



OFFICE OF THE PROVOST AND EXECUTIVE VICE PRESIDENT –
ACADEMIC AFFAIRS

OFFICE OF THE PRESIDENT
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

April 28, 2009

COUNCIL OF VICE CHANCELLORS
ACADEMIC COUNCIL CHAIR CROUGHAN
VICE PRESIDENT DOOLEY

Dear Colleagues:

**Re: Systemwide Review of Proposed Statement of Principles to Append APM – 010,
Academic Freedom**

Enclosed for systemwide review is proposed new policy, APM - 010, Appendix B, *Statement of Principles: Student Freedom of Scholarly Inquiry*.

In 2003, revisions to APM - 010, *Academic Freedom*, fostered awareness in the University community of the need for clarity in defining student freedom of scholarly inquiry. The University Committee on Academic Freedom (UCAF) agreed to take on this task and formed a joint Academic Senate – Student Affairs systemwide work group to explore the issue. Over the course of several years, the resulting *Statement of Principles* was reviewed extensively by Academic Council; Council of Vice Chancellors; Council of Graduate Deans; Vice Provosts for Academic Personnel; Vice Chancellors for Student Affairs; the UCOP Universitywide Policy Office; and the Office of General Counsel.

As this is a systemwide review of Academic Personnel policy, employees should be afforded the opportunity to review and comment on proposals, which are available online at: <http://www.ucop.edu/acadadv/acadpers/apm/review.html>. Enclosed is a model communication which can be used to inform non-exclusively represented employees affected by these proposals.

Please forward your comments to Gina Durrin by July 31, 2009. Comments may be sent by e-mail if you wish to gina.durrin@ucop.edu. If you have any questions, please contact Janet Lockwood at janet.lockwood@ucop.edu or (510) 987 -9499.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence H. Pitts".

Lawrence H. Pitts
Interim Provost and Executive Vice President
Academic Affairs

Enclosures

April 28, 2009

Page 2

cc: President Yudof
Academic Freedom Committee Chair Fox
Vice Provosts for Academic Personnel
Vice Chancellors for Student Affairs
Graduate Deans
Vice President Sakaki
Acting Associate Vice President Cammidge
Interim Executive Director Price
Executive Director Pripas
Executive Director Winnacker
Academic Personnel Directors
Associate Director Lockwood
University Counsel Birnbaum
Universitywide Policy Coordinator Capell
Labor Relations Coordinator Okada
Labor Relations Consultant Donnelly

Preamble to the Statement of Principles: Student Freedom of Scholarly Inquiry

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.

Statement of Principles: Student Freedom of Scholarly Inquiry

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.¹ As such, it is primarily the responsibility of the faculty as set forth in the Faculty Code of Conduct to insure that student freedom of scholarly inquiry is fostered and preserved in the University.²

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 students' academic performance and conduct.

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

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

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.³ The faculty has authority for all aspects 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.⁴ In professional curricula, such decisions may include consideration of performance according to accepted professional standards.⁵

³ 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/comm/rep/A/abor.htm>

⁴ See APM 015.

⁵ 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>

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. Subject to such authority, however, such student instructors share with faculty the freedom and responsibility to present concepts, to 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 scholarly and professional standards.⁶ 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 the Constitution of the State of California.

⁶ Scholarly and professional standards include: Graduate thesis research must be conducted under the supervision of a specified faculty advisor and is subject to the approval of the faculty thesis committee.



ADRIENNE LAVINE, CHAIR
ACADEMIC SENATE EXECUTIVE OFFICE
LOS ANGELES DIVISION
3125 MURPHY HALL
LOS ANGELES, CA 90095-1408

PHONE: (310) 825-3851
FAX: (310) 206-5273

July 10, 2006

JOHN OAKLEY
CHAIR, UC ACADEMIC SENATE

Dear John:

Thank you for the opportunity to review the proposed Student Freedom of Scholarly Inquiry Principles. The statement was sent to all of the standing committees of the UCLA Divisional Senate along with an invitation to opine on the matter. Four committees discussed the Principles in their meetings: Executive Board, Council of Faculty Chairs (CFC, consisting of all the FEC Chairs), Undergraduate Council (UgC), and Committee on Academic Freedom (CAF). The latter two provided written responses which are attached. Executive Board and CAF endorsed the statement in whole. The CFC and UgC were generally supportive of the statement, but had suggestions for its improvement, as summarized below.

Council of Faculty Chairs

While most members of CFC endorsed the statement in its entirety, a minority opinion was expressed that the statement did not go far enough in placing the responsibility for protecting students' freedom of scholarly inquiry in the hands of the faculty. As one member expressed after the meeting, "It is academic misconduct for a faculty member to consider a student's agreement or disagreement with the faculty member's when evaluating a student's work, or to treat academically respectable conflicting viewpoints with hostility or contempt in the classroom. It is the responsibility of each department and school, and of the Academic Senate at each campus, to establish procedures under which a student who believes that his or her academic freedom, or that of other students, has been violated by a faculty member can have that grievance heard by an impartial body with the power to vindicate the student's rights." Of course procedures *do* exist for bringing charges against a faculty member for violating the Faculty Code of Conduct. But I believe there is an important question inherent in this CFC member's comments: Do existing procedures truly protect students' freedom of scholarly inquiry? I will return to this question in the last paragraph of this letter.

Undergraduate Council

Several UgC members thought the statement should emphasize that students' academic freedom "should not be construed as adversarial to the faculty from which it derives."

UgC members commented that "the faculty's own academic free speech rights in the classroom are not absolute, especially in situations where controversial opinions are not germane to the subject of a course." I think this is an important point; the Faculty Code of Conduct does include as unacceptable conduct, "significant intrusion of material unrelated to the course." I believe that when a faculty member expresses "controversial opinions ... not germane to the subject" it can create an environment in the classroom in which students feel that they cannot express their own opinions without fear of reprisal. For this reason, I believe this principle bears repeating in the Student Freedom of Scholarly Inquiry Principles.

UgC felt that the issue of students' intellectual property rights (mentioned on page four of the document) should not appear in a statement about academic freedom.

Finally, I would like to return to the issue of faculty responsibility for protecting students' rights in the classroom. I have heard from students who claim that they have to regurgitate their instructor's opinions in order to get a good grade; other faculty members with whom I've spoken have heard similar things from students, including anecdotes about students having received poor grades when they expressed conflicting opinions. There is no way of knowing whether these student reports are accurate, but the fact that students believe this is in itself a serious problem. We have procedures by which students can charge faculty with violating the Faculty Code of Conduct; I doubt that most students are aware of those procedures and I suspect that most students would feel cowed by them. Therefore, I would like to support the minority view expressed in the Council of Faculty Chairs. That is, I recommend that the Principles go even further than stating that "the faculty have the major responsibility" to protect students' rights. I suggest that the Principles include a statement that faculty are responsible for establishing and implementing procedures that protect students' rights as articulated in the Principles, and that those procedures should not place an unrealistic burden on the students. I would like for this to be communicated to UCAF for its consideration.

Thank you for your consideration of these comments.

Sincerely,



Adrienne Lavine
UCLA Divisional Senate Chair

Cc: Vivek Shetty, Vice Chair UCLA Divisional Senate
Kathleen Komar, Immediate Past Chair UCLA Divisional Senate
María Bertero-Barceló, Systemwide Senate Executive Director
Jaime Balboa, CAO UCLA Academic Senate