To: Andrea M. 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: February 26, 2024

Re: Proposed Regents Policy on Use of University Administrative Websites

The Committee on Privilege and Tenure (P&T) has had an opportunity to review and comment on the proposed “Regents Policy on Use of University Administrative Websites.” Members unanimously felt that the Regents’ proposal is dramatically better than the very long and convoluted proposal circulated from the EVC’s office in Fall 2023. However, members were concerned about the very compressed timescale for a fairly consequential policy, especially given that several members had questions that are unaddressed:

- Because the policy seems to be trying to be very specific about what it prohibits, the absence of clear definitions or examples of permitted and prohibited conduct seems likely to invite a very wide range of interpretations (and thus, practices) across different units. Some of us thought that the word “opinion” should be defined, with some examples. For instance, would this policy allow an administrative webpage to celebrate a new achievement of a faculty member? Can it promote a speaker event? If so, should it endeavor to be even-handed in promoting events expressing differing views? If the policy means to leave significant discretion in the hands of web administrators, it should say so.

- Prohibiting expressions that purport to represent all actual people in a department/unit on a department homepage should not be extended to deny an individual faculty member’s rights to express an individual “opinion.” More clarity would be helpful.

- Conversely, and however “opinion” is defined, departmental websites should not express opinions that explicitly or implicitly purport to represent departmental faculty if a reasonable observer would conclude that members of the faculty have strong and divergent views about the soundness of the opinion.
Does the policy apply in the same way to tenured faculty, untenured but tenure-track faculty, lecturers, and staff? In various departments, a varying range of people from these categories have individual websites supported by UCLA. Can such webpages express the featured individual’s views? Are disclaimers needed there? Can the page provide links to op-eds or petitions without a disclaimer?

The policy states that “Under the First Amendment and principles of academic freedom, faculty members, individually and collectively, have the right to express their views. While individual members of the University community are free to express constitutionally protected viewpoints through all non-official channels of communication, they may not associate the official administrative units of the University with their personal viewpoints.” This affirms our right as faculty (and citizens) to express “viewpoints” through “all non-official channels of communication.” Does this imply that we should *not* express viewpoints through official channels? Are our university email accounts official channels? Is this memo?

The policy provides that “Nothing in this policy shall limit the following:.....2. Communications by the Chair of the Board of Regents or his or her designee, the President of the University, the Chancellors, and the leadership of the Academic Senate in their respective roles as spokespersons for the University within their areas of responsibility...” [emphasis added].

Do the highlighted words implicitly mean that these university leaders should only make public communications on issues directly relevant to the welfare and functioning of the university? And does the exclusion of deans and department heads from the statement mean that such officials should operate under some more restricted standard of expression?

Why can’t the policy’s scope be limited to prohibiting a department, unit, or center from group expressions of political or social commentary/opinions on department/unit websites? (This may be a naive question, I know.) Why couldn’t the policy make it explicit that any individual faculty member is free to express their written opinions on any subject in any format or venue as long as they do not use university/department official websites – other than their individual university webpages – to do that?

Because of the sorts of ambiguities discussed above, some of us are concerned that faculty could too easily be deemed to have violated this policy; others are concerned that faculty will be inhibited in ways not intended by the policy.

Lastly, members suggest a grammatical and stylistic improvement to the first sentence: “Upholding the values of freedom of speech and inquiry are core to the University of California’s mission.” We suggest replacing “are core” with “is central”.

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The general thrust of the policy seems aimed at promoting university neutrality on political and social issues, but the policy never says as much.

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.