

# KNOW YOUR RIGHTS



## Overview of Free Speech Considerations for Public Employees

*"NYSUT is here to support public schools as the centers of our communities and will always defend our members' rights to free speech, academic freedom and due process under the law."* - MELINDA PERSON, NYSUT PRESIDENT

**T**he First Amendment covers your right to free speech from government action. NYSUT supports free-speech rights as a fundamental American value and defends all our members' rights to voice their views in the appropriate time and place.

However, as public employees, your speech rights come with special considerations that don't apply to private citizens. Free speech is not consequence-free speech.

Even when you intend to speak as a private citizen, there are several factors to consider, such as: will what you say potentially have effects on your school district, how it functions and the community?

If your school administration thinks that something you said publicly does interfere with the proper functions of the school, they could take disciplinary action.

### Here are some specific things to consider:

On local, state and even national political issues:

- Attending rallies, supporting political candidates of choice, marching and attending protests, signing petitions on issues you care about and reaching out to elected officials — when done in a respectful manner — is protected speech. The greatest protections for these come from doing them when you are off duty and away from school.
- If you are expressing your opinions in writing, such as on social media, especially on "controversial" topics, it may be best to add a disclaimer stating these positions are your own and may not necessarily reflect the opinions of the district.

- When speaking out as a private citizen, your speech is more "free," but not entirely. Courts can weigh the competing interests of the school district, other teachers, parents, students and the general public, as well as how such comments may affect the operations of the school.
- Among all these interests, any fact showing disruption in the efficiency of school operations would be a factor against the school employee's speech when weighing all these interests.

You should use caution and remember these considerations no matter where you are speaking. Any public statement or social media post you make is subject to these speech limitations. And remember, in the digital age, even statements made in private or semi-private online forums or blog posts can be subject to scrutiny. Everything online is just a screenshot or recording away from being made public.

NYSUT will always defend the free speech, academic freedom and due process rights of our members. But remember these limitations before you exercise your rights.

If you have questions regarding your speech rights or whether something you want to say is protected speech, you can always reach out to your local president who may consult with a NYSUT labor relations specialist or NYSUT's legal department.