

1 Whereas signing an administratively drafted confidentiality agreement is a precondition for all
2 hiring on campus as of Spring 2022;

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4 Whereas the administratively drafted confidentiality agreement imposes prior ~~constraint~~
5 restraint on an employee's ability to discuss any aspect of a search or hiring practice, including
6 the employee's personal experience;

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8 Whereas confidentiality agreement signatories are obliged to acknowledge: "I understand that
9 if I breach any of these confidentiality obligations or fail to act in a professional manner, I may
10 be subject to disciplinary action";

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12 Whereas the possible "disciplinary action" in this administratively drafted confidentiality
13 agreement infringes on the whistleblower protections afforded all public employees in the
14 Commonwealth and threatens punishment for disclosures that would comprise an EEOC
15 whistleblower complaint;

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17 Whereas the administration's stated justification for the broad imposition of a confidentiality
18 agreement in Spring 2022 is a Fall 2021 open forum Senate discussion the administration
19 designates a "search committee leak";

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21 Whereas the administrative response to an undefined "leak" was a closed-door meeting with a
22 faculty member denied AAUP representation who was informed: "The university has revised
23 the confidentiality agreement that search committee members must sign before participating
24 in searches to make these issues clearer, but they also apply to other university employees who
25 are not actually serving on search committees";

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27 Whereas the institution already has an official articulation of "principles of codes and conduct"
28 regarding confidentiality that applies to **all** university employees, those serving on search
29 committees as well as "other university employees who are not actually serving on search
30 committees": PG-61;

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32 Whereas the Faculty Senate has attempted to address substantive concerns with the
33 confidentiality agreement in open conversation on the Senate floor, working through channels
34 of shared governance to propose viable solutions the "issues" articulated by the administration;

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36 Whereas the confidentiality agreement requirement impels employees to choose between
37 their right to freedom of expression and their department or area's ability to be
38 administratively approved to hire;

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40 Whereas the confidentiality agreement indirectly limits search committee memberships while
41 imposing prior constraint on employees not on search committees who are purportedly bound
42 by the "clarification" in the confidentiality agreement itself, which is said to apply to all
43 employees;

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45 Therefore, be it resolved Faculty Senate urgently requests that any search committee
46 confidentiality agreement signed by an employee ~~in~~ Fall 2020 through Spring 2022 be
47 immediately rescinded and that no more agreements be signed. Proper protections for
48 confidentiality are already specified in PG-61. Employees should not be constrained by overly
49 broad designations of confidentiality that do not allow employees to speak independently from
50 the administration.