



UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM (UCAF)  
Brian Soucek, Chair  
bsoucek@ucdavis.edu

Assembly of the Academic Senate  
1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, CA 94607-5200

March 5, 2021

**MARY GAUVAIN, CHAIR  
ACADEMIC SENATE**

**RE: ACADEMIC FREEDOM IN TIME OF CRISIS**

Dear Mary,

At the start of the pandemic, as strikes by teaching assistants and readers were also occurring, the University Committee on Academic Freedom wrote to Academic Council to express its concern about some of the measures being taken to address the crisis. The tumult of the time may have prevented our statement from being given full consideration then. For that reason, UCAF is now resending our March 19, 2020 Statement on Grading, On-line Teaching, and Shared Governance in Time of Crisis. We hope that Academic Council will closely consider it as you work with the administration to negotiate the continued challenges of remote learning and the return to in-person instruction. And we ask that you transmit this statement to campus administrators as well as the divisional Senates.

While some of the specific facts may have changed in the past year, UCAF believes that the academic freedom concerns and principles that our statement identified last March remain unchanged.

Were we writing afresh in the current moment, we would again emphasize the crucial importance of faculty involvement in decisions about teaching; the concern that emergency decisions about grading technologies and learning management systems not be made permanent, or imposed on faculty unwillingly; and the need to respect the academic freedom of teachers to decide what form their classes will take.

We would add an additional concern, not raised last year, that much-needed increases in financial support from the State should not come with conditions that distort the faculty's academic judgment about what and how to teach, including how much should be taught online.

And we would once again express our Committee's appreciation for the extraordinary efforts of faculty, staff, and administrators in confronting the pandemic's many challenges for our University. Thank you for the opportunity to share the Committee's views.

Sincerely,

Brian Soucek, UCAF Chair



UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM (UCAF)  
Sarah Schneewind, Chair  
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March 19, 2020

**KUM-KUM BHAVNANI, CHAIR  
ACADEMIC SENATE**

**RE: STATEMENT ON GRADING, ON-LINE TEACHING, AND SHARED GOVERNANCE IN  
TIME OF CRISIS**

Dear Kum-Kum,

UCAF appreciates the efforts of staff and administrators to manage the unprecedented challenges posed to health and education on our campuses right now. That the pandemic comes at the same time as TA and Reader strikes on some campuses only complicates the situation. Extraordinary times do call for extraordinary measures. But that does not mean that *all* extraordinary measures are justifiable; and even those that are justifiable must not be permitted to become ordinary measures once the crisis is over.

Moreover, it is UCAF's responsibility to point out violations of academic freedom rights even when the violations are seemingly unavoidable. For UCAF to pass over such violations in silence would be a dereliction of duty.

According to the AAUP's guidance on the Coronavirus crisis, "Colleges and universities exist to create knowledge and serve the common good. "During this coronavirus pandemic, these institutions should keep in mind their obligation to ensure the safety of the campus community. At the same time, they must firmly defend academic freedom, shared decision-making, and the important role our institutions and these principles play in our society."<sup>1</sup>

**Shared governance**

First, shared governance, including consultation with faculty committees on decisions about education, must continue in times of crisis. According to the AAUP's guidance on the Coronavirus crisis, "Decisions that affect curriculum, method of instruction, and those aspects of student life that relate to the educational

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<sup>1</sup> [https://www.aft.org/sites/default/files/covid19\\_aft-aaup\\_guidanceprinciples\\_031320.pdf](https://www.aft.org/sites/default/files/covid19_aft-aaup_guidanceprinciples_031320.pdf), #1.

process, should be made after consultation with the faculty and academic staff through their unions and campus governance bodies.”<sup>2</sup> At least on some UC campuses, this has not occurred in recent days. Respecting shared governance, and consulting with those who are the experts in teaching – the faculty – would be the best way to reassure the community that any violations of academic freedom are unavoidable and temporary.

## Grading

Second, some divisions have recently, in response to the TA strike, the pandemic, or both, required all teachers to post grades on Canvas specifically, or on another learning management system (LMS).<sup>3</sup> On February 28, UCSD Chancellor Khosla directed that

EFFECTIVE IMMEDIATELY, the instructor of record for each course taught at UC San Diego MUST 1. Establish a complete and regularly updated gradebook in the Canvas learning management system [<https://canvas.ucsd.edu>]; if your course is already in Triton Ed, you may use that platform instead. This will ensure that if the instructor or other course staff become ill or are under quarantine, an accurate record of all assignment scores will be accessible, so that students can receive their course grades in a timely manner.

Likewise, and in virtually identical language, on March 2, UCI Chancellor Gillman directed that

Effective immediately, the instructor of record for each course must: 1. Establish a complete and regularly updated gradebook in the Canvas learning management system (<https://canvas.eee.uci.edu>); if your course is already in the EEE Legacy Gradebook, you may use that platform instead. This will ensure that if the instructor or other course staff become ill or are under quarantine, an accurate record of all assignment scores will be accessible, so that students can receive their course grades in a timely manner.<sup>4</sup>

The directive is unnecessary. Keeping a private gradebook in (for instance) an Excel spreadsheet that could be sent to a colleague in one email would serve the same purpose. The directive violates academic freedom, because grading is part of teaching. The obligation to grade students comes with the right to decide how to do it. Not only are there questions about how data on such sites may be used by the corporations that own them, and about how hackable they are, but there are good pedagogical reasons not to post scores continuously: Some faculty members think it focusses attention on scores rather than on substantive feedback. Other teachers do not use such sites at all.

As long as students can request grades and receive them in a timely fashion, the choice to use an LMS or to post grades on such a site is part of faculty academic freedom rights. UCAF regards this policy as a violation of academic freedom, and one that is not justified by the crisis.

Moreover, this policy followed summonses issued to TAs and Readers at UC Santa Cruz for removing the grades they had recorded on Canvas as the only leverage they have in the strike for a cost of

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<sup>2</sup> [https://www.aft.org/sites/default/files/covid19\\_aft-aaup\\_guidanceprinciples\\_031320.pdf](https://www.aft.org/sites/default/files/covid19_aft-aaup_guidanceprinciples_031320.pdf), #14.

<sup>3</sup> For instance, at UCSD TritonEd; at UCSB Gauchospace.

**From:** UCI Leadership <zotmail@uci.edu>  
**Date:** March 1, 2020 at 7:39:42 PM PST  
**To:** "All UCI Academics, Sender Custom Email List" <morl@uci.edu>  
**Subject:** Maintaining Educational Continuity in the Context of the Coronavirus

living adjustment. On February 3, 2020, the CAF at UC Santa Cruz met and discussed the matter, and subsequently wrote to the Chair of the Academic Senate there to

express its concern about the university's claim, in summons issued to graduate students with regard to grade alterations, that grades belong to students and thus may not be removed from Canvas. Faculty have very broad authority in determining the conduct of courses, and how grades on exams, papers, or exercises are used or not used. There could be many legitimate reasons for faculty removal of or alteration of grades recorded on Canvas. The university's claim that grades in Canvas are not wholly within the scope of faculty authority thus constitutes a serious infringement on faculty rights.<sup>5</sup>

The UCSC strikers assured that any student who asked the TA or faculty member for his or her grade would get it right away, the same could be true when a teacher gets sick. He or she could merely turn over the gradebook to the substitute teacher.<sup>6</sup>

### **On-line Teaching**

Third, requiring faculty members to teach on-line violates academic freedom. The violation may be justifiable during the pandemic. Yet even now a teacher who thinks that a course requires face-to-face contact to achieve its learning objectives, or who needs longer than the time available to design a pedagogically-sound on-line course, should be permitted to work out a solution with his or her department. The solution might be to postpone the course, adding it to the teaching load next year; or to offer a different course. Even in normal times, professors become pregnant or ill or otherwise unable to teach at the last minute. Departments, not administrators, should make these decisions.

Teachers must also be permitted to structure on-line courses as they see fit.<sup>7</sup> On-line teaching requires a different structure from face-to-face teaching to achieve the same learning objectives, and again it should be teachers, not administrators, who decide on the appropriate balance of lecture, reading, writing, and other assignments and methods of delivery. To require teachers to record and post lectures for an entire class of students (rather than to meet ADA accommodations for a specific student) violates the academic freedom to choose the most appropriate pedagogy. The violation may be unavoidable when students are in many time zones. But that does not mean that it is not a violation.

Looking to the future, the AAUP instructs: "Institutions should acknowledge that transitioning a course to an online environment in a one-time crisis does not necessarily mean the course can be successfully taught in an online environment under normal conditions, and does not obligate the faculty member to teach the course online in the future."<sup>8</sup> Decisions to offer a course online after the COVID-19 crisis has abated must involve Faculty Senate oversight.<sup>9</sup> AAUP further cautions, "Institutions should not take this opportunity to appropriate intellectual property to which they would not otherwise have had access; teaching materials moved online because of the one-time emergency created by COVID-19 are not the property of the

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<sup>5</sup> Letter to Kimberly Lau, Chair of the Academic Senate, Santa Cruz Division, from Jessica Taft, Chair of CAF, dated February 10, 2020.

<sup>6</sup> <https://payusmoreucsc.com/grade-request-flowchart/>

<sup>7</sup> According to the AAUP, "Institutions should provide the necessary support and supplies for transitioning teaching to an online format and for supporting telework... (#15). Any faculty member who is not already teaching online and is required to do so as part of the institution's response plan should be compensated at a reasonable hourly rate for transitioning to online teaching (#16)." [https://www.aft.org/sites/default/files/covid19\\_aft-aaup\\_guidanceprinciples\\_031320.pdf](https://www.aft.org/sites/default/files/covid19_aft-aaup_guidanceprinciples_031320.pdf)

<sup>8</sup> [https://www.aft.org/sites/default/files/covid19\\_aft-aaup\\_guidanceprinciples\\_031320.pdf](https://www.aft.org/sites/default/files/covid19_aft-aaup_guidanceprinciples_031320.pdf), #17.

<sup>9</sup> See also <https://www.aaup.org/report/statement-online-and-distance-education>

institution for future use.”<sup>10</sup> UC policy specifies that faculty members hold ownership of the rights to Course Materials they create, including copyright.<sup>11</sup> The teacher may choose *not* to offer the course on line again and may refuse to release recorded lectures and other materials to others for them to teach with. All divisional administrations should reassure faculty members who are uneasy about the prospects that their emergency recordings will be misused.

UCAF recognizes the need to help our students through this crisis. But UCAF would be neglecting its own duty if it failed to point out that violations of academic freedom have been occurring. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Schneewind".

Sarah Schneewind, Chair  
UCAF

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<sup>10</sup> [https://www.aft.org/sites/default/files/covid19\\_aft-aaup\\_guidanceprinciples\\_031320.pdf](https://www.aft.org/sites/default/files/covid19_aft-aaup_guidanceprinciples_031320.pdf), #19.

<sup>11</sup>The exception is the document submitted to request course approval.

<http://copyright.universityofcalifornia.edu/resources/ownership-course-materials.html> accessed March 8, 2020.