

UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM

TELECONFERENCE MINUTES

THURSDAY, MARCH 27, 2014

Attending: Cameron Gundersen, Chair (UCLA), Stanley Awramik, Vice Chair (UCSB), David Steigmann (UCB), Hugh Roberts (UCI), Marco Iacoboni (UCLA), Kathleen Montgomery (UCR), Thuan Le (UCSF), Moradewun Adejunmot (UCD), Sean Malloy (UCM), Harold Pashler (UCSD), (Brenda Abrams (Principal Analyst)

I. Welcome and Announcements

Chair Gundersen welcomed members to the teleconference, noting that it is a good thing that there are not many academic freedom issues for the committee to discuss.

II. Faculty Control of the Curriculum

Chair Gundersen asked the UCM representative to lead the discussion about faculty control of the curriculum. The representative explained that the focus will be upon potential threats to academic freedom and workload, although the latter is not under the purview of UCAF but should be a concern for all faculty. The issues flowed out of the accreditation process at Merced. Many of the learning objectives and programs started because of WASC but have since been internalized at the campus. The first requirement was to list course learning outcomes (CLOs) on the syllabi and to submit syllabi to the administration, information that was relatively easy for faculty to provide. The second issue was the requirement that all undergraduate programs develop program learning outcomes (PLOs) to be assessed annually by the program. A faculty assessment officer was appointed to oversee this process without any compensation, and this became a workload issue.

The potential academic freedom issues are related to the third and fourth requirements. The third requirement, possibly new this year, is that when a faculty member wants to teach a new class or modify an existing one, the faculty must submit a course outline of the CLOs with an explanation of the connection to the program learning outcomes. This requirement is based on the assumption that what is taught is based on a fixed body of knowledge about which all faculty agree. A faculty member who teaches a course that challenges some of the foundations of her own discipline could potentially be told she cannot teach the course because the CLOs do not reinforce the PLOs. The only recourse for this faculty member would be to lobby her colleagues to modify the PLOs. Any attempt to standardize the development of curriculum does not fit with a research university.

The UCM faculty are concerned about the attempt to apply uniformity. A fourth component is an attempt by a joint administrative Senate committee to make learning assessment part of the personnel review process. The stated intent is to give credit to the faculty assessment officers for their work. The UCM academic freedom committee views this as a heavy handed attempt to make faculty get on board with assessment. Making learning assessment a special category of personnel reviews may privilege this particular kind of service and could potentially be used as a club to intimidate faculty raising questions about the bureaucracy, workload and academic freedom implications of this. The concerns would not be as great if the requirements were genuinely designed to help improve UC's graduate and undergraduate programs. This becomes a circular process involving lengthy assessment activities aimed at proving that UCM is successfully conducting assessment activities. At UCM, opinions about the requirements have been divided. The majority opinion may be that learning assessment is a bureaucratic fact of life that faculty do not enjoy but have to live with. A vocal minority at UCM is opposed to these requirements out of concern for what will happen to their curriculum. There are workload issues as well as concerns about

academic freedom. The UCM representative proposed that UCAF write a strong, general statement that reiterates faculty control of the curriculum. The statement might also note that the move to embrace assessment should not be used to weaken this principle and state that local CAFs should have the opportunity to review learning assessment related to changes to curriculum. The UCM representative stated that it is not clear who reads the reports prepared for WASC.

Discussion: Members discussed how prescriptive the accreditation requirements are. The point was made that it is not unusual for curriculum review committees to ask faculty to provide information about the learning objectives. Many disciplines have programmatic sequences. It is difficult to identify the boundaries of what is unacceptable dictating to professors while recognizing that the institution as a whole does have programs. According to the UCM representative, WASC requires that a campus have course learning outcomes and the program learning outcomes, but the Commission does not dictate how the campus designs and implements these. UCD faculty produce learning outcomes for departments and individual courses, and at the end of each quarter a list of the learning outcomes for all courses taught in that quarter is compiled. If faculty want a course to qualify for GE credit, there is specific language on the Committee on Courses website that is to be used. The potential that these requirements will impact the course review system and that faculty will be pressured to carry out assessment more frequently should be brought to the attention of the systemwide Academic Senate. UCAF may want to pay closer attention to the outcomes of accreditation at UC campuses. The UCM representative proposes that UCAF should make a general statement that asserts faculty control of the curriculum and that issues related to academic freedom should be kept in mind during discussions about assessment. Local CAFs should be empowered to be a part of the process at their campuses. A member noted that during this discussion the analyst forwarded several documents from education policy committees that UCAF members may want to review before drafting a new memo. At UCSB departments created program outcomes but did not make outcomes for individual courses. WASC and accreditation issues are things that UCM has been dealing with since the campus began in 2005.

Action: The UCB and UCM representatives will work with Chair Gundersen on a memo about this matter to be sent to the UCM division Council.

III. Indirect Costs

Chair Gundersen asked the UCSF representative to describe the issue of indirect costs and junior faculty versus senior faculty. UCSF is considering an indirect cost (IDC) waiver policy. An IDC task force has been established to outline a procedure related to a foundation grant waiver. These are foundation grants with less than 10% IDC allocation built in. The task force is seeking the input and recommendation of CAF before finalizing the policy. Currently, UCSF indirect cost rates for FY 13-14 for foundation grants vary between 0% - 44% compared to federal grants and industry sponsored research with rates at 57-58%. It is projected that UCSF has lost \$3 million from foundation grants/awards with less than 10% of indirect cost allocation. This is a small number as compared to the over all loss of \$75 million, which is the amount of indirect costs not covered by all non-federal grants. The distribution among faculty rank and total money of awards with less than 10% IDC allocation is: assistant professor: \$350,000 (equivalent to 19% of all awards with <10% IDC), associate professor: \$2.3 millions (equivalent to 15% of all awards), and professor: \$5.5 millions (equivalent to 61% of all awards). The guiding principles for the policy include that the work is mission-critical to UCSF, and that there is equity, accountability and transparency. The person who approves the waiver should be responsible for covering the shortfall to pay for the waiver. The policy includes specific recommendations for the criteria to be used to determine if a waiver is awarded.

The UCSF CAF has three specific considerations related to indirect cost waiver policy. First, if a faculty member's research is focused on an area where very few sources of funding exist, and funding is required

to continue the inquiry, and these funding sources do not provide indirects of 10% or more, a policy that precludes submission of their proposal could have a material effect on the faculty member's ability to continue the research, thus inhibiting their academic freedom. Second, in the case where a faculty member's research proposal is precluded from being submitted under this policy due to the lack of indirects, the process for appealing on academic freedom grounds may cause the submission deadline to be missed. And third, while sustaining adequate research support infrastructure is obviously critical to the continued well-being of the University, the value of unrestricted inquiry to the University is perhaps more critical.

Two specific recommended IDC waiver mechanisms are still under discussion at CAF. If a principal investigator (PI) receives the foundation awards that have no IDC allocations, and the PI is well funded, or has discretionary spending funds, he/she can use that to pay 10% IDC. However, if there is no fund, PI can seek IDC waiver request from department chair first, then dean, then chancellor.

The alternative is that UCSF can establish a pro-rate scale for IDC. The first foundation grant is automatically exempt from IDC (the department will cover the IDC expense of 10%), the 2nd and subsequent foundation grants are subjected to a pro-rate scale of 3%, 6%, 9% (capped at 10%) for IDC that the PI is responsible for paying using his/her own start up funds, or discretionary funds, while the department will cover the difference of 10% required for IDC. However, if there is no money at all, the PI will need to seek waiver request from department chair first, dean, then finally chancellor.

Discussion: Several members expressed their lack of familiarity with the indirect cost issue because of their disciplines. Members will review the materials provided by the UCSF representative and provide comments following the meeting. The chair commented that for the medical schools and other research intensive units that receive significant extramural funding indirect cost recovery has been a chronic problem.

IV. Moreno Report

A UCLA committee in charge of implementing the Moreno Report is not ready to release its document yet but UCAF members will review. The goal is for UCAF to be proactive about identifying and calling attention to any problems. There is a potential for people to overreact in their attempts to prevent incidents from happening in the future. The Chair expects that similar information will start being released at other campuses.

V. UCD Academic Freedom Forum

The UCD Senate decided to host this forum in response to a case regarding a faculty member at the medical school who alleged that his academic freedom had been infringed upon. The Senate organized the forum with the help of the provost's office. Robert Post gave a presentation on academic freedom and answered questions. There was a panel with Robert Post, an AAUP representative, UCAF's immediate past chair Roberta Rehm and the UCD provost. Questions were collected in advance and concerned topics such as departments taking public stances on controversial issues, the Israeli-Palestine conflict, who owns data or electronic information on faculty members' computers, and the freedom to decide the content of ones' teaching or what textbooks to use. The UCD representative will share a link to videos of the talks. The CAF is discussing developing a course about academic freedom that administrators would take. The UCD representative asked Professor Post about freedom of information or public records act requests and he cautioned against blanket policies against releasing the identities of supporters of different activities. The campus would like to develop an archive of resources that everyone can use if they have a question about academic freedom. It may be useful to develop a short course on academic freedom that all administrators will take.

Discussion: The UCSD representative indicated that it is very useful to consider a set of hypothetical scenarios and he will share what his campus has done related to this.

VI. Campus Reports and Member Items

A member asked if a faculty member were to be found guilty of domestic violence whether his/her promotion at UC would be jeopardized.

A member asked about the practice of course instructors who encourage students to take reports written for graded course projects and convert them into journal publications that are co-authored by the course instructor. There is a great potential for abuse on the part of the course instructors. It is an academic freedom issue potentially because students do presumably own their intellectual property under the terms of academic freedom and they should not be coerced into giving up that right, no matter how subtle the coercion may be.

A second issue was the use of rejected NSF proposals by students as source material for course project reports that would then form the basis for a publication then co-authored by the instructor. A general statement from UCAF about protecting the academic freedom rights of students in the context of the classroom may be needed.

Discussion: There was agreement that law enforcement and the courts would dictate what happens to a faculty member in this case. It would be very dangerous for the University to become involved in a private matter like domestic abuse or violence. It was suggested that the members review Professor Post's work on academic freedom which clarifies that a situation like this is not related to academic freedom.

The committee is concerned about the potential violations of students' academic freedom. It was noted that the use of the rejected proposals is a clear violation of the faculty code of conduct as well as any requirements for being on a NSF review panel. UCAF may wish to consider this as an agenda item in the near future. One member expressed concern that this matter may go beyond UCAF's purview.

Meeting adjourned at: 2:30 PM
Minutes prepared by: Brenda Abrams
Attest: Cameron Gundersen