

**Committee on Academic Freedom
Annual Report, 2015-16**

To: Academic Senate, Santa Cruz Division

The Committee on Academic Freedom (CAF) met quarterly, as issues arose for discussion and review. This year the committee revisited the issue of civility with regard to groups with conflicts, the UC Regent's statement of intolerance, and monitoring of electronic information in the UC System at the campus level. A summary of committee business follows.

UCAF and Civility Issues

Discussions at the University Committee on Academic Freedom (UCAF) meetings concerned academic freedom and civil speech issues and revolved around constraints or "chilling effects" on both free speech and dissenting points of view. UCAF created a statement on civility last year, which was adopted with minor revisions by the Academic Council on April 1, 2015 for divisional senate committees on Academic Freedom to post on a website for faculty to reference. See attached Appendix A for the final position statement.

On November 19, 2015 the UCSC Chancellor's Office sent out an email transmittal titled "Campus Civility in the midst of turmoil." This communication prompted commentary from the UC Santa Cruz Faculty Association (SCFA) Executive Board, faculty members, the United Automobile Workers Union (UAW), and the Student Union Assembly (SUA) president. CAF reviewed the original email and all subsequent communications during a fall meeting discussion.

From the perspective of CAF, the fundamental intent of the email, regarding the Chancellor's plan to convene the Chancellor's Diversity Advisory Council to discuss the climate for Jewish students on campus, is non-controversial. However, members did find concern about the wording and context invoked as part of the rationale for addressing that campus climate issue, as these were subject to diverse interpretation and indeed precipitated several vehement reactions. By juxtaposing the mention of the SUA vote to reinstate a resolution urging UC divestment from Israel (without clarifying that this was apparently for military arenas only), and contextualizing that vote by mention of the Boycott, Divestment, and Sanctions (BDS) movement and potential chilling effects on Jewish members of the community, the Chancellor's email wording could be interpreted as administrative siding with one perspective of the complex topic.

CAF members appreciated the Chancellor's acknowledgement of the SUA's right to vote as they did, but CAF did have some concern that the email message could unintentionally cast a chill on students and others who are critical of Israel's policies and wish to weigh in on this issue. CAF sent a comment on the email to the Chancellor. The Chancellor stated at the Spring May 18, 2016 Senate meeting that he was willing to meet with CAF to have a discussion with the committee.

UC Regents Policy on Intolerance

An initial version of a Policy on Intolerance was presented at the September UC Regents meeting. The statement was submitted without Senate review and several Regents viewed it as non-responsive to original concerns involving acts of intolerance toward Jewish constituencies across the campus, and it was not adopted. Instead, a Working Group to Consider Principles Against Intolerance was tasked to create a new document. An open forum was held at UCLA in October; during that forum, various groups from the campus and the public – including scholars and opinion leaders on first amendment issues – made five-minute presentations. Consequently, various viewpoints were represented.

The working group prepared a report by March 17, 2016, with limited opportunity for Senate commentary. The Academic Council drafted a response with input from UCAF for the March 23, 2016 Regents meeting where the statement was eventually approved after incorporating minor additional language recommended by UCAF. The implementation of the policy remains unclear. CAF members are concerned that the policy, as written, is vague. It received a lot of press and public discussion. The main concern is over the unclear boundaries for interpretation of when anti-Zionism may be conflated with anti-Semitism, thus leading to actions deemed to be acts of intolerance. Another concern is with the document's highlighting of anti-Semitism amongst various acts of intolerance on campus.

Cybersecurity Changes Systemwide

The Office of the President initiated a computer system for monitoring cyberattacks on UC Campus network systems. This action was taken based on a breach of a campus with medical records. Our campus now has an initial UC monitoring system in place and will be required to update to a new system in the near future. The local network monitoring involves email and other communications coming to the campus network on its boundaries. It is not clear whether any academic freedom issues will surface, and there is no immediate action to take prior to fall quarter. UC has contracted with two companies for campus cybersecurity: Fidelis and FireEye. Both are threat detections software systems. UCSC is currently running Fidelis and will be transitioning to FireEye. CAF invited Janine Roeth, ITS Director Client Service and Security, to consult with committee members at a spring meeting on what faculty can expect. VCIT Doyle will be sending a request for review to the Senate Chair in early fall, as this topic spans other committee purviews. FireEye technology has potent capabilities, as are required for security of patient information databases at healthcare institutions; presumably UCSC does not need to implement the full suite of potentially intrusive capabilities of FireEye.

ITS wants to work with the Senate committees on the level of implementation of FireEye capabilities to be locally adopted, with consideration of privacy and academic freedom issues. This will need to happen during the fall 2016 quarter with all levels of appropriate consulting per established procedures in the ECP (Electronic Communication Policy). CAF recommends Senate review of the policy with guidelines written in language faculty can understand so there can be constructive commentary on the implementation. Chair Lay encouraged the Senate leadership to activate fall quarter Senate input to the ITS.

CAF's recommendation for next year's committee:

- Explore social media and academic freedom constraints.
- Consider trigger warnings in the classroom; what policies/best practices are available for faculty to reference.
- Follow up on new monitoring program FireEye and what aspects of the software will be locally implemented
- Assess bias in student evaluations; new system implementation.

Respectfully submitted;

COMMITTEE ON ACADEMIC FREEDOM

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Appendix A

UC Academic Council Position on Academic Freedom and Civility
Proposed by the University Committee on Academic Freedom
Endorsed by the Academic Council April 1, 2015

The Academic Senate expresses its support for the tenet that UC campuses should aspire to civil discourse, so long as this tenet is not allowed to operate in practice as a restraint on academic freedom. While the Academic Senate urges that discourse in any context, in or outside the classroom, be respectful of individuals whose viewpoints one may not agree with, the Senate strongly endorses the preeminence of the value of academic freedom.

Academic freedom includes the right of members of the university community to express their views, even in passionate terms, on matters of public importance. That right is a necessary part of what the U.S. Supreme Court has called our “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.”