

February 9, 2024

To: Andrea Kasko, Chair
UCLA Academic Senate

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

Dear Chair Kasko,

At its meeting on February 9, 2024, the Committee on Academic Freedom (CAF) reviewed the proposed UCLA Time, Place, and Manner Policies. Through its discussion, the committee recognized the important goals of the proposed policies, but had concerns about some aspects.

Overall, the committee viewed the policies as taking an extreme approach, with limitations that were sometimes unnecessary and difficult to enforce.

Some specific concerns were as follows:

The committee believed that the proposed policies should either include or reference definitions of “harassment” and “intimidation.”

UCLA Policy XXX: General Use of University Property, states that “registration of voters must be approved by the appropriate designated University official.” The First Amendment highly protects political speech, since citizens must be informed in order to cast their ballots intelligently. To allow such political speech but condition voting registration activity on a university official’s approval misses this rationale for free speech, the health of democracy. Approval should not be required.

UCLA Policy XXX: General Use of University Property also reads, “The Chancellor or other officials designated by the Chancellor may exclude a Student, Employee, or Emeriti from University Property if they determine there is reasonable cause to believe the individual has Willfully Disrupted the orderly operation of the campus or University Property.” This section lets administrators separate a faculty member from his or her office, lab, and colleagues, and to do so without due process and, by repeated application of the decision, to do so indefinitely. The policy provides for a hearing, but the decider would be an appointed administrator. Shared governance principle requires that the faculty should participate in discipline matters for its members. While it is reasonable that an administrator be empowered to take action in an emergency, the decision should be reviewed promptly by a faculty committee. A mechanism for this is already in place: ad hoc hearing committees of faculty are appointed by the Privilege and Tenure Committee.

UCLA Policy XXX General Use of University Property prohibits personal disguises when donned for certain purposes. Masks are not uncommon in political demonstrations, and while the policy does not prohibit them per se, it seems to suggest that the campus police can judge their intent. They can be worn by those planning to engage in violence, but also, justifiably, by those who worried about

disease, or about retribution for joining the demonstration. It might be useful to reexamine this section.

Language in UCLA Policy XXX: Organized Events states, “No Organized Event may occur without EOL Registration. All requests must be submitted through EOL Registration for appropriate review and approval at a minimum of ten (10) working days prior to the execution or administration of any Organized Event.” The committee believes that this standard would cause an unreasonable delay in the case of a meeting responding to a surprise occurrence, such as the murder of George Floyd or the war in Gaza. Rather than forcing a two-week delay in discussing the occurrence and informing the community about it, the policy should allow some official to waive the delay in such situations.

The current version of UCLA Policy 862: Major Events lists the requirement of compliance to all pre-event requirements established in other policies administered by various offices on campus. One of these includes Insurance and Risk Management, which involves insurance and/or security costs payable by the group holding an event. In line with the document’s very appropriate emphasis on viewpoint neutrality, committee members were concerned whether these costs might differentially hinder more controversial groups from expressing their viewpoints.

The proposed policy prohibits any person appearing “Nude in any place open to the public or any place visible from a place open to the public [except for dressing rooms women breast-feeding children or] approved visual or performing arts productions or activities, academic programs or classes scheduled and sponsored by University Units, as determined and formally approved by the appropriate Designated University Official.”

For the same reason that a lecturer has an academic freedom right to choose to use potentially offensive material in class as long as it is relevant to the course, he or she has a right to present nudity in class as long when relevant. That is an academic decision that should not require administration approval. Also, the proposed nudity ban has special rules for women. While the law currently permits this, it is contested and it seems odd that UCLA should be taking this position, especially in combination with the document’s broad definition of “Nude”.

The document recognizes the artistic use of nudity, but it can also be used as political speech, e.g., about the inequity of gender-based rules. The document should recognize this in parallel to its recognition of the artistic and academic freedom cases.

The proposed rule has questionable consequences for DEI. The University of California’s Gender Recognition and Lived Name Policy states (p.7) that the forms provided to an individual entering the system must allow them to choose among at least these three gender options: woman, man, or non-binary. The University of California system must afterwards use their choice “in all settings and situations.” However, the proposed rule bases UCLA’s action on whether the person is “female” or not. The rule should either be modified to apply uniformly to all genders or omitted.

The document also limits the distribution of non-commercial literature (e.g., political) to three areas, Bruinwalk, Meyerhoff Park and the south half of Dickson Court. Given the importance of free speech and discussion there is no justification for limiting the distribution of literature in this

way. Many students never visit these areas. The current practice in fact - distribution on outside walkways in general as well as in kiosks - does not obstruct teaching or any other University function. Any limitation on the exchange of ideas should be based on significant, demonstrable, negative consequences; the action itself should not be banned.

The Committee also supports the points made by the Committee on Diversity, Equity, and Inclusion (CODEI) in regard to current guidelines limiting academic freedom on campus.

We appreciate the opportunity to review and comment on this policy. If you have any questions, please do not hesitate to contact me at barry.oneill@polisci.ucla.edu or committee analyst Lilia Valdez at lvaldez@senate.ucla.edu.

Sincerely,

Barry O'Neill, Chair
Committee on Academic Freedom

cc: Kathy Bawn, Vice Chair/Chair-Elect, UCLA Academic Senate
Jessica Cattelino, Immediate Past Chair, UCLA Academic Senate
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Lilia Valdez, Senior Policy Analyst, UCLA Academic Senate
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