

Doctor Suspended by Mayo Clinic for True Statements About COVID and Testosterone Brings Lawsuit

On November 13, a professor at the Mayo Clinic's College of Medicine sued the college after it punished him for stating medical truths about topics such as testosterone's effects on athletic performance.

Anesthesiology Professor Dr. Michael Joyner's court complaint [states that](#) Mayo Clinic leaders violated anti-retaliation, academic freedom and appeals procedure policies in his employee contract. The lawsuit is filed in Minnesota state court.

The lawsuit alleges that "when Joyner was interviewed regarding important scientific issues of public concern, Mayo took swift action to silence and punish Joyner for following his scientific conscience."

Joyner was suspended for one week without pay. He was also ordered by his superiors not to speak to the media without prior authorization from administrators.

"Joyner had only summarized his research regarding testosterone's impact on athletic performance and advocated for a faster NIH response to emerging COVID-19 treatments. But these issues, and Joyner, were inconvenient to Mayo's revenue-focused agenda led by its CEO Gianrico Farrugia," says the court complaint filed in the lawsuit .

The chair of the anesthesiology department claimed that Joyner's opinions had "proved problematic in the media and the LGBTQI+ community at Mayo Clinic," pointing to a New York

Times article that quoted Joyner.

Joyner's discipline appears to violate the Mayo Clinic's "Freedom of Expression and Academic Freedom Policy." It states the clinic allows staff to engage in "free and open discussion of ideas," including the "freedom to explore all avenues of scholarship, research, and creative expression and to reach conclusions according to [their] own scholarly discernment." It also [states](#) that the clinic will protect faculty from "fear of retribution or retaliation if those opinions and conclusions conflict with those of the faculty or [Mayo as an] institution."

Joyner's discipline was precipitated by statements Joyner made to a the news media, such as when Joyner [told](#) the *New York Times* in June 2022 that, when it comes to distinguishing between biological males and females, "you see the divergence immediately as the testosterone surges into the boys. There are dramatic differences in performances." Joyner observed that "there are social aspects to sport, but physiology and biology underpin it... testosterone is the 800-pound gorilla." This true statement has obvious implications for whether transgender athletes may have an advantage over those born female in certain sports.

Earlier, in January 2022, Joyner was quoted by CNN about the benefits of convalescent plasma as a treatment for immune-compromised individuals who contract COVID-19 and [expressed](#) his dissatisfaction with doctors in and out of the government who downplay plasma as a vital course of treatment. He was quoted as saying he was "frustrated" with the NIH's "bureaucratic rope-a-dope," and called the agency's guidelines a "wet blanket" that discourages doctors from using convalescent plasma when appropriate.

Joyner's court complaint says that the day after CNN quoted him, "Mayo initiated a disciplinary process against Joyner for his interview comments because they criticized the NIH, and

Mayo administrators were worried that NIH would retaliate by cutting their funding.”

In 2022 alone, Mayo received \$320 million from NIH, placing the clinic in the top 1 percent of NIH funding recipients, according to Joyner’s court complaint.

The Foundation for Individual Rights and Expression says Joyner’s lawsuit is an important measure “against universities who censor their faculty with impunity. On one hand, we’re disappointed this professor had to resort to litigation to get the university to adhere to its promises. It’s disappointing that the university wouldn’t just protect free speech rights going forward. On the other hand, it is great to see a professor standing up for his free speech rights. It’s a very difficult thing to do, and we wish you the best of luck in the lawsuit.”

Joyner is asking for damages such as lost wages and an injunction barring defendants from engaging in further “retaliation and interference with Joyner’s communication about his research.”

“In his 36 years at the Mayo Clinic, Joyner had participated in hundreds of media interviews without incident,” says Joyner’s court [complaint](#). “Yet in March 2023, Mayo disciplined Joyner for media interview statements regarding his own research and conclusions.”

The Mayo Clinic claims that it “did not discipline Dr. Joyner for statements he made about testosterone or transgender athletes,” but rather for “for making unprofessional comments about the National Institute(s) of Health’s (NIH) guidelines for convalescent plasma.”

“Dr. Joyner’s comments about the NIH were not the expression of a scientific opinion, as is protected by our academic freedom policy. Instead, his comments were the unprofessional venting of his personal frustration with the NIH’s decision

not to recommend a therapy he had championed.”

But the fact that a person is motivated to express their opinions and conclusions by “personal frustration” does not mean those opinions and conclusions are unprotected by academic freedom, or by contractual provisions guaranteeing such freedom. So even if the Mayo Clinic were correct in its speculation about Joyner’s motive for speaking, that is not logically a defense for what it did to Joyner.

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