

UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM

MINUTES OF VIDEOCONFERENCE

THURSDAY, MARCH 15, 2012

Attending: Roberta Rehm, Chair (UCSF), Cameron Gundersen, Vice Chair (UCLA), Gregory Pasternack (UCD), Carol Uhlaner (UCI) (telephone), Thomas Morton (UCR), Harold Pashler (UCSD), Mohana Amirtharajah (UCSF), Susan Carlson (Vice Provost, Academic Personnel), Christopher Kelty (Chair, University Committee on Library and Scholarly Communication) (telephone), Bob Powell (Vice Chair, Academic Senate), Brenda Abrams (Policy Analyst)

I. Welcome

Chair Rehm welcomed members to the meeting and announced that there is a change in the order of the agenda.

II. Consent Calendar

Action: The minutes were approved with corrections.

III. Best Practices for Responding to Protest Activity

Chair Rehm and Vice Chair Gundersen attended a meeting to discuss best practices for responding to protest activity. The Office of General Counsel shared a statement of rights and then a set of guidelines for responses. The Chair asked the UCI and UCR representatives to share their work on this issue. The UCR representative shared that protestors at that campus might be required by the chancellor's office to give two weeks' notice before a protest. The UCR CAF drafted a statement in February following two incidents at the campus, and UCI added a friendly amendment to the statement. There have been debates about the definition of unlawful assembly. The goal is for the statement to be ratified by the divisions.

Discussion: A member pointed out that appendix B of APM 010 addresses students' freedom of scholarly inquiry, and suggested that new policies for students as well as groups that are academic appointments should be in the APM. It is not clear who is covered by academic freedom and who is a member of the Senate will be changing. Members agree that UCAF should be proactive and should not rely on individuals who do not understand academic freedom. The UCR representative made a motion to wait to see what the systemwide task force reports on the best practices before UCAF deliberates further on the subject. A second motion was made to ask members to take the amended UCR resolution back to their campuses for feedback. The motions were both approved.

The UCD representative recommends that a statement is needed to address the academic freedom rights of students. Although members agreed that this had been discussed, there is no official policy statement about students' academic freedom. This policy may address protests along with other issues. The committee debated whether a student academic freedom statement should be drafted by faculty on UCAF or whether it should be a student-driven activity.

IV. Proposed Open Access Policy

- *Christopher Kelty, Chair, University Committee on Library and Scholarly Communication*

Chair Rehm welcomed Chair Kelty to UCAF. There has been renewed interest since the fall in having an open access policy at UC. There was an effort five years ago but the proposed policy was not passed. Other universities have since passed open access policies similar to the one proposed for UC now. Scholarly publishers are failing to make work available in open access to a satisfactory extent. One question is how to move away from a model where universities pay for publications. The proposal separates the policy from implementation of the policy. The policy has to be passed by the faculty and there is a question of whether it should be done campus by campus or at the systemwide level. The California Digital Library has an open access repository, eScholarship, and the CDL is prepared to implement the open access policy.

Discussion: Passing the policy at UC will have a tremendous affect on the publishing industry and Chair Kelty hopes that publishers will change their practices as a result of it. The policy also makes it clear that UC faculty have granted UC a preexisting license to the university. If publishers resist the policy, there is an opt out clause for faculty. The opt out clause could be left out of the policy but this could result in problems for faculty. There was a question about faculty who do not have funding to publish. The policy should not have an impact on faculty who do not have money. The implication for moving to open access is that the funding models will change and some libraries have started investigating how to establish funds for this. Money that the California Digital Library spends on publications should be redirected to support other activities.

A member asked if the policy excludes books. The policy as written applies to scholarly articles which is intentionally vague but should clearly exclude textbooks and monographs. UCAF was asked if the language should be revised to include monographs. Chair Kelty indicated that small presses are already hurting and if the policy would hurt them further these presses could be excluded. A potentially gray area is book chapters and this may be a significant issue depending on the discipline. Members agreed that without the opt out policy there would definitely be academic freedom issues.

V. Consultation with the Office of the President

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

Chair Rehm introduced Vice Provost Carlson who was invited to UCAF to update the committee on APM 010 and 015. The proposed changes were sent out for management consultation after feedback was received in the fall. The management consultation is with a small number of standing committees and the executive vice chancellors. Following the management consultation, the policy will be distributed for systemwide review. The changes UCAF suggested in the management review were not incorporated so the clause referring to when someone is acting as a faculty member will remain in the draft policy. The policy will need the Regents' approval.

Discussion: Members did not express any major concerns about UCAF's feedback not being included in the policy and are satisfied with the explanation provided by Vice Provost Carlson. On a different subject, Vice Provost Carlson encouraged UCAF to comment on AB 2132. Vice Provost Carlson also explained the proposed APM 700 policy. The policy maintains protections for faculty but puts a mechanism in place for when a faculty member cannot be located, which has happened only two or three times according to feedback from the campuses. Members discussed whether the policy as drafted addresses the issue. Chair Rehm asked members to identify issues related to academic freedom and APM 700.

VI. Perceptions about Academic Freedom

The UCD representative indicated that, based on the survey results, it is clear that academic freedom is not understood. There are many policies and actions that chip away at academic freedom.

Discussion: A member made a motion to recognize the UCD's graduate student's work on the survey. Members approved the motion. It would be interesting to have data that shows how graduate students' perceptions compare to the perceptions of faculty.

VII. Support for Controversial Research

During the committee's November meeting, there was a discussion about issuing a statement in support of controversial research. The statement will go to Academic Council with a request that Council is prepared to support any faculty whose research is questioned and to recommend development of an educational process for any interested members of the public. The statement will go to Council for consideration in April. Today the committee should try to finalize the statement.

Discussion: The education component could possibly be a separate proposal. Members suggested ways to strengthen the statement. The committee would like to hold public forums where controversial types of research are discussed. Vice Chair Gundersen reported that there are organizations that sponsor forums like this and will conduct fund raising for events. The committee discussed the pros and cons of having debates, what does and does not work, and whether researchers involved with controversial research would attend. These forums may be very beneficial for students. Chair Rehm shared that UCSF had a forum focused on partnerships with businesses. A plan for security will need to be in place for any event. A member remarked that it is unclear whether UCAF can organize these forums and if instead committee members should work on this at their campuses.

Chair Rehm asked if a subcommittee of UCAF should be formed to pursue planning of the educational workshops. The vice chair, UCI, and UCSD representatives agreed to work on the subcommittee. The analyst will contact the Senate's Executive Director about whether UCAF could work with an outside organization that would use UC's name in the fund raising.

VIII. Campus Reports and Member Items

Los Angeles: There have not been any significant AF issues at the campus.

San Francisco: The committee is updating its website.

San Diego: The UCSD resolution called for an education component for administrators to increase their understanding of academic freedom issues. Hypothetical cases will be developed.

Irvine: The representative indicated that there is a proposed UC smoke free policy that infringes on the rights of faculty. It is not clear if there will be implications for academic freedom.

IX. New Business

Consultation with Senate Leadership

- *Bob Powell, Vice Chair Academic Senate*

Vice Chair Powell joined UCAF to provide general updates. There is a lot of work right now on the state budget. Everything is contingent on the ballot measures. If the budget plan is in effect, UC has agreed to no tuition increases. Vice Chair Powell described that an attempt to implement APM 668, the negotiated salary plan, at any campus that wanted to have the option was stopped. It is not clear what problem APM 668 would solve. A bill that was recently passed will allow graduate student instructors to unionize and UCOP is against this.

Discussion: A member commented that the faculty salaries plan will result in different scales at each campus. Graduate students instructors will have to vote on unionizing.

APM 210

The UCSD representative was contacted about language in APM 210 that describes promoting diversity and proposed alternate language.

Discussion: UCAF considered requesting that the language be revised although members were not sure how problematic the language is. There is a perception that there is pressure to give faculty extra credit for research in this area. UCOP could be asked to create a document that clarifies how APM 210 should be read. Chair Rehm suggested making a statement that supports diversity. UCAF will consult with UCAP and UCAAD about revising the language.

Privacy and Security Initiative

Vice Chair Gundersen reported that the overarching policy is being finalized by the Privacy and Security Initiative Task Force. The vice chair indicated that academic freedom issues have been taken into consideration. A member shared that following the accidental death of a graduate student, emails between them were subpoenaed without his knowledge.

X. Executive Session

There was no executive session.

Meeting adjourned at: 3:30 PM
Minutes prepared by: Brenda Abrams
Attest: Roberta Rehm