

**UNL Faculty Senate Guidance  
for Faculty for Engagement with Legislature and Other Governmental Bodies  
November 1, 2023**

**Purpose of the document**

This document is meant to be advisory in nature and provide faculty with guidance about speaking in front of the Nebraska State Legislature and other elected bodies and government agencies. Its purpose is to provide guidance in accordance with university policies related to speaking to governmental agencies. It is informed by the tradition of academic freedom and faculty speech.

**AAUP definition of academic freedom**

[Academic freedom is an essential right of faculty members](#) in addition to the First Amendment rights guaranteed to citizens by the United States Constitution. According to the American Association of University Professors (AAUP):

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

AAUP further defines academic freedom in the following ways:

1. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.<sup>4</sup> Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.
3. 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.

**Free speech rights of faculty**

The AAUP affirms that faculty retain the right to speak about matters of public concern, even when their views are controversial. Such statements outside of their formal roles as faculty are known as extramural speech. The AAUP states that faculty retain the right as “university teachers

to express their opinions freely outside the university or to engage in political activities in their capacity as citizens.” Such extramural speech includes both spoken and written words. Faculty members who engage in such extramural speech as citizens “should be free from institutional censorship or discipline.” AAUP tempers this statement with an urge for appropriate restraint “befitting their role as scholars when engaging in such extramural activities.” The UNL Faculty Senate has outlined a [code of ethics and conduct for faculty](#) and staff that provides additional guidance in this area.

## **Guidance**

Nebraska University’s [Executive Memorandum 2](#) names the NU vice president for external relations as the official representative for the entire university system to the governor’s office, the Nebraska Legislature, agencies of the state, Congress, and federal agencies. However, faculty may engage with the elected officials and elected bodies at the local, state, and federal levels, along with other governmental agencies and entities.

We believe it is important to distinguish the rights and responsibilities faculty have when doing so in their official role as a faculty member and when doing so as a private citizen.

### ***Speaking on Behalf of the University of Nebraska***

Faculty may be asked by the University of Nebraska senior leadership team to engage policymakers on a specific matter. In this case, you will coordinate with the UNL or NU Office of Government Relations.

### ***Speaking on Behalf of Yourself as a Private Citizen***

Faculty are free to and have the right to engage with local, state, and federal elected officials and governmental bodies as private citizens, outside of an official university capacity. In some cases, faculty engagement with these individuals will not include areas of expertise faculty have based on their education and research. In this case, faculty *need not identify themselves as employees of the University of Nebraska*. Faculty are reminded that such activities should occur on their own time, and they should not use university resources (i.e., letterhead or university email accounts, computers and phones) to do so.

In other cases, as a private citizen, faculty may wish to offer their expertise based on their education and research and to make their personal opinions publicly known in a variety of platforms. These could include but are not limited to testifying at the legislature and other elected bodies and writing letters to editor. In this situation, faculty are reminded that:

- When testifying before the legislature or other elected bodies, employees should explicitly state that they are speaking as an individual, they are not representing the official position of the University of Nebraska and are not engaging with state officials while in an official capacity.
- Employees engaging in policy advocacy as private citizens should do so on their own time and should not use university resources (i.e., letterhead, and university email accounts, computers or phones) to do so.

### *Faculty Speech as Service*

As part of faculty's service apportionment, faculty may engage in activities such as serving as an expert witness, submitting written legal testimony, and other work that combines scholarly activities with outreach. In some disciplines, legal briefs and testimony serve as scholarly works as well as being considered service. Such activities are likely to be listed on a faculty member's CV. In this case, faculty members should be careful to identify themselves and to speak as an individual and provide factual information based on their expertise. Faculty involved in these activities may use university resources (email accounts, computers, library resources) but may not use letterhead or other resources which give the appearance of speaking on behalf of the institution.

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