

The Performance of Argument in University Free Speech Legislation: Lessons for University Leadership in Public Communication

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1. Summary Recommendations for Engaging in Public Advocacy for Higher Education

- Develop long term strategies to communicate the value of higher education to all potential stakeholders.
 1. Internal (faculty, staff, students, alumni, boards).
 2. External (e.g.: citizens, legislators, media).
- Assess the rhetorical situation when legislation is proposed aimed at higher education policy and practices.
 1. What is the legislative environment of your state? Is there healthy traditional argumentation about policy or is the legislature skewed in a way that inhibits reason?
 - a. Our findings suggest that mixed government favors traditional arguments, while trifectas and super-majorities rely on performances that skew reasonable arguments due to emotion and bias.
 2. Who controls access to the legislative arena? Is there an organization working with higher education in your state to ensure that legislation is tracked and that testimony will be invited?

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3. Understand the limits of your argumentative options and develop a strategy to negotiate those limits.
 - a. In settings that value traditional debate (generally mixed government) higher education is already well-situated to engage and likely can influence legislative outcomes.
 - b. In settings where legislative debate becomes a performance, higher education must determine what outcomes are possible and respond with performative arguments of their own, while still maintaining academic credibility (this is admittedly a difficult balance).
 - c. While expectations should be tempered on the ability to influence legislation, we recommend playing the long game and developing strategies that can be drawn upon when the legislative tide becomes more open to traditional arguments.
- Analyze communication variables to determine how to best respond to the rhetorical situation
 1. Our analysis illustrated that higher education had a singular response to legislation regardless of the rhetorical situation, which is largely ineffective. This response consisted of traditional policy arguments deployed by either university presidents, spokespersons from academic organizations (e.g., AAUP, Councils of Academic Senate), or university legal representatives. We recommend analyzing each of the variables in the following chart to determine how to best engage in public advocacy in different rhetorical settings.

	Speaker Choice	Message Choice	Channel Choice	Audience Choice
Divided Governments	Respected university representatives	<ul style="list-style-type: none"> · Traditional policy issues (argue need) · Logical argument · Significantly strengthen public arguments about the university's character and build emotional connection 	<ul style="list-style-type: none"> · In the legislature · Develop a strategic plan for community and reputation building 	<ul style="list-style-type: none"> · Legislature itself (need to work much harder to build ethos prior to speaking)
Trifectas and Super-majorities	Heroes speaking in support of the university	<ul style="list-style-type: none"> · Use credibility and emotion to counter the hegemonic narrative · Strategic performance techniques of pointing out ideological closure 	<ul style="list-style-type: none"> · Strategic reputation plan that helps communities understand the ethics of the institution · Do not avoid the legislature, but expand channels 	<ul style="list-style-type: none"> · Public · Media · Must speak to the legislature, but don't assume traditional argument will prevail