

COMMITTEE ON ACADEMIC FREEDOM Annual Report 2023-24

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 2023-24 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. Institute for the Critical Study of Zionism Conference

In October of 2023, The Committee on Academic Freedom (CAF) corresponded with Campus Provost and Executive Vice Chancellor (CPEVC) Lori Kletzer related to the Administration's actions and stance regarding the Institute for the Critical Study of Zionism conference, Battling the 'IHRA (International Holocaust Remembrance Alliance) definition: Theory & Activism'. We offered the following comments.

First, the CPEVC suggested in her August 30th email that the organizers may have potentially violated the First Amendment and the Regents' policy on academic freedom, and noted the possibility of "viewpoint discrimination" because some viewpoints were being excluded from the conference. We understood this concern. However, legal experts we consulted, including Erwin Chemerinsky, Dean of Berkeley Law and renowned First Amendment scholar, believed that faculty are not obligated to include all viewpoints and were within their rights to exclude speakers and participants with viewpoints they found incompatible with their meeting (included in this right to include and exclude is their right to require participants to tick a box during event registration). We also noted that sometimes activist groups disrupt academic and even administrative speech in order to silence their critics and prevent the flow of information. We believe our rights as academics to pursue professional contexts free of those forms of disruption should be upheld. We acknowledged that the university was within its rights to suggest removal of the conference "points of unity," and we understood and supported the spirit in which that request was made. However, we believed it would be improper for such a request to rise to the level of a requirement, and we believed that the rights of the faculty organizers to undertake such measures, in order to secure their own expressive rights, should have been protected. CAF took a stand in support of those rights.

Second, we were concerned about the statement the administration released that the university “does not endorse” the conference. No one on CAF could recall an instance in which the University had issued a statement either endorsing, or not endorsing a conference. We added that without an existing campus practice of endorsing conferences, a statement of non-endorsement was both striking and vague, as was the speed with which these pronouncements came. This tended toward a distressing impression that the university did not support the academic work of our colleagues and amounted to a threat of repercussion against research simply because it was controversial. CAF then queried if this was to be a normal practice? Was the university planning to endorse and “not endorse” other academic conferences by faculty in the future?

We then observed that if the University sought to promote free debate and risk-taking in research, we believed its actions here were counterproductive, and contrary to its role in protecting academic freedom. While we supported the administration’s vigilance against antisemitism, we urgently requested that the Administration take the immediate step of issuing a statement in support of academic freedom and that the campus fully upholds and honors the rights of faculty to conduct and present controversial research including professional criticism of Zionism and its associated institutions.

Third, we found improper the Administration’s repeated scrutiny of the conference including inquiries about its location. As already stated above, our faculty colleagues are entitled to hold events related to their academic area of expertise on campus. We should have instead, all have been troubled by the variety of intimidation, threats, and hate mail to which faculty had been subjected, for their pursuit of controversial research.

Fourth, we expressed our hope that the Administration developed its position on the conference and associated statements without undue outside influence; as we know, lopsided outside pressure on academic work suppresses the spirit of inquiry and infringes on faculty rights. We reaffirmed our appreciation of the CPEVC’s reassurance that the statement was not opining on whether the conference was or was not antisemitic. We pointed out that the issuance of a public statement that the university does not endorse the conference, even after the organizers removed the registration requirement, without any warning, sent a different message.

Finally, we acknowledged that these issues are complex. Our position above had the support of all but one member who objected strongly to any limitation or framing of a conversation such as that proposed by the conference organizers. Although the majority of the committee’s views were represented by the preceding paragraphs of this letter, in the spirit of academic freedom, we felt it was important to also present a dissenting view.

- II.** Throughout the year CAF worked to develop a document that could be used to educate faculty on the rights and responsibilities afforded by APM 10 and APM 15 with the intent of carrying out departmental visits to make short presentations about academic freedom.
- III.** CAF met with faculty to discuss concerns about the spirit of open debate on campus. In particular, some faculty raised concerns about a tension between what might be possible

and legal, versus what is desirable for the open exchange and development of ideas. This issue was raised with particular reference to the practice of limiting event attendance based on viewpoint. CAF members continued to discuss this throughout the year as it became relevant.

IV. Reviews of Policy and Process

Divisional

- Leading the Change Strategic Plan

Systemwide

- Proposed Revisions to Senate Bylaw 55.B.2-5
- Abusive Conduct Policy Implementation
- Systemwide Senate Review of Proposed Regents Policy on Use of University Administrative Websites
- Systemwide Senate Review of Regents Policy on Public and Discretionary Statements by Academic Units

Respectfully submitted,

COMMITTEE ON ACADEMIC FREEDOM

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August 31, 2024