



THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

UC Legal

March 8, 2022

Office of the President
1111 Franklin Street
Oakland, CA 94607

universityofcalifornia.edu

Dear Members of our Faculty:

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Thank you for your letter of January 4 to several of our Regents. They have requested that I respond to your letter on their behalf. The statements on some University of California campus academic department websites regarding the Israel-Palestine conflict have indeed spurred important conversations at the University about who should speak for the University and on what subjects. The University, including the Academic Senate, is in the process of considering this and related complex questions. In the meantime, this letter is directed to the recommendations of the Academic Senate Committee on Academic Freedom (UCAF).

The thrust of your letter appears to be a concern that UCAF recommendations “grant permission” for campus academic departments to issue or endorse statements on controversial political views. In my view, the recommendations for the most part seek to place conditions on the use of department websites for these purposes, but they do not in and themselves grant permission for such use. Specifically, they require such statements to bear disclaimers and to identify the specific individuals responsible for the views expressed. In this regard, the recommendations are consistent with a key purpose of Education Code section 92000 and UCLA Policy 110, which is to avoid causing individual or departmental expression to be confused with the views of the campus as a whole, or of the University.

The UCAF recommendations also would require departments to allow for the expression of minority viewpoints on their websites—in addition to views on the same subjects (“majority” views) already posted on those websites. Again, the recommendations do not in and of themselves grant permission for the posting of political views, but only require equal time/access when permission otherwise has been granted. Neither Education Code 92000 nor UCLA Policy 110 conflict with this

March 8, 2022
Page 2


recommendation, as those provisions expressly are targeted at the use of the campus or university name without permission.

Campus leaders have broad authority to administer the affairs of the campuses, including management and oversight of department websites. To the extent that the persons controlling the websites carry proper delegated authority, nothing in the provisions you cite currently forbids the type of speech to which your letter is directed. This conclusion is not intended to minimize the seriousness of the issues you raise, and we expect that they will be given due consideration by the Academic Senate as it reviews the recommendations.

With regard to your second question, the UCAF recommendations, if adopted by the Academic Senate, would simply be recommendations addressed to the Administration at each of the campuses, and further action would be required by campus administrators for the recommendations to carry the force and effect of policy.

The Regents thank you for your engagement on these issues.

Very truly yours,

DocuSigned by:

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Charles F. Robinson
General Counsel and Vice President - Legal Affairs