

**UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM (UCAF)
2004-05 ANNUAL REPORT**

TO THE ASSEMBLY OF THE ACADEMIC SENATE:

The University Committee on Academic Freedom (UCAF) met twice in Academic Year 2004-05: November 18, 2004 and April 21, 2005, in Oakland. Highlights of the Committee's activities and accomplishments are noted in this report.

Academic Council's Resolution on Research Funding Sources and the Influence of Corporate Funding on Research:

UCAF conducted an in-depth review and discussion of the UCORP "Strings" report, the resulting Academic Council Resolution on Research Funding Sources, and issues related to the influences of corporate funding on the environment for academic freedom at the University. UCAF unanimously endorsed Council's Resolution in support of the right of faculty to pursue research funded by any source deemed legitimate by university policy. However, in its letter to Council, UCAF also called for accelerated emphasis and awareness regarding the growing number of partnerships between corporate firms and the University and the possible adverse influences of corporate funding on research. UCAF noted that funding from large corporations carried with it a certainty of transforming research agendas in the university, along with the potential for pressures to arise that could be harmful to freedom of inquiry and the stated mission of the university to discover new knowledge, particularly if the funding carried with it a distorted or biased effect on research outcomes. Moreover, the committee felt such ties could potentially complicate efforts to judge scholarship quality, cast suspicion on the professoriate, and call into question the notion of a self-regulating professoriate, a foundation of academic freedom.

UCORP Chair Neiman joined UCAF's spring meeting by phone to discuss the possible charge and membership of a joint subcommittee that would conduct a more in-depth study into the scope and effect of corporate funding on the university. However, UCORP's members were not convinced of the need for this effort and wanted a better sense of how the issue of corporate influence on research was different from or not encompassed by their strings report. UCAF will continue to monitor and discuss the issue next year in collaboration with UCORP.

Academic Freedom and Students:

UCAF discussed the efforts of a Systemwide Student Academic Freedom Policy Workgroup, which includes as Senate liaisons UCAF Chair Patrick Fox and UCAF member Barbara Epstein. The Workgroup met to discuss a possible new policy to address ambiguities in the area of academic freedom for students, after questions were raised about the lack of policy guidance regarding students who serve in faculty-like positions, such as teaching assistants, post docs or researchers, in scholarly inquiry, research and publishing activities in a capacity similar to faculty. The Workgroup concluded – with the concurrence of UCAF – that it would be useful to have an affirmative policy or statement as a clear reference for students about their rights and responsibilities. The committee

reviewed a draft statement produced by the Workgroup and submitted comments to UCAF's Chair. The Workgroup will continue its work on the policy, with continuing input from UCAF.

Institutional Review Boards:

UCAF heard a number of reports about inappropriate levels of interference on campuses from Institutional Review Boards – those committees appointed to govern procedures into the way faculty conduct research with humans and animals. Faculty members have expressed strong concerns that IRBs have strayed beyond their main charge – protection of the safety and the confidentiality of human subjects – into overzealous evaluation of research methodology and research quality beyond that associated with the protection of human and animal subjects. In addition, there were reports of IRB members having inadequate expertise to understand the research under review, and complaints that no formal procedures exist for a faculty member to challenge the decision of an IRB. UCAF opined in a letter to Council that it was inappropriate, both as a matter of academic freedom and shared governance, for an IRB composed primarily of staff to have the power to penalize or punish a faculty member without additional faculty review. UCAF recommended that UCOP pursue a systemwide standard that would stipulate precisely the latitude and limits of IRB responsibilities and include due process procedures. Council asked UCOP to take the lead in this effort during 2005-06, in coordination with UCAF and CCGA.

California Senate Bill 5:

UCAF's chair submitted comments to the Academic Senate Legislative Analyst regarding California Senate Bill 5 – proposed legislation that would have required UC to adopt and implement a "Student Bill of Rights." These comments were incorporated into the Senate's response to the UCOP Office of Legislative Affairs. Many UC faculty and students had condemned SB 5 as an intrusive attempt by the state to impose inappropriate controls on speech and academic freedom. SB 5 was ultimately defeated in the legislature. Part of UC's response included a promise that the Senate would be involved in crafting a statement on student academic freedom.

Campus Policies on Integrity in Research:

UCAF reviewed a policy on integrity in research that was developed by the administration at one campus in response to a request from the Department of Health and Human Services. UCAF was concerned that the policy could violate principles of academic freedom, by leaving faculty members vulnerable to false accusations of misconduct, as well as principles of shared governance, by excluding the Senate from jurisdiction over the process consistent with the Standing Orders of the Regents. UCAF members agreed to research the status of DHHS requests on other campuses with the help of their divisional academic freedom committees and Senate chairs, and to initiate memos from local Senate divisions to campus EVCs of Research asking that campus policies on integrity and misconduct in research refer matters of investigation and discipline to Academic Senate committees. UCAF members also agreed that UC should consider a uniform, systemwide policy regarding this issue.

The USA Patriot Act:

UCAF continued to be interested in efforts to address the USA Patriot Act on campuses, which included several divisional resolutions or planned resolutions opposing the Act and educational forums at other divisions. To UCAF, these efforts revealed a widespread concern that the Patriot Act might be implemented in a way that could compromise civil liberties and academic freedom on campus. Members agreed that it would be important for members of the campus community to educate themselves about actual and potential dangers posed by the Patriot Act. UCAF members will continue to monitor the implementation and effects of the Patriot Act along with efforts to oppose or address it at the campus level. Members were asked to communicate through their divisional committees with appropriate campus representatives to determine what university resources were being used to prepare for possible government requests for information and how that information would be reported to the campus community.

Other Issues and Activities:

UCAF devoted part of each regular meeting to reports and updates about issues facing local committees. Discussion included campus-specific effects of post 9-11 legislation, particularly the impact of visa restrictions on foreign students and scholars and government access to student records and information about international visitors; overt political stacking of Federal advisory committees and federally mandated travel bans; hate speech and conditions of civility on campus; political influence in federal scientific review panels; academic freedom at the Department of Energy National Laboratories currently administered by UC; and discussion of academic freedom cases at other universities.

UCAF also consulted with Academic Senate Chair George Blumenthal and Academic Senate Vice Chair Clifford Brunk on issues facing the Academic Council and Senate; and Academic Senate Executive Director María Bertero-Barceló on Senate office procedures and Committee business.

Respectfully submitted,

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