To: Andrea Kasko, Chair, Academic Senate

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

Date: April 9, 2024

Re: (Systemwide Senate Review) Regents Policy on Public and Discretionary Statements by Academic Units

The Committee on Rules and Jurisdiction (CR&J) reviewed the proposed Regents Policy on public and discretionary statements by academic units. Members offered the following comments.

Section B, paragraph 2: “The University affirms the rights of individual university members, and of groups of University members, to author and publish statements and circulate them in their own private networks or on an individual University community member’s page on a unit’s website.”
   • A member suggested the Policy should only differentiate between webpages on University domains and webpages not on University domains.

Section C, paragraph 2: “Public Statements may not promote, endorse, or oppose political campaigns or candidates for elected or appointed government office, or comment in support of, or in opposition to, specific ballot measures.”
   • This is surprising because there is a long history of University administrators, Regents, and faculty making such statements, taking such positions, and directly participating in political campaigns, even as candidates themselves. Indeed, faculty endorsement is often solicited by administrative leaders when they make such statements.

Section D, paragraph 2: “The guidance in the Academic Senate recommendations for department political statements released in June 2022 outline the recommendations below. The procedures must incorporate these recommendations”
   • This appears to be a demand that the Academic Senate’s May 2022 Department Statements be implemented. Why is anything else needed?

Section D, bullet 2: “Units should develop standards governing the practice of issuing Discretionary Statements, and then memorialize these standards in written bylaws or policies that govern departmental practice and are publicly available.”
   • What is the purpose of this proposed Regental Policy, if Units need to develop their individual standards for issuing these statements?

Section D, bullet 3: “As part of this process, Units should decide who is included in the Unit when the Unit makes a statement. Units ought to include in their deliberations all those for whom they claim to speak when issuing discretionary statements. Units must collect the vote anonymously to minimize pressure on members of the Unit who hold minority views.”
• This statement appears contrary to UC Standing Order 105.2.c., that states “the several departments of the University, with the approval of the President, shall determine their own form of administrative organization.” This statement implies administrators can determine who is and is not included in the Unit.

“NO RIGHT OF ACTION This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the University of California or its Board of Regents, individual Regents, officers, employees, or agents.”

• The concluding “NO RIGHT OF ACTION” statement appears unbalanced in that the proposed Regents Policy provides the Board with additional authority but attempts to remove the Board from accountability to the consequences or potential harms of its Policy.

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
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Members of the Committee on Rules and Jurisdiction