

Remarks to the UC Board of Regents

James Steintrager, Chair of the Academic Senate

November 15, 2023

Thank you, Chair Leib. Let me start with a relatively non-controversial topic: money. In my September remarks, I spoke of *competitive* total remuneration—with emphasis on *competitive*. With whom do we compete at UC? Going by traditional metrics, UCLA and Cal rank top out of public research universities and compete with those above them, namely prestigious private research universities. But this is really the case for all our campuses. Faculty at UC are dedicated to the public missions of the University and take great pride in this. We are not, however, institutional loyalists the way that, say, alumni often are. As disciplinary creatures, we are always thinking outside of our own institutions, and we seek recognition from and compare ourselves to colleagues in the field more so than on our own campuses.

Indulging in a little amateur sociology, I would add that the pandemic has loosened some of those institutional and geographical ties. We can choose to take advantage of this situation—or be taken advantage of. What do I mean? Often monkish in our research pursuits, faculty are, alas, susceptible to material temptations. We, along with policy covered staff, have taken note of the percentage gains in salaries of represented employees. We have felt the effects of inflation. Housing is expensive for us too. Many of us have recently seen substantial increases in the cost of health benefits. The UC Retirement Plan, at least for relative newcomers, no longer works as well as it once did to keep us put, and thereby hangs a tale.

I am not saying that faculty aren't remunerated better than many at the University. I am saying that it is in the interest of the institution to be not simply *fair* but *competitive* when it comes to faculty remuneration. Who leaves when we lose the national and international competition for scholars and artists? Our best researchers and most imaginative creators. Who *can't* we attract? The same. If we are not competitive, we will also fail to retain those faculty who contribute most to our diversity efforts—those whom we have sought to recruit. Let me be clear: quality and diversity are very much overlapping categories. Moreover, for those who stay, failure to provide competitive remuneration is a significant climate issue. Bottom line: now is a good time to support faculty salary increases; now is not a good time to increase employee contributions to the retirement plan.

Now let me move to more controversial matters. The conflict in Israel and Palestine has roiled campuses across the country. Watching university leaders attempt to rise to the communicative challenges of the situation brings to mind a line from Alexander Pope's poem "An Essay on Criticism" (1711): "Fools rush in where angels fear to tread." Let me now join the fools, since as chair of the Academic Senate, I feel that I must. As a literary historian and, at least temporarily by dint of my position, an institutionalist, I will refer to the institutional archive to present, broadly, the Senate's take on this fraught moment.

In 2017 and in response to controversial speakers on campuses, the use of the so-called heckler's veto and calls for "de-platforming," the Academic Senate's University Committee on Academic Freedom released a statement on "the free exchange of information." In the accompanying letter, the chair of that committee rebutted the notion that "the appropriate response to discomfiting, offensive or inconvenient arguments is to suppress them, to refuse to give them a chance to be heard." This muscular defense of freedom of expression was, however, immediately tempered: "While we understand that the expression of some opinions and arguments can be *deeply distressing* to certain

audiences, it is vital to the mission of the university as an institution dedicated to the pursuit of truth, knowledge and understanding that it allows all viewpoints and opinions—so long as they do not constitute harassment or rise to the level of incitement of illegal activity—to be expressed and considered” (<https://senate.universityofcalifornia.edu/files/reports/JC-JN-statement-on-free-exchange-of-information.pdf>).

A year later and in response to a UC Student Association letter on free speech and hate speech, the University Committee on Academic Freedom seemingly backed off from its previous characterization of some speech as merely “deeply distressing to certain audiences” and shifted to the more powerful position that “hateful speech can cause *real harm* to communities, and to individuals and groups within them, particularly when it is amplified by social media.” At the same time, the committee doubled down on its “support for constitutionally protected freedom of speech and academic freedom,” once again rejecting the heckler’s veto and de-platforming. The balancing act had become: on the one hand, assert rights and freedoms, as well as their crucial role in the academy; on the other, challenge those who express hateful views and views that “stigmatize the scientific methods and the humanistic modes of inquiry on which the educational enterprise depends,” neither of which are “in sympathy with the purpose of the university.” In the 2018 documents, the Senate taxes “UC campus administrations, in their role as stewards of entire university communities” with “an obligation to condemn in explicit terms any hateful speech expressed on campus.”

(<https://senate.universityofcalifornia.edu/files/reports/SNW-UCSA-UCAF-Freedom-of-Speech-and-Hate-Speech.pdf>).

The written record of Senate positions on campus speech is extensive. Unsurprisingly, the chief continuity among those records is a general and emphatic assertion of freedom of expression not only as a constitutional right but also and importantly as an essential feature of university life, culture, and learning. This assertion of freedom of expression is often mentioned adjacent to academic freedom—the freedom within the institutional context to pursue research and teaching untrammelled by, e.g., political restrictions. It is sometimes conflated with academic freedom. At other times treated as itself a potential constraint on academic freedom.

There has also been a consistent recognition that free expression can do harm and do so while remaining strictly within legal bounds. Within this continuity there is a trend from what we might call, retrospectively, a minimizing assessment of harm and one mainly limited to students—they might find some expression “disturbing” or “discomforting”—toward invocations of, for example, the need for safe learning and living spaces, lasting psychological impacts, and historical trauma.

And I must add that voices that reject robust defenses of free expression on UC campuses appear to be growing within the Senate. The latter view, nevertheless, still appears very much in the minority as far as the Senate is concerned. Much more broadly shared and asserted is what we might call the rights-versus-responsibilities model. Yes, one may have the right to say much, but we must also strive to speak responsibly, to challenge bias and eschew hatred, to aim for civil engagement even while loudly protesting.

It is the rights-versus-responsibilities model, for example, that informs the Senate’s published guidelines on departmental political statements, including statements on websites (<https://senate.universityofcalifornia.edu/files/reports/rh-senate-divs-recs-for-dept-statements.pdf>).

Those guidelines, which I recently redistributed to Academic Senate chairs on the campuses, do not encourage departments to make statements but assert that they have the right to make such statements; they further explain how departments that post statements may do so responsibly and in ways that mitigate potential harms. For instance, we recommend a clear disclaimer explaining that the statement does not represent an official University position.

The rights-versus-responsibilities model is hardly the Senate's alone. It underpins the recent statement by our president and chancellors against bigotry, intolerance, and intimidation. It also underpins Regents Policy 4403: Statement of Principles Against Intolerance, approved in 2016, and to which the president's and chancellors' statement refers. Regents Policy 4403 unequivocally upholds First Amendment and academic freedoms: "Freedom of expression and freedom of inquiry are paramount in a public research university and form the bedrock on which our mission of discovery is founded. The University will vigorously defend the principles of the First Amendment and academic freedom against any efforts to subvert or abridge them." But it also tempers that unequivocal defense with an equally unequivocal rejection of bias, a reminder of the types of discrimination that the University prohibits, and exhortations on behalf of "mutual respect and civility within debate and dialogue." That this balancing act is unlikely to please everyone almost goes without saying. As far as I can tell from the record, it is still the best place we can get to institutionally.