

Remarks to the UC Board of Regents

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At the Regents retreat in fall of 2022, a Board member during a breakout session wondered about the origin of the term “regent.” Given my expertise, I was able to explain that “regent” is a noun formed from the present participle of the Latin verb *regere*, meaning “to rule.” The word shares the same root as *rex*, that is, king. “Chancellor,” has somewhat less illustrious roots: the Late Latin *cancellarius*: secretary, doorkeeper, or porter. As for myself, as Chair of the Academic Senate, I am designated a figure of speech known as a metonym: I take my title from something close to me; that is, “chair” by virtue of sitting on one—and presumably a relatively important one. I am also here today as Faculty Representative to the Regents, and representation is one of the most vexed topics in political philosophy. Jean-Jacques Rousseau, for example, concerned that authentic political representation was impossible—that one person could never adequately stand in for another person, let alone for a group of other people—sought various ways to make the general will and individual wills in a polity seamlessly coincide.

In my remarks I want to bring to the fore an issue of representation. On the agenda for today’s meeting is a proposed policy that would, if adopted as written, bar the expression of faculty opinions, as individuals or as groups from official channels of University communication, including but not limited to the landing pages for departmental websites. My understanding is that everyone, including legal counsel, agrees that individuals working for the University and collectives within the University have the *right* to express opinions, including political opinions. Yet, the fact that official University channels of communication can be legally used for such, potentially runs against the University’s equally legal assertion of control over the channels of communication it owns—that the Regents own. It also may run against the constitutional requirement that the University demarcate the tightly circumscribed sphere of official University political opinion from views expressed individually or collectively without University endorsement. This is one reason why in its official recommendations on departmental political statements, the Senate holds that there are several possible downsides to departments making statements and that if departments do make statements they should mitigate not only risks to faculty who hold minority views, to those with less institutional power, and so forth, but also the risk that someone might take these views to be the official ones of the University. There should be a clear indication of who is speaking and that this who *is not the University*.

I am well aware that not all departments and centers that have posted “opinions” on their websites have followed the Senate’s recommendations and that recommendations rather than policy might appear weak medicine in fraught times. Medicine is an apt metaphor for the proposed Regental policy. The policy remarks an ill: that the public coming across “opinions” on departmental websites might confuse these with the University’s official views. It proposes a cure for this ill: cut them out entirely. However, if confusion is the problem, wouldn’t simply insisting on a disclaimer have the required effect? Although I have made a surgical reference, I think an equally appropriate one might be pharmaceutical: here is the medicine that will fix you. But let’s be clear on some of the possible side effects: the migration of political statements from official channels of communication to private websites and the like; limit testing; enforcement and policing challenges; decreased tolerance from faculty for Regents as well as chancellors and other administrators disseminating what we deem political views; interest from

outside parties and provocateurs in calling for the removal of “opinions” on UC webpages in areas such as DEI, climate science; and so on.

As Chair of the Academic Senate I was consulted as the proposed policy was crafted and partially brought into the loop. But as recently as yesterday, I heard confusion at the highest levels of the University as to what the proposed policy entails: banning “opinions” from all parts of a department or center website, or only the landing page. Here is *my* representation problem: I can and have provided to the Board my informed opinion of what I think faculty think about the matter and about the policy. I know from my email inbox that some of my colleagues are very much in favor of protecting the ability of departments to make statements and that others are very much opposed. I know from conversation that many have reservations about statements, but don’t think a ban is a sensible or defensible way to proceed. I don’t believe that I can effectively represent the faculty—including representing differences within the faculty—without a policy recommendation of this sort going out for review *by the faculty*. I understand there is a sense of urgency and, indeed, a sense of affront that must be addressed in short order. Taking the time to broadly consult would be, however, institutional wisdom. I know that Regental policy need not go out for systemwide Senate review. That does not mean that it should not or that the results will not be clarifying. Without turning to the lessons of history proper, literary history cautions that mad kings who ignore counsel destroy their realms.

Let me turn now to the recent formation of the Presidential Task Force on Instructional Modalities and UC Quality Undergraduate Education. The Academic Senate has for at least a decade considered how online learning should fit into a UC education. The Regents have also entertained this topic. In 2013, there was a claim that “online education could provide a way for UC to educate more students” balanced with the emphatic statement “that the quality of online courses must be equal to traditional courses.” So said Regent Emerita Sherry Lansing. Lansing further considered that online education, pursued responsibly, “would increase access and diversity” and, more cautiously assured that UC’s online program “would be constantly reevaluated.” In the same meeting, Regent Newsom stated that: “Advances in technology will affect higher education profoundly and UC must embrace this change thoughtfully and strategically.” Two other Regents noted that students did not seem to have been adequately queried as to *their interest* in online education and that through informal consultations, they learned that students “would view a plan to have the first two years of a UC education be fully online as a degradation of their education.” Quality, access, diversity, technological change, campus experience beyond coursework, money—both the promise of revenue generation and the cost of providing high quality education—all these have remained constants of the conversation.

As the Senate has pushed these conversations forward, it has not been without occasional frustration with the lack of guidance from the Administration on big issues that can make online degrees a success or a failure. The creation of the Presidential task force promises an answer to this frustration: truly joint efforts to move the UC quality conversation toward action and to make data-informed recommendations. I believe there has been a certain anxiety that the Senate would attempt to stack the task force with a bunch of technophobic curmudgeons. As it happens, these are much harder to find than you might think. Instead, as I have sought faculty representatives for the group, I have found: colleagues doing profound research on the impact of online education on diversity; faculty who have found teaching in hybrid modalities is the most effective pedagogy for their discipline and have

developed guidance for others who would like to experiment; faculty who have gone from “traditional online” to experimentation with virtual classrooms. These are colleagues at the cutting edge of educational research and pedagogical innovation. No surprise here—it’s the University of California.

Make no mistake: I am not suggesting that all is sweetness, light, and techno-utopia. A short list of concerns includes: online courses currently offered at UC that do not meet our quality standards; inadequate training for faculty and adequate resources for such training, for technological support, and for hiring Teaching Assistants who will assist with student engagement—all real costs attached to quality that are also opportunity costs incurred at the expense of in-person instruction. There are also access concerns that cut both ways: more course access through online, but also a lack of access to campus social life, research opportunities, mentoring, cultures of learning. Data reports show these negative aspects may be most acutely felt and most damaging for first-generation students, lower-income students, and underrepresented groups. And, above all, I hear concerns about the consistently lower persistence and completion rates for students in online programs. These and other concerns fuel a warranted and healthy skepticism.

Yes, we are UC, but to think that we can succeed where others have faltered and failed simply because we’re UC is, in my view, institutional hubris. That, I will remind you, is the driving impulse of Greek tragedy: pride that blinds. But since I’ve already made a reference to tragedy, let me change things up and also tie things together. I understand the proposed website policy is in part about protecting the reputation of the University and, to put it more corporately, about protecting the brand. Now, lively political exchange, free speech, and protest could be your brand and be a successful brand at that, as one of our campuses in particular has shown. As we move into the world of new instructional modalities, I suggest we heed the words of Regent Newsom: let us do so “thoughtfully and strategically.” Let’s continue to protect that brand. It will be a shame if we need to change our motto from “Fiat lux” (“Let there light”) to “Caveat emptor” (“Let the buyer beware”).