



February 2, 2022

Dear President Matkin,

The Academic Freedom Alliance (AFA) is a coalition of faculty members from across the country and across the ideological spectrum who are committed to upholding the principles of academic freedom and professorial free speech.

Principles of free speech include the right of professors to speak in public about matters of public concern, including university policies, and to teach germane but controversial materials in their classes without the threat of sanctions by their university employer. We call upon Collin College to live up to its free speech obligations in the case of Michael Phillips.

Michael Phillips is a history professor of long standing at Collin College. He has also sometimes adopted unpopular stances on matters of public and university policy. In 2017, he called for the [removal of Confederate statues](#) in the Dallas area, which was controversial to members of the public. In 2021, he discussed the history of pandemics and the responses to them [in his class](#), which was controversial to some students. In that same year, [he posted on Twitter](#) an image of the university's guidelines for discussing masks, which was controversial to some members of the administration. The university has repeatedly attempted to suppress Professor Phillips' efforts to freely communicate with members of the public and members of the campus community about matters of public concern. The College disciplined Phillips for some of these actions, and now he has been informed that his contract will not be renewed.

I write on behalf of the Academic Freedom Alliance to express our concern with the College's present course of action. These disciplinary actions followed by this contract non-renewal raise grave concerns that Professor Phillips is being retaliated against for his constitutionally protected criticism of the College's administration and for his efforts to communicate his concerns about the functioning of the College to members of the public and of the campus community.

Collin College has [explicitly embraced](#) widely accepted principles of academic freedom. The College has recognized that "all faculty members enjoy the constitutional freedoms guaranteed to all citizens by the United States' Constitution." The College has further declared that members of the faculty have "the freedom to discuss any controversial matter and to voice opinions within their professional competence" in the classroom. Moreover, outside the classroom members of the faculty are to "free from institutional censorship or discipline for exercising their rights as private citizens to express themselves freely on matters of public concern." The Board of Trustees [has resolved](#) that members of the faculty will not "fear



reprisals for exercising their civic rights and academic freedom.” The [American Association of University Professors](#) has long emphasized that this broad freedom of professors to speak freely in public about matters of public concern “cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member’s unfitness for the position.”

It is also well established that state universities like Collin College are constrained by the First Amendment of the U.S. Constitution. Professors at state universities enjoy certain First Amendment protections relative to their university employer, and state universities cannot discipline or sanction members of their faculty for constitutionally protected speech. In particular, the U.S. Supreme Court observed in *Connick v. Myers*, 461 U.S. 138, 140 (1983) that “a public employee does not relinquish rights to comment on matters of public interest by virtue of government employment.” As the Court said in *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 509 (1969), mere “apprehension of disturbance is not enough to overcome the right to freedom of expression” and “a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint” cannot be the grounds for suppressing speech in an educational environment. For a university professor, those rights to comment include the right to criticize university administrators and university policies. As federal courts have noted, the “desire to maintain a sedate academic environment” is insufficient “to justify limitations on a teacher’s freedom to express himself on political issues” or to engage in “political agitation as a citizen – even on the campus itself.” *Adamian v. Board of Regents*, 523 F.2d 929, 934 (9th Cir. 1975).

The Supreme Court has sharply limited the circumstances in which a government employee can be disciplined for his constitutionally protected speech. When speaking as a private citizen on a matter of public concern, as Professor Phillips has done, the employee should be free from sanction by his government employer unless it can be demonstrated that the speech “impairs discipline by superiors or harmony among co-workers, has a detrimental impact on close working relationships for which personal loyalty and confidence are necessary, or impedes the performance of the speaker’s duties or interferes with the regular operations of the enterprise.” *Rankin v. McPherson*, 483 U.S. 378, 388 (1987). It is not a legitimate interest of a state university to suppress the speech of a professor simply to avoid a general fear of controversy. *Hardy v. Jefferson Community College*, 260 F. 3d 671 (6th Cir. 2001). There appears to be no serious evidence that Professor Phillips’ expressive activities disrupted the operation of Collin College or otherwise impeded the performance of his or his colleagues’ duties at the College.

For Professor Phillips to face the possible termination of his employment in part on the basis of and in retaliation for his constitutionally protected speech would violate his First Amendment



rights. Under the circumstances, we call on the College to reverse its decision and renew his employment contract.

Sincerely,

A handwritten signature in black ink, appearing to be "KW", with a long, sweeping horizontal line extending to the right.

Keith Whittington
Chair, Academic Committee, Academic Freedom Alliance
William Nelson Cromwell Professor of Politics, Princeton University

cc. Professor Michael Phillips
Monica Velazquez, General Counsel
Andrew Hardin, Chair, Board of Trustees