

# **Cardozo School of 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, respectful 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 & Scope of Policy**

“Covered Activity” means conducting research, publishing scholarship, engaging in Cardozo governance, 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, on behalf of, or at the invitation of Cardozo or a Cardozo representative or student.

“Covered Individual” means any individual engaging in any Covered Activity defined herein. This policy applies to individuals irrespective of their faculty status, including, but not limited to, all full-time faculty, part-time faculty, adjunct professors and students involved in academic enterprises, such as writing academic papers and participating with student-run journals and honor societies. 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 the following paragraphs, all Covered Individuals are entitled to express themselves freely in classrooms (insofar as such expression is related to the coursework being taught), research, and publication as they see fit. With only narrow exceptions (set out below), Cardozo does not police the messages or viewpoints expressed within its physical walls, online or in the media; provided nothing in this Policy shall supersede the Rules for Political Participation by the University and its Schools, Divisions, Programs, and Centers.

2. **Exceptions; 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 or would cause a reasonable person to fear for their safety.
- d. Harassment or verbal abuse of any member of the Cardozo community, including the posting of a student's image or identifying information on social media (or any similar broadly available medium) 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 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 outside a room in which a person is speaking are permitted, but must not impede access to the room, intimidate those seeking to access events, or interfere with the ability to hear or be heard inside the room. In the room, 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, a room where a speaker or speakers are being presented.

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, objectionable or offensive, unless the speech constitutes prohibited speech as defined in paragraph 2 herein. Students must also comply with Cardozo's procedures regarding hosting and scheduling events, as follows:

- a. Only student organizations recognized by the Student Bar Association or official student honor societies are allowed to extend invitations to outside speakers.

- b. Student organizations must book a room for the event and include the identity of the invited speaker(s) on the security guest form where indicated.
- c. Access to student-sponsored events is limited to law school community members (current students, alumni, donors, faculty members, and other employees). Student-sponsored events may be open to the public only with the prior approval of the Cardozo administration.
- d. Cardozo reserves the right to require the speaker or student group to make clear that the viewpoints expressed during the speech are made in the speaker's individual capacity and are not necessarily representative of Cardozo's viewpoint.

5. **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 or Employees. Sanctions may include admonition, censure, suspension (with or without pay), or dismissal.

- b. Students.** Sanctions may include admonition, censure, suspension or expulsion.

6. **Due Process.** All Covered Individuals under this Policy 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 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.

7. **Construction and 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 contain statements inconsistent with the academic freedom policies set forth herein, those narrow exceptions are not superseded by this Policy.

8. Cardozo reserves the right to disinvite a speaker who publicly engages or threatens to engage in prohibited speech as defined by this Policy, or if there is inadequate time, space, or resources to prepare for the event sufficiently to ensure the safety and wellbeing of the speaker and/or the Cardozo community.