

## **Committee on Academic Freedom Annual Report, 2003-04**

To the Academic Senate, Santa Cruz Division:

### **Issues brought before CAF:**

The Committee on Academic Freedom met three times during this academic year. Three issues were brought before the Committee, which were judged not to fall within the scope of CAF's purview. The first of these involved a faculty member who felt that another faculty member had violated his academic freedom. In this case, CAF concluded that the faculty member being complained of had acted within his rights, and advised the faculty member making the complaint not to pursue it. The second was a complaint from an undergraduate about a faculty member's response to her work, in the context of a course. In this case, CAF advised the student that faculty members' evaluations of students' work does not fall within the purview of CAF.

The third case was brought before CAF by an undergraduate, who had made a proposal for a student-directed seminar. The dean turned down this proposal, along with all others put before him, on grounds of his disapproval of student directed seminars in general. The Committee on Educational Policy (CEP) has purview over this, not deans. CEP noted, "Deans do not have curricular authority; the Regents vest this authority in the Academic Senate. Hence, deans do not have the authority to eliminate entire categories of courses...It is appropriate for a Dean to express disapproval of a specific course for specific reasons related to the qualifications of the instructor or to problems...with the structure, requirements, or content of the course." CEP notified department chairs and provosts that they should forward to CEP any requests for courses for which the supervising Dean had not indicated approval, and which they wished to appeal. CAF advised the student to re-submit his application for a student-directed seminar.

### **PATRIOT Act Resolution**

The major project undertaken by CAF during this academic year was the drafting of a resolution concerning the PATRIOT Act. This also involved circulating preliminary drafts of the resolution among other Academic Senate committees, meeting with the Senate Executive Committee (SEC) to discuss the resolution, revising the resolution in response to criticisms and suggestions, and finally presenting the resolution to the Academic Senate as a whole, for its approval. CAF used a model resolution drafted by ACLU lawyers for use by universities and revised this model in accord with the specific circumstances of UCSC. The Committee on Faculty Welfare (CFW), the Committee on Research (COR), and the Committee on the Library (COL) all read numerous drafts of the resolution and provided suggestions. SEC read a draft, provided comments, and sent the draft to other relevant committees for input. CAF worked especially closely with CFW, which co-sponsored the resolution. Out of a concern that the resolution not call for

any actions, on the part of the University, that might be construed as illegal, CAF consulted with University Attorney Cynthia Vroom, and incorporated her suggestions. The final draft of the resolution was presented at the Academic Senate meeting held on May 21, 2004, by the chair of CAF, and was approved unanimously. For the text of the resolution, see <http://senate.ucsc.edu/caf/Resolution%20052104.pdf>.

The resolution was long and complex because its purpose was not merely to express faculty disapproval of the PATRIOT Act but to protect the University from the damage that could result from implementation of the act on the UCSC campus, and to do so in a way that would not involve illegal acts on the part of the University. The resolution was based on the following understanding: on the one hand, the Federal Government has the right to ask broad and vague questions of local authorities, even if it has no evidence of criminal activity on the part of any specific individuals. On the other hand, local authorities have no legal obligation to answer such questions unless presented with a valid court order. The strategy of the resolution was to target the space in between the right of the Federal Government to go on fishing trips of this sort, and the right of local authorities to refuse to cooperate.

The resolution calls on the Chancellor to refrain from disclosing certain kinds of information, and from facilitating surveillance and searches in connection with these, when requested to do so by the Federal Government, unless a valid court order is produced. It calls upon the Chancellor to instruct libraries and bookstores on campus to dispose of records regularly. The resolution instructs the Chancellor to ask the Federal Government to disclose its activities on the UCSC campus in connection with the PATRIOT Act and related anti-terrorist activities, asks for an assessment of the effects of Federal anti-terrorism activities on the UCSC campus, including the number of students, faculty and staff prevented from entering the US or come to UCSC as a result of this legislation. The resolutions requests notification of the Academic Senate, if publication of research by UCSC faculty or students has been suppressed as a result of the PATRIOT Act or other anti-terrorist legislation.

Finally, the resolution requests that the Chancellor provide a written response by the beginning of the Fall Quarter, 2004 on each of the actions that he has been called upon to undertake, and, if this has not been done, the reason.

Respectfully submitted,

**COMMITTEE ON ACADEMIC FREEDOM**

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August 30, 2004