

UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM

TELECONFERENCE MINUTES

THURSDAY, MARCH 5, 2015

Attending: Kathleen Montgomery, Chair (UCR), Moradewun Adejunmobi, Vice Chair (UCD), Hugh Roberts (UCI), Clyde Spillenger (UCLA), Ron Glass (UCLA), Christian Van De Walle (UCSB), David Steigmann (UCB), Ward Beyermann (UCR), Linda Cameron (UCM), Sarah Schneewind (UCSD), Eric Widera (UCSF), Brenda Abrams (Principal Analyst)

I. Announcements

Chair Montgomery welcomed members to the conference call.

II. Consent Calendar

Action: The December minutes were approved with corrections.

III. Civility Statement

Chair Montgomery thanked the Vice Chair for her help preparing the draft statement, which went to Council with a request that it be sent to campuses to be distributed annually along with the chancellors' civility statements. At the request of Council, the Chair called into the Council meeting on February 25th to discuss UCAF's reasoning behind the statement. Council discussion focused on issues similar to what UCAF debated. Council proposed some minor modifications in the UCAF statement and requested that UCAF send a revised statement to be endorsed by Council.

Discussion: Members agreed with the idea of releasing this statement annually, but asked that the mechanism for distribution be clarified. It was determined that the statement should be posted on the UCAF and CAF websites. It is appropriate for the Senate to issue the statement, in part to reinforce that the Senate can make such statements independent of the chancellors. The statement will include signature lines for UCAF and for Council, with approval dates. A motion to adopt the statement was made and seconded, and members indicated unanimous support for adopting and forwarding the revised statement to Council. Members will be notified when the statement is ready to be posted on their websites.

Action: The revised statement will be forwarded to Council.

IV. External Evaluation Letters for Advancement to Professor Step VI

Chair Montgomery thanked the UCB member for outlining his concerns in emails prior to the meeting about academic freedom issues and evaluation letters at Step VI. The Chair also thanked the members for gathering information about the practice at their campuses, which was compiled

into a document showing that three campuses (UCB, UCSD, and UCD) no longer require external letters for advancement to Professor Step VI, whereas the others campuses maintain this requirement. The UCD and UCSD changes are recent and have been initiated and/or endorsed by the Senate, while the change of policy at UCB is several years old.

The committee first discussed whether this issue rises to the level of a core academic freedom issue. Chair Montgomery reflected on cautions from UCAF's immediate past Chair that, although many issues could be framed as academic freedom concerns, the committee should prioritize its focus on those issues where academic freedom concerns are central. She also noted that, in response to the discussion about this matter on the UCAF listserv, Senate Chair Gilly and Vice Chair Hare advised Chair Montgomery that, in their opinions, this appears to be an issue more appropriate for UCAP review than for UCAF. Nevertheless, because some members of the committee do see this as an issue for UCAF, discussion proceeded about what action the committee might take from the perspective of UCAF.

Discussion: One member maintained that, at UCB and UCSD, extramural letters may be requested at the discretion of the department chair or subsequent reviewers, but the rights and preferences of the faculty being reviewed are not considered. Faculty have the right to be evaluated by experts in their disciplines. Without the right to external assessment, faculty will be judged by a small population of internal people who may not appreciate the faculty member's field. This may result in the faculty member feeling pressure to change his/her field to please the department chair and colleagues. Other members had a different view of the issue. It was pointed out that, if, academic freedom is potentially compromised by failing to solicit extramural evaluations for Step VI, then, by extension, academic freedom is potentially compromised at every stage of advancement. Another noted that, if the practice is considered a serious assault on academic freedom at UC, then most US universities are similarly violating the academic freedom of their faculty, since UC already makes an extraordinary number of requests for external letters compared to other institutions. It was noted that pressure for a change in policy at UCD was driven by chairs of larger departments, who felt overwhelmed by the work required to get letters for the Step VI promotion. The new UCD policy does not include the option for soliciting letters under any case.

The committee discussed several possible recommendations, including whether or not to recommend a uniform policy regarding personnel review across the campuses. Several members did not view this approach favorably. Although uniformity was not endorsed, most members expressed concern regarding who has the discretion to solicit letters on the three campuses where they are not required and agreed that faculty candidates themselves should also be given the right to have extramural letters included in their advancement file. Members agreed that UCAF should draft a letter to UCAP expressing these concerns and asking that UCAP consider this matter. Discussion proceeded about how the letter should be worded. UCAF's memo should state that the right to expert assessment is connected to the right to academic freedom.

Action: The Chair will draft a letter to UCAP outlining UCAF's concerns to be circulated to the committee for review and approval.

V. APM 210-1-d

The Chair explained that a workgroup of Council developed a new draft version, taking into account concerns expressed during the previous review period. The draft has not yet been issued for final system review, but members were invited to provide informal feedback.

Discussion: Members expressed their support for the newly proposed language. One remaining issue is whether this should be in the APM at all, but Chair Montgomery is not optimistic that this position has much support across the system. Although some faculty at UCSD and elsewhere have expressed the view that such a provision is inappropriate in the APM, many other faculty are deeply committed to keeping this provision in the APM.

VI. Proposed Revised Presidential Policy–Sexual Harassment and Sexual Violence

This is a very detailed policy, and section III.H on page 10 refers to academic freedom issues. The system does not have a lot of flexibility in terms of how this is written due to the need for consistency with the federal regulations pertaining to the Violence Against Women Act. The committee has until April 13th to forward comments for a memo to Council in time for the April 20th deadline.

Discussion: Members expressed agreement that the protections for academic freedom are adequate.

VII. Campus Reports and Member Items

San Diego: Some at the campus have expressed concerns about the effects of outside money and government regulation on academic freedom, although no cases have come up yet. CAF agreed to ask its Assembly to add two questions about academic freedom to the review process for organized research units and graduate/undergraduate programs. The CAF proposed that faculty, postdoctoral students, and graduate students be asked whether they have been pressured from within/without the University to choose or not choose certain topics, and whether they have faced any publication restrictions. Senate committees and the Assembly will be asked to consider these additions to program reviews, which are the purview of the Assembly.

In related discussion, the Vice Chair noted that some researchers at UCD were being asked by state agencies to sign a document giving the agency control of publication of their research. UCD contacted the UCOP Office of General Counsel and was advised that UCOP is working with the legislature and state agencies to craft AB 20, which would not allow state agencies to impose restrictive contracts at UC and at the CSUs. Another member commented that there are many academic freedom issues related to this, especially regarding classified research, as well as corporate and military funding. In addition, increasing pressure on faculty members to bring in outside money to fund their research may favor faculty who do this. Some faculty are concerned that, if they cannot fund their own independent research program, the University is not really interested in providing support. It was noted that the Negotiated Salary Trial Program now

underway is not only allowing funding for research but funding for salary. The NSTP program is meant to incentivize entrepreneurial faculty to seek outside funding. This could be seen as a way for corporations to apply pressure on research agendas in explicit ways. Members agree that this is a troubling concept for how a research university should be developing its agenda.

Irvine: The CAF discussed issues related to chairs changing the instructor of record and interfering with the grades given by instructors. The director of undergraduate education at the campus indicated that the chair by policy does not have the authority to change the instructor of record except in cases where the instructor is failing to attend class or otherwise failing the required duties of an instructor. The APM is vague on this issue. UCR previously raised this issue, and the CAF remains concerned that very little is written about this. UCR may investigate this further, and it is possible that the local graduate council and educational policy committees feel there is a need for a policy.

Los Angeles: The representative is not aware of any recent incidents related to animal rights activists and harassment of researchers.

Santa Cruz: The CAF is planning an event at the campus on academic freedom and social media for 2016.

VIII. New Business

Chair Montgomery mentioned that UCAF will be discussing a proposed change in UC policy related to openness in research, dealing with whether the university should accept funds with publication and citizenship restraints. Extant policies are fragmented and difficult to locate, and there is no current mechanism for the system or the campuses to consider these potential restrictions. A teleconference will be scheduled with the UCOP Office of Graduate Studies and Research. The analyst will forward various background materials about this topic before the call.

IX. Executive Session

There was no Executive Session.

Meeting adjourned at: 11:35 AM
Minutes prepared by: Brenda Abrams
Attest: Kathleen Montgomery