

COMMITTEE ON ACADEMIC FREEDOM Annual Report 2013-14

To: Academic Senate, Santa Cruz Division

The Committee on Academic Freedom (CAF) met regularly during the year. Its pro-active agenda item this year was to update our website with resources for faculty to reference with regard to Academic Freedom issues and work with EVC staff on campus process for Freedom of Information Act (FOIA) or Public Records Act (PRA) requests faculty receive.

CAF Chair Glass continued his participation in discussions at the University Committee on Academic Freedom (UCAF) concerning procedures for FOIA and PRA requests, particularly since it appears that these requests may constrain academic freedom and may target particular researchers who are pursuing lawful research (even though that research may be opposed by some persons or groups). In spring UCAF discussed sending a request to the Academic Council for discussion with the Office of the President to update them on re-occurring threats and violence at some UC campuses that is suppressing research, and to request a UCOP message that this type of behavior will not be tolerated.

Enhancement of Website Presence

For the past couple of years committee membership has strongly recommended updating the present committee website with an educational approach for academic freedom information. Members created documentation on academic freedom on frequently asked questions, governing rules, laws with links to UC Policies and the pertinent Academic Personnel Manual (APM) numbers. This year the committee created a process and procedure for faculty members to reference for submitting a complaint having to do with Academic Freedom rights. There is also a section with information on student's academic freedom rights. Visit our website (<http://senate.ucsc.edu/committees/caf-committee-on-academic-freedom/index.html>) for more information.

Freedom of Information Act (FOIA) and California Public Records Act (CPRA) Requests

In recent years there has been a steady increase of requests for public records information across the UC system. After a discussion at UCAF, it was decided each Academic Senate Division would post guidelines for faculty to reference and protect their research and academic freedom rights. The Committee agreed it would be helpful if faculty members had background information that would give them a systematic overview of how to respond to FOIA and PRA inquiries. The University of California at Los Angeles developed a document that other campuses can tailor to each campus's practice. CAF edited the document and then held a consultation with EVC staff who oversee public records management and work with faculty on how to respond to these requests. The California Public Records Act (CPRA) does have a very broad definition of what constitutes a public record. The burden falls to the University to define if the record is a public document. UCSC has successfully fought in court to deny requests for any unpublished data and for course materials, the latter of which fall under the UC Policy on Ownership of Course materials, are not considered an administrative record, and are exempt and cannot be requested. The

University will protect faculty with regard to scholarly interests and would resist information requests that would impact a career or create disincentives to research. After consultation, members updated the draft for review by public records management staff and hope to have the information on our website by fall quarter for faculty to access.

Review and Comment on APMS 25, 670 & 671

The Committee discussed the proposed revised Academic Personnel Manual (APM) revisions for APM - 025, Conflict of Commitment and Outside Activities of Faculty Members, Proposed Revised APM - 670, Health Sciences Compensation Plan, and Proposed New APM Section 671, Conflict of Commitment and Outside Professional Activities of Health Sciences Compensation Plan Participants. Members responded to concerns for APM 025 only as the other two APMs addressed issues not directly related to faculty on our campus and seemed unproblematic. There was a lack of clarity about the principles guiding assignment of consulting work outside the University in Category 2 and 3, and left too much discretion to the Chancellor and too much uncertainty for faculty members. Procedures for delegation of the Chancellor's approval authority (such as to Deans) was not clear, although members agreed the Dean's level of authority would provide timely access for the approval process. Members recommended a less onerous process for faculty members to report on their consultancies and research partnerships outside of the University community.

Program Learning Outcomes (PLOs)

Members discussed course design and implementation of accreditation and administrative mandates per the Western Association of Schools and Colleges (WASC) for renewing our campus accreditation. All departments on campus are now required to have these PLOs, specific outcomes and measures associated with each course in the curriculum, and to make these frameworks available to current and potential students. UC was reviewing the LEAP (Liberal Education for Academic Performance) documents for possible adoption, believing that these rubrics can help reduce workload with regard to WASC requirements. Members agreed that faculty need to assess achievement of course objectives in relation to particular learning outcomes for a particular level of comprehension since courses fit into an overall program, but members did not want to adopt LEAP principles which are already present in our general education requirements. Faculty have expressed concern that courses and programs are going to be driven by the assessment protocols and not by their determination of what is important in the domain or course content. Measured outcomes are not the only important results of learning experiences or of what is gained from the course content. Members were concerned about the lack of clarity about which level (campus, WASC, department; etc.) would drive assessment determinations, with potential academic freedom dangers if specific assessments are imposed on departments and faculty members.

Campus Online Education Course Agreement

CAF discussed the proposed online course agreement for faculty and was pleased that many of our concerns with the previous version had been addressed. The UCSC version of the contract agreement has clear details on renewal of course offerings and ownership of course materials falling under the copyright policy. CAF previously (fall 2012) reviewed the UCOE (University of Californian Online Education) agreement for the pilot phase of course development under the Innovative Learning Technology Initiative (ILTI). Members would like to point out that the cover

letter is not clear that this agreement applies only to ILTI online course offerings and not to other on-line providers with which faculty members or campuses may form agreements.

Last year, when the pilot program for UCOE (now ILTI) started, UCAF received concerns from faculty on a variety of issues related to academic freedom, particularly concerning intellectual property rights with regard to course design, content, and delivery modes. These concerns seem to be more clearly delineated and addressed in the current agreement. The course materials tied to intellectual ownership of the “contributor” faculty member(s) have stronger protections if the “contributor” elects to stop offering the course during the period of the agreement since only the UC-owned portions of the course can be changed by a new instructor. In addition, limiting the agreement to three instead of six years provides better protection for faculty rights and also makes more sound pedagogical sense given the speed with which many disciplines evolve.

UCOP Policy on Copyright Revisions for Review and Comments

CAF discussed the proposed revisions to the 1986 *Policy on the Reproduction of Copyrighted Materials for Teaching and Research*, which has been renamed the *University of California Policy on Copyright and Fair Use*. Members found the policy unproblematic based on a standard of common sense. The Committee also perused the updated website referenced in the revised policy statement, and believes that it provides many alternative resources and is more helpful than any stand-alone policy statement.

Online Education Privacy and Security Issues

The Committee on Faculty Welfare (CFW) requested CAF investigate privacy and copyright issues for faculty with regard to online course instruction, creation, workload and privacy rights. The Committee, after reviewing the newly revised policy for copyright, felt most faculty issues were addressed and instead focused their discussion on student privacy issues. It is the understanding of the committee that when students are working online, whatever information is collected belongs to the institution where the course is hosted and that faculty should apply the same principles that apply in the classroom to the online chat or online forums. Other issues of privacy for students include online bullying, which has been known to occur in this type of course environment. Many students hide behind anonymity. Faculty must set ground rules for students to follow and state clearly in the syllabus that all student participants must be respectful to each other, and faculty must moderate discussion forums. Faculty are also advised to create a syllabus that includes principles of community or protocols about etiquette; in addition, faculty are advised to include a statement of possible consequences (such as failure of the class, or an automatic drop by the instructor) if behavior is not acceptable. CAF also discussed the issue of instructor bias and possibilities for censoring some student view points, so CAF believes that discussion moderation is needed to insure the discussion avoids problematic directions and to keep the focus on the course topic. Students have a right to free expression but must be respectful to each other, protecting each student’s academic freedom.

Members recommend that the 2014 -15 committee follow up on drafting a statement on academic freedom (for students) as a template for faculty to tailor and copy into their syllabi. Next year CAF will research what other UCs are proposing and create a document that provides an objective academic freedom statement for students that faculty can incorporate into their syllabus. The statement will include some specific language on expected student behavior in the classroom,

whether in person or virtual, and it will be made available on the website for easy access and editing purposes.

Respectfully submitted;
COMMITTEE ON ACADEMIC FREEDOM

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July 8, 2014