

COMMITTEE ON ACADEMIC FREEDOM
Annual Report, 2002-03

To the Academic Senate, Santa Cruz Division:

The Senate Committee on Academic Freedom (CAF) submits the following report for 2002-2003.

Summary

The Committee on Academic Freedom met seven times this year, and dealt with several major issues. Three issues originating on the Santa Cruz campus came before us: two of these were connected. They had to do with a series of public events that took place on campus during the 2000-2001 academic year, and accusations that arose out of these events. The third had to do with a poster that appeared on campus during the Spring Quarter, 2003, which made accusations directed at particular UCSC professors. In addition to these issues, the Committee on Academic Freedom was involved in the planning of what ultimately became a student-run teach-in on the war in Iraq. CAF also conducted discussions of the Patriot Act and its implications for the UCSC campus. These included discussions within the Committee, and with other members of the Academic Senate.

Issues brought before CAF:

Complaint of Threat to Academic Freedom

CAF received a complaint from a UCSC professor who had spoke at a campus forum sponsored by campus and non-campus organizations on Israel/Palestine. The complaint concerned public criticism by a colleague regarding his/her role in that forum and letters to a dean and the chancellor including comments that the professor and event were anti-American, anti-Israel, and anti-Semitic.

CAF discussed the question of whether this complaint lay within the committee's purview. According to its charge, the Committee on Academic Freedom "studies and reports upon any conditions within or outside the University which, in its judgment, may affect the academic freedom of the University, with particular reference to the acceptance of positions and resignations from positions in the University, and to the reputation of the University and of individual members of its faculty." CAF concluded that the complaint did come within its purview because it had the potential to damage the professional reputation of a faculty member. However, this committee does not have the authority to deal with grievances and also must balance the need to protect academic freedom with the need to protect freedom of speech.

The committee wrote a letter to the colleague outlining our charge and viewpoint:

- Our concern is with fostering free and open discussion on campus and addressing obstacles to it.
- It is important not to discourage those who hold controversial positions from expressing their views in public.
- People should be able express views with which others may strongly differ, without fear of being charged with holding attitudes with which few if any would want to be associated (such as racism, sexism, anti-Semitism).
- We want to encourage an atmosphere in which even highly charged issues could be discussed calmly and without fear, on the part of participants of accusations, which may damage their reputations.

A complaint arising from a letter to the *City on the Hill Press*

A second, connected, complaint was brought to CAF by an undergraduate who worked on the *City on the Hill Press* (CHP). The precipitating event was a public lecture. A piece by the student, concerning the event, appeared in the paper. CHP printed several letters to the editor on the subject including an edited letter to the editor from a UCSC professor. In response, CHP received several letters from campus and community members including an attorney regarding libel action against the newspaper if the letter from the professor was not printed in full and an apology made. The student complained to CAF that he/she felt intimidated.

The chair of CAF discussed the issue with the Press staff advisors and with the student, and the student met with the committee.

CAF's research showed that this issue did not lie within the purview of the committee, so it was not pursued. The *City on the Hill Press* had neglected to include a paragraph in its constitution reserving the right to publish letters in edited form, and had also neglected to include a statement to this effect in issues of the newspaper. Per general policy, the University does not cover legal fees for students working for CHP. CAF's inquiry into this issue did have the positive effect of leading the *City on the Hill Press* to correct these oversights.

A poster concerning military funding of research on campus

The third issue that came before us concerned two posters that appeared on campus, both signed by "Dead Sea Dog." The heading on one said "Wanted: conspiring with nuclear weapons manufacturers, contributing to the technological advancement of the warfare state," and contained the names and photos of two faculty members. The second, also with the heading "Wanted," contained the names and photos of five faculty, described as an "outlaw gang of researchers" whom it described as receiving money "from the US Military to create high tech warfare systems." The chair of CAF was called to a meeting of the Chancellor's Advisory Board and the Senate Advisory Committee (CAB/SAC) to discuss this issue. Based on a previous discussion at a CAF meeting, and on consultation with a lawyer, she suggested that while it was unfortunate that individual faculty had been targeted, the University should not seek to find out who had produced and disseminated this poster, or to punish them. She argued that the poster

probably fell within the limits of legally permitted speech, and that even if this were not the case, to punish those responsible would enflame the issue in an unproductive way. She reported that the members of CAF had expressed the hope that a public meeting, or series of meetings, would be held at which the issue of military funding on campus would be discussed publicly. This suggestion was taken up and endorsed by CAB/SAC. CAF hopes that forums/workshops on this issue will take place, and is ready to host or co-ordinate them.

The Patriot Act

Finally, CAF held several discussions of the Patriot Act and associated developments, including the presence of FBI agents on campus, and their implications for academic freedom on the UCSC campus. The Committee is particularly concerned about the category of "sensitive research," developed by the Federal Government, which blurs the line between classified and unclassified research. No classified research is permitted on the campuses of the University of California; such research is allowed to take place only at the Los Alamos and Livermore Labs. The insistence that all researchers be free to publish the results of their research protects free and open discussion concerning research that takes place on the campuses, and also protects faculty and graduate students from investing their time and efforts in research that might later be barred from publication. If funding agencies were to judge research currently done on the campuses "sensitive" these protections would be compromised. Furthermore we are concerned that the prohibition on certain categories of people engaging in research so designated (foreigners and others) violates academic freedom, and is discriminatory. These and other issues relating to the Patriot Act were discussed at a CAF meeting at which VC of Research Bob Miller, Committee on Research Chair Steve Thorsett, and Caitlin Deck, Senior Research Administrator, Office of Sponsored Projects, were guests. Along with others, CAF believes that any contracts offered UCSC faculty that in any way abridge the freedom to publish research should be refused. CAF also offered its sponsorship for, and participated in, a public forum, organized by Professor Helene Moglen, on the Patriot Act and its implications for UCSC. For information on the Patriot Act, please see the following link: <http://www.epic.org/privacy/terrorism/hr3162.html>

Revision of APM 010, Statement on Academic Freedom

The University Committee on Academic Freedom (UCAF) proposed a revised version of APM 010 and requested feedback on it from the CAFs at the various UC campuses. UCSC CAF discussed the proposed revision and sent comments to UCAF. CAF suggested that the statement should include a reference to the academic freedom rights of students. CAF was also concerned that the proposed statement based the right to academic freedom on the professional expertise of faculty. This statement, CAF believes, could be misinterpreted and used to justify denying academic freedom to particular faculty judged to be lacking in professional expertise. CAF suggested that the statement be rewritten to make it clear that academic freedom is a collective right, and is based upon the expertise of the faculty as a whole. Both revisions were accepted. Please see the Academic Council's web page for related documents: <http://www.ucop.edu/acadadv/acadpers/apm/apm-010.pdf>

Respectfully submitted,

COMMITTEE ON ACADEMIC FREEDOM

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