Employee Speech

The Fargo Public School District ("District") expects that employees use sound judgment when making statements in their official capacity as District employees. It is important to note that speech made as an employee differs from speech made as a private citizen. In some circumstances, speech made as a private citizen may subject an employee to disciplinary action as well.

For the purposes of this policy, speech includes but is not limited to, substantiated statements made orally, in writing, through social media, or other electronic means, and/or visual mediums, including photographs, videos, and etc.

Speech made as an Employee
Speech made as a District employee is not constitutionally protected. Inappropriate speech made as an employee is prohibited and may subject an employee to disciplinary action. The following are grounds for disciplinary action where the speech is made in the ordinary scope of the employee's duties or in an official capacity:

- Speech made that is knowingly false or inaccurate;
- Speech made with reckless disregard for the truth;
- Speech that violates the district's mission statement;
- Speech that causes or leads to disruption of the work or educational environment;
- Speech that poses a safety threat to district students, staff, or operations;
- Speech that violates state or federal law or district policies;
- Speech that is harassing, racist, or discriminatory;
- Speech that interferes with the school district's interests, including, but not limited to, the delivery of public services

Employee Speech made as a Private Citizen
Employee speech made as a private citizen may also subject the employee to discipline. Inappropriate speech made as a private citizen on a matter of public concern may subject the employee to disciplinary action. Prior to taking disciplinary action, the District will document the manner in which the speech at issue disrupted the educational environment and shall consult legal counsel to determine if the speech is indeed a matter of public concern and meets the legal standard. Prior to taking disciplinary action, the District shall consult with legal counsel to determine if the speech is unprotected.

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