

# Intellectual Pluralism and Freedom of Expression

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# Overview

- Many topics elicit strongly held views
- Discuss policy and legal considerations for faculty in range of settings
  - Faculty's own teaching
  - Student views
  - Scholarship
  - Expression as citizen

# Faculty Classroom Expression

- CRR 310.010
- Faculty “entitled to freedom in the classroom in discussing their subjects”
- Limitations – Faculty “have responsibility not to:”
  - “Depart significantly from their respective areas of competence”
  - “Divert substantial time to material extraneous to the course”

# Practical Point

- Consider using syllabus to help frame the scope of material that might be covered, e.g.:
  - May draw on discussion of contemporary issues to illustrate applications of concepts and material addressed in course

# Student Academic Expression

- Students have academic freedom...
  - CRR 200.015: “foster and maintain an educational environment that promotes free discussion, inquiry and expression by students, both inside the course and out, without fear that their exercise of such rights will have negative repercussions in areas over which the University of Missouri has responsibility.”
- Within limits...
- Subject to Standard of Conduct (CRR 200.010), e.g.:
  - Substantial disruption of classes or other University operations
  - Follow lawful directives of University officials in scope of their duties
  - Follow University policies...
    - Facilities use and other policies on time, place and manner of speech

# Students – Faculty Authority

- Class / coursework is not an unlimited open forum for student speech
- Faculty determine topics of discussion
  - (Within scope of course)
- Faculty determine timing of discussion
- Faculty can set reasonable, viewpoint neutral limits
  - Content (e.g., on topic)
  - Manner of expression

# Students – Faculty Responsibilities

- Encourage free discussion, inquiry, and expression; protect academic freedom. CRR 200.015; 330.110.D.2
- Evaluate performance “solely on an academic basis”
  - “not on opinions or conduct in matters unrelated to academic standards.”  
CRR 200.015
- Handle student information responsibly
  - “Information about student views, beliefs, and political associations... acquire[d] in the context of course discussions should be handled responsibly. Faculty members are encouraged to be sensitive to the potential that dissemination of information about students... may be perceived as defamatory and/or may subject them to ridicule, harassment or reprisal from those who do not agree with the views, beliefs or political associations....”  
CRR 200.015

# Practical Point

- Consider using syllabus to set expectations
  - Ground rules for class discussion, e.g.:
    - On topic
    - Reasonable limits on time
    - Don't interrupt
    - No ad hominem remarks
    - Faculty member determines discussion topics, duration, etc.



# Expression in Scholarship

- CRR 310.010:
  - “Faculty members are entitled to freedom in research and in the publication of the results (qualified insofar as necessary in the case of sponsored research), subject to the adequate performance of their other academic duties.”

# Expression as a Citizen

- Rights as citizens preserved
  - “Faculty Members have the rights and obligations of other citizens.” CRR 330.110
  - “When [faculty] speak or write as citizens, they are to be free from institutional censorship or discipline....” CRR 310.010
- Professional obligations
  - “...but their special position in the community imposes special obligations. They should anticipate that the public may judge their profession and their institution by their utterances and actions. Hence, they should at all times be accurate, exercise appropriate restraint, show respect for the opinions of others...” CRR 310.010
- Don’t appear to speak for University
  - “[Faculty] should... make every effort to indicate that they do not speak for the institution. CRR 310.010
  - “When [faculty] speak or act as private persons, they avoid creating the impression of speaking or acting for their university.” CRR 330.110

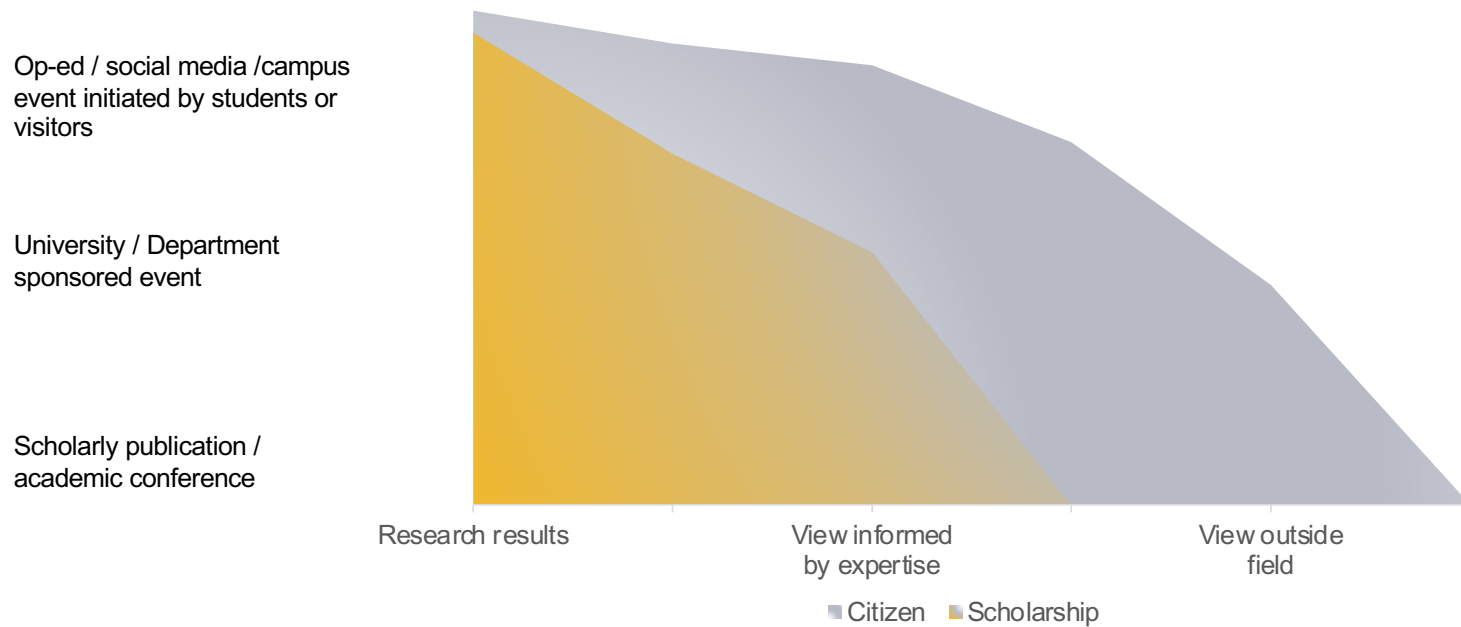
# Expression as a Citizen

- First Amendment principles for public employees
- Right to speak as citizens on matters of public concern
- Exceptions
  - When speaking as part of their official duties...
    - Other than teaching or scholarship; academic freedom still protected
  - Appearing to speak for institution
  - When institution's operational interests outweigh employee's First Amendment interests – measured by multiple factors

# Scholarship or Citizen Speech?

- Depends on context, e.g.:
  - Topic
    - Communicating results of scholarship ↔ opinion informed by expertise in field ↔ opinion outside field
  - Setting
    - Scholarly publication, academic conference, etc. ↔ University/Dept. sponsored event ↔ campus event initiated by students or visitors / general op-ed / social media

# Scholarship or Citizen Speech?



# Practical Points

- Follow University rules on campus, at University events, and in communications with students. E.g.:
  - Standards of Faculty Conduct, CRR 330.110
  - Prohibitions on discriminatory harassment, CRR 600.010 and .020
  - Facilities use and other time, place, and manner policies.
- Does context give appearance of speaking for University?
  - Using University email / letterhead
  - Referencing University role beyond mere identification of title
- If in doubt, provide clarifying statement / disclaimer
  - “make every effort to indicate that they do not speak for the institution”



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