

Whereas the upper administration is requiring designated employees to sign a “Morehead State University CONFIDENTIALITY UNDERSTANDING” because “employees in certain positions at Morehead State University are subjected to information that otherwise may be confidential”;

Whereas the “Morehead State University CONFIDENTIALITY UNDERSTANDING” specifies the “information may come from observation, from hearing conversations, or from documents or materials to which the employees come in contact”;

Whereas the “Morehead State University CONFIDENTIALITY UNDERSTANDING” secures its “confidentiality understanding” by citing the “Confidentiality of Information” section of [PG-61](#), “Ethical Principles and Codes of Conduct”;

Whereas the “principles and codes of conduct” outlined in PG-61 apply to “Each member of the University,” who is required to “Maintain confidentiality in all matters deemed confidential by either University regulation and/or state/federal law”;

Whereas protecting information “deemed confidential by either University regulation and/or state/federal law” (PG-61) is a general expectation at Morehead State University, not a “job assignment” for “certain positions,” nor a “duty [that] extends beyond” an employee’s “employment”;

Whereas [KRS statute 164.348](#) (“Campus Free Speech”) requires postsecondary institutions to protect “the fundamental and constitutional right of all students and faculty to freedom of expression” (2a) by granting “students and faculty the broadest possible latitude to speak, write, listen, challenge, learn, and discuss any issue” (2b);

Whereas the last sentence of the second paragraph of the “Morehead State University CONFIDENTIALITY UNDERSTANDING” —“Idle chatter and gossip is not in the best interest of employees or the institution” —is an unattributed opinion, not a statement of fact or policy;

Whereas “idle chatter and gossip” are not regulated “by either University regulation and/or state/federal law”;

Whereas the document does not describe what is considered to be “idle chatter and gossip”;

Whereas KRS statute 164.348 section 2c specifies postsecondary institutions must commit to “maintaining a marketplace of ideas where free exchange of ideas is not suppressed” where speech is not prohibited, even when “some or even most of the members of the institution’s community” find that speech “to be offensive, unwise, [or] disagreeable”;

Whereas the institution’s own [PG-65](#) (“Campus Free Speech Protection”) states the “University maintains a marketplace of ideas where the free exchange of ideas shall not be suppressed because an idea put forth is considered offensive, unwise, disagreeable” in order to “protect

the fundamental and constitutional right of all University students and faculty to freedom of expression”;

Whereas a “CONFIDENTIALITY UNDERSTANDING” that **suggests** a “personnel performance issue” for “idle chatter and gossip” the administration deems offensive, unwise, or disagreeable could **appear to threaten** a hostile work environment that quells dissent and subverts whistleblower protections;

Therefore be it resolved that Faculty Senate does not endorse the use of the “Morehead State University CONFIDENTIALITY UNDERSTANDING” *for any employee* because the “UNDERSTANDING” is overbroad, vague, and allows for viewpoint discrimination. The prior constraint it imposes on campus members’ ability to discuss “nonpublic University business” infringes upon the whistleblower protections afforded all public employees in the Commonwealth of Kentucky.

Faculty Senate urgently requests that any “CONFIDENTIALITY UNDERSTANDING” signed by a faculty or staff person be immediately rescinded. Proper protections for confidentiality are already specified in PG-61. Targeted employees should not have to sign away the rights they possess as citizens in the guise of upholding an institutional policy that already applies to “Each member of the University.”