

Book: Luzerne Intermediate Unit # 18
Section: 400 Professional Employees
Title: Freedom of Speech by Employees
Code: 420
First Adopted: October 23, 2024
Last Revised: August 6, 2025
Status: Active



Authority

The Board respects employees' freedom of speech. Public school employees do not surrender their rights to free speech merely because of their status as an employee of the Intermediate Unit. The Board acknowledges the right of administrative, professional and support employees as private citizens in a democratic society to speak out on issues of public concern.

The Board adopts this policy to clarify situations in which an employee's expression could conflict with the interests of the Intermediate Unit, when the employee is not engaged in assigned duties. In such instances, the Intermediate Unit, in coordination with the solicitor, must balance the employee's interests regarding freedom of expression on issues of public concern as a private citizen against the interests of this Intermediate Unit in promoting the efficient and effective functioning and educational purpose of the Intermediate Unit.

In situations in which an Intermediate Unit employee is not engaged in the performance of assigned duties, the employee's freedom of speech may be addressed when the employee's speech impacts efficiency or constitutes a reasonable likelihood of disruption, as indicated by any one of the following:

1. Impairing discipline by superiors or harmony among co-workers;
2. Having a detrimental impact on close working relationships requiring loyalty and confidence;
3. Impeding the performance of the duties of the employee that conducted the speech; or
4. Interfering with the operations of the Intermediate Unit.

Any decisions based on the above listing shall take into consideration all of the facts of each individual situation and shall include consultation with the solicitor.

Legal

22 PA Code 235.1 et seq

PA Const. Art. I Sec. 7

U.S. Const. Amend. I

Connick v. Myers, 461 U.S. 138 (1983)

Dougherty v. Sch. Dist. of Philadelphia, 772 F.3d 979, 991 (3d Cir. 2014)

Garcetti v. Ceballos, 547 U.S. 410 (2006)

Natalie Munroe v. Central Bucks School District, 805 F.3d 454 (3d Cir. 2019)

Pickering v. Board of Education, 391 U.S. 563 (1968)

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