To be received and placed on file:

The Committee on Academic Freedom is an important part of faculty governance and collegial responsibility in the University of California system. As a committee of the Riverside Academic Senate, Academic Freedom is appointed by the Senate’s Committee on Committees and consists of five members of the Division, including as ex officio the Chairs of the Committee on Privilege and Tenure and the Committee on Faculty Welfare. The Committee is responsible for reporting to the Division any conditions within or without the University that in the judgement of the committee may adversely affect the freedom of the academic community at large. It is understood that academic freedom includes, but is not necessarily limited to, free inquiry and exchange of ideas, the rights to present controversial material relevant to a course of instruction, to publish or disseminate controversial material or information and to perform research in controversial areas. It is also understood that academic freedom is to be conjoined with academic responsibility; it is to be exercised in accordance with standards appropriate to the relevant scholarly disciplines.

The Committee on Academic Freedom conducted committee activities via email and met two times during the 2014-2015 academic year, undertaking the following actions:

The Committee on Academic Freedom adopted a revised conflict of interest statement which expanded the policy regarding personal affiliations. If a member of the Academic Freedom Committee believes that a conflict of interest exists for him/herself or for another person on the committee including any action or discussion involving their current or former spouse, partner or family member, that member should call the possible conflict to the attention of the chair.

The Committee on Academic Freedom conducted a review of its current bylaws to facilitate an organizational change and consider whether or not the bylaws should specify the frequency of the person to person meetings. The Committee formulated suggested revisions and put forth a proposal for Senate review.

In keeping with its charge to assist in the education of the academic community regarding the rights and responsibilities relating to academic freedom, the Committee communicated a statement of its duties and mission to the general UCR academic community via the Senate email.

In keeping with its charge to evaluate and propose revision as needed to current institutional policies (APM) as they might relate to academic freedom, the Committee considered the following System-wide reviews:

**Proposed New UC Policy on Open Access**
This new policy on Open Access is intended for UC authors who are not members of the Academic Senate. (All Academic Senate members are already covered by an Open Access Policy approved on July 24, 2013.) The proposed new policy extends open access rights and responsibilities to all non-Senate members of the UC community who are authors of scholarly articles, including faculty, other academic personnel, students, administrators, and staff. The
policy allows non-Senate authors of scholarly articles to maintain legal control over their research articles while making their work freely available to the public. In addition, the proposed policy outlines procedures for implementing the policy for all UC authors, both Senate and non-Senate. Although the policy assumes all authors will make their scholarly articles available to the public, there is a procedure, which must undertake proactively, to opt out of the open access process.

The Committee on Academic Freedom discussed the proposed policy on Open Access for non-Senate authors and approved the revisions without further recommendations. The Committee supports the idea of extending open access rights and responsibilities to all non-Senate members of the UC community who are authors of scholarly articles.

Draft Guidelines for Pilot Program to Accept Equity for Access to University Facilities or Services

The members of the Committee on Academic Freedom were asked to comment via e-mail on a proposed pilot that would allow the University to accept equity in exchange for access to university facilities and services. When a stakeholder has a financial incentive, the potential for abuse of academic freedoms is higher. This is certainly a concern with proprietary research. In response, the proposed pilot does address potential conflicts of interest, primarily in Section IV.C. The beginning of this section states “University acceptance of Equity for AFS shall be based upon the educational, research, and public service missions of the University over financial or individual personal gain.” Overall, the committee does not object to running this program as a pilot. However, unrelated to the charge of this committee, there is some concern that the proposal is unclear about how program success will be evaluated and under what criteria performance will be judged. Apparently, the Office of the President will be responsible for this determination and will decide whether or not to continue the program after the pilot. We recommend including the Senate in that decision.

Proposed Revisions to Senate Bylaw 128.D.2

A proposed revision to Senate Bylaw 128.D.2 put forward by the University Committee on Committees would specify that Vice Chairs for all standing System-wide committees whose membership is governed by SBL 128 be at-large members. This change would affect UCAF, UCIE, UCOLASC, UCOPÉ, UCP&T, and UCACC; all six of these committees currently have Vice Chairs appointed from among Divisional representatives. UCR&J has reviewed the proposal and found it consistent with the Code of the Academic Senate.

The members of the Committee on Academic Freedom were asked to comment via email on the proposed revisions to Senate Bylaw 128.D.2. The Committee found the suggested changes to be reasonable and approved the proposal without further recommendations.

In keeping with its charge to consider issues of academic freedom brought before the committee by individuals or other UC Committees and to report findings and recommendations to the Division or to other committees for further action, the Committee considered the following items:

R-Course Entitled “Palestinian Voices”
In the spring quarter of 2015, a one-unit R-Course entitled Palestinian Voices was taught by the facilitator, Tina Matar, under the supervision of Professor David Lloyd. The controversial nature
of the course’s content resulted in allegations of misconduct, mostly from external groups, directed toward the course, UCR’s Administration and UCR’s Division of the Academic Senate. In keeping with our charge, the Committee on Academic Freedom (CAF) of UCR’s Division of the Academic Senate decided to opine on this matter.

A number of issues were raised regarding the course review process and whether it conformed to University policy, the educational merits of the course and finally academic freedom. The committee invited Professor Ken Baerenklau, chair of the Committee on Educational Policy and a member on the R’Courses Governing Board, to discuss the course’s review and approval process. Our response focused on the last concern.

Fundamental to university scholarship and the dissemination of that scholarship through the University’s educational mission are freedom of expression and the professional autonomy of the professoriate as embodied in academic freedom. This principle and its relationship to discourse on controversial issues is reflected in the statement posted on CAF’s web site, which was adopted by Academic Council on April 1, 2015 and endorsed by this committee on May 11, 2015. The importance of Academic Freedom is acknowledged at the highest levels by Regent’s Standing Order 105.2 and Regents Policy 2301. Policy 2301 is specific to course content, and relevant to this situation, it states that political indoctrination constitutes a misuse of the classroom. However, this statement should not be misconstrued as a mandate to exclude the instructor’s viewpoint from the curriculum. In fact many courses in the University reflect the perspective of the instructor even when that perspective is controversial; yet these courses still play a vital role in the educational process of the University because they comply with relevant professional standards of scholarship and teaching. To quote Robert Post1, “There is no academic norm that prohibits scholarship from communicating definite viewpoints about important and controversial questions, like democracy, human rights or the welfare state.”

One can ask the question, at what point does instruction with a perspective cross the line to become political indoctrination in violation of Regents policy 2301? An important distinction here is whether there are clear inaccuracies in factual information that are intentionally used to project a distorted message. This issue and the overall educational merit of the course are decided by a review process authorized by the Academic Senate in accordance with the Regents Orders, UC policies and UC bylaws. For the course entitled Palestinian Voices, the educational merits were vetted and judged compliant with academic standards by the faculty member serving as the course advisor, the Chair of the English Department, several other faculty in the Department of Middle Eastern and Ethnic Studies and finally by the Governing Board for the R-Courses program. This review process, which was authorized by the Senate, includes Senate representation at every level. CAF found no reason to doubt the proficiency of this process. For the University administration to interfere in this course simply on the grounds of the inflammatory nature of it content is a clear violation of the academic freedoms of the facilitator and faculty advisor. The fact that the facilitator in this course is an undergraduate student has no bearing on her academic freedoms because these rights extend to the whole campus community. Separate from this issue is her ability to conduct the class in a manner consistent with UC’s educational standards, and again to insure these standards are met, a mechanism is in place to train the facilitator and to monitor her engagement in the course.

As with the facilitator, the students enrolled in the course are entitled to these same freedoms. They have the right to think freely and to have their work evaluated on its merits without
discrimination. At this point in time, CAF has seen no evidence that the free expression of the students enrolled in *Palestinian Voices* is subjugated.

May 26, 2015

**Request for UC System-wide and local Senate to put forth an Academic Freedom Statement**

Special interest groups continued to intervene in campus matters across the state and the nation with the potential of chilling freedom of expression. Often, their claims are made in the name of protecting specific sensitivities of students. Any claim that individuals in the university community have the right to be sheltered from what may be considered uncomfortable criticism or views contrary to those they hold, is profoundly threatening to the fundamental tenets of university life and the intellectual community. While both federal and state law as well as university policy protect members of the university community from discrimination or antagonism based on specific characteristics or identities, these laws and policies are not intended to stymie the free exchange of ideas that may challenge certain political, religious or cultural beliefs, so long as such discourse is conducted in a non-coercive and non-violent manner.

Such targeting has become a nation-wide pattern, and does demand a forthright push-back from Senate and Administration alike. The California State University Academic Senate issued a resolution in support of academic freedom, and several UC faculty and students expressed a desire that the UC System-wide Senate would follow suit.

UCAF decided to develop its own statement, which was eventually forwarded to Academic Council. UCR’s Committee on Academic Freedom discussed the issue and request for a resolution, and it decided it would be best to wait for UCAF’s statement. Endorsing their statement would provide solidarity, and if the Committee is dissatisfied with the UCAF statement, then it could develop its own version.

In conjunction with the request for a resolution, the Committee also discussed issues of free speech in relevance to the Chancellors’ welcoming letters on civility. This issue emerged when Chancellor Dirk sent a letter to the UC Berkeley community that concerned many of its faculty. In response, the issue was also placed on the agenda for the December 4 meeting of the UCAF where a thorough discussion was pursued.

On April 1, 2015 the Academic Council endorsed a Statement on Academic Freedom and Civility drafted by the University Committee on Academic Freedom (UCAF). The statement emphasizes the preeminent value of academic freedom in campus speech, in the context of recent efforts to encourage civil discourse on campuses, and concerns that such appeals have the potential to chill free speech. UCR’s Committee on Academic Freedom considered the statement and decided to adopt the language and post it on the Senate’s Academic Freedom Committee webpage.
The Academic Senate expresses its support for the tenet that UC campuses should aspire to civil discourse, so long as this tenet is not allowed to operate in practice as a restraint on academic freedom. While the Academic Senate urges that discourse in any context, in or outside the classroom, be respectful of individuals whose viewpoints one may not agree with, the Senate strongly endorses the preeminence of the value of academic freedom.

Academic freedom includes the right of members of the university community to express their views, even in passionate terms, on matters of public importance. That right is a necessary part of what the U.S. Supreme Court has called our "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open."

Request from ASUCR Senate – Proposed changes to Academic Senate Appendix 6.4.2 I - Faculty Actions
Recently the ASUCR Senate unanimously passed Senate Resolution 14, a Resolution in Support of Promoting Awareness and Education on Mental Health Services (SR-14). The main proponents and authors of this legislation were members of the Syllabus Initiative Committee and Active Minds, a student organization which is committed to increasing mental health awareness, by mandating that mental health service information be placed on all class syllabi. SR-14 demands that the ASUCR Senate meet with appropriate administration to establish a mandate that the counseling centers and student affairs case manager's information be placed on all course syllabi. SR-14 also calls for faculty to be educated on the current mental health services available at UCR. The ASUCR Senate and Syllabus Initiative Committee under Active Minds will help support, promote awareness, and educate faculty and students on the current mental health services available at the University of California, Riverside.

The Committee on Academic Freedom considered the proposed changes to Senate Appendix 6.4.2 I – Faculty Actions and expressed two main concerns. First, the inclusion of these resources for mental health are not appropriate for the syllabus and would set a precedence for other important items to be required that are not relevant to the course such as sexual harassment, financial aid, etc. Allowing the syllabus to include unrelated material could lead to an unwieldy document on general information as opposed to being about the actual course. This could discourage students using the document. Second, there were concerns expressed about the effectiveness of this proposal. It seems unlikely that the syllabus is really where students with these needs would go to find help, especially students in serious trouble who exhibit signs of disengaging from the academic community.

The Committee believes the ASUCR Senate has a viable cause and that this is an important issue; however, the syllabus is not the place to promote these resources. The Committee suggests that the ASUCR Senate get the University to set up a one-stop general portal that contains resources for many types of problem that students face, whether they are financial, academic, or
psychological. Once a one-stop general portal is created, the University can actively promote the site.

In order to assist in meeting the requirements of the ASUCR Senate Resolution 14, the Committee considered the possibility of requiring the single web link to the one-stop portal being included in syllabus rather than singling out counseling and mental health services. However, the Committee reaffirmed that simply adding a link to a syllabus is not the most effective means to promoting these resources to students who may be in trouble.

Instructor Autonomy and the Contractual Nature of the Syllabus
The Committee on Academic Freedom considered the question concerning how much flexibility does the instructor have to deviate from a syllabus, and under what circumstances is this allowed? The perception of many faculty is that the instructor must follow the syllabus that was posted at the beginning of the term, at least to the best of their ability. Interestingly, there is virtually nothing written about the syllabus in the APM. For some things, this is not a big deal. Few would care if an instructor changed their office hour’s half-way through the quarter because of a new conflict; however, changing the grading criterion or the class workload is more serious. As far as we can tell, nothing prohibits an instructor from specifying one set of criteria for determining the final grade in the syllabus at the beginning of class, and changing it completely just before the final exam. This issue deals with a delicate balance between the academic freedom of the instructor and due-process for the students.

Another issue brought to the committee deals with the authority of the instructor. Many faculty believe that the instructor has almost complete control over the course, as long as the content is similar to that approved by Courses and University policies are adhered to. However, it appears this authority is actually delegated by the program chair. So in principle, the program chair can withdraw that authority and dictate elements of the instruction that many faculty would feel uncomfortable with. In principle, this could apply to all aspects of the course, including the grading criterion, course content, and the mode of delivery.

Campus Counsel investigated these two issues and consulted with UCOP Counsel regarding legal president at other institutions.

The Committee on Academic Freedom discussed these two issues and decided not to pursue them further because they rarely occurred and creating policy on issues with complex and unanticipated circumstances is difficult, especially when academic freedom is concerned.

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