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Office of the Academic Senate
SANTA CRUZ DIVISION
125 CLARK KERR HALL
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March 8, 2024

JAMES STEINTRAGER
Chair, Academic Council

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

Dear James,

The Santa Cruz Division of the Academic Senate has completed its review of the Proposed Regents Policy on Use of University Administrative Websites. Our Committees on Academic Freedom (CAF), Faculty Welfare (CFW), Information Technology (CIT), Diversity, Equity, & Inclusion (CODEI) and Privilege and Tenure (CPT) have responded.

We are grateful for the opportunity to review the proposed UC Regent's policy on the use of administrative websites and are pleased to see that the Regents decided to postpone their initial vote to allow for the established process of consultation. The initial version of the new policy on the use of administrative websites was a significant departure from prior practice. It had traditionally been permissible for departments to make statements and there was general agreement that this ability should be used judiciously. It is unfortunate that the UC Regents considered enacting such a policy without taking into account the May 25, 2022 recommendations of the University Committee on Academic Freedom (UCAF)¹ endorsed by the Academic Council², a set of best practices to serve as a guide if department websites are to be used for the making of public facing statements, which were well crafted and the result of considerable effort from the faculty at all campuses.

The initial policy represented a monumental change and limitation on academic freedom and some of our reviewing committees were therefore encouraged to see that the newly proposed policy limits only the use of "landing pages". However, most responding committees saw the proposed regental policy as overreaching and unnecessary, and instead encouraged future broad communication and reminders of best practices as spelled out by the UC Academic Senate and UCCAF, especially for all department chairs – with particular attention to ensuring academic freedom, inclusion, and equity representation of all members of the department.

¹ UCAF Chair Alper to Academic Council Chair Horwitz, 5/25/22, Re: Department Statements

² Academic Council Chair Horwitz to Senate Divisional Chairs, 6/02/24, Re: Recommendations for Department Divisional Statements

The Santa Cruz Division would like to raise the following concerns:

- 1) The purpose of the proposed policy was not clear. Faculty members in general are already aware that their personal opinions might not represent the official position of the UC. Public opinions, or statements that go beyond day to day educational and research work are usually signed by individual faculty, clearly implying that they reflect the opinions and views of individuals, rather than of the UC. Because of this, it is not clear what problem the proposed policy is trying to solve.
- 2) It would help if the new policy could better identify what counts as official business. Many departments announce events on their landing pages. Of course, those events can also include seminars on controversial topics. In today's charged political climate, even short descriptions or titles can be highly provocative, especially if they have to do with contemporary political issues. It is not difficult to imagine that some of them might be considered to be opinions. Furthermore, many departments and programs feature some form of Diversity, Equity, and Inclusion statements. Such statements, sometimes presented as graphics, or banners, might also be considered as opinions. In particular, the new policy needs to clarify if the decision to invite a controversial guest or one who has a seemingly political agenda of some kind, could itself be treated as a political statement. Concerns were raised that an adaptation of the proposed policy could lead to sanitization of the landing pages and would be detrimental to the University's mission to attract and educate students, engage with our communities, as well as promote and further world class research.
- 3) The term "Unit" is insufficiently defined in the proposed policy. For example, does a faculty member represent a Unit? If so, does it mean that a faculty member's university webpage is considered a landing page of a Unit and is a subject to the proposed policy? What about a faculty's research lab page? Many labs have landing pages. Would they also be covered by this policy, or does it apply only to administrative units such as departments? Further, it is not clear on what "locations of the Unit's administrative website other than the main landing page" means, e.g. whether the Regents expect every opinion expressed on faculty web pages to include a disclaimer.
- 4) It is central to the identity of some disciplines to be engaged with current national and world events. This is easy to see in the case of a discipline like the Critical Race & Ethnic Studies (CRES) program, which is intrinsically concerned with the current state of the world. However, all disciplines may, at times, have something to say about controversial developments such as the increasingly widespread use of artificial intelligence or advances in genetic engineering. It is problematic and incorrect, consequently, to propose that a discipline speaks one way on the landing page and another way on some other page. As the faculty and university try to remain relevant to student's lives, they may decide at one time that course schedules are the most pragmatic content facing students, whereas at another time a particular real-world problem is the most relevant and pragmatic content for students. Those decisions must be left to the faculty in a manner consistent with the policies governing academic freedom. As UCAF has already laboriously developed best practices, we would suggest those practices could provide the basis for faculty to decide how to place content on their departmental pages. They could also serve as inspiration for a new policy if the Regents feel the need to create one. Those best practices were developed with a view to assuring that minority views are respected, minorities are not bullied into supporting the majority view and statements are made judiciously after discussion among the faculty of a particular department. We would recommend that any new policy include a procedure for ensuring such protections and standards remain in place.

- 5) We find the carve out for Chancellors, the Chair of the Regents, the President and Senate leadership to make statements in their “areas of responsibility”, problematic. A policy that covers much of the university but allows somewhat contrary behavior from designated members is contrary to the rights of academic freedom. It is not clear where the boundaries of their “areas of responsibility” lie. In recent years, leadership has taken to making statements on a variety of national and local political events. Are these also within the area of responsibility of, say, a campus Chancellor? This seems like a seriously strained argument.
- 6) Reviewing committees raised concerns about the proposed “No Rights of Action” section of the draft policy. The Academic Senate has clearly expressed that policies such as these are an encroachment on academic freedom. If the University is to be preserved, the Regents must be willing to defend faculty speech at the University of California on constitutional grounds.
- 7) It is not clear who will make decisions about what is allowed or not allowed on a landing page, who will make final decisions in the case of a dispute, and how these decisions will be made. Our Committee on Information Technology (CIT) is additionally concerned that the implementation of this policy will be taxing on Information Technology (IT) staff and resources that are already overburdened. The policy gives no guidance in compliance or implementation. As the policy does not define the "official business" of a unit, while also tasking the assurance of policy compliance to each unit administrator, it has created a situation that is either unenforceable or ripe for conflict.

In all, it appears that the Regents are attempting the impossible in distinguishing between the “official business of the University” and “opinions,” particularly when coming up with well-reasoned and carefully thought-out opinions is an important part of the duties of the faculty. Is a statement announcing a group to study “the ongoing genocide in Gaza” an opinion or an announcement of an activity of the University? If it is prohibited as an opinion, what about an announcement of a seminar with the same title; would faculty be expected to begin censoring invited speakers? Is a course on “California and Native Americans: a history of genocide” more acceptable because the opinion implicitly expressed is less controversial? Is a statement that “Physics is for everyone!”, a statement that many people who have taken physics courses may bitterly disagree with, acceptable? The Santa Cruz Division considers the proposed policy unnecessary and potentially detrimental to the UC mission through stifling freedom of speech and adding an unneeded administrative burden.

Sincerely,



Patty Gallagher, Chair
Academic Senate, Santa Cruz Division

cc: Roger Schoenman, Chair, Committee on Academic Freedom
Maureen Callanan, Co-Chair, Committee on Academic Personnel
Susan Gillman, Co-Chair, Committee on Academic Personnel
Alexander Sher, Chair, Committee on Faculty Welfare
Zac Zimmer, Chair, Committee on Information Technology
Gabriela Arredondo, Chair, Committee on Diversity, Equity, and Inclusion
Onuttom Narayan, Chair, Committee on Privilege and Tenure
Matthew Mednick, Executive Director, Academic Senate