



APSCUF

LOCK HAVEN UNIVERSITY FACULTY NEWS AND VIEWS

Vol. 01/02 No. 7

March 2002

2001/2002 IMPORTANT APSCUF DATES

2001/2002

- Apr 2 **Membership Meeting**
Hamblin Hall of Flags
- Apr 4 **Legislators' Day Event Luncheon** - PUB Multi-purpose Room 11:30 AM
Forum - PUB Meeting Room #2 12:30 PM

Apr 16-17

APSCUF Elections
APSCUF Office
8:00 AM – 3:00 PM

Apr 18-20

Legislative Assembly
Lancaster, PA

Apr 30

**Spring Picnic/
Membership Meeting/
Retiree Recognition**
Sieg Conference Center
Beginning at 5:00 PM

OTHER IMPORTANT DATES

- 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

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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-mail 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.

**SEE PAGES 6-7
FOR
IMPORTANT
INFORMATION
ABOUT YOUR
HEALTH PLAN**

WELCOME SPRING!



APSCUF ELECTIONS

PRELIMINARY SLATE OF NOMINATIONS

ALL FACULTY MEMBERS

ALTERNATE WORKLOAD LEAVE COMMITTEE

Doug Campbell
Wade Seibert
Sharon Stringer

FACULTY AWARD COMMITTEE

Peter Auringer
Lucy Tabler
M. Khalequzzaman
Jackie Whitling

GENDER DISCRIMINATION BOARD OF ADVISORS

Anura Goonewardene
SueAnn Schatz
Kimberly Alexander
Carla Langdon
Lucy Tabler
Joan Whitman Hoff
AnnJane Ross
Lynette Reitz

GENDER DISCRIMINATION PANEL

Ted Nuttall

HONORS COMMITTEE

Peter Podol
John Wilson
Kathy Richards

PROFESSIONAL DEVELOPMENT COMMITTEE

| | |
|--------------------|----------------|
| Jackie Whitling | Howard Meltzer |
| Anura Goonewardene | Lynette Reitz |
| Kunio Mitsuma | Cathy Rush |
| Kurt Rublein | Brian Wilt |
| Sharon Stringer | Dan Gales |
| Paul Ballat | |

PROMOTION COMMITTEE

Vance McCoy
Joan Whitman Hoff
Joe Calabrese
Michael Porter

SABBATICAL LEAVE COMMITTEE

M. Khalequzzaman
Cheryl Newburg

TENURE COMMITTEE

| | |
|---------------|----------------|
| Carla Langdon | Cheryl Newburg |
| Paul Ballat | Kurt Rublein |
| John Schmidt | Cathy Rush |
| Wade Seibert | Susan Ashley |
| Karen Kline | |

APSCUF MEMBERS

APSCUF Executive Council:

VICE PRESIDENT

Steve Hicks

LEGISLATIVE DELEGATES

Bob Myers
Fay Cook
Rick Lilla

ALTERNATE LEGISLATIVE DELEGATES

Carol Rehn
Lucy Tabler
Cathy Traister
Scott Richeson

MEMBER AT LARGE

Mark Cloud
Paul Ballat
Ralph Harnishfeger
Jim Miller
M. Khalequzzaman

APSCUF Contractual Elected Committees:

GRIEVANCE COMMITTEE

Carol Rehn
Howie Congdon
Peter Auringer
Kurt Rublein
Bob Myers

NOMINATIONS AND ELECTIONS COMMITTEE

Rick Lilla
John Way

Additional nominations or changes to the slate of nominations will be taken from the floor of the April 2 APSCUF General Membership meeting at 1:00 PM in the Hall of Flags. Nominations will be closed at that meeting. The elections are scheduled for Tuesday and Wednesday, April 16 & 17, 2002, from 8:00AM – 3:00 PM.

Correction – February Newsletter

Under 2001/2002 IMPORTANT APSCUF DATES on page one, the APSCUF Election dates were incorrectly listed as March 16 & 17. The correct dates are April 16 & 17, as listed above.

Welcome New Faculty

Physician Assistant and Graduate Studies Department

Dr. William Ayoub
Dr. James Young

Music and Theatre Department

Ms. Jaye Beetem
Ms. Ona Ruth Weimer

Nursing Department

Ms. Nancy Stormer

REMINDERS

☞ If you have questions regarding your **Health & Welfare benefits**, contact the APSCUF Office (x2231) or Jeff Burnham, Health & Welfare Specialist.

☞ Health and Welfare and BC/BS Major Medical forms are available in the APSCUF Office. In addition, the **State APSCUF website** www.apscuf.com features a direct link to the PA Faculty Health and Welfare Fund website. Additionally, you can go directly to the PA Faculty Health and Welfare Fund website www.pafac.com to obtain forms.

☞ **Announcements** - 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 Orndorf, APSCUF Office X2231 or by e-mail (preferred) at corndorf@lhup.edu.

CAP

Committee for Action through Politics

Only CAP (the Committee for Action through Politics), which depends on voluntary financial contributions, can engage in explicit support of elected politicians who endorse our pro-education agenda. APSCUF/CAP is not a strictly partisan organization. We have, in fact, supported Republicans and Democrats based on their voting records and support for public higher education.

In the February, 1996, state APSCUF Newsletter article "Dues rebate to CAP? It's a good idea!" President Jim White said:

"Since APSCUF cannot use membership dues funds for political action purposes, the easiest way for APSCUF/CAP to obtain needed dollars is for members to designate that their dues rebate be given to CAP. The other alternative is a direct contribution from the member to APSCUF/CAP."

In today's political climate, we must in fact re-double our efforts to support and to elect the friends of public higher education in both political parties. APSCUF urges you to donate your individual \$25 rebate to an organization, which can explicitly pursue our collective interests in the political arena.

Voluntary Payroll Deduction to CAP

In a memorandum to APSCUF Chapter Presidents and CAP Chairs in January 2002, APSCUF President Dr. William Fulmer said:

"Elections in 2002 will be challenging and exciting. Reapportionment has led to potential strengthening of anti-union and anti-public education forces in the legislature. Also, the gubernatorial election promises to be extremely important for our future.

All of you well know that costs of successful elections continue to escalate. To be in a position to financially support our endorsed candidates and give them a fair chance for victory, we must do everything that we can to insure that APSCUF/CAP's treasury is adequate to the task. APSCUF's influence in Harrisburg has been growing and it would be a shame to lose ground now."

Some of you have already completed a Voluntary Payroll Deduction form and most of you have completed a Dues Rebate Designation form. If you are interested in obtaining either of these forms, please contact Cheryl Orndorf in the APSCUF Office at (x2231) or e-mail corndorf@lhup.edu.

FROM THE FACULTY

Academic Freedom

This is the third in my series of comments on legal notions of academic freedom. I truly don't enjoy being the bearer of bad news, but a recent fourth circuit opinion might be of considerable interest to APSCUF members. What appears below is simply a disjunctive collection of quotations from the majority opinion. They are scary enough in themselves, so I won't provide any commentary other than to say that, read carefully, they assert that, in essence, there is no such thing as academic freedom for an individual faculty member teaching at a state university.

"Six professors employed by various public colleges and universities in Virginia, brought this action challenging the constitutionality of a Virginia law restricting state employees from accessing sexually explicit material on computers that are owned or leased by the state."

The Act prohibits state employees from accessing sexually explicit materials only when the employees are using computers that are owned or leased by the state and permission to access the material has not been given by the appropriate agency head.

"Nevertheless, the state, as an employer, undoubtedly possesses greater authority to restrict the speech of its employees than it has as sovereign to restrict the speech of the citizenry as a whole.

"It cannot be doubted that in order to pursue its legitimate goals effectively, the state must retain the ability to control the manner in which its employees discharge their duties and to direct its employees to undertake the responsibilities of their positions in a specified way.

"In essence, Appellees contend that a university professor possesses a constitutional right to determine for himself, without the input of the university (and perhaps even contrary to the university's desires), the subjects of his research, writing, and teaching. Appellees maintain that by requiring professors to obtain university approval before accessing sexually explicit materials on the Internet in connection with their research, the Act infringes this individual right of academic freedom. Our review of the law, however, leads us to conclude that to the extent the Constitution recognizes any right of 'academic freedom' above and beyond the First Amendment rights to which every citizen is entitled, the right inheres in the University, not in individual professors, and is not violated by the terms of the Act.

"The AAUP justified academic freedom on the basis of its social utility as a means of advancing the search for truth, rather than its status as a manifestation of First Amendment rights.

"Appellees' insistence that the Act violates their rights of academic freedom amounts to a claim that the academic freedom of professors is not only a professional norm, but also a constitutional right. We disagree.

"The Supreme Court has never set aside a state regulation on the basis that it infringed a First Amendment right to academic freedom."

If Appellees are correct that the First Amendment provides special protection to academic speakers, then a professor would be constitutionally entitled to conduct a research project on sexual fetishes while a state-employed psychologist could constitutionally be precluded from accessing the very

same materials. Such a result is manifestly at odds with a constitutional system premised on equality.

"The Supreme Court, to the extent it has constitutionalized a right of academic freedom at all, appears to have recognized only an institutional right of self-governance in academic affairs.

"Significantly, the Court has never recognized that professors possess a First Amendment right of academic freedom to determine for themselves the content of their courses and scholarship, despite opportunities to do so."

There you have it. If you want to read the entire case, here is the citation" *Urofsky v. Gilmore*, 216 F.3d 401 (4th Cir. 2000).

By Douglas S. Campbell

Tenure and Free Speech

A very recent case (March 13, 2002) might be of interest to those of you who have been following my series of short articles about academic freedom printed in this newsletter. The Eighth Circuit Court issued a ruling that upheld the firing of a tenured professor of physics, who also was a former department chair, at North Dakota State University.

Among the defenses the professor raised is a claim that he was terminated in violation of his First Amendment rights because of several letters he wrote to the local newspaper, to the university president, and to the student newspaper criticizing the university administration.

The court described the content of his letters as essentially amounting

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Tenure and Free Speech

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to publicly airing his dissatisfaction with his removal as chair of the physics department and the department's undervaluation of his strong commitment to research. It also said his letters indicated he was unhappy with several personnel decisions made by the university, ranging from who was chosen as a department chair, to the failure to rehire a Gulf War veteran. One of the letters criticized the allocation of travel money within departments, and another aired his complaint that he was not allowed to bring in a Brazilian scientist to work with him.

Since these letters do not concern public matters, but only matters of private concern to the professor, the court ruled his termination

does not violate his First Amendment rights. The court reaffirmed what is by now a fairly long-standing rule that issues do not rise to the level of public concern by virtue of the speaker's interest in the subject matter; rather they achieve that protected status only if the words are spoken or written by an instructor in the role of citizen and not in the role of university employee.

In short, once again a court ruled that tenure protects your speech outside the classroom only if you speak as a citizen about matters of public concern, but not as an employee about private matters that primarily concern only you. Non-tenured faculty members--it is worth noting--have very little protection. Although they cannot be fired for an unconstitutional rea-

son, they can be fired for no reason at all.

The circuit court pointed out that the only rights you enjoy from tenure--which the United States Supreme Court said is a property interest and so you are granted Fourteenth Amendment due process rights--is that, prior to termination, you must be given notice of the charges against you, an explanation of the evidence, and an opportunity to respond. (*Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985).)

If you are going to complain in public (whether or not you have tenure) you would be well-advised to make sure you complain about a matter that the public is concerned about.

By Douglas S. Campbell

GETTING TO KNOW YOU

NAME: Jason Bronner

DEPT: Art

DISCIPLINE: Painting and Electronic Media

BEGINNING AT LHU: August 2000

FAVORITE QUOTE: "The public is more familiar with bad design than good design. It is, in effect, conditioned to prefer bad design, because it is what it lives with, the new becomes threatening, the old reassuring." Paul Rand, *Design, Form, and Chaos*.

FAVORITE MOVIE: *GATTACA* – I am a fan of Michael Nyman (he composed the soundtrack), plus the graphic design is well done. I also appreciate the biological and astronomical symbolism throughout the movie as well as the green and brown color schemes.

UNIQUE INTERESTS: Painting, electronic media, video art, bicycling, dinosaurs, robots. I thoroughly enjoy *The Simpsons*.



ATTENTION ALL ACTIVE & RETIRED FACULTY

HIGHMARK/PA BLUE SHIELD AWARDED STATE SYSTEM'S HEALTH PLAN CONTRACTS

A message from Nancy Koutris, Membership Service Director, State APSCUF

As many of you are aware, Capital Blue Cross and PA Blue Shield (Highmark) are dissolving their joint operating partnership as of April 1, 2002. These two companies operated jointly, with Capital Blue Cross reimbursing hospital/major medical charges and PA Blue Shield reimbursing the medical-surgical charges. All current contracts with these two companies will be honored until the end of each separate employer's contracts. **For the State System of Higher Education's active and retired faculty members, this means that as of July 1, 2002, Highmark will become the traditional indemnity's and central PA's Point-of-Service Plans' health insurance company.**

Due to the impending separation of these two companies, the State System was forced to prepare a request for proposals and began accepting bids in late November 2001, to seek a replacement for the current health contracts in which Capital Blue Cross and PA Blue Shield jointly operated. This situation should have little to no effect on those few active and/or retired faculty members who are enrolled with any of the available Health Maintenance Organizations (HMO's) and Point-of-Service plans such as SelectBlue (western PA), First Priority (northeastern PA) and BlueChoice (southeastern PA). Those enrolled in one of the POS plans, will receive a new prescription drug card since Capital Blue Cross holds the existing drug contract with Express Scripts.

The split between these two companies will especially affect faculty members residing in the 21 county regions in central PA (Bloomsburg, Lock Haven, Mansfield, Shippensburg, Millersville and Kutztown) where the providers and facilities are being approached to sign participating contracts with Highmark. From the information received to date, almost all of the providers have signed or renewed their contracts and most of the facilities (acute-care hospitals and other facilities) have signed contracts with Highmark. Faculty members should check with your medical providers and local facilities to ensure that these health providers have signed contracts to participate with Highmark.

In those areas outside the 21-county Capital region, the faculty members will continue to use the same participating providers and facilities. Health providers from outside the 21 counties in central PA, will continue to process your billings in the same manner as in the past **with the exception that hospital bills will be billed to and reimbursed by Highmark and not Capital Blue Cross.**

All active and retired faculty members will begin receiving information outlining Highmark's products being offered through the State System. This should occur during the 2002 open enrollment period that normally occurs during the month of April each year. At the time this article was prepared, specific information was not available for reporting. There will be no need to change enrollment in your selected plan (unless you were planning on changing enrollment) during the open enrollment period, but there is a need for all faculty members to review the information received because of the change in health insurance company.

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HIGHMARK/PA BLUE SHIELD AWARDED STATE SYSTEM'S HEALTH PLAN CONTRACTS

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Highmark was requested to bid on the duplication of the current traditional product (hospital, medical/surgical, 65 Specials, and major medical) and the point-of-service programs. **Faculty members who are currently enrolled under the traditional plan and HealthOne (POS) will be issued new insurance cards prior to the end of June 2002.** In addition, new claim forms for major medical will be supplied and these will need to be used for dates-of-services incurred on July 1, 2002, and after.

At this time, the exact process for transferring the central enrollment database or creating a new database for enrollment has not been released. Both active and retired faculty should review any materials received for accuracy (names, address, social security number, dependent information, and etc.) and promptly correct any inaccurate information.

As with any new implementation of a program, APSCUF and the State System realizes there will be glitches in the transfer and operation under the "new" vendor, but it is hoped that these problems will be minimal. If you have any problems please contact the State APSCUF office and/or your local Human Resource office.

APSCUF urges all active and retired faculty members to submit your major medical charges (doctor's visits, prescription drugs, and etc.) from January 1 to June 30, 2002, as soon as possible. If you still have not submitted your 2001 Major Medical claims for processing, please do so immediately. These charges must be submitted to Capital Blue Cross, Major Medical Department, Department 778995, Harrisburg, PA 17177. When completing the Capital Blue Cross Major Medical Claim form, please include the alpha prefix SHE with the ID number requested. This will aid in the processing of your claim(s).

Membership Services Director Nancy Koutris will be visiting campuses to hold meetings with faculty concerning this matter. She will be meeting with Highmark's Labor Representative soon to go over some of the particulars about the union and touring their facilities with the State System where she will obtain additional information.

A meeting on LHU's Campus will be arranged as soon as possible.

Legislators' Day

April 4, 2002

Luncheon - PUB Multipurpose Room 11:30 AM

Public Forum - PUB Meeting Room #2 12:30 PM



**RSVP
by
March 28**

Faculty are encouraged to attend!

Legislators Attending
Congressman Peterson
Representative Benninghoff
Senator Wozniak
Senator Corman



**Everyone
is
welcome!**

FROM THE INTERNET

THREE TURTLES

Three Turtles, Dave, Krout, and Mike, decide to go on a picnic. So, Dave packs the picnic basket with cookies, bottled sodas, and sandwiches. The trouble is, the picnic site is, 10 miles away, so the turtles take 10 whole days to get there. By the time they do arrive, everyone's whipped.

Dave takes the stuff out of the basket, one by one. He takes out the sodas and says, "All-right, Krout, gimme the bottle opener.

"I didn't bring the bottle opener," Krout says. "I thought you packed it."

Dave gets worried. He turns to Mike. "Mike, do you have the bottle opener?"

Naturally, Mike doesn't have it, so the turtles are stuck ten miles away from home without soda. Dave and Krout beg Mike to turn back home and retrieve it, but Mike flatly refuses, knowing that they'll eat everything by the time he gets back.

Somehow, after about two hours, the turtles manage to convince Mike to go, swearing on their great-grand turtles' graves that they won't touch the food. So, Mike sets off down the road, slow and steadily.

Twenty days pass, but no Mike. Dave and Krout are hungry and puzzled, but a promise is a

promise. Another day passes and still no Mike, but a promise is a promise. After three more days pass without Mike in sight, Krout starts getting restless.

"I NEED FOOD!" he says with a hint of dementia in his voice.

"NO!" Dave retorts. "We promised."

Five more days pass and the two are near starvation. Near death, the two turtles weakly lift the lid to get a sandwich. As they open their mouths to eat, Mike pops out behind a rock, and says, "just for that, I'm not going!"