

COMMITTEE ON ACADEMIC FREEDOM
Annual Report, 2005-2006

To the Academic Senate, Santa Cruz Division

Issues brought before the Committee on Academic Freedom:

The Committee on Academic Freedom (CAF) met five times during this academic year. Two issues were brought before the committee, which were judged not to fall within the scope of CAF's purview. The first was from several students requesting that CAF endorse a proposal for the UCSC Academic Senate to join the Forum for Academic & Institutional Rights (F.A.I.R.) an organization initiated by law schools contesting the Solomon Act that requires schools to allow military recruiters on campus. (A law suit was then pending before the United States Supreme Court that later resulted in a Court decision affirming the Solomon Act and also affirming First Amendment rights to protest the presence of military recruiters.) CAF judged this to be an interesting issue that might be brought before the Senate as a whole but did not see it as an academic freedom issue within the committee's purview. The second issue came from a committee member wishing to discuss the campus climate created as a result of the Teach-in on the War on Terror held on April 24, 2006. Specifically, our colleague was concerned about the political balance of the program, and the fiscal support provided by the Office of the Chancellor, as well as many other units on the campus. Again, CAF judged this not to be an issue of academic freedom and advised that if pursued it should be brought before the Senate by concerned faculty.

Whistleblower Policies and Procedures (follow-up):

Draft policies for reporting and investigating allegations of suspected improper government activities had been presented to CAF in the previous year and CAF had raised significant objections to some of the wording especially regarding the rights of the accused. These and other objections were taken into account and these revised policies and procedures have now been adopted by UC Santa Cruz. No further actions were taken by CAF.

Student Freedom of Scholarly Inquiry Principles

For the past several years UCAF has discussed the trend of increasing government intrusion related to academic freedom issues in colleges and universities, the most current of which was California SB 1412 introduced by Senator William Morrow (that was withdrawn from the Senate in May 2006). Partially in response to the Morrow Bill and like trends, and partially in response to request from the UC Student Council, UCAF undertook the drafting of a statement of *aspiration* (as distinguished from a statement of policy) on issues of student academic freedom. CAF discussed this draft at length, and the Chair participated in a UCAF conference call further revising the draft. Ultimately

this statement was adopted by UCAF, and subsequent endorsement by the UCSA and the UC Academic Council. (See attachment).

As part of its discussions on student freedoms, CAF was informed of a program of faculty surveillance initiated by a alum at UCLA, with the support of California State Senator William Morrow. The alum had established a web site advertising payment of \$100 to students per course to make unauthorized tape recordings of faculty lectures. Thirty so-called “suspect” faculty were listed in the web site who were known or alleged to have “radical” views. The story broke in the national media on January 19, 2006 and the UCLA administration issued a statement quickly thereafter that the proposed surveillance and monitoring of faculty lectures would be subject to claims of copyright infringement, and that students who engaged in such actions would be subject to disciplinary action. Senator Morrow withdrew his endorsement of the project and the web site was removed.

Influence of Corporate Funding on Research

UCAF Vice Chair Jerold Theis drafted a long paper on “Academic Freedom: Its Privilege and Responsibility Within the University of California,” upon which CAF was asked to comment. CAF was critical of the historical range and inadequacy of the initial draft, but focused its discussion on the assertion that “Academic Freedom without fiscal independence is a hollow shell.” In both Theis’ draft and in UCAF there was ongoing discussion of corporate influence on research. While endorsing the *Strings Report* of 2004, UCAF urged UCORP to consider the issue of corporate funding more closely noting that it had “struggled to identify specific examples of corporate pressure of possible monitoring mechanisms, because the influences and their effects could be very subtle or hidden.” There was a lively, intense discussion in CAF, especially noting the pressures on scholars and researchers for *continued* funding of a project. No actions were taken; this is an issue of ongoing concern.

Institutional Review Boards (IRBs)

Although this does not appear to be a significant issue at UCSC, it was discussed in CAF as it relates to apparent discrepancies in policies and procedures of the Institutional Review Boards on different campuses, and CAF was informed of the UCAF discussion. UCAF recommended to the Academic Council that the University consider establishing system-wide standards for Institutional Review Boards, and asked UCORP to take the lead in reviewing the issue. CAF was informed of UCAF’s endorsement of UCORP’s recommendations for more uniform standards across campuses and more timely IRB approvals; the development of a distinct model for social and behavioral science protocols based on the unique nature of those fields; and, increased resources, staff support and training for IRBs.

Senate Bylaw 185 Library

CAF, at the request of UCAF, discussed a proposed change to Bylaw 185 to change the name of the system-wide committee from University Committee on Library, to University Committee on Library and Scholarly Communication. Both CAF and UCAF recommended endorsement of this change. However, CAF had an extended discussion on its implications, and these concerns were conveyed to UCAF. The proposed name change allows the Regents of the University of California the right to publish scholarly articles by faculty on-line, free of charge. Thus, the Regents wish to hold the copyright on scholarly articles. CAF discussed the implications for journal publishing at a time when university libraries, for example, are cutting back on journal subscriptions. and what happens if a journal refuses to allow Regents copyright? Are the faculty then obliged to publish elsewhere regardless of the prestige of the journal, and what implications for their own research will this impose? And what is the impact on UC Press in particular that publishes so many scholarly journals? CAF felt that the implications of this name change implies policy changes that require a much greater discussion and more careful consideration as it impacts faculty scholarship, publication, and ownership of intellectual property.

Forum on Academic Freedom

In Spring 2005, CAF endorsed the idea for a forum or series of forum, on issues relating to academic freedom, its history, meaning, relationship to freedom of speech, intellectual property, and political liberties. CAF was unable to act on the proposal in this academic year, and suggests that it be pursued in the 2006-2007 academic year.

Respectfully submitted,
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Student Freedom of Scholarly Inquiry Principles

The University seeks to foster in its students a mature independence of mind, and this purpose cannot be achieved unless students are free to express a wide range of viewpoints in accord with the standards of scholarly inquiry for the competence of student work at each level of the educational process. The substance and nature of these standards properly lie within the expertise and authority of the faculty as a body.¹ As such, it is primarily the responsibility of the faculty as set forth in the Faculty Code of Conduct to insure that student freedom of scholarly inquiry is fostered and preserved in the University.²

While there is substantial variation in students' competence to engage in scholarly inquiry based on their level in the educational process, the faculty have the major responsibility to establish conditions that protect and encourage all students in their learning, teaching, and research activities. Such conditions include, for example: free inquiry and exchange of ideas; the right to critically examine, present, and discuss controversial material relevant to a course of instruction; enjoyment of constitutionally protected freedom of expression; and the right to be judged by faculty in accordance with fair procedures solely on the basis of the student's academic performance and conduct.

For students to develop a mature independence of mind, they must be free in the classroom to express a wide range of viewpoints in accord with standards of scholarly inquiry and relevance to the topic at hand. Students should be free to take civil and reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.³ The faculty has authority for all aspects of the course, including content, structure, relevance of alternative points of view, and evaluations. All decisions affecting a student's academic standing, including assignment of grades, should be based upon academic considerations administered fairly and equitably under policies established by the Academic Senate.⁴ In

¹ See University of California Academic Freedom, Academic Personnel Manual 010.

² See University of California Faculty Code of Conduct, Academic Personnel Manual 015.

³ An example of this responsibility from the American Association of University Professors statement on the Academic Bill of Rights follows:

If a professor of constitutional law reads the examination of a student who contends that terrorist violence should be protected by the First Amendment because of its symbolic message, the determination of whether the examination should receive a high or low grade must be made by reference to the scholarly standards of the law. The application of these standards properly distinguishes indoctrination from competent pedagogy. Similarly, if a professor of American literature reads the examination of a student that proposes a singular interpretation of *Moby Dick*, the determination of whether the examination should receive a high or low grade must be made by reference to the scholarly standards of literary criticism. The student has no "right" to be rewarded for an opinion of *Moby Dick* that is independent of these scholarly standards. If students possessed such rights, all knowledge would be reduced to opinion, and education would be rendered superfluous (<http://www/aaup.org/statements/SpchState/Statements/billofrights.htm>).

⁴ See APM 015.

professional curricula, such decisions may include consideration of performance according to accepted professional standards.⁵

Students may also serve as instructors under supervision of the faculty. The faculty retains authority over all aspects of the course, including, content, structure, evaluations, and delegation of authority for the course, and must base the guidance of student instructors on accepted scholarly and professional standards of competence in teaching. However, such student instructors share with faculty the freedom and responsibility to present concepts, lead discussion in class, and to insure the appropriate and civil treatment of other members of the academic community.

Faculty guidance and supervision of student research is desirable and appropriate. Students' freedom of inquiry while conducting research may not be abridged by decisions unrelated to accepted conduct⁶ and scholarly and professional standards. Students are entitled to the protection of their intellectual property rights, including recognition of their participation in supervised research and their research with faculty, consistent with generally accepted standards of attribution and acknowledgement in collaborative settings.

These protections are in addition to, and distinct from, the full protections of the Constitution of the United States and of the Constitution of the State of California guaranteeing freedom of speech.

⁵ See University of California 170.00 Policy on University Obligations and Student Rights, section 171.09.

⁶ See University of California Presidential Policy on Student Conduct and Discipline, Section 100.00.