

February 7, 2013

Carole Goldberg, Vice Chancellor for Academic Personnel
Co-Chair, Taskforce on Academic Freedom

David Teplow, Chair, Committee on Academic Freedom
Co-Chair, Taskforce on Academic Freedom

Re: Review of Taskforce Report

Dear Carole and David,

Please extend the gratitude of the Academic Senate to the taskforce for the work it has done developing the principles of academic freedom as it relates to privacy and public records requests. I requested review of the draft by the Committee on Library and Scholarly Communications, the Faculty Welfare Committee, the Council on Research, and the FECs. I am attaching responses for your review.

In summary, the committees made the following remarks:

1. Although appreciative of the efforts of the taskforce, it was difficult to opine on this first phase of recommendations absent draft policy language.
2. It should be made clear that UCLA, as a public institution, supports requests for public records generally speaking, even as we seek to establish safeguards vis-à-vis academic freedom.
3. Faculty members would like to see a policy that protects candid discussions of academic personnel matters, graduate admissions decisions, peer review of academic works, etc., all of which take place over email at times.
4. Committees would like to see language that clearly outlines the parameters and extent to which the administration will defend a faculty member's academic freedom vis-à-vis public records requests.

I understand that the taskforce continues its work. We look forward to seeing future drafts of both principles and policy.

Sincerely,

Linda Sarna
Chair, Academic Senate

Cc: Jaime Balboa, CAO Academic Senate

UCLA *Committee on Library and Scholarly Communication*

To: Linda Sarna, Chair
UCLA Academic Senate

From: Francis Steen, Chair
Committee on Library and Scholarly Communication

Date: January 17, 2013

RE: Senate Item for Review – Report by the Task Force on Academic Freedom.

On behalf of the UCLA Committee on Library and Scholarly Communication (COLASC), I am writing in response to your request for comments on the *Statement on the Principles of Scholarly Research and Public Records Requests* as drafted by the Joint Administration-Senate Academic Freedom Task Force. COLASC discussed the document at its meeting on January 10, 2013, and we are supportive of the need to safeguard academic freedom and shield faculty from abusive applications of public access laws. At the same time, these laws perform essential functions in safeguarding an open society, and we suggest new regulation present a more nuanced balance between a protective and an open stance.

While members appreciated the spirit of the statement in general and the need to provide clearer guidance to the faculty when dealing with public requests, we felt that the document could be improved upon to also serve as an educational tool for faculty. It could for instance usefully clarify which types of information may be subject to a request and present concrete recommendations for appropriate data management strategies that protect faculty and at the same time fulfill their legal responsibilities to comply with the public access laws.

Members recognize the increased abuse of the public records access laws and the widespread use of “fishing expeditions” without clearly defined targets that are used to undermine the openness of scholarly communications and research, from which the faculty should absolutely be protected. However, members expressed some concern about the principles being too far-reaching and not fully inclusive of the various scenarios in which the laws are used. As a public institution, UCLA has an obligation to recognize and support public access laws whilst also shielding itself and its faculty from the oft time-consuming and bureaucratic minutia that many of these requests present.

Members suggested incorporating more background about the state and federal laws and defining their core intent so as to not undermine their democratic principles, and of UCLA’s obligations to abide by them as a public institution. Some members felt that the statement was too restrictive and seemingly critical of public access laws, and that the University should address protection requests with concrete and targeted policies and not with a blanket blocking strategy. The overarching theme of the document should focus on restricting abuses and not on restricting public access.

Thank you for the opportunity to opine on this important issue. COLASC members look forward to reviewing the guidelines that the task force was also asked to develop, if not another iteration of the Statement itself that incorporates the opinions of COLASC and other Academic Senate committees.

If you have any questions concerning this response, please do not hesitate to contact me at steen@commstds.ucla.edu.

cc: Jaime Balboa, CAO Academic Senate
Kyle Cunningham, Interim Policy Analyst, COLASC

UCLA *Academic Senate Faculty Welfare Committee*

January 16, 2013

Linda Sarna
Chair, Academic Senate

Re: Report by the Taskforce on Academic Freedom

Dear Linda,

The Faculty Welfare Committee met on January 8, 2013, and discussed the Report by the Taskforce on Academic Freedom. There was general support for the work of the Taskforce, although committee members found it difficult to opine since the report lacked any policy recommendations. Even so, the FWC recommends the following:

1. The Taskforce asserted the unique character of faculty as researchers and the tensions between academic freedom, on the one hand, and public records requests, on the other. The Committee feels the report would be improved by a more robust and detailed explication and analysis of why faculty as researchers should have certain types of communications exempt from public records requests.
2. Although the Taskforce rightly asserts the unique character of faculty research vis-à-vis public records requests, the FWC believes that any UCLA policy must explicitly state the university's concurrence with the principles of public records disclosures in general, as a matter of good governance of public institutions.
3. The FWC hopes that any draft policy that the Taskforce would propose would state clearly the responsibility of university administrators to proactively defend faculty research communications vis-à-vis public records requests. To what extent can and should faculty expect the university to shield faculty from public records requests?
4. Committee members raised questions regarding public records requests and email communications other than research. For example, are frank email discussions about graduate students, graduate admissions, faculty promotions, and the like exempt from disclosure?

The FWC is grateful to the Taskforce for its ongoing development of principles and policies on this subject. The Committee looks forward to reviewing the work of the taskforce when it issues its final report.

Sincerely,

Gerald Kominski

Gerald Kominski
Chair, Faculty Welfare Committee

CC: Faculty Welfare Committee
Jaime R. Balboa, Academic Senate CAO
Steven Truong, MSO/EA, Academic Senate
Maya Moore, Faculty Welfare Committee Policy Specialist



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January 17, 2013

Linda Sarna, Chair
The Academic Senate
UCLA

Dear Linda,

COR has considered of the joint Senate-Administration Taskforce on Academic Freedom, which was convened in the 2011-12 Academic Year. Our conversations were not as far ranging as we had hoped given significant constraints on the Council’s time. Overall, our impressions of this report were quite favorable, and we endorse the taskforce report as written.

Council did, however, want to draw attention to aspects of academic freedom in regards to peer review and the use of email. In particular, when academics perform many peer reviews, privacy and anonymity are essential to objectivity. A few clear examples include:

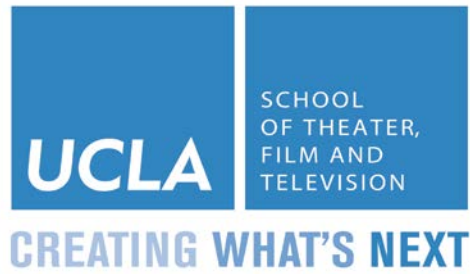
- Academic reviews relevant to promotions and hirings
- Solicited reviews by federal agencies, such as the National Science Foundation and the National Institutes of Health
- Solicited reviews from scholarly journals

In such cases email is often the best and most practical means for preparing such reviews. Were these mails subject to public disclosure this would undercut the principles of formal review inasmuch as the anonymity of the reviewer makes it possible to make strong objective statements on the scholarly works of others. Writing a negative review of scholarly work could otherwise result in reprisal.

We applaud the taskforce for their efforts, and for their recommendations for a clear protection of faculty communications from these types of intrusions that threaten the very premises of scholarly engagement, communication, and research.

On behalf of COR,

Timothy R. Tangherlini
Chair



UCLA SCHOOL OF THEATER, FILM, AND TELEVISION

FACULTY EXECUTIVE COMMITTEE

S.I. Salamensky, Chair (ss@tft.ucla.edu)

REPORT TO THE ACADEMIC SENATE, NOVEMBER 9, 2012:

Proposal Paper: Report by the Task Force on Academic Freedom

Response: we strongly endorse and commend this initiative to protect crucial faculty privacy and rights.

UCLA Engineering

HENRY SAMUELI SCHOOL OF
ENGINEERING AND APPLIED SCIENCE

M E M O R A N D U M

Faculty Executive Committee
6426 Boelter Hall

Date: January 14, 2013

To: Linda Sarna, Chair, UCLA Faculty Senate

Cc: Jaime Balboa, CAO, Academic Senate

From: Alan J. Laub, Chair, HSSEAS FEC



Re: OPINION ON THE TASKFORCE ON ACADEMIC FREEDOM STATEMENT

Please see attached memo from Professors Milos Ercegovic and Carlo Zaniolo regarding the FEC Opinion on the Taskforce on Academic Freedom Statement.

If you should have further questions, please contact HSSEAS FEC Chair, Alan J. Laub.



MEMORANDUM

COMPUTER SCIENCE DEPARTMENT - 159610
SCHOOL OF ENGINEERING AND APPLIED SCIENCE

January 10, 2013

TO: Alan Laub, Chair, FEC
HSSEAS

FR: Milos Ercegovic
Carlo Zaniolo

RE: Opinion on the Taskforce on Academic Freedom Statement

We have studied the Statement on the Principles of Scholarly Research and Public Records Requests, prepared by the Joint Administration-Senate Academic Freedom Task Force, co-chaired by David B. Teplow and Carol Goldberg. We find that the statement properly addresses the issues related to public records requests for scholarly records, academic freedom, and scholarly research. We fully endorse the conclusions insisting on a full protection of faculties and administration from such requests.

UCLA MEMORANDUM

FACULTY EXECUTIVE COMMITTEE
College of Letters and Science

A265 Murphy Hall
Box 951571
Los Angeles, California 90095

To: Linda Sarna, Chair, Academic Senate

Fr: Michael Meranze, Chair, College Faculty Executive Committee ㄱㄱ

Date: January 22, 2013

Re: **College FEC response to the report by the Senate-Administration Taskforce on Academic Freedom**

Thank you on behalf of the College Faculty Executive Committee (FEC) for the opportunity to review and opine on the report by the Senate-Administration Taskforce on Academic Freedom. We considered the report at our November 30, 2012 meeting, and were aided in our discussions by Kevin Reed, Vice Chancellor for Legal Affairs. After a lengthy and enlightening discussion, the FEC voted to endorse the report (8 approve, 0 oppose, 0 abstain). I recount here a brief summary of the points that were made during that discussion:

1. While the report is positive and informative, members felt it should explain how and when the University will protect faculty from disputed public information requests. Members also felt the report would be strengthened greatly if it clarifies and sets forth general principles about the limits of the Freedom of Information Act or the Public Records Act, particularly as they relate to e-mails, academic work in-progress, etc.
2. Members expressed an interest in seeing the final report offer concrete examples about the limits of public information requests, the processes in place to review such requests, and resources available to faculty who wish to object or comply to requests. Members suggest that examples be made a part of the report and widely distributed to faculty.
3. Members also suggested that the administration take steps to better inform faculty, staff, and students on the evolving rules on public information requests. Although we recognize that the law in this area is still developing we thought that it would be important that forums be developed on campus to ensure that faculty, staff, and students understood their rights and obligations in this area.

As always, our membership appreciates working with the Senate on important matters like this. You are welcome to contact me at meranze@history.ucla.edu with questions. Kyle Stewart McJunkin, Academic Administrator, is also available to assist you and he can be reached at (310) 825-3223 or kmcjunkin@college.ucla.edu.

cc: Jaime Balboa, Chief Administrative Office, Academic Senate
Lucy Blackmar, Interim Associate College Dean, College of Letters and Science
Kathleen Copenhaver, Associate Registrar, Registrar's Office

MEMORANDUM

January 9, 2013

To: Jaime R. Balboa
Chief Academic Officer, UCLA Academic Senate

From: Dominique M. Hanssens
Chair, UCLA Anderson Faculty Executive Committee

The UCLA Anderson Faculty Executive Committee (FEC) met on Tuesday, December 11, 2012 to review and discuss the report of the joint Senate-Administration Taskforce on Academic Freedom as requested by the Academic Senate.

After review and discussion, the FEC agreed that in general, it agrees with the Task Force's report but requested that the following concerns be relayed to the Academic Senate:

- Equal protection related to FOI should be extended to the administrative domain, particularly to shield donors;
- The report should not only make a statement of support for the protection of faculty scholarly exchanges, it should also state how the University would enforce/shield that protection.

Please let me know if you require any further information.

c: R. Bucklin, Faculty Chairman & Deputy Dean, Academic Affairs, UCLA Anderson
J. Olian, Dean & John E. Anderson Chair, UCLA Anderson