

Employment  
Series 400

Policy Title: Employee Expression Code No. 417

**Policy Statement**

The board believes the Agency has an interest in maintaining an orderly and effective work environment while balancing employees' First Amendment rights to freedom of expression and diverse viewpoints and beliefs. When employees speak within their official capacity, their expression represents the Agency and may be regulated. The First Amendment protects a public employee's speech when the employee is speaking as an individual citizen on a matter of public concern. Even so, employee expression that has an adverse impact on Agency operations and/or negatively impacts an employee's ability to perform their job for the Agency may still result in disciplinary action up to and including termination.

**Scope of Policy**

Employers will comply with Iowa law to the extent that compliance does not infringe on employees' free speech rights.

**Accountability Overview**

Employees who use social media platforms are encouraged to remember that the school community may not be able to separate employees as private citizens, from their role within the Agency. Employee expression on social media platforms that interferes with the Agency's operations or prevents the Agency from functioning efficiently and effectively may be subject to discipline up to and including termination.

An Agency employee who acts to protect a student for engaging in free expression or who refuses to infringe on students engaging in free expression; and who is acting within the scope of their professional ethics will not be retaliated against or face any adverse employment action based on their behavior provided that expression is otherwise permitted by law and board policy.

If the board or court finds an employee that is subject to licensure, certification or authorization by the Board of Educational Examiners discriminated against a student or other co-employee, the board will refer the employee to the Board of Educational Examiners for additional proceedings as required by law and which may result in discipline up to and including termination.

Legal Reference: U.S. Const. Amend. I  
*Kennedy v. Bremerton School District*, 597 U.S. (2022)  
Iowa Code §§ 279.73; .74; 280.22

Date of Adoption:

5/9/23

Reviewed: \_\_\_\_\_

Amended: \_\_\_\_\_