

## **COMMITTEE ON ACADEMIC FREEDOM Annual Report 2018 - 19**

To: Academic Senate, Santa Cruz Division

The Committee on Academic Freedom (CAF) met every three weeks across the academic year as issues arose for discussion and review, with frequent consultations by email and shared documents between meetings. This year the committee reviewed policy changes locally and systemwide and initiated discussions and proposals for action with the administration and other Senate Committees on the issues described below.

### **COMMITTEE ISSUES**

#### **I. Canary Mission**

Canary Mission ([canarymission.org](http://canarymission.org)) is an anonymously hosted website that, in its own words, is devoted to identifying "people and groups that promote hatred of the USA, Israel and Jews on North American college campuses," principally by creating a searchable online database accessible to the public. A number of UC Santa Cruz faculty and students are listed on the Canary Mission website. Canary Mission's website features the slogan "because the world should know." Its own staff and funding are not listed. Its methods reportedly include contacting employers of people on its list, as well as tagging them on social media, and using search engine optimization so that its entries appear early on internet searches. The objective appears to be to adversely influence admissions, hiring, promotion, grant applications, and other decisions affecting the lives and careers of people listed on its site. Such an objective would be problematic under any circumstances, but it is compounded by the inclusion of numerous errors and falsehoods in the entries on individual people.

CAF addressed this issue during 2018-2019 because of concern about the effect on members of our community, especially students, whose futures rest on their reputations, which are under assault. We are also concerned with Canary Mission's contribution to an atmosphere of suppression and anonymous accusations, which run counter to our principles of academic freedom, our right to freedom of expression, and the UC Santa Cruz Principles of Community.

Following a September meeting between Chancellor Blumenthal, three faculty members listed on the Canary Mission website, and CAF Chair Hershatter, CAF wrote to the Chancellor asking that he take this issue to the Council of Chancellors and that he help us to identify avenues of recourse for damage to reputation and job prospects of those listed on the Canary Mission website. Subsequently, at the Chancellor's recommendation, CAF met with Campus Counsel Lorena Peñaloza on March 11, 2019 to discuss legal recourse, which is limited. CAF met with the Committee on Affirmative Action and Diversity (CAAD) on April 8 to discuss further possible steps, and subsequently at the May 17 Senate meeting, CAF and CAAD jointly sponsored a resolution that passed unanimously, calling on the Chancellor to initiate the following actions:

1. Formally affirm that Canary Mission and similar websites will not be used in any university procedures, including hiring, reviewing, grant-making, admissions, or any other selection procedures;
2. Issue a statement disavowing the activities of Canary Mission and similar websites in attacking academic freedom, seeking to stifle freedom of discussion, and - by virtue of its “easily searchable format” - inviting attack on faculty, students, and other members of the university community;
3. Offer free legal assistance to any UC Santa Cruz affiliate who is listed on the Canary Mission website and who is being harmed by being so listed. Such assistance may include help with removal from the website, help in obtaining visas and other travel documentation for faculty and students whose research abroad (e.g., in Israel/Palestine) has been compromised, a university letter for the placement files of affected students condemning Canary Mission and affirming the students’ good standing at UC Santa Cruz, or other help required by those facing material consequences of their listing on the site;
4. Offer free psychological assistance to any UC Santa Cruz affiliate who is listed on the Canary Mission website and who is being harmed by being so listed.
5. Provide free technical assistance to remove profiles from the site, if possible; and
6. Seek a statement from UC Office of the President and the Council of Chancellors condemning Canary Mission. We urge consideration of a joint Administration-Senate statement on this topic. To that end, we also ask that Chair Lau take this resolution to Academic Council for systemwide consideration.

We also note that on March 29, UCAF sent a letter to Academic Council expressing concern about the Canary Mission website, and that Academic Council may decide to take further steps to respond to this situation at the systemwide level.

## **II. FIRE Freedom of Speech Statement**

Prior to the Academic Senate meeting on February 20, 2019, the Senate Director forwarded to CAF the Resolution on the Commitment to Freedom of Speech and Freedom of Expression submitted by a member of the faculty. The Resolution was written by FIRE, an acronym that stands for Freedom of Individual Expression in Education. After serious discussion, CAF decided to oppose the resolution on the Senate floor on several grounds: 1) the resolution was not clear on the distinction between academic freedom and freedom of speech; 2) University policy and procedures already contain multiple robust statements on both academic freedom and free speech. See, for instance, [APM 010](#), [APM 015](#), [Principles of Community](#), and [Exercising Free Speech](#); and 3) FIRE’s funding sources and disagreements with the AAUP about campus Free Speech bills raised concerns about the organization’s complex political agenda. CAF made our written response available to the winter quarter Senate meeting, and after lively discussion the resolution was defeated.

### **III. Campus Policing and Student Disciplinary Procedures**

On April 8 CAF held a joint meeting with CAAD to discuss, among other issues, the disciplinary process as it related to campus events, the doxing of UCSC students on a national level, the student code of conduct, and the campus environment with respect to maintaining and increasing the diversity of the student body.

CAF was heartened by a letter to Dean of Students Garrett Naiman issued by the Council of Provosts, which raised concerns about how student misconduct is defined, the long tradition of student protest on our campus, and the inadequacy of current disciplinary processes. As the Provosts' letter says, giving voice to concerns that CAF has also raised, "It is dispiritingly ironic that those who might be most directly experiencing institutional bias and struggling the most to remain at the university are those who are most likely to be singled out by the institution as perpetrators of prohibited behavior and subject to suspension or expulsion. We would like to engage in a discussion about issues of consistency and equity within the system of our code of conduct and how this system might be brought in closer alignment with our purported values.... Students may be held liable by the University for offenses based on conduct that may have been treated as unlawful because of unequal policing practices. We would like to discuss ways that the campus could better take into account these systems of bias and make different choices regarding how to respond to protest arrests."

Subsequently, on April 29 CAF met with members of the Division of Student Success including AVC and Chief of Staff Lucy Rojas, AVC and Dean of Students Garrett Naiman, Associate Dean of Students and Chief of Staff Brian Arao, and Assistant Dean for Conduct and Community Standards Jose Sanchez, as well as Campus Diversity Officer of Students and Staff Linda Scholz, to discuss two issues:

1. How the Division might assist with letters in the placement files of students listed on the Canary Mission website, verifying their good standing in the community. Subsequently (as discussed above) the Academic Senate passed a resolution endorsing this approach, and CAF has provided template language for the letter to the Division of Student Success. The 2019-20 CAF will follow up on this.
2. Update regarding student disciplinary processes after campus events and protests, including protests on November 11, 2018 during a visit to campus by the Chancellor's Search Committee. The discussion was very productive and CAF will follow up with Dean Naiman in 2019-2020.

### **IV. Strategic Academic Plan**

Throughout the academic year, CAF reviewed various iterations of the Strategic Academic Plan (SAP). The first review required conferring over the 2018 summer to evaluate the Implementation Playbook in a very short turnaround time. This review was conducted by the 2017-2018 CAF, but since it took place after CAF's Annual Report was filed for the year, it was not included there. In our August 31, 2018 report, we expressed our concern that "the speed of the process to date, and its emphasis on new proposals rather than a thorough assessment of how we might support the

many initiatives already underway on campus, makes the process less germane to campus needs and less supportive of ‘academic freedom to’ than it was intended to be, in spite of the ‘community driven process’ of interviews, surveys, and forums.” By “academic freedom to” we mean not merely freedom from “interference, suppression, threats, and distortions in the national funding apparatus” but also “the creation of a supportive environment for the hatching and growth of the widest possible range of significant research and inquiry.” We raised concerns about the broadness, contemporary focus, and cursory nature of the three Academic Priority Areas; the disjuncture between some of the design principles and their associated goals, outcomes, and initiatives; the sketchy nature of the implementation plan; and the neglect of graduate student needs. Only the impressive list of barriers identified in the Playbook seemed to us an unalloyed achievement.

Subsequently, on Dec. 14, 2018, Campus Provost and Executive Vice Chancellor (CPEVC) Tromp and Vice Provost for Academic Affairs (VPAA) Lee asked for Senate review by March 1, 2019 of a rewritten version of the SAP. CAF concluded that that shift from a visual slide deck to a written text was an improvement, and that some graduate student needs had been included. We reiterated our concerns about the vagueness of the priority areas and principles, as well as the plans for implementation, and reiterated our concern about the conflation of “interdisciplinary” and “interdepartmental” research, since some departments are themselves interdisciplinary. We raised questions about some issues that had crept into the to-do list for barrier reduction, including “Design effective mechanisms to support joint appointments” (we have some such mechanisms and others, across departments, have to be carefully designed); “Improve integration of Silicon Valley and main campus programs” (this appears to be more of a design principle than a barrier); and “Address risk-averse institutional culture” (among whom and of what sort?). We concluded with concerns about encroachments on shared governance in the implementation of the plan, since the monitoring, tracking, and advising procedures laid out in the SAP either duplicate or overlap with functions properly assigned to Senate committees.

This spring, in our third review of the SAP within a year, we were specifically asked to rank potential initiatives under each of the five "Design Principles." The review was requested once again with a short turnaround time, at one of the busiest times of year for faculty and graduate students. In this review we continued to express our concern, writing:

“We want the university to expand its capacity to identify and support the many excellent research initiatives that are underway or emergent on our campus, many of which are under-resourced, rather than making a priori decisions about priority areas. We are concerned that in an attempt to access scarce resources, faculty will be required either to artificially tailor their proposals so that they look as though they fit into an APA, or fail to qualify for support. We remain unpersuaded that those worries are addressed in the current SAP. For that reason, we are unable to prioritize any initiative that specifies support only for APA topics.”

We also expressed specific reservations about initiative 1.1, 2.5, and Design Principles 4 and 5. As Academic Chair Lau noted in her summary report, CAF expressed concerns about the resources and infrastructure to support these initiatives, encroachment on Senate purview, and lack of a coherent vision in the SAP.

As should be clear from this lengthy discussion, in spite of a two-year procedure in which CAF and many other campus entities were repeatedly asked to evaluate aspects of the SAP, we remain deeply dissatisfied with both the content of the plan and the process by which it has been devised. We would be very pleased if the incoming campus leadership took a long hard look at it, and at the hundreds of pages of responses it has generated from the Senate and elsewhere, before making a decision about whether to proceed further.

## **V. Other Issues**

CAF continued to monitor the environment for academic freedom on our campus and beyond, with particular attention to the effects of social media. We discussed the targeting of an activist-in-residence fellowship sponsored by the UCSC Research Center for the Americas; policies regarding audio or video recording of class instructors; policies surrounding strikes and their impact on teaching; and a situation (since rectified) in which the Institutional Research, Assessment, and Policy Studies unit (IRAPS) sent emails to students that appeared to come from their instructors, without the consent of the instructors.

We discussed the letter issued by all UC Chancellors opposing the Boycott, Divestment, Sanctions (BDS) movement, an issue that later resulted in a letter from UCAF to the systemwide Academic Council about whether this was intended as an official UC position, as well as an April 25 letter from the systemwide Academic Council to the Chancellors expressing concern “with the process by which this letter was produced, and the possible chilling effects the letter may have on the climate on our campuses.”

We were briefed by the Committee on Library and Scholarly Communication (COLASC) Chair Ottemann about (ultimately unsuccessful) systemwide negotiations with Elsevier about Open Access and fee structure.

CAF, along with other Senate committees, reviewed proposed systemwide policies or revisions to policies, including the Proposed Presidential Policy on Protection of Administrative Records Containing Personally Identifiable Information (RMP-7); the Revised Presidential Policy on Sexual Violence and Sexual Harassment; the Presidential Task Force Recommendations on Universitywide Policing; UCSC’s implementation of the Negotiated Salary Trial Program (NSTP); a proposed new section of the APM entitled Academic Freedom, Protection of Professional Standards and Responsibilities of Non-Faculty Academic Appointees (APM-011); Senate Bylaw 336 on Privilege and Tenure procedures for disciplinary cases resulting from sexual harassment complaints; Proposed Revised APM 230 on Visiting Appointments; and the second Systemwide Review of the Proposed Presidential Policy on Open Access for Theses and Dissertations.

We had comments and questions about all of these, which are documented in our archived responses, but particularly notable is the unsatisfactory revision of the Proposed Presidential Policy on Open Access for Theses and Dissertations. In spite of feedback from many campuses, including our own, the proposed policy mandates an inadequate short embargo period of two years on theses and dissertations and proposes a cumbersome procedure for extending it. In the Humanities, Social Sciences, and Arts, it typically takes at least five years (usually more) to revise a dissertation and

publish a monograph, and often three or four years to have an article appear in a major peer-reviewed journal. Before the work is revised and published, it needs to be protected from plagiarism, which has become a worldwide problem that is exacerbated by online circulation and virtually unregulated in many nations at this point. We recommended, therefore, that the policy be adjusted to provide a five-year embargo option without special conditions or “compelling reasons” when a thesis or dissertation is filed. The compelling reason is generic and affects students across many non-STEM disciplines. It creates an unnecessary and onerous burden for students in such fields to ask for special dispensation in each case. (On April 8, systemwide Academic Council issued a letter to Susan Carlson, Vice Provost for Academic Personnel, expressing the same concerns.)

In June, at the request of our divisional Senate, CAF reviewed (in executive session) a proposed FTE transfer from a departmental to a divisional appointment that contained a number of anomalous features. While we could not determine the validity of the claims on the different sides of the dispute, in CAF’s judgment, the case clearly illustrated the need for adequate systemwide procedures to protect faculty, adjudicate disputes, and resolve FTE transfer questions when there is serious intradepartmental disagreement. CAF suggested possible approaches.

Finally, CAF continued to develop a website with resources about academic freedom, which can be found at [Resources for Thinking about Academic Freedom and Free Speech](#).

Respectfully submitted;

COMMITTEE ON ACADEMIC FREEDOM

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