

**Personal Reflection: Tatro v. University of Minnesota**

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### **Tatro v. University of Minnesota**

I do think the court decided correctly in holding that the University did not violate the free speech rights of Tatro. Her posts on Facebook were disrespectful to the deceased bodies she was studying and the Mortuary Science program as a whole. One faculty testimony explained that a student once posted a picture of a human cadaver on Facebook at a medical school in New York and state health officials were considering sanctions against the medical school. A student's right to free speech is not violated if her speech violates the "academic program rules that are narrowly tailored and directly related to established professional conduct standards" (Supreme Court of Minnesota, 2012, para. 521).

Institutions should be able to discipline students on academic grounds for professional reasons for speech that occurs off-campus when the speech could result in sanctions on an academic program or the institution as a whole. The world we live in is more and more digital and globally connected. If a student publishes harmful content that is related to the institution or one of its programs, the institution will be thrust into the public eye. Their reaction to the harmful event will set the tone for the public's response. If an institution values allowing students to grow from their mistakes, dealing with these issues privately, within the institution, is the most effective way to use the infraction as a learning opportunity.

I also think Tatro should have been disciplined under the student code of conduct as having engaged in threatening speech because the institution has a duty to protect the students it enrolls. If a student is threatening another student, the institution must act to protect them by using the rules in the student code of conduct.

This is not to say that institutions always can discipline students on academic grounds for speech off-campus or even on campus. There are places on campus that are considered a public

forum like "the green" in *State of Ohio v. Spingola*. This patch of grass is surrounded on three sides by academic buildings but is not a space used for academia. Instead, parts of the green are considered public forum areas while some are non-public forum areas. In the public forum areas, protests can occur, while in the non-public forum areas, the institution can prohibit speech (Kaplin et al., 2020). In non-public areas where the institution cannot prohibit speech, there seems to be very little an institution can do to protect themselves from their students or vice versa. Therefore, interfering in the free speech of a student off-campus must be a decision supported by fact to present a strong case for the institution.

### References

Kaplin, W., Lee, B., Hutchens, N., Rooksby, J. (2020). *The Law of Higher Education*: sixth edition student version. John Wiley & Sons, Inc.

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