

UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM

MINUTES OF VIDEOCONFERENCE

TUESDAY, MARCH 15, 2011

Attending: Ronald Amundson, Chair (UCB), Roberta Rehm, Vice Chair (UCSF), David Steigmann (UCB), Gregory Miller (UCD), Carol Uhlaner (UCI), Cameron Gundersen (UCLA), Erik Menke (UCM), Piotr S. Gorecki (UCR), Harold E. Pashler (UCSD), Nancy Gallagher (UCSB), Mary Beth Pudup (UCSC), Danielle McManus (Graduate Student Representative), Alexander Luong (Undergraduate Student Representative), Dan Simmons (Senate Chair), Bob Anderson (Senate Vice Chair), Brenda Abrams (Policy Analyst)

I. Welcome and Introductions

The chair expressed appreciation for members meeting by teleconference and iLinc. Members were asked to report on the activities of the local committees on academic freedom.

Discussion: A member expressed concern about where online articles will be archived if journal publishers do not maintain their servers. UCOLASC should be asked about this issue.

The UCD representative reported that there is an issue related to an email policy for the medical center faculty. Due to patient confidentiality, professors are required to use a particular email portal that is inconvenient. Some professors have objected and want to use something more user friendly. This has been raised as an academic freedom issue but members of the local CAF do not all agree that it is one. UCSF has discussed the changes to APM 010 and 015, as well as restrictions to access to certain journals because of increasing costs and the budget. It is not clear if there are academic freedom issues related to the journal issues. There is a concern about access to materials in the event that a publisher goes out of business or a certain type of technology becomes obsolete.

UCI has discussed the proposed legislation to require training on faculty on harassment and including harassment content in their curricula. The committee agreed that this infringed on academic freedom and is of great concern. Senate membership from the faculty welfare point of view has been discussed and this is primarily a medical school issue at this campus. The committee concluded that expanding senate membership is not the appropriate strategy. The UCLA committee has discussed issues related to research on animal subjects and academic freedom for lecturers. UCR had a situation where a faculty member was asked to change a grade which would have had implications related to academic freedom but this problem was resolved by the faculty member.

UCSD has had two cases to address. The first issue was the graduate student association request that the administration approve a graduate student bill of rights. The Senate was asked to approve it and there were no academic freedom issues with it. The second case is a complaint from a social science professor who contends that the dean has ordered him not to publish controversial material in his field that would be damaging to another faculty member. It is complicated since the person who raised the complaint initially accused the member of academic misconduct. This case went to Privilege and Tenure (P&T) which found in favor of the person who filed the complaint but this person feels that nothing has been done. P&T recommended that the faculty member and the dean work through this matter. Members agreed that the dean's position is not tenable. There were both implicit and explicit threats in the letter from P&T on the grounds of harassment. Members agreed that UCAF can express an opinion about individual cases such as this one although Chair Simmons cautioned the committee to not do anything to make this situation worse. Vice Chair Anderson recommended that the faculty member should go back to P&T and indicate that the problem has not been resolved.

II. Consultation with the Office of the President

- *Susan Carlson, Vice Provost, Academic Personnel*
- *Janet Lockwood Manager-Academic Policy and Compensation, Academic Personnel*

Vice Provost Carlson reported that the changes to the APM will be reviewed again, including a Senate review. It is being reviewed by OGC since specific language has been approved by Council. OGC is considering what the appropriate language should be and the president is also reviewing the proposed changes. The review at UCOP should be completed this spring.

Discussion: It is possible that UCAF may have to consider revised language but the changes will not focus on the principles UCAF is attempting to address. Vice Provost Carlson suggested that UCAF might want to have a brief meeting after the systemwide review. A member commented that the reason for the changes was that faculty could be disciplined for speaking out in meetings about issues related to UC. The analyst will distribute the link to the AAUP article and previous meeting minutes to the committees and Vice Provost Carlson.

III. UCAF Goals for 2011-2012

The committee was asked to identify goals for next year. Issues will include things being discussed today including the privacy and security initiative, research using animal subjects, and academic freedom for lecturers.

Discussion: UCAF may want to monitor the situation at UCSD where the faculty member was asked not to publish his research.

IV. Privacy and Security Initiative

- *Stephen Lau, Policy Director, Information Resources and Communication*

This is an 18 month initiative that consists of various individuals from both the Senate and administration and graduate student and undergraduate student representatives. It was started due to a number of information security breaches of personal information and UCOP decided to revisit how UC looks at privacy and security. Laws related to these issues have changed over recent years. The electronic communications policy is not up to day given changes like new social media platforms.

Discussion: Director Lau would like to engage faculty in this process to ensure that any policies put forward are viable. Monitoring email is a slippery slope and how far this monitoring should go is one question. One member suggested identifying faculty who participate on institutional review boards could be involved in this initiative because they have to address privacy issues. The needs of faculty need to be determined to ensure that any new policies or guidelines are viable. One example of a breach was patient health information health information that was sent out but caught because of the monitoring in place. There are regulatory requirements that call for UC to implement best business practices. Breaches have occurred while conducting UC business as well as during personal use. One issue being discussed is monitoring internet usage without a person's knowledge which is a violation of the individual's privacy. The Chair suggested that UCAF should request the opportunity to participate in the meetings and campus committees should be asked to weigh in as well. Director Lau invited the committee to provide feedback as soon as possible.

V. Research Using Animal Subjects

This is a serious issue at UCLA. An article about the UCLA researcher dealing with harassment by animal rights activists was circulated to the committee. There is federal and state legislation that provides some degree of protection for researchers using animal subjects. Some of the concern is that the laws have not been applied and enforced as it seems that the FBI has not made this a priority and may lack needed resources.

Discussion: The administration at UCLA has been supportive of Professor David Jentsch and provided protection but there has not been much support from faculty. The UCLA representative would like to increase faculty support of Professor Jentsch. Regular forums about this issue that are attended by proponents and opponents of research on animal subjects could be one way to increase awareness and understanding. The UCLA Senate has suggested that this issue is not a concern.

The problem is when people use violence to oppose research and UCAF can draft a statement that condemns the use of violence. The purpose and benefits of the research could be clarified for the general public. UCOP and the Senate could also communicate with Senator Feinstein to request that the laws to protect researchers are enforced by the FBI. At the systemwide level there could be a task force to put in place the policies needed to protect researchers which would give all of the campuses a structure. When support has been provided in the past, this tends to spur more attacks. The issue should be publicized as broadly as possible. The committee discussed whether its statement should focus only on researchers using animal subjects or include other researchers. UCAF will prepare a statement to be submitted to Council with the hope that it will be picked up in something like the Chronicle of Higher Education.

VI. Drug Company Funding

The issue of drug company funding was raised during a teleconference with Chair Simmons last fall. The committee should monitor any issues related to this.

Discussion: Vice Chair Rehm commented that this is an issue at UCSF where faculty promote partnerships with corporations but she is not aware of any situations involving formal restrictions on publication. Contracts and grants have rules and regulations that prohibit faculty from entering into agreements that would infringe on the researchers freedom to publish so this may not be an issue. It is recommended that researchers negotiate up front with companies that they will retain the right to publish whether the results are positive or negative.

VII. Academic Freedom for Lecturers

UCLA has discussed the issue of academic freedom for lecturers. A question is whether the academic freedom of lecturers should be considered on par with that of other faculty.

Discussion: The traditional rationale for academic freedom is that tenure track and tenured faculty have been vetted in a way lecturers are not. Lecturers are not members of the Senate and are not reviewed in the same way. They have different responsibilities and rights than Senate members. One member argued that lecturers should not be excluded since they are part of the mission of UC to enhance and disseminate knowledge so their academic freedom should be protected. Chair Amundson noted that lecturers are not allowed to participate in the review and evaluation of other faculty. A member suggested extending academic freedom to lecturers with qualifications. There are a number of different types of lecturers so they would need to be treated differently. APM 010 explicitly links academic freedom to the Senate.

The committee discussed a case at UCLA involving a faculty member in the Professional Research series who was fired after 30 years at the university. He was reappointed on an annual basis to this position which is contingent on grant funding for his salary. The problem was that his department started charging his grant for what the UCLA representative described as made up expenses which used up the grant funding. His research also resulted in conclusions in contradiction to research by other faculty in his department. UCAF members agreed that faculty in these positions are in need of some help and protection. The case at UCLA will be argued with a mediator and if it is not resolved in favor of the faculty member he will bring legal action. Members agreed that UCAF should not weigh in on this case. There may be push back from the Senate if UCAF suggests extending the protection of academic freedom to lecturers. UCAF should determine who academic freedom generally applies to outside of UC. The Senate is very protective with respect to its membership. One member suggested decoupling tenure from academic freedom. This issue should be on UCAF's agenda for 2011-2012.

VIII. New Business

There was no new business.

Meeting adjourned at: 2 p.m.

Minutes prepared by: Brenda Abrams

Attest Ron Amundson