

**COMMITTEE ON ACADEMIC FREEDOM**  
**Annual Report 2010-11**

To the Academic Senate, Santa Cruz Division:

The Committee on Academic Freedom (CAF) met during fall quarter to complete its main business of the year. CAF reviewed and discussed recommended policy changes to the Academic Personnel Manual (APM) Policies 010 and 015, and the Senate Task Force Report on Senate Membership.

**APM 010 and 015 Proposed Amendments**

Recent Supreme Court decisions that have narrowed the legal scope of academic freedom to teaching and research, and in so doing, created potential new vulnerabilities for faculty in other realms of professional conduct (most notably shared governance), provided the impetus for the proposed changes to APM 010 and 015. A faculty person could potentially be punished for holding and/or expressing views at odds with the institution (including a faculty person's own department) in a forum other than the classroom or professional publications (or other venues of academic production).

CAF recognized that a central question in this policy change is defining the boundary between when a faculty person is "merely" exercising his rights of free speech (not identical to academic freedom) in expressing views about the university, and when a faculty person's views about the university are protected under principles of academic freedom.

Instances of a faculty person speaking out in a campus forum (e.g., department meeting) seem rather clearly protected by academic freedom. Less clearly protected are instances when a faculty person expresses views about the university in other settings (e.g., a demonstration at a campus building). In this latter scenario, CAF believes worrisome ambiguities remain.

CAF discussion raised numerous questions: would participation in a protest that impacts activity on campus be protected by academic freedom (i.e., would such participation be construed as shared governance)? Would cancelling a class (while providing due notice and a reasonable alternative) to participate in a campus protest merit academic freedom protection? Would helping to block a campus entrance be construed as an abridgement of another faculty person's academic freedom or be protected under the revised guidelines? Lest this all seem hypothetical, remember that a UCSC faculty person was arrested a few years ago for providing food to individuals occupying trees at a campus building site. Were the faculty person's actions consistent with shared governance and thereby not subject to sanction? CAF is very worried about the expectation that faculty's protected speech and actions not interfere with normal university operations. Indeed, CAF members agreed that, under certain conditions, disrupting the normal operations of the university could be necessary to the cause of academic freedom, not the obverse.

CAF realizes that no policy can ever anticipate the full range of situations that, in practice, become defined as its purview. Still, CAF members worried that the proposed amendments are

perhaps too vague and will do little to avert legal challenges. CAF recommended more clarity be brought to bear on this important matter before formal adoption.

### **Senate Task Force on Senate Membership**

The question of extending senate membership arose because the University of California has added many employees in professional schools (of various kinds) and in high-level administrative positions whose job duties share similarities with “traditional” ladder rank faculty and/or who possess similar academic credentials to “traditional” ladder rank faculty (e.g., doctoral degrees). “Traditional” ladder rank faculty are those hired primarily for teaching and research positions within the university (although they may perform administrative service during the course of their UC careers). Senate membership is conferred to such faculty upon their full-time appointments. The task force took up the question regarding the extent to which newer occupational categories (e.g., in the vast clinical realm) ought to have senate membership conferred upon them because, in essence, people working in these categories are more or less “doing the same job” as the more traditional “teaching and research” faculty.

CAF’s discussion of the task force report became focused on the question of what it means to be a professor, and whether that definition is changing amid myriad wider changes sweeping the university. Put differently, it seemed to CAF that the matter at hand is more than an accounting exercise of adding job categories to the senate roll call. For example, do clinical faculty with one foot in the private sector (as might be the case with a professional school professor) have the same stakes in the university as an institution of higher learning as do faculty whose entire career is spent in campus-based teaching and research? Is there a coherent set of norms and expectations for senate membership that can/should encompass faculty located in a variety of institutional sites? Relatedly, to what extent is senate membership about shared governance responsibilities as much as it is about rights (e.g., academic freedom) protected under shared governance? Should there be different categories of senate membership? CAF believes a wholesale airing of such questions would serve the institution well.

In CAF’s assessment, the task force report was somewhat inconclusive to the extent that it called for further analysis and investigation, especially on the matter of administrative growth. On this point, and the entire range of issues raised by the report, CAF recommends that the task force (or its successor) investigate how other large US-based public university systems have managed (or are in the process of managing) the issue of senate membership. (Frankly, we were somewhat surprised this comparison had not taken place as a matter of course.) CAF identified the university systems in Wisconsin, New York, Illinois, Texas, Minnesota, and New Jersey as possible comparative referents to the extent that these systems combine professional schools of various kinds along with “traditional” disciplinary-based teaching and research units.

Respectfully submitted,

### **COMMITTEE ON ACADEMIC FREEDOM**

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June 30, 2011