

**COMMITTEE ON ACADEMIC FREEDOM
ANNUAL REPORT TO THE RIVERSIDE DIVISION
November 30, 2021**

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 affect the freedom of the academic community at large. It is understood that academic freedom includes, but is not necessarily limited to, the free inquiry and exchange of ideas, the right to present controversial material relevant to a course of instruction, and the freedom to publish or disseminate controversial information and 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.

Effective Spring Quarter of 2020 through the Summer Quarter of 2021, UCR temporarily moved all in-person campus meetings to remote means, such as video conferencing and email. The Academic Senate temporarily allowed flexibility for Senate committees to use Zoom in order to avoid significant interruption of business during the COVID-19 response. The Committee on Academic Freedom met two times during the 2020-2021 academic year and conducted business via in-person meetings, Zoom, and email.

In addition to reaffirming its Conflict-of-Interest Statement and conducting a review of its bylaws, the Committee undertook the following actions:

a. Communication with the Campus at Large

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 conducted a review of its bylaws and communicated a statement of its duties and mission to the general UCR academic community via the Senate email.

b. Discussions with Campus Leadership and Recommendations to the Administration to Senate Chair Stajich. *re Zoom censorship and protecting the rights of academic freedom*

In response to your email, the UCR Committee on Academic Freedom recommends that the UCR Academic Senate and the Senate's Executive Council develop a letter of concern that directly addresses the relationship between the University of California and private technology platforms in order to protect the rights of academic freedom. These private companies include Zoom, Facebook, YouTube and Instagram, and may include other companies and platforms still to be developed in the future.

The COVID pandemic has dramatically expanded the use of Big Tech platforms, making these 'essential' in the running of the University and used, for example, in teaching, consultation or

public university events. However, they also pose a direct and immediate threat to academic freedom and freedom of speech.

Big Tech companies have acted unilaterally and arbitrarily to censor, cut off, and/or refuse to carry particular university sponsored events. In some cases, accounts of particular Zoom clients have been eliminated. Often Zoom and other Big Tech platforms censor in response to State defined lists of undesirables. It is especially problematic that these lists are often created under the veil of government confidentiality laws and not open to public scrutiny.

These actions illustrate the real and potential power of Big Tech to run rough shod over academic freedom and have dramatically expanded concern about these technology companies' power and "their ability to control speech" Private companies supplying these services should not be able to censor what they see fit. Shutting down a university-run event directly silences all participants and is a gross violation of academic freedom and freedom of speech.

Such censorship has been met with widespread criticism and concern. San Francisco State University (SFSU) President Lynn Mahoney condemned Zoom's decision in censoring an event at SFSU and reiterated that SFSU "remains steadfast in its support of the right of faculty to conduct their teaching and scholarship free from censorship. We cannot embrace the silencing of controversial views, even if they are hurtful of others." UCSB Faculty Association stated "neither Zoom nor any other private corporation has the right to veto or censor the content of our classrooms or any university-sponsored public events. By cancelling the event, Zoom directly violated CSU, SFSU, and AAUP academic freedom policies and both federal and state laws." And the American Association of University Professors is "deeply concerned about the implications for academic freedom" at a zoom-censored New York University (NYU) webinar, that was in itself a response to Zoom censorship, and enjoined New York University to "issue a strong statement denouncing this action as a violation of academic freedom".

The widely respected Middle East Studies Association (MESA) issued a statement on Academic Freedom and Corporate Control of Digital Platforms, concerned that "corporate-controlled video-conferencing platforms poses threats to the free and safe exchange of idea," and that these companies showed a "willingness to suppress the expression of certain viewpoints," in particular those which discuss Palestinian/Israeli issues." In situations where the physical security of some participants may be threatened, the university must be especially vigilant to prevent private companies from infringing on the rights of academic freedom and freedom of speech.

In this time of pandemic, universities are dependent on these technological platforms. Yet the university must not be complicit in the actions of these privately run companies that threaten academic freedom or freedom of speech. While some have noted that these private companies have the right to set their own terms of service, users also have the right to stipulate what is appropriate for their needs. Two appropriate responses might address this critical issue for the University.

One is to clarify the universities' contractual relation with these tech companies, and insist that these companies have no right to veto, censor or alter the content of classrooms, speakers or university sponsored public events. Such an agreement should be inserted directly into the contract with the company concerned. Evidently, patrons of other companies besides Zoom have a right to stipulate their own restrictions or eliminate restrictive clauses with these companies, and Zoom could make similar arrangements.

Two: If companies are unable or unwilling to abide by the standards of free speech and academic freedom, the universities should seriously consider terminating these contracts and choosing alternative platforms.

The University of California is a major institution with substantial bargaining power to negotiate with these technological companies. A partnership of the UC with the California State University system, and perhaps other US universities, would clearly strengthen the negotiating power of all concerned.

The UCR Committee on Academic Freedom requests that the Academic Senate and the Executive Committee of the Academic Senate enjoin the University of California, and the Academic Senate of the University to evaluate their relationship with Big Tech platforms and reevaluate their contractual relationships with Big Tech (such as Zoom, Facebook, You Tube and Instagram) and ensure that academic freedom is not violated by private companies and that they are specifically and contractually forbidden to do so.

We look forward to your response.

Sincerely,
UCR Committee on Academic Freedom

to Senate Chair Stajich. re endorsing UCAF memo on Zoom censorship

The UCR Senate Committee on Academic Freedom strongly supports the attached memo on Zoom censorship by the UC Committee on Academic Freedom. In the words of the UC Committee on Academic Freedom:

"....`the University's responsibility to protect academic freedom and freedom of expression cannot be outsourced.' Taking the legal steps necessary to provide clarity about what kinds of academic activities the law allows is ultimately the University's responsibility, not that of Zoom or any other private company."

c. Responses to additional issues raised by the Academic Senate

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

Campus Review

- Report Review. Committee on Faculty Welfare - Campus Climate Survey Report
- Academic Planning. Draft Strategic Plan
- Campus Safety Task Force draft report & recommendations
- Final Report from Ad Hoc Committee on Evaluation of Teaching
- Proposed Policy. Remote Options for Fall 2021

System-wide Review

- Proposal. 2020-21 Curtailment Program
- Report Review. Innovative Learning Technology Initiative (ILTI) Review
- New Presidential Policy on UC Research Data & Tangible Research Materials

The Committee's formal response to each issue is located on the Academic Senate website and can be found at: <https://senate.ucr.edu/issues/archive/2020>

d. Representation at Systemwide Senate

The Committee on Academic Freedom continued its active participation on the systemwide University Committee on Academic Freedom (UCAF). The 2020-21 UCAF representative was Professor Frederick Wilhelm Jr, who updated committee members of the issues under discussion at the statewide level.

Respectfully submitted,

Frederick Wilhelm Jr, Chair
Devra Weber
Ivy Zhang
Roya Zandi, *Ex-Officio*, CP&T
Patricia Morton, *Ex-Officio*, CFW
Valeria Orue – GSA Representative
Christopher Fernandez – ASUCR Representative