

## **UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM (UCAF) 2007-2008 ANNUAL REPORT**

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

The University Committee on Academic Freedom (UCAF) met once and held one additional conference call in Academic Year 2007-2008, 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.

#### **Proposed Senate Bylaw Modifications Regarding UCAF Representation on Academic Council and the Term of the UCAF Chair**

In a March memo to Academic Council, UCAF requested amendments to Senate Bylaw [125.A.4.](#), adding the chair of UCAF to the Academic Council as a standing member, and to Senate Bylaws [128](#) and [130](#), changing the standard term of the UCAF chair from one year to two years. UCAF believes its presence on Council will fill a void in deliberations and contribute important insights on a broad range of issues under consideration by the executive Senate body, while a two-year chair will provide greater continuity to the committee. At the end of the year, Council released the proposal for systemwide Senate review.

#### **Implementation of RE-89 – Restrictions on Tobacco Company-Funded Research**

UCAF discussed the [compromise version](#) of RE-89 approved by the Regents in September. 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. UCAF also reviewed a memo sent from the president to the campus chancellors asking them to establish implementation procedures for RE-89 and recommending a model for the local review and approval process mandated in the policy. In a June memo to Academic Council, UCAF reiterated its strong opposition to RE-89 and some general reservations about the scientific review panel process. The Committee also suggested modified procedures for implementation of RE-89 on the campuses – specifically, that the chancellors include more Senate involvement on the scientific review panels and an ex-officio role for local Committees on Academic Freedom. UCAF also suggested a role for itself and the Academic Council in monitoring implementation. Council endorsed the recommendations in July.

#### **Academic Freedom Paper**

UCAF discussed next steps for its paper *Academic Freedom: Its Privilege and Responsibility within the University of California*. Last year, UCAF asked Council to endorse the paper and distribute it to Senate divisions as an educational tool to promote more understanding and awareness of academic freedom. Academic Council declined that request. At the December meeting, Senate Chair Brown advised UCAF that it could request a new consideration of the paper after making improvements and better articulating how it adds value to the understanding of APM 010 beyond what is presented in President Emeritus Atkinson's own paper accompanying APM 010. UCAF decided to

re-submit the paper after identifying redundancies with the Atkinson paper, noting that the UCAF paper should be seen as an entirely new work supplementary to the Atkinson paper – it provides more detail about the legal basis for academic freedom, describes the current state of First Amendment law, and clarifies the distinction between academic freedom and freedom of speech rights.

### **“Collegiality” as a Factor in Personnel Reviews**

At the end of 2006-07, UCAF asked Council to investigate the use of “collegiality” in the evaluation of faculty for merits and promotions and its effect on academic freedom. Council asked the University Committee on Academic Personnel (UCAP) and the University Committee on Privilege and Tenure (UCPT) to comment. After considering the UCAP and UCPT responses, Council agreed that all faculty should be made aware of their responsibility to participate in civil discourse and “collegiality” should not be used as a formal criterion in personnel reviews, but that it would be impossible to form a consensus about what constitutes non-collegial or disruptive behavior, and therefore UCAF’s request for CAPs to “suspend the use of collegiality” in evaluations was unwarranted. UCAF discussed these responses and decided it would answer Council with additional comments and questions in order to clarify some of the contradictions among the responses.

### **Other Reports and Recommendations:**

The Academic Council and Assembly also acted on the following UCAF recommendation:

- *Proposed Student Freedom of Scholarly Inquiry Principles* – endorsed by Academic Council in September and [Approved by the Academic Assembly](#) on January 30, 2008.

### **Pending Requests to Academic Council from 2006-2007:**

#### *Academic Freedom and the UC Education Abroad Program (UCEAP)*

In August 2007, UCAF requested that Council ask UCOP to rescind its policy of denying student fee funding for study abroad in countries under a State Department Travel Advisory, and to establish a faculty committee to investigate UC’s relationship with study abroad providers and the possible influence of perks on the decision-making of UC officials. Council asked the University Committee on International Education (UCIE) and the University Committee on Educational Policy (UCEP) to review. In July, Council responded by first clarifying that UCEAP is supported by state funds, not student fees and the travel warning policy is a UCEAP, not a UCOP policy. Council noted UCIE’s view that State Department warnings provide the best index of safety and security risks available, and the travel restriction policy protects UC from legal liability. Council did not see a need to establish a faculty committee to investigate the issue of perks.

#### *Legal Fees for Faculty Accused of Misconduct in Research*

Last year, UCAF asked Council to endorse its recommendation that UC policy be modified to require the reimbursement of any legal fees incurred by faculty members who are found innocent of accusations of misconduct. UCAF also recommended that the Senate conduct a study or ask UC to conduct a study on the viability of a legal insurance

policy that would cover legal fees for all faculty members, independent of the outcome of a legal action. Council requested the advice of Office of General Counsel (OGC) and responded to UCAF in July, noting that UC insurance does cover legal fees of employees (except when UC and a faculty member are adversarial parties); that existing policy allows faculty who choose outside representation to request reimbursement, although guidelines for making reimbursement decisions have not yet been developed. Council asked UCAF to work with UCFW and OGC to craft a reimbursement entitlement proposal and recommended guidelines for legal fee reimbursement decisions.

### **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. UCAF also discussed the recent controversy over “Islamofascist Awareness Week,” a national campaign that was attempting to raise awareness on college campuses about threats associated with terrorism and radical Islam; concerns that a provision in UCSD campus security policy PPM 510-1 may limit academic freedom and free speech on campus; a situation involving the dismissal and reinstatement of the UCI School of Law founding dean; efforts by outside groups infiltrate classrooms in order to record lectures in order to expose alleged biases; controversy over partnerships between campuses and industry; and incidents involving militant animal research activists who harass research scholars with violence and threats of violence at UC campuses.

Finally, UCAF occasionally consulted with the Academic Senate chair and vice chair on issues facing the Academic Council and Senate.

Respectfully submitted,

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