



1156 HIGH STREET
SANTA CRUZ, CALIFORNIA 95064

Office of the Academic Senate
SANTA CRUZ DIVISION
125 CLARK KERR HALL
(831) 459 - 2086

April 22, 2024

JAMES STEINTRAGER
Chair, Academic Council

Re: Systemwide Review of Regents Policy on Public and Discretionary Statements by Academic Units

Dear James,

The Santa Cruz Academic Senate has reviewed your request for feedback on the proposed UC Regents Policy on Public and Discretionary Statements by Academic Units, which superseded the previous proposed policy on Use of University Administrative Websites, which the Senate recently reviewed. Our Committees on [Academic Freedom \(CAF\)](#), [Faculty Welfare \(CFW\)](#), [Information Technology \(CIT\)](#), [Diversity, Equity, and Inclusion \(CODEI\)](#), and [Planning and Budget \(CPB\)](#) have responded. The Santa Cruz Division is pleased to find that the new draft of this policy contains some additional clarity in response to questions that were raised in the initial review, and now pulls from guidance on department statements that was drafted by the University Committee on Academic Freedom (UCAF) in 2022,¹ and endorsed by the Academic Council.² However, several overriding concerns continue to be raised around disclaimer statements, compliance and implementation, academic freedom, and the need for this policy when Senate guidelines already exist.

The new proposed policy appears to have been amended in response to many collective critiques. It now clarifies the “unit,” and defines what a department’s “public statement” and “discretionary statement” would be, and what rules apply. It additionally clarifies that there are many elements of our web presence which would not be covered under this policy, such as messages sent to constituencies or the public regarding curricular offerings, traditional mission statements, administrative activities, operations, programs or initiatives, or news and events related to faculty research and teaching, etc. Some of our responding committees applauded the notion that the new policy offers the faculty, individually and collectively, considerably more appropriate latitude to determine how they pursue an academic mission, how they express consensus or dissenting views on matters of importance, and what topics warrant their address in various venues. Still our committees

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

² Academic Council Chair Horwitz to Academic Senate Division Chairs, 6/02/22, Re: Recommendations for Department Political Statements

continue to be troubled by the attempt to keep discretionary statements from a unit's primary homepage, raising concerns that doing so could impinge on access to these statements and for those making statements, and found the requirement to be unrealistic, overbearing, and illustrating a profound lack of comprehension of what our departments do.

As mentioned, the policy now appears to follow some facets of the 2022 Academic Senate recommendations. However, this policy is quite different from a statement of best practices in that best practices allow for flexibility in implementation and recognize the faculty itself as those with the expertise, while a policy is a blanket imposed implementation, which does not represent a process reached through departmental governance in accordance with laws and existing University policy. The first bullet of our March 2024 divisional response to the original review³ highlighted that the purpose of the proposed policy and the problem that it is trying to solve are not clear. Given that the Academic Council has already widely distributed the department statement best practices document, the Santa Cruz Division continues to question the need for this policy. The idea that UC needs a policy to state that faculty must follow the law seems superfluous and excessive.

Several concerns about the proposed requirement for disclaimers were raised. Our committees noted that mandating a disclaimer on every discretionary statement will likely create a situation in which the disclaimers will quickly become a pro-forma component, and thus meaningless. Further, an expectation of regular disclaimers would represent an undue burden on expression that is the University's duty to facilitate rather than encumber.

There remains no clear guidance on implementation or compliance of the policy. Questions remain regarding who will make decisions about what is allowable, and what is not, who will make final decisions in the case of a dispute, and how these decisions will be made. Our Committee on Planning and Budget (CPB) specifically noted that extra staffing will be required for implementation of this policy. Our division continues to raise concerns about how implementation would affect the workload of staff who are already overburdened, particularly those in Information Technology Services (ITS). In addition, the policy does not at all mention what mechanism will be put in place to protect faculty rights and academic freedom.

The Santa Cruz Division opposes any attempt to jeopardize academic freedom. The notion of a policy distinction between "Discretionary Statements" and a unit's "day-to-day, term-to-term operations" seems flawed at its core, defeating the purpose of free academic speech. This policy appears to be part of a larger trend of the Regents asserting authority over concerns that have been historically under faculty purview and is counter to the spirit of shared governance. Rather than address distinctions in types of statements, we propose that the Regents entrust department expression completely and solely, whether discretionary or not, to department faculty.

The intended purpose of this policy is still opaque, whereas the potential chilling effect on academic freedom, dialog, and discussion is clear. As such, the Santa Cruz Division continues to find the proposed policy unnecessary and potentially detrimental to the UC mission through stifling freedom of speech and adding an unnecessary administrative burden.

³ UCSC Senate Chair Gallagher to Academic Council Chair Steintrager, 3/08/24, Re: Proposed Regents Policy on Use of University Administrative Websites

Sincerely,

A handwritten signature in black ink that reads "P. Gallagher". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Patty Gallagher, Chair
Academic Senate, Santa Cruz Division

cc: Roger Schoenman, Chair, Committee on Academic Freedom
Gabriela Arredondo, Chair, Committee on Diversity, Equity, and Inclusion
Alexander Sher, Chair, Committee on Faculty Welfare
Zac Zimmer, Chair, Committee on Information Technology
Raphael Kudela, Chair, Committee on Planning and Budget
Onuttom Narayan, Chair, Committee on Privilege and Tenure
Matthew Mednick, Executive Director, Academic Senate