

## **COMMITTEE ON ACADEMIC FREEDOM Annual Report, 2014-15**

To: Academic Senate Santa Cruz Division

### **Executive Summary**

The Committee on Academic Freedom (CAF) met when business presented itself for the committee to discuss and review. Last year the committee set up procedures for academic freedom complaints and updated the website to reflect a more user friendly interface. CAF worked directly with the Director of Information Practices to include an area for faculty to reference when public requests for information on research have been received. CAF and the Committee on Computing and Telecommunications (CCT) sent a memo updating senate faculty on freedom of information act (FOIA) requests. Finally, members reviewed drafts of APM-210-1-d, Review and Appraisal Committees with regard to equal opportunity and diversity when faculty members' personnel files are evaluated for appointment, advancement and/or promotion.

### **UCAF and Civility Issues in the UC System**

CAF Chair Glass continued his participation in discussions at the University Committee on Academic Freedom (UCAF) concerning academic freedom and civil speech. The Committee's concern is that the desire for civility could lead to undue constraints on both free speech and academic freedom. Indeed, when reasonable people in university classrooms or events address controversial topics about which there may be deep and well- founded disagreements, their speech may sometimes be regarded by some as uncivil. While being civil is generally a desired faculty and student behavior, speech that some regard as uncivil may not breach the standards of academic freedom. For the complete definitions of academic freedom, visit:

[http://senate.ucsc.edu/committees/caf-committee-on-academic-freedom/FAQ\\_CAF\\_124.pdf](http://senate.ucsc.edu/committees/caf-committee-on-academic-freedom/FAQ_CAF_124.pdf)

UCAF concluded that some speech may actually be warranted in being uncivil, and that dissent and vigorous contestation strengthen debate and academic freedom. Therefore standards of civility should not be allowed to dampen debate and intellectual diversity, and university classes and events should encourage diverse individual points of view and modes of expression to be heard and not punished.

This year members discussed speech expressed through digital social media. Questions were raised about this speech and its protections or relations to academic freedom and free speech rights. Social media speech may fall in a gray area distinguished from speech in the classroom and private speech. Academic Freedom Committees in the UC System have monitored a number of cases that have emerged nationally, and in particular that of Professor Steven Salaita; who was apparently denied a tenure appointment with the University of Illinois based on his tweets concerning the Israeli- Palestinian conflict. UCAF met with UC Counsel who advised that social media speech may not be fully protected by academic freedom rights and that there are complex contextual and legal factors that are not yet fully worked out. In some cases, social media speech can, for example, be taken into account as a reflection of a faculty member's collegiality when that faculty member is being reviewed for merit or promotion. CAF intends to work with other campus academic

freedom committees to get these issues clarified, and to make information about these issues available to faculty.

### **Enhancement of Website Presence:**

For the past couple of years committee membership has strongly recommended updating the committee website with an educational approach for academic freedom information. This year members created a FAQ (frequently asked questions) section with regard to academic freedom principles, freedom of information act public records requests and relevant links to appropriate policies, procedures and references. Visit our website here for more information:

<http://senate.ucsc.edu/committees/caf-committee-on-academic-freedom/index.html>

For freedom of information act public records requests, there is a section for faculty members to reference here:

<http://infopractices.ucsc.edu/faqs/faculty-faq.html>

### **Review of the UCOP Proposed Revised Presidential Policy on Sexual Harassment and Sexual Violence Request from UCAF**

The UC Office of the President requested UCAF divisional representatives to review and comment on this proposed interim policy, which will be reviewed again next year as the effective date ends December 31, 2015. Members reviewed and discussed the revised proposal and found the language to be informative and unproblematic, adequately addressing the academic freedom issues. CAF members did wonder if information on sexual harassment and resources are being presented at the student orientations after learning of student testimonials on lack of public information on procedures or policies on the UCOP or individual campus websites.

### **Review on APM 210-1-d: Personnel Review Committee**

The Committee discussed the final proposed revisions to APM 210-1, which amended the language related to evaluating contributions to equal opportunity and diversity in personnel reviews. CAF did not object to the final language in the proposed revisions, though it did affirm its view that faculty members' contributions to equal opportunity and diversity in their research, teaching, and service are singularly important to the University's core mission to form an educated democratic citizenry, and are therefore worthy of recognition and reward.

### **Systemwide review of draft Equity Exchange Guidelines**

The committee was asked to review and comment on the draft proposed guidelines for the pilot program whereby the university would be able to accept and manage equity from companies in exchange for access to University facilities or services. The guidelines in the document itself did not pose any issues with regard to academic freedom. However, CAF raised concerns that faculty entering into these business partnerships would do well to keep in mind the content of the contract before signing. The contractual agreement between a faculty member and outside corporate, business, military, or other partners is something faculty members agree to by choice, and because CAF sees some potential for these contracts to require that the faculty members surrender certain aspects of their research and/or publication rights, CAF strongly cautions faculty members

about such possibilities and urges any faculty member to first obtain legal advice before entering into these contracts.

Respectfully submitted;  
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