

A P S C U F

LOCK HAVEN UNIVERSITY FACULTY NEWS AND VIEWS

Vol. 01/02 No. 1

September 2001

2001/2002 IMPORTANT APSCUF DATES

2001/2002

- Oct 2 Membership Meeting**
Hamblin Hall of Flags
- Nov 6 Membership Meeting**
Hamblin Hall of Flags
- Dec 4 Membership Meeting**
Hamblin Hall of Flags
- Feb 5 Membership Meeting**
Hamblin Hall of Flags
- TBA APSCUF Spring Social**
- Mar 19 Membership Meeting**
Hamblin Hall of Flags
- Apr 2 Membership Meeting**
Hamblin Hall of Flags
- Apr 30 Picnic/Membership Meeting**
Seig Conference Center

WHAT'S INSIDE

Important Dates	1
Reminders	2
Faculty Notes	2-5
From the Faculty.....	6
Tech Talk Reports	6
Leadership Directory.....	8

Inserts

- Meet and Discuss Minutes
January, February, & March 2001
- Membership Minutes
March & April 2001
- APSCUF and Meet and Discuss
2001/2003 Committee Lists

Newsletter Committee

Charles Jenkins -- Editor
Philip Huber -- Graphic Design
Kunio Mitsuma -- TECH TALK
Gregory Lund

Rick Lilla -- Web Page Designer
Cheryl Orndorf -- Layout

All faculty are encouraged to submit Articles and Editorials to the APSCUF Office (Raub Hall) or E-mailed to corndorf@lhup.edu by the 15th of each month. Articles on computer disk will be greatly appreciated.

You can find copies of the current and the past year's newsletters at www.apscuf.com. Click on Lock Haven.

OTHER IMPORTANT DATES

- Oct 1** President makes decisions on Sabbaticals; notifies applicants
- Oct 17** Alternate Workload Leave applications to committee
- Nov 1** Promotion applications to departmental committee
- Dec 1** President makes selections on Alternate Workload Leave; notifies applicants
- Dec 31** Submit Tenure applications to department committee
- Feb 1** Departmental Promotion Committee recommendations to Univ.-Wide Committee
- Feb 1** Submit Sabbatical applications to Sabbatical Leave Committee
- Feb 15** Departmental Tenure Committee recommendations to Univ.-Wide Committee
- Apr 1** University-Wide Tenure Committee recommendations to the President or his designee
- Apr 15** University-Wide Promotion Committee recommendations to the President or his designee
- Apr 30** Sabbatical Leave Committee forwards full list of applications to President
- May 31** President makes decisions on Tenure; notifies applicants
- Jul 15** President makes decisions on Promotions; notifies applicants

REMINDERS

☞ If you have questions regarding your Health & Welfare benefits, contact the APSCUF Office or Jeff Burnham, Health & Welfare Specialist.

☞ The State APSCUF website (www.apscuf.com) features a direct link to the PA Faculty Health and Welfare Fund Office. The link is listed under the "Health and Welfare Forms Online" spot on the right side of the page. If you click on the H&W Form you need (Dental, for example), you will go directly to the H&W Fund's Dental Claim form. This allows the APSCUF site to always have the most up-to-date forms available.

☞ Whether it is the birth of a child or grandchild, a marriage, an achievement, or informational article you would like to share in the monthly newsletter, please forward the information to Cheryl, APSCUF Office X2231 or by e-mail at corndorf@lhup.edu.

FACULTY NOTES

SPRING PICNIC

One hundred and one APSCUF members, APSCURF members, and management attended the annual Membership Picnic on May 1 at the Sieg Conference Center.

ASSIGNMENT OF ADDITIONAL DUTIES TO FACULTY

APSCUF lost two arbitration awards in 1997 in which the arbitrator refused to order compensation for the affected faculty members due to the fact that the additional duties were not assigned by management.

That said, faculty members should not assume that they will be compensated for additional work simply because "it needs to be done and someone has to do it." There is no contractual requirement for management to manage intelligently. Even if a faculty member or a manager retires/resigns and is not replaced, the remaining faculty should not assume the vacated duties without proper authorization from management. Management will simply not be held to be liable for compensation by an arbitrator if it was unaware of the voluntary assumption of duties, or when it specifically informed faculty not to do the work. If other faculty or students complain about the work not being done, forward the complaints to the manager who made the decision not to fill the vacancy.

If a department chairperson assigns the work to the faculty member, then notifies management of the recommended assignment, and management accepts the assignment, then the faculty member has a legitimate claim for additional compensation, if otherwise eligible based upon workload. Additionally, if it is the normal practice of management only to respond if it rejects the department chair-

son's recommended assignment and no reply is received, then it is APSCUF's position that the recommendation of the chairperson was accepted and the additional duties are authorized.

PROMOTION POLICY AND PROCEDURES

The proposed revisions to the Promotion Policy and Procedures Manual are currently at the State Meet and Discuss level for approval.

Because approval of the revisions to the policy and procedures manual has not been received, faculty applying for promotion this academic year must use the current policy and procedures manual, last revised and approved in July 1996. For a copy of this document, please contact Cheryl Orndorf in the APSCUF Office at x2231.

IMPLEMENTATION OF NEW SALARY SCHEDULE

The new salary schedule went into effect for the 2001-2002 academic year, except for salary steps which are in dispute and are currently being litigated in court. Those steps in dispute are steps 6 and 8 of all ranks.

In August 2000, APSCUF President William Fulmer, and Vice-Chancellor Kelley signed an agreement which clarifies the manner in which promotions are to be implemented under the new salary schedule. When that agreement was signed, no one contemplated the fact that there are a number of (700) faculty who have spring anniversary

dates and how their promotions would be administered under the new salary schedule.

The agreement reached in negotiations was that no one would be placed at steps 6 or 8 by any method, whether it be by annual increment, promotion, or hiring.

If you were promoted, hired, or received an annual increment at steps 6 or 8 of any rank, please contact Cheryl Orndorf in the APSCUF Office at x2231.

FACULTY RECEIVE PROMOTIONS

Promotions were announced over the summer, and a complete listing of those faculty members receiving promotions appears below.

CONGRATULATIONS

To Full Professor:

- ☞ Janet Irons
- ☞ Sally Lima
- ☞ Marjorie Maddox-Hafer

To Associate Professor:

- ☞ Gordon Phetteplace
- ☞ Eynn Reitz
- ☞ Harold Cook
- ☞ Catherine Traister
- ☞ Rick Lilla
- ☞ Wadduwage Abeysinghe
- ☞ Beth McMahon
- ☞ Philip Huber

To Assistant Professor:

- ☞ Michael Porter

Welcome New Faculty Members

Academic Development and Counseling

Doug Posey

Biological Sciences

Amy Kutay

Nursing

Pam Finalle

Sharon Reeder

Computer Science, Management, and Accounting

James Hiryak

English

Leslie Miller

Sara Postlethwaite

SueAnn Schatz

John Wilson

Foreign Languages

Esperansa Loughran

Natalia Sigareva

Eduardo Valerio

Geology and Physics

Anura Goonewardene

Md. Khalequzzaman

History, Political Science, Economics, and Management

Rick Goulet

Charles Lumpkins

Health Science

Gerard Rozea

Amy Way

Mass Communications and Philosophy

Matthew Girton

Music and Theatre

Ramona Broomer

Mark Coffindaffer

Thelma Rozukalns

Physician Assistant and Graduate Studies

Jessica Bowman

Shay Jones

Sociology, Anthropology, Social Work, Criminal Justice, and Geography

Kimberly Alexander

Tara Habasevich

Betsy Sanders

Dennis Tobin

James Watson

Special Education Early Childhood Education

Barbara Hartle

VOLUNTEERS NEEDED

A complete list of APSCUF committees is included as an insert with this newsletter. Volunteers are still needed for the following committees:

- ?? Budget
- ?? CAP Steering
- ?? Local Negotiations
- ?? Parking
- ?? Presidential Evaluation
- ?? Social
- ?? Writing

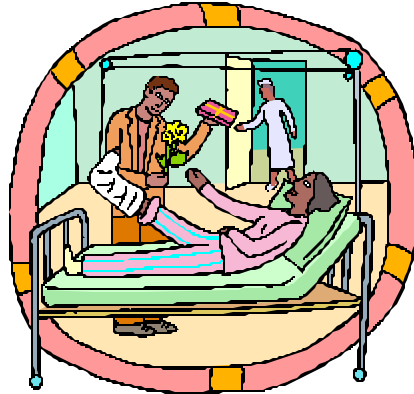
If you are interested in serving on any of these committees, please contact the APSCUF Office at x2231, or send an e-mail message to APSCUF Office Manager Cheryl Orndorf at corndorf@lhup.edu.

CAPITAL BLUE CROSS BENEFIT CHANGES

The State System's Dedicated Group Service Department with Capital Blue Cross began extending service hours on July 1 to 6 pm, Monday through Friday. The toll free number for this service is 800-433-7743.

Capital Blue Cross (CBC) is expanding its payment criteria when a member uses a private room at a hospital. As of July 2, 2001, private rooms in hospitals or units within hospitals that only offer private room accommodations will now be covered, even if the private room is not medically necessary. Previous CBC policy would allow for payment based on

semi-private rooms, with the member being responsible for the difference. An example would be Hershey Medical Center, which only has private rooms available.



Due to a mandate from the Blue Cross and Blue Shield Association, all new ID cards issued after July 1, 2001, must contain an "empty suitcase" logo. This logo simply reminds providers nationally that they should accept the BCBS ID card and to use the BlueCard arrangement when filing claims. This logo will appear in the upper right-hand corner of the ID card. Existing cards will not be re-issued.

EDINBORO SCHEDULES CONFERENCE ON TERRORISM

(Ironically, this message came out from State APSCUF to all Office Managers on August 6.)

Edinboro University of Pennsylvania has organized an "International Conference on Terrorism: Maintaining International Peace in the 21st Century" to be held on November 15-16, 2001 at Edinboro University. The organizers have invited

speakers from the UN, U.S. State Department, Heads of States, academicians, and experts to share their views on the important topic of terrorism throughout the world.

Proposals and Panels for the International Conference are invited. Contact:

Professor Nazir Mughal, Department of History, Edinboro University of Pennsylvania, Edinboro, Pa 16444, phone at (814) 732- 1229, Fax (814) 732-2118, or e-mail at: mughal@edinboro.edu.

INSTRUCTOR'S FIRST AMENDMENT RIGHTS

A recent decision by a three-judge panel from the United States Court of Appeals for the Third Circuit has consequences for all faculty members in the PASSHE. In essence, the panel ruled (1) that the University administration, and not an individual faculty member, has the right to assign the grade that goes on a student's transcript, and (2) that a University president has qualified immunity from a lawsuit filed by a tenured professor who was fired after writing to the board of trustees a letter critical of the president's decision that affected, in essence, only the professor who wrote the letter, or at least a letter that did not address public policy.

Here is a fuller explanation of each ruling. First, the panel asserted that there is no First Amendment free speech right to assign a grade that goes on a student's transcript. This ruling is based on an earlier third-circuit ruling asserting that

"a public university professor does not have a First Amendment right to decide what will be taught in the classroom." The rationale for this broad assertion is that the university itself is the speaker in the classroom, and the professor is only an agent or proxy of the University for First Amendment purposes. In other words, the University does not violate academic freedom when it tells an instructor what to teach because in doing so the University merely is exercising one of its four essential freedoms: choosing who may teach, what may be taught, how it shall be taught, and who may be admitted to study. Because grading is pedagogic, the panel reasoned, the assignment of a grade is subsumed under the university's freedom to determine how a course is to be taught. The panel writes, "We therefore conclude that a public university professor does not have a First Amendment right to expression via the school's grade assignment procedures."

The second ruling is a bit more complex, but, unlike the first, it rests in the mainstream of employment law. When determining whether a public employer--such as a state University--acted properly in discharging an employee--even a tenured professor--for engaging in speech, the first question to be addressed is whether the employee's speech may be characterized fairly as a matter of public concern. If so, then the employee has a First Amendment right to free speech and cannot be fired solely for engaging in such speech. If not, however, then firing this em-

ployee is not necessarily a violation of the First Amendment's right to free speech.

The obvious concomitant question is this: How can instructors know whether their speech is a matter of public policy. For the most part, the panel suggested that, if the content of the speech concerns primarily only the speaker, then it is not public policy. In the case at issue, for example, the panel ruled that the professor's writing to the board of trustees to complain about how the president treated him is not a matter of public policy. The most widely cited case is instructive. A district attorney fired an assistant district attorney for distributing a questionnaire to fellow staff members. The survey sought staff views on the office transfer policy, office morale, the need for a grievance committee, the level of confidence in supervisors, and whether employees felt pressured to work in political campaigns. The United States Supreme Court ruled that this survey is not a matter of public concern.

I know you are just itching to argue that these two scenarios in fact do concern matters of public concern. After all, in both situations there existed issues that reasonably could be expected to be of interest to citizens seeking to develop informed opinions about the manner in which public officials discharge their responsibilities. Indeed, the dissent in the district attorney case made this very argument. Alas, what the dissent says is not law; it is roughly on a par with obiter dictum. The majority opinion said that this argument supports pub-

lic interest in "only a most limited sense." The Court concluded that the survey dealt with an individual employee's dispute with the district attorney and so were not "of public import in evaluating the performance of the District Attorney as an elected official."

The general guidelines for determining when the content of a particular speech is a matter of public policy begins with this one. Is the subject of the employee's expression a matter of legitimate public concern upon which free and open debate is vital to informed decision-making by the electorate? Another guideline appears in a case that I teach every year in my Communication Law course: does there exist a public benefit in reporting the matter?

I conclude by giving an example of a case in which the United States Supreme Court ruled that the speech at issue was a matter of public concern and the employee who engaged in it was fired unconstitutionally because the speech was protected by the First Amendment.

The employee worked in a constable's office; after hearing of an attempt on the life of the President, he remarked, "If they go for him again, I hope they get him." The Court reasoned that, because the statement was made in the context of a discussion about the policies of the President's administration, and because it was said following a news bulletin of national interest, it "plainly dealt with a matter of public concern."

By Doug Campbell

FROM THE FACULTY

Group Theory

Quail in a covey
Swarms of eels, gnats, and bees.
Who is responsible
For group names like these?

It's none of your business; Are
you a fly or a ferret?
Join the lark's exaltation
Or just grin and bear it.

Have you "herd" that the elephants,
Kangaroos, and wrens
Have run with the salmon
And the swine in their dens

Demanding immediate justice
From the parliament of owls
For which the coterie
Of prairie dogs disavows

Any knowledge or foresight
Of the murder of crows
Of the large skulk of foxes
Of the host of sparrows?

The raven's unkindness
Strings the ponies along,
As the finch's sweet charm
Is apparent in song.

This is very confusing;
Brace yourself for a shock
With the ducks as well as
The lice in their flock.

Bears march in a sloth,
Donkeys keep up the pace,
While a husk of jackrabbits
Appear in their place.

The rhinos will crash
With the oysters in bed,
"Knot" with the toads
or frog's army instead.

A richness of martins,
Shoals of roaches and minnows,
A rafter of turkeys
Smack! Here it goes...

Right into some jellyfish,
A learned school of flounder,
A convocation of eagles,
The boars and their sounder.

Avoid the elk in their gang,
The grasshoppers in cluster.
Watch the leopards leap high
At the storks who are mustering

The decent of the woodpeckers
Annoying the colts in their rag.
You may not believe it,
But the squirrels are in drag.

With burden so heavy,
The turtles "bale" out
With the deer in their bevy
And the hover of trout.

My head is spinning;
The pigs drove me crazy.
A cloud of goldfish
Make things all too hazy.

Nonuniqueness of group names
Defies comprehension
As in the crow's murmuration
Or the lark's lofty ascension.

When dealing with geese,
It's a skein if in flight,
But on land or on water
A gaggle is right.

Enough of this nonsense!
Collective nouns indeed!
The word "group" suffices
And is all that we need!

by James Strayer
2001

TECH TALK REPORTS...

Do you publish your own web site on the internet? If so, you may be interested in creating a form on a page that visitors to your site can fill in and submit on the web.

Visit

<http://www.lhup.edu/~kmitsuma/TLC/FrontPage/intro.htm>
and learn how to create a form.

A form on the web is useful in gathering information from site visitors and enhanced the usability of your web site. You can design a form in such a way that submitted data can automatically be e-mailed to you, so that you can respond in a timely fashion.

The tutorial shows you in steps how you can put a form on a web page and set parameters to your liking.

Kunio Mitsuma
TechTalk Reporter



2001/2002 Annual New Faculty Orientation/Luncheon



THE PERFECT EMPLOYEE?

1 Bob Smith, my assistant programmer, can always be found
2 hard at work at his desk. He works independently, without
3 wasting company time talking to colleagues. Bob never
4 thinks twice about assisting fellow employees, and always
5 finishes given assignments on time. Often he takes extended
6 measures to complete his work, sometimes skipping coffee
7 breaks. Bob is a dedicated individual who has absolutely no
8 vanity in spite of his high accomplishments and profound
9 knowledge in his field. I firmly believe that Bob can be
10 classed as an asset employee, the type which cannot be
11 dispensed with. Consequently, I duly recommend that Bob be
12 promoted to executive management, and a proposal will be
13 executed as soon as possible.

Addendum:

That idiot was standing over my shoulder while I wrote the report sent to you earlier today. Kindly re-read only the odd numbered lines.

EXECUTIVE COUNCIL

President	Prof. Ted Forbes	Raub 222	2433	5/15/03
Vice-President	Dr. Zakir Hossain	TFH Annex 103	2133	5/15/02
President Elect	Dr. Arthur Gray	Ulmer 205B	2071	5/15/03
Secretary	Prof. Carol Rehn	Robinson 416	2091	5/15/03
Treasurer	Dr. Punnipa Hossain	Raub 323	2167	6/1/03
Delegates	Prof. Lawrence Lebin	Raub 310	2284	9/1/02
	Dr. Robert Myers	Raub 412	2236	9/1/02
	Prof. Ted Forbes	Raub 222	2433	5/15/03
	Prof. Caryn Carr	Stevenson Lib.	2489	9/1/03
	Dr. Bruce Young	Himes 107	2381	9/1/03
Alternate Delegates	Dr. Fay Cook	Raub 412	2633	9/1/02
	Prof. Rick Lilla	Library	2463	9/1/02
	Dr. Stephen Hicks	Clearfield	814-765-0615	9/1/03
	Vacancy-Special Election fall 2001			9/1/03
Member-at-Large	Dr. Cindy Clark	Zimmerli 109	2105	5/15/02
	Dr. Ralph Harnishfeger	Ulmer 205	2599	5/15/02
	Prof. Len Shepard	Robinson 215	2490	5/15/03
	Dr. Daniel Shaw	Raub 412	2052	5/15/03
	Dr. Lou Widmann	Himes 116	2779	5/15/03
Clearfield Representative	Election underway (1 year term)	Clearfield	814-765-0615	5/15/02
Grievance Chair	Dr. Howard Congdon			5/15/03
Negotiations Chair	Prof. Ted Forbes			5/15/03
Past President	Dr. Jeffrey Burnham			5/15/03
Legislative Chair	Election by committee at 1 st meeting			5/15/03
CAP Chair	Prof. Caryn Carr			12/31/02
Faculty Athletic Rep. (FAR)	Dr. Paul Ballat (3 year term)			5/15/03
Membership Chair	Prof. Lawrence Lebin (1 yr. Term)			5/15/02

Meet and Discuss Team (as provided for in the APSCUF Constitution)

President	Prof. Ted Forbes
Vice President	Dr. Zakir Hossain
President Elect	Dr. Arthur Gray
Grievance Chair	Dr. Howard Congdon
Negotiations Chair	Prof. Ted Forbes
Legislative Chair	

ALL-UNIVERSITY CONTRACTUAL AND APSCUF ELECTED COMMITTEES

Grievance Committee

* Dr. Howard Congdon	5/15/02
Dr. Robert Myers	5/15/02
Prof. Caryn Carr	5/15/03
Dr. Douglas Campbell	5/15/03
Prof. Larry Lebin	5/15/03

Nominations and Elections

Dr. Judy Brink	5/15/02
Prof. Rick Lilla	5/15/02
Dr. Paula Packer	5/15/03
*Dr. Stephen Hicks	5/15/03
Dr. Ronald Fennell	5/15/03

Honors Committee

Prof. Annik Kerszberg	5/15/02
Prof. Kathy Richards	5/15/02
Dr. Jane Penman	5/15/03
Dr. Susan Strayer	5/15/03
Dr. Laird Jones	5/15/03

Please inform Cheryl Orndorf (x2231) when a committee chair is elected for these committees.
Thank you.

Promotion Committee

Prof. John (Jack) Schmidt	5/15/02
Dr. C.W. Pollard	5/15/02
Dr. James Miller	5/15/02
Dr. Cindy Clark	5/15/03
Dr. Laura Lee	5/15/03
Dr. W. P. Abeyasinghe	5/15/03
Dr. Joseph McGinn	5/15/03

Sabbatical Leave Committee

Prof. Gregory Lund	5/15/02
Dr. Cindy Clark	5/15/02
Dr. Beth McMahon	5/15/03
Dr. Edward Jensen	5/15/03
Prof. Catherine Traister	5/15/03

Tenure Committee

Dr. Wade Seibert	5/15/02
Dr. Cheryl Newburg	5/15/02
Dr. Alan Golden	5/15/03
Dr. Lou Widmann	5/15/03
Dr. David Bower, II	5/15/03

Faculty Award Committee

Prof. Jim Dolan	5/15/02
Prof. Lynette Reitz	5/15/02
Dr. Christine Lingenfelter	5/15/02
Dr. Cathy Rush	5/15/03
Prof. Philip Huber	5/15/03

Professional Development

*Dr. Judy Brink	5/15/02
Dr. Paul Ballat	5/15/02
Dr. Daniel Gales	5/15/02
Dr. Charles Jenkins	5/15/02
Dr. Edward Jensen	5/15/03
Dr. David Bower, II	5/15/03
Dr. Sue Boland	5/15/03
Dr. Karen Kline	5/15/03

Alternate Workload Leave

*Dr. James Miller	5/15/02
Dr. Doug Campbell	5/15/02
Prof. Annik Kerszberg	5/15/03
Prof. Gregory Lund	5/15/03
Dr. Beth McMahon	5/15/03

Gender Discrimination

(Board of Advisors)	
Prof. Lynette Reitz	9/1/02
Dr. Karen Kline	9/1/02
Dr. Alan Golden	9/1/03

Gender Discrimination

(Panel Members)	
Dr. Ted Nuttall	9/1/02

*Committee Chairperson

**Co-Chairperson

+Secretary

C:\My Documents\APSCUF Files Only\Word\COMMITTEE\LEADSHIP01-03.doc