

## **UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM (UCAF)**

### **2016-2017 ANNUAL REPORT**

#### **TO THE ASSEMBLY OF THE ACADEMIC SENATE:**

The University Committee on Academic Freedom (UCAF) met two times in Academic Year 2016-2017 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.

#### **Anti-Semitism Awareness Act**

A focal point for UCAF's discussions this year was the Anti-Semitism Awareness Act. Passed by the U.S. Senate in December, and likely to be reintroduced before Congress, the Anti-Semitism Awareness Act directs the Department of Education to adopt the State Department's definition of anti-Semitism when investigating any incidents at universities. Last year, UCAF successfully persuaded UC's Board of Regents to not use this definition in their Principles against Intolerance because it is so broad that essentially anyone critical of any actions by the state of Israel could be tainted with the suspicion of anti-Semitism. Under the Anti-Semitism Awareness Act, any university found to have failed to respond seriously to such incidents under this State Department standard could result in the university losing all federal funding.

Without any built-in protections for the Academic Freedom, this Act invites attempts to pressure the Department of Education to coerce faculty and students to abandon research and teaching which might be construed as in any way critical of the actions of the state of Israel. In June, UCAF submitted a statement to the Academic Council which urges Congress to abandon this misguided and heavy-handed intrusion into the realm of academic inquiry and debate. In its statement, UCAF affirms that it is concerned about the rising tide of anti-Semitic actions/incidents, and hate speech in general, on campuses but indicates that this Act is not an appropriate response. On June 28<sup>th</sup>, Council endorsed the memo which will be forwarded to President Napolitano.

#### **THE CALIFORNIA LEGISLATURE'S ACR-21**

In June, UCAF submitted a memo to Council asking the Academic Senate to endorse the California Legislature's Assembly Concurrent Resolution (ACR) 21. According to the Legislative Counsel's digest, California Legislature's ACR-21 "...would urge all private and public universities in California, to the extent that they have not adopted free speech statements consistent with the principles articulated by the Chancellor of the University of California at Irvine, and the Free Expression Statement formally adopted by the University of Chicago, to consider such statements as a model for developing and adopting free speech statements." On July 26<sup>th</sup>, Council endorsed this memo and it was forwarded to the President. The text of the legislation can be found here:

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180ACR21](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180ACR21).

#### **STATEMENT ON THE FREE EXCHANGE OF INFORMATION**

Also in June, UCAF sent the Academic Senate a statement on the importance of the free exchange of information to the academic mission which the committee felt was broadly harmonious with the principles espoused by ACR-21 as described above. This statement addressed high-profile incidents at UC campuses and other universities where speakers with views considered abhorrent by certain students have been prevented from speaking when campus administrators felt unable to guarantee the safety of the speaker or of other members of the campus community. UCAF asserted that, rather than trying to suppress arguments and opinions that can be deeply distressing to certain audiences, it is vital to the mission of the university as an institution dedicated to the pursuit of truth, knowledge and understanding that it allows all viewpoints and opinions—so long as they do not constitute harassment or rise to the level of incitement of illegal activity—to be expressed and considered.

Through the statement, UCAF has asked that all campuses in the UC system take active steps to combat these troubling developments. The committee recommended a number of constructive forms of response to controversial speakers which do not undermine the collective right to freedom of speech while at the same time avoid the simple trap of giving sympathetic publicity to the very views the protestors decry. The statement was endorsed by Academic Council on July 26<sup>th</sup> and forwarded to the Office of the President.

### **UC Network Monitoring Initiative**

This year the committee kept abreast of the implementation of UC's Network Monitoring Initiative. Following a July 2015 cyberattack at UCLA, the University issued a new cybersecurity policy and OP directed campuses to coordinate security monitoring, investigation and threat remediation activities. OP established the Cyber-Risk Governance Committee (CRGC) to which UCAF's Immediate Past Chair Kathleen Montgomery was appointed. There are currently no clear threats to academic freedom, but the committee is concerned about the potential for UC's efforts to raise its cyber-security profile to become overly intrusive, and considers it imperative that faculty are consulted and kept informed about all cybersecurity measures.

Weighing concerns about academic freedom is complicated because failure to protect UC's computer systems would prevent faculty from conducting research involving records with personally identifiable information. The need for cybersecurity is recognized but more information is required about the ground rules for how, where, and for how long information is used, assessed and stored. UCAF will keep up to date with future developments related to the Network Monitoring Initiative.

### **Other Issues and Additional Business**

In response to requests for formal comment from the Academic Council, UCAF also issued views on the following:

- Proposed Revised Presidential Policy on Nondiscrimination & Affirmative Action Regarding Academic & Staff Employment & APM 015

Additionally, UCAF devoted part of each regular meeting to reports on issues facing local committees.

Respectfully submitted,

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