

**SPECIAL MEETING OF THE ASSEMBLY OF THE ACADEMIC SENATE
Minutes of July 30, 2003**

I. Roll Call of Members

Pursuant to call, the Assembly of the Academic Senate met on Wednesday July 30, 2003 on the UCB campus, Academic Senate Chair Gayle Binion presiding. Chair Binion called the meeting to order, and Academic Senate Director Maria Bertero-Barceló called the roll of members of the Assembly. Attendance is listed in Appendix A of these minutes.

II. Announcements by the Chair

Academic Council Chair Binion welcomed Assembly members and members of the press to the meeting. She noted that Professor Robert Post, who drafted the revision of APM 010, was unable to attend and sent his regrets.

**III. Announcements by the President
Richard C. Atkinson**

President Atkinson briefed the Assembly on selected topics and took questions from the floor.

Budget. The recently passed state budget includes deep additional cuts to the University of California. This situation will make the present era a difficult and challenging time for us. The faculty will be essential in maintaining the quality of the University.

APM 010. The impetus to revisit UC's academic freedom statement arose during the resolution of last year's Berkeley English R1A course description situation. At that time, President Atkinson was struck by the fact that the 1934 Sproul statement, drafted during the Great Depression, was seriously outdated. It had been useful to the University in navigating the political waters of the 1930s, but did not represent modern concepts of academic freedom.

UC Berkeley Law Professor Robert Post was recruited to draft the revision. Professor Post researched the policies of comparable institutions in the U.S. as well as those of the AAUP. Seven Senate committees then reviewed his new draft statement.

The revision is in harmony with academic freedom statements at many other American universities, but UC's unique system of shared governance is also reflected in the revision. The proposed revision differs from other university statements in the 2nd paragraph, in which authority for resolving issues of academic freedom is assigned primarily to the faculty themselves. The idea that faculty are judged according to professional standards of competence by their own peers is central both to the new statement and to the entire concept of the modern university.

There have been attempts from both the right and the left to impose irrelevant political impressions onto this document. Some on the left have claimed that freedoms are being taken away in the revision, while some on the right have suggested that all constraints on faculty are being removed. Studies allegedly showing that a majority of faculty are left-

of-center politically do not prove that there will be bias inherent in faculty judgments about academic freedom. If we cannot trust the faculty to make these decisions, we are in real trouble.

Some have suggested that this revision is being advanced with undue speed. However, there has been broad faculty input into this document. The campus committees and seven Systemwide committees have participated in the revision. The University is about to undergo a change in administration, and although President-elect Dynes supports the revision, there is merit in moving this forward so that he can focus on other matters of importance to UC.

APM 010 should not be seen as isolated from APM 015, the Faculty Code of Conduct, but as a framework for Academic Freedom, the limitations on which are more fully addressed in APM 015.

III. Proposed Amendment to APM 010- Academic Freedom

Remarks by Chair Binion

Academic Council Chair Binion presented the main issue of the day before the Assembly, which was the possible endorsement of one of two versions of a revised APM 010 statement on Academic Freedom. Version A was cited as the Academic Council-endorsed version, and Version B an alternate version including in the first paragraph: “Responsible instruction precludes coercing the judgment of a student, or the use of instruction as a means to nonacademic ends.” Chair Binion proposed a five-minute presentation on behalf of each version and then a general discussion with a two-minute limit for each speaker in order to allow full and fair discussion of the entire matter. Only after all members had an opportunity to speak would anyone be recognized to speak again.

Chair Binion presented the Council-endorsed Version A. She said that although the move to revise 010 had originated as a concept with President Atkinson, it had been written entirely by the faculty. UC’s system of shared governance depends on the faculty Senate’s authority to interpret questions of academic freedom. It is the collective competence of the faculty that underlies this ability. This authority, contrary to the 1934 version, does not come from the state but from the profession itself. The new formulation also recognizes for the first time the academic freedom of students, one of the justifications of which is the need to foster an independence of mind in those students.

Remarks by San Diego Divisional Chair Dimsdale

At the May Assembly, Professor Dimsdale on behalf of the San Diego division had requested a delay in the vote on 010, because UCSD members felt it would be useful to have more time to consider the proposed revision. As the underlying aspirational statement about what it means to be teaching in the university, 010 is very significant. There was a second UCSD concern that the Council-endorsed version placed too much emphasis on freedom and not enough on faculty responsibility to students and colleagues. In the meantime, Academic Council had been fine-tuning the document, and San Diego offered the alternative version to the Assembly for consideration, which had this added emphasis. This was not viewed by UCSD as a left versus right issue.

Discussion

Members debated the merits of the additional language in Version B. Some members remarked that the terms “coercion” and “nonacademic” were too ambiguous and could have negative implications. Others remarked that the concerns the additional sentence sought to address were already addressed in the document or in APM 015, and there was no need to cite one provision from 015 to highlight. Those in favor of the Version B felt it was important to emphasize faculty responsibility to protect students from coercion. Others voiced the opinion that the second half of the sentence in particular was so controversial and unclear that it should be eliminated from the text before the alternate version was brought to a formal vote.

Specific Assembly member comments included:

- As an English Professor, I am not afraid to say that I coerce my students to speak correct English and to regard prejudice as morally repulsive. Therefore, I will not support the alternative version, as it is contrary to my teaching policy.
- A seminar that leads to a patentable idea could be considered “nonacademic ends.” Other relevant and appropriate nonacademic ends often come out of classroom discussion.
- Some have sought to abolish Labor Studies on the grounds that it is an ideological project that fails to present all sides. The language in the alternative version opens the door to the eradication of certain sub-disciplines.
- 010 is an aspirational document. Such esoteric documents should air on the side of freedom.
- 015 already covers Do’s and Don’ts. Further, the amended language in the alternative version only addresses one of those points covered in 015.
- We ought to expect instructors to present alternative perspectives in the classroom even if they are committed to a particular perspective. Further, the use of instruction to nonacademic ends is not explicitly mentioned in 015.
- There are words in the original formulation of 010 that suggest that alternative points of view ought to be presented to students, who ought make decisions on their own based on the facts. I do not see that wording in the revision. What is to be gained by omitting that language?
- I would hate to go down a path where one day a scholar might deny the Holocaust and defend it on grounds of academic freedom.
- UCPB was strongly in favor of the simpler, original version. They would also suggest that 015 could be revised and refined in the future.
- The footnote was left in as part of the legislative record. It was seen as important for future Senates to have that language available to it to understand what the process and reasoning had been.
- The proposal will help academics by providing a basis for the University to defend them in battles over research and publishing restrictions.

Action: A motion was introduced to amend the alternative version of APM 010, striking the second part of sentence. That sentence would be amended to read: “Responsible instruction precludes coercing the judgment of a student.” Chair Binion called the

motion, and it was seconded. The motion was defeated on a 22-23 vote with 2 abstentions.

Action: A motion was introduced to call the question on the motion to substitute the alternate version of APM 010. The vote to call the question was unanimous. Chair Binion called the question on the motion to endorse the alternative version of APM 010. The motion was defeated 5-41 with 1 abstention.

Action: A motion was introduced to call the question on the motion to endorse the Council-endorsed version of APM 010. The vote to call the question was unanimous. Chair Binion called the question on the motion to endorse the Council-endorsed version of APM 010. The motion passed 45-3.

Meeting adjourned, 3:00
Attest: Gayle Binion,
Academic Senate Chair

Minutes prepared by
Michael LaBriola,
Committee Analyst