



HLC Accreditation 2016-2017

Evidence Document

Faculty Senate

WSU Implementation of the Kansas Board of Regents' Policy on Social Media

Additional information: See also the Minutes for the Faculty Senate Meeting, April 27, 2015 available at:
<http://webs.wichita.edu/?u=facultysenate&p=/m42715/> (accessed August 12, 2015)

KBOR's Social Media Implementation at WSU

The following procedure shall be used to address the alleged improper use of social media as defined in the KBOR Social Media Policy (Chapter II F Section, 6) and will apply to any non-student employees in any constituent group (university support staff, faculty, or unclassified professionals), in a manner consistent with First Amendment Constitutional rights and academic freedom principles (<http://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>)

1. The University President or President's delegate identifies an incident that potentially violates the KBOR's Social Media Policy and the employee involved.
2. The determination of whether a violation has occurred is made by the President or President's delegate with the advice of legal counsel.
3. If it is determined that a violation has occurred, the University President or President's delegate
 - a. notifies in writing the employee of such allegation, and
 - b. forms an ad-hoc Committee of Peers to determine the severity of the infraction and to make recommendations as to the resolution of the matter.
 - i. The Committee of Peers will be composed of 5 members
 1. three members appointed by the President of the constituent group of which the affected employee is a member;
 2. two members appointed by the Presidents of the other two constituent groups of which the affected employee is not a member; one from each group

Thus, for example, if the affected employee is a member of the faculty, then three faculty members and one university support staff plus one unclassified professional would be members of the committee.

The constituent groups will determine selection of potential members of the committee. Employee may request replacement of any member due to conflict of interest.

4. The University President or President's delegate charges the committee to review the incident.
5. The committee investigates whether the incident violates the KBOR policy and makes written recommendation whether a disciplinary action should be taken to the President or President's delegate within 30 calendar days of receiving the charge.
6. The University President or the President's delegate makes the final determination on a disciplinary action. This procedure assumes that the committee's recommendations will generally be accepted, or modified only for compelling reasons.

In cases where an employee is suspected of improper use of social media use of the procedure described in the *WSU Policy & Procedure Manual*, *Policy 4.23: Dismissal for Cause* will be used for all faculty members; *Policy 6.12 / Disciplinary Action and Termination* for unclassified professionals; and *Policy 7.12 / Disciplinary Actions, Counseling, and Guidance* for university support staff.

This procedure shall not preclude a university employee from using formal grievance procedures adopted by other university policies whenever they are applicable. Individuals assigned to the Committee of Peers are exempt from serving on any related grievance or termination committees.

NOTE: The official policy shall reside in one location. Since it will apply to all employees it should be maintained in the Procedures and Policies Manual. Handbooks can refer and link to the appropriate PPM section.

(Excerpt from: Kansas Board of Regents Policy, Chapter II F Section, 6, item b.3-4):

3. The United States Supreme Court has held that public employers generally have authority to discipline their employees for speech in a number of circumstances, including but not limited to speech that:

- i) is directed to inciting or producing imminent violence or other breach of the peace and is likely to incite or produce such action;
- ii) when made pursuant to (i.e. in furtherance of) the employee's official duties, is contrary to the best interests of the employer;
- iii) discloses without lawful authority any confidential student information, protected health care information, personnel records, personal financial information, or confidential research data; or
- iv) subject to the balancing analysis required by the following paragraph, impairs discipline by superiors or harmony among co-workers, has a detrimental impact on close working relationships for which personal loyalty and confidence are necessary, impedes the performance of the speaker's official duties, interferes with the regular operation of the employer, or otherwise adversely affects the employer's ability to efficiently provide services.

In determining whether the an employee's communication is actionable under subparagraph iv, the interest of the employer in promoting the efficiency of the public services it performs through its employees must be balanced against the employee's right as a citizen to speak on matters of public concern.

4. When determining whether a particular use of social media constitutes an improper use, the following shall be considered: academic freedom principles referenced in subsection b.2., the employee's position within the university, whether the employee used or publicized the university name, brands, website, official title or school/department/college or otherwise created the appearance of the communication being endorsed, approved or connected to the university in a manner that discredits the university, whether the communication was made during the employee's working hours or and whether the communication was transmitted utilizing university systems or equipment.

Motion to approve the Policy as amended. Approved.r.
Minutes for the Faculty Senate Meeting - Monday, April 27, 2015
<http://webs.wichita.edu/?u=facultysenate&p=/m42715/>