

UCLA Policy XXX: Public and Discretionary Statements by Academic Campus Units - Draft for Review

Issuing Officer:	Executive Vice Chancellor & Provost
Responsible Dept:	Executive Vice Chancellor & Provost's Office
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I. PURPOSE & SCOPE II. DEFINITIONS III. POLICY STATEMENT IV. REQUIREMENT FOR POSTING PUBLIC STATEMENTS V. REFERENCES

I. PURPOSE AND SCOPE

University community members and Academic Campus Units both enjoy freedom of expression and academic freedom. These are core tenets protected by and central to the University. This Policy addresses Public Statements made by and on behalf of Academic Campus Units. Majority of Public Statements address the day-to-day operations of the UCLA campus and unit however, Discretionary Statements made by and on behalf of Academic Campus Units can raise complex and potentially contested issues.

Discretionary Statements do not necessarily represent the views of the entire UCLA campus, and without appropriate disclaimers, may be misperceived as doing so. Such statements at times are described as political or controversial to signify that they express opinions on potentially contentious or complex issues. This Policy strikes a delicate balance between the desires of some in a unit to assert a position as a unit and the interests of those in the unit who disagree, do not wish to speak, and/or have less status or authority than senior tenured faculty.

This Policy sets forth the requirements for Academic Campus Units issuing Public Statements, including Discretionary Statements and provides (a) definitions of the terms used throughout the Policy, (b) a statement explaining the importance and limitations of the Policy, (c) the requirements to issue Public Statements, including Discretionary Statements, and (d) related references and supporting policies and information.

This Policy applies only to Academic Campus Units and does not address statements made by individual University community members or groups of University community members. This Policy does not address the rights of individual University faculty members to express themselves on matters of conscience; those are protected by academic freedom. UCLA affirms the rights of individual University members, and of groups of University members, to author and publish statements and circulate them in their own private networks.

For guidance on implementation of this Policy, including posting Discretionary Statements on third party social media platforms, please see URL TBD.

II. DEFINITIONS

For the purposes of this Policy:

Academic Campus Units refer to officially recognized UCLA academic departments or divisions as well as other official academic UCLA entities, including schools, centers, laboratories, institutes, the UCLA Academic Senate, and UCLA Extension. Academic Campus Units is a subset of the larger group of units defined as “Campus Units” under UCLA Policy 110.

Discretionary Statements refer to statements made by and on behalf of an Academic Campus Unit that comments on institutional, local, regional, global or national events, activities or issues and distributed, disseminated, posted online or otherwise shared via mass distribution with University constituencies or the public, that are not part of the day-to-day, term-to-term operations of the unit. Discretionary Statements do not include messages regarding its curricular offerings, traditional mission statements or strategic plans; administrative activities, operations or resources; or news announcing University or campus activities, programs, or initiatives.

Public Statements refer to statements made by and on behalf of an Academic Campus Unit that are part of the day-to-day, term-to-term operations of the Academic Campus Unit, including curricular offerings, its traditional mission statements, or strategic plans; administrative activities, operations or resources; or news announcing University or campus activities, programs or initiatives and distributed, disseminated, posted online or otherwise shared via mass distribution with University constituencies or the public. This term includes Discretionary Statements.

UCLA Domain Name is an authorized external and/or internal electronic address used to identify and locate an internet site or service, such as a web site registered by a Campus Unit, as outlined in [UCLA Policy 411](#). A UCLA Domain Name is not required to have the initials UCLA in the URL for this Policy to apply.

III. POLICY STATEMENT

- A. This Policy identifies requirements needed to protect those who may be affected in the academic community by the production and distribution of unit-wide statements on UCLA Domain Names, and provides mechanisms for minimizing, or at a minimum alleviating, unwarranted or problematic pressures.
- B. The requirements as outlined in this Policy aim to ensure that members of the community associated with the Academic Campus Unit enjoy the freedom to speak or not to speak, to deliberate or not deliberate about issues, where such speech is not a job description requirement, and that their decision whether and how to speak through complying Discretionary Statements is protected from repercussions on-and off-campus. These protections also aim to protect members of an Academic Campus Unit from being misrepresented or misunderstood to endorse a position that they have not chosen to endorse.
- C. Given the complexities associated with Academic Campus Units issuing statements on pressing topics, this Policy sets forth requirements (with accompanying guidance) to Academic Campus Units developing, posting, or retaining such a statement on a UCLA Domain Name to assure the issuance of such statements is done responsibly and judiciously.
- D. Academic Campus Units that intend to produce and post Discretionary Statements must develop procedures that comply with the requirements as outlined in this Policy.
- E. Many members of an Academic Campus Unit may wish to support or issue Discretionary Statements. Discretionary Statements do not necessarily represent the views of all members of an Academic Campus Unit, which may be composed of different faculty (ladder-rank, adjunct, clinical, and lecturer), staff, researchers, students, and other affiliates. Other members of the unit may want to disassociate from the support or issuance of Discretionary Statements. All members’ decisions and stances should be respected.

IV. REQUIREMENTS FOR POSTING PUBLIC STATEMENTS

Academic Campus Units that intend to produce and post Public Statements including Discretionary Statements must comply with the following requirements.

A. Requirements for Public Statements

Public Statements made by Academic Campus Units must comply with applicable laws and University policies including, but not limited to:

- Conflicts of interest.
- Anti-violence, anti-discrimination, and anti-harassment.
- Use of university technology and electronic communications.
- Privacy and personal information, including without limitation the university's policies regarding FERPA and HIPAA.
- Intellectual property, including policies on copyright and use of the university's names and assets.
- University codes of conduct, including without limitation the Faculty Code of Conduct.
- Solicitation of funds or fundraising campaigns (contact your Unit's Development Officer).

In accordance with applicable law and University policies, the following types of Public Statements cannot be issued by Academic Campus Units:

1. Promote, endorse, or oppose political campaigns or candidates for elected or appointed government office, or comment in support of or in opposition to specific ballot referenda or legislation.
2. Threaten, harass, or discriminate against individuals or groups of individuals, including bias statements that target protected classes.
3. Misuse university technology or violate the university's policies on electronic communications.
4. Release private or confidential information, including, but not limited to, information related to the academic records, health status or personnel records of individuals at the university.
5. Violate the rights of an individual or an organization to its intellectual property.
6. Violate the University's codes of conduct.

B. Requirements for Discretionary Statements

Academic Campus Units that intend to produce and post Discretionary Statements must develop, publish, and implement procedures that outline the process of producing, posting, and archiving Discretionary Statements. Academic Campus Units have substantial discretion about the details of these procedures, but the procedures must include the requirements as outlined below.

1. Producing Discretionary Statements

The procedures developed by an Academic Campus Unit for producing Discretionary Statements must:

- i. Articulate the process of how members of an Academic Campus Unit or an academic subgroup propose, write, and vote on Discretionary Statements.
- ii. Specify which subgroups are eligible to post, e.g., 'faculty,' 'lecturers,' 'staff' 'graduate students' 'ladder faculty,' 'members of the Academic Senate,' etcetera, if the Academic Campus Unit permits members of a subgroup to post statements. Subgroups must not be defined by the content of their message. It is difficult to protect anonymity of the members of the message-based subgroups so such subgroups should only circulate messages that belong to those who belong to a message-based subgroup. Self-identified message-based subgroups may circulate statements on their own initiative.
- iii. Identify by position, the members of the Academic Campus Unit, and at a minimum must include: all full-time faculty who are members of the Academic Campus Unit (including lecturers, adjunct faculty, clinical faculty, and other non-ladder faculty), all full-time researchers,

postdoctoral fellows, post-graduate trainees (including medical residents and fellows), all full-time staff members, and any other full-time employee of the Academic Campus Unit. At their discretion, Academic Campus Units may also delineate part-time faculty, part-time graduate student employees, and other part-time employees as members of the academic unit for purposes of the production of statements on behalf of the Academic Campus Unit.

- iv. Delineate steps to be taken to ensure that *all members* of that Academic Campus Unit have a meaningful opportunity to comment on proposed drafts of the statement and to vote on the Discretionary Statement that speaks on behalf of the Academic Campus Unit.
- v. Delineate steps taken to ensure that *all members* of an Academic Campus Unit subgroup have an opportunity to comment on proposed drafts of that statement and to vote on the Discretionary Statement that speaks on behalf of a subgroup of the unit (e.g., the ladder faculty). Statements on behalf of ‘the faculty’ must be produced through a process that, at a minimum, includes *all* full-time faculty members, including adjunct professors, clinical professors, and lecturers.
- vi. Specify how proposals for statements will be made and publicized to the members of the Academic Campus Unit or relevant subgroup.
- vii. Specify a sufficient period of time and a venue (whether virtual or in-person) for all members of the represented group to comment on the proposal prior to a vote.
- viii. Contain meaningful opportunity for all members of the represented group to engage *as well as to decline to engage* in discussion, comment, and voting on the statement. Meetings concerning the creation, or the endorsement of statements should not overlap with standing meetings concerning the standard business of the Academic Campus Unit (or its subgroup). No member of the unit may be required or expected to attend a meeting about the unit’s potential endorsement of a statement.
- ix. Vote anonymously on a proposed statement and whether a person votes and how they vote should be anonymous.
- x. Ensure that the statement represents the relevant unit or group. The mechanism for voting on the endorsement of the statement must occur outside of a meeting, so that those who do not attend may have the opportunity to vote.
- xi. Specify what percentage of the unit’s members (or specified subgroup’s members) must endorse the statement for the statement to be issued on behalf of that group. At a minimum, a majority of all those *eligible* to vote must approve the statement for it to be issued in the name of the Academic Campus Unit or subgroup, as applicable. Academic units may, at their discretion, specify that a defined supermajority must approve a statement for it to be issued. To avoid the generation of incentives to identify and pressure holdouts, Academic Campus Units and subgroups must not require unanimity as a condition of the posting of a statement.

2. Posting Discretionary Statements

The procedures developed by an Academic Campus Unit for posting Discretionary Statements must:

- i. Identify the unit or the subgroup that represent and had an opportunity to vote on the statement, e.g., ‘...on behalf of the department,’ ‘on behalf of the faculty’ or ‘on behalf of the ladder faculty.’ The identification of the relevant group should be as specific as possible to avoid inadvertent misrepresentation of members of the community who had no meaningful opportunity to be heard and to vote on the statement.
- ii. Not list the names of signatories for Discretionary Statements and may not specify that the statement received unanimous endorsement (even if it did). This is to avoid the generation of incentives to identify and pressure holdouts.

- iii. Include a disclaimer on the webpage where Discretionary Statements are posted that such statements do not represent the University in compliance with UCLA Policy 110.
- iv. Link the procedures for the production of Discretionary Statements on the webpage where such statements appear, and that link will be provided in the content of the statement itself wherever posted, e.g. on a webpage or third-party external social media platform. Additional guidance on posting on third-party external social media platforms is available at URL TBD.
- v. Remove automatically all statements at the end of the academic term associated with the Academic Campus Unit. This allows for change and avoids the inadvertent misrepresentation of new members of the community. Renewal of any statement must follow the procedures associated with the production of statements above.

3. Archiving Discretionary Statements

The procedures developed by an Academic Campus Unit for archiving Discretionary Statements must specify whether the Academic Campus Unit will archive past statements and if so, where and for how long. Such procedures will be consistent with the UC Records Retention Schedule.

V. REFERENCES

- 1. UC Senate Materials
- 2. UCLA Senate Materials
- 3. UCLA Policy 110 on University Names
- 4. UC Electronics Communications Policy
- 5. [Guidelines for Social Media Participation on UC Office of the President Sites](#)
- 6. UCLA Policy 411

Issuing Officer

/s/ Darnell Hunt

Executive Vice Chancellor and Provost

**Questions concerning this policy or procedure should be referred to
the Responsible Department listed at the top of this document.**

[END POLICY XXX]

GUIDANCE (to be linked on a separate URL)

This guidance offers best practices to supplement the rules delineated in UCLA Policy XXX. Academic Campus Units are encouraged to refer to these points when developing the procedures for production and dissemination of Public Statements. Furthermore, Academic Campus Units are encouraged to consider carefully whether a collective Discretionary Statement is necessary in the situation, given the costs of their production as well as the potential risks of intra-unit conflict and the misattribution of statements to members of the community who do not wish a public association with those statements. Statements by individuals and self-organized subgroups in any unit may often adequately serve to communicate important messages.

Production

1. *Regarding point IV.B.1.i of the Requirements:* It is recommended that Discretionary Statements by Deans, Chairs, and other campus leaders specifically make clear that those statements are issued by those leaders only and are not on behalf of the unit as a whole or its members.
2. *Regarding point IV.B.1.ii of the Requirements:* It is recommended that units be cautious when considering procedures authorizing subgroup statement production and posting given the potential difficulties of allowing every subgroup in a unit to post statements as well as the difficulties of privileging some subgroups over others. Further, subgroup statements raise the potential for statements that conflict in content with a statement of the broader academic unit.
3. *Regarding point IV.B.1.v of the Requirements:* If a statement speaks on behalf of a specific subgroup of the unit (e.g., full-time faculty including ladder faculty, adjunct professors, clinical professors, and lecturers), members of the wider academic unit should be informed of the proposal and consulted about whether and how the issuance of the statement might affect them.
4. *Regarding point IV.B.1.xi of the Requirements:* It may be desirable, as a general matter, to ensure that any statement by an academic unit reflects a broad consensus that is not in tension with the sentiments of any significant subgroup of its members. It is recommended that academic units (and subgroups) adopt supermajority requirements for the posting of statements. A supermajority requirement may also reduce the occasions in which subgroups are motivated to issue their own statements that conflict with the unit's statement. The possibility of conflicts and the desirability of avoiding them may be a reason for academic units to adopt supermajority requirements for the posting of subgroup statements.

5. Where time permits, Academic Campus Units considering posting a statement about an especially controversial matter may wish to consult with the Senate Committee on Academic Freedom for guidance about wording and inclusive consultation practices.

Posting of Statements

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1. *Regarding point IV.B.2.i of the Regulations:* While statements must identify the unit or the subgroup that they represent with specificity to avoid inadvertent misrepresentation of members of the community, units should be cautious about issuing statements on behalf of a subset of the faculty, e.g., ‘the ladder faculty’ or ‘the members of the Academic Senate.’ These delineations may not be well-understood by students and the public, raising concerns about inadvertent misrepresentation of other members of the faculty.
2. *Regarding point 14 of the Rules:* It is recommended that statements should not appear on the landing page for an academic unit but that units designate a separate page for ‘statements and opinions.’

Removal and Archiving of Statements

1. *Regarding point IV.B.3 of the Requirements,* it is further recommended that academic units decide, through designated procedures, how and where to archive previous statements, and for how long such statements will be posted.

Social Media

In addition to their UCLA Domain Names, Academic Campus Units often maintain social media accounts on a variety of external third-party social media platforms (e.g., Twitter, Facebook). This policy was developed with UCLA Domain Names in mind, but the rules and guidance articulated above should also inform the use of social media platforms by Academic Units when disseminating collective statements. The production and posting of such statements must comply with the requirements articulated in the policy and other related UC guidance. Moreover, Academic Campus Units that contemplate the use of social media platforms to disseminate collective statements should also be mindful of other considerations introduced by use of such platforms. Specifically, the Academic Campus Unit itself will likely have very little control over its message or content once it is released into a medium in which interactivity, commenting, reposting and other types of public engagement may be the norm.

To manage the unpredictability and lack of control associated with dissemination through external third-party social media sites, the following guidance is recommended:

1. Academic Campus Units should establish norms and practices for use of social media accounts representing them. These norms and practices should be clear, understandable, and accessible to unit members who wish to review them. They should include a clear

designation of who in the unit is empowered to communicate on social media on the Unit's behalf and what plan is in place for the monitoring and archiving of the post.

2. Both in crafting a policy and posting a statement, Academic Campus Units should consider: the nature, audience, and particular use of particular platforms; the tools and features of a particular platform; the likelihood that shared content may be remixed, repurposed or decontextualized on a particular question.
3. When using an academic unit's social media account for the dissemination of a collective statement, the social media posting should refer to the statement hosted on the academic unit's webpage both by name and via URL.
4. Postings should avoid truncating, quoting from or posting only portions of a statement; instead, refer others back to the full statement to avoid a loss of context.
5. Turn off comments for a post linking to an academic unit's collective statement; treat the posting as an announcement and reference to the full statement rather than an opportunity for debate by unknown parties, which can quickly spiral out of control.
6. Decide which platforms to use to disseminate the collective statement, with the knowledge that some may be better-suited (in terms of e.g., functionality, media type and likely audience) to this type of distribution than others.
7. Ensure consistency of messaging across platforms.