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*Chair of the Assembly of the Academic Senate  
Faculty Representative to the Regents  
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1111 Franklin Street, 12th Floor  
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August 10, 2016

**PRESIDENT JANET NAPOLITANO  
UNIVERSITY OF CALIFORNIA**

**Re: Academic Council Resolution on Non-Consensual Searches of Electronic Communications**

Dear Janet:

At its July 27, 2016 meeting, the Academic Council discussed the University's policies regarding non-consensual access to UC employees' electronic communications permitted during an internal investigation. Council passed the following motion:

**WHEREAS:**

Shared governance with the Academic Senate is a cornerstone of the University of California; and

The expectation of privacy in internal communications among members of the Senate is fundamental to the effective functioning of the Academic Senate,

**BE IT RESOLVED THAT:**

A search of the electronic records of the Academic Senate, a Divisional Senate, or of any committee thereof without consent is an extreme and excessively intrusive measure. It is warranted only in the most extraordinary circumstances and is to be avoided whenever possible, even if permitted by the Electronic Communications Policy or other University policy. No non-consensual search of such electronic records should be undertaken without notice and consultation with the Chair of the Academic Council, or, in the case of a search involving a Division of the Academic Senate, the Chair of the affected Division.

It is Council's understanding that such searches should be focused and facilitated by keywords that prevent broad and overly invasive access. One potential benefit of such consultation may therefore be further negotiations to resolve outstanding issues concerning non-consensual access and to forge an agreement for consensual access.

Please do not hesitate to contact me if you have any questions or concerns about this resolution.

Sincerely,

*J. Daniel Hare*

J. Daniel Hare, Chair  
Academic Council

Cc: Academic Council  
Chief of Staff Grossman  
Senate Director Baxter  
Senate Directors