

BENJAMIN N. CARDOZO SCHOOL OF LAW

POLICY ON FREEDOM OF EXPRESSION

Introduction

The Benjamin N. Cardozo School of Law 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. Central to this engagement is the freedom to engage in unfettered discourse, argumentation, discussion, and debate both in writing and orally. Freedom of thought, freedom of speech, and freedom of expression in all forms are prerequisites to the fulfillment of the law school's educational and scholarly mission.

Accordingly, Cardozo has the responsibility to ensure an environment in which conflicting ideas and opinions may be expressed and challenged. Indeed, the exchange of differing ideas, opinions, and facts is essential to the explication and assessment of truth, however the concept of truth may be understood. For this to occur, to encourage open and candid exchanges, it is important that the exercise of the freedoms central to the law school's mission be characterized by respect and courtesy, even between those with fundamental disagreements or toward those whose views are controversial, unpopular, or offensive.

Underlying the commitment to freedom of expression and respectful disagreement is the conviction that adherence to these principles will enhance the assessment of the scrutinized ideas or opinions, the belief that doing so will strengthen mutual understanding of differing perspectives, and the hope that it will diminish distrust and disagreement.

General Principles

Members of the Cardozo community are free to disagree, criticize, contest, or protest the ideas and opinions of other members of the community, or of invited speakers. But such disagreement, criticism, or protest must be peaceful and may not obstruct, disrupt, or interfere with the functioning of either internal or public events, even if some members of the community consider the views expressed fundamentally objectionable or offensive.

Specific Policies

1. Except as set out in the following paragraphs, all members of the Cardozo community and invited guests of members of the Cardozo community are free to express themselves as they wish. With only narrow exceptions (set out below), the law school does not police the messages or viewpoints expressed within its walls, online or in the media.

2. The law school 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, 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 speaking are permitted, but must not impede access to the room 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. Nor may any person obstruct the view of attendees by holding up signs or standing between speaker and audience, or physically obstruct access to, or egress from, a room where a speaker or speakers are being presented. Displaying a sign, wearing

significant/symbolic clothing, standing, or otherwise protesting noiselessly is permitted unless the protest interferes with the audience's view or prevents the audience from paying attention to a speaker. Displaying signs or remaining standing is restricted to the back of a room.

3. The following types of speech¹ are prohibited at Cardozo and on any on-line platform or forum sponsored by the law school and can be sanctioned (sanctions and due process are governed by the Academic Freedom Policy and applicable handbooks):

- 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. Harassment² or verbal abuse³ 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.

4. In inviting speakers to the law school, students are encouraged to weigh the potential harms and benefits of any contemplated event. Speech that degrades or dehumanizes any member of our community tends to impede rather than advance thoughtful discourse. However, bad choices in this realm will not subject any student to discipline. 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 to ensure sufficiently the safety and wellbeing of the speaker and/or the Cardozo community.

5. Postings of fliers, notices, messages, and other hard copy items must comply with the law school's rules for "Bulletin Boards and Flyers," which are set out below.

6. The law school may adopt additional rules and regulations pertaining to freedom of expression so long as such policies are consistent with the fundamental values expressed herein, are not in violation of the law, and are clearly disclosed in writing to all faculty, students, and staff prior to their affiliation with the law school. To the extent that existing appointment letters, agreements, or university-wide employment regulations pertinent to the law school contain

¹ Throughout this document, the term "speech" refers to both oral and written communication.

² "Harassment" is defined in the Yeshiva University Non-Discrimination and Anti-Harassment Policy, which is incorporated by reference herein.

³ Restrictions on verbal abuse of students are elaborated in the Yeshiva University Anti-Bullying and Hazing Policy for Students.

statements inconsistent with the freedom of expression policies set forth herein, those narrow exceptions are not superseded by this policy statement.

RULES FOR BULLETIN BOARDS AND FLYERS

1. General Information

The posting of paper flyers is limited to bulletin boards. To make information more readily accessible, the following rules have been established for the use of bulletin boards. More detailed information regarding the posting guidelines will be posted on the bulletin boards.

All postings must include the following information:

- a. name of the organization/person issuing the posting and contact information,
- b. "Date of Issue" and the relevant date,
- c. "Date of Expiration" and the relevant date (if a flyer is advertising an event or deadline with a specific date, a date of expiration is not required).

Official administrative notices are posted on the two smaller first-floor administration bulletin boards, one located near each elevator bank. The larger boards on the first floor are for notices from Cardozo organizations and offices. Many administrative departments and programs also have bulletin boards throughout Cardozo.

The third floor has bulletin boards dedicated to certain clubs. The designated clubs and the SBA are responsible for maintaining these boards.

Any board that bears a particular designation is reserved for the designated organization or purpose. The designee has the right to remove any notices it did not post or approve for posting. This shall not limit the ability of the administration to post notices on any bulletin board, regardless of the designation of the bulletin board. Any notices posted by the administration may only be removed by the administration.

In the interest of promoting free speech and open debate, great latitude is allowed in the tone and substance of postings. However, the values of community and mutual respect should be reflected in all communications at the law school. The posting of any notice on the student bulletin boards or of an event on the website does not connote approval by Cardozo of the contents or message of the posting, or of the speakers, participants or message communicated at any meeting or event it announces.

Any posted information either on bulletin boards or online that does not meet the requirements stated above will be removed.

2. Notices from Cardozo Administration

Students are encouraged to check the official Cardozo administration bulletin boards on the first floor for resources and helpful information posted there. During the final exam period, students are required to check the bulletin boards for room assignments. The Offices of the Registrar, Student Finance, and Student Services and Advising may also post essential information outside of their offices on the 10th floor on matters such as registration, class ranks,

Bar Examinations, financial aid, health insurance and the like. The Office of Career Services maintains boards outside its offices on the 11th floor.