To: Andrea M. Kasko, Chair, Academic Senate
From: Brett Trueman, Chair, Charges Committee
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 Charges Committee
Date: February 26, 2024
Re: Proposed Regents Policy on Use of University Administrative Websites

Thank you for giving us the opportunity to comment on the proposed policy. As written, none of the members of the Charges Committee supports it. Reasons for the lack of support, though, differ across committee members. From the perspective of the Charges Committee as a whole, some members expressed concern that there has not been adequate consideration for how the Faculty Code of Conduct might need to be modified, especially with respect to potential violations of academic freedom and violations of departmental and/or University policies. While we all agreed the policy was flawed, some committee members disagreed with it because there was a lack of detail regarding its application and/or implementation, others felt it would have a negative impact on academic freedom, and one member thought that it didn’t go far enough.

The attached document summarizes comments made by some of the individual committee members. No individual comment should be interpreted as representing others on the Committee or the position of the Charges Committee as a whole.

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Attachment: Individual Comments of Charges Committee Members
Attachment

Individual Comments of Charges Committee Members
re: Regents Proposal—Use of Administrative Web sites

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- This policy memo, clearly indicates that the university’s speech belongs to “the administration” identified as only to include “the board of Regents, the president, the chancellors, and the leadership of the Academic Senate.”
  - most of which are political appointees (how ironic).
  - University administrators are not neutral, they are deeply political, and they impose their political positions onto us.
  - I guess what is so troubling is that the policy is so clearly very top down and against the idea of faculty governance. I do understand that the stakes are high, we all need to fund raise, but when fundraisers get to decide what goes on a webpage, what a university president says (which was the case of Harvard and UPenn as well as MIT), or what is part of “official” communications, we are no longer talking about “free” speech,” even if Citizen’s United V. FEC makes it so.
  - If speech belongs to “the administration,” the highest levels of university administrators, and most markedly Chancellor Block, exhibited nakedly partisan support of Israel and exhibited virtually no compassion for the thousands of civilian Palestinians who have been killed in the continuing pulverization of Gaza. By what right did Chancellor Block send out a message on behalf of the university community? He did not and cannot speak for me and indeed for the dozens of faculty who wrote to him at least twice and whom he did not have the elementary courtesy of acknowledging with a reply. Did his messages carry a disclaimer that he spoke only for himself? They did not, at least as far as I can recall.
  - There is a charade here that university administrators are somehow “neutral”, which is an absurd idea.
  - I understand and agree with the impetus to repudiate anti-Semitism. But we should display the same level of intolerance towards Islamophobia; racism against Asians, Hispanics, African Americans, and Native Americans (who have been rendered virtually invisible); and indeed, all other forms of discrimination. But there is no need to single out one group as especially deserving of protection.
- How do we interpret this statement? “when faculty members speak or write as citizens, they should make every effort to indicate that they are not speaking for the institution?”
  - Does that mean that, faculty individually and collectively can never speak for the university? But when the university uses us to speak to, donors about our research, are we then speaking for the university, or are we just “private citizens?” How about in the classroom?
Does that mean that everything I write, create, discover, invent or patent as a faculty member is now my property and now mine alone? When does what we write, discover, or create become “property of the university?”

When does my speech become part of the university? And when is it clearly not?

The question of speech as “private citizens” begs the question, can we use university email lists to make political comments? This makes it seem as if we cannot, and not only that, it also suggests that we should not use our job title when making such statements. So, if we are identified as a professor of, let’s say Middle Eastern Studies at UCLA, that would make us accountable or break this policy when we speak as an authority, let’s say, to the press? The “university” has, in the past, asked me to attend fundraisers for political candidates, how should I interpret this, as “official policy of the university” or “private”? How about when I talk to donors?

“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.”

Is email an official channel?

What if a department event is titled “Against Genocide in Palestine” will that be publicized?

What if a faculty members new book is titled “Free Palestine,” will that be publicized? or if it has the Palestinian flag on the cover?

What if a course description is about the Nakba, will that be publicized? Moreover, will we be allowed to teach it?

Will we be allowed to invite and advertise speakers like Norman Finkelstein, who criticizes the state of Israel, will that be publicized?

Can the students post their opinions on their websites? Do they need the disclaimer, or is it just the faculty that need to make a disclaimer?

So-called “official channels of communication” can, and clearly have in the current conflict, work to produce discrimination and revulsion towards certain groups. There is, in this sense, nothing “official” about “official channels of communication”.

There are some serious problems with the wording of this policy that leaves faculty accountable to anything the “administration” deems politically undesirable, and I think that this should be discussed in a more open and thoughtful manner (not simply rushed through on account of some need for political expediency).

Can we distinguish scholarship from politics?

The policy describes “websites and other official channels of communication” as established to conduct “the official business of the University and these Units. Examples of a Units’ official business may include delivering informational resources about the Unit, such as course descriptions, and communicating personnel changes, dates of upcoming events, the release of new publications, the issuance of new policies, and similar activities.”
This dry list of “official business” statement omits the essence of the University’s central functions as described by the Faculty Code of Conduct: “sharing, extending, and critically examining knowledge and values, and to furthering the search for wisdom.”

It is the University’s “official business” to protect academic freedom: “The faculty’s privileges and protections, including that of tenure, rest on the mutually supportive relationships between the faculty’s special professional competence, its academic freedom, and the central functions of the University. These relationships are also the source of the professional responsibilities of faculty members. It is the intent of the Faculty Code of Conduct to protect academic freedom, to help preserve the highest standards of teaching and scholarship, and to advance the mission of the University as an institution of higher learning.”

If the policy is meant to deem University Websites as “University resources,” it puts faculty at risk for violating Faculty Code of Conduct II.C.2: “Unauthorized use of University resources or facilities on a significant scale for personal, commercial, political, or religious purposes.” Under this policy, who determines “authorization” and “significant scale for personal, commercial, political, or religious purposes?”

Does this designate an individual as the arbiter of website speech? “The administrator responsible for maintaining the website and such administrator shall be responsible for assuring compliance with this policy.

Permitting “internal” pages to express personal or collective opinions, even with a disclaimer, will be interpreted by some as reflecting the viewpoint of the University California system. Such an endorsement risks inflaming tensions on campus. For example, arguably endorsing Hamas attacks leads to a heightened level of antisemitism on campus.

I strongly disagree with the proposed limitations on speech. When the Ukraine War started, the director of the International Institute circulated a message in support of Ukraine, and she holds a pretty high administrative position. No one complained then about her position or ability to express her position.

I think we should continue to allow expression of political viewpoints opposite our own. Silencing speech now seems untimely, given that some faculty are expressing strong opinions about what they perceive to be a genocidal attack on Gaza with the collaboration of the US government.

I am troubled by the timing of this policy change, which is itself a political statement that does reflect the views of many members of the academic community. I find the language murky, and it leaves a lot of questions about the limits of individual faculty’s free speech.

I also see no language protecting the freedom of speech of individual faculty in this policy. It would be nice to see a line about the University defending the faculty and students’ rights to speak. The UC is a public institution, but it would be nice to have some language about what the UC is as a legal entity. Without this understanding this policy leaves me with a bad feeling about amplifying the voices of mega-donors (Republican and Democrat), and silencing those who do not have a voice.

The attempt to silence speech itself is political and appears to be explicitly related to the War on Palestine as attested to by a January, 2024 political statement to the Regents.
The proposal is, to my mind, clearly precipitated by attempts to silence pro-Palestinian voices and to appease donors on whom the university is increasingly indebted considering that only 9% of the UCLA budget comes from state funds.

The present policy is clearly designed to silence faculty opinion and, contrary to the opening statement with which it begins, is in every respect a violation of the core principles of academic freedom and expression.

The med school requires checking with the ‘public relations’ people before ‘sharing’ any information with the public, so this university problem is not limited to social and political issues on websites.

I hope this policy is not added, it is very vague, leaving open too many questions, and it is clearly punitive. But my biggest worry is that it could be used for unforeseen purposes that could actually censure not just faculty members free speech but have a chilling effect on their research or what they teach. I am reminded of Canadian government under the last conservative that forbade the granting of any research monies to any scientist who used the term “climate change” or “global warming.” I do not like the administration nor the charges committee determining what can and cannot be considered political. I think we are naive to think that this will not be expanded if political sentiments of the administration change at any point.

The current draft, in my opinion, is too vague and affords inadequate protection for those who may not agree with the statements made.

We have to put our students first, and thus should not offer opinions on our websites that can lead students feeling threatened, although we would also like them to expand their critical thinking skills.

Perhaps we need a university-wide ‘unbiased committee’ to develop standards for sharing ‘opinions’ and apply them to review potential websites. The committee would be composed of faculty, administrators, staff and students.

This is such a messy topic and deserves more thought prior to implementation.

The following individuals agreed with sending this attachment with the notice that “No individual comment should be interpreted as representing others on the Committee or the position of the Charges Committee as a whole.”

Cesar Ayala
Sandra Graham
Jody Kreiman
Vinay Lal
Kriss Ravetto
Brett Trueman