

Faculty Member's Criticism of Community College Is Protected Speech

The president of a community college's adjunct faculty union, who was fired after she sent a letter critical of the college, stated a cause of action for retaliatory discharge, the Seventh Circuit found.

Robin Meade sent a letter to the League for Innovation in the Community College, in which she criticized the treatment of adjunct faculty at Moraine Valley Community College. In the letter, she accused the College of treating adjunct faculty as "a disposable resource," claiming they were underpaid and denied access to healthcare, thereby creating "a chilling effect which affects adjunct performance and erodes the confidence the idyllic atmosphere and beautiful buildings and grounds strive to project."

Two days after she sent the letter, Moraine Valley fired her, claiming her letter was "replete with misrepresentations and falsehood." Meade filed a lawsuit, arguing that her firing violated her First Amendment right to freedom of speech and her due process rights. The trial court granted the College's motion to dismiss, finding the letter was not protected by the First Amendment because it was purely personal and did not discuss any matter of public concern. The court said she had no property interest in her adjunct faculty position and thus there was no violation of any right to due process.

The appellate court disagreed, noting that Meade was writing as the president of the union and attempted to link the treatment of adjunct faculty with student performance. "It is difficult to see how any part of this discussion could be considered purely personal to Meade, or of zero interest to the public. The people who attend Moraine Valley, along with their families and others who live in the area, no doubt want to know if this practice poses a threat to student performance," the appellate court wrote. "The content of Meade's letter places it squarely among matters that are of public concern. The district court erred in concluding that her speech was not constitutionally protected."

The Seventh Circuit said "the district court failed to consider the broader nature of Meade's comments. It criticized Meade's discussion of student interests as cursory—a flaw that undermined the public quality of the comments, it thought. Yet we have never held that speech that is partly about a matter of public interest but also touches on private concerns is without constitutional protection."

The appellate court also reversed the trial court's finding that Meade had no property interest in her appointment as an adjunct faculty member for the semester because her employment contract specifically listed the classes she was to teach during the semester. Because she had a property interest, her firing violated her due process rights.

Meade v. Moraine Valley Community College, Seventh Cir. No. 14-1217, issued October 30, 2014