

## **COMMITTEE ON ACADEMIC FREEDOM**

### **Annual Report 2021-22**

To: Academic Senate, Santa Cruz Division

The Committee on Academic Freedom (CAF) monitors conditions. It 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 five times by videoconference in Academic Year 2020-2021 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, frequent consultations by email, and shared documents between meetings.

### **COMMITTEE ISSUES**

#### **I. Departmental Free Speech**

The Committee on Academic Freedom (CAF) discussed a draft memorandum regarding Departmental Statements, and thought that the proposal reflected our values as UC faculty members and appreciated the precise language and pragmatic solutions presented in the letter. CAF believes that the proposed approach accomplished what it sets out to do.

We also had a few questions:

1. On page 1 in the "Background" section, the letter cited the statement from UCLA's Gender Studies Department and UCSC's Feminist Studies Department. In the earlier iteration for the UCAF meeting on September 23, 2021, the statement from UCLA's Asian American Studies Department was cited and discussed. We wondered why such a shift occurred.
2. In the "Recommendation" section on page 3, we wholeheartedly agreed that departments are responsible for clarifying who is being spoken for, including staff members, graduate students, and undergraduate students, when departments speak as departments. However, we are quite suspicious that the solutions provided immediately in the opening statement could resolve the representation conundrum. We believe that solutions such as listing the members' names would invite more confusion and potentially chilling effect or intimidation to the minority viewpoints, especially when legal liability and political persecution might ensue unpredictably.
3. We feel slightly uncomfortable about the language of recommendation #2, which may be construed as a challenge to the validation or legitimacy of how the political statement was made. Could it be conspiratorial or reached by a flawed democratic process? We undoubtedly do not assume that any departments in the University of California would arrive at their decisions flawlessly. At the same time, however, there is no need to second-guess our senate colleagues. We also like to confess that we do not have a better alternative

to replace recommendation #2. We understand that it is a thorny issue, and we feel that fewer recommendations may be a better approach to the problem.

## **II. Free Speech and Protest**

the Committee on Academic Freedom (CAF) discussed the UCSC Cruz Pilot Support Structures for Free Speech and Protest and had the following observations and recommendations to share.

We appreciated the administration’s plan to create a policy that will deescalate conflict during campus protests. However, we are concerned that the proposed administrative reforms will not achieve the desired outcome and ultimately come across as little more than window dressing. We find the overall document does not address the goal expressed by its title: the promotion of free speech and expression on campus when there are divisions between community members and the administration about campus policies. And we have three critical concerns:

1. The First Amendment and Protest Oversight Group (FAPOG) does little to change the previous situation in which senior administrators found themselves in an adversarial position with protesting campus community members. The proposed new structure is new only because it adds the police chief and a staff member responsible for marketing. As such, FAPOG seems like little more than a label for existing structures that control policing and now are expanded to control and coordinate campus messaging. We failed to see why the same senior administrators who presided over a response to recent campus protests with the heavy use of force, under a different name, would generate much of a different outcome.

We observed, if the goal is to change how the campus leadership navigates inevitable conflicts in the community, we suggested this was not the right way forward. We noted that the absence of other campus community stakeholders from the FAPOG group - notably faculty, staff, and students - maintained the adversarial stance that has existed on campus. The proposal was also seriously in conflict with conversations about policing taking place across the country. We noted that numerous reforms of policing to introduce community policing and civilian oversight, including in Santa Cruz, are much more sophisticated than the proposal currently under review.

2. We are concerned that the First Amendment Support Team (FAST) group, while potentially a valuable addition to the campus response during protest events, may have no teeth. There is no requirement or even procedure through which FAPOG consults with FAST. On its own, FAST appeared to be a paper tiger made up of faculty, staff, and students whose job is to consult with protestors for an unclear purpose.
3. It may create unrealistic expectations to require the Counseling and Psychological Services (CAPS) and the Campus Advocacy Resources and Education (CARE) team members to remain “neutral” as part of their involvement with the Protest Support Team (PST). Such a requirement may go against professional psychological and mental health care standards. It was also unclear that CAPS and CARE professionals could effectively remain neutral, given that they may have a different political stance from the protestors.

Moreover, we had three recommendations:

1. The protestors fundamentally regard senior administrators as adversaries, not representatives of the campus community. We recommended a solution that represents a genuine devolution of power over the campus response from a core group of administrators to a broader body that requires meaningful consultation with community members, including some campus faculty and students. Before undertaking any reforms, we recommended that senior administrators seriously consider whether their role is primarily to represent the interests of community members to the central administration and the state legislature or to govern the campus in the name of the latter. Increasing the former dimension - representation - is critical for community members to feel that honest conversations about the university can take place.
2. We recommended that the proposed changes should also include a mechanism of mandatory consultation between FAST and FAPOG in the time leading up to and during protest events.
3. We recommended clarifying that the neutrality requirement on service providers associated with the PST should not be interpreted as preventing clinicians from expressing attitudes about the protest in the context of providing individual mental health support to students.

### **III. Divisional and Systemwide Reviews**

The following are issues on which CAF provided comment:

- Systemwide Review of Proposed Revisions to Academic Personnel Manual Section 025, and Section 671
- Systemwide Review of Draft Presidential Policy -- Abusive Conduct/Bullying in the Workplace
- Proposed Changes to the Systemwide Policy on Sexual Violence/Sexual Harassment

Respectfully submitted,

COMMITTEE ON ACADEMIC FREEDOM

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