

## UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM

## MEETING MINUTES

TUESDAY, DECEMBER 15, 2015

**Attending:** Kathleen Montgomery, Chair (UCR), Hugh Roberts, Vice Chair (UCI), Christopher Elmendorf (UCD), Rudy Ortiz (UCM) (telephone), Erika Rappaport (UCSB), Ward Beyermann (UCR), Jeffrey Haydu (UCSD), Eric Widera (UCSF) (telephone), Thorne Lay (UCSC), David Wagner (UCB), Wendy Streitz (Executive Director, Research Policy Analysis and Coordination, Office of Graduate Studies and Research, UCOP), Dan Hare (Chair, Academic Senate), Jim Chalfant (Vice Chair, Academic Senate), Brenda Abrams (Principal Analyst)

**I. Welcome and Introductions**

Chair Montgomery welcomed members to the meeting, noting that this is her second year chairing UCAF. Following introductions, the committee discussed and voted in favor of adding the student representative to the UCAF listserv for general business and retaining a second listserv for confidential use.

**II. Regents Statement on Intolerance**

Members were reminded about the committee's teleconference in October, conducted in Executive Session, regarding the Regents' Statement on Intolerance which had been proposed and rejected by the Board in September. Subsequently, a Regents' work group was formed to develop a new Statement on Intolerance, to which Dan Hare has been appointed. The work group has been compiling materials to inform its work, including a day of public comment on October 26, and statements from a panel of experts on December 1. UCAF prepared a statement that was read at the October 26 forum. The work group met December 14 to begin drafting the document, with a goal of completing it by the end of January.

**Discussion:** Members discussed the potential of drawing on the existing UC Principles on Community and statements used at other universities that could be appropriate for the work group to refer to. In addition to the UCAF statement prepared in October, the Berkeley CAF also drafted a statement for the work group, which the representative summarized.

**III. Openness in Research**

- *Wendy Streitz, Executive Director, Research Policy Analysis and Coordination, Office of Graduate Studies and Research, UCOP*

Executive Director Streitz joined UCAF to discuss the policy on Openness in Research and proposed modifications to the policy that would include additional publication and citizenship restrictions. Background information that was initially discussed with UCAF last April was reviewed for the benefit of new members. The current policy prohibits such restrictions, with rare exceptions granted by the Chancellors and President. Traditionally, UC's policies have aligned with those at other universities like Stanford, MIT, and Harvard, based on the principle of engaging in fundamental research.

The Executive Director described why a change in policy is being considered, namely, that federal funding has decreased, prompting researchers to look toward alternative funding sources that carry restrictions. The proposed change in policy would be a major shift for the University, and Executive Director Streitz pointed out some issues that would result from loosening the long-standing policy against accepting restrictions. Classified work will not be included in this policy. The potential impact on students still must be evaluated comprehensively. The Executive Director has been consulting with the Senate leadership, and much more input is required before any change is formally proposed.

**Discussion:** A member asked if the Committee on Academic Personnel has discussed this proposed policy change, and Executive Director Streitz indicated that only UCAF and UCORP have been consulted on this topic to date. A member indicated that the scale of the problem for certain researchers is not clear, making it difficult to assess the risks and benefits of a policy change. Another member suggested that UCAF should not endorse changing this policy. The definition of what falls under national security restrictions may be expanding. Even with a policy change, the University would continue to reject any industry restrictions imposed for competitive reasons.

Executive Director Streitz recommended that UCAF members ask at their campuses about the impact of current restrictions on certain faculty members' ability to secure funding and continue with their research programs. A committee member suggested that, instead, the campus vice chancellors for research who are seeking a policy change should identify or survey their departments to try to quantify both faculty opinion and who stands to benefit. One of the risks to students, if publication restrictions are allowed, is that they would be unable to publish their research. It may be that if publication restrictions are accepted, students could not be included on research teams. Executive Director Streitz will continue to consult with Senate leadership and UC Senate committee before moving forward.

#### **IV. Consultation with the Academic Senate Office**

- *Dan Hare, Chair, Academic Senate*
- *Jim Chalfant, Vice Chair, Academic Senate*

Chair Hare briefed the committee on the Regents work group on the Statement on Intolerance. The work group had its first drafting session yesterday, and another session is scheduled for January. A review by the Academic Senate is being considered, but the extent of the review is unclear because of concern about the draft document being released prematurely. It is too late to send input to the work group, although the Student Regent was attempting to collect student feedback as of yesterday. The Office of General Counsel is assisting with this process. Where this Regents policy will live in relationship to other similar policies has not been determined. Chair Hare pointed out that it is rare for the Senate to work this way with the Regents.

UC is required to enroll 10,000 additional students in three years. The rebenching process will be accelerated and completed this year instead over the next two. Chair Hare indicated that the Regents have started to inquire if campuses have the resources to accommodate the additional students. The review of the Presidential Policy on Sexual Violence and Sexual Harassment has been completed, and it is noteworthy that the policy still has the requirement that faculty are mandated reporters.

The Senate's work on the transfer pathways has been completed and agreements at the campuses are being finalized. The programmatic initiatives that resulted from the May budget revise were described. The major requirements initiative asks campuses to examine the unit requirements and consider if they can be reduced to 45. UC is asked to consider adopting the universal Course ID system currently used by the community colleges. The Senate was also asked to look again at the College Level Examination Program, which the Senate's Board on Admissions and Relations with Schools advised UC against using thirty years ago. Significant changes to the UC retirement plan will go into effect in July 2016 for new hires. Individuals hired after July 2016 will be impacted by the PEPR cap. Part of the budget deal was the UC would offer a supplement for employees impacted by the cap, and this aspect is being worked through right now. The proposed plan will be released for systemwide review in January.

Chair Hare is on a work group on faculty discipline related to the case of Professor Marcy at UCB. Chancellor Dirks released a statement to the UCB community, which indicated that the academic personnel process limited his options. Meetings are scheduled for January 13 at UCI and January 14 in Oakland, when the work group will hear from individuals involved with the campus processes, and a report is due by the end of January.

UC is being audited following questions raised last year such as how much non-resident tuition is used to fund faculty salaries. The compare-favorably statistics for California versus out-of-state students are being audited,

and the potential displacement of state residents by non-resident students is being evaluated.

**Discussion:** Chair Montgomery asked for Chair Hare's opinion about the work being done on the Openness in Research policy. He indicated that the Openness in Research policy revision is a slow moving process that started about two years ago.

## V. UCLA's Graduate Students Association Funding Restriction on Pro-Palestine Speech

The UCLA Graduate Student Association had agreed to provide funding for an event but withdrew it after learning about a pro-Palestine connection. It is not clear if the GSA is standing by this policy

**Discussion:** Letters have been sent to the GSA indicating that this restriction is illegal. UCAF does not need to take any action on this matter, but the UCLA representative will be asked to follow up. The members agreed that this situation should be handled at the campus level. The UC Faculty Association issued a statement in reaction to the GSA policy.

## VI. Campus Reports and Member Items

**UCSB:** There is a subcommittee on Academic Freedom that is subsumed under the Committee on Faculty Welfare, and a task force is being established to figure out how to structure a stand-alone committee. The representative is interested in hearing about the structure of Academic Freedom committees at the other campuses. At UCR, the chair of Privilege and Tenure is an *ex officio* member of the CAF.

**UCSD:** The campus is trying to expand its international programs. There are concerns about topics that host countries will not want discussed in the courses. The CAF was not consulted.

**UCR:** The CAF has focused on determining what constitutes indoctrination in course material, following controversy over a student-led course that was offered and taught last year. The representative has not heard anything else about the matter.

**UCB:** The CAF has discussed the Statement on Intolerance and micro-aggressions. It was noted that issues like micro-aggressions and trigger warnings overlap. UCAF might want to make a statement about trigger warnings, but it may be better to react to a case than to proactively develop a statement. It was recommended that the UCAF website could have links to information about trigger warnings.

**UCD:** The CAF has developed a website with materials related to academic freedom for its faculty. It was suggested that UCAF provide a similar set of resources. There have been ongoing frustrations with how to deal with requests under the California Public Records Act (PRA). Training for campus counsel and incoming faculty members has been discussed. The UCD Counsel commented that the UCLA guidance on responding to the PRA requests is aspirational.

**UCSC:** The Graduate Student Association proposed that UC divest from anything related to the Israeli military. The Chancellor wrote a letter that attempted to address concerns of Jewish students in an effort to improve campus climate, but the effort seemed to marginalize the students even more.

**UCI:** Recently a number of endowed chair agreements have been worked out, which are all connected to religious studies. One of these agreements is with the Dharma Foundation. After most of the agreements were concluded, it became clear that key faculty at the campus were not consulted, and these faculty provided information about controversial issues related to the Dharma Foundation. UC policies state that funding for endowed chairs should be provided without strings.

**UCM:** The CAF is part of the Committee on Faculty Welfare. The CAF has discussed the Regents Statement on Intolerance.

**UCSF:** The CAF has discussed updating the campus policy on restricting the use of facilities and how to promote disclosure of who is using resources. There was a conference at the campus and people were not aware of the background of one of the sponsoring organizations.

**VII. Update on Senate Travel Procedures**

- *Deborah Neal, Interim Office Manager, Academic Senate*

Interim Office Manager Neal joined UCAF to explain the current Senate travel procedures.

**VIII. UC Network Monitoring Initiative**

- *Jim Chalfant, Vice Chair, Academic Senate*

UCOP's CIO, Tom Andriola, reviewed a policy, IS3, related to data security with Chair Hare and Vice Chair Chalfant. The UCB Division Chair became aware of the policy about monitoring web traffic and notified the Senate leadership. The Senate asked for the opportunity to review the policy, and CIO Andriola indicated a new draft is forthcoming. The monitoring was intended to determine the use of problematic websites or to watch for transfers of large data files. The CIO reported that the monitoring would help identify bad actors. This work was done as a result of the recent data security breach at UCLA. An outside contractor, Fidelis, was hired and installed equipment on computers at UCLA to monitor the web traffic. Vice Chair Chalfant indicated that the issue has become more complicated as more information is made available.

The UCB representative explained that UCOP has a policy that permits it to direct staff at the campuses to put network monitoring in place and that faculty would not be told. Vice Chair Chalfant noted that the University's Electronic Communications Policy is old, and CIO Andriola reported that it will be updated next year.

**Discussion:** It was noted that external threats are an issue, and these attempts are monitored as well. Network monitoring may have a chilling effect on the sites that faculty opt to visit. Members agree that there is an academic freedom issue, but it is secondary to privacy concerns. It was suggested that the Committee on Academic Computing and Communications, given the expertise of its members, should be the lead committee on this matter. This topic will be discussed by the Academic Council and will likely be discussed by campus committees. A member suggested focusing on the process before the policy is implemented. The monitoring was probably put into place over the summer following the data breach at UCLA, and the staff were told not to say anything due to attorney-client privilege. UCAF will continue to monitor the issue.

**IX. Additional Discussion ~ Regents Statement on Principles on Intolerance**

The members shared their final thoughts about the process for developing a statement with the goal that it will be acceptable to all parties.

**X. New Business**

There was no New Business.

**XI. Executive Session**

There was no Executive Session.

Meeting adjourned at: 3:15 PM  
Minutes prepared by: Brenda Abrams

Attest: Kathleen Montgomery