Executive Board
(Systemwide Senate Review) Proposed Regents Policy on Use of University Administrative Websites

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March 15, 2024

RICHARD LEIB, CHAIR  
UNIVERSITY OF CALIFORNIA BOARD OF REGENTS

Re: Proposed Board of Regents Policy on Use of University Administrative Websites

Dear Chair Leib:

As requested, I distributed for systemwide Academic Senate review the proposed Regents Policy on Use of University Administrative Websites. All ten Academic Senate divisions and four systemwide Senate committees (Academic Freedom, Graduate Affairs, Academic Computing and Communications, and Faculty Welfare) submitted comments. These were discussed at a special meeting of the Academic Council on March 12. A summary is below but we also encourage you to review the full set of comments through this link.

Each of the campus divisions and the four systemwide committees expressed serious reservations about various aspects of the policy. We summarize as the main concerns:

- The ambiguity of the draft policy in terms of intent and content, including the meaning of key terms.
- The overly broad and simplistic approach to a complex set of issues underlying the policy.
- The lack of clear implementation and enforcement mechanisms.
- The potential of the policy to limit free speech and to impinge on academic freedom.
- The potential of the policy to allow external actors to harass faculty and the University with claims of violations.

Based on the comments that we received, the Academic Council voted unanimously (19-0) against endorsement of the policy. We ask the Regents to reject the policy outright, or at least delay consideration to provide time for clarification and for analysis of consequences and implementation challenges. Further, we encourage the Regents to instead consider endorsing the Senate recommendations for department political statements released in June 2022. These recommendations align with the spirit of the University of California’s understanding of

1 https://senate.universityofcalifornia.edu/_files/reports/rh-senate-divs-recs-for-dept-statements.pdf
academic freedom and provide a more thorough and considered approach to the issues at hand. Below we elaborate the principal concerns noted above and also express our concerns about process.

The version of the policy reviewed by the Senate would restrict department members from expressing “the personal or collective opinions of Unit members” on the main landing pages of administrative websites. It would mandate that any opinions expressed on other parts of administrative websites include a disclaimer clarifying that these opinions do not represent the official views of the University or the Unit.

Many reviewers noted the ambiguity of the proposed policy, which provides no clear definitions for terms such as “unit,” “main landing page,” and, most importantly, “official business,” raising questions about what constitutes permissible content and what content might be deemed as violating the policy. It is also unclear how those in charge of implementing the policy would define what qualifies as an “opinion,” either personal or collective, or ensure that communication on website landing pages addresses only the “official business of that Unit.”

Department websites often serve as platforms for scholarly communications, applying academic expertise to ongoing economic, social, and political issues. Imposing blanket restrictions on personal or collective opinions could hinder scholarly discourse and limit academic freedom. While these negative impacts are likely to be felt more acutely in disciplines that address societal and public policy issues, there is no reason to think that they will be exclusive to these areas (consider, for example, statements on climate change or vaccine efficacy). While academic freedom as defined by the University of California (see Academic Personnel Manual [APM] - 0102) holds faculty accountable on the grounds of scholarly competence, which need not be viewpoint neutral, members of the public may consider research-based statements as either facts or opinions, depending on their own personal beliefs and political affiliations. Those who disagree with particular statements may find the policy convenient to allege violation as the basis for harassing actions against faculty, students, and other UC community members.

These ambiguities and the lack of clear enforcement mechanisms will make implementation challenging at best. Delegating the adjudication of these ambiguities to staff website or faculty administrators will unfairly burden them with an impossible task and will likely create confusion and division within campuses and across the University. There has also been no discussion about the campus resources that will be required to implement the policy, monitor compliance, and enforce any consequences of non-compliance (which consequences are also not addressed).

As the policy text itself asserts, freedom of speech and of inquiry are cornerstone values of the University of California. Faculty members should have the right to express their opinions, whether as employees or subject matter experts, even if their views differ from those of peers and senior leaders. The policy’s exemption of certain University officers from its provisions raises questions about equity in freedom of discourse.

Lastly, a word on process: while the Senate appreciates the opportunity to review this policy for the March 19-21 Regents meeting, the hurried crafting of the policy and compressed review schedule (shorter than our normal expedited review) has caused the campuses to highlight the importance of adhering to the principles and normal processes of shared governance. Further, the

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2 https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-010.pdf
Senate notes that APM 010 in its discussion of academic freedom delegates to the faculty the sole right to determine the substance and nature of the standards of scholarly and pedagogical criteria. It defines the process by which concerns about academic freedom can be maintained and strengthened by shared governance.

The Senate acknowledges the policy’s principal goal, which is to ensure that individual and collective viewpoints are not misconstrued as official University positions. The Senate also recognizes that departmental statements have various downsides, including the potential to infringe on academic freedom. Again, the Senate believes that the Regents’ principal goal, as stated in the draft policy, as well as related issues will be most effectively addressed by Regental endorsement of the Senate’s recommendations on departmental statements. These recommendations were based on comprehensive consultation with faculty on the ten campuses, as well as with UC Legal consultants. They are intended to guide departments whose members opt to post statements to do so in ways that minimize downsides and that do not infringe on academic freedom. These recommendations advise departments to use their right to issue political statements responsibly and judiciously, include disclaimers with statements that make clear that the department does not speak for the University as a whole, define the unit voting on the statement, and solicit minority or opposition statements.

In summary, the proposed policy raises numerous content and implementation issues, and is vague, impractical, possibly unenforceable, likely counterproductive, and appears inconsistent with the University’s adherence to principles of free expression and academic freedom. If the Regents are unable to resolve the questions and address the complexities identified, the Board should not move forward with a systemwide policy.

Thank you for the opportunity to opine. Please do not hesitate to contact me if you have additional questions.

Sincerely,

James Steintrager, Chair
Academic Council

Steven W. Cheung
Vice Chair, Academic Council

Cc: Academic Council
Vice Chair Elliott
Regent Park
Regent Sures
President Drake
Provost and Executive Vice President for Academic Affairs Newman
General Counsel and Senior Vice President Robinson
Secretary and Chief of Staff to Regents Lyall
Senate Division Executive Directors
Senate Executive Director Lin
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 overall 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
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.

* * *

Attachment: Individual Comments of Charges Committee Members
Attachment

Individual Comments of Charges Committee Members
re: Regents Proposal—Use of Administrative Web sites
February 26, 2024

No individual comment should be interpreted as representing others on the Committee or the position of the Charges Committee as a whole.

- 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?
o 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?”

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

o 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.”

o Is email an official channel?

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

o 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?

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

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

o 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?

o 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”.

o 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).

o 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
To: Andrea Kasko, Chair, Academic Senate

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

Date: February 26, 2024

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

The Committee on Rules and Jurisdiction (CR&J) reviewed the proposed Regents Policy on use of University administrative websites.

Discovering, advancing, and transmitting knowledge is the central pervasive mission of the University of California. Members found the proposed limitations to disseminate knowledge contradictory with the University’s mission, as faculty’s research and views intrinsically intersect. Members found the existing UCLA Policy on public and discretionary statements by academic campus units and the University Committee on Academic Freedom’s recommendations for department political statements to reasonably balance academic freedom, freedom of speech, and accountability.

Members commented that the term “official channels of communication” was vague. Do these limitations apply to departmental social media (e.g., X, Instagram) and departmental newsletters and emails?

Members also commented that the policy does not establish who determines the “official views of the University” or Unit. Related, who assumes responsibility if a challenge is upheld by University authorities or the judiciary, necessitating punitive action?

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://www.ucop.edu/about/mission/
3 https://senate.universityofcalifornia.edu/_files/reports/rh-senate-divs-recs-for-dept-statements.pdf
February 26, 2024

To: Andrea Kasko, Chair, UCLA Academic Senate

From: Brooke Scelza, Chair, Graduate Council

Re: Systemwide Senate Revise: Proposed Regents Policy on Use of University Administrative Websites

At its meeting on February 23, 2024, the Graduate Council reviewed and discussed the report from the proposed Regents Policy on Use of University Administrative Websites. Members present offered the following observations for the Executive Board’s consideration:

- Define what constitutes an “opinion”. Who makes the determination the statement is an opinion? For example, many statements on department landing pages are opinions--from statements about the stature of a department, to reviews of spotlighted faculty publications, to news items featuring faculty or student work.
- Clarify whether posting a link to the statement on the landing page is allowed
- Clarify what is and is not allowable in the disclaimer accompanying the opinion statement.

Members raised concerns about the timing and intention of the proposed policy and queried the reasoning for why the policy was proposed at this time. Some members also queried whether research funds could be used for faculty websites and whether using research funds would link it to the university.

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

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

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

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

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

• The policy provides that “Nothing in this policy shall limit the following:…..2. Communications by the Chair of the Board of Regents or his or her designee, the President of the University, the Chancellors, and the leadership of the Academic Senate in their respective roles as spokespersons for the University within their areas of responsibility...” [emphasis added].
  o Do the highlighted words implicitly mean that these university leaders should only make public communications on issues directly relevant to the welfare and functioning of the university? And does the exclusion of deans and department heads from the statement mean that such officials should operate under some more restricted standard of expression?

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

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

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

  * * *

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

Thank you for the opportunity to review and comment. If you have any questions, please do not hesitate to contact me at dmessadi@dentistry.ucla.edu or via the Committee’s analyst, Marian Olivas, at molivas@senate.ucla.edu.
February 23, 2024

To: Andrea Kasko, Chair  
   UCLA Academic Senate

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

At its meeting on February 13, 2024, the Committee on Diversity, Equity, and Inclusion (CODEI) discussed the proposed Regents Policy on Use of University Administrative Websites. Committee members were generally in favor of the proposed policy, and agreed that some type of guidance should be established that can be applied systemwide. Members found the proposed policy to be straightforward and clear in its intent and application. The committee briefly discussed whether the First Amendment rights of faculty should be considered in this policy, and agreed that the policy would benefit from clearly stating that these rights do not apply here.

We appreciate the opportunity to review the report and provide comments. 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
Committee on Data, Information Technology, and Privacy

February 23, 2024

Andrea Kasko, Chair
Academic Senate

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

Dear Chair Kasko,

Following its February 16, 2024, meeting, the Committee on Data, Information Technology, and Privacy (CDITP) reviewed the Proposed Regents Policy on Use of University Administrative Websites. Members made the following comments:

Following significant concerns about the earlier version of this policy, members found the new policy effectively clarifies the distinction between individual academic freedoms and the official use of University platforms. It balances, largely successfully, the need for individual and collective academic freedom and free speech with the responsibility of maintaining the integrity of University administrative units’ communications. The committee found the disclaimer requirement prudent, and the approach to delegation anchored in designating specific administrators responsible an effective route to compliance.

Suggestions for the policy include greater guidance and specificity for the formulation of disclaimers and their location on unit websites. Examples of templates might help ensure clarity and consistency. Similarly, the Committee advises that some formal and transparent mechanisms for monitoring websites and a clearly articulated set of standards for evaluating compliance will be important. Periodic reviews may also identify incremental improvements to the policy across new technologies and platforms. The Committee encourages a proactive, rather than responsive, approach to aiding faculty to engage with alternative platforms upon which they might express their views individually and collectively.

Key concerns include clarifying the scope of “Official Business,” an issue raised in CDITP’s statement on the previous version of this policy. Given the extensive latitude for unit communications, more specific guidance is required. Moreover, we believe a feedback mechanism and a transparent dispute resolution process should be developed for instances where there may be disagreements about policy application.

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.edu 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
February 21, 2024

To: Andrea Kasko, Chair
    Academic Senate

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

Dear Chair Kasko,

At its February 6, 2024 meeting, The Faculty Welfare Committee (FWC) discussed the Proposed Regents policy on the Use of University Administrative Websites. Members offered the following comments and recommendations.

The FWC discussed the proposed Regents policy of requiring the main landing page of a Unit’s administrative webpage to be limited only to the official business of the Unit. Any opinions of members of the Unit will be relegated to an internal page, with a disclaimer that this is the opinion of authors and not the institution. The FWC is moderately in favor of this policy, with some members recognizing the benefit of the 1967 Kalven Report from the University of Chicago, which insists on institutional neutrality on political and social issues. Other members expressed concern about the need for yet more bureaucracy and rules.

The FWC had the following requests for clarification about the policy:

1. “Unit” is defined as “campuses, schools, departments, centers, units, and other entities.” The policy needs to be more explicit and specifically define all the entities that will be affected. Does “an entity” include faculty members and their associated groups?
2. Who owns university-related websites? In particular, who owns faculty websites hosted on a UCLA server? The faculty member or the university? The FWC strongly supports individual faculty members’ First Amendment rights to express their views freely.
3. How will this policy be enforced? What are the consequences if a Unit insists on placing an opinion statement on their landing page?

Thank you for the opportunity to opine. 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,

DMS 17
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
February 20, 2024

To: Andrea Kasko, Chair, Academic Senate

From: Catherine Sugar, Chair, Undergraduate Council

Re: Proposed Regents Policy on Use of University Administrative Websites

At its meeting on February 9, 2024, the Undergraduate Council reviewed the proposed Regents Policy on the Use of University Administrative Websites.

Members had mixed reactions to the proposal. Some members generally supported the policy’s intent and agreed in principle on maintaining institutional neutrality in University communications. Others, however, voiced strong opposition to the proposed policy and expressed concerns about overreach by the Board of Regents into matters of academic freedom.

Members sought clarification on several areas of the proposal and offered the following questions:

- What constitutes a “viewpoint” and an “opinion”? Who determines these definitions?
- What is the definition of a “main landing page”?
- Does the policy apply only to academic departments or will it also cover research units?
- Does the policy apply to personal faculty webpages hosted on University platforms?
- To what degree does the policy apply to course descriptions posted on departmental websites? Who determines what counts as a “viewpoint” in a course description?
- Why does the policy exclude communications by University leadership?
- Under “Compliance/Delegation,” what is the definition of the “administrator responsible for maintaining the website”? Members note that “administrator” could refer to an external vendor, or individual IT staff, or the department chair; clarification of this role is needed.

Thank you for the opportunity to opine. If you have any questions, please contact me via the Undergraduate Council analyst, Julia Nelsen, at jnelsen@senate.ucla.edu.

cc: Kathy Bawn, Vice Chair/Chair-Elect, Academic Senate
    Jessica Cattelino, Immediate Past Chair, Academic Senate
    April de Stefano, Executive Director, Academic Senate
    Julia Nelsen, Principal Policy Analyst, Academic Senate
    Alexander Spokoyny, Vice Chair, Undergraduate Council
January 30, 2024

Academic Council Chair James Steintrager
Academic Council Vice Chair Steven Cheung

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

Dear Chair Steintrager and Vice Chair Cheung:

Enclosed for systemwide Senate review is a proposed Regents Policy on Use of University Administrative Websites which will be considered for action at the March 2024 Board of Regents meeting.

We would appreciate receiving a summary of your comments no later than Friday, March 15 so that the Regents have time to consider your comments prior to the meeting. Please note that this policy is in draft form and Board members reserve the right to make additional edits as they deem necessary.

Thank you, in advance, for conducting this expedited review.

Sincerely,

Rich Leib
Chair, Board of Regents

cc: Vice Chair Elliott
    Regent Park
    Regent Sures
    President Drake
    Provost and Executive Vice President for Academic Affairs Newman
    General Counsel and Senior Vice President Robinson
Regents Policy on Use of University Administrative Websites

POLICY TEXT

Upholding the values of freedom of speech and inquiry are core to the University of California’s mission. Under the First Amendment and principles of academic freedom, faculty members, individually and collectively, have the right to express their views. While individual members of the University community are free to express constitutionally protected viewpoints through all non-official channels of communication, they may not associate the official administrative units of the University with their personal viewpoints. Long-standing principles of academic freedom have recognized that when faculty members speak or write as citizens, they should make every effort to indicate that they are not speaking for the institution.

The University of California establishes websites and other official channels of communication maintained by the campuses, schools, departments, centers, units, and other entities (“Units”) for purposes of conducting 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, and other similar activities.

The main landing page of a Unit’s website shall only be used for purposes of conducting the official business of that Unit. Such page shall not be used for purposes of expressing the personal or collective opinions of Unit members, as other means of publishing those opinions are available. Opinion expressed in locations of the Unit’s administrative website other than the main landing page shall bear a disclaimer or other notation making clear that the opinion expressed is that of the author or authors, and does not represent the official views of the University or that Unit.

Nothing in this policy shall limit the following:

1. The use of any privately-maintained resource or other non-University media by any member of the University community for any purpose;
2. Communications by the Chair of the Board of Regents or his or her designee, the President of the University, the Chancellors, and the leadership of the Academic Senate in their respective roles as spokespersons for the University within their areas of responsibility;
3. Communications by UC-affiliated associations or auxiliaries with their constituencies pursuant to their own rules, provided they make clear, as warranted, that viewpoints where expressed do not represent the official views of the University;
4. Authority of the Units to communicate news and events related to faculty research and teaching; or
5. Authority of the Units to adopt additional policies on use of Unit electronic resources provided that any such policies must not reduce or eliminate the limitations contained in this policy.

This policy shall be construed in a manner consistent with the First Amendment and other applicable laws.

COMPLIANCE/DELEGATION

Any questions concerning the application of this policy shall be referred to the administrator responsible for maintaining the website and that administrator shall be responsible for assuring compliance with this policy.
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.