

## UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM (UCAF) 2012-2013 ANNUAL REPORT

### TO THE ASSEMBLY OF THE ACADEMIC SENATE:

The University Committee on Academic Freedom (UCAF) met twice in Academic Year 2012-2013, to conduct business with respect to its duties as outlined in [Senate Bylaw 130](#). Highlights of the Committee's activities and accomplishments are noted in this report.

#### APM 210

UCAF discussed language in APM 210 that suggests that faculty would be rewarded for conducting research on diversity and which potentially dictates the results of research. This is an academic freedom issue because one interpretation of the wording seemed to encourage people to draw specific conclusions from research that support diversity. The wording also raised concerns that individuals not conducting research on diversity would be penalized. It is not clear how APM 210 has been applied and it may vary across the campuses.

The Committees on Academic Personnel and Affirmative Action and Diversity independently considered this section of the APM this year and both proposed revised language. In April, Council discussed the language proposed by UCAAD and UCAP and adopted UCAAD's proposal. Council's proposed revision was submitted to Vice Provost Carlson who reported that no changes to APM 210 will be considered until next year. UCAF members agreed upon language that was presented to UCAAD in May for consideration.

#### Contentious Issues Forums

In addition to the [Statement in Support of Faculty Harassed by Opponents of their Research](#) prepared by UCAF last year, the committee decided that a public education component is needed to show what has been achieved as a result of the controversial research. UCAF is interested in finding an organization to sponsor and raise funds for public forums where controversial types of research are discussed. Individuals who represent all points of view about an issue should be involved and UCAF would like to ensure that the forums are used to encourage debate. There are a variety of logistical issues that will need to be addressed in order to support the implementation of the forums and it was agreed that UCAF should consult with the groups that host these activities on campuses already.

#### Campus Climate and Harassment of Muslim and Arab Students

In March, UCAF discussed the concerted efforts being made by organizations outside the University of California to pressure the University to enact restrictions on the free speech rights of campus organizations and individuals advocating for the interests of Palestinians. The American Civil Liberties Union and the Ad Hoc Jewish Student Committee have both made statements pointing out the danger that these activities pose to free speech and academic freedom. The committee discussed how the campuses are responding to the issues of the harassment of Muslim and Arab students, noting that there have been hostile acts on either side. UCAF submitted a memo to Council in May urging the Senate take a strong position rejecting any efforts (whether originating outside the University or inside it) that would limit free expression by supporters of either the Israeli people or the Palestinian people.

#### Political Review to the Grant-Review Process at the National Science Foundation

In April, UCAF learned about federal legislation drafted by the Republican Representative Lamar Smith (Texas) that would require oversight of the scientific research process, which would in effect politicize decisions made by the National Science Foundation. [The High Quality Research Act](#) would require the director of the NSF to certify in writing that every grant handed out by the federal agency is for work that is "the finest quality, is ground breaking, and answers questions or solves problems that are of utmost importance to society at large; and ... is not duplicative of other research project being funded by the Foundation or other Federal science agencies." Additionally, the bill solicits recommendations for how to place similar restrictions on other federal science agencies. Citing this as a matter of concern to the scientific community, which relies on peer review to identify meritorious research, UCAF submitted a [letter to Council](#) urging the Senate to voice opposition on behalf of UC to congressional efforts to politicize the grant-review process.

### **The Special Nature of Universities with Respect to FOIA/PRA Requests**

UCAF discussed the implications of Freedom of Information Act and Public Records Act for the University of California. The Freedom of Information Act and Public Records Act statutes are designed to create transparency for work that is done by people paid by the state but filing these requests is a technique being utilized by various political or business factions to punish faculty for conducting work with which they disagree. Unlike UC, Stanford and other private universities are exempt from PRA requests which are not doing the state's business. This has resulted in the chilling of relationships between UC faculty and faculty at private institutions, making collaboration difficult because the peers at the private institutions are afraid of information being disclosed in response to FOIA or PRA requests.

The UCLA CAF drafted a Statement on the Principles of Scholarly Research and Public Records Requests which aims to make clear how and why the academic enterprise is intrinsically different from other enterprises conducted for the benefit of the public. This CAF also developed a primer for faculty which provides guidance on how to respond to PRAs. UCAF members agreed that while some of requests will need to be handled on an ad hoc basis, it would be beneficial to have a systemwide policy on responding to these requests. The committee also agreed that it is also important to provide formal guidance to faculty so they understand what support the university will provide. UCAF may take up this matter again in the coming academic year.

### **The Future of Academic Freedom**

One of the graduate student representatives to UCAF conducted a survey of students' understanding of academic freedom which found that the majority of the elected graduate representatives have a minimal understanding of academic freedom. A major question is how professors learn about academic freedom. A UCLA task force has worked on a document that defines academic freedom which will be considered by the campus Senate and it is hoped that this will eventually become a UC wide policy. UCAF members agreed that it might be difficult to come up with a definition of academic freedom and members also questioned whether each campus should have a unique definition. In the future, UCAF may ask each CAF to define academic freedom as it applies to professors and separately graduate students on their campus. This definition would be published at each campus and in the future, graduate students might be specifically taught about the issue.

Respectfully submitted,

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