



FIRST AMENDMENT LAW CLINIC

October 1, 2025

Dr. Alan Cannon
Faculty Senate President
Southeastern Louisiana University
500 W. University Ave.
Hammond, Louisiana 7002

Via: U.S. Mail and E-Mail; Gregory.cannon@southeastern.edu
Re: Update to Academic Freedom and Professional Responsibility Policy

Dear Dr. Cannon,

We write on behalf of concerned faculty of Southeastern Louisiana University (“the University”) regarding the potential update to the Academic Freedom and Professional Responsibility Policy (“the Policy”). We urge you, and other members of the Faculty Senate, to prioritize protecting the First Amendment rights of the University’s faculty members when debating the merits of the Policy. As currently written in the September 16, 2025 draft, the Policy threatens the very principles of academic freedom that it purports to respect.

Here, the principles of academic freedom could not be more significant. As the Supreme Court pronounced in the seminal case *Sweezy v. State of New Hampshire*, “The essentiality of freedom in the community of American universities is almost self-evident. [...] To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation.” 354 U.S. 234, 250 (1957).

On its face, the Policy is vague, overbroad, and exposes faculty members to impermissible viewpoint discrimination for engaging in protected speech. The policy is unconstitutionally vague because it fails to give faculty members adequate notice of what it prohibits. For example, teachers are cautioned to “be careful not to introduce into the teaching controversial matters unrelated to the subject,” but the term “controversial” is undefined, as is the qualifying phrase “related to the subject.” Reasonable minds can disagree on what is relevant to any given subject, and it is unclear what controversies are to be avoided.

The Policy is also overbroad, as it prohibits speech that is plainly protected by the First Amendment. See *Hill v. City of Houston, Tex*, 764 F.2d 1156, 1162-1163 (5th Cir. 1985) (a policy is constitutionally overbroad if it prohibits a substantial amount of protected speech in relation to its legitimate sweep and is “too imprecisely drawn to pass First Amendment scrutiny.”). For example, the Policy prohibits profanity, off color jokes, and similar forms of vulgarity. Although

such speech may be offensive to some, it does not fall into categories of unprotected speech such as true threats, obscenity or incitement of violence.

Most troubling, because of its imprecision, the Policy invites viewpoint discrimination in its application. A policy that punishes offensive speech is unconstitutional because “giving offense is a viewpoint.” *Matal v. Tam*, 582 U.S. 218, 220 (2017). The Supreme Court has long held that the government cannot prohibit the expression of ideas because the ideas themselves offend some of their hearers. *Street v. New York*, 394 U.S. 576, 592 (1969).

We appreciate that this is a difficult time as universities face immense political pressure and close scrutiny. But it is precisely because of the complexities of this moment that strong protections for First Amendment principles and academic freedom are so necessary. We urge the members of the Faculty Senate to approach today’s consideration of the Academic Freedom and Professional Responsibility Policy as an opportunity to affirmatively stand up for the principles of academic freedom and commitment to the First Amendment rights of educators.

Sincerely,



Bruce Hamilton, interim director
Annie Cleveland, legal fellow
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