

Executive Board

UCLA Policy: Public and Discretionary Statements by Academic Campus Units

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To: Andrea Kasko, Chair, UCLA Faculty Senate

From: Alexandra Minna Stern 

Chair, [University-Hosted Web Statement Policy Committee](#)

Date: February 20, 2024

Our committee thanks the UCLA Faculty Senate for closely reviewing the policy document shared in October 2023. Our committee took very seriously the feedback from the nine committees that reviewed the draft and has revised portions of the document in response to these comments. (See attached draft). We believe that Senate feedback was instrumental to making the document stronger and clearer.

This document provides an overview of recommendations that we addressed and did not address with revisions along with explanations for those decisions. Although concerns were raised about the need for such a policy giving existing Senate guidelines, our committee believes it is important to move forward with the policy. Notably, the UC Regents are considering a blanket prohibition on the production and issuance of statements by Academic Campus Units (ACUs) on all UC campuses.

Our committee sustains that the policy we have developed offers an alternative approach that is more responsive to the interests of the entire academic community. We believe this policy can serve as an exemplar that balances academic freedom, freedom of speech, and the freedom not to speak, alongside the need to ensure that the University is represented appropriately. It provides a procedural framework for ensuring that all opinions are respected.

Senate committees' recommendations *not* addressed in the document

Among the nine Senate committees that reviewed the policy document, several stated that the policy was not needed given the university's principles of academic freedom. As one committee

suggested, it's a non-solution to a non-problem. Two committees suggest it could violate the Faculty Code of Conduct.

We disagree with these assessments. We believe this policy is needed given the pressures being placed on universities to develop processes in keeping with academic freedom that allow academic campus units to express their opinions in a fair and balanced way about matters of conscience through discretionary statements. Many ACUs want to know how to handle requests for statements and what procedures will respect the interests of the entire community. This policy, unlike the protections in the Faculty Code of Conduct, also issues guidance and protections for nonfaculty members of the campus community who are members of ACUs and may be represented and affected by the statements of ACUs.

In addition, we believe the procedures we have developed respect the interests of all community members, interests that arise from the diverse range of perspectives among faculty, postdoctoral scholars, graduate student employees, and staff. The procedures have been crafted to be consistent with the flagged provisions of the Faculty Code of Conduct. They do not restrict any individual's right to speak, and they require that ACUs avoid any impression that they speak for the university.

Because Discretionary Statements are not produced as part of the personnel process or to conduct Academic Senate business, we believe ACUs enjoy the freedom to adopt supermajority requirements for their issuance.

Senate committees' recommendations addressed in the document with revisions

One committee stated that the purpose of the policy was not well defined, and thus we revisited and revised the first section "Purpose and Scope" to better define and clarify Public Statements and Discretionary Statements. We added a sentence about the purpose of the policy. Specifically, we now define Discretionary Statements as a subset of Public Statements. We also added additional language about the distinction between Public and Discretionary Statements in the section on Definitions. We clarified that the policy focuses on the production and issuance of Public Statements, and their posting ACU websites. There is, as before, guidance on management of content of social media accounts.

We received several understandable requests to reference the June 2022 UC Academic Council endorsement of the May 2022 University Committee on Academic Freedom recommendations and the UC Regents Policy 4403: Statement of Principles Against Intolerance. This was an oversight in the previous draft, and thus we rectified this absence; first, in general terms in the preamble, and second, with specific hyperlinks in the References.

In response to a request for greater clarification about speech related to electoral politics and legislation, we reference existing UC policies and laws that foreclose university commentary on candidates and ballot initiatives. In the guidance section, we reference the UC policy that ACUs will coordinate with the campus government relations office if they comment on pending or proposed legislation.

With regard to questions about enforcement, we added language that we expect ACUs to adhere to the policy, through good faith self-implementation. Of course, other policies may reference this policy and if necessary, other methods of implementation and enforcement may be added at a later date. At present, we feel the most urgent need is for clear guidelines to establish expectations within our community.

**UCLA Policy XXX: Public and Discretionary Statements by
Academic Campus Units - Draft for Public
Review**

Issuing Officer:	Executive Vice Chancellor & Provost
Responsible Dept:	Executive Vice Chancellor & Provost's Office
Effective Date:	TBD
Supersedes:	New

**I. PURPOSE & SCOPE
II. DEFINITIONS
III. POLICY STATEMENT
IV. REQUIREMENT FOR POSTING
PUBLIC STATEMENTS
V. REFERENCES**

I. PURPOSE AND SCOPE

University community members and Academic Campus Units (ACUs) both enjoy freedom of expression and academic freedom. These are core tenets protected by, and central to, the University. This Policy addresses Public Statements made by and on behalf of ACUs and in particular the protocol for producing and issuing Discretionary Statements.

Most Public Statements made by ACUs pertain to the day-to-day operations of the UCLA campus and unit. Discretionary Statements are Public Statements that do not directly relate to the everyday operational mission of the ACU, but instead address areas of interest related to teaching, research, and the academic mission. Discretionary Statements made by and on behalf of ACUs can, at times, be described as political or controversial to signify that they express opinions on potentially contentious or complex issues. This Policy is focused on the production and issuance of Public Statements, including Discretionary Statements, and their posting on ACU websites. It also offers guidance on posting Public Statements on non-website official university social media accounts.

Discretionary Statements may not represent the views of the entire UCLA campus or even all the members of an ACU. Without appropriate disclaimers, they may be misperceived as representing unanimity of opinion. This Policy strikes a delicate balance between the desires of some in a unit to assert a position as an ACU and the interests of those in the unit who disagree, do not wish to speak, and/or have less status or authority than senior and/or tenured faculty. The expectation is that ACUs will implement this Policy in good faith to be aligned with the principles of transparency, fair process, and academic freedom that are core to UCLA's mission.

This Policy sets forth the requirements for ACUs issuing Public Statements, including Discretionary Statements and provides (a) definitions of the terms used throughout the Policy, (b) a statement explaining the importance and limitations of the Policy, (c) the requirements on issuing Public Statements, including Discretionary Statements, and (d) related references and supporting policies and information. This Policy takes into consideration recommendations from the UC and UCLA Academic Senates (see References).

This Policy applies only to ACUs and does not address statements made by individual University community members or groups of University community members. This Policy does not address the rights of individual University members to express themselves on matters of conscience; those are protected by academic freedom and freedom of speech. UCLA 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.

For guidance on implementation of this Policy, including posting Discretionary Statements on third party social media platforms, please see URL TBD.

II. DEFINITIONS

For the purposes of this Policy:

Academic Campus Units (ACUs) refer to officially recognized UCLA academic departments or divisions as well as other official academic UCLA entities, including schools, centers, laboratories, institutes, the UCLA Academic Senate, and UCLA Extension. ACUs is a subset of the larger group of units defined as “Campus Units” under UCLA Policy 110.

Public Statements refer to *any* statements made by and on behalf of an ACU that are distributed or posted in a manner accessible by the public. Most Public Statements of an ACU are part of the day-to-day, term-to-term operations of the ACU, including: announcements of curricular offerings, academic talks, events, and conferences; traditional mission statements, or strategic plans; administrative activities, operations or resources; and, news announcing University or campus activities, programs or initiatives that are distributed, disseminated, posted online or otherwise shared via mass distribution with University constituencies or the public.

Discretionary Statements refer to those Public Statements made by and on behalf of an ACU that comment on institutional, local, regional, global or national events, activities, or issues, that are not part of the day-to-day, term-to-term operations of the unit, and that are distributed, disseminated, posted online or otherwise shared via mass distribution with University constituencies or the public. Discretionary Statements do not include messages regarding an ACU’s curricular offerings, academic talks, events, and conferences; traditional mission statements, or strategic plans; administrative activities, operations or resources; or news announcing University or campus activities, programs, or initiatives.

UCLA Domain Name is an authorized external and/or internal electronic address used to identify and locate an internet site or service, such as a web site registered by a Campus Unit, as outlined in [UCLA Policy 411](#). A UCLA Domain Name is not required to have the initials UCLA in the URL for this Policy to apply.

III. POLICY STATEMENT

- A. This Policy identifies requirements needed to protect those who may be affected in the academic community by the production and distribution of unit-wide statements on UCLA Domain Names, and provides mechanisms for minimizing, or at a minimum alleviating, unwarranted or problematic pressures.
- B. The requirements as outlined in this Policy aim to ensure that members of the community associated with the ACU enjoy the freedom to speak or not to speak, to deliberate or not deliberate about issues, where such speech is not a job description requirement, and that their decision whether and how to speak through complying Discretionary Statements is protected from repercussions on-and off-campus. These protections also aim to protect members of an ACU from being misrepresented or misunderstood to endorse a position that they have not chosen to endorse.
- C. Given the complexities associated with ACUs issuing statements on pressing topics, this Policy sets forth requirements (with accompanying guidance) to ACUs developing, posting, or retaining such a statement on a UCLA Domain Name to assure the issuance of such statements is done responsibly and judiciously.

- D. ACUs that intend to produce and post Discretionary Statements must develop procedures that comply with the requirements as outlined in this Policy. It is understood that even as they adhere to this policy, procedures might vary across ACUs and in accordance with an ACU's specific bylaws and faculty governance practices.
- E. Many members of an ACU may wish to support or issue Discretionary Statements. Discretionary Statements do not necessarily represent the views of all members of an ACU, which may be composed of different faculty (ladder-rank, adjunct, clinical, and lecturer), staff, researchers, students, and other affiliates. Other members of the unit may want to disassociate from the support or issuance of Discretionary Statements. All members' decisions and stances should be respected.

IV. REQUIREMENTS FOR POSTING PUBLIC STATEMENTS

ACUs that intend to produce and post Public Statements including Discretionary Statements must comply with the following requirements.

A. Requirements for Public Statements

1. Public Statements made by ACUs must comply with University policies and applicable laws pertaining, but not limited, to:
 - a. Conflicts of interest.
 - b. Anti-violence, anti-discrimination, and anti-harassment.
 - c. Use of university technology and electronic communications.
 - d. Privacy and personal information, including without limitation the university's policies regarding FERPA and HIPAA.
 - e. Intellectual property, including policies on copyright and use of the university's names and assets.
 - f. University codes of conduct, including without limitation the Faculty Code of Conduct.
 - g. Solicitation of funds or fundraising campaigns (contact your Unit's Development Officer).
2. Per A.1., Public Statements that do the following may not be issued by ACUs:
 - a. 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 referenda.
 - b. Threaten, harass, or discriminate against individuals or groups of individuals, including bias statements that target protected classes.
 - c. Misuse university technology or violate the university's policies on electronic communications.
 - d. Release private or confidential information, including, but not limited to, information related to the academic records, health status or personnel records of individuals at the university.
 - e. Violate the rights of an individual or an organization to its intellectual property.
 - f. Violate the University's codes of conduct.

B. Requirements for Discretionary Statements

ACUs that intend to produce and post Discretionary Statements must develop, publish, and implement procedures that outline the process of producing, posting, and archiving Discretionary Statements. ACUs have substantial discretion about the details of these procedures, but the procedures must include the requirements as outlined below.

1. Producing Discretionary Statements

The procedures developed by an ACU for producing Discretionary Statements must:

- i. Articulate the process of how members of an ACU or an academic subgroup propose, write, and vote on Discretionary Statements.
- ii. Specify which subgroups are eligible to post, e.g., ‘faculty,’ ‘lecturers,’ ‘staff’ ‘graduate students’ ‘ladder faculty,’ ‘members of the Academic Senate,’ etcetera, if the ACU permits members of a subgroup to post statements. Subgroups must not be defined by the content of their message because it is too difficult to protect the anonymity of members and nonmembers of message-based subgroups. Self-identified message-based subgroups may circulate statements on their own initiative.
- iii. Identify by position, the members of the ACU, and at a minimum must include: all full-time faculty who are members of the ACU (including lecturers, adjunct faculty, clinical faculty, and other non-ladder faculty), all full-time researchers, postdoctoral fellows, post-graduate trainees (including medical residents and fellows), all full-time staff members, and any other full-time employee of the ACU. At their discretion, ACUs may also delineate part-time faculty, part-time graduate student employees, and other part-time employees as members of the academic unit for purposes of the production of statements on behalf of the ACU.
- iv. Delineate steps to be taken to ensure that *all members* of that ACU have a meaningful opportunity to comment on proposed drafts of the statement and to vote on the Discretionary Statement that speaks on behalf of the ACU.
- v. Delineate steps taken to ensure that *all members* of an ACU subgroup have an opportunity to comment on proposed drafts of that statement and to vote on the Discretionary Statement that speaks on behalf of a subgroup of the unit (e.g., the ladder faculty). Discretionary Statements on behalf of ‘the faculty’ must be produced through a process that, at a minimum, includes *all* full-time faculty members, including adjunct professors, clinical professors, and lecturers.
- vi. Specify how proposals for Discretionary Statements will be made and publicized to the members of the ACU or relevant subgroup.
- vii. Specify a sufficient period of time and a venue (whether virtual or in-person) for all members of the represented group to comment on the proposal prior to a vote.
- viii. Contain meaningful opportunity for all members of the represented group to engage *as well as to decline to engage* in discussion, comment, and voting on the Discretionary Statement. Meetings concerning the creation, or the endorsement of statements should not overlap with standing meetings concerning the standard business of the ACU (or its subgroup). No member of the unit may be required or expected to attend a meeting about the unit’s potential endorsement of a statement.
- ix. Vote anonymously on a proposed Discretionary Statement and whether a person votes and how they vote should be anonymous.
- x. Ensure that the Discretionary Statement represents the relevant unit or group. The mechanism for voting on the endorsement of the statement must occur outside of a meeting, so that those who do not attend may have the opportunity to vote.
- xi. Specify what percentage of the unit’s members (or specified subgroup’s members) must endorse the statement for the statement to be issued on behalf of that group. At a minimum, a majority (i.e., more than 50%) of all those *eligible* to vote must approve the statement for it to be issued in the name of the ACU or subgroup, as applicable. Academic units may, at their discretion, specify that a defined supermajority must approve a statement for it to be issued. To avoid the generation of incentives to identify and pressure holdouts, ACUs and subgroups must not require unanimity as a condition of the posting of a statement.

2. Posting Discretionary Statements

The procedures developed by an ACU for posting Discretionary Statements must:

- i. Identify the unit or the subgroup that represent and had an opportunity to vote on the statement, e.g., ‘...on behalf of the department,’ ‘on behalf of the faculty’ or ‘on behalf of the ladder faculty.’ The identification of the relevant group should be as specific as possible to avoid inadvertent misrepresentation of members of the community who had no meaningful opportunity to be heard and to vote on the statement.
- ii. Not list the names of signatories for Discretionary Statements and may not specify that the statement received unanimous endorsement (even if it did). These strictures are adopted to avoid the generation of incentives to identify and pressure holdouts.
- iii. Include a disclaimer on the webpage where Discretionary Statements are posted that such statements do not represent the University in compliance with UCLA Policy 110.
- iv. Link the procedures for the production of Discretionary Statements on the webpage where such statements appear. That link should be provided in the content of the statement itself wherever posted, e.g., on a webpage or third-party external social media platform. Additional guidance on posting on third-party external social media platforms is available at [URL TBD](#).
- v. Remove automatically all statements at the end of the academic term associated with the ACU. This allows for change and avoids the inadvertent misrepresentation of new members of the community. Renewal of any statement must follow the procedures associated with the production of statements above.

3. Archiving Discretionary Statements

- i. The procedures developed by an ACU for archiving Discretionary Statements must specify whether the ACU will archive past statements and if so, where and for how long. Such procedures will be consistent with the UC Records Retention Schedule.

V. REFERENCES

1. UC Senate Materials, [including June 2022 recommendations](#)
2. UCLA Senate Materials, [including November 2023 documents](#)
3. UCLA Policy 110 on University Names
4. UC Electronics Communications Policy
5. [Guidelines for Social Media Participation on UC Office of the President Sites](#)
6. UCLA Policy 411
7. UC [Policy on Relations of University Staff Members with State and Federal Officials](#)
8. UC Records Retention Schedule

Issuing Officer

/s/ Darnell Hunt

Executive Vice Chancellor and Provost

Questions concerning this policy or procedure should be referred to
the Responsible Department listed at the top of this document.

[END POLICY XXX]

GUIDANCE (to be linked on a separate URL)

This guidance offers best practices to supplement the rules delineated in UCLA Policy XXX. ACUs are encouraged to refer to these points when developing the procedures for production and dissemination of Public Statements. Furthermore, ACUs are encouraged to consider carefully whether a collective Discretionary Statement is necessary in the situation, given the costs of their production as well as the potential risks of intra-unit conflict and the misattribution of statements to members of the community who do not wish a public association with those statements. Self-circulated statements by individuals and self-organized subgroups in any unit may often adequately serve to communicate important messages without the use of a Discretionary Statement. Before issuing any Public Statements related to pending or proposed state or federal legislation, ACUs should coordinate with the university through appropriate channels, including through the UCLA Government and Community Relations office.

Production

1. *Regarding point IV.B.1.i of the Requirements:* It is recommended that Discretionary Statements by Deans, Chairs, and other campus leaders specifically make clear that those statements are issued by those leaders only and are not on behalf of the unit as a whole or its members.
2. *Regarding point IV.B.1.ii of the Requirements:* It is recommended that units be cautious when considering procedures authorizing subgroup statement production and posting given the potential difficulties of allowing every subgroup in a unit to post statements as well as the difficulties of privileging some subgroups over others. Further, subgroup statements raise the potential for statements that conflict in content with a statement of the broader academic unit.
3. *Regarding point IV.B.1.v of the Requirements:* If a statement speaks on behalf of a specific subgroup of the unit (e.g., full-time faculty including ladder faculty, adjunct

professors, clinical professors, and lecturers), members of the wider academic unit should be informed of the proposal and consulted about whether and how the issuance of the statement might affect them.

4. *Regarding point IV.B.1.xi of the Requirements:* It may be desirable, as a general matter, to ensure that any statement by an academic unit reflects a broad consensus that is not in tension with the sentiments of any significant subgroup of its members. It is recommended that academic units (and subgroups) adopt supermajority requirements for the posting of statements. A supermajority requirement may also reduce the occasions in which subgroups are motivated to issue their own statements that conflict with the unit's statement. The possibility of conflicts and the desirability of avoiding them may be a reason for academic units to adopt supermajority requirements for the posting of subgroup statements.

5. Where time permits, ACUs considering posting a statement about an especially controversial matter may wish to consult with the Senate Committee on Academic Freedom for guidance about wording and inclusive consultation practices.

Posting of Statements

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1. *Regarding point IV.B.2.i of the Requirements:* While statements must identify the unit or the subgroup that they represent with specificity to avoid inadvertent misrepresentation of members of the community, units should be cautious about issuing statements on behalf of a subset of the faculty, e.g., 'the ladder faculty' or 'the members of the Academic Senate.' These delineations may not be well-understood by students and the public, raising concerns about inadvertent misrepresentation of other members of the faculty.

2. *Regarding point IV.B.2.iii of the Requirements:* It is recommended that statements should not appear on the landing page for an academic unit but that units designate a separate page for 'statements and opinions.'

Removal and Archiving of Statements

1. *Regarding point IV.B.3 of the Requirements,* it is further recommended that academic units decide, through designated procedures, how and where to archive previous statements, and for how long such statements will be posted.

Social Media

In addition to their UCLA Domain Names, ACUs often maintain social media accounts on a variety of external third-party social media platforms (e.g., Twitter, Facebook). This policy was developed with UCLA Domain Names in mind, but the rules and guidance articulated above should also inform the use of social media platforms by ACUs when disseminating collective statements. The production and posting of such statements must comply with the requirements

articulated in the policy and other related UC guidance. Moreover, ACUs that contemplate the use of social media platforms to disseminate collective statements should also be mindful of other considerations introduced by use of such platforms. Specifically, the ACU itself will likely have very little control over its message or content once it is released into a medium in which interactivity, commenting, reposting and other types of public engagement may be the norm.

To manage the unpredictability and lack of control associated with dissemination through external third-party social media sites, the following guidance is recommended:

1. ACUs should establish norms and practices for use of social media accounts representing them. These norms and practices should be clear, understandable, and accessible to unit members who wish to review them. They should include a clear designation of who in the unit is empowered to communicate on social media on the Unit's behalf and what plan is in place for the monitoring and archiving of the post.
2. Both in crafting a policy and posting a Discretionary Statement, ACUs should consider: the nature, audience, and particular use of particular platforms; the tools and features of a particular platform; the likelihood that shared content may be remixed, repurposed or decontextualized on a particular question.
3. When using an academic unit's social media account for the dissemination of a Public Statement, the social media posting should refer to the statement hosted on the academic unit's webpage both by name and via URL.
4. Postings should avoid truncating, quoting from or posting only portions of a Public Statement; instead, postings should refer others back to the full statement to avoid a loss of context.
5. Turn off comments for a post linking to an ACU's Public Statement; treat the posting as an announcement and reference to the full statement rather than an opportunity for debate by unknown parties, which can quickly spiral out of control.
6. Decide which platforms to use to disseminate the ACU's Public Statement, with the knowledge that some may be better-suited (in terms of e.g., functionality, media type and likely audience) to this type of distribution than others.
7. Ensure consistency of messaging across platforms.

November 13, 2023

Darnell Hunt
Executive Vice Chancellor and Provost

Re: Proposed UCLA Policy XXX: Public and Discretionary Statements by Academic Campus Units

Dear Executive Vice Chancellor and Provost Hunt,

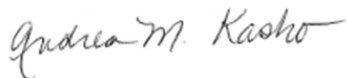
At the November 9, 2023, meeting of the Executive Board, members reviewed the proposed UCLA Policy XXX: Public and Discretionary Statements by Academic Campus Units and the feedback of divisional Academic Senate committees and councils. Members expressed appreciation for the task force's efforts with such an extraordinarily difficult task and recognize that guidance on statements is needed. However, the Executive Board finds the existing Systemwide Academic Senate guidance that advises departments to create an agreed upon process before issuing any statements to be sufficient, and members voted to reject the proposed policy that creates an intermediary level (a policy for making policies) as unnecessary.

The Executive Board members noted that many of the divisional committees and councils expressed serious concerns about the draft policy including a lack of clarity about the intent and goals. Some members agreed that the policy was a good idea, but the actual draft language was confusing at best such as the effort to define a public statement. Other members expressed skepticism about the need for a campus policy. Several members noted that having an overarching policy during fraught times may offer some guidance for departments; they suggested that larger institutional guardrails could be useful.

Members were enthusiastic about the recommendation by the divisional Committee on Rules and Jurisdiction (CR&J) for inclusion of the June 2022 UC Academic Council endorsement of the May 2022 University Committee on Academic Freedom (UCAF) recommendations and the UC Regents Policy 4403: Statement of Principles Against Intolerance in the UCLA Policy document and that Section I. Purpose and Scope clarify that the UCLA policy is a divisional implementation of existing systemwide policies and recommendations. Executive Board members observed that the existing UCAF recommendations seemed simpler and with more encompassing language. In short, there is an existing model that seems to work. Members affirmed the basic ability of groups to make statements and raise concerns, and suggest encouragement for academic units to review their bylaws and make local policy.

The Academic Senate appreciates the opportunity to advise on this important policy proposal.

Sincerely,



Andrea Kasko

Chair, UCLA Academic Senate

Encl.

Cc: Kathleen Bawn, Vice Chair/Chair Elect, UCLA Academic Senate
Gene Block, Chancellor, UCLA
Jessica Cattelino, Immediate Past Chair, UCLA Academic Senate
April de Stefano, Executive Director, UCLA Academic Senate
Yolanda Gorman, Chief of Staff and Senior Advisor to the Chancellor, UCLA
Anna Joyce, Director of Administrative Policies and Strategic Initiatives, UCLA
Emily Rose, Assistant Provost and Chief of Staff to the EVCP, UCLA

To: Andrea Kasko, Chair, Academic Senate

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

Date: November 7, 2023

Re: UCLA Policy: Public and Discretionary Statements by Academic Campus Units

At its meeting on November 1, 2023, the Committee on Rules and Jurisdiction (CR&J) discussed the UCLA Policy for public and discretionary statements by academic campus units.

Members unanimously supported the policy and particularly praised the policy's respect and protection of minority or silent viewpoints.

Members were unclear why Section V. References did not include specific citations. CR&J strongly recommends inclusion of the June 2022 UC Academic Council endorsement¹ of the May 2022 University Committee on Academic Freedom recommendations and the UC Regents Policy 4403: Statement of Principles Against Intolerance² in the UCLA Policy document. Members recommended that Section I. Purpose and Scope clarify that this UCLA policy is a divisional implementation of existing systemwide policies and recommendations.

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
April de Stefano, Executive Director, Academic Senate
Lori Ishimaru, Senior Policy Analyst, Academic Senate
Members of the Committee on Rules and Jurisdiction

¹ <https://senate.universityofcalifornia.edu/files/reports/rh-senate-divs-recs-for-dept-statements.pdf>

² <https://regents.universityofcalifornia.edu/governance/policies/4403.html>

November 8, 2023

To: Andrea Kasko, Chair
UCLA Academic Senate

Re: UCLA Policy: Public and Discretionary Statements by Academic Campus Units

The Committee had only a short time to consider the document and was unable to do so for a reasonable length at a meeting. The opinions below were assembled from comments submitted by members through email.

Allowing and regulating discretionary

Most members thought such statements should be allowed. This is in line with the opinion of UCAF. Its May 22, 2022 letter to the Academic Council stated, “a prohibition on the ability of departments to issue statements would represent a monumental change in U.C. policy and practice that neither Council nor UCAF believes is warranted.”

In spite of that support, a widely expressed concern was chilling minority viewpoints. The question was raised of the policy’s enforcement given that different ACUs might adopt different rules. Nevertheless those expressing skepticism stated that there were no good answers.

One member believed the document was unnecessary and even harmful, that members of the community already have the right to express their views as individuals, that statements on behalf of ACUs implicate the University and constitute, in practical terms, compelled speech for the dissenters. Since this member’s viewpoint touches many of the subjects below in a connected way, I have reproduced it at the end of this document.

Public statements on ballot referenda and legislation should be allowed

On page 3, the draft forbids public statements that endorse or oppose “candidates for elected or appointed government office, or . . . specific ballot referenda or legislation.” Several members did not dispute that ACUs should be silent on candidates running for office; one reason is that their platforms involve matters wider than any ACU’s expertise. However, they believed forbidding comments on current legislation or on ballot measures arbitrarily restricts academic freedom.

The UCLA draft supports this rule on the grounds that banning statements on legislation and referenda follows from “applicable laws and University policies.” No citations are given, and the question was raised whether current laws or policies do in fact forbid this. Addressing this same question of statements on candidates, legislation, and referenda, the UCAF/Academic Council documents of May 25 and June 2, 2022, cite the 1970 Policy on the Use of University Properties - 40, “As a State instrumentality, the University must remain neutral on religious and political matters.” Read literally, this seems quite restrictive but, as the UCAF/Academic Council documents point out, the phrase “political matters” in the ban has consistently been interpreted in a narrow meaning. For example, the University

filed an amicus brief on affirmative action admissions, and also sued the Trump administration over DACA.

The UCAF and Academic Council documents were somewhat inconsistent about what counts as “political”, but they conclude, “the University views departmental statements as consistent with existing policy and applicable laws so long as they do not take stands on *electoral* politics [emphasis added], and so long as they do not purport to speak for the University as a whole.” Prohibiting statements on *electoral* politics would allow statements on legislative or ballot measures since no one is being elected. Banning that included such cases would interfere with a major purpose of a university - ACUs could not convey their specialized knowledge to the public at a critical time.

Note that this UCLA draft bans not just discretionary statements about referenda or proposed legislation; it bans all *public* statements about them, i.e., including those relevant to the ACU’s daily activities. A member pointed out that if some new Congress or President wanted to cut funding for universities that teach critical race theory, the CRT Program in the Law School, the History Department, or the African-American Studies Department could say nothing publicly against it, at least until it passed. In 2024 Californians will vote on repealing Proposition 8, which prohibited same sex marriage; the current draft would tell the Williams Institute to stay silent. There will also be a ballot measure to fund early pandemic detection, but the Clinical Epidemiology and Infection Prevention Department could say nothing about that either. The proposed rule goes against not only academic freedom but the University’s major role of sharing useful knowledge with society. The phrases “specific ballot referenda or legislation” should be deleted.

Complexity of the draft’s rules

Some members felt the document was unwieldy and needed to be simplified. It should distinguish the more important rules from the less important ones and keep the former.

“Discretionary” statements

One member, while recognizing what the word meant in this context, found this confusing. All language is discretionary. The document defines the word only vaguely. It was also felt that in some contexts vagueness is desirable.

Should statements be able to claim unanimous support?

According to the draft, “[An ACU] may not specify that the statement received unanimous endorsement (even if it did). This is to avoid the generation of incentives to identify and pressure holdouts.”

Wherever an ACU sets its majority quota – unanimity, one-third or just a majority – a statement may be one vote short of passing, leading to the same incentive to pressure faculty. It was suggested that for this reason, as well as for keeping the rules simple, this portion should be omitted.

Removing statements from UCLA sites at the end of each term

Two members expressed the view that this was overdone and a year might be better. “Renewal of any statement must follow the procedures associated with the production of statements above.” Requiring it term by term would call for full meetings, discussions, and revotes every three months, and would increase the pressure on dissenters that the draft wants to avoid.

Consultation with CAF

Two members stated that the draft should include the 2022 recommendation of UCAF and Academic Council, “Time permitting, departments should consult with their campus Committee on Academic Freedom (CAF) when considering publication of a departmental statement on a controversial.” A reason was that we are attuned to the issues, and might notice a problem not foreseen in the rules and guidelines. Concern was expressed that it would increase our workload; on the other hand, there was doubt that many ACUs would do it.

A member’s skepticism about the overall project

One member wrote the following:

“As a practical matter, much of this ‘policy’ would be unworkable, as this document implicitly admits in several places. The key problem is with ‘Discretionary Statements’ -- a euphemistic way of describing statements of opinion, and in particular opinions on political controversies. The proposal requires such statements be ‘responsible’ and ‘judicious’, without providing useful guidance on how that will be guaranteed. The document admits that it raises serious problems of how Discretionary Statements are proposed, written, debated, voted upon and publicized (when, how, and by whom). It correctly admits that ‘It is difficult to protect anonymity’ and that there may be ‘pressures to identify and pressure holdouts’, again without providing clear protections.

“It further acknowledges that the common usage of ‘subgroups’ to produce statements may ‘conflict in content with a statement of the broader academic unit’. So they should only be considered ‘cautiously’, as the ‘Guidance’ vaguely recommends. The document admits the ‘risks of intra-unit conflict [not to mention inter-unit conflicts]’, ‘and the misattribution of statements to members of the community who do not wish a public association with those statements.’ This highlights the fundamental problem with collective speech--that some people (with a majority view) end up speaking on behalf of other people (with a different, minority view, private or no particular view). The Policy states that ‘Unanimity cannot be required’. Thus my academic freedom is violated when a group of my colleagues makes a statement which I did not sign, and with which I do not agree, while doing so officially ‘on my behalf’. Even if a ‘broad consensus’ disagrees with me, this compelled speech violates my rights. I could perhaps try to provide some kind of dissent. But once the official (majority) statement is announced by my UCLA Academic Unit (however that might be defined), we all know that peculiar legal niceties (e.g.: ‘This statement represents the views of ...some kind of majority...of...those who were included in this group, and only during the current academic term’) will be ignored in the subsequent public discussion and reverberations throughout social media. This document correctly admits that even knowing who is speaking is problematic: ‘These delineations [about subgroups and subsets] may not be well-understood by students and the public.’

“In fairness to the writers of the Proposal, many of its unanswered questions and problems are not necessarily the result of sloppiness. Instead, they have no good answers. The more basic reason may be inherent in what this document is attempting to do, which is to enable official statements about matters far from, or even disconnected from, the core mission of UCLA faculty. Our number one mission is to educate our students. When Academic Units issue official opinions that stray too far from that, little will be gained, but much can be lost.

“This document is too fundamentally flawed to be even a starting point for a policy. Even with heavy editing, it will cause more (unintended) harm than its purported benefits.

“Fortunately, this document is a non-solution to a non-problem. Every UCLA employee, including every faculty member of any rank, and every researcher, clinician and graduate student, already enjoys individual freedom of speech to express their opinions on any issue—in their own name. And if, for example, a group—large or small—of UCLA employees wishes to band together to sign a Letter or Petition—even on a political controversy or ‘global event’ --they are free to do so, making it clear that each signer speaks for themselves. Their UCLA affiliation of course does not mean that UCLA officially endorses—or officially condemns—what they wrote. This simple fact also protects the EVC and Provost from attacks, more effectively than this misguided Policy proposal could.”

The committee appreciates the opportunity to comment on this matter and looks forward to reviewing this policy again should we be asked. If you have any questions, please contact me (barry.oneill@polisci.ucla.edu) or Academic Senate Policy Analyst, Lilia Valdez (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
April de Stefano, Executive Director, UCLA Academic Senate
Lilia Valdez, Senior Policy Analyst, UCLA Academic Senate
Committee on Academic Freedom Members

November 8, 2023

To: Andrea Kasko, Chair
UCLA Academic Senate

Re: UCLA Policy: Public and Discretionary Statements by Academic Campus Units

At the November 7, 2023 meeting, the Committee on Diversity, Equity, and Inclusion discussed the proposed UCLA Policy on Public and Discretionary Statements by Academic Campus Units. During this discussion, members shared various concerns.

Some members noted that it would not be appropriate for academic campus units to make statements that do not represent the ideas of everyone in the unit. Similarly, there was some concern regarding the qualifications of academic campus units to make statements on items that are outside of their areas of expertise. The proposed policy does not provide adequate guidance to ensure that the statements made satisfy the standard established through this policy. Members also mentioned that the policy as written would be difficult to implement and monitor.

Members made a point to discuss the freedoms that faculty have, both as individuals and as groups of individuals, to make statements that do not represent the full academic campus unit. Some members also expressed the idea that the institution should strive to be non-partisan, and allowing for such statements on behalf of full units would present issues to both the institution and its faculty.

Some members had concerns that the timing of this policy could cause some concerns among campus groups. Though some members agreed with the purpose of the policy, they found that now might not be the best time to implement new standards.

We appreciate the opportunity to express our views on this matter. If you have any questions, please do not hesitate to contact me (thall@mednet.ucla.edu) or Academic Senate Policy Analyst, Lilia Valdez (lvaldez@senate.ucla.edu).

Sincerely,



Theodore Hall, Chair
Committee on Diversity, Equity and Inclusion

cc: Kathy Bawn, Vice Chair/Chair-Elect, UCLA Academic Senate
Jessica Cattelino, Immediate Past Chair, UCLA Academic Senate
April de Stefano, Executive Director, UCLA Academic Senate
Lilia Valdez, Senior Policy Analyst, UCLA Academic Senate
Members of the Committee on Diversity, Equity, and Inclusion

To: Andrea 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: November 3, 2023

Re: Proposed Policy for Public and Discretionary Statements by Academic Units

The Privilege and Tenure Committee (P&T) members received this proposed policy for review at our October 26, 2023 meeting and were invited to submit comments on it by today. Committee members reviewed the draft, and discussed at our November 2, 2023 meeting. We did not vote to take any formal position on the draft, but we offer the following comments and concerns:

- 1) The draft recommends that academic units develop procedures that only allow policy statements or commentaries to be issued if a “supermajority” of the faculty in that unit concurs with the statement; but supermajority is not defined. Is this 60%? Two-thirds? Ninety percent? This ambiguity should be addressed. Further, the parliamentary procedure which the Senate follows advises against “requiring more than a majority.”
- 2) Relatedly, because posting statements requires some form of a majority vote, the draft does not offer any path for conveying the views of dissenting parties. Rather, it purports to protect “the interests of those in the unit who disagree” by “enjoying the freedom . . . not to speak.”¹ Should the minority be invited to submit a dissenting statement that would go out along with the majority statement? Because P&T is concerned with faculty rights, it is important to note that this seems to pose a significant imbalance of rights.

¹ There is not even a provision for allowing a minority view to be posted.

- 3) Issues such as (1) and (2) are consistent with a more general critique: why not simply prohibit academic units at UCLA from taking public positions on world affairs or political and social issues? Why not, instead, permit faculty to develop and issue their own statements, if they wish, subject to the proviso that they make clear at the outset of such statements that they are only expressing the views of the signatories, and not in any way an official view of UCLA or any academic unit of UCLA. This would protect academic freedom and allow ideas to be expressed in a much less cumbersome way, without embroiling the university directly in political matters.
- 4) Related to (3), the policy seems to be unnecessary and to contradict the existing Faculty Code of Conduct which already states that Faculty already have the right to “enjoyment of constitutionally protected freedom of expression.”² “Faculty members have the same rights and obligations as all citizens. They are as free as other citizens to express their views and to participate in the political processes of the community.”³
- 5) Further, the Faculty Code of Conduct admonishes: “When they act or speak in their personal and private capacities, they should avoid deliberately creating the impression that they represent the University.”⁴ It also forbids “Unauthorized use of University resources or facilities on a significant scale for personal, commercial, political, or religious purposes.”⁵ Why should faculty operating as “academic units” be excused from these admonitions?

These comments reflect the general sense of our committee; we are broadly concerned that this policy, with its cumbersome and difficult-to-enforce procedures, will make protecting the rights of all more challenging.

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.

² Part I, Faculty Code of Conduct “Professional Rights of Faculty”

³ Part II, Faculty Code of Conduct E. The Community “Ethical Principles”

⁴ Ibid

⁵ Part II, Faculty Code of Conduct: E.1

3125 Murphy Hall
410 Charles E. Young Drive East
Los Angeles, California 90095

November 3, 2023

To: Andrea Kasko, Chair, UCLA Academic Senate

From: Brooke Scelza, Chair, Graduate Council

Re: UCLA Policy: Public and Discretionary Statements by Academic Units

At its meeting on October 27, 2023, the Graduate Council reviewed and discussed the draft *UCLA Policy: Public and Discretionary Statements by Academic Campus Units* and offers the following observations for the Executive Board's consideration:

Members discussed the potential overreach of the university and underscored the ability of campus academic units to develop their own policies. Some members also commented on the potential impact on academic freedom and sought clarification on the broad nature of the voting requirements to issue public and discretionary statements (e.g., the policy requires staff, post-docs and others not typically given voting rights to vote on the statement—see sections 1.iii and 1.iv)

One member noted that the potential members of the Academic Campus Unit are categorized by positions of employment. Some members had questions regarding graduate students who are not employed by the department. The current draft gives rights to graduate student employees only, but nothing in section 1.iv identifies graduate students at large as being part of the Academic Campus Unit.

Some members noted that the draft policy was timely and there was a benefit to having a clear process.

Some members had concerns regarding minority voices and appreciated that the policy considered situations in cases where academic units are split and aimed to protect members' views from being misrepresented.

We appreciate the opportunity to express our views on this matter. If you have any questions, please contact us via Graduate Council Analyst, Emily Le, at ele@senate.ucla.edu.

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: October 26, 2023
Re: **Proposed Policy “Public and Discretionary Statements by Academic Units”**

At its meeting on October 26, 2023, the Committee on Charges had a brief opportunity to discuss the proposal to create a policy addressing “Public and Discretionary Statements by Academic Units.” The Committee had these concerns:

- Why is this even needed when individuals and groups of individuals may use private means to make statements? No rationale is offered for why there is need for a policy that allows units to use the UCLA name to make discretionary “comments on institutional, local, regional, global or national events, activities or issues” and, further, to use University resources to see that these are “distributed, disseminated, posted online or otherwise shared via mass distribution with University constituencies or the public.”
- Why are “campus leaders” (Deans, Chairs, and “other”) listed as being allowed to make their own statements (p. 6)? Is this a proper use of the leadership role (disclaimer or not)? Committee members expressed concerns that UCLA itself, as one of the divisions of the University of California, is an “Academic Campus Unit.” As such, should the Chancellor or Vice Chancellors be allowed to make statements on behalf of UCLA without meeting the standards and providing the disclaimers outlined in the proposed procedures?
- The lack of uniform procedures is concerning. Instead, the policy leaves it to individual Academic Campus Units (widely defined as departments or divisions (both academic and nonacademic) as well as other official UCLA entities, including schools, centers, laboratories, institutes, the UCLA Academic Senate, and UCLA Extension) to develop, publish, and implement procedures that are supposed to meet 13 requirements for public statements; 11 additional procedural requirements for creating discretionary statements and 5 requirements for posting these statements. Conforming with the “codes of conduct” is just one of these requirements. Yet, nothing in the policy provides for review of these procedures to ensure they comply with the requirements, let alone the proper mechanism for enforcing misuse of the process.
- There is a tension between the right of groups to express an opinion and, as noted on p. 3 A6, statements that may violate the Faculty Code of Conduct.

November 2, 2023

To: Andrea Kasko, Chair
Academic Senate

Re: **UCLA Policy: Public and Discretionary Statements by Academic Campus Units**

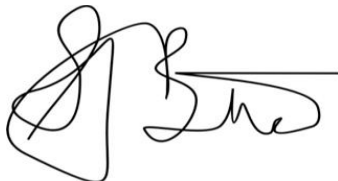
Dear Chair Kasko,

The Faculty Welfare Committee (FWC) circulated the UCLA Policy: Public Discretionary Statements by Academic Campus Units as an independent review. Members offered the following comments.

FWC members noted that the proposed policy is filled with many legalities, is confusing, and the points outlined appear contradictory. Public statements were defined as “part of the day-to-day, term-to-term operations of the Academic Campus Unit.” In contrast, discretionary statements were considered “not part of the day-to-day, term-to-term operations of the unit.” However, the term “Public Statement” is stated also to include discretionary statements (p2). How is this possible? Others thought that units should be generally dissuaded from using discretionary statements to weigh in on events beyond the scope and knowledge of the unit. Second, it remains unclear how this policy will achieve its goal of “protect(ing) members of an Academic Campus Unit from being misrepresented or misunderstood to endorse a point that they have not chosen to endorse.” If everyone is expected to comment or not comment. In that case, there remains considerable concern about bullying and pressure on the faculty, by students or peers, to agree or disagree with the discretionary statement, which goes beyond our role as educators and researchers. Third, some members felt that there should be a requirement that all discretionary statements posted by an academic unit or sub-unit require a unanimous vote.

Thank you for the opportunity to comment on this proposed policy. If you have questions, please do not hesitate to contact me at butlersj@ucla.edu or via the Committee analyst, Renee Rouzan-Kay, at rrouzankay@senate.ucla.edu.

Sincerely,



Samantha Butler, Chair
Faculty Welfare Committee

cc: Kathleen Bawn, Vice Chair/ Chair-Elect, Academic Senate

Jessica Cattelino, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Renee Rouzan-Kay, Senior Policy Analyst, Faculty Welfare Committee
Members of the Faculty Welfare Committee

November 1, 2023

Andrea Kasko, Chair
Academic Senate

Re: UCLA Policy: Public and Discretionary Statements by Academic Campus Units

Dear Chair Kasko,

At its October 20, 2023, meeting, the Committee on Data, Information Technology, and Privacy (CDITP) reviewed the draft of the UCLA Policy on Public and Discretionary Statement by Academic Campus Units. Members made the following comments:

The members of CDITP have significant concerns about the purpose, scope, and application of this proposed policy. Most problematically, the committee found the policy overly vague. While the committee appreciates a need to balance the relationships between collectives of faculty and individual faculty members, the draft fails to articulate why this policy is necessary and what this policy seeks to accomplish in regulating and limiting specific forms of speech on UCLA digital platforms. In particular, there were concerns about the lack of specificity as to how and when faculty speech was covered by this policy and to the particular nature of the Guidelines as applied to Social Media accounts that are not hosted on UCLA Domains. Further issues with the vague wording of the policy might be seen in how “Discretionary Statements” is poorly defined in the policy: an obituary for a colleague posted to a Department website could well be construed as ACU “comments on institutional...events.”

More broadly, members of CDITP wondered whether other public universities currently have such a policy. As it stands, this draft policy seems deeply under-considered: it does not address questions of, for example, how the archiving of Discretionary Statements should be covered by public record-keeping responsibilities. It also seems focused on a burdensome implementation of processes to emphasize what members of the university community cannot do. The committee urges the Administration to reconsider the necessity of the policy and to refine substantially the draft policy and its scope.

Thank you for the opportunity to comment on the proposed policy. If you have any questions, please do not hesitate to contact me at fisher@humnet.ucla.com or via the Committee analyst, Renee Rouzan-Kay, at rrouzankay@senate.ucla.edu.

Sincerely,



Matthew Fisher, Chair
Committee on Data, Information Technology, and Privacy

cc: Kathleen Bawn, Vice Chair/Chair-Elect, Academic Senate
Jessica Cattelino, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Renee Rouzan-Kay, Senior Policy Analyst, Committee on Data, Information Technology, and Privacy
Members of the Committee on Data, Information Technology, and Privacy

UCLA Policy XXX: Public and Discretionary Statements by Academic Campus Units - Draft for Review

Issuing Officer:	Executive Vice Chancellor & Provost
Responsible Dept:	Executive Vice Chancellor & Provost's Office
Effective Date:	TBD
Supersedes:	New

I. PURPOSE & SCOPE II. DEFINITIONS III. POLICY STATEMENT IV. REQUIREMENT FOR POSTING PUBLIC STATEMENTS V. REFERENCES

I. PURPOSE AND SCOPE

University community members and Academic Campus Units both enjoy freedom of expression and academic freedom. These are core tenets protected by and central to the University. This Policy addresses Public Statements made by and on behalf of Academic Campus Units. Majority of Public Statements address the day-to-day operations of the UCLA campus and unit however, Discretionary Statements made by and on behalf of Academic Campus Units can raise complex and potentially contested issues.

Discretionary Statements do not necessarily represent the views of the entire UCLA campus, and without appropriate disclaimers, may be misperceived as doing so. Such statements at times are described as political or controversial to signify that they express opinions on potentially contentious or complex issues. This Policy strikes a delicate balance between the desires of some in a unit to assert a position as a unit and the interests of those in the unit who disagree, do not wish to speak, and/or have less status or authority than senior tenured faculty.

This Policy sets forth the requirements for Academic Campus Units issuing Public Statements, including Discretionary Statements and provides (a) definitions of the terms used throughout the Policy, (b) a statement explaining the importance and limitations of the Policy, (c) the requirements to issue Public Statements, including Discretionary Statements, and (d) related references and supporting policies and information.

This Policy applies only to Academic Campus Units and does not address statements made by individual University community members or groups of University community members. This Policy does not address the rights of individual University faculty members to express themselves on matters of conscience; those are protected by academic freedom. UCLA 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.

For guidance on implementation of this Policy, including posting Discretionary Statements on third party social media platforms, please see URL TBD.

II. DEFINITIONS

For the purposes of this Policy:

Academic Campus Units refer to officially recognized UCLA academic departments or divisions as well as other official academic UCLA entities, including schools, centers, laboratories, institutes, the UCLA Academic Senate, and UCLA Extension. Academic Campus Units is a subset of the larger group of units defined as “Campus Units” under UCLA Policy 110.

Discretionary Statements refer to statements made by and on behalf of an Academic Campus Unit that comments on institutional, local, regional, global or national events, activities or issues and distributed, disseminated, posted online or otherwise shared via mass distribution with University constituencies or the public, that are not part of the day-to-day, term-to-term operations of the unit. Discretionary Statements do not include messages regarding its curricular offerings, traditional mission statements or strategic plans; administrative activities, operations or resources; or news announcing University or campus activities, programs, or initiatives.

Public Statements refer to statements made by and on behalf of an Academic Campus Unit that are part of the day-to-day, term-to-term operations of the Academic Campus Unit, including curricular offerings, its traditional mission statements, or strategic plans; administrative activities, operations or resources; or news announcing University or campus activities, programs or initiatives and distributed, disseminated, posted online or otherwise shared via mass distribution with University constituencies or the public. This term includes Discretionary Statements.

UCLA Domain Name is an authorized external and/or internal electronic address used to identify and locate an internet site or service, such as a web site registered by a Campus Unit, as outlined in [UCLA Policy 411](#). A UCLA Domain Name is not required to have the initials UCLA in the URL for this Policy to apply.

III. POLICY STATEMENT

- A. This Policy identifies requirements needed to protect those who may be affected in the academic community by the production and distribution of unit-wide statements on UCLA Domain Names, and provides mechanisms for minimizing, or at a minimum alleviating, unwarranted or problematic pressures.
- B. The requirements as outlined in this Policy aim to ensure that members of the community associated with the Academic Campus Unit enjoy the freedom to speak or not to speak, to deliberate or not deliberate about issues, where such speech is not a job description requirement, and that their decision whether and how to speak through complying Discretionary Statements is protected from repercussions on-and off-campus. These protections also aim to protect members of an Academic Campus Unit from being misrepresented or misunderstood to endorse a position that they have not chosen to endorse.
- C. Given the complexities associated with Academic Campus Units issuing statements on pressing topics, this Policy sets forth requirements (with accompanying guidance) to Academic Campus Units developing, posting, or retaining such a statement on a UCLA Domain Name to assure the issuance of such statements is done responsibly and judiciously.
- D. Academic Campus Units that intend to produce and post Discretionary Statements must develop procedures that comply with the requirements as outlined in this Policy.
- E. Many members of an Academic Campus Unit may wish to support or issue Discretionary Statements. Discretionary Statements do not necessarily represent the views of all members of an Academic Campus Unit, which may be composed of different faculty (ladder-rank, adjunct, clinical, and lecturer), staff, researchers, students, and other affiliates. Other members of the unit may want to disassociate from the support or issuance of Discretionary Statements. All members’ decisions and stances should be respected.

IV. REQUIREMENTS FOR POSTING PUBLIC STATEMENTS

Academic Campus Units that intend to produce and post Public Statements including Discretionary Statements must comply with the following requirements.

A. Requirements for Public Statements

Public Statements made by Academic Campus Units must comply with applicable laws and University policies including, but not limited to:

- Conflicts of interest.
- Anti-violence, anti-discrimination, and anti-harassment.
- Use of university technology and electronic communications.
- Privacy and personal information, including without limitation the university's policies regarding FERPA and HIPAA.
- Intellectual property, including policies on copyright and use of the university's names and assets.
- University codes of conduct, including without limitation the Faculty Code of Conduct.
- Solicitation of funds or fundraising campaigns (contact your Unit's Development Officer).

In accordance with applicable law and University policies, the following types of Public Statements cannot be issued by Academic Campus Units:

1. 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 referenda or legislation.
2. Threaten, harass, or discriminate against individuals or groups of individuals, including bias statements that target protected classes.
3. Misuse university technology or violate the university's policies on electronic communications.
4. Release private or confidential information, including, but not limited to, information related to the academic records, health status or personnel records of individuals at the university.
5. Violate the rights of an individual or an organization to its intellectual property.
6. Violate the University's codes of conduct.

B. Requirements for Discretionary Statements

Academic Campus Units that intend to produce and post Discretionary Statements must develop, publish, and implement procedures that outline the process of producing, posting, and archiving Discretionary Statements. Academic Campus Units have substantial discretion about the details of these procedures, but the procedures must include the requirements as outlined below.

1. Producing Discretionary Statements

The procedures developed by an Academic Campus Unit for producing Discretionary Statements must:

- i. Articulate the process of how members of an Academic Campus Unit or an academic subgroup propose, write, and vote on Discretionary Statements.
- ii. Specify which subgroups are eligible to post, e.g., 'faculty,' 'lecturers,' 'staff' 'graduate students' 'ladder faculty,' 'members of the Academic Senate,' etcetera, if the Academic Campus Unit permits members of a subgroup to post statements. Subgroups must not be defined by the content of their message. It is difficult to protect anonymity of the members of the message-based subgroups so such subgroups should only circulate messages that belong to those who belong to a message-based subgroup. Self-identified message-based subgroups may circulate statements on their own initiative.
- iii. Identify by position, the members of the Academic Campus Unit, and at a minimum must include: all full-time faculty who are members of the Academic Campus Unit (including lecturers, adjunct faculty, clinical faculty, and other non-ladder faculty), all full-time researchers,

postdoctoral fellows, post-graduate trainees (including medical residents and fellows), all full-time staff members, and any other full-time employee of the Academic Campus Unit. At their discretion, Academic Campus Units may also delineate part-time faculty, part-time graduate student employees, and other part-time employees as members of the academic unit for purposes of the production of statements on behalf of the Academic Campus Unit.

- iv. Delineate steps to be taken to ensure that *all members* of that Academic Campus Unit have a meaningful opportunity to comment on proposed drafts of the statement and to vote on the Discretionary Statement that speaks on behalf of the Academic Campus Unit.
- v. Delineate steps taken to ensure that *all members* of an Academic Campus Unit subgroup have an opportunity to comment on proposed drafts of that statement and to vote on the Discretionary Statement that speaks on behalf of a subgroup of the unit (e.g., the ladder faculty). Statements on behalf of ‘the faculty’ must be produced through a process that, at a minimum, includes *all* full-time faculty members, including adjunct professors, clinical professors, and lecturers.
- vi. Specify how proposals for statements will be made and publicized to the members of the Academic Campus Unit or relevant subgroup.
- vii. Specify a sufficient period of time and a venue (whether virtual or in-person) for all members of the represented group to comment on the proposal prior to a vote.
- viii. Contain meaningful opportunity for all members of the represented group to engage *as well as to decline to engage* in discussion, comment, and voting on the statement. Meetings concerning the creation, or the endorsement of statements should not overlap with standing meetings concerning the standard business of the Academic Campus Unit (or its subgroup). No member of the unit may be required or expected to attend a meeting about the unit’s potential endorsement of a statement.
- ix. Vote anonymously on a proposed statement and whether a person votes and how they vote should be anonymous.
- x. Ensure that the statement represents the relevant unit or group. The mechanism for voting on the endorsement of the statement must occur outside of a meeting, so that those who do not attend may have the opportunity to vote.
- xi. Specify what percentage of the unit’s members (or specified subgroup’s members) must endorse the statement for the statement to be issued on behalf of that group. At a minimum, a majority of all those *eligible* to vote must approve the statement for it to be issued in the name of the Academic Campus Unit or subgroup, as applicable. Academic units may, at their discretion, specify that a defined supermajority must approve a statement for it to be issued. To avoid the generation of incentives to identify and pressure holdouts, Academic Campus Units and subgroups must not require unanimity as a condition of the posting of a statement.

2. Posting Discretionary Statements

The procedures developed by an Academic Campus Unit for posting Discretionary Statements must:

- i. Identify the unit or the subgroup that represent and had an opportunity to vote on the statement, e.g., ‘...on behalf of the department,’ ‘on behalf of the faculty’ or ‘on behalf of the ladder faculty.’ The identification of the relevant group should be as specific as possible to avoid inadvertent misrepresentation of members of the community who had no meaningful opportunity to be heard and to vote on the statement.
- ii. Not list the names of signatories for Discretionary Statements and may not specify that the statement received unanimous endorsement (even if it did). This is to avoid the generation of incentives to identify and pressure holdouts.

- iii. Include a disclaimer on the webpage where Discretionary Statements are posted that such statements do not represent the University in compliance with UCLA Policy 110.
- iv. Link the procedures for the production of Discretionary Statements on the webpage where such statements appear, and that link will be provided in the content of the statement itself wherever posted, e.g. on a webpage or third-party external social media platform. Additional guidance on posting on third-party external social media platforms is available at URL TBD.
- v. Remove automatically all statements at the end of the academic term associated with the Academic Campus Unit. This allows for change and avoids the inadvertent misrepresentation of new members of the community. Renewal of any statement must follow the procedures associated with the production of statements above.

3. Archiving Discretionary Statements

The procedures developed by an Academic Campus Unit for archiving Discretionary Statements must specify whether the Academic Campus Unit will archive past statements and if so, where and for how long. Such procedures will be consistent with the UC Records Retention Schedule.

V. REFERENCES

- 1. UC Senate Materials
- 2. UCLA Senate Materials
- 3. UCLA Policy 110 on University Names
- 4. UC Electronics Communications Policy
- 5. [Guidelines for Social Media Participation on UC Office of the President Sites](#)
- 6. UCLA Policy 411

Issuing Officer

/s/ Darnell Hunt

Executive Vice Chancellor and Provost

**Questions concerning this policy or procedure should be referred to
the Responsible Department listed at the top of this document.**

[END POLICY XXX]

GUIDANCE (to be linked on a separate URL)

This guidance offers best practices to supplement the rules delineated in UCLA Policy XXX. Academic Campus Units are encouraged to refer to these points when developing the procedures for production and dissemination of Public Statements. Furthermore, Academic Campus Units are encouraged to consider carefully whether a collective Discretionary Statement is necessary in the situation, given the costs of their production as well as the potential risks of intra-unit conflict and the misattribution of statements to members of the community who do not wish a public association with those statements. Statements by individuals and self-organized subgroups in any unit may often adequately serve to communicate important messages.

Production

1. *Regarding point IV.B.1.i of the Requirements:* It is recommended that Discretionary Statements by Deans, Chairs, and other campus leaders specifically make clear that those statements are issued by those leaders only and are not on behalf of the unit as a whole or its members.
2. *Regarding point IV.B.1.ii of the Requirements:* It is recommended that units be cautious when considering procedures authorizing subgroup statement production and posting given the potential difficulties of allowing every subgroup in a unit to post statements as well as the difficulties of privileging some subgroups over others. Further, subgroup statements raise the potential for statements that conflict in content with a statement of the broader academic unit.
3. *Regarding point IV.B.1.v of the Requirements:* If a statement speaks on behalf of a specific subgroup of the unit (e.g., full-time faculty including ladder faculty, adjunct professors, clinical professors, and lecturers), members of the wider academic unit should be informed of the proposal and consulted about whether and how the issuance of the statement might affect them.
4. *Regarding point IV.B.1.xi of the Requirements:* It may be desirable, as a general matter, to ensure that any statement by an academic unit reflects a broad consensus that is not in tension with the sentiments of any significant subgroup of its members. It is recommended that academic units (and subgroups) adopt supermajority requirements for the posting of statements. A supermajority requirement may also reduce the occasions in which subgroups are motivated to issue their own statements that conflict with the unit's statement. The possibility of conflicts and the desirability of avoiding them may be a reason for academic units to adopt supermajority requirements for the posting of subgroup statements.

5. Where time permits, Academic Campus Units considering posting a statement about an especially controversial matter may wish to consult with the Senate Committee on Academic Freedom for guidance about wording and inclusive consultation practices.

Posting of Statements

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1. *Regarding point IV.B.2.i of the Regulations:* While statements must identify the unit or the subgroup that they represent with specificity to avoid inadvertent misrepresentation of members of the community, units should be cautious about issuing statements on behalf of a subset of the faculty, e.g., ‘the ladder faculty’ or ‘the members of the Academic Senate.’ These delineations may not be well-understood by students and the public, raising concerns about inadvertent misrepresentation of other members of the faculty.
2. *Regarding point 14 of the Rules:* It is recommended that statements should not appear on the landing page for an academic unit but that units designate a separate page for ‘statements and opinions.’

Removal and Archiving of Statements

1. *Regarding point IV.B.3 of the Requirements,* it is further recommended that academic units decide, through designated procedures, how and where to archive previous statements, and for how long such statements will be posted.

Social Media

In addition to their UCLA Domain Names, Academic Campus Units often maintain social media accounts on a variety of external third-party social media platforms (e.g., Twitter, Facebook). This policy was developed with UCLA Domain Names in mind, but the rules and guidance articulated above should also inform the use of social media platforms by Academic Units when disseminating collective statements. The production and posting of such statements must comply with the requirements articulated in the policy and other related UC guidance. Moreover, Academic Campus Units that contemplate the use of social media platforms to disseminate collective statements should also be mindful of other considerations introduced by use of such platforms. Specifically, the Academic Campus Unit itself will likely have very little control over its message or content once it is released into a medium in which interactivity, commenting, reposting and other types of public engagement may be the norm.

To manage the unpredictability and lack of control associated with dissemination through external third-party social media sites, the following guidance is recommended:

1. Academic Campus Units should establish norms and practices for use of social media accounts representing them. These norms and practices should be clear, understandable, and accessible to unit members who wish to review them. They should include a clear

designation of who in the unit is empowered to communicate on social media on the Unit's behalf and what plan is in place for the monitoring and archiving of the post.

2. Both in crafting a policy and posting a statement, Academic Campus Units should consider: the nature, audience, and particular use of particular platforms; the tools and features of a particular platform; the likelihood that shared content may be remixed, repurposed or decontextualized on a particular question.
3. When using an academic unit's social media account for the dissemination of a collective statement, the social media posting should refer to the statement hosted on the academic unit's webpage both by name and via URL.
4. Postings should avoid truncating, quoting from or posting only portions of a statement; instead, refer others back to the full statement to avoid a loss of context.
5. Turn off comments for a post linking to an academic unit's collective statement; treat the posting as an announcement and reference to the full statement rather than an opportunity for debate by unknown parties, which can quickly spiral out of control.
6. Decide which platforms to use to disseminate the collective statement, with the knowledge that some may be better-suited (in terms of e.g., functionality, media type and likely audience) to this type of distribution than others.
7. Ensure consistency of messaging across platforms.