March 6, 2024

James Steintrager
Chair, UC Academic Senate

Re: (Systemwide Senate Review) Proposed Regents Policy on Use of University Administrative Websites

Dear Chair Steintrager,

The divisional Executive Board (EB) appreciated the opportunity to review the proposed Regents policy on use of university administrative websites. EB reviewed the proposal and divisional committee and council responses at its meeting on February 29, 2024.

Members voted unanimously in favor of a motion to indicate divisional committees including EB had a diverse range of opinions on the proposed policy; that they are concerned that the language of this particular policy proposal fails to address the specifics of a university and treats it as a business enterprise; that the primary purpose of our university is research, teaching, service, and any policy has to meet that criteria and not a general one; and that they are concerned about the tremendous ambiguity of the current proposal as well as the difficulty of implementation.

A Range of Views
Members expressed a range of views about the proposed policy. Some were in favor it, suggesting that only the UC president or designees should speak for the UC or that faculty should not use UC websites or letterhead for personal views. Other members were in support of not putting a statement on a department website homepage, but argued that elsewhere on a department website (or similar) is fine. Some members were opposed to the proposed policy, noting that websites are platforms for speech and scholarly production and that faculty have freedom of expression as part of their jobs. They observed that some academic disciplines (e.g., critical race theory, ethnic studies, LGBTQ+ studies, etc.) whose scholars study issues related to women and people of color, and whose faculty are more likely to be those demographics, have been under attack. Accordingly, they asked who is most likely to be harmed by this policy?

Purpose of the University and Faculty
The UC mission is research, teaching and service. Faculty, by the nature of their position, generate new ideas and opinions informed by their scholarly endeavors. Although the phrase “academic freedom” appears in the proposal, the overal tenor is that faculty are either employees or private persons. As employees, the proposal makes it appear that university business is classroom instruction and not research or scholarship. Members noted that evidence-based scholarly work in certain disciplines has been mischaracterized as “personal opinion” by some (e.g., state of Florida), and a policy that bans personal opinions could negatively impact academic freedom and scholarly inquiry.

Ambiguity of the Proposal
Members expressed concerns about what constitutes an “opinion.” They noted that the attached letter from the Charges Committee indicated that part of the Faculty Code of Conduct states that Faculty “critically examine knowledge and values.” What the university and its faculty view as bodies of
scholarship (e.g., critical races studies, climate change, evolution, LGBTQ+ rights, etc.) may be challenged as “opinions.” Members voiced concern about the risk that scholarship and academic freedom gets eroded by a policy like this because expression is tied to scholarship and teaching. Also, they observed that a department website that claimed, “we are the leading department in [insert discipline]” constitutes an opinion. Member observed that an “official channel of communication” is unclear and poorly defined. If all department faculty vote for a certain statement, then it would appear to be official, and yet it would be banned by this proposal. They also suggested that the proposal define an entity/unit and clarify whether a faculty member or a lab website would also be included. In short, members cautioned as to the unintended consequences of the current ambiguity in the proposal. As such, members called attention to both the UCAF and Academic Council letters that recommend departments and units create their own policies to reflect their academic disciplines and the will of the faculty.

Implementation Concerns
Members expressed concerns about implementation of the policy in light of the concerns addressed above. Moreover, they cautioned that it would be unfair to have staff members responsible for enforcement of a regental policy. They noted that the policy would do nothing about a faculty member’s personal website, and that the gap between every faculty member in a department and the department itself makes this policy appear nonsensical. Moreover, there are instances where an academic department posts a statement from its national disciplinary organization (e.g., the Department of History publishes a statement from the American Historical Association) so the consequences of implementation would be challenging.

Lastly, the student representative shared that students were also concerned about the implications of this policy because student association websites (e.g., GSAC, USAC) would also be affected.

Sincerely,

Andrea Kasko
Chair
UCLA Academic Senate

Encl.

Cc: Kathleen Bawn, Vice Chair/Chair Elect, UCLA Academic Senate
    Jessica Cattelino, Immediate Past Chair, UCLA Academic Senate
    April de Stefano, Executive Director, UCLA Academic Senate