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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 statements¹ 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

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



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Vice Chair, Academic Council

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