

October 1, 2006

Guidelines for Public Comment by CANR Faculty and Staff

As experts in their fields, CANR faculty and staff are frequently asked to make public comment on issues of public, and sometimes, legislative concerns. For the same reason, they are also frequently approached by members of the media to comment on news-related matters. In addition, faculty and staff often exercise their prerogatives as citizens by making public comment, either orally or in writing, about issues of personal interest.

Because of these circumstances, questions occasionally arise about university or college policies and/or guidelines regarding public comment. The most relevant University policy is expressed in the MSU policy on academic freedom. See <http://www.hr.msu.edu/HRsite/Documents/Faculty/Handbooks/Faculty/UnivPolicies/Univ+Pol+-+ACADEMIC+FREEDOM.htm> Note the following section from that policy:

*“College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are NOT speaking for the institution.”*² (Note: Emphasis added.)

Terry Denbow, MSU VP for University Relations, comments specifically on this matter:

“As a private citizen, one has the right to speak on matters of personal interest, and one's professional expertise obviously is sometimes attendant to an issue at hand. However, one must never use a university-affiliated role, facility, graphic identity or title to advance a private cause. Indeed, in cases like this, I think one must be proactively clear—in communicating with media and others—that she/he is speaking as a private advocate, albeit one with special expertise.” (Note: Emphases added.)

Please find reprinted here an especially good example of how a university—Virginia Commonwealth University Health System, in this case—regulates public comment on legislative and budgetary matters.

² "1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments," AAUP Policy Documents and Reports, 1995.

VIRGINIA COMMONWEALTH UNIVERSITY/ VCU HEALTH SYSTEM
PUBLIC POSITIONS ON LEGISLATIVE AND BUDGETARY ISSUES
FACULTY AND STAFF PUBLIC COMMENT ADVISORY

The purpose of this advisory is to help faculty and staff deal with requests for public comment on legislative and budgetary matters. At the outset, it is important to emphasize that VCU and the VCU Health System respect the right of employees to communicate with government officials and others on matters of public policy. This advisory is designed to clarify roles and responsibilities and contemplates two general situations: first, requests for public comments from faculty and staff in their individual capacities or as members of outside organizations; second, requests for public support from the University or Health System.

With respect to the first situation, there is a tendency for people who hear or receive comments from faculty and staff to believe that if a person identifies himself as an employee of VCU or the VCU Health System that he is speaking on behalf of or with the approval of his employer. That is often not the case. In fact, the President of VCU, who also serves as President of the Health System, must approve official University or Health System positions. Accordingly, when faculty or staff testify as individuals or as representatives of an organization other than VCU or the VCU Health System, we request that they inform their audiences that their comments are not intended to represent the views of the university or health system. A simple caveat at the beginning of written or oral comments that states, "I am not representing the views of Virginia Commonwealth University [or the VCU Health System]," will suffice. Following this procedure will insure that faculty and staff can feel free to offer testimony. It will alleviate any concerns that their statements will be wrongly construed to be official positions of the University or Health System.

Faculty and staff not testifying on behalf of VCU or the VCU Health System should refrain from using University or Health System stationery to express their views. Likewise, faculty and staff are encouraged to adhere to University and Health System policies relating to the use of equipment, including but not limited to email, facsimile, and telephones. In addition, if testimony is given during a faculty or staff member's normal business hours, he should consider whether it is appropriate to utilize annual leave while away from the workplace.

With respect to the second situation, if faculty and staff believe it appropriate, they are encouraged to communicate in writing to their deans and/or department chairs any request for the University or Health System to publicly support a specific legislative or budgetary proposal. It would also be helpful to provide a recommendation with supporting reasons in any such communication. The dean or department head will determine if the matter should be referred to their vice president for further review and action. The vice president will, in turn, decide whether to forward the request on to the president for approval.

In the event a request for University or Health System public support is received with a response time of less than five business days, in addition to a department chair, dean or vice president, contact with the Office of the Vice President for Government Relations and Health Policy would be appreciated.

This advisory was developed in consultation with the leadership of the VCU Faculty Senate, which understands and supports the objectives of the advisory.