

UNH FACULTY SENATE  
MOTION # XXI-M8  
*on right-to-know requests*

1. Motion presenter: Allison Wilder, on behalf of the Agenda Committee

2. Dates of Faculty Senate discussion: 2/20/2017, 2/27/2017

**3. Rationale:** Judicial Watch's right-to-know request challenges the rights to free speech and scientific inquiry at the core of the university's mission. Scientific inquiry, a form of free speech, thrives in an environment in which ideas are nurtured and tested. Personal political expression by students and faculty in the marketplace of ideas thrives within the university. The protection of free speech has its constitutional basis in the First Amendment. The release of faculty e-mails has a potentially chilling effect on all these rights.

The Faculty Senate does recognize that right-to-know laws rest on the principle that transparency and openness in the operation of public agencies is a societal good. State and federal right-to-know laws facilitate the ability of citizens to request appropriate information from public agencies, including a state university. The New Hampshire state constitution, in particular, enshrines the principle of open and transparent government.

These two principles – the right to free speech and scientific inquiry, and the desire for openness and transparency in public agencies – sometimes can be in tension. Recognizing this tension, the Faculty Senate moves as follows:

**4. Motion:**

**1) While some e-mails sent by university employees are demonstrably reflective of the conduct of the university's business, some are demonstrably not and some fall in between. The Senate expects the administration to take utmost care in ensuring the narrowest possible release of information based on the university's paramount concern to protect free speech and scientific inquiry, whether it concerns faculty, staff, or students.**

**2) The Senate encourages faculty leadership and administrators to work together to educate the UNH community about the potential for public disclosure of electronic communications transmitted via the university's network.**

**3) Academic departments and programs, in particular, must be cautioned against the use of university resources to advocate a partisan political position, i.e. to advocate on behalf of a political party or candidate.**

**5. Senate action: The motion passed, with 59 in favor, 4 against, and 0 abstentions.**

6. Senate chair's signature: \_\_\_\_\_



Forwarded to the following on March 21, 2017

President Mark Huddleston

Provost Nancy Targett

P.T. Vasudevan, Senior Vice Provost for Academic Affairs

Ron Rodgers, USNH General Counsel and Secretary

All college deans

All chairs of academic departments