

Another step backwards for faculty free speech

Contributed by Chris Goff
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Inside Higher Ed is reporting that a federal court has found that Idaho State University did not infringe upon professor Habib Sadid's - a vocal critic of the university's administration - First Amendment rights when it dismissed him from employment, despite the finding of a faculty panel that there was no reason for such a dismissal.

The court's finding is another troubling application of the Supreme Court's Garcetti decision - which limits the free speech of public employees at the workplace - on the academic workplace. Specifically, these decisions impinge on the principle of shared governance, where faculty have a voice in important decisions facing their institutions. Circumscribing the faculty's ability to voice criticizing their administrations is tantamount to circumscribing their role in the governance of the academy.

As IHE points out, the Garcetti decision is being applied unevenly, depending on the jurisdiction, and the original decision does not necessarily suggest it should be applied to higher education. Given the spate of cases where it has been applied, however, it appears likely that it will need to be legally resolved at a higher level.