



DATE: March 23, 2022

TO: ROBERT HORWITZ
Chair, Academic Council

**Subject: UC Berkeley Joint Senate-Administration Workgroup Response to the Draft
Recommendations from the University Committee on Academic Freedom (UCAF)**

Dear Chair Horwitz:

In February 2022 Berkeley's Executive Vice Chancellor and Provost established a joint Senate-Administration [working group](#) to examine the role of departments in political and social actions. One component of that group's charge is to respond to the recommendations recently developed by the systemwide Committee on Academic Freedom (UCAF) concerning the ability of academic departments to issue or endorse political statements in the name of the department. That response follows.

We commend UCAF for the extensive thought that has gone into its recommendations, but find that the recommendations proceed from principles concerning corporate speech and the boundaries of the "political" that our working group construes somewhat differently than does UCAF. We will thus begin by responding to UCAF's recommendations, and will go on to offer some thoughts about the framing of the issue and to suggest some guidelines that we believe would be productive in shaping the university's policy on this issue.

The working group believes that members of the faculty, individually or in groups, are always free to express their views and we believe in the value and importance of doing so in certain circumstances. A wide range of outlets exists for such expression, from op-ed articles to social media posts to statements on department websites. **However, after extensive discussion, the group also arrived at consensus that departments as entities cannot validly represent themselves as holding or espousing views on issues, other than announcing their policies and rationales for those policies. Departments wishing to issue statements on issues not directly relevant to their policies should always present those statements as signed by all who support them, even if the support is unanimous among the faculty. When a group desires to make a dissenting statement we believe it should be publicized in a similar way (and on the same platform as) the majority view.** In essence, these points amount to an endorsement of UCAF's recommendation #2, but we arrived at this position via a somewhat different path than UCAF seems to have done.

We recommend that departments be instructed to develop bylaws governing the use of departmental websites. These bylaws would cover in what situations it is appropriate to issue (signed) political statements on the website and the processes of communication and deliberation for arriving at such a statement. We acknowledge that some departments may decide that their websites should not ever be used for statements of this type, and fully endorse that as one option. To aid departments in developing bylaws rapidly and easily, we recommend that the university or the campus formulate a range of possible approaches and make these available to

departments. Guidance for departments and department chairs should acknowledge that speech can cause harm and should include a link to the campus's [Principles of Community](#), which stress freedom of expression and the cultivation of civility and respect for all groups. The working group also advises that such statements should be made thoughtfully and that groups who consider issuing such statements should be conscious of the reputational damage that may accrue to the university. Finally, we would stress that it is never appropriate for groups of department members to issue statements promoting a commercial interest not carried out by the department itself, statements proselytizing for or criticizing any religion or religious belief, or any self-described statements of personal opinion. It is also never appropriate for groups of department members to use university web pages to present statements to campaign for political candidates or influence election outcomes, even if they are statements signed by individual faculty.

Because of the impossibility of defining what is meant or encompassed by the term “political,” we do not believe that UCAF’s recommendation for political statements by departments to include a disclaimer stating that they do not represent the views of the university is practicable. Consider the example of a departmental statement announcing a set of changes to the requirements for that department’s major, which were developed in part to make the program less Eurocentric and more inclusive. Such a change would certainly reflect the preferences of a majority of faculty in the department, who would be likely to regard the changes as a matter of pedagogy and curricular design. But any dissenters among the faculty could be justified in arguing that the changes were motivated in part by political concerns, and that a statement announcing them could therefore also be political in nature. We do not see it as workable to instruct departments to attach disclaimers to statements such as this hypothetical one on curriculum, nor to establish clear terms that allow some other body to distinguish between “political” statements (which would require the disclaimer) and other statements (which would not).

Finally, while UCAF’s recommendations specifically address statements by academic departments, the Berkeley working group is approaching the question more broadly, and aims to develop principles that would govern statements issued also by administrative departments of the campus, which have similar reputational ramifications as well as their own set of complexities.

Thank you for the opportunity to provide our feedback.

Members of the UC Berkeley Joint Senate-Administration Workgroup on the Role of the University and its Units in Political and Social Action

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Minority Statement

In contrast to the views expressed above, we believe that statements on departmental websites are appropriate only when connected to the business of the department and when the statement contains a clear rationale for its relevance to the work of the department. If a department wishes to issue a statement on a topic that does not intersect with its work, the appropriate conduit would be a letter signed by all the faculty who agree with the statement, disseminated as an op-ed article, an email to colleagues, or on social media and not on official university-held channels such as department websites.

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