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Assembly of the Academic Senate  
Academic Council  
1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, CA 94607-5200

May 1, 2007

**SYSTEM-WIDE SENATE COMMITTEE CHAIRS  
DIVISIONAL SENATE CHAIRS**

**RE: System-wide Senate Review of the University Committee on Academic Freedom (UCAF) Proposed Student Freedom of Scholarly Inquiry Principles.**

Dear System-wide Senate Committee and Divisional Senate Chairs:

On behalf of Chair Oakley, the above document is being forwarded for your review and comments. As background information, during the academic year 05-06 UCAF submitted for the Academic Council's consideration the proposed "Student Freedom-of-Scholarly-Inquiry Principles," which was sent out for system-wide Senate review. At its July 2006, meeting, the Academic Council agreed to send back to UCAF the proposed principles with a request that the principles be revised based on the comments received resulting from the senate-wide review. UCAF recently submitted a revised proposal and at its April 18, 2007, meeting, the Academic Council agreed to send this revised version out for systemwide Senate review.

In order for the Academic Council to finalize its position this academic year, we would we would very much appreciate **receiving responses from both Systemwide Senate Committees and Divisions by no later than June 13, 2007.**

Please note that we normally have a different deadline for comments from Systemwide Senate Committees and from Divisions, but due to the tight deadline **all responses are due by June 13, 2007.**

**As a reminder to System-wide Senate Committee Chairs, request for comments, are sent out to all System-wide Senate Chairs. Each Chair/committee may decide whether or not to opine.** Please notify the Senate Office either directly by emailing me or through your Committee Analyst, if your committee chooses not to participate in this review.

Cordially,

A handwritten signature in cursive script, appearing to read "María".

María Bertero-Barceló, Executive Director  
Academic Senate

Encl: 1 ([Student Freedom of Scholarly Inquiry Principles](#))  
Copy: Academic Council Chair John Oakley  
Divisional Senate Directors  
Academic Senate Committee Analysts



**UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM**  
**JEROLD THEIS, CHAIR**  
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March 20, 2007

**JOHN OAKLEY, CHAIR**  
**ACADEMIC COUNCIL**

**Re: Student Freedom of Scholarly Inquiry Principles**

Dear John,

The University Committee on Academic Freedom (UCAF) has reviewed comments and suggested amendments submitted to Academic Council by Senate committees and divisions during the systemwide review of UCAF's Student Freedom of Scholarly Inquiry Principles. We have revised the document to reflect this input, and those substantive changes are detailed in the attached file.

A summary of the revisions made to the document follow:

1. UCORP recommended further elaboration of student "intellectual property rights" in the context of "generally accepted standards of attribution," while UC Los Angeles suggested that the issue of student intellectual property rights should not appear in a statement about academic freedom.

UCAF generally agrees with the UCLA position, but we do not advocate the complete elimination of our original reference to student intellectual rights; in part, because we believe students have a right to appropriate attribution that formally recognizes their intellectual contributions to research and creative activity, and in part because statements from the American Association of University Professors (AAUP) on this issue expressly recognize student intellectual property rights. As a compromise, UCAF has eliminated the reference to "property" because we agree it may evoke an overly legalistic frame of reference, but we have retained the concept of "intellectual" rights to reflect the faculty's responsibility for protecting the intellectual contributions of students in terms of attribution given them in encouragement of their research and creative activities.

2. UC Irvine recommended the addition of a footnote and exception language relating to the limitations of a student's freedom to conduct graduate thesis or dissertation research. We have incorporated the UC Irvine exception language in Footnote 7 of the Principles.

3. UC Santa Barbara recommended adding the phrase "no student can abridge the rights of other students when exercising their right to differ." We have incorporated the Santa Barbara recommendation in the second paragraph of the Principles.

4. UC Los Angeles expressed a concern that the statement does not go far enough to place the responsibility for protecting student freedom of scholarly inquiry in the hands of the faculty. UCLA recommended the addition of specific language, which we have incorporated into the Preamble with minor modifications.

5. In response to a recommendation from CCGA, a UCAF/CCGA/UCEP Work Group met in early March to compare the language in the Freedom of Scholarly Inquiry Principles and the UCEP/CCGA memorandum, *The Role of Graduate Students in University Instruction*, to ensure that the concepts of student rights and responsibilities in each are consistent and aligned. The consensus of the Work Group was that both documents are consistent.

Regarding the specific concerns raised by the UC Santa Cruz Graduate Council about the scope of the third to last paragraph and its applicability to Postdoctoral Scholars, we note that the intent of the Principles is to apply to student instruction that is overseen, not all student instruction. APM 390-4 is clear that when Postdoctoral Scholars are engaged in formal teaching they must also hold an appropriate teaching title:

If formal teaching duties are assigned, a Postdoctoral Scholar must hold both a Postdoctoral Scholar title and an appropriate teaching title. Under this circumstance, the full-time Postdoctoral Scholar appointment percentage will be reduced accordingly.

Postdoctoral scholars must also have an appropriate faculty title if they have independent responsibility for a course of instruction. If that title is bestowed after appropriate review of the individual's qualifications, they are considered a member of the faculty – not a student – in respect to their independent responsibility for a course of instruction and thus enjoy academic freedom when acting in that role.

An excerpt from the CCGA/UCEP memo *The Role of Graduate Students in University Instruction* currently out for divisional review echoes this policy:

CCGA also considered the role of postdoctoral scholars in instructional activities. According to APM-390, Postdoctoral Scholars are eligible to act as instructors of record for any course offered for campus credit, but are to be appointed to the appropriate teaching title during the period of instruction, with a corresponding reduction in the Postdoctoral Scholar title percentage-of-full-time. Insofar as Postdoctoral Scholars thus have formal instructional titles, they enjoy the full range of Academic Freedom as outlined in APM-010 and are responsible for comprehending and abiding by the Faculty Code of Conduct outlined in APM-015. CCGA's reading of APM-137 suggests that appointments to instructional titles can indeed be for as short a duration as a single term. CCGA thus proposed no change in policy with regard to the delivery of instruction by post-doctoral scholars (p. 5).

The provision requiring an appropriate teaching title is essential when Postdoctoral Scholars are acting in an independent capacity as instructors, because it protects their academic freedom as a member of the faculty, and as such, sets them apart from their role as student, to which the Principles apply. It is clear from the UC academic freedom perspective that students do not have the same academic freedom protections of faculty, and that the faculty have the responsibility for

overseeing courses of instruction. The responsibility of the faculty to oversee student teaching emphasized in the CCGA/UCEP report is, of course, also one of the points emphasized in the Student Freedom of Scholarly Inquiry Principles.

Furthermore, UCAF's document is not intended to exist as formal University policy, another concern suggested by UC Santa Cruz. Rather, it is a statement of aspiration by the Academic Senate that clarifies the relationship between the academic freedom of faculty and students' freedom of scholarly inquiry at the University of California. As such, UCAF recommends that it be appended to APM 010 as a footnote reference to an Appendix containing the Principles (APM 010-Academic Freedom Appendix A-Student Freedom of Scholarly Inquiry Principles). The recommendation is to place the footnote after the following sentence that appears in the first paragraph of APM 010:

The University also seeks to foster in its students a mature independence of mind, and this purpose cannot be achieved unless students and faculty are free within the classroom to express the widest range of viewpoints in accord with the standards of scholarly inquiry and professional ethics.<sup>1</sup>

<sup>1</sup>See APM 010-Academic Freedom Appendix A-Student Freedom of Scholarly Inquiry Principles for the Academic Senate's statement on the relationship between the academic freedom of the faculty and students' freedom of scholarly inquiry at the University of California

The Work Group also suggested that UCAF be included in continuing discussions of the CCGA/UCEP memorandum and its modification resulting from the systemwide review. If CCGA and UCEP concur, I endorse this suggestion and welcome the opportunity for UCAF's continued participation in the evolution of this document.

UCAF appreciates having the opportunity to review the excellent recommended modifications of the Student Freedom of Scholarly Inquiry Principles provided by our Academic Senate colleagues. I believe the document gives the Senate an opportunity to make a clear statement re-emphasizing the fundamental commitment of the Faculty to student freedom of scholarly inquiry. I hope every student and faculty member at the University of California has the opportunity to refer to this statement of aspiration to help them better understand the relationship between faculty academic freedom and the student freedom of scholarly inquiry at UC.

Finally, UCAF would like to acknowledge, with great thanks, the work of Patrick Fox, former UCAF chair and liaison to UCAF on this issue. Professor Fox was instrumental in the development of the document. He spent numerous hours over the last three years meeting with various University constituencies – faculty, students, and administrators – to help the Senate take the lead in addressing this important issue.

Sincerely,



Jerold Theis  
Chair, UCAF

## Preamble to the Student Freedom of Scholarly Inquiry Principles

The University of California seeks to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and furthering the search for wisdom. Effective performance of these central functions requires that students be free within their respective level in the educational process to pursue knowledge in accord with appropriate standards of scholarly inquiry.

But the nature of student freedom of scholarly inquiry has not been well articulated in the University. This lack of clarity was brought to the attention of the University Committee on Academic Freedom (UCAF) in 2003 as a result of student awareness of the recent revisions to the University's policy on academic freedom (APM 010). UCAF agreed to examine the issue, and a joint Academic Senate-Student Affairs systemwide work group was established to this end. The workgroup consisted of faculty from UCAF, Academic Senate faculty leaders, student regents, student representatives from campuses, divisional campus student affairs representatives, and staff from the Office of the President.

In the workgroup's deliberations, it became clear that the issue was more complex than first thought. This was primarily due to articulating sound principles that account for differences in student roles based on whether they are undergraduate students, graduate students, or postdoctoral fellows. Within this range of roles, the concept of "student" has varied operational meanings associated with intellectual maturity and development, as well as with academic responsibilities such as graduate student teaching and participation as a researcher-colleague.

The most salient guiding principle that emerged from our deliberations is that academic freedom is conferred in the University of California by virtue of faculty membership. As such, student freedom of scholarly inquiry is ultimately derived from, and protected by, faculty academic freedom. Student freedom of scholarly inquiry should also not be construed as adversarial to the faculty from which it derives. The academic freedom of the faculty in the classroom is not absolute, as outlined in the Faculty Code of Conduct in situations where controversial opinions are not germane to the subject of the course.

These Principles are intended as an aspirational statement to guide members of the University community toward the goal of preserving an environment conducive to promoting the highest standards of teaching and scholarship.

## Student Freedom of Scholarly Inquiry Principles

The University seeks to foster in its students a mature independence of mind, and this purpose cannot be achieved unless students are free to express a wide range of viewpoints in accord with the standards of scholarly inquiry for the competence of student work at each level of the educational process. The substance and nature of these standards properly lie within the expertise and authority of the faculty as a body.<sup>1</sup> As such, it is primarily the responsibility of the faculty as set forth in the Faculty Code of Conduct to ensure that student freedom of scholarly inquiry is fostered and preserved in the University.<sup>2</sup>

While there is substantial variation in students' competence to engage in scholarly inquiry based on their level in the educational process, the faculty has the major responsibility to establish conditions that protect and encourage all students in their learning, teaching, and research activities, and such conditions should not place an unrealistic burden on students. Such conditions include, for example: free inquiry and exchange of ideas; the right to critically examine, present, and discuss controversial material relevant to a course of instruction; enjoyment of constitutionally protected freedom of expression; and the right to be judged by faculty in accordance with fair procedures solely on the basis of the student's academic performance and conduct.

For students to develop a mature independence of mind, they must be free in the classroom to express a wide range of viewpoints in accord with standards of scholarly inquiry and relevance to the topic at hand. No student can abridge the rights of other students when exercising their right to differ. Students should be free to take civil and reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.<sup>3</sup> The faculty has authority for all aspects

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<sup>1</sup> See *Academic Freedom*, University of California Academic Personnel Manual 010.  
<http://www.ucop.edu/acadadv/acadpers/apm/apm-010.pdf>

<sup>2</sup> See *The Faculty Code of Conduct*, University of California Academic Personnel Manual 015.  
<http://www.ucop.edu/acadadv/acadpers/apm/apm-015.pdf>

<sup>3</sup> An example of this responsibility from the American Association of University Professors statement on the Academic Bill of Rights follows:

If a professor of constitutional law reads the examination of a student who contends that terrorist violence should be protected by the First Amendment because of its symbolic message, the determination of whether the examination should receive a high or low grade must be made by reference to the scholarly standards of the law. The application of these standards properly distinguishes indoctrination from competent pedagogy. Similarly, if a professor of American literature reads the examination of a student that proposes a singular interpretation of Moby Dick, the determination of whether the examination should receive a high or low grade must be made by reference to the scholarly standards of literary criticism. The student has no "right" to be rewarded for an opinion of Moby Dick that is independent of these scholarly standards. If students possessed such rights, all knowledge would be reduced to opinion, and education would be rendered superfluous

<http://www.aaup.org/AAUP/About/committees/committee+repts/CommA/academicbillof+rights.htm>

of the course, including content, structure, relevance of alternative points of view, and evaluations. All decisions affecting a student's academic standing, including assignment of grades, should be based upon academic considerations administered fairly and equitably under policies established by the Academic Senate.<sup>4</sup> In professional curricula, such decisions may include consideration of performance according to accepted professional standards.<sup>5</sup>

Students may also serve as instructors under supervision of the faculty. The faculty retains authority over all aspects of the course, including, content, structure, evaluations, and delegation of authority for the course, and must base the guidance of student instructors on accepted scholarly and professional standards of competence in teaching. However, such student instructors share with faculty the freedom and responsibility to present concepts, lead discussion in class, and to insure the appropriate and civil treatment of other members of the academic community.

Faculty guidance and supervision of student research is desirable and appropriate. Students' freedom of inquiry while conducting research may not be abridged by decisions contrary to accepted conduct<sup>6</sup> and scholarly and professional standards, except under certain circumstances.<sup>7</sup> Students are entitled to the protection of their intellectual rights, including recognition of their participation in supervised research and their research with faculty, consistent with generally accepted standards of attribution and acknowledgement in collaborative settings.

These protections are in addition to, and distinct from, the full protections of the Constitution of the United States and of the Constitution of the State of California guaranteeing freedom of speech.

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<sup>4</sup> See APM 015.

<sup>5</sup> See University of California 170.00 Policy on University Obligations and Student Rights, section 171.09. <http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc170.html>

<sup>6</sup> See University of California Presidential Policy on Student Conduct and Discipline, Section 100.00. <http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc100.html>

<sup>7</sup> Graduate thesis research must be conducted under the supervision of a specified faculty advisor. If the student cannot identify a faculty advisor in the student's program who agrees to supervise the research, then the student may not conduct his or her research as part of the thesis or dissertation. Graduate student research also may not be supported by intramural or extramural resources when it does not conform to the specific faculty member's research program under which the award was made.

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The most salient guiding principle that emerged from our deliberations is that academic freedom is conferred ~~upon the faculty of~~ the University of California by virtue of ~~their~~ faculty membership ~~in the professoriate~~. As such, student freedom of scholarly inquiry is ultimately derived from, and protected by, faculty academic freedom. Student freedom of scholarly inquiry should also not be construed as adversarial to the faculty from which it derives. The academic freedom of the faculty in the classroom is not absolute, as outlined in the Faculty Code of Conduct in situations where controversial opinions are not germane to the subject of the course. The responsibility for realizing these principles in campus life resides in the tolerance of both the faculty and students to opposing opinions, even when those opinions are derived from the same set of facts.

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<sup>2</sup> See ~~*The Faculty Code of Conduct, University of California*~~ *University of California Faculty Code of Conduct*, Academic Personnel Manual 015. <http://www.ucop.edu/acadadv/acadpers/apm/apm-015.pdf>

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