

CARDOZO LAW

Academic Freedom Policy

Introduction

The Benjamin N. Cardozo School of Law of Yeshiva University ("Cardozo") is committed to a robust and vigorous intellectual life in and out of the classroom in which ideas are explored, theories assessed, and opinions evaluated. An essential condition of education is the free and unhampered process of discovery and healthy debate.

Every member of the Cardozo teaching community has the right to participate freely in the lawful search for and transmission of knowledge. Freedom of thought, freedom of speech, and freedom of expression in all forms are prerequisites to the fulfillment of Cardozo's educational and scholarly mission.

Underlying the commitment to freedom of thought, expression, debate and discussion is the conviction that adherence to these principles will enhance the merits of the scrutinized ideas or opinions, strengthen mutual understanding of differing perspectives, and diminish distrust, if not disagreement itself.

Definitions

"Covered Activity" means conducting research, publishing scholarship, engaging in Cardozo governance, participating in interviews, symposia and conferences in a professional capacity, participating in law-related public service activities, curating library collections and providing information services, and exercising teaching responsibilities (including those related to client representation in clinical programs) at or on behalf of Cardozo or at the invitation of a Cardozo representative or student.

"Covered Individual" means any individual engaging in any Covered Activity. This term includes, but is not limited to, all full-time faculty, part-time faculty, adjunct professors, editors of student-run law reviews, and teaching assistants. This term also includes anyone who engages in a Covered Activity at, on behalf of, or at the invitation of Cardozo or a Cardozo representative or student (e.g., librarians involved in collections activity or providing information services to faculty or students, guest lecturers or speakers who teach a single class session or portion of a class session, etc.).

Policies to Ensure Academic Freedom and Reasonable Restrictions

1. General Policy. Except as set out in paragraphs 2, 3 and 5, all Covered Individuals are entitled to express themselves freely and as they see fit.

2. Prohibited Speech. As outlined in [Cardozo's Policy on Freedom of Expression](#), the following types of speech are prohibited at Cardozo and on any online platform or forum sponsored by Cardozo and can be sanctioned:

- a. Speech that violates the law.
 - b. Speech that falsely defames an individual or entity.
 - c. Speech that constitutes a true threat.
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- d. Harassment or verbal abuse of any member of the Cardozo community, in a manner or context likely to subject that individual to harassment.
- e. Speech that constitutes an unjustifiable invasion of privacy or an unauthorized disclosure of confidential information.
- f. Speech that creates a serious risk to the physical safety of members of the Cardozo community.
- g. Speech that expresses or promotes hatred based on race, religion, ethnicity, national origin, gender, gender expression or sexual orientation.

3. Disruption Limitations. Cardozo further prohibits conduct or speech that disrupts or hinders freedom of expression or meaningfully interferes with or disrupts routine law school activities such as classes, public lectures or other events, scholarly conferences, panel discussions, student group meetings, or student-sponsored public events. Picketing, distributing literature, and similar activities are permitted outside a room in which a person is speaking, but must not impede access to the room, intimidate those seeking such access, or interfere with the ability to hear or be heard inside the room. Inside a room in which a person is speaking, it is not permitted to shout, chant, play music, or otherwise make noise that a reasonable person would conclude interferes with a speaker's ability to be heard, to obstruct the view of attendees by holding up signs or standing between speaker and audience, or to physically obstruct access to, or egress from, the room.

4. Speaking Invitations. In inviting speakers to Cardozo, students are encouraged to weigh the potential harms and benefits of any contemplated event. Cardozo protects the right to free expression of speakers invited by Cardozo or by student groups, even if the invited speaker's ideas are controversial or objectionable, unless the speech constitutes prohibited speech as defined in paragraph 2 herein. Students must also comply with Cardozo's rules regarding hosting and scheduling events.

To ensure adherence to this Policy and to further ensure the protection of the safety and security of the Cardozo community, Cardozo allows only student organizations recognized by the Student Bar Association or official student honor societies to extend invitations to outside speakers.

5. Political Speech and Activity. Nothing in this Policy shall supersede the Rules for Political Participation by the University And its Schools, Divisions, Programs, and Centers, And their respective Faculty, Staff and Student Groups/Clubs. [LINK](#)

6. Sanctions. The Dean of the Law School or the Provost of the University may impose the following sanctions for violation of this policy:

- a. Faculty Members and Other Employees. Sanctions may include admonition, censure, suspension (with or without pay), or dismissal.
- b. Students. Sanctions may include admonition, censure, suspension, or expulsion.

7. Due Process. All Covered Individuals will be afforded due process in adjudicating violations of this Policy.

- i. **Faculty Member.** Any faculty member may challenge a sanction imposed in accordance with the process of appeal set forth for termination of faculty in Section III(B)(6) of the Faculty Handbook.
- ii. **Other Employees.** The Dean of the Law School may, but need not, establish a faculty review committee to consider appeals by at-will employees. The Dean may consider the findings of the faculty review committee in making a final determination of the appeal.

Employees covered by a collective bargaining agreement have the rights specified in that agreement.

iii. **Students.** A student may challenge imposition of a sanction in accordance with the procedures for non-academic misconduct provided in the Cardozo Student Handbook.

8. Construction. Right to Amend. Cardozo may adopt additional rules and regulations pertaining to academic freedom and freedom of expression so long as such policies are consistent with the fundamental values expressed herein and are not in violation of the law. To the extent that existing appointment letters, agreements, or University-wide employment regulations pertinent to Cardozo are inconsistent with the academic freedom policies set forth herein, those narrow exceptions are not superseded by this Policy.