

**COMMITTEE ON ACADEMIC FREEDOM**  
**Annual Report 2008-2009**

To the Academic Senate, Santa Cruz Division:

The Committee on Academic Freedom (CAF) met quarterly this year, in addition to sponsoring a major public event on digital privacy. CAF reviewed and discussed matters generated from UCSC as well as UCAF matters. Specific areas are outlined below.

**Forum on Security with Eben Moglen**

Eben Moglen, Professor of Law at Columbia University, Founding Director of the Software Freedom Law Center, and one of the country's leading scholarly authorities on public information and electronic privacy, gave a public lecture on October 23 and held a working meeting with research and Instructional Technology (IT) staff on October 24. The lecture (available on audio file from the media center) was very stirring and well-attended, and treated the philosophical, political, and juridical roots of information freedom and privacy. Prior to the working meeting, Professor Moglen distributed a working document to discuss possible policy modifications, a copy of which is attached to this report. The IT staff was uniformly interested in Professor Moglen's proposals, and Professor Moglen felt that UCSC, given the quality and commitment of its IT and research staff, was well positioned to make policy alterations that could have a major impact on electronic freedom and privacy in higher education across the country. The deteriorating and ambiguous budget situation—and its impact on our IT sector—made it difficult to pursue these recommendations over the past year. We hope that continued attention will be paid to these important matters.

**RE-89 protocols on campus**

At its September, 2007, meeting, the Board of Regents adopted RE-89, a Regental resolution requiring adoption of special review, approval, and reporting procedures for proposals to obtain research funding from the tobacco industry. Each campus was required to have local implementation procedures in place by January 2009. CAF ascertained that UCSC's procedures were satisfactory, and reported this to UCAF. Local procedure has Vice Chancellor of Research (VCR) Bruce Margon determine whether it is necessary to form an ad hoc committee for further review and management of a research activity. The VCR would contact CAF if such a committee was necessary and a CAF member would service ex-officio on the ad hoc.

**Collegiality Issue from University Committee on Academic Freedom, (UCAF)**

CAF reviewed a document on collegiality from UCAF suggesting changes to the APM that would give some guidelines as to appropriate and inappropriate use of collegiality in personnel evaluations. Opinions were mixed on the advisability of changing the APM in this regard.

**UCAF Bylaws 125A, 128, & 130**

The Committee on Academic Freedom strongly supports the proposed change to the UCAF bylaws, which would give the chair a two-year term, as well as a seat on the Academic Council. Although Chairs have routinely been appointed to more than one term, a two-year term would, in part through a better use of the learning curve, help the chair function more efficiently. The Academic Council component was deemed more important. UCAF found that there were often matters on the Academic Council agenda that had serious academic freedom implications. On

several occasions our non-representation resulted in lengthy back and forth discussion. It would have been very useful and more efficient to have direct representation on the Council. It would also signify that academic freedom will continue to be taken seriously at the central level. Unfortunately, this was not approved by the Council.

### **Administrative Oversight of Changes to Departments or Programs**

There was quite a bit of confusion in the last academic year about possible changes to the Community Studies Department. CAF took this matter very seriously. In the current budgetary climate, there could very easily be pressure on administrators to close, combine, or rearrange departments, and we feel that extra attention to possible academic freedom issues is always warranted in these cases. Community Studies was an important example. The department had on several occasions been attacked by right-wing media and political groups, and while there is no reason to suspect that such attacks had any bearing at all on the possible reorganization, in cases such as this it is especially important to rigorously avoid even a semblance of outside interference. Procedural matters—including the first use of Appendix G (appended to Academic Programs & Departments: Guidelines for Establishment and Disestablishment)—led to a Senate review. CAF was not part of this review, but CAF communicated to Vice-Provost of Academic Affairs (VPAA) Galloway and the SEC that in the future CAF should be consulted on all matters related to establishment and disestablishment. SEC Chair Quentin Williams recommended to VPAA Galloway that CAF be added to Appendix G with Committee on Educational Policy (CEP), Graduate Council (GC), and Planning and Budget (CBP). The Office of the VPAA will be reviewing Appendix G and will send out a revised version for consultation in fall quarter.

### **Review Systemwide Policy APM -010 on Academic Freedom for Students Appendix B**

UCSC's Committee on Academic Freedom (CAF) met to discuss the Student Freedom of Scholarly Inquiry document forwarded from UCAF. We appreciate and approve the spirit of the document. The Committee made some minor recommendations for changes to the Senate Chair, who incorporated our response in his response to the Academic Council.

### **Issues for the Coming Year**

If time permits, we hope that renewed attention can be paid to the electronic privacy issues raised in the Moglen visit. These issues have important implications for academic freedom, and UCSC would be able to have a national impact on academic policy in this regard.

All members opined that the CAF would need to pay careful and focused attention to academic freedom issues that could arise in conjunction with budget-driven changes to instruction and research. Compromises to academic freedom could take a number of possible forms, such as: excessive deference to real or perceived donor, regential, legislative, or gubernatorial preferences, resulting in the discouragement of potentially controversial areas of scholarly inquiry, corporate or private partnerships that could adversely affect members of the campus with interests in conflict with said partnerships; and other policies designed to avoid controversy or improve access to funding. In moments such as the present crisis, it is especially important that the Senate protect and extend its deepest and most important freedoms.

Respectfully submitted,

**COMMITTEE ON ACADEMIC FREEDOM**

David Draper

Raja Guha Thakurta

Nicole Paiement

Mary Beth Pudup

Chris Connery, Chair

Ellen Newberry, Non Senate Teaching Faculty

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Appendix 1