

COMMITTEE ON ACADEMIC FREEDOM Annual Report 2022-23

To: Academic Senate, Santa Cruz Division

The Committee on Academic Freedom (CAF) monitors and assesses matters that may affect academic freedom at UCSC, responding to individual faculty concerns and reporting emerging issues to the academic senate. The Chair of CAF represents the Santa Cruz division to participate in the University Committee on Academic Freedom (UCAF), which met on three occasions in Academic Year 2022-23 to conduct business concerning its duties as outlined in Senate Bylaw 130.

CAF met every three weeks across the academic year as issues arose for discussion and review. The committee also engaged in frequent consultations by email, and shared documents between meetings.

COMMITTEE ISSUES

I. Implementation of the Presidential Policy on Abusive Conduct in the Workplace

(CAF) met to discuss the implementation of the Presidential Policy on Abusive Conduct. The committee had several concerns about the implementation of the policy on our campus.

We were particularly concerned that the reporting process is not completely clear. Is the reporting of abusive conduct similar to the submission of a formal complaint? To whom will these complaints be made? Currently the contact point for academic employees seeking to make abusive conduct complaints on our campus is listed as Danny Grey in Academic Personnel. Staff are directed to write to an email that appears connected to labor relations but no individual contact is given. Are responding individuals trained and aware of their responsibilities under the new policy?

The committee heard reports of alarming lapses in the handling of complaints made to labor relations and one committee member had a direct experience of a failure by mandatory reporters to treat reports properly. This needs to be addressed so that no campus member subject to abusive conduct is met with anything but swift support.

Further, committee members suggested that it would be helpful to make public more information about the process of handling complaints under the policy and suggested that further clarification was needed pursuant to the following questions:

- What is the reporting process? Is it similar to the formal complaint process under Title IX?
- Who or what body is going to be handling these complaints on our campus?

We believe the process must be very clear so as to avoid placing greater stress on members of the campus community already dealing with inappropriate conduct and the challenges of initiating the reporting process against a co-worker or supervisor.

The committee also reviewed an earlier version of the policy and found the changes in the language of the final version to be a significant improvement. There was some remaining concern that under

a strict interpretation of the language of the policy, any activity not directly work related could be tagged as abusive conduct. Specifically, the policy identifies “[c]irculating photos, videos, or information via e-mail, text messages, social media, or other means without a legitimate business or educational purpose” as abusive conduct. We recommended the addition of the word “harmful” between “circulating” and “photos”.

We also reiterated a concern raised in the first iteration of the policy regarding complications arising from the “reasonable person” standard. On this we posed the following questions to the Administration:

- Will an emotional and heated disagreement about an academic issue count as bullying?
- Would this vary from discipline to discipline based on the culture of interactions, which can be quite confrontational in some disciplines?

II. UCSC Graduate Student Instructor, Research Assistant and Post-doctoral Fellow Strike

During the Fall quarter, CAF also spent considerable time discussing implications of the university’s communications and policies on academic freedom.

III. UCSC ITS Mandatory Requests for Monitoring Software Installed on Faculty Computers

During the fall quarter CAF met with the new Vice Chancellor of Information Technology (VCIT), Aisha Jackson, to discuss a plan to install monitoring software on faculty computers. The committee provided a preconsultation memorandum¹ to VCIT Jackson which identified the following areas of concern:

- What is this software and what does it do?
- What policy currently supports this practice?
- What is going to be monitored?
- Who will have access to the data generated by the monitoring software? Will it circulate? outside the university? Will data be sold? Will the faculty be compensated for the use of their data?
- Most importantly, many faculty keep anonymous or confidential data on their computers.
- This software poses challenges for IRB compliance, HIPA and FERPA compliance.
- Practically all faculty have student grades on their computers. Many have even more sensitive information.

During the consultation VCIT Jackson provided an overview of the IT used to prevent data breaches on our campus (see Appendix A). Committee members heard about the frequency and cost of hacking attacks in the UC system. CAF members expressed their concerns about the use of software to monitor computer use and asked for a continued dialogue with IT as such software is implemented.

¹ CAF_VCITJackson_ITSMonitoring Software_20221028

IV. Self-attestation forms

CAF was asked to consider whether the use of self-attestation forms infringed on academic freedom. Two such forms were used in the 2022-23 academic year - one related to vaccination status and a second asking for faculty, graduate students and post-doctoral fellows to self-report participation in the labor strike that took place. CAF was concerned about the use of these mandatory self-reporting forms, especially in the context of a sanctioned labor action and the University's use of these forms to gather information about workers exercising a legally protected right to strike.

V. Plagiarism Detection Tools

In response to a request from a faculty member, CAF undertook a discussion of the University's policy on the use of plagiarism detection tools that might detect AI generated content. Members of the committee were concerned about student use of tools like ChatGPT to generate written work. However, the university's policy preventing the use of detection tools is driven by guidance from the campus counsel and restrictions posed by FERPA. Committee members were not convinced that the university's current policy infringes on faculty academic freedom.

VI. Reviews of Policy and Process

Divisional

- Strategic Planning
- Plagiarism Detection Tools

Systemwide

- Draft Presidential Policy -- Abusive Conduct in the Workplace
- Proposed Presidential Policy on Sustainable Practices
- Proposed Presidential Policy on Vaccination Programs
- Proposed Presidential Policy – Anti-Discrimination
- Proposed Presidential Policy – Clery Act Policy
- Proposed Revisions to Academic Personnel Manual Section 210
- Proposed Presidential Policy on Inventions, Patents, and Innovation Transfer

Respectfully submitted,

COMMITTEE ON ACADEMIC FREEDOM

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August 31, 2023