

## UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM

## VIDEOCONFERENCE MINUTES

TUESDAY, DECEMBER 10, 2019

**Attending:** Sarah Schneewind, Chair (UCSD), Brian Soucek, Vice Chair (UCD), Ty Alper (UCB), Benjamin Highton (UCD), Moira Inkelas (UCLA), Carolin Frank (UCM), Devra Weber (UCR), Stella Bialous (UCSF), Leda Cosmides (UCSB), Jessica Taft (UCSC), Valeria Orue (Graduate Student Representative, UCR), Frances Osran (Undergraduate Student Representative, UCB), Brenda Abrams (Principal Policy Analyst, Academic Senate)

**I. Welcome**

Chair Schneewind welcomed members to the videoconference, noting that the committee has already worked on a couple of issues. First, during a September orientation for the committee chairs and vice chairs, the chair of the Committee on Faculty Welfare suggested that UCAF should request a seat on Academic Council. At this time Chair Schneewind does not believe it necessary (or possible) for UCAF to be on Council but UCAF's chair should always be prepared to respond to any inquiries from Council or attend meetings if requested. Second, the chair of P & T raised a question about the new Academic Personnel Manual policy 011 and the jurisdiction for academic freedom grievances for individuals covered by this policy, and Rules and Jurisdiction discussed the issue. Since no one who is not a faculty member has ever filed a grievance related to academic freedom, Chair Schneewind concluded that UCAF's involvement is not required and that the committees on Rules and Jurisdiction and Privilege and Tenure should handle any questions related to grievances for non-academic appointees.

**II. Consultation with the Academic Senate Office**

The consultation did not occur.

**III. Proposed Defense of Academic Freedom Statement**

UCAF's 2015 statement about civility is dated and does not adequately address the current pressures on academic freedom. Chair Schneewind joined Academic Council in October to discuss a proposed statement in defense of academic freedom arduously crafted and passed by the committee at the start of this academic year. Council did not endorse the statement, objecting to the military metaphor, requesting a clear distinction between academic freedom and free speech, asking for more social context, and suggesting fuller consultation with divisional committees.

**Discussion:** The UCLA CAF has concerns about the statement that echo those of Council, pointing out that federal funding is a policy issue and each administration has the right to determine how funding is utilized. This CAF also urged caution with respect to the examples cited in the statement. The 2015 statement was prompted by the UC president's call for civility which UCAF feared would stifle vigorous debate. Council should be asked for clarification about the aspects of the statement that should be more nuanced. The UCR representative agreed to locate statements on academic freedom from other universities and share them with the committee.

The committee discussed posting the statement on the UCAF website with a disclaimer that it has not been endorsed by Council. The analyst reported that Council will discuss detailed feedback about the statement tomorrow, so it may be advisable to wait until this feedback is received before posting the statement on the UCAF website. Another idea is to write opinion pieces and the analyst indicated that a UCAF member would need to indicate that he or she is writing as an individual rather than as a representative of UCAF or UC. Members will ensure that their divisional Committees on Academic Freedom discuss the statement, Council's feedback and next steps.

**IV. Academic Freedom Education for the UC Community**

Chair Schneewind invited the committee to discuss how to ensure that everyone in the UC community is educated about academic freedom. The administration at UCSD was asked to build academic freedom education into an annual training but this was offered only at one workshop and within one online training on other matters .

**Discussion:** UCSC's CAF focused on adding resources to its website and has recently highlighted current events. The campus is reminded about the availability of the resources. UCSF's CAF organizes an annual town hall in order to bring attention to academic freedom issues and resources. The chancellor provides a small amount of funding to reimburse speakers and the focus this year will be on the politicization of funding. Members discussed the relationship between freedom of speech and academic freedom. One suggestion is to include information about academic freedom in packages given to new UC hires although the amount of information they receive at that time may be overwhelming. Often people do not look for help with an academic freedom issues until they experience a problem. It would be valuable to have a statement about students' freedom of scholarly inquiry on UCAF and divisional CAF websites, and the analyst shared the link to the Student Freedom of Scholarly Inquiry Principles.

#### **V. UCD Office of Research Guide on "Distributing UC Davis's Copyright-Protected Work"**

The UCD representative explained that there are no specific instances where UC has imposed a decision that has prevented a faculty member from distributing their software. However, the wording of the policy suggests that there is oversight by the administration. A faculty member raised concerns about this policy with the Davis CAF and UCAF members are asked to share any relevant incidents at their campuses. At this point, it does not appear that UC has ever blocked the publishing of software.

**Discussion:** UCSC's CAF has a number of concerns about the systemwide policy on copyright and UCD's CAF referred to the Davis policy in its response to that systemwide policy. The chair underscored the importance of CAF reviews of proposed policies to identify academic freedom issues.

#### **VI. Religious Restrictions at Catholic Hospitals and UC Providers, Faculty and Students**

Vice Chair Soucek reported that a Working Group on Comprehensive Access is looking at affiliations and will issue a report in the New Year. All UC medical schools have educational training contracts with Catholic hospital chains including Dignity Health and Providence Hospital. UC Faculty and students placed in these facilities are told that they must adhere to the policies about treatments, including prohibiting abortions. Members are invited to share any examples of academic freedom issues that have arisen as a result of the contracts.

**Discussion:** UCR students are placed in these facilities because the campus does not have a medical center. These contracts have been a major concern at UCSF where many faculty and students protested against the proposed affiliation with Dignity. It was stated that faculty would be able to teach without any restrictions but that the facility may not provide the type of healthcare being taught. The ACLU letters to UCSF's chancellor highlighted an existing contract with Dignity and many at UCSF argued that the affiliation was just an expansion of the existing relationship. It is not clear how clinical agreements are reviewed. The commitment to serve patients contributes to the complexity of this matter. Members were encouraged to find out how this issue is being discussed at their campuses. UCAF will wait for the promised report from the UC President's working group on the matter before discussing further.

#### **VII. Recommendation Letters**

A faculty member at the University of Michigan agreed to write recommendation letters for a student but reversed his decision upon learning that the student would be studying in Israel.

**Discussion:** The UCLA CAF was asked by the Office of Diversity and Inclusion to comment on a request for faculty to be advised that it is not appropriate to refuse to provide recommendation letters for political reasons. The CAF felt that the faculty code of conduct provides sufficient guidance and was reluctant to weigh in beyond existing policies. UCAF discussed this matter last year and Schneewind, at that time the

divisional chair from UCSD, argued that it was inappropriate for faculty who have agreed to write for students to not write recommendation letters to particular institutions for political reasons, and that it is inconsistent to not boycott other countries, such as the People's Republic of China, which engage in equally objectionable policies as well as very direct attacks on academic freedom. A member noted that Israel denies entry to Arab students or academics and this differential treatment by Israel and what happens to academic freedom when students and academics from the United States study in Israel should be examined. The UCSF CAF looks at this issue from the perspective of the nature of what is taught and the principles as opposed to the politics.

The flip side of this issue is that faculty have the right to exercise their political views. It was noted that a graduate student relies on a recommendation letter from their advisor, whereas undergraduates could find other faculty members to provide letters. Faculty may want to make sure students understand concerns about a country. The University of Michigan case would be viewed differently if the faculty member had not initially agreed to write the letter and then reversed this decision after learning the student would be studying in Israel.

### **VIII. Campus Reports and Member Items**

**UCSB:** The representative asked about the policy of university police to not protect students' rights to hear a guest speaker on campus. This sends the wrong message about academic freedom and any actions that block students are problematic. The UCB representative reported that the guest was allowed to speak and that the College Republicans student group praised the police for allowing the event to occur. Some reports indicated that a number of students with tickets to the UCB event were unable to attend. The new campus policy is designed to allow controversial speakers to speak and for people to hear them. The Berkeley policy was revamped following incidents in 2017 when events were cancelled.

**UCR:** The CAF discussed the issues facing Chinese students at UC and at other U.S. universities with UC professor Perry Link and it may be valuable for UCAF to discuss this as well. The concern is that statements made by Chinese students at UC have been reported to the Chinese government. Professor Link has been denied entry to China due to statements he has made, as have other China scholars. Chinese students have told UC faculty that they do not speak up in class because they are afraid that their comments will be reported to the Chinese government and this concern is shared by students from Saudi Arabia as well. This issue could be added to the statement in defense of academic freedom.

**UCSC:** Faculty are encouraged to make their research public but it exposes them to attacks such as doxing. If members have concrete suggestions or are aware of services like Delete Me that the campuses are paying for, the representative would appreciate that information.

### **IX. New Business**

Chair Schneewind asked if members are aware of faculty, especially women and people of color, who feel pressured to avoid controversial issues because of student evaluations.

### **X. Executive Session**

There was no Executive Session.

Videoconference adjourned at: 12:32 PM

Minutes prepared by: Brenda Abrams

Attest: Sarah Schneewind