

**Council of Faculty Senate Presidents**  
Statement to the Kansas Board of Regents  
May 14, 2014

As the Council of Faculty Senate Presidents, it is our responsibility to express to the Board the concerns of the faculty we represent. When the Social Media Policy was introduced in December, we recognized that connecting terminations to faculty speech was extremely problematic, and we requested an opportunity for input and collaboration prior to its passage. This request was denied.

When the newly enacted policy predictably generated national attention and widespread controversy, we were pleased with the Board's willingness to form a Work Group and revisit the policy. In light of the considerable distraction and backlash created by the policy, we requested a suspension of the policy pending the Work Group's recommendations. This request was also denied.

When the Work Group's extensive research failed to identify any university in the nation with a similarly punitive policy, we were hopeful that the widespread and enthusiastic support for the Work Group recommendations would persuade the Board to adopt an advisory policy that would align Kansas with best practices within higher education. Up to this point in the process, this request – like the others before it – has been denied.

Today, we stand before the Board, once again reiterating our unanimous opposition to the chilling effect created by the punitive aspects of this policy. Although we appreciate the creation of the Work Group, and the Governance Committee's adoption of considerable portions of the Work Group proposal, we fear that the most important point continues to be ignored. That point is this: a university system cannot properly function when external groups are allowed to influence university personnel decisions whenever they find certain speech to be objectionable. Because the punitive aspects of this policy create precisely this "heckler's veto" scenario for controversial speech, we must once again respectfully request that the Board reconsider its determination that the disciplinary aspects of this policy are necessary and desirable.

In conclusion, we accept the premise that the Board has acted in good faith and has endeavored to act in the best interests of the Regent's universities. While we accept this premise, we disagree with the Board's analysis of the universities' best interests. In recent years, we have been asked to become more efficient, we have been asked to do more with less, we have been asked to undergo post-tenure review, and we have been asked to improve our standing among our peers across the nation. Believing that our advocates have our best interests at heart, we have willingly embraced all of these challenges, and have already begun to succeed on many fronts. Yet, there are certain rights and responsibilities that are non-negotiable. However expedient it may seem at the time to surrender these cornerstones of the academic mission, there are certain principles that cannot be bargained away, because once they are conceded, the integrity of the entire enterprise is compromised. The freedom to speak without fear of reprisal is perhaps the ultimate example of a principle with which we are not at liberty to experiment and this is why we continue to oppose the punitive aspects of this policy. This policy will continue to be plagued with controversy and opposition as long as it exists.

Because of these imperative principles, and because of practical concerns that this issue will continue to pose a distraction and a drain upon precious time and resources, we once again respectfully ask the Board to adopt the Work Group recommendations in their entirety.