To: Andrea Kasko, Chair, Academic Senate

From: Shane White, Chair, Committee on Rules and Jurisdiction

Date: February 5, 2024

Re: Academic Senate Review - Proposed UCLA Time, Place, and Manner Policies

At its meeting on January 24, 2024, the Committee on Rules and Jurisdiction (CR&J) discussed the proposed UCLA Time, Place, and Manner policies. Members recognized the intent to protect the freedom of expression and academic freedom of those working and learning on campus.

Members supported the Faculty Welfare Committee’s (FWC) concerns, specifically that there must be no suppression of speech; enforcement will be arbitrary or discriminatory; lack of financial transparency; and allocation of areas of public expression. Members also supported FWC’s request that faculty offices and adjacent corridors also be explicitly included as restricted-use University Property spaces that are not appropriate for demonstrations.

While faculty members, students, and staff are inherently protected from, and prohibited from engaging in, discrimination by various systemwide and campuswide policies, as well as State and Federal laws, members were concerned about the lack of explicit protections for, and prohibitions relating to, non-affiliates on University property. Without equal protections and prohibitions, there is concern about the potential for arbitrary and unequal enforcement at public expression activities and events. In addition, some members expressed concern that if there were separate standards for University affiliates and non-affiliates, non-affiliates could be used as a loophole to voice discriminatory opinions that are prohibited for University affiliates. Some members felt that prohibition of discrimination against groups specifically protected by Federal statute and Regental policy needed to be emphasized.

Members found the proposed policies were sometimes unclear when they intersected with existing policies. For example:

- General Use of University Property IV.A. How is “intimidation” defined? If an assertive teaching style is alleged as “intimidating,” how do these policies intersect with the Student and Faculty Codes of Conduct and disciplinary procedures?
- General Use of University Property IV.A.11. prohibits the “use, sell, advertise, promote or distribute marijuana or tobacco on University Property.” How does this impact approved marijuana and hemp research?
- General Use of University Property V. Administrative Exclusion from University Property has some incomplete consideration of APM-016’s University Policy on Faculty Conduct and the Administration of Discipline.

Members also had practical questions on the implementation of some of the proposed prohibitions. For example:
• General Use of University Property IV.C.3.a. The policy explicitly proscribes one activity already prohibited by FERPA. If these policies intend to be redundant with existing policies, rules or laws, it should be comprehensive in its examples.
• General Use of University Property IV.C.3.b. Is the transportation of research posters on campus proposed to be prohibited without advanced approval?
• General Use of University Property, IV.C.8. Requesting activities to “not to exceed the 75 decibels” is an unreasonable limitation. According to the CDC, 75 decibels is just above the average sound level of a washing machine or dishwasher.

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

cc: Kathleen Bawn, Vice Chair/Chair-Elect, Academic Senate
    Jessica Cattelino, Immediate Past Chair, Academic Senate
    April de Stefano, Executive Director, Academic Senate
    Lori Ishimaru, Senior Policy Analyst, Academic Senate
    Members of the Committee on Rules and Jurisdiction