

Date: June 3, 2015

To: Chancellor Wilcox; Provost D’Anieri; Senate Chair Wudka

From: Bill Kidder – Chief Compliance Officer and Associate Vice Chancellor

Re: **UCR Review of the Spring 2015 “Palestinian Voices” Student-Led Course**

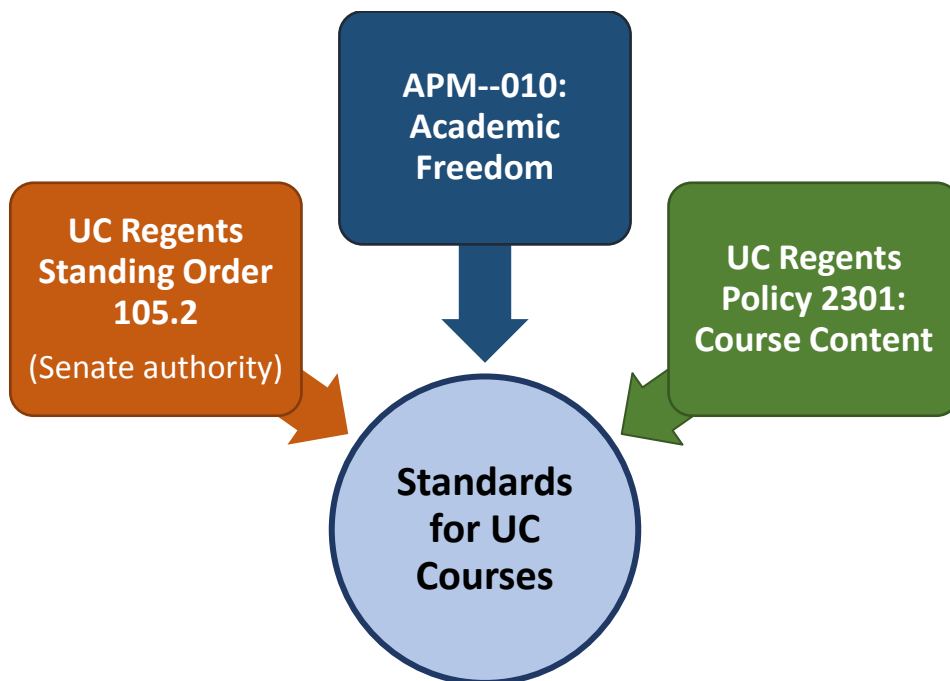
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***I. Executive Summary***

The UC Office of the President has requested that the Riverside campus perform a detailed review of the student-facilitated “R’Course” titled “Palestinian Voices” (offered this spring quarter). This memo and the accompanying appendices provide such a review – focusing on the question of whether applicable University policies have been followed. While the “Palestinian Voices” course addresses a controversial topic (one where reasonable people can disagree), the course was approved via the regular application of professional faculty/Senate review standards and this course did not violate UC policies including The Regents’ policy on course content.

***II. Relevant University Policies***

UC Regents Standing Order 105.2, APM – 010 and UC Regents Policy 2301, discussed below, are the three University policies that are most germane to this review.



Quoted below are the passages from Standing Order 105.2, APM – 010 and Regents Policy 2301 that have the greatest relevance in the present case:

- **UC Regents Standing Order 105.2(b)** “The Academic Senate shall authorize and supervise all courses and curricula offered...”<sup>1</sup> [enclosed as [Appendix #1](#)]
  
- **APM – 010, the UC Policy on Academic Freedom:** “Academic freedom requires that teaching and scholarship be assessed by reference to the professional standards that sustain the University’s pursuit and achievement of knowledge. The substance and nature of these standards properly lie within the expertise and authority of the faculty as a body. The competence of the faculty to apply these standards of assessment is recognized in the Standing Orders of The Regents, which establish a system of shared governance between the Administration and the Academic Senate. Academic freedom requires that the Academic Senate be given primary responsibility for applying academic standards, subject to appropriate review by the Administration, and that the Academic Senate exercise its responsibility in full compliance with applicable standards of professional care.”<sup>2</sup> [enclosed as [Appendix #2](#)]
  - **APM – 010, Appendix B** covering students and scholarly inquiry: “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 ensure the appropriate and civil treatment of other members of the academic community.” [[Appendix #2](#)]
  
- **UC Regents Policy 2301:** “Students who enroll on the campuses of the University of California are parties to a moral and contractual relationship in which the University, on its side, is obligated to provide quality education, to recognize student achievement with grades and degrees which have an accepted meaning for transfer to other institutions, for graduate work, and for careers.... Misuse of the classroom by, for example, allowing it to be used for political indoctrination, for purposes other than those for which the course was constituted, or for providing grades without commensurate and appropriate student achievement, constitutes misuse of the University as an institution...  
Therefore, it is The Regents' policy that no campus, no academic college, no department, and no instructor distort the instructional process in a manner which deviates from the responsibilities inherent in academic freedom.”<sup>3</sup>  
[enclosed as [Appendix #3](#)]

Under Regents Standing Order 105.2 (and consistent with APM – 010 and Regents Policy 2301) the Academic Senate has been delegated formal authority to supervise and approve courses. The Senate is so entrusted with this responsibility because it is the faculty who are best positioned to apply professional academic standards of assessment in matters of curricula, as noted in APM – 010: “Academic freedom requires that the Academic Senate be given primary responsibility for applying academic standards.”

Many of the letters to UCR and UCOP from external stakeholders about this student-facilitated course cite the “political indoctrination” language in Regents Policy 2301, which is discussed in context further below. Note however, that by its own terms Regents Policy 2301 also references the University’s commitment to academic freedom. Moreover, Regents Policy 2301 dates back to 1970, and when there were modest changes to this policy in 2005 the briefing for the UC Regents noted regarding Policy 2301, “**It is complementary to the Presidential policy on academic freedom**, about which The Regents have been fully briefed and informed (APM 010)... **The faculty as a whole is entrusted with enforcing proper standards**, subject to the ultimate authority of the Administration.”<sup>4</sup> (emphasis added)

### ***III. Applying University Policies to the Facts in this Case***

In practice, the delegated approval authority under Standing Order 105.2 is exercised at UCR (and the other UC campuses) through a committee on courses and/or related Senate committees. In this instance, last December the UCR Academic Senate approved a program of student-facilitated (but supervised by a faculty member) one-unit courses known as “R’Courses” that UCR students can take on a “Satisfactory/No Pass” basis.<sup>5</sup> The UCR Office of Undergraduate Education works with the R’Course Governing Board to review proposals for R’Courses. This spring the total number of R’Courses offered (eleven) was fairly modest.

With respect to the R’Course on “Palestinian Voices” the course proposal by student facilitator Tina Matar was reviewed by the R’Course Governing Board per the regular review process, and changes were made along the way, including amending the title of the class. The approved course syllabus, available on the R’Course website (<http://rcourses.wix.com/spring2015>), is enclosed as **Appendix #4**. The chair of the R’Course Governing Board (Professor Mark Springer) and the chair of the UCR Senate Committee on Educational Policy (Professor Ken Baerenklau) confirmed in email (full quote in the table below) that this course “went through the normal review process that includes approval from her faculty advisor, home department, and our committee. We recognize that [Ms. Matar’s] course offering addresses a controversial topic, but in our view her R’Course is consistent with relevant University of California policies.” The email from Professors Springer and Baerenklau also notes that students can object to an

instructor’s pedagogy through the normal process available to all students; I have checked with relevant offices on campus, including the Office of Undergraduate Education, and thus far I am not aware of any complaints from students enrolled in “Palestinian Voices.”

**Sent:** Friday, April 17, 2015 12:25 PM

**Subject:** Tina Matar's R'Course

We write to you regarding the recent controversy over an R'Course that is being taught by Tina Matar in the English Department with Professor David Lloyd as her faculty supervisor. The official title of Tina's course is "Palestinian Voices". This title was adopted after Tina considered comments from the Interim R'Courses Governing Board on an earlier draft of her syllabus. Unfortunately this title was not incorporated into Tina's revised syllabus, which retains the original, more controversial title ("Palestine & Israel: Settler- Colonialism and Apartheid"). We have asked Tina to upload a revised version of her syllabus with a correct course title. Also, Tina revised the content of her syllabus after receiving feedback from our committee and consulting with Professor Lloyd. These changes are reflected in the syllabus that was uploaded to the R'Courses website. Tina's course went through the normal review process that includes approval from her faculty advisor, home department, and our committee. We recognize that Tina's course offering addresses a controversial topic, but in our view her R'Course is consistent with relevant University of California policies. If students in Tina's R'course (or any course for that matter) object to the instructor’s pedagogy they can seek recourse through the normal channels available to all students on campus.

Sincerely,

Mark S. Springer  
Chair, Interim R'Course Board

Ken Baerenklau  
Chair, CEP [Committee on Educational Policy]

The UCR Academic Senate’s approval process for R’Courses is further described in the February 2015 report by the Committee on Educational Policy.<sup>6</sup> The most relevant section is quoted in the table on the next page (the full report is enclosed as [Appendix #5](#)). The process described below of setting educational standards was adhered to with respect to the “Palestinian Voices” class. Ms. Matar was asked to attend five or six training sessions in order to serve as the student facilitator for the class. The R’Course Governing Board also looked into the “fit” of having this course offered through the English department and whether there was overlap with regular academic courses being offered in other departments. The syllabus was adjusted to place more emphasis on the use of contemporary literature as a lens for exploring the subject matter.

**UCR Committee on Educational Policy's Report on Senate Oversight of R'Courses  
February 2015**

"The R'Courses Governing Board is charged with providing direction and oversight for the program. The Academic Senate delegates to this Board the responsibility for setting the educational standards for R'Courses and for ensuring that these standards are maintained. To support the program, this Board will solicit, review, and select proposals for R'Course offerings. This includes establishing a recruitment program with informational sessions at popular student venues. It also has responsibility for training the facilitators, and it will coordinate this activity and course preparation with the facilitator's faculty mentor. If the educational quality of the course is substandard, the Board has the authority to intervene and terminate a course prior to the beginning of the quarter of instruction if corrective measures are not possible...

Official Senate oversight will be provided by the Committee on Courses and CEP, and to enable this mandate, these committees will receive an annual report from the Governing Board on the status of the program. If concerns arise, the Committee on Courses will provide feedback."

In addition to the regular review process described above, a few days ago the UCR Academic Senate's Committee on Academic Freedom (CAF) issued a review letter regarding the "Palestinian Voices" R'Course. The full text of this letter is enclosed as [Appendix #6](#), and in relevant part the Senate CAF letter concludes that this course was properly reviewed by faculty on multiple levels:

One can ask the question, at what point does instruction with a perspective cross the line to become political indoctrination in violation of Regents policy 2301? An important distinction here is whether there are clear inaccuracies in factual information that are intentionally used to project a distorted message. This issue and the overall educational merit of the course are decided by a review process authorized by the Academic Senate in accordance with the Regents Orders, UC policies and UC bylaws. For the course entitled *Palestinian Voices*, the educational merits were vetted and judged compliant with academic standards by the faculty member serving as the course advisor, the Chair of the English Department, several other faculty in the Department of ... Ethnic Studies and finally by the Governing Board for the R-Courses program. This review process, which was authorized by the Senate, includes Senate representation at every level. CAF found no reason to doubt the proficiency of this process.... Separate from this issue is her ability to conduct the class in a manner consistent with UC's educational standards, and again to insure these standards are met, a mechanism is in place to train the facilitator and to monitor her engagement in the course.

Because professional academic standards at UC are the province of the faculty collectively represented by the Senate, and because regular Senate and faculty review mechanisms were followed with respect to the evaluation and oversight of the "Palestinian Voices" R'Course, available evidence indicates that there was not a failure to adhere to the "political indoctrination" prohibition in Regents Policy 2301 when that policy is interpreted harmoniously

with (as it should and must be) and alongside the University's robust commitment to academic freedom (APM – 010) animated by the academic judgment of the faculty (Regents Standing Order 105.2). Rather, this student-facilitated course involves a politically controversial topic about which conscientious stakeholders in the broader community (including lawmakers) may disagree and express concerns, just as some faculty and administrators within the University could conceivably disagree about the relative merits of this course.

At the end of the day the existence of objections and concerns about "Palestinian Voices" (some of which are eloquently articulated) constitutes an insufficient basis to second-guess academic judgment. As Professor Robert Post – currently the Dean of the Yale Law School and then a UC faculty member tasked with drafting the modified version of the University's policy statement on academic freedom – wrote in analyzing a closely parallel controversy with a UC Berkeley student-facilitated course about Palestinian-Israeli conflict several years ago:

The Academic Senate has decided that the course description is acceptable, that it is neither intimidating nor without educational justification. This decision is no doubt disputable, because it involves hard and close matters of educational judgment about which reasonable persons can disagree. It is nevertheless a defensible decision, because good reasons can be articulated in its support. To use legal terminology, the decision does not constitute an abuse of discretion. As I have discussed, weighty reasons of academic freedom counsel that decisions within the professional expertise of the faculty that do not constitute an abuse of discretion be respected by the administration of the university, even if members of the administration would have reached a different judgment had they had been called upon to make an initial determination. The professional autonomy of the faculty inheres in such deference.<sup>7</sup> (page 20)  
[enclosed at [Appendix #7](#)]

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<sup>1</sup> <http://regents.universityofcalifornia.edu/governance/standing-orders/so1052.html>

<sup>2</sup> <http://www.ucop.edu/academic-personnel-programs/files/apm/apm-010.pdf>. The Academic Senate, both at UCR and for the UC system, approved an April 2015 policy statement that "strongly endorses the preeminence of the value of academic freedom."

<http://senate.ucr.edu/committee/?do=info&id=3>

<sup>3</sup> <http://regents.universityofcalifornia.edu/governance/policies/2301.html>

<sup>4</sup> <http://regents.universityofcalifornia.edu/minutes/2005/regproc905attach.pdf> (page 16)

<sup>5</sup> <http://rcourses.wix.com/spring2015#!about/cjg9>. These UCR "R'Courses" are modeled after the "DeCal" student-facilitated courses that UC Berkeley has offered for decades.

<sup>6</sup> <http://senate.ucr.edu/committee/10/RCourses%20Proposal%20-%202002-24-15%20Revision.pdf>.

<sup>7</sup> Post, Robert C. "Academic Freedom and the 'Intifada Curriculum'." *Academe* 89, no. 3 (2003): 16-20. Post's essay is the published version of a letter advising the UC President.