

UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM (UCAF) 2009-2010 ANNUAL REPORT

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

The University Committee on Academic Freedom (UCAF) met twice in Academic Year 2009-2010, 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.

Hong vs. UC Regents

UCAF continued to follow the case of Hong v UC Regents which is currently in the 9th Circuit Court of Appeals. Dr. Hong is a former UC Irvine professor suing UC and individual administrators alleging that he was denied a merit increase due to complaints he raised in faculty meetings and in the context of shared governance. UCAF members remain concerned about the position taken by the University based on the Garcetti vs. Ceballos case. The Garcetti decision implied that faculty speech uttered in the context of shared governance is not protected and that faculty can be disciplined by the employer, narrowing the scope of First Amendment rights in the workplace. The Office of General Counsel met with the committee in March to explain the different positions taken by UC and the individual defendants. UCAF is also concerned about the implications of the case of Professor Renken from the University of Wisconsin-Milwaukee. Professor Renken had an NSF grant and criticized how his department was using the grant money. In response, the department returned the grant to NSF. The professor sued arguing that his First Amendment rights had been violated but the court did not agree.

Proposed Revisions to Definitions of Academic Freedom and Faculty Code of Conduct

As a result of UCAF's discussions about the Hong and Renken cases, the Committee agreed that the right of faculty to freedom of speech in shared governance should be clarified by amending APM 010-Academic Freedom and 015-Faculty Code of Conduct. UCAF members reviewed a paper from the American Association of University Professors entitled Protecting An Independent Faculty Voice which provides recommendations related to language that is needed to protect academic freedom. At the request of the UCD CAF, the AAUP and their counsel reviewed APMs 010 and 015 and concluded that the APM does not protect faculty when speaking about institutional governance matters. With assistance from the AAUP, the UCD CAF drafted revised language to incorporate into the APM. The proposal to revise APMs 010 and 015 was submitted to the Academic Council and approved for systemwide review in fall 2010.

Research Using Animal Subjects or Dealing with Politically Sensitive Issues

UCAF was asked by the University Committee on Faculty Welfare to discuss the attacks on researchers who use animal subjects. Because researchers who use animal subjects have recently been targets of especially high levels of harassment, threats to their academic freedom merit special attention. Members identified other sensitive issues including climate change, the Israel and Palestine issue where unreasonable pressures might be put on faculty to refrain from or modify their research activities or controversial

political views. Committee members agreed that their local academic freedom committees should monitor all of these issues.

Implementation of RE 89

UCAF continued to discuss the [compromise version](#) of RE-89 approved by the Regents in September 2007. The policy does not prohibit faculty from accepting funding from tobacco-affiliated companies, but requires each campus chancellor to establish a scientific review committee to advise the chancellor about any such funding proposal. In March 2009 UCAF sent letters to the University Committee on Research Policy and the University Committee on Committees recommending there should be Senate involvement in the appointment of campus review committees. UCAF learned that campus reports to President Yudof on implementation of RE-89 showed that no significant money from the tobacco industry is being used to support research. That no new proposals for funding were received in the first twelve months after RE 89 was passed indicates that the new procedures have discouraged UC researchers from seeking funding from the tobacco industry.

Additional Business

UCAF devoted part of each regular meeting to reports on issues facing local committees. Discussions included details about specific academic freedom cases at UC and other universities. Finally, UCAF occasionally consulted with the Academic Senate Chair and Vice Chair on issues facing the Academic Council and Senate.

Respectfully submitted,

Raymond Russell, Chair (R)
Ronald Amundson, Vice Chair (B)
Mary Beth Pudup (SC)
William Parker (I)
Erik Menke (M)
Piotr S. Gorecki (R)
Kara Otto, graduate student (SB)
Samantha Lower, undergraduate student (I)

Vicki Scott (SB)
Harold Pashler (SD)
Gregory Pasternack (D)
Cameron Gundersen (LA)
Roberta Rehm (SF)

Harry Powell ((SD); Chair, Academic Senate, *Ex Officio*)
Dan Simmons ((D); Vice Chair, Academic Senate, *Ex Officio*)
Brenda Abrams, Committee Analyst