

To: Kristin Lagattuta, Chair, Davis Division of the Academic Senate
From: Brian Soucek, Chair, Committee on Academic Freedom and Responsibility
Date: April 30, 2019
Re: Academic Freedom Concerns Arising from Public Records Requests

The Committee on Academic Freedom and Responsibility (CAFR) is deeply concerned about the use of public records requests to target and harass members of the UC Davis Community in an attempt to limit their academic freedom.

The governmental transparency protected by California's Constitution and its Public Records Act serves both important democratic values and, often, academic freedom interests as well. Many of our colleagues depend on public records requests as an essential tool for their scholarly research. But public records requests can also be weaponized as a means of interfering with faculty's academic freedom, and our students' freedom of scholarly inquiry.

In some cases, records requests themselves become forms of harassment. Public records requests that have the intent and effect of diverting faculty from their research due to the time it takes them to comply, that are aimed at preempting a scholar's research, or that seek to disrupt the communication among scholars that is often essential to research are all direct forms of interference with faculty's academic freedom. *See, e.g.,* Elizabeth Williamson, *Industries Turn Freedom of Information Requests on Their Critics*, N.Y. TIMES (Nov. 5, 2018).

Other public records requests seek information that may itself be of legitimate public concern, and which can be provided without undue burden, but which is sought for the purpose of harassment. Faculty whose research, scholarship, teaching, or engagement in institutional governance involves politically controversial issues have been subjected to public records requests that are then misused in an attempt to violate faculty's academic freedom. Public records requests that are used to target faculty or students based on their race, religion, or national origin are even more concerning, for in addition to academic freedom worries, these threaten equality values which our University—as well as state and federal law—is committed to upholding.

Attempts to apply political pressure to limit a faculty member's academic freedom, or a student's freedom of scholarly inquiry, must be firmly resisted. Research and teaching must be evaluated only according to professional standards, the substance and nature of which lie within the expertise and authority of the faculty as a body. *See* APM-010.

Members of our community, and the public at large, have important constitutional rights to speak out—in non-defamatory, non-harassing ways—for or against anything they choose. CAFR recognizes that the University cannot and should not attempt to limit this expression or engage in viewpoint discrimination when it responds to public records requests. But the University should also make clear that it will not be swayed by those who would impose their political viewpoints on decisions—including decisions about hiring, tenure, promotion, and curricula—that should be made solely according to professional, academic standards. Further, the University must be vigilant in protecting its faculty and students from any

harassment that disrupts their teaching, research, and learning—particularly when the harassment is directed at individuals based on their race, religion, or national origin.

Given the serious threats to academic freedom that have arisen, both directly and indirectly, from public records requests, CAFR calls on the University to:

- Ensure that public records requests are handled in a neutral way, subject to procedures that are made publicly available and followed without regard to the identity and political viewpoint of the person or group making the request.
- Publicly state that political pressure—especially by groups that seek to target or “blacklist” faculty or students—will have *no effect* on the way UC Davis evaluates, facilitates, and subsidizes the academic work of its faculty and the scholarly inquiry of its students.
- Explore ways to provide its faculty and students greater protection from harassment, including harassment from those outside the University, in order to protect their rights of academic freedom and scholarly inquiry and to comply with the University’s obligations under Title VI, Title VII, and related state laws prohibiting discrimination on the basis of race, religion, and national origin.
- Increase its efforts to educate members of the University community about issues related to academic freedom and privacy, particularly in connection to public records requests.

The Committee on Academic Freedom and Responsibility stands ready to assist the Academic Senate and University administration in any of these efforts.