suggested that an alternative reporting system could encourage students who fear retribution to come forward, but is not likely to affect the integrity of the reporting process.

Additionally, the Committee heard a significant amount of testimony regarding the political atmosphere on college campuses. The testimony was in regard to several studies of the political affiliation and leanings of the professoriate and each study pointed to a greater representation of Democrats than Republicans in most fields of

study. The Committee received mixed testimony as to whether such differences in representation create a detrimental campus atmosphere. While differences in overall faculty leanings are certainly acceptable, the Committee believes it may be detrimental to university education if faculties as a whole lean extremely toward one political viewpoint, regardless of which view that might be. That being said, it is not this Committee's intent or purpose to place political quotas on universities or their faculties. For this reason, the Committee believes that our universities should evaluate whether internal efforts are necessary to encourage diverse political views on campus and to ensure that students receive a balanced and effective education.

Finally, the Committee looked at the ability and willingness of institutions to modify policies if the processing of academic freedom complaints could be improved. During the hearings, the Committee learned that many institutions have made modifications to academic freedom policies in the past. In fact, the Committee learned that Temple University and the Pennsylvania State University began making improvements to student grievance policies and procedures during the Select Committee hearing process. The Select Committee believes that the newly adopted policies may be useful to other institutions that wish to improve such policies. For this reason, each institution's new policy has been included in Appendix C of this report.

## **RECOMMENDATIONS**

- Public institutions of higher education within the Commonwealth should continue to review existing academic freedom policies and procedures to ensure that student rights and grievance procedures are detailed and readily available.
- Public institutions of higher education should make students aware of the availability of academic freedom policies and grievance procedures. This should be accomplished by providing such information during student orientation when other student rights policies and/or discrimination policies are discussed. Additionally, this information should be available in the “student” section of the institution’s website.
- In order to provide students who do not wish to complain directly to a professor with an alternative option, public institutions of higher education should allow students to file complaints with a university official outside of the student’s major. This could be best accomplished by utilizing an existing office that handles student diversity issues for the purpose of receiving and processing such complaints.
- Public institutions of higher education should review course evaluation forms, and amend them if necessary, to ensure that students may have the opportunity to share their concerns about any possible violations of the institution’s academic freedom policies.
- All public institutions of higher education should maintain a record of complaints filed under the institution’s academic freedom policy.
- All public institutions of higher education shall make a report of actions taken regarding the recommendations of this Select Committee to the Chairman and Minority Chairman of the Subcommittee on Higher Education of the House Education Committee no later than November 1, 2008.

# **APPENDIX A**

## **Remarks of Select Committee Members**

To the recipients of the HR 177 Report

Dear Reader,

I am pleased that there is a single report on the work of the House Committee under House Resolution 177. By a unanimous vote the Committee listed actions that the state universities, state related universities and community colleges might take to better inform students of their rights under existing procedures to lodge a complaint against an instructor or Professor for an alleged grievance resulting from a classroom or course experience.

The three major charges to the Committee were:

“(1) faculty are hired, fired, promoted and granted tenure based on their professional competence and subject matter knowledge and with a view of helping students explore and understand various methodologies and perspectives.

(2) Students have an academic environment, quality life on campus and reasonable access to 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; and

(3) That students are graded based on academic merit, without regard for ideological views, and that academic freedom and the right to explore and express independent thought is available to and practiced freely by faculty and students.”

The Committee concluded that these three aspects of academic life are recognized and practiced on all of the state system, state related, and community college campuses.

There is no reference to political bias or indoctrination in the Recommendations of the report – because the Committee found none.

There are two issues that the Committee did not clarify or even take a position on that needs mentioning. The term “Academic Freedom” as it appears in the report is often misused and could lead to confusion.

In the Educational community, Academic Freedom is understood in the context of the 1915 American Association of University Professors Statement on Academic Freedom, and also the 1940 statement. The term consistently has described the expectations for college and university faculty in their professional capacity.

Too frequently in the transcripts and in various statements, the historic definition, understanding and usage of the term academic freedom is utilized to describe conditions that exist on a college campus.



Most disturbing, the term is sometimes used to imply a "student right". It was never the purpose of this Committee to change definitions of terms that have a specific meaning to the Academic Community. The misconception persisted throughout the hearings.

Again, as has been pointed out, the usual meaning of "academic freedom" is not a right given to students. Instead, it is a right/responsibility afforded to the community of scholars, and applies to both professional research and teaching, two aspects of university life vested entirely in the faculty. The classroom is unlike public space, and the roles of "student" and "teacher" are cast differently. This does not mean students do not have rights. Students have a right to complain or file a grievance if a faculty member abuses his/her academic freedom responsibility. There are complaint procedures currently in place on university websites and in student handbooks. A student academic freedom" policy could not exist because students do not hold academic freedom responsibilities.

If any potential recommendations got the attention of the Committee it was the need for students to be more aware of the current policies already established.

In 1990 the AAUP did join with representatives of a number of academic groups to announce a "Joint Statement on Rights and Freedoms of Students". The preamble of this statement asserts:

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for the truth. Institution procedures for achieving these purposes may vary from campus to campus, but the minimal standards of academic freedom of students outlined below are essential to any community of scholars.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all member of the academic community. Each college and university has a duty to develop policies and procedures which provide and safeguard this freedom. Such policies and procedures should be developed at each institution within the framework of general standards and with the broadest possible participation of the members of the academic community. The purpose of this statement is to enumerate the essential provisions for students' freedom to learn.

More to the point of the work of the HR 177 Committee is the section entitled "In the Classroom". Here we read the expected academic relationship between professor and student:

In the Classroom

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on academic basis, not on opinions or conduct in matters unrelated to academic standards.

1. Protection of Freedom of Expression

Students should be free to take reasoned exception to the data or views offered in any course of study and reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

2. Protection Against Improper Academic Evaluation

Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

3. Protection Against Improper Disclosure

Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisors, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge and consent of the student.

A second issue that deserves mention is the frequent misrepresentation of events and documents for the purpose of showing the existence of political bias on campuses.

The premier example of this "bias" was the Resolution's prime sponsor's response to a question during the floor debate on the Resolution. When asked to give an example of political bias, the prime sponsor said that a biology professor had shown the film "Fahrenheit 911" just days before the 2004 election. After a thorough investigation of the alleged incident it was found that the film had not been shown on campus, let alone in a biology class.

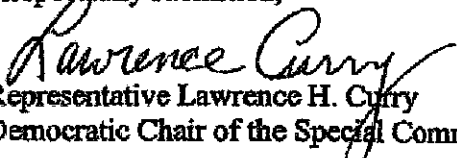
Despite the refutation of this alleged event, the advocates of the resolution continue to assert the existence of similar incidents and a biased faculty who are assumed to be imposing some political orthodoxy on the students in their classes.

When HR 177 was being debated by the House of Representatives, several legislators expressed concerns about the need for an investigation of our public institutions of higher education concerning academic freedom on their campuses. Given that none of us had ever received any complaints about academic freedom on college campuses and that there was no apparent evidence that there was a problem, we were concerned that HR 177 was a solution in search of a

problem. We suspected that HR 177 was nothing more than a political witch hunt to try to satisfy the right wing conspiracy theory that college professors were trying to indoctrinate their naïve college students into becoming liberals.

After enduring four hearings over nine days and over \$27,000 spent on HR 177, both sides came to the same conclusion that "academic freedom violations are rare" at our public institutions of higher education. The only real problem that was found at these institutions was that some students were not fully aware of their rights or the procedures they should follow to file a complaint. Thus the recommendation was that institutions make extra efforts to ensure that students are aware of their rights. These limited findings and related recommendations came as no surprise to us given the lack of general concern by the public with this issue prior to the adoption of HR 177.

Respectfully submitted,

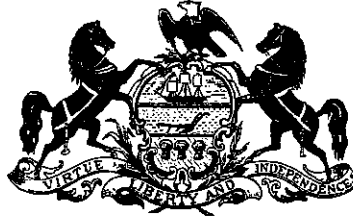
  
Representative Lawrence H. Curry  
Democratic Chair of the Special Committee on HR 177

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Because of the Select Committee's concern that "students and faculty should be protected from the imposition of ideological orthodoxy," it first heard testimony in Harrisburg from attorney David French, then-executive director of the Foundation for Individual Rights in Education, based in Philadelphia, and an expert on First Amendment rights as they affect academic freedom. French was asked to explain the concept of academic freedom and its relation to free speech.

Attorney David French began his testimony by citing the U.S. Supreme Court decision in *Sweezy v. New Hampshire* as a model statement of the importance of first amendment rights to the academic community:

"The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth. To impose any straight jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation... Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die."

French testified that many Pennsylvania universities were violating student First Amendment rights through the institution of "speech codes," which he defined as "any policy or practice that prohibits speech that the First Amendment would otherwise protect" French observed that "speech codes have been struck down in every single

court in the United states where they have been challenged, including a federal district court in this state...where a Shippensburg University speech code was struck down—or the enforcement of it was enjoined in late 2003.”

According to French, the reason for the court’s action was that “it is a constitutional rule that a policy or a code has to be clear enough that a person of average intelligence and understanding can know what’s prohibited and what isn’t. If you don’t know what’s prohibited, it begins to have a chilling effect on speech as you, to go on the safe side, say less than what you might think so as to not run afoul of the vague rule...Shippensburg University had a speech code which, among other things prohibited acts of intolerance on campus. The problem was, that’s a term that’s virtually impossible to define...And, in fact, at the oral argument when the judge on the case directly asked the attorney representing Shippensburg, ‘what is intolerance?’ there was no good answer forthcoming because, quite simply, there’s no good answer. Nobody knows really what it is.”

“And so [in the Shippensburg case] that phrase, “act of intolerance,” has been struck down; but it still lives in some speech codes in this state.” French estimated that as many as 15 public colleges in Pennsylvania had unconstitutional speech codes that infringed the First Amendment Rights of Pennsylvania students. He cited the speech code at Edinboro University as an example: “Edinboro University of Pennsylvania prohibits offensive or inappropriate sexual behavior. What is inappropriate sexual behavior? That’s an excellent question.”

According to French, who filed the suit against Shippensburg University, fifteen of the eighteen state-owned and state-related universities had speech codes similar to the one at Shippensburg.

French further explained that while free speech rights are broad, they do have limits established by law, which include categories of speech such as fighting words and obscenity, as that term has been constitutionally defined. An individual’s broad rights do not include a right not to be offended. His/Her rights do not include a right to have a teacher tell all sides of the story as they see all sides of the story.

On the other hand, student rights “do include the ability to criticize a teacher and to dissent even in class so long as dissenting or disagreeing is done in a way that’s not disruptive and doesn’t prevent the ability of the teacher from conducting the class.”

Teachers also have very broad First Amendment rights but these rights have classroom limits as well, which have been traditionally defined by the American Association of University Professors. The document represents the line separating rights as faculty from rights as citizens under the First Amendment.

The classic statement on academic freedom is the 1915 “Declaration of Principles on Academic Freedom and Academic Tenure,” issued by the American Association of University Professors. Virtually all university policies on academic freedom, including those of all public colleges and universities in the Commonwealth of Pennsylvania derive from this statement. Academic freedom, as defined in this declaration, is not the same as First Amendment free speech rights, which are available to all citizens. It is freedom within a professional discipline. The 1915 Declaration expresses this restriction in the following way:

“[The] liberty of the scholar within the university to set forth his conclusions, be they what they may, is conditioned by their being conclusions gained by a scholar’s method and held in a scholar’s spirit; that is to say, they must be the fruits of competent and patient and sincere inquiry...”

Yale law professor Robert Post, one of the nation’s leading experts on academic freedom comments on this statement: “The ‘Declaration’ thus conceives of academic freedom not as an individual right to be free from constraints but instead as the freedom to pursue the ‘scholar’s profession’ according to the standards of that profession.”

Professor Stanley Fish, a well-known university scholar, law professor and former Dean of the University of Illinois Chicago campus, recently explained the same idea in a New York Times column: “academic freedom is the freedom of academics to study anything they like; the freedom, that is, to subject any body of material, however unpromising it might seem, to academic

interrogation and analysis...Any idea can be brought into the classroom if the point is to inquire into its structure, history, influence and so forth. But no idea belongs in the classroom if the point of introducing it is to recruit your students for the political agenda it may be thought to imply.”

This distinction is also to be found in the Pennsylvania State University Policy Manual as Policy HR 64:

“The faculty member is entitled to freedom in the classroom in discussing his/her subject. The faculty member is, however, responsible for the maintenance of appropriate standards of scholarship and teaching ability. It is not the function of a faculty member in a democracy to indoctrinate his/her students with ready-made conclusions on controversial subjects. The faculty member is expected to train students to think for themselves, and to provide them access to those materials which they need if they are to think intelligently. Hence in giving instruction upon controversial matters the faculty member is expected to be of a fair and judicial mind, and to set forth justly, without supersession or innuendo, the divergent opinions of other investigators.

No faculty member may claim as a right the privilege of discussing in the classroom controversial topics outside his/her own field of study. The faculty member is normally bound not to take advantage of his/her position by introducing into the classroom provocative discussions of irrelevant subjects not within the field of his/her study. ”

With the exception of the University of Pittsburgh, all public colleges and universities in Pennsylvania including the schools in the Pennsylvania State System of Higher Education have academic freedom provisions which either incorporate or are entirely based on the 1940 “Statement of Principles on Academic Freedom and Academic Tenure,” of the American Association of University Professors (The University of Pittsburgh’s “Policy on Academic Integrity” merely makes an off-page reference to the 1940 statement, without specifying what it is). At the time of the hearings, virtually all of these academic freedom policies were in student handbooks under

faculty responsibilities, in faculty handbooks, or in faculty union contracts, but not listed under student rights. For this reason, students were unlikely to find academic freedom within the list of student rights provided in each public higher education institution's policy handbook.

### Temple University

At the time of the hearings, the Temple University policy, which was part of Temple's Faculty Handbook, was as follows: "[a]ll members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the 1940 Statement On Principles of Academic Freedom and Tenure by the Association of American Colleges and the American Association of University Professors..."

The 1940 AAUP Statement is as follows:

### Academic Freedom

- a. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
- b. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.
- c. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of



others, and should make every effort to indicate that they are not speaking for the institution.

In his testimony before the Select Committee in Harrisburg, David French explained this provision and its relation to First Amendment rights, along with the need to prevent classrooms from being exploited for personal or sectarian agendas:

“What does this [1940 statement] mean? What it means is that a teacher who is teaching, for example, sociology or political science or history has an enormous amount of latitude in determining the curriculum, the readings of the class, the precise topics covered within the subject of the class; they have an enormous amount of freedom in the classroom discussion so long as the classroom discussion remains germane to the topic of the class; and that they in truth should be free from state oversight into those kinds of decisions. Because that is the core academic freedom function of a professor.

What is a professor not free to do? A professor is not free to use a class, for example, let’s say a mathematics class...to advance a particular political agenda. That is something that a university, an institution, can properly restrict without interfering with that professor’s First Amendment rights.

Their First Amendment rights do not extend to the ability to use the state-provided platform to advocate for personal political goals if those personal political goals are not...germane to the topic of the class.”

At the time of these hearings, the Temple policy did not specify students or offer student protections. It was in faculty-related sections of the handbook and therefore not likely to be accessed by students. Additionally, it was not associated with any grievance policy specific to its provisions.

Pennsylvania State University

The Penn State policy HR 64 on academic freedom is especially admirable in making clear the distinction between First Amendment

rights and the professional responsibilities of the classroom teacher to respect the academic freedom rights of students. No other policy of a Pennsylvania school approaches the Penn State policy for clarity and concreteness in defining the professional responsibilities of faculty in regard to students' academic freedom.

As at most other Pennsylvania schools, however, the Penn State policy is expressed as a "faculty responsibility" not a student right. Consequently, while the policy specifies behavior that professors should avoid in the classroom, it offers no protections for students when confronted by such behavior and makes no provision for a student right to be free from political indoctrination by faculty. While describing inappropriate faculty behavior, it offers no basis for student complaints about such inappropriate behavior. However, according to the policy, "[i]f a faculty member feels that his or her academic freedom rights have been violated, the procedure listed in the policy entitled 'Faculty Rights and Responsibilities,' HR 76 may be used."

University of Pittsburgh

The University of Pittsburgh Faculty Handbook contains a "Policy on Academic Integrity," which states:

"It is the direct responsibility of faculty to encourage free inquiry and expression and to provide an academic environment in their classrooms and in their contact with students that reflects a high standard of integrity and is conducive to learning."

Thus like the policy at Penn State, the Pitt "Policy on Academic Integrity" is addressed to faculty, not students, and is formulated as a faculty responsibility not a student right. Its placement under faculty responsibilities in the handbook is appropriate to this conception, but it is unlikely that a student looking for a list of his/her rights would be aware of this policy. Its formulation as a policy on academic integrity would not lead a student to connect it with issues of academic freedom. In testimony before the Committee, the university's Provost, Dr. James Maher, conceded that "most of the academic integrity cases that come up involve accusation of cheating in exams and that is not really the focus of this Committee or today's discussion."

## The Pennsylvania State System of Higher Education

The 14 schools of the Pennsylvania State System of Higher Education (PASSHE), almost without exception proclaim their commitment to academic freedom on their official websites. But these websites, so far as the Committee has been able to discern, without exception, provide no definitions of “academic freedom,” nor do they specify any protections associated with academic freedom.

A system-wide provision for academic freedom does exist for PASSHE schools. This is the AAUP “Statement on the Principles of Academic Freedom and Academic Tenure.” But, this Statement and its provisions are part of the faculty-union contract, and thus do not specifically apply to students. Nor would they be accessible to students who did not have a reason to research the faculty union contract.

The President of Millersville University, Dr. Francine McNairy, testified on March 23, 2006 at the public hearing held on the Millersville campus. Comments from this testimony have been included below.

Dr. McNairy: As a capital university, meaning all 14 universities in the same system having the same collective bargaining agreement, Millersville has been diligent in developing policies to protect students’ academic freedom. And these are listed in the “Students’ Bill of Rights and Responsibilities” which is published on our website and in the Student Handbook and also our governance manual.

The Select Committee commends Dr. McNairy and her administration for specifying the rights that Millersville students have and informing them of their rights in a Student Handbook. The Committee notes however, that the policy leaves significant gaps where academic freedom issues are concerned. Thus, in its very first article defining “freedom” there is no mention of students’ rights not to be discriminated against because of their political affiliation or ideas.

### Article I. Discrimination

**FREEDOM:** Every aspect of university life should be free from discrimination because of race religion, color, ancestry, national origin, sex or sexual preference. Student housing organizations, athletics, classes and community facilities should be open to all who desire to participate.

In her testimony Dr. McNairy drew attention to Article XI, which is the only article in the “Student’s Bill of Rights and Responsibilities” that specifically discusses student academic freedom rights in the classroom:

Dr. McNairy: In particular, Article XI of the “Student’s Bill of Rights and Responsibilities” in the section entitled “In the Classroom” addresses the issue of academic freedom as follows: “Students should be free to express their thoughts and positions on all issues pertaining to curricular material being presented in the classroom.”

This is an admirable policy, but the document does not contain the grievance process to be used if a student feels such rights have been violated. For this reason, it may be necessary to include a statement directing students to the location of a grievance process that can be used to file an academic freedom complaint if such rights are violated.

Does indoctrination occur? The following sentence appears in the course description of a Millersville University sociology course, available on the university website: “Given these premises, this course is dedicated not to whether or not these theorists and participants in social movements are right or wrong in some kind of objective sense, but instead is dedicated to understanding the importance of changing the American social structure to bring about new forms of social justice, and to understanding the relationship between social theory and social praxis.”

The instructor’s dismissal of objectivity, and the commitment of his course to a political agenda of radical social change is hardly in keeping with academic freedom principles, such as Penn State’s admonition that, “In giving instruction upon controversial matters the

faculty member is expected to be of a fair and judicial mind, and to set forth justly, without supersession or innuendo, the divergent opinions of other investigators.”

Nor is it compatible with this classic statement of Robert Gordon Sproul, longtime president of the University of California: “The function of the university is to seek and to transmit knowledge and to train students in the process whereby truth is to be made known. To convert or to make converts is alien and hostile to this dispassionate duty. Where it becomes social, or sectarian movements, they are dissected and examined, not taught, and the conclusion left, with no tipping of the scales, to the logic of the facts...”

#### New Temple Policy on Academic Freedom

On July 19, 2006, following the conclusion of these hearing, the trustees of Temple University adopted a new academic freedom policy (the text of the new policy is in Appendix B of this report). Responding to concerns voiced in the Committee sessions at Temple, the trustees adopted a policy called “Student and Faculty Academic rights and Responsibilities,” which specifies that academic freedom protections apply to students as well as professors, provides that all Temple students will be made aware of the policy and creates a grievance procedure and reporting system which the Committee finds admirable and which satisfies many of the concerns that these hearings have raised.

#### Accountability and Enforcement

Are professors in Pennsylvania being held accountable for unprofessional behavior in the classroom that violates existing academic freedom policies? Are existing academic freedom policies being enforced? These were among the central questions raised by the Committee. Minority members of the Committee who had opposed the authorizing legislation raised an additional question: Is there an academic freedom problem at all in Pennsylvania classrooms?

At the Millersville sessions, Representative Gibson Armstrong engaged in an instructive exchange with Dr. Kurt Smith, a professor of philosophy at Bloomsburg University:

Rep. Armstrong: These hearings are not about replacing liberal speech codes with conservative speeches. They are about helping to make sure that our universities are enforcing the policies that they have in place. That is something the Legislature has a fiduciary responsibility to oversee. We receive over \$2 billion from taxpayers to distribute to our universities. And I think most of us would agree there is precious little accountability for how that money is spent...We had a university professor testify that one of the values of these hearings is helping students understand that they do have rights, and that, professors need to be accountable.

Dr. Smith: What, for telling students that they have rights? What do professors need to be accountable for?

Rep. Armstrong: Their conduct in the classroom.

Accountability was a key question raised by the Committee and was directed to administrators as well as faculty. Were faculty observing existing academic freedom policies as they affected students, and were university authorities enforcing them? Were individual professors able to violate without consequence the 1940 AAUP principles and their own academic freedom regulations by interjecting personal views on controversial matters into academic contexts where they were inappropriate? Were students subject to harassment in the classroom and in other academic settings for their political views?

In his testimony at the Temple session, David Horowitz, author of an "Academic Bill of Rights," made the following claim to the Committee:

"Individual professors, individual courses, entire departments, and university-wide programs at Temple University violate standard academic freedom guidelines, including Temple University's own academic freedom guidelines...[Temple's academic freedom policy] is violated every day on every

campus in this state, and at Temple University specifically. I can say this with confidence because I have interviewed at least a hundred students in this state and every one of them has been in a class or in several classes in which their professors have railed against George Bush, the war in Iraq, and the policies and attitudes of Republicans and conservatives.”

In confronting this and similar claims by other witnesses, members of the Committee were forced to confront an ancillary question which proved perhaps the most vexing issue of the hearings: Were these claims credible? Did a problem of political harassment or inappropriate political indoctrination in Pennsylvania classrooms exist?

Addressing this issue, Temple President David Adamany testified that in his five-and-a-half year tenure, he “had not had a single complaint about inappropriate political [discourse] or any political adversity in the classroom... We have reviewed our records and do not find any, and I want to emphasize that, any instances in which students have complained about inappropriate intrusion of political advocacy by teachers in their courses.”

University of Pittsburgh provost James Maher testified to a similar effect: “I have not yet been able to find a case of the many student complaints, in that we are not short of student complaints, I’ve not yet found one that claimed that a given student was being mistreated for political opinions.”

The Penn State University administration also supplied a reporter for the Centre Times with data showing that only 13 complaints about political abuses by faculty could be located in their files over a five-year period.

In the question period, following President Adamany’s testimony, committee member John Yudichak commented: “Now your comment, today, five-and-a-half years, zero complaints, to me, seriously disputes that claim [by David Horowitz]...that rights of students at Temple are widely abused...In Penn State, there were 13 complaints

filed. That's out of 80,000 students...Excuse me, that doesn't seem to me like wide abuse."

Committee member Armstrong responded to these remarks: "If those few complaints had to do with diversity of gender or diversity of race, I think a dozen complaints would be a big deal. I think a dozen legitimate complaints on a college campus, where diversity of ideas is supposed to be at the core of what we do,...deserves the full attention of the administration...Speaking of complaints, I've received over a dozen complaints from Temple students. And they say they have contacted me because of my association with this resolution. And for all of these I have names of professors and of students."

Representative Armstrong read several of the complaints, including the following:

"My professor used English class as a vehicle to spread his/her view of Marxist/socialist ideology, often demonized President Bush, called capitalism evil, blamed the administration for the Katrina response, oftentimes gave one side of an argument in readings, often disrespected President Bush and everyone else in favor of conservative views or the Republican party, and frequently criticized the war in Afghanistan. The day after the [2004 Presidential] election said in class 'I cannot believe it. I do not understand America, the American people. They vote that guy, President Bush, into office for four more years after they see what he has done. Why does the U.S. military study the language cultures of other people? So they can kill them easier,' referring to the defense language program of Monterey."

Committee member Lynn Herman wondered if Temple students were aware of their academic freedom rights since Temple's academic freedom provision was located in the Faculty Handbook, and whether they could be made more aware of them:

Mr. Herman: What about the student handbook?

Dr. Adamany: We don't have a Student Handbook, per se. We have a bulletin of courses which contains much material about



the university. That would be a good place for us to give notice; by posting these policies for the students...We could make them more visible.

But the problem was not limited to placement visibility. As we have seen, the academic freedom policies of Pennsylvania colleges and universities generally referred only to faculty responsibilities, not to student rights. This was the case at each of the state-related universities, the state-owned universities, and the community colleges. This problem was reflected in the following excerpt from the question and answers session during following Dr. Adamany's testimony.

Mr. Armstrong: Your academic freedom policy refers only to faculty? What about your students?

Dr. Adamany: I'm not sure I got the question.

Mr. Armstrong: In other words, would you consider amending your academic freedom policies to include protection to students...[and to] make students more aware of their rights?

Dr. Adamany: ...I'm not sure that requires an amendment to the policy.

But, in fact, such a change would require a policy change, and the Temple Board of Trustees has accordingly amended the policy. In addition, they included provisions for a grievance procedure specific to academic freedom issues and separate from the existing procedures.

Even disregarding the factors that these hearings have disclosed—that most existing academic freedom provisions do not explicitly cover student rights; that even if they have such rights, students are not made aware of them; that there are no regulations defining their rights; and that there is no grievance machinery to specifically handle students' academic freedom claims, the Penn State figure of 13 cases is not as small as it may at first seem. This figure needs to be put into historical context and assessed in relation to other notable periods when academic freedom was an issue of concern.

The McCarthy era, which was referenced by several witnesses, is the most obvious example of such a period. Temple professor Rachel DuPlessis read a paper written by Professor Ellen Schrecker, an expert on McCarthyism, which drew an explicit parallel with the present. Professor DuPlessis commented: "In retrospect, we can see how seriously McCarthyism violated academic freedom. It imposed an external political test on the nation's academic faculties and punished law-abiding individuals for their refusal to cooperate with an academically irrelevant and politically repressive inquisition."

The actual number of professors prosecuted during in the McCarthy era should therefore be instructive. The era is generally agreed by experts, including Professor Schrecker, to span the years from 1947 when President Harry S. Truman instituted a Loyalty Oath for government employees to 1954 when Senator McCarthy was censured by his Senate colleagues and his agendas fell into disrepute. Historian Lionel Lewis has written an academic study of the era, which focuses on its impact on university professors. It is titled *Cold War on Campus*.

During the nine-year period from 1947-1954, Lewis was able to identify only 126 cases at 58 institutions nationally, where a professor's appointment was threatened because of his beliefs. These cases led to 69 terminations. Of these, 31 were at a single institution, the University of California, which had instituted its own loyalty oath. The California terminations took place in the years 1949 and 1950.

In other words, during the nine years of the McCarthy era, there were exactly 38 politically motivated terminations of professors in all 48 states and out of a total professoriate of several hundred thousand. This is far smaller than 13 cases at a single university. Yet, small as this number may appear, the author concludes, "the chilling effect on the expression of all ideas by both faculty and students was significant, although in fact there is no way to measure adequately their full impact."

Simply put, if one looks at the number of complaints versus the number of institutions, complaints averaged 1 per institution during

the McCarthy era. However, it is unlikely that any policy maker at any university would have considered one academic freedom violation insignificant at that time. For this reason, the Select Committee came to the conclusion that policies and procedures should be in place at all public colleges and universities in Pennsylvania to protect academic rights of professors and students.

Without policies and procedures in place, it is unlikely that a student would have an expectation to attend a college or university in an atmosphere where academic freedom and intellectual diversity are available to all participants. It is possible that the current lack of student specific policies has contributed to the relatively low number of complaints at institutions in Pennsylvania. On the other hand, having such policies in place may not cause additional complaints. Instead, it provides an avenue for prevention of academic rights violations similar to the policies that are still in effect for the professorate some 60 years after the national incident that most severely threatened academic freedom rights.

The importance of informing students of their academic freedom rights was raised by Stephen Balch, David French, and others throughout the hearings. In his testimony, attorney David French observed: “Students who are censored must (a) know that they can complain; and (b) know who they can complain to. At the foundation for Individual Rights in Education, we receive hundreds of complaints per year; but all the information that we’ve received indicates nationally that that’s a drop in the bucket.”

David Horowitz testified that:

“State universities in Pennsylvania (as elsewhere) spend tens of millions of dollars each year, and do so every year, to inform their students that sexual and racial diversity are fundamental university values and that harassment on the basis of gender and race will not be tolerated. They insert these values into orientation sessions; they put them into student handbooks and prepare literature to inform students about them. But these same universities do not spend a single penny on promoting the value of intellectual diversity—even though the American Council of Education has called this central to a higher

education, and even though somewhere buried in faculty handbooks on most university websites lip service is paid to this core principle of academic freedom.”

This turned out to be one issue on which the Committee appeared to reach a consensus. Committee member Representative Daniel Frankel (D-Allegheny) endorsed the idea that university administrators should publicize the academic freedom rights of students. “I agree, maybe, that there ought to be more publicity given to your process for dealing with these situations and that may be a good outcome from this hearing.”

#### Other factors Affecting the Reporting of Possible Abuses

In addition to the lack of information for students about their academic freedom rights, testimony was given regarding other factors that might prevent students from coming forward with complaints about faculty behavior that violates existing academic freedom provisions.

Professor Tom Bradley, a faculty member at Shippensburg University for thirty years, testified that in his experience, students often felt intimidated by the prospect of coming forward with a complaint:

“What do students say when they come in and I suggest they go back and talk to the faculty member that needs to be addressed. They say, well, nah, you know all the faculty have networked. They are all friends. It is kind of the old brother network. The professor will support this guy or lady because when it is his turn to be challenged, that faculty member will support him...What can I do as a student? They are tenured. I have no power at all. Once the word gets out, I’ll be labeled as a troublemaker and I’ll be penalized later by another professor. That’s the thinking going on in the students’ minds as they reveal it to me.”

Professor Kurt Smith gave counter-testimony:

“Don’t be fooled for a second. Students, if they don’t like a professor...have a lot of authority. Students have a lot more authority than I think should be given them. And they are not

dopes. If they see something is going on with a professor, they are not afraid to say that to anyone. It is amazing to me how it will be said over and over again that they are being intimidated, they are afraid about talking. They will talk to everyone here on television. It doesn't seem to bother them. So, I don't think that there is an intimidation problem."

Testimony by Temple student Logan Fisher, offered a contrary view:

"My name is Logan Fisher and I am a senior majoring in business law at Temple University. I want to start off by saying that my testimony today will not only contain my personal experiences, but that of many students' careers. As a vice-chairman of the Temple College Republicans and Vice-President of the Temple Chapter of Students for Academic Freedom, I experienced first hand the apprehension students had to testify today, as they expressed to me concerns of retaliation by professors and fear of being singled out in their classes in the future."

Fisher also testified that he had asked members of his Students for Academic Freedom chapter to provide him with any complaints they had about recent classes. One complaint said of a professor "She came to class on a regular basis with buttons that were anti-Bush and anti-Iraq war. One whole class period was filled with discussion about how white male Republicans are heartless and how the war is unjust."

Committee Chairman Stevenson asked if any of the complaints had been filed formally. Mr. Fisher said, no and explained that one of the students was a sophomore and the incident had taken place in a class required for her major. "The professor she had a complaint about she would most certainly have again in the future," and therefore did not want to do so. Representative Armstrong then asked Mr. Fisher if he had ever filed a formal complaint on his own behalf. Mr. Fisher replied: "I have not lodged any formal complaints [because] I don't think that they would be handled at all. I've talked to several professors outside of class when I have disagreed with the way they taught the class...and I'm usually dismissed by the

professor. So I didn't feel that lodging a formal complaint would do much good."

An inadvertent but revealing response to the claims made by Dr. Smith and others skeptical of the motives of students who complained about their professors was provided in the testimony of Danielle Murphy, a junior at Millersville University, who is studying government, political affairs and business management. Murphy testified "Personally, I have never been penalized for my political views," although it soon became apparent that she had been.

Murphy testified that she was President of the Millersville College Republicans and was involved with the American Conservative Union and conservative students on campus," but she said she had no ill-feelings towards Millersville or her liberal and leftwing professors. The University had "an excellent staff," she said, and she was receiving "an excellent education here at Millersville."

Murphy also testified that one of her professors singled her out for her conservative views in class "on a regular basis" and discussed the 2004 presidential elections in class. "The class was in no way related to the American elections, but we talked about the elections and a few local elections." The manner in which the discussion about the elections took place under this professor's guidance was on which she and "many other conservative students" taking the class agreed was "nearly torturous." On one occasion, the same professor "pointed at me and expressed the fact that I was conservative. He pointed at me and said, 'You're a conservative right?' The question was in no way relevant to the course material or even to that day's discussion."

Yet, Murphy did not leave the course or complain about the professor or seek to punish him for her ordeal. In fact, as she testified, "I'm now taking another course with the same professor because I find him to be a brilliant professor."

Without intending to, Murphy had highlighted the poignant dilemma of conservative students seeking to get an education in an academic environment in which there seem to be very few conservative professors.

Murphy also inadvertently highlighted a problem which the Committee was forced to consider. As Committee member Armstrong put it, "I'd be hard pressed to name a student who has told me they know what their rights were." If students are not informed of their academic freedom rights and do not know what to expect in the way of professional behavior from their professors, they would be severely handicapped in determining what is abusive and what is normal.

Thus Danielle Murphy was able to tell the Committee "My experiences [in class] have not been detrimental to my education in any way," yet in the same breath could describe those same experiences in these words:

"Although I'm a fairly confident and outspoken individual, I do constantly feel the need to censor the things that I say for fear of being branded the crazy conservative girl with right-wing views...To be conservative in a classroom is a difficult thing."

Students do not have unions or large professional organizations to defend their rights or to hold administrators accountable if they do not enforce their regulations. If students are not made aware of their rights, or if these rights do not exist, they are, practically speaking, without recourse when abuses occur.

The Committee was presented with a scientific survey of college students by Anne Neal, President of the American Council of Trustees and Alumni, which showed that in-class violations of existing academic freedom guidelines, and specifically the 1940 AAUP principles, were widespread. She stated:

"We commissioned the Center for Survey Research and Analysis at the University of Connecticut to undertake a scientific survey of undergraduates in the top 50 college and universities as listed by U.S. News & World Report. These include Ivy League schools like the University of Pennsylvania, national research universities such as Carnegie Mellon and small liberal arts colleges like Swarthmore, Bryn Mawr, and Haverford, as well as public institutions such as the University of California and Michigan.

We were interested in finding out whether, in fact, professors introduce politics in the classroom. It goes without saying that faculty members are hired for their expertise and are expected to instruct students on the subject of their expertise. If they are teaching biology, they should be talking about biology. If they are teaching medieval English literature, we expect them to be lecturing on Chaucer, not Condoleezza Rice...

That indeed is a principle that has been adopted in the 1940 AAUP statement on academic freedom and that has been adopted by numerous institutions of higher education, at least on paper. The Temple University Faculty Handbook, by way of example, provides that 'Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.'

Notwithstanding these principles, our survey found that a shocking 49 percent of the students at the top 50 colleges and universities say that their professors frequently injected political comments into their courses, even if they had nothing to do with the subject.

The survey next turned to the atmosphere in the college classroom. Did students, many of whom were exposed to these subjects for the first time, feel free to raise concerns and question assumptions? Did they feel free to make up their own minds without feeling pressured to agree with their professors?

Once again, the answer was deeply disturbing. Twenty-nine percent of the respondents felt that they had to agree with the professor's political views to get a good grade.

The survey also explored whether students were being exposed to competing arguments on the central issues of the day. Were book lists balanced and comprehensive? Did students hear multiple perspectives, rather than just one side, of an argument?



Again, a disheartening response. Forty-eight percent reported campus panels and lecture series on political issues that seemed “totally one-sided.” Forty-six percent said professors “used the classroom to present their personal political views.” And forty-two percent faulted reading assignments for presenting only one side of a controversial issue.

Meanwhile, eighty-three percent of those surveyed said student evaluation forms of the faculty did not ask about a professor’s social, political, or religious bias.

Obviously, this controversy can only be resolved if university administrators take an interest in what goes on in university classrooms. Similar surveys can easily be conducted by university administrations on their campuses. Faculty evaluation forms can be amplified to include questions about intellectual diversity and political discrimination.”

Intellectual diversity was one of the central concerns the Committee chose to address, in accordance with its mandate, set out by Chairman Stevenson, the Committee followed the observation that “[a]cademic freedom is likely to thrive in an atmosphere and an environment of intellectual diversity that fosters independent thought and speech.”

In January 2006, the Association of American Colleges and Universities issued a statement on “Academic Freedom and Educational Responsibility,” which conceded that there were problems associated with intellectual diversity at American schools. “Some [university] departments fail to ensure that their curricula include the full diversity of legitimate intellectual perspectives appropriate to their disciplines. And individual faculty members sometimes express their personal views to students in ways that intimidate them...” The statement concluded that there was “room for improvement.”

In the first hearing session at Harrisburg, Committee counsel David French testified that the idea that the university should be a marketplace of ideas and that there should be “a broad range of ideas on campus” was not itself a controversial statement. It was an

argument, in fact, that had been used by the American Association of University Professors and other collegiate parties in their appeal to the United States Supreme Court to preserve race-based affirmative action policies at the University of Michigan. The argument was that ethnic and gender diversity served to enhance the intellectual diversity that was crucial to a quality education. “So it’s really not controversial,” French commented, “to say that there should be a broader range of ideas in the university. What is controversial is the answer to this question: Does a broad range of ideas exist?”

Stephen Zelnick testified at the Temple session that it did not. A member of the Temple University faculty for thirty-six years, Zelnick had served as Professor of English, President of the Faculty Senate and vice-Provost for Undergraduate Studies. “As director of two undergraduate programs,” he testified:

“I have had many opportunities to sit in and watch instructors. I have sat in on more than a hundred different teachers’ classes and seen excellent, indifferent, and miserable teaching and done what I could to encourage the good and to repair the bad. On these visits, I rarely heard a kind word for the United States, for riches of our marketplace, for the vast economic and creative opportunities made available for energetic and creative people (that is, for our student); for family life, for marriage, for love, or for religion. I did hear a great deal about the importance of diversity and tolerance, about the evils of imperialism; about the need to be skeptical of all institutions and traditional values; and about the stupidity and mendacity of prominent politicians. There is much to applaud in this heterodoxy and rebelliousness. However, without the balance of the arguments for loyalty, tradition, and reverence, these appeals to radical thinking fail to serve education well.”

David Horowitz followed Professor Zelnick’s testimony with two statements his organization had received from two different students at Penn State:

“I’m taking a Women’s Studies class because I thought it’d be a good class to take. Yesterday, I was in class and people were giving presentations about women’s issues and one group

decided to do abortion. The next thing I know, we're spending the whole period learning about how abortion should be completely legal and that it's a good thing for society to abort babies and that people need to learn how to say the word 'abortion' because women should be proud of the fact that they've had one. The professor made us start chanting "abortion, abortion," and to be honest, I started to cry. There was no place in that class for my pro-life opinion."

Following the hearings, this student was willing to put her name to this statement. Her name is Kelly Keelan.

The second statement read by Horowitz was also from a student who was reluctant to submit her name:

"I had a professor in a Biology Science class...go of on a 20-minute lecture about how Bush was a horrible president and had misled the people and that if I supported the war in Iraq, I was a bad, ignorant person..."

Horowitz continued: "Some Penn State instructors appear to think that there is no difference between education and indoctrination. Here is a statement from the official website of a sociology instructor at Penn State: 'I'm open about bringing my ideology into this classroom because I see that all educational systems are ideological to the core.'"

### Composition of Faculties

Answers to the diversity question in regard to the university curriculum were divided. Witnesses David French, Anne Neal, Stephen Balch and Marc Bauerlein argued that the current generation of liberal arts professors at American colleges and universities represented a narrow range of the ideological spectrum, while witnesses for the American Association of University Professors, the American Federation of Teachers, and the National Education Association argued that they did not.

In her remarks before the Committee, Anne Neal cited two university authorities who had warned that the university system was facing problems of intellectual conformity and ideological correctness:

“As early as 1991, Yale President Benno Schmidt warned that ‘The most serious problems of freedom of expression in our society today exist on campuses. The assumption seems to be that the purpose of education is to induce correct opinion rather than to search for wisdom and liberate the mind.’ In his last report to the Board of Overseers, retiring Harvard President Derek Bok warned: ‘What universities can and must resist are deliberate, overt attempts to impose orthodoxy and suppress dissent...In recent years, the threat of orthodoxy has come primarily from within rather than outside the university.’”

In his prepared statement for the Committee, Stephen Balch, president of the National Association of Scholars summarized the present state of university faculties disclosed by a series of academic studies:

“There is now a small file cabinet of studies that document the intellectual one-sidedness of the professorate, some done by individual scholars, others sponsored by higher education organization like the Carnegie Foundation for the Advancement of Teaching. They all show pretty much the same results. Whether professors are asked to self-describe themselves ideologically, whether their attitudes on cultural, economic and political issues are surveyed and scaled, or whether that general surrogate for opinion, party loyalty, is assessed, professorial opinion, as a whole, is considerably skewed to the left side of the spectrum. This skewing is even more pronounced when one looks at the fields whose subject matter have the most political and cultural relevance, the social sciences and the humanities. The ideological asymmetry in these areas ranges from very sizeable to overwhelming.”

A summary of the study results, which have not been contested by other data, were reported in the testimony of Anne Neal:

“A study released in late December by Professor Dan Klein found that social science professors are overwhelmingly Democratic, that Democratic professors in those disciplines are more homogeneous in their thinking than Republicans; and that Republican scholars are more likely to work outside the academy than their Democratic counterparts. On the question of political affiliation, the survey showed an immense imbalance in the breakdown of Democrats to Republicans ranging from 21.1:1 among anthropologists; 9.1:1 among political and legal philosophers; 8.5:1 amongst historians’ and 5.6:1 amongst political scientists. A 2005 study Professional Advancement Among College Faculty, found that 72 percent of those teaching at American universities and colleges describe themselves as liberal and 15 percent described themselves as conservative. According to the study, the most one-sided departments are English literature, philosophy, political science, and religious studies, where at least 80 percent of the faculty says they are liberal and no more than five percent call themselves conservative.”

*The American College Teacher*, a major study by the Higher Education Research Institute at the University of California at Los Angeles, has never been challenged. It features some questions on politics. The last survey, in 2001, found that 5.3 percent of faculty members were far left, 42.3 percent were liberal, 34.3 percent were middle of the road, 17.7 percent were conservative and 0.3 percent were far right. Those figures are only marginally different from the previous survey, in 1998.

The interpretation of these findings was challenged by Princeton University professor Joan Wallach Scott, chair of the American Association of University Professors Committee on Academic Freedom and Tenure. Scott suggested that the figures showing an overwhelming disparity in liberal and conservative faculty did not necessarily prove that there was “political discrimination in hiring” due to

“the possible role of preference for more economically lucrative work on the part of Republicans or the different policies each party has in regard to financial support for higher education,

and so what might be called interest-based votes by university faculty...But even more important, political party affiliation has nothing to do with scholarly positions and with what counts as conservative or a non-traditional approach to literature or history or class.”

### Advocacy in the Curriculum

The Committee did not address the issue of possible bias in the hiring process, but several witnesses argued in opposition to the above statement by Professor Scott. Some testifiers believed that there was indeed a correlation between the lack of intellectual diversity of faculties and emergence of an advocacy agenda in the curriculum, which has traditionally been devoted to dispassionate scholarly inquiries. Thus Emory professor Mark Bauerlein testified at the Millersville hearings:

“Because we have so strong a lean to the left on many parts of the campus, certain ideas have been embraced by almost everyone, even though those ideas remain controversial off-campus. With so much uniform backing, those ideas have settled into the professional habits of the professors. Instead of being opinions open for discussion, they are norms to be followed—that is, the regular operative premises of the discipline.”

One idea associated with sectarian advocacy agendas that had become embedded in the curriculum according to both Professor Bauerlein and Dr. Balch was “social justice.” They felt an obvious instance of a loaded political idea being recast as a disciplinary standard is the term “social justice.” Many schools, especially schools of education (e.g. the Social Justice Education program at University of Massachusetts), announce social justice as one of their curricular goals, and so it appears as an educational principle that participants must accept.

Bauerlein identified several public institutions in Pennsylvania, which incorporated advocacy of “social justice” into academic programs:

“In the state of Pennsylvania, among the general goals listed in the College of Education at Penn State is this one: ‘Enhance the commitment of faculty, staff, and students to the centrality of diversity, social justice, and democratic citizenship.’ The mission statement of the Office of Diversity & Equal Opportunity at East Stroudsburg University begins, ‘The Office of Diversity & Equal Opportunity’s mission is to promote, plan and monitor social justice in the University community.’”

In his testimony, Stephen Balch identified several others:

“The mission of the social work program at Bloomsburg also states that “an emphasis is placed on an appreciation for human standard diversity and a strong commitment to social and economic justice. Students are prepared through courses to engage in the social change process through interface with the regional community.” The mission statement of the School of Social Administration at Temple states that it is “dedicated to societal transformations to eliminate social, political, economic injustices for poor and oppressed populations...” The description of the social work program at Edinboro University characterizes it as preparing “individuals to actualize the concept of social concern, to internalize and actualize belief in the innate value of humankind, to service those in need, and to act with conviction in advancing the principle of social justice and human rights.”

Moreover, Balch argued, the accrediting agency for schools of social work—the Council on Social Work Education—itself establishes standards that are ideological rather than professional. “Among the purposes of the social work profession as given by these standards is the pursuit of ‘policies, services, and resources through advocacy and social or political actions that promote social and economic justice.’ Programs accredited by the CSWE are also supposed to prepare social workers to ‘understand the forms and mechanisms of oppression and discrimination and apply strategies of advocacy and social change that advance social and economic justice.’ Taken as a whole, social work education programs are also supposed to “prepare students to advocate for nondiscriminatory social and economic systems.”

Bauerlein testified that the concept of social justice was:

“Quite clearly an ideological demand, for ‘social justice’ is the idealized code word for various government-managed policies of income and resource distribution. To insert it into mission statements is to use it as a gateway into the profession. To pass it off as a profession is, precisely, to politicize the curriculum, and to compel students who want to join the program and professors who want to work there to accept it is a betrayal of academic freedom.”

The Committee heard contrary testimony from Dr. Robert Moore, a Professor of Sociology at St. Joseph’s University, which is a Jesuit school in Philadelphia. Moore is also the vice-president elect of the Pennsylvania division of the American Association of University Professors. Professor Moore agreed with Penn State Policy HR 64 that, “It is not the function of a faculty member in a democracy to indoctrinate his or her student with ready-made conclusions on controversial subjects.” Professor Moore reiterated, “Academic freedom for faculty does not include the right to indoctrinate students.”

Professor Moore, however, was not sure that requiring students to subscribe to a social justice agenda was a form of indoctrination, or that requiring university hires to endorse the same agenda violated the professional neutrality to which educational institutions traditionally subscribed. “At St. Joseph’s University, in a private context, if you don’t come into a Jesuit school on the side of social justice, you are not going to get hired. You won’t be around very long.”

Committee member John Pallone was disturbed by this comment which seemed to him like a narrow directive, incompatible with the principle of academic freedom. On the other hand several members of the Committee, Representatives Frankel, Surra, and Curry thought that social justice was a neutral term that could encompass different remedies for social problems.



The problem raised by Dr. Balch and Mr. Bauerlein was crystallized in the testimony of Dr. Nadine Bean, a professor in the Social Work program at West Chester University—a program accredited by the Council on Social Work Education. Dr. Bean testified that “Social justice” was one of the core values for social workers and thus an integral part of the social work program as it was taught at West Chester University. Social workers pursue social change particularly with and on behalf of the vulnerable and oppressed individuals and groups of people.”

This testimony reflected an activist view of the social work curriculum. Dr. Bean did not explain why unemployment or poverty were forms of injustice, rather than conditions reflecting individual failing or misfortune. Or, why “social change” rather than providing help to individuals should be the mission of social workers. This testimony appeared to validate the points made by Bauerlein and Balch that a one-sided faculty perspective leads to confusion between ideological agendas and professional standards.

The Committee members shared the view that education involves the consideration of a range of viewpoints, and that indoctrination in one perspective is incompatible with academic freedom and academic standards. It could not agree on whether particular cases brought before it constituted violations or not. The question that remained—and that the Committee members could not agree on—was whether university administrators had established clear academic standards and a definition of inappropriate academic behavior, and whether these standards were being enforced.



## **APPENDIX B**

**“University of Pittsburgh: Through One Hundred and Fifty Years”**

#### THROUGH ONE HUNDRED AND FIFTY YEARS

Fairlie, architect of the Scottish classroom, has chosen the magnificent plaster frieze of Elcho Castle in Perthshire as the design for the frieze of the Scottish room. [Perthshire was the birthplace of Robert Bruce, first head of the University.]

"Plans are not complete for all the rooms," Mrs. Mitchell says, "but they are rapidly being worked out. These rooms, when they are finished, will be an assurance to the nationalities that their children will know something of the culture of their fathers. . . . In recognition of its belief in Pittsburgh's cultural future, the University of Pittsburgh has accepted the gift of these nationality memorial classrooms." In the winter of 1936-37 Mrs. Mitchell went to Europe to discuss, with architects and co-operative committees in the interested countries, final plans for decoration of the various rooms.

Students of native American stock, in the majority as to numbers, will gain respect, as they use these rooms, for the cultural contribution of the minority groups who are becoming a part of American civic and university life. It is too soon to write the complete story of the Nationality Rooms. They are truly a part of American educational adventure; born of academic research, they survive by right of their human value. The thought of what they may mean as a help to the better understanding of nations is beyond present imagination.

→ From 1929 to the present, the University has shared with other educational institutions the effects of certain forces of unrest and confusion that have existed everywhere in the country during these depression years. Articles appearing in newspapers and magazines have given so much emphasis to unpleasant occurrences in University affairs that people are likely to forget that the real work of the University goes on in spite of temporary disturbances and that in a few years from now these mat-

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ters will drop out in the larger view of the University's educational effectiveness. Since they do loom so large among the happenings of today, however, it seems best to include them in a story of the University. They are reported, then, in quotations condensed from a study made by Dr. Stanton C. Crawford, dean of the College, covering two investigations by the American Association of University Professors and one by the Pennsylvania legislature.

In 1929 a committee of the American Association of University Professors visited the campus to inquire into the alleged suppression of the Liberal Club. . . . Really no question of academic freedom of professors was involved; a graduate assistant in philosophy was dismissed, and two undergraduate student leaders were expelled from the University. The A.A.U.P. committee correctly reported the University administration's attitude as follows: "The administration asserts that the Liberal Club was dissolved solely for violating the rules and regulations of the University. It insists that no issue of freedom of speech, or the fitness of the professor chosen to speak, was involved, but simply the infraction of rules. In particular, the Liberal Club is held to have violated the long established policy of the University not to give sanction to propaganda or to allow itself to be used for propaganda; the more so when the doctrine is in any way disloyal to the government of the city, state, or nation." The University had approved the aim originally stated by the Liberal Club: "To conduct open-minded investigations of pressing social problems." The club was forbidden to meet on the occasion under investigation because it was using the name of the University to advance propaganda and publicity upheld by organizations and individuals antagonistic to American government.

Issues like this one, where students were drawn into controversial social questions and stimulated by outside organizations to use the University's name to spread propaganda, had arisen before. During Dr. McCormick's chancellorship student clubs were dissolved because they violated the policy of the University, that there be "no

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outside supervision of student organizations and no use by student societies of the University's name for propaganda." Then and now, parents of many of the students involved were grateful for the University's attitude and ruling.

Dr. Crawford continues:

In 1934 a committee of the American Association of University Professors conducted hearings as part of an investigation of the dismissal of a professor of history and of general faculty privileges at the University: tenure policy and administrative-faculty relations. After five days' investigation in August and three days' investigation in November, by committees cordially received by Chancellor Bowman and other officers of the University with whom they conferred, reports were printed by A.A.U.P. The printed report of the November investigation differed materially from a preliminary draft, which was published in the newspapers and aroused widespread resentment throughout the city. This preliminary draft is significant of the attitude of the committee toward the city and the University: "Much of the evidence the committee secured indicates that between the wealth of Pittsburgh and the churches of Pittsburgh there is something of a symbiotic relationship. In the world of existing Pittsburgh with its extremes of riches and poverty, its unrelieved dirtiness and ugliness, its ruthless materialism and individualism, its irrepressible industrial conflicts, its lack of any integrating principle other than the sign of the dollar, the chancellor moves with one immediate driving motive, to wring from the community the money essential to the development and support of the kind of University that his mind conceives as the ideal for this particular city."

Chancellor Bowman, commenting on the preliminary report in a letter to the secretary of A.A.U.P., said: "I regret to note that the unrestrained hostility of your report has extended to the city of Pittsburgh. In violent language you hold up to scorn a people, a community, which, as much as any other, has expressed for a century and a half the best of American progress."

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As a result of this investigation the A.A.U.P. decided that no new members for its association would be accepted from the faculty of the University of Pittsburgh until it was restored to the eligible list. The actual penalty is that the local chapter cannot increase its membership.

In 1935, partly as a result of the widespread publicity that these two investigations received, and as a result of the mood of the times that stimulated legislative investigations of other educational institutions for various reasons, the legislature of Pennsylvania authorized the speaker of the House of Representatives to appoint a committee of five

to fully, fairly, and impartially inquire into and investigate the attitude of the Board of Trustees and those in charge of the University of Pittsburgh toward members of the faculty and student body, who both inside and outside classrooms, advocate the subjects of economics and politics and other subjects wherein academic freedom should be allowed; and further to inquire into and investigate all matters touching the said University of Pittsburgh which are pertinent to the question of making an appropriation of public funds, and to ascertain whether or not said institution is worthy of receiving further appropriations of public funds.

Dean Crawford summarized the report of the legislative committee, and this is a condensed account of his summary:

Eighty-two persons were called and testified before the committee: six former members of the faculty, thirty present members, nine administrative officers, the chairman of the investigating committee of A.A.U.P., twenty-three students, and thirteen alumni. The books, accounts, budgets, and other documents were examined in the presence of the University auditor and representatives of the auditor general's department of the commonwealth of Pennsylvania.

The committee released its sixty-page report to the press on Monday, June 17. Mr. Don Saunders, editor of

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the University of Pittsburgh *Alumni Review*, printed in the *Alumni Review* of May-June, 1935, the following condensation of that report:

The committee's thorough investigation of University policy and practice for the past ten years reveals no evidence of the suppression of academic freedom, with the exception of the comparatively isolated case of an instructor. This one instance of alleged suppression consisted of an expression of opinion by the head of a department who, it should be pointed out, stated in an affidavit sent to the committee that he had supported the instructor and had advised him not to assume the defensive in discussing his teaching methods with certain complainants.

Regarding academic freedom outside the classroom, the committee reported only two cases of what they regard as unjustified interference; namely, those of . . . [two professors] who were active in labor disputes several years ago. (These cases dated back six and five years . . . at the time of the investigation.)

The report commends Chancellor John G. Bowman and his associates for their material accomplishments in increasing the physical assets of the University from \$3,913,550 in 1920 to \$17,955,081 at the present time; and recognizes the present urgent needs of the institution. It is significant that the committee also recognized the uncertainty of University income and the elements over which the institution has no direct control, such as the appropriation from the state of Pennsylvania, comprising approximately one-fourth the total income of the University, which income is subject to "legislative caprice." It may be noted, in passing, that the committee "found no evidence of any irregularities or discrepancies in the administration of the funds of the University."

As a result of this investigation the governor of Pennsylvania demanded publicly that certain changes be made in the membership structure of the Board of Trustees, and that a definite policy of academic tenure be set up by the faculty.

In accordance with a time-honored custom of the University, as much as from the suggestion of the gover-



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nor, the General Alumni Association selected two of its members in 1936 as candidates for vacancies in the membership of the board, and the board added two more alumni members to the nine already there. In March, 1937, the members of the Alumni Association balloted for thirteen candidates to fill vacancies on the board. The Board of Trustees has frequently in past years asked for alumni recommendations to fill vacancies, and will continue that tradition.

A committee on academic tenure has been working on that problem since November 19, 1935, and has only recently reported. An unwritten policy of academic tenure comparing favorably with that of other urban universities has long existed. The average length of service for members of the professorial staff has almost doubled from 1920 to 1936. The average length of tenure rose from nine years in 1920-21, to ten years and six months in 1925-26, to twelve years and eight months by 1930-31, and to sixteen years and four months in 1935-36.

So the co-operation between the University and the state remains unbroken through one hundred and fifty years.

Dean Crawford has pointed out that these investigations were, in a general sense, corollary to broader disturbance all over the country, a result of the mood of the times.

Because of Pittsburgh's dependence on the heavy industries which suffered most severely from the falling-off of business, the effects of the depression were felt here more keenly than in most large cities in the country. Probably no other city of comparable population was harder hit. Here, too, the mood of the times was intensified. Here issues were joined and lines were drawn. Almost inevitably Pittsburgh became the center of strife, the focal point of that criticism of human institutions which depressions inevitably bring. Few established institutions or agencies escape very searching scrutiny and evaluation in such times. The University of Pitts-

#### THROUGH ONE HUNDRED AND FIFTY YEARS

burgh, as the chief educational agency of Western Pennsylvania, did not escape that scrutiny; almost, it may be said, inevitably was a target for observation. In that respect, however, the University's troubles were not single. Many, perhaps all, educational institutions in the country were being subjected to criticism. *School and Society* in its issue of June 8, 1935, contained an article which discussed academic complications at six colleges, including among them Rutgers and Columbia University; and the Pittsburgh newspapers for May 12, 1935, carried stories of a legislative investigation then in progress at the University of Chicago. The agitation concerning teachers' oaths of allegiance to state constitutions in more recent times is another manifestation of the same unrest.

Criticism of the University of Pittsburgh arose as an individual manifestation of general economic unrest and as a natural outgrowth of the changes within universities, everywhere, in their relation to society.

When university curricula were based largely on the classics, mathematics, and the like, no one worried about what the university professor might say concerning the affairs of the world. Any opinions from his cloistered study were ignored as the opinions of one unfamiliar with practical affairs. But with the coming into the curricula of natural and social sciences, the university and the professor became less detached. Gradually, social organization was placed under the university's microscope for study and analysis. Occasionally, instructors openly, without the skill of scientific detachment, discussed social taboos and criticized economic theories that have been the basis of our national structure. These changes in the curriculum and in the attitude of some professors have brought universities today into social controversy, which the depression has made bitter. In entering the world of social and economic affairs the university has subjected itself to that world's standards of criticism. There is consolation in the thought, however, that within a uni-

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versity, over a long period of time, controversial matters submerge into relative unimportance, and that in a democracy such as ours eventually there rises, above all irrelevant disturbances, the human value. The university everywhere has survived the rise and fall of nations, social change, and human error, because in its final reality a university stands for unseen values—unchanging and unchanged.

During the past fifteen years several prominent members of the faculty and of the Board of Trustees have died, some of them part of the University since Ross and Diamond days in the seventies and eighties, all of them links between the new University and the old. On September 18, 1922, the Right Reverend Cortlandt Whitehead, bishop of the Protestant Episcopal diocese of Pittsburgh, died at Niagara Falls. He was graduated from Yale University during the Civil War and immediately volunteered to care for sick and wounded from the battle of Fredericksburg. After graduating from a divinity school in Philadelphia in 1867, he served as pastor in many churches from Colorado east to Massachusetts, and he was consecrated bishop of the diocese of Pittsburgh in Trinity Church in 1882 when the University was moving to Allegheny. Bishop Whitehead was a highly cultured gentleman, and at the time of his death was in point of service the oldest member of the Board of Trustees, having served from 1882 to 1922.

Dr. Walther Riddle died in May of 1925. He had been a member of the board since the University came to Oakland. Dr. Riddle was the only son of the Reverend Matthew Brown Riddle, and the grandson of the Reverend Dr. David H. Riddle, acting principal of the Western University of Pennsylvania from 1849 to 1855 and president of Jefferson College from 1863 to 1868.



# **APPENDIX C**

**New Pennsylvania State University and Temple University Academic  
Freedom Policies**

Pennsylvania State University:

HR 64:

“The faculty member is entitled to freedom in the classroom in discussing his/her subject. The faculty member is, however, responsible for the maintenance of appropriate standards of scholarship and teaching ability. It is not the function of a faculty member in a democracy to indoctrinate his/her students with ready-made conclusions on controversial subjects. The faculty member is expected to train students to think for themselves, and to provide them access to those materials which they need if they are to think intelligently. Hence in giving instruction upon controversial matters the faculty member is expected to be of a fair and judicial mind, and to set forth justly, without supersession or innuendo, the divergent opinions of other investigators.

No faculty member may claim as a right the privilege of discussing in the classroom controversial topics outside his/her own field of study. The faculty member is normally bound not to take advantage of his/her position by introducing into the classroom provocative discussions of irrelevant subjects not within the field of his/her study. ”

Faculty Senate Policy 20-00:

“Students having concerns about situations that arise within the classroom, or concerns with instructor behavior in a course that violates University standards of classroom conduct as defined in Policy HR64 "Academic Freedom," may seek resolution according to the recommended procedures established under Policy 20-00, Resolution of Classroom Problems.

In every case, student concerns arising from questions about classroom situations or behavior shall be resolved in a manner that provides for equity and due process for students and for instructors. Students may attempt to resolve classroom problems with assurance that confidentiality will be maintained as appropriate.”

Temple University:

**Title: Student and Faculty Academic Rights and Responsibilities**

**Policy Number: 03.70.02**

**Effective Date: August 1, 2006**

**Issuing Authority: Board of Trustees**

### **Preamble**

As an academic institution, Temple University exists for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. The University and the faculty have a responsibility to provide students with opportunities and protections that promote the learning process in all its aspects. Students similarly should exercise their freedom with responsibility.

Temple University therefore reaffirms its commitment to academic freedom, and adopts the following statement of academic freedom principles applicable to faculty and students:

### **Statement of Principles**

1. Faculty are entitled to freedom in the classroom in discussing their subjects, but they should be careful not to introduce into their teaching controversial (or other) matter which has no relation to their subject. The faculty member is responsible, however, for maintaining academic standards in the presentation of course materials.
2. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for the truth.
3. Faculty members in the classroom and in conference should encourage free discussion, inquiry and expression. Student performance should be evaluated solely

on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

4. Students should be free to take reasoned exception to the information or views offered in any course of study and to reserve judgment about matters of opinion, but students are responsible for learning the content of the course of study in which they are enrolled. The validity of academic ideas, theories, arguments and views should be measured against the relevant academic standards.

5. Students should have protection through orderly grievance procedures against prejudiced or capricious evaluations that are not intellectually relevant to the subject matter under consideration. At the same time, students are responsible for complying with the standards of academic performance established for each course in which they are enrolled.

### **Student Grievance Procedure**

Except in cases in which a student challenges a grade received in connection with a course, the following procedures shall apply when a student believes that a faculty member has infringed upon the student's academic rights as set forth in this policy. In cases in which the student is challenging a grade in connection with a course, the student shall follow the grade appeal procedure applicable to the school or college in which the course is offered.

1. If a student grievance for an alleged violation of academic rights cannot be resolved between the faculty member and the student, or if the student does not feel comfortable in discussing the matter directly with the faculty member, the student may bring an informal complaint to the Student Ombudsperson of the school or college to try to effect an informal resolution.

2. If a resolution satisfactory to the student is not obtained through an informal mediation process with the Student Ombudsperson, the student may submit a formal, written grievance to the Dean or the Dean's designee.

3. The Dean or the Dean's designee may attempt informal resolution through discussion with the student and faculty member. If a mutually agreeable resolution is not achieved through informal discussion, the Dean shall refer the matter for consideration in accordance with the procedures for resolution of student grievances as set forth in the Bylaws of the school or college.



4. The Dean will consider the recommendation of the school or college's student grievance committee and issue a written decision and remedy. Appropriate precautions should be developed to safeguard the confidentiality of the grievance proceedings, including information about the outcome.

5. Either party to a grievance may appeal the decision of the Dean to the Provost, in writing, within ten (10) days following notice of the Dean's decision. A written reply by the other party must be filed within ten (10) days after receipt of the appeal. The Dean's decision shall be held in abeyance pending appeal. The Provost has discretion to determine the information and procedure that he/she will utilize in deciding each appeal. The decision of the Provost shall be in writing and shall be final.

### **Recordkeeping and Reporting**

The officers should develop mechanisms and procedures for developing and maintaining records in a confidential manner of all grievances brought pursuant to this policy. In addition, the officers shall provide a report on all grievances pursuant to this policy each semester to the Chairs of the Student Affairs and the Academic Affairs Committees of the Board of Trustees, and establish a mechanism for annual reviews of this policy and its effectiveness by appropriate University officials and the Board of Trustees.

### **Effective Date**

This policy shall become effective on August 1, 2006.



# **APPENDIX D**

## **Meeting Agendas and Transcript Copy Information**

## **Contact Information**

For information regarding copies of transcripts, please contact:

Roger Nick, Chief Clerk  
Pennsylvania House of Representatives  
129 Main Capitol Building  
Harrisburg, PA 17120-2020  
(717) 787-2372

**INFORMATIONAL MEETING**  
**THE SELECT COMMITTEE ON STUDENT ACADEMIC FREEDOM**  
**Pursuant to HR 177 of 2005**

September 19, 2005  
1:00 PM  
Room 140, Main Capitol Building

**AGENDA**

**1:00 PM-1:30 PM** Presentation by **David A. French**, President  
The Foundation for Individual Rights in Education (FIRE)

This presentation will provide members with an overview of the mission of FIRE and its Individual Rights Defense program. Additionally, the presentation will provide an explanation of the process of vetting complaints made by students and professors as well as the indicators of credible claims of academic rights violations.

**1:30 PM-4:00 PM** Questions from members of the Select Committee.

# AGENDA

## Select Committee on Academic Freedom in Higher Education Public Hearings November 9-10, 2005

William Pitt Union, Ballroom  
5<sup>th</sup> Avenue and Bigelow Boulevard  
Pittsburgh, PA

### November 9, 2005

- |                              |   |
|------------------------------|---|
| <b>1:00 pm – 3:00 pm</b>     | Presentation by Stephen H. Balch, President National Association of Scholars  |
| <b>3:00 pm – 3:30 pm</b>     | Questions from Select Committee members   |
| <b>3:30 pm – 5:00 pm</b>     | Joan Wallach Scott<br>Professor of Social Sciences<br>Institute for Advanced Studies, Princeton, NJ<br>Former chair, American Association of University Professors (AAUP)<br>Committee on Academic Freedom and Tenure |
|                              | Robert Moore<br>Assistant Professor of Sociology<br>St. Joseph's University, Philadelphia, PA<br>Former chair, AAUP Committee on Governance   |
| <b>5:00 pm – 5:30 pm</b>     | Questions from Select Committee members   |
| <b>5:30 pm – 6:00 pm</b>     | Public Comment  |
| <b>6:30 p.m. – 9:00 p.m.</b> | Dinner – exact time and location TBA  |

### November 10, 2005

- |                            |   |
|----------------------------|---|
| <b>9:00 am – 10:00 am</b>  | Presentation by James V. Maher, Provost<br>The University of Pittsburgh   |
| <b>10:00 am – 10:30 am</b> | Questions from Select Committee members   |
| <b>10:30 – 11:30 am</b>    | Burrell Brown, Chairperson and Professor<br>Department of Business and Economics<br>California University of Pennsylvania |
| <b>11:30 am – 12:00 pm</b> | Public Comment  |

# AGENDA

## Select Committee on Academic Freedom in Higher Education Public Hearings January 9-10, 2006

Temple University Student Center, Rooms B and C  
13<sup>th</sup> Street and Montgomery Avenue  
Philadelphia, PA

### January 9, 2006

- |                          |  |
|--------------------------|--|
| <b>1:00 pm – 1:45 pm</b> | Presentation by <b>David Adamany</b> , President<br>Temple University  |
| <b>1:45 pm – 3:15 pm</b> | <b>Stephen C. Zelnick</b> , Temple Faculty Member  |
| <b>3:15 pm – 3:45 pm</b> | <b>Robert M. O’Neil</b> , Founding Director<br>The Thomas Jefferson Center for the Protection of Free Expression |
| <b>3:45 pm – 4:15 pm</b> | <b>Dr. Rachel DuPlessis</b> , Temple Faculty Member  |
| <b>4:15 pm – 4:45 pm</b> | <b>Jeff Solow</b> reading the statement of <b>Dr. Jane Evans</b> , Temple Faculty<br>Member                      |
| <b>4:45 pm – 5:15 pm</b> | <b>Logan Fisher</b> , Temple Student   |
| <b>4:00 pm – 5:00 pm</b> | Public Comment   |

### January 10, 2006

- |                            |   |
|----------------------------|---|
| <b>9:00 am – 10:00 am</b>  | <b>William E. Scheuerman, Ph.D.</b> , President<br>United University Professions, SUNY<br><br><b>William W. Cutler III, Ph.D.</b> , Professor<br>History and Educational Policy Studies |
| <b>10:00 am – 11:30 am</b> | <b>Anne D. Neal</b> , President<br>American Council of Trustees and Alumni  |
| <b>11:30 am – 1:00 pm</b>  | <b>David Horowitz</b> , President<br>Center for the Study of Popular Culture  |
| <b>1:00 pm</b>             | Public Comment  |

## **AGENDA**

### **Select Committee on Academic Freedom in Higher Education**

**March 22-23, 2006**

Millersville University  
Matisse Room, Bolger Conference Center  
1 South George Street  
Millersville, PA 17551

#### **March 22, 2006**

- 12:00 – 12:30 Dr. Francine G. McNairy, President, Millersville University
- 12:30 – 2:00 Drs. Matthew and April Woessner  
Penn State Harrisburg, Regarding Group Dynamics
- 2:00 – 3:00 Terry Christopher, Millersville University Student
- 3:00 – 4:00 Dr. Nadine Bean, Professor, West Chester University
- 4:00 – 5:00 T. Kenneth Crib, Intercollegiate Study Institute (ISI), Regarding Bias in the Classroom
- 5:00 – 5:30 Dr. Frank Bremer, History Department Chair, Millersville University
- 5:30 – 6:00 Public Comment

#### **March 23, 2006**

- 9:00 – 10:00 Mark Bauerlein, Emory University, Regarding the Law of Group Polarization
- 10:00 – 11:00 Dr. Alan Levy, Professor, Slippery Rock University
- 11:00 – 12:00 Dr. Kurt Smith, Professor, Bloomsburg University
- 12:00 – 1:00 Tom Bradley, Professor, Shippensburg University
- 1:00 – 1:30 Public Comment



**AGENDA**  
**Select Committee on Academic Freedom in Higher Education**  
**May 31, 2006-June 1, 2006**

Harrisburg Area Community College  
Rooms 155-156 C. Ted Lick Conference Center  
1 HACC Drive  
Harrisburg, PA 17110

**May 31, 2006**

- 1:00 PM-1:05 PM      **Welcome- Harrisburg Area Community College (HACC)**  
David J. Morrison, Executive Assistant to the President
- 1:05 PM- 2:30 PM      **State System of Higher Education (SSHE)**  
  
Dr. Peter H. Garland, Vice Chancellor for Academic and Student  
Affairs  
  
Dr. James Moran, Associate Vice Chancellor for Academic and  
Student Affairs
- 2:30 PM-4:00 PM      **Pennsylvania State University (PSU)**  
  
Blannie E. Bowen, Vice Provost for Academic Affairs
- 4:00 PM-5:00 PM      **Public Comment**

**June 1, 2006**

- 9:00 AM-10:00 AM      **Pennsylvania Commission for Community Colleges  
(PACCC)**  
  
Dr. Dustin Swanger, Provost and Vice President for Academic  
Affairs, Luzerne County Community College  
  
Dr. John Flynn, Vice President of Academic Affairs and Provost,  
Montgomery County Community College
- 10:00 AM-11:00 AM      **Pennsylvania State Education Association (PSEA)**  
  
Kathy Sproles, President

National Council for Higher Education (NEA)

Jane Munley, President  
Pennsylvania Association of Higher Education (PAHE)

Jessica Sabol, Student

11:00 AM-11:30 PM **Dr. Ken Mash, Professor**  
East Stroudsburg University

11:30 PM-12:30 PM **Dr. David Saxe, Professor**  
Pennsylvania State University  
Member, State Board of Education

12:30 PM-1:00 PM **Public Comment**



