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Teacher's Online Rants About Students Are Not Protected By First Amendment

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In *Munroe v. Central Bucks School District*, the Third Circuit recently upheld summary judgment for a school district, high school and superintendent in a First Amendment retaliation case filed by a former teacher. Natalie Munroe, a former English teacher at Central Bucks East High School near Philadelphia, maintained a personal blog. Although most of her posts focused on uncontroversial topics such as recipes and vacations, several of her posts were highly critical of her students and coworkers. Munroe opined that she wished she could tell the truth on report cards and say that some of her students were "rat-like," "frightfully dim," or "rude, belligerent, argumentative f*cks" and that a student "dresses like a street walker." She also called a co-worker a "douche" and claimed the administration harassed a colleague until he resigned because he was an ineffective teacher. Although Munroe did not publicize her blog and maintained it primarily for nine subscribers who were close friends or family, students and teachers became aware of her posts once they were covered by the press. Hundreds of parents informed the administration that they did not want their children to be in Munroe's class. Munroe was given a poor evaluation for inappropriate and disrespectful comments and eventually was terminated. Munroe sued the school and the school district for violation of the First Amendment, but lost at the district court and appellate court levels. The Third Circuit held that although free speech is an important right, the right must be balanced against the government's right to be an effective employer, by saying:

- "When a citizen enters government service, the citizen by necessity must accept certain limitations on his or her freedom."
- "Government employers, like their private counterparts, still need a significant degree of control over their employees' words and actions; without it, there would be little chance for the efficient provision of public services."
- "A public employer accordingly may impose speech restrictions that are necessary for efficient and effective operations."

Although the court reluctantly assumed that Munroe had raised a public concern in her complaints about her students and coworkers, it found that the scales tipped in favor of the school board's interest in avoiding workplace disruptions. The position of public school teacher requires a high degree of public trust, and the court found that Munroe's speech "would erode the necessary trust and respect" of her students and their parents, rendering her

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and the school ineffective. The holding is a good lesson to public employers – although public employees may have a greater right to speech than their private counterparts, that right is not absolute. Public employers still have an important interest in restricting their employees' free speech when it is necessary to get the job done effectively. The holding is also another reminder of the value of a good social media policy. Employers, public and private, are advised to consult their attorneys and to develop guidelines for their employees' acceptable and unacceptable online conduct.