Academic Argument
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The most fateful legislative actions often are preceded by little public notice, occur just before adjournment, and tend to produce a firestorm of controversy. Yes, we could be talking about the now notorious pay raise caper pulled off earlier this year; but actually we’re thinking about another legislative escapade that might rival the pay raise fiasco for sheer folly.

Last summer in the waning days before recess, the Pennsylvania House passed HR 177, at the request of Lancaster County Republican Rep. Gibson Armstrong. HR 177 creates a select committee of the House, known informally as the Academic Rights Panel, to investigate, among other things, whether the academic freedom of students in Pennsylvania’s public institutions of higher education has been violated. In particular, the Panel is to ascertain whether grades from professors are linked to students’ political leanings.

Armstrong says that he has received 50 complaints alleging that professors have misused their positions as teachers and mentors to belittle, humiliate, and discriminate against students with conservative ideas. Armstrong has not provided any details from those 50 complaints.

Let’s be clear about the issue. Traditionally, college faculties have used their lecterns to proselytize, to advance particular ideological views, and generally to impart their philosophies and beliefs to students. This may or may not be ideal, but it isn’t what is being disputed. At issue is whether professors actually violate the academic freedom of students to express their own views, philosophies and beliefs.

HR 177 closely resembles measures offered in several other states where proponents, led by conservative activist David Horowitz, have advocated similar resolutions. Horowitz has traveled and lectured extensively on what he perceives to be the leftist takeover of American universities. His “Academic Bill of Rights” has now been adopted in nine states.

In Pennsylvania, however, it is not apparent that a genuine problem exists of the kind suggested by Horowitz or described by Rep. Armstrong. In fact, David French, President of the Foundation for Individual Rights in Education and a testifier before the Armstrong Committee, has suggested the legislative resolution may be aimed at the wrong problem. According to French who tracks student protests, few Pennsylvania students have complained about having their academic freedom violated by professors.

Instead, French believes Pennsylvania schools may harbor what is arguably a worse problem: Commonwealth colleges and universities he alleges; "routinely disregard their legal obligation to respect the freedoms of speech, conscience and religion …"

The culprit is the "speech codes" enacted on many campuses, and propagated by the institutions themselves, not individual professors. French argues that most Pennsylvania public institutions of higher education have adopted "unconstitutional," "overbroad," or "vague" speech codes that violate the rights of all students at those
schools. These speech codes "silence or otherwise punish individuals … for engaging in constitutionally protected (speech)."

French’s charges deserve full and open discussion on Pennsylvania campuses. Certainly conservatives and other critics have denounced the political climate present at many schools. According to them, the suffocating mantle of political correctness hangs oppressively over many institutions; left-leaning professors are the norm, intolerance for political incorrectness is limited and conservatives are few and far between.

Indeed, knee-jerk political correctness, such as that exhibited in campus speech codes, has convinced many that colleges and universities have little respect for either free speech or other constitutionally protected rights. That is unfortunate, and worse, it is just plain wrong.

In fact, academic freedom for faculty and students is still the norm in Pennsylvania institutions; ideological dissidents can still express their views, albeit not always comfortably, and, most important, students’ grades are rarely, if ever, held hostage to prevailing correctness.

What we then have is a real and potentially serious problem that is generally being ignored: the speech codes and their first amendment restrictions; meanwhile, an ersatz problem—professors discriminating against students with conservative ideas—is being pursued by a select legislative committee. One can hardly conceive of a more ineffectual, pointless, and ultimately futile use of public resources.

In this milieu, Armstrong’s committee resembles a fire truck speeding toward a fire. Indeed, there is a fire, one bigger and hotter than they might expect, but it’s not at all where they are looking for it, and if they do happen to stumble across it, they may not be equipped to do anything about it.

Some perspective helps here. Legislative folly is part and parcel of the democratic experience. The state will survive another misguided legislative committee running around the commonwealth in pursuit of a problem that doesn’t exist, brandishing solutions that won’t work. But there is a price to pay for all this, for it tends to fritter away opportunities to deal with real academic freedom violations such as oppressive speech codes and lack of respect for intellectual diversity.

In fact, national standards are already available to deal with such problems. Especially useful are the policy statements of the American Association of University Professors (AAUP), often referred to as the 1940 Statement of Principles, which spell out clearly and concisely the academic freedom rights and obligations of faculty and students.

Academic freedom is an important issue, and deserves to be taken seriously. Pennsylvania’s Colleges and Universities understand that well—and by and large, have taken seriously the obligations and responsibilities they bear for maintaining academic freedom. What they have been slower to understand is that academic freedom in Commonwealth schools is now an issue that transcends the confines of college campuses; increasingly the public, including politicians, are paying more attention to academic freedom issues. This scrutiny is going to continue to challenge Pennsylvania institutions of higher education to articulate clearly their continuing commitment to the principles of academic freedom.
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