To: Andrea Kasko, Chair, Academic Senate

From: Diana Messadi, Chair, Committee on Privilege and Tenure

CC: Kathleen Bawn, Vice Chair/Chair-Elect, Academic Senate
Jessica Cattelino, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Marian M. Olivas, Principal Policy Analyst, Academic Senate
Members of the Committee on Privilege and Tenure

Date: November 3, 2023

Re: Proposed Policy for Public and Discretionary Statements by Academic Units

The Privilege and Tenure Committee (P&T) members received this proposed policy for review at our October 26, 2023 meeting and were invited to submit comments on it by today. Committee members reviewed the draft, and discussed at our November 2, 2023 meeting. We did not vote to take any formal position on the draft, but we offer the following comments and concerns:

1) The draft recommends that academic units develop procedures that only allow policy statements or commentaries to be issued if a “supermajority” of the faculty in that unit concurs with the statement; but supermajority is not defined. Is this 60%? Two-thirds? Ninety percent? This ambiguity should be addressed. Further, the parliamentary procedure which the Senate follows advises against “requiring more than a majority.”

2) Relatedly, because posting statements requires some form of a majority vote, the draft does not offer any path for conveying the views of dissenting parties. Rather, it purports to protect “the interests of those in the unit who disagree” by “enjoying the freedom . . . not to speak.”¹ Should the minority be invited to submit a dissenting statement that would go out along with the majority statement? Because P&T is concerned with faculty rights, it is important to note that this seems to pose a significant imbalance of rights.

¹ There is not even a provision for allowing a minority view to be posted.
3) Issues such as (1) and (2) are consistent with a more general critique: why not simply prohibit academic units at UCLA from taking public positions on world affairs or political and social issues? Why not, instead, permit faculty to develop and issue their own statements, if they wish, subject to the proviso that they make clear at the outset of such statements that they are only expressing the views of the signatories, and not in any way an official view of UCLA or any academic unit of UCLA. This would protect academic freedom and allow ideas to be expressed in a much less cumbersome way, without embroiling the university directly in political matters.

4) Related to (3), the policy seems to be unnecessary and to contradict the existing Faculty Code of Conduct which already states that Faculty already have the right to "enjoyment of constitutionally protected freedom of expression." 2 "Faculty members have the same rights and obligations as all citizens. They are as free as other citizens to express their views and to participate in the political processes of the community." 3

5) Further, the Faculty Code of Conduct admonishes: "When they act or speak in their personal and private capacities, they should avoid deliberately creating the impression that they represent the University." 4 It also forbids "Unauthorized use of University resources or facilities on a significant scale for personal, commercial, political, or religious purposes." 5 Why should faculty operating as "academic units" be excused from these admonitions?

These comments reflect the general sense of our committee; we are broadly concerned that this policy, with its cumbersome and difficult-to-enforce procedures, will make protecting the rights of all more challenging.

Thank you for the opportunity to review and comment. If you have any questions, please do not hesitate to contact me at dmessadi@dentistry.ucla.edu or via the Committee’s analyst, Marian Olivas, at molivas@senate.ucla.edu.

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2 Part I, Faculty Code of Conduct “Professional Rights of Faculty”
3 Part II, Faculty Code of Conduct E. The Community “Ethical Principles”
4 Ibid
5 Part II, Faculty Code of Conduct: E.1