

## UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM

## TELECONFERENCE MINUTES

WEDNESDAY, APRIL 8, 2015

**Attending:** Kathleen Montgomery, Chair (UCR), Moradewun Adejunmobi, Vice Chair (UCD), Hugh Roberts (UCI), Clyde Spillenger (UCLA), Linda Cameron (UCM), Sarah Schneewind (UCSD), Roberta Keller (UCSF), Wendy Streitz (Executive Director, Research Policy Analysis and Coordination, Office of Graduate Studies and Research, UCOP), Ellen Auriti (Senior Counsel, OGC, UCOP), Brenda Abrams (Principal Analyst)

**I. Welcome**

The committee members were thanked for making time for this teleconference.

**II. Openness In Research**

- *Wendy Streitz, Executive Director, Research Policy Analysis and Coordination, Office of Graduate Studies and Research, UCOP*
- *Ellen R. Auriti, Senior Counsel, Office of the General Counsel, UCOP*

ED Streitz explained that OGSR is seeking feedback on an early draft of a change in policy on openness in research with regard to modifications in existing policy, which disallows funders to place publication or citizenship restrictions on use of funds. UCAF's feedback will be incorporated into the next draft of the policy to be presented to Senate Chair Gilly and Vice Chair Hare. Existing policies related to this issue are hard to find, and some circumstances have arisen that were not contemplated when the old policies were written. A group that includes vice chancellors for research felt that UC should have a new clear and consistent policy, and a workgroup involving VCRs developed the proposed policy. Comparison data were presented showing that other institutions have policies allowing for openness to varying degrees, and it was noted that Stanford's policy is consistent with UC's longstanding policy that does not allow publication restrictions. A 2004 Council Report is probably the largest Senate paper on research funding. This is somewhat related to the restrictions on tobacco funding, but different principles apply here.

UC has not accepted citizenship restrictions in the past. ED Streitz explained the conditions under the chancellors' authority that currently allow for exceptions, but is not clear how often the authority is exercised. UC has accepted citizenship restrictions for work force development. Additionally, there are some instances where a campus may be conducting research, but for some pieces of it there is a requirement that the individuals performing certain actions must be U.S. citizens.

The key arguments against changing the policy were enumerated, including that it will place limitations on who can be a part of a research team. There could be a burden on students engaging in research, as citizenship limitations will restrict them, though a full picture of ramifications for students is not yet clear. Data on the amount of Department of Defense funding currently going to each UC campus were described to the committee. The data also included a breakdown of which disciplines at UC receive DOD funding.

**Discussion:** Members raised a basic question about the extent to which the current UC principle of fundamental research, which does not accept for restrictions on publication and citizenship, has interfered with faculty engaged in certain kinds of research. It was also noted that a change in policy allowing citizenship restrictions could be at odds with UC's goal of fostering diversity among its students and faculty. Publication and citizenship restrictions are different issues, and OGSR may want to consider

creating two separate policies. In addition, campuses may need additional resources to help manage this policy change, including dealing with compliance issues.

**Action:** UCAF members will ask around on their campuses and perhaps talk with their VCRs about pressures for changes in the current openness in research policy. UCAF will anticipate reviewing the next draft resulting from OGSR's consultations and will send more formal feedback at that time.

### **III. Accepting Equity in Exchange for Access**

Chair Montgomery invited the committee to comment on the draft guidelines for the pilot program whereby UC would be able to accept equity from companies in return for access to facilities and services associated with incubators and accelerators around the UC system.

**Discussion:** Members expressed no concerns about the guidelines.

**Action:** UCAF will not opine on this matter.

### **IV. Academic Council Statement on Civility**

On April 1<sup>st</sup>, Academic Council reviewed the statement on civility submitted by UCAF. It was approved with some minor revisions that Chair Montgomery explained to the members.

**Discussion:** The members did not object to the changes made by Council to the civility statement. However, some members did feel that the better word would be "impassioned" rather than Council's suggested "passionate" but would accept Council's final decision on the wording.

### **V. UC Policy on Copyright and Fair Use**

UCAF members can provide feedback on the proposed revisions to the UC Policy on Copyright and Fair Use. Comments are due by April 24th.

**Discussion:** The committee agreed that the changes articulate the principles of Fair Use in a more affirmative way.

**Action:** The analyst will submit a memo stating UCAF's support of the changes.

### **VI. Anti-GMO Lobbyists and Academic Freedom**

Members were asked to raise any concerns related to Freedom of Information requests affecting faculty who have worked on GMO-related issues.

**Discussion:** The policy formulated at UCLA as guidance for faculty in dealing with FOIA requests will be circulated to the members. Members may also check in with their campus counsel to see how they are handling the current requests from anti-GMO lobbyists.

### **VII. Final Review of APM 210-1-d.** UCAF will not opine further on the final review of APM 210-1-d

Meeting adjourned at: 11 a.m.

Minutes prepared by: Brenda Abrams

Attest: Kathleen Montgomery