



UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM

Minutes of Meeting

September 27, 2024

I. Approval of the Agenda

Action Taken: The agenda was approved 9-0-0.

II. Welcome and Introductions

Chair Sean Gailmard

Chair Gailmard welcomed the members and had them introduce themselves. He told the group that the meeting would be recorded to assist the analyst in taking the minutes and also for the convenience of one member who was not able to attend the meeting. He noted that the recording could be paused at any time if members had something confidential to discuss. He further added that the recording would be deleted once the minutes are approved.

The Chair remarked that he had served on UCAF for four years and had previously served as the Berkeley campus representative and the chair of the Berkeley CAF. He said he had seen an evolution in the intensity and frequency of academic freedom issues that have come up, and noted that UCAF had been helpful to Council in the previous year.

III. Consultation with the Academic Senate Leadership

Steven W. Cheung, Academic Senate Chair

Academic Senate Chair Cheung introduced himself and explained that the Senate Vice Chair was in Turkey, but that he (the Vice Chair) would be attending the meetings going forward.

Chair Cheung remarked that the year was already off to a busy start, and he wanted to update the committee on several topics. He started with the Regents and their new chair, Janet Reilly. He said that she is very interested in expanding access to UC quality care, particularly in the Inland Empire and Central Valley. He and the Vice Chair attended a retreat with the Regents, where much of the discussion centered on the growth of UC Health, which now accounts for over 50 percent of the University's operating budget. He observed that there is some risk associated with the Health Services growth, particularly in light of the upcoming presidential election. At the Board meeting, the Regents welcomed June Yu as Vice President of the National Laboratories. In other employment news, there were a number of raises for senior managers, which resulted in some discomfort regarding the formulation of compensation indices. Chair Cheung shared that there was an important

Regents' item related to [AB 481](#), which deals with funding and use of military equipment on the campuses. This topic resulted in considerable activity and protest which put an end to discussion. The Chair remarked that he had asked UCFW and the division chairs to agendize this issue at their meetings and that the police chiefs at the campuses should be able to provide meaningful answers.

Chair Cheung remarked that he had the pleasure of serving as chair of ICAS (The Intersegmental Committee of the Academic Senates), which consists of membership from UC, CSU, and the CCCs. UC has been working on ADTs (Associate Degrees for Transfer) through the work of a special committee; Chair Cheung will be serving as the interim chair for that group following the retirement of the previous chair. He noted that this effort also ties in with a proposal to revise [SR 479](#) for CalGETC, which is currently out for systemwide review.

Chair Cheung told the committee about several important personnel changes happening within the University. President Drake is stepping down in the summer, and Chair Cheung will head the search's Academic Advisory Committee, which will consist of him and one representative from each campus. Relatedly, Chancellor Yang (UCSB) is retreating from the chancellorship and returning to the faculty, and Chancellor Wilcox (UCR) is retiring. Chair Cheung stated that faculty will be asked to serve on the search committees for these positions. The Davis Chancellor is undergoing review this year. At UCOP, the Office of Academic Personnel and Programs has been split into two interactive units – one on labor and one on personnel. Deputy Provost Amy Lee will head the personnel office, and applications are currently being accepted for the labor position.

The Chair observed that Provost Newman is very active in her ambitions to get many things accomplished over the next year. One task is a successor to the Instructional Modalities for Undergraduate Education workgroup. Another is the effort to convert the quarter-system campuses to the semester system, which will be reviewed by the APC. The APC is also working on the possible revisions to APM 015 and 016. Any substantive revision would trigger Regental review, so the APC may opt not to change 015 and 016, but to provide implementation guidelines. He and Vice Provost Haynes will co-chair this workgroup. Finally, there is a Senate workgroup on AI, which is being led by former Senate chair James Steintrager.

Chair Cheung discussed the Campus Climate Initiative. He explained that the goal of the Initiative is to deliver a systemwide framework that reflects common standards for enforcing institutional policies based on individual campus plans, and is in response to [SB 108](#). Campus teams are asked to commit to participating in three two-hour webinars and two full-day in-person training sessions. Chair Cheung observed that this is quite a time commitment. He thanked UCAF Chair Gailmard for being willing to serve as a member of the OP effort to craft a systemwide plan. Speaking of other workgroups, the Chair noted that the Workgroup on the Future of Graduate Education report will contain many recommendations, including thoughts on sizing of programs, funding models, and managing time-to-degree options. Chair Cheung is working with Vice President Cheryl Lloyd on total remuneration. Finally, he asked members to participate in an upcoming survey to get the perspectives of faculty and instructor experiences over the past academic year.

IV. Remarks on the Structure of UCAF Meetings and Business, UCAF and Council Membership

Chair Sean Gailmard

Chair Gailmard remarked that a large part of what UCAF does is react to and comment on policy initiatives and proposals from OP and the Regents and respond to requests from Council for comment. He noted that communication from UCAF with the Regents or the administration needs to go through Council. The committee also serves as a sounding board for issues for academic freedom issues that come up on the campuses. The Chair informed the committee that many of the proposals UCAF reviews will be heavy with bureaucratic language and the committee needs to read the proposals carefully to get to the substantive matters.

V. Remit of UCAF, Academic Freedom in Concept and Operation

Chair Sean Gailmard

The Chair referred members to [APM 10](#) and urged them to become familiar with it, with special attention to the second paragraph. He emphasized that APM asserts the authority of the faculty as the judge of teaching and research. He also noted that there is a corresponding right of faculty members to have their scholarly work judged by competent scholars. Chair Gailmard said that he felt there is an important distinction between free speech (as protected under the First Amendment) and academic freedom. They have overlapping zones of protection for faculty, but they have distinctions, and they protect different kinds of issues. He cautioned that members need to recognize that UCAF is not trying to interpret a body of constitutional law on First Amendment protections. Where the First Amendment ends is where academic freedom begins. He asked members for their perspectives and there was considerable discussion.

VI. Political Content in Mandatory Faculty Trainings

Vice Chair Barry O'Neill

Vice Chair O'Neill remarked that some aspects of the University's mandatory trainings could be considered controversial or enforced viewpoints. He said that he believed that there were other ways such trainings could be handled. He remarked that DEI efforts are practiced in different ways on the campuses. He noted that the tests seem to originate from UCOP and wondered if the President's Office would be open to suggested changes. Chair Gailmard said that the committee could discuss it and then take it to Council. Committee members discussed the topic and Analyst Harms was asked to see if she could get the scripts of the trainings for the committee to review.

VII. SB 108 Implementation

Chair Sean Gailmard

SB 108 is the CA law that puts certain restrictions on UC In its handling of "expressive activities" and is related to campus protests held in response to the conflict in the Middle East. The law withholds \$25M until the University can certify that it has undertaken certain efforts to comply with it. One aspect of this is the [Campus Climate Initiative](#) (CCI); but it is unclear at this point what it will entail. Each campus is required to put up information on its

webpage that define the TPM (time, place, and manner) restrictions for protests, the student code of conduct, and how the University will resolve complaints or violations. UCOP will then have to craft a systemwide process of harmonization. The Chair noted that the CCI is directly related to UCAF's mission, and that the committee needs to be familiar with it. He discussed the letter from President Drake, particularly the sections about the wearing of masks and how it may conflict with the vaccine policy exemption allowing mask-wearing. He also asked if the conditions related to mask-wearing was meaningful, or if it was merely a tool for law enforcement act at-will.

Members discussed the issue, particularly in light of APM 016.

VIII. Campus Reports

Members reported on campus activities related to academic freedom.

IX. DEI Statements in Faculty Hiring

Chair Gailmard stated that he would like to expand the discussion to include merit reviews. He asked members about the practices on their campuses regarding the use of DEI statements in employment searches and merit review processes. He remarked that his reading of APM10 is that the administration does not have the authority to require the use of DEI statements; it only can make suggestions. Members discussed DEI practices at their divisions. The Chair suggested that perhaps UCAF and UCAADE could collaborate on this issue.

X. Systemwide Information and Items Under Systemwide Review

The Chair encouraged members to read items A and B. He did not see the items under systemwide review as academic freedom issues, but invited others to weigh in if they did.

- A. Report on the State of Shared Governance at the University of California 2023-24
- B. Senate Chair Cheung's Remarks to the Board of Regents
- C. Revisions to Presidential Policy on Externally Supplied Medications in UC Outpatient and Clinic Settings
- D. Proposed Program Attachments #3-7 to the Policy on Vaccination Programs
- E. Proposed Revisions to Senate Regulation 479 (CalGETC)
- F. Proposed Senate Regulation 627 (Posthumous Awarding of Degrees)

XI. New Business

There was no new business.

XII. Executive Session

No minutes are taken during Executive Session.

The committee adjourned at 1:48 p.m.

Minutes prepared by Fredye Harms, Committee Analyst
Attest: Sean Gailmard, Committee Chair