



June 7, 2023

Gianrico Farrugia, M.D.
President and CEO at Mayo Clinic
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Dear Dr. Farrugia,

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.

We are concerned about the treatment of Dr. Michael J. Joyner, a professor of anesthesiology at Mayo Clinic. Faculty members at colleges and universities should be free to speak, instruct, and publish without fear of sanction or punishment. Mayo Clinic's recent disciplinary actions against Dr. Joyner for public statements made to the national media regarding his research and findings are a serious violation of his academic freedom and contravene your own institution's "Freedom of Expression and Academic Freedom Policy."

Dr. Joyner, a distinguished professor and faculty member with thirty-five years of experience, is recognized as a leading expert on topics of scientific and public concern. Over the years, in his personal capacity, he has participated in numerous interviews with the media related to his areas of professional expertise. Mayo Clinic's admonishments, written warnings, and disciplinary actions against Dr. Joyner—which include a one-week unpaid suspension, denial of any salary increase at his next contract renewal, and threat of termination of employment for failure to comply with Communications Department preclearance and oversight of media interviews—are a direct attack on his academic freedom. Furthermore, the restrictions on Dr. Joyner's ability to speak publicly on controversial and important topics is a serious restraint on his speech.

The AFA recognizes Mayo Clinic's reputational standing as one of the leading private institutions for scientific and medical research and we appreciate that such institutions may enact policies that public entities could not due to First Amendment constraints. But in 2022, Mayo Clinic secured identification as an educational institution for tax purposes *in Mayo Clinic v. United States*. Two years prior, in 2020, Mayo Clinic adopted its current "Freedom of Expression and Academic Freedom Policy," a policy that commits to the "freedom of expression, which includes the right to discuss and present scholarly opinions and conclusions without fear of retribution or retaliation if those opinions and conclusions conflict with those of the faculty or institution." The actions taken against Dr. Joyner are neither consistent with an educational institution's protection of academic freedom nor your own institution's policy.



Just as troubling is Mayo Clinic’s efforts to silence professors with its policy on media communication. The first point of Mayo Clinic’s current “Media Policy” states, “All inquiries from news media must be triaged through the Department of Communications.” This is a blatant form of prior restraint of expression. We understand that Mayo Clinic is not a government entity, and therefore does not violate the First Amendment with such a policy. However, if it intends to maintain its status as a leading center for research, instruction, and scholarly publication, it should cease any attempt to restrict the dissemination of information or ideas by its professors. The scope of the policy is that it “Applies to all Mayo Clinic Personnel when engaging in any communication with members of the media about Mayo Clinic.” This system provides an educational institution with the arbitrary ability to control the speech of its professors, an ability that is incompatible with your stated policy protecting free expression and academic freedom. A “department” empowered to determine what is “about Mayo Clinic” holds an inordinate influence over faculty academic freedom. This will have a chilling effect on professorial speech, creating an opportunity to control speech through a form of prescribed messaging that will deprive the public of scientific information and is in direct conflict with the educational principles of inquiry, discovery, and expression. These commonly held principles are essential if scholars are to fulfill their vocation to pursue and disseminate knowledge and colleges and universities, including those devoted to the health professions, are to be faithful to their mission as truth-seeking institutions.

The AFA calls on Mayo Clinic to adhere to its policy on academic freedom, desist from punishing and attempting to silence Dr. Michael J. Joyner, restore any lost compensation owing to his unpaid suspension and denial of his annual raise, and consider ways to improve its own commitment to free expression for all its scholars and experts.

Sincerely,

Lucas E. Morel, John K. Boardman, Jr. Professor of Politics, Washington and Lee University*
Chair, Academic Committee, Academic Freedom Alliance

* Affiliation for identification purposes

Cc: Michael J. Joyner, M.D.
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