

Establishment of a LASA Commission on Academic Freedom

At the January 2007 meeting of the LASA Executive Council (EC) it was agreed that the Association should put in place a Commission on Academic Freedom. Following a lengthy planning process, at its September 2007 meeting the EC approved establishment of such a Commission, to be chaired by the Vice President. This document specifies both the Commission's mandate and the guidelines for its operation.

The call for a Commission emerged in the context of the denial of visas to dozens of researchers—LASA members—who as a result were unable to take part in the 2006 San Juan Congress. This motivated the EC to move the 2007 meeting from Boston to Montreal. It also generated interest in finding ways to publicize this decision so as to highlight LASA's opposition to a broader pattern of U.S. visa denials that was constraining LASA members' work. Another factor motivating the EC to propose such a body was a desire to protest the growing number of government actions—principally but not exclusively visa denials—that constrained the free exchange of ideas among academics based in the United States and between them and their counterparts abroad. Indicative of the issues in play was LASA's offer during the first half of 2006 to file amicus briefs in support of plaintiffs in two judicial proceedings in the United States relating to academic freedom. Whereas many scholarly associations had in place mechanisms to respond to alleged violations of academic freedom, or to decide not to do so, LASA had no such institutionalized framework.

Two broad considerations have informed our decisions concerning the mandate and operating mechanisms of the Commission. First, as an Association of researchers and educators, no principle is more central to our identity than that of the freedom of our members, and our counterparts outside of

LASA, to conduct their professional activities free of threats, intimidation, constraints on mobility, or other sanctions. It is incumbent upon us to respond in those instances where these basic freedoms are demonstrably in jeopardy. Yet, secondly, numerous factors limit the scope of action that can or should be taken by the Association. These include:

- i) LASA's status as a scholarly association whose members hold a wide variety of views concerning social and political conflicts that typically provide the context in which alleged violations take place; at a minimum, this highlights the need to take every measure possible to avoid LASA's being used for partisan purposes;
- ii) LASA's status as an international organization whose members work in countries where customs and legislation concerning academic affairs (e.g. tenure, university autonomy) and speech (e.g. libel codes) vary widely; and
- iii) LASA's lack of investigative capabilities, the limited human and financial resources at its disposal, and the potential volume of cases upon which the Association might be asked to opine or take action. These factors compel the Commission to focus its efforts on members of LASA and/or researchers whose professional profile fits that typically associated with LASA membership.

With this as its point of departure, the LASA Commission on Academic Freedom, appointed by the President, will have the following characteristics and operating procedures.

A. The Commission will be chaired by the Vice President, will operate in direct consultation with the President, and will include among its five members two individuals currently serving as members of the EC. This will underscore the organic

nature of its ties to the Association's governing body, and will imbue its work with greater prominence and legitimacy than was the case with the former Task Force on Human Rights. Terms of Commission members will be 3 years, with initial staggering. Its composition will incorporate researchers based in Latin America and outside the region and will strive for gender and disciplinary balance. As a condition of their service, members of the Commission will agree to respond in a timely fashion, electronically, to requests by the Chair for action concerning specific cases.

B. In responding to petitions submitted by at least six members of the Association seeking response to an alleged violation of academic freedom, the Commission will consider five types of action in light of the constraints noted above and any others it deems relevant:

- i) determination that the matter at hand lies outside the purview of the Commission such that the case will not be entertained and a generic statement of principles—the Association's commitment to the free conduct of research and teaching and the unconstrained exchange of ideas—will be issued without reference to the specific case;
- ii) determination that the matter at hand is within the purview of the Commission, and that the alleged violations are credible, in which case it will be determined what actions can be taken by the Commission on behalf of the Association (writing letters to corresponding authorities, circulating a petition, etc.);
- iii) determination that the matter at hand is (or may be) within the purview of the Commission but that additional information is required before action can be taken, in which case members of the Commission may deploy its limited capabilities to assess the

LASA COMMISSION continued...

eligibility and/or validity of the allegations. Based on these findings, action may be undertaken as in i) and ii) above;

iv) determination that the situation appears to be within the purview of the Commission but calls for a more detailed investigation than that which is within the capabilities of the Commission and seems best suited for the attention of human rights organizations. In these instances, appeals will be made to such organizations requesting their attention to the matters at hand. Pending the outcome of such efforts, a generic statement of principles—the Association's commitment to the free conduct of research and teaching and the unconstrained exchange of ideas—will be issued without reference to the specific case;

v) determination that the situation is within the purview of the Commission, entails urgent threats to aggrieved parties, and requires documentation that is not being undertaken by appropriate human rights organizations despite demonstrable requests for them to do so. In such extraordinary cases, the Commission may recommend the convening of a fact finding delegation sponsored by LASA. Seven of the ten EC members must endorse the commission recommendation to form a fact finding mission in order for the initiative to go forward. Such delegations would report directly to the President. Their composition would be determined by the Commission following the principle that they must be impeccably independent of the conflicts in question and comprised of researchers representing a variety of countries from which LASA members are drawn.

Procedures for the Commission will be as follows:

- a majority vote of the five members (the chair is a voting member) will be required

in order for any particular case to be considered and in order for it to take any sort of action;

- given limited resources, the Commission will normally be expected to consider no more than three specific cases at any given time;
- given limited resources and the extraordinary nature of such circumstances, the Commission will authorize a maximum of one fact finding delegation per year;
- funding for any fact finding delegation will be provided primarily through resources raised by the delegation itself, with assistance where possible of the Commission. Seed money of up to \$5,000 may be supplied to any such effort, if seven of the ten members of the EC deem it necessary.

In assessing whether specific allegations meet the criteria outlined above, it is established that LASA is not equipped to investigate or otherwise deal with issues that lie within the purview of academic policies in any given setting, that are currently before the courts, and/or that have been resolved in judicial venues. Exceptions will be made only if the Commission is supplied with compelling grounds to indicate that these entities are themselves hostile to the basic principles guiding LASA's commitment to unconstrained intellectual exchange. In these instances, the Commission may entertain such allegations following the procedures outlined above.

Independently of the work of the Commission, and in consultation with the President, the LASA Secretariat is authorized by the EC to:

a) issue upon request a statement on behalf of the Association to the effect that it condemns universally any constraint on the freedom of academics and other intellectuals to travel, to publish their research, or to share the results of their research with their counterparts abroad;

b) direct to the corresponding executive, legislative and/or judicial authorities letters of complaint on behalf of the Association in any instance where (a) member(s) of the Association is(are) impeded from taking part in any activities sponsored by LASA. This will most frequently refer to the LASA congresses, but may also apply to events sponsored by official LASA sections.

Initial members of the Commission include:

John Coatsworth
Columbia University, LASA VP, Chair

Jonathan Hartlyn
University of North Carolina-Chapel Hill,
EC

Felipe Aguero*
The Ford Foundation-Santiago, Chile

Elizabeth Jelin
IDES – Buenos Aires

Barbara Weinstein
New York University

*Confirmation pending. ■