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University of Texas at
Austin School of Law

Abigail Thompson

Distinguished Professor
of Mathematics, University
of California, Davis

Keith E. Whittington

William Nelson Cromwell
Professor of Politics,
Princeton University

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identification purposes only*

Howard L. Muncy

Director of Operations
hmuncy@academicfreedom.org

March 6, 2024

Dear President Lawrence Schovanec,

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.

Based on the information found in public media sources, we are deeply concerned that you suspended and launched an investigation of Professor Jairo Funez-Flores for comments he made on social media. On February 22, 2024, [Texas Scorecard](#) published a post asserting that Professor Funez-Flores had made “antisemitic remarks” on social media. On March 4, 2024, [you announced](#) that he was suspended pending an investigation on whether “any of the antisemitic sentiments expressed by Professor Funez-Flores social media comments have found their way into the class environment or work environment and are deemed to be discriminatory harassment.” Like the Texas Scorecard post, your announcement pointed only to the vague standards of the [university’s code of values](#) and the expectation that community members “treat everyone with respect and dignity” and “act ethically.”

I write on behalf of the Academic Freedom Alliance to express our firm view that the university’s actions represent an egregious violation of the principles of freedom of expression and due process to which Texas Tech University has contractually committed itself and to which it is constitutionally required to adhere.

The [Faculty Handbook](#) specifies that “each faculty member is also a citizen of the nation, state, and community, and when speaking, writing, or acting as an individual citizen, must be free from institutional censorship or discipline.” [System Regulation 7.04](#) recognizes that all members of the campus community enjoy “expressive rights of persons guaranteed by the constitutions of the United States and the State of Texas.”

The social media posts are a form of what the [American Association of University Professors](#) calls “extramural speech.” Extramural speech is a protected form of freedom of expression. When professors “speak or write as citizens, they should be free from institutional censorship or discipline.” As the AAUP has emphasized, “The controlling principle is that a faculty member’s expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member’s unfitness for the position.”



Private speech on controversial social and political topics can sometimes be heated, ill-tempered, ill-considered, and broadly offensive. We do not hold such extramural speech to the standards that we would properly expect from speech in the classroom or from scholarly research.

If such a public exchange of political views can result in administrative investigations of members of the faculty, then the Handbook's promise that faculty will not be disciplined for their private expressions of opinion rings hollow. Administrative offices might well receive complaints regarding the protected political speech of members of the faculty, but the administration has a responsibility to dismiss such complaints without subjecting members of its faculty to inappropriate and burdensome investigations or putting them under the threat of discipline or even termination.

There can be no question that the social media posts of Professor Funez-Flores are constitutionally protected expressions of private political opinions and cannot themselves form the basis of university discipline. For the university to explicitly leverage complaints about such social media posts into grounds for a fishing expedition into the professor's professional conduct on campus is not only inconsistent with the university's policies and constitutional commitments but has a direct chilling effect on all members of the faculty who might wish to engage in their own constitutionally protected expressive activities on controversial topics. The publicly announced suspension and investigation is itself a form of punishment, and the stated cause of this punishment is that the faculty member engaged in protected political expression that some found "hateful, antisemitic, and unacceptable."

We call on the university to immediately end its suspension and investigation of Professor Funez-Flores and to take whatever corrective steps are necessary to ensure that such investigations do not occur in the future.

Sincerely,

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

Keith Whittington
Founding Chair, Academic Committee, Academic Freedom Alliance
William Nelson Cromwell Professor of Politics, Princeton University
(for identification purposes only)

cc. Chancellor Tedd L. Mitchell

Vice Chancellor and General Counsel Eric D. Bentley