

Committee on Academic Freedom 2018-19 Annual Report

To: Academic Senate, Los Angeles Division

During the 2018-19 academic year, the Committee met four times in person and twice via independent virtual meetings to conduct business to (as outlined by its duty in Bylaw 80.1) study and report “to the Division concerning any conditions within or without the University which, in its judgment, may affect the academic freedom of the University, its faculty and students.” George Dutton served as Chair. Highlights of the Committee’s activities are noted in this report.

SYSTEMWIDE ISSUES AND REVIEWS

The Committee provided an opinion on the following systemwide issues:

Sexual Violence Sexual Harassment Academic Frameworks and UC Senate Bylaw 336

Divisional committees received a request to review revisions to the “framework” that provides the operating guidelines for implementation of UC Presidential policy on SVSH as well as proposed revisions to systemwide bylaw 336 that governs divisional Privilege and Tenure committees and disciplinary cases. Both requests for revision were responses to a California State Auditor report and follow revisions made to these policies in 2017-18. On the basis of the short time given to provide a reply, the Committee expressed an opinion that more time should be given for divisional committees to review.

APM-011 Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees

Academic Personnel Manual 011 (APM-011) was proposed as a new APM policy intended to clarify academic freedom rights for non-faculty academic appointees. The Committee expressed concerns about the proposed policy on three grounds. First, the Committee expressed concerns that, while the policy clarified that these positions have separate professional duties not subject to academic freedom, the policy, as proposed, makes no attempt to clarify when academic freedom principles do not apply to non-faculty academic appointees. Secondly, as an extension of the first concern, the policy makes reference to 61 different titles, each with differing responsibilities and hierarchies. Lastly, the Committee expressed concerns that even though, as the policy proposed, “[t]he Academic Senate has sole authority to adjudicate violations of academic freedom as defined in APM - 010,” the UCLA Committee on Academic Freedom does not have a process in place for adjudication of individual grievances.

Presidential Policy BFB-RMP-7 “Protection of Administrative Record Containing Personally Identifiable Information”

The Committee did not feel that this proposal raised significant academic freedom issues because it expressly excluded “teaching and research records” from its definition of covered “Administrative Records.”

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The Committee declined to comment on proposed revisions to a presidential policy involving vehicle safety

CAMPUS ISSUES

The Committee discussed several issues of possible concern to faculty and students in addition to responding to specific requests for feedback.

Events that may trigger protests

In 2017-18 a faculty member brought to the committee a concern that the administration was imposing a requirement that faculty members who serve in any administrative capacity must report to the administration knowledge of planned protests. UCLA issued “UCLA-APP-InterimPolicy-862 [Major Events Not Sponsored by a University Unit],” apparently without request for feedback as required by UCLA-APP-Policy-100. Upon request from the Committee, UCLA Legal cited a taskforce report from UCOP (Robinson/Edley Report on Response to Protests) as obligating the University to require administrators to report “would-be protestors” to ensure coordination during events to avoid escalation and address any concerns. The Committee agreed they should continue monitoring concerns about this policy.

Controversial Guest Speaker

In response to a controversy surrounding a presentation by a guest speaker in an Anthropology classroom, the Committee provided a formal letter of support for the professor’s freedom to present materials in the classroom as she determines to be appropriate. The Committee affirmed the right to bring in speakers or to use classroom materials that a professor considers necessary and important for student learning as, in the committee’s view, inviolable.

Other Issues

The Faculty Welfare Committee requested the Committee’s comment on the use of Diversity Statements in recruitment. After reviewing the guidance on the Equity, Diversity, and Inclusion Website, the Committee’s primary recommendation for allaying any academic freedom concerns was that the university more clearly spell out the purpose and scope of diversity statements, reassure applicants and faculty that these are not a litmus test that encroaches upon scholarship, and clarify the “carrot, not stick” aphorism cited in the FAQs.

The Committee also discussed the following issues that might have an impact on academic freedom: letters of recommendation (whether faculty have the academic freedom to decline to write them); the new student Bruin Experience App (how the data might be used); “Viewpoint Neutrality in the Classroom” (a post on the Equity Diversity and Inclusion Website), the federal government’s “Executive Order on Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities,” and the role academic freedom plays in teaching assignments (the obligation to teach courses as assigned in balance with teaching content).

Respectfully submitted,

Committee on Academic Freedom, 2018-19

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George Dutton, Chair

Cesar Ayala

Kristine Guevara Flanagan

Moir Inkels

Mark Kligman

Mayumi Prins

Eugene Volokh