

VILLANOVA UNIVERSITY CHARLES WIDGER SCHOOL OF LAW POLICY

POLICY ON ACADEMIC FREEDOM AND FREE EXPRESSION OF IDEAS

Preamble

Villanova University Charles Widger School of Law (the Law School) exists as an essential part of Villanova University, a Catholic and Augustinian institution. As such, the Law School shares the University's commitment to discourse and discovery, and to robust discussion and debate. The University and the Law School seek to reflect the spirit of St. Augustine by the cultivation of knowledge and the encouragement of freedom of inquiry, by respect for individual differences, and by adherence to the principle of mutual love and respect.

A law school teaches by what it does. The example of dedication to rigor of thought, care in research, openness to consider and address new ideas and all relevant questions, combined with respect for others and their ideas, anchored in an unwavering commitment to truth, delivers a powerful message about who we are and what we expect of our community members—faculty, staff, and students—and their invited guests.

Members of an academic community will often express ideas that conflict with the ideas of other members of the community. Thoughtful debate may often involve expression that individuals or groups find unwelcome, disagreeable, wrong or even deeply offensive. Discussion and debate should not be suppressed only because some, or even the majority of the academic community deem them wrong, unwise, immoral, offensive or ill-conceived. Rather, each member of the academic community must judge the value of ideas by listening, considering and rigorously engaging with, and then, if there is disagreement, by countering and contesting the ideas, not by censoring or suppressing expression. An excellent education, especially an excellent legal education, must equip students with the tools to engage with those with whom they disagree on the merits in responsible, effective ways.

This commitment to free and robust debate does not, however, mean that anyone can say anything, anywhere at any time. Consistent with the Law School's commitment to academic freedom, and to the essential lessons of the Constitution, the Law School may, and does prohibit, among other low value categories of speech, defamation, fighting words, fraud, incitement, obscenity, true threats, and other speech that violates the University's harassment policy, or unjustifiably invades substantial privacy or confidentiality interests. In addition, the Law School may, and does, impose appropriate time, place, and manner limitations on expression.

This Academic Freedom and Free Expression of Ideas Policy ("Policy") and its procedures are consistent with, and its processes dovetail with, the University's academic freedom and freedom of expression policies to ensure that all members of the Law School and larger University community, including faculty, staff, and students, are afforded the broadest possible latitude to teach, speak, write, listen, challenge, and learn.

As a necessary condition for fulfilling their duties and functions as teacher-scholars, all faculty members (tenured, tenure-track, non-tenure-track full-time, part-time, adjunct, librarians, invited guest lecturers and speakers teaching a single class, as well as all individuals who engage in

teaching of any sort, while they are engaged in that activity) are entitled to full academic freedom in teaching, in research, and in publishing and disseminating the products of their scholarship. One's academic freedom is intrinsically linked to one's responsibilities as a scholar and member of the Villanova community. Accordingly, academic freedom also extends to law school governance; participation in law-related public service activities; maintaining library collections and providing information services; and providing clinical client representation.

In both clinics and classroom related activities, academic freedom is task-specific, deriving from and governing the individual's role as a teacher in a given discipline. Teachers are free to discuss their subject matter and related issues consistent with academic standards, and students' legitimate academic rights and responsibilities. Teachers must uphold the integrity of reasoned inquiry, open discussion, and free expression. Especially when dealing with controversial topics, teachers must set the example and lead students in an open, respectful, scholarly evaluation of the subject matter.

Similarly, students in classes and in curricular related activities are also entitled to free expression of ideas, again, task-specific to the course content, and to the reasonable academic requirements and expectation of the particular course or activity.

Academic freedom is predicated on support for one's positions on issues, and so it does not extend to espousal of propositions or statements that lack any scholarly support. But, as the Supreme Court observed in *New York Times Co. v. Sullivan*, "erroneous statement is inevitable in free debate." Accordingly, non-malicious erroneous statements "must be protected if the freedoms of expression are to have the 'breathing space' that they 'need . . . to survive.'" Scholarly discourse on religious matters is protected.

Faculty must evaluate student performance on an academic basis only, and not on the basis of faculty or staff opinions, nor on the basis of conduct unrelated to academic standards. Students should be free to take reasoned exception to the information or views offered in any class or course of study, and to reserve judgment about matters of opinion. Nonetheless, students are responsible for learning the content of the course of study in which they are enrolled, including matters with which they may disagree. Faculty should measure the validity of their ideas, theories, arguments, and views against relevant academic standards.

Academic freedom per se does not extend to public statements that are unrelated to one's faculty, staff, or guest lecturer status. But faculty members and teaching staff are free to exercise their individual constitutionally protected freedom of expression, provided that in exercising that freedom, they make clear that the views they express are not specifically sanctioned by, nor do they necessarily relate to, their faculty status at Villanova University.

Similarly, students are free to exercise their constitutionally protected freedom of expression outside the classroom and clinic context. But in exercising that freedom, they too must make clear that the views they express are not specifically sanctioned by, nor do they necessarily relate to, their student status at Villanova.

The requirements set forth below for organizing events and demonstrations should not be interpreted to apply to demonstrative, expressive activities, such as: walking out of a class, activity or event; similar spontaneous demonstrative expressive activities; expressive, demonstrative gatherings that do not significantly disrupt the regular activities of the Law School including a speaker or event, obstruct passage, entrance or exit from the building or areas within the building, create excessive noise or disruption, or involve occupying space that is not generally considered public.

Speakers and Events

The following standards and procedures govern speakers and proposed events. It governs all faculty as well as staff acting on behalf of the faculty members. It also governs: (1) staff when in the role of teacher, (2) staff acting on behalf of a law school office, and (3) law students in their roles as members or leaders of student organizations.

Respecting the principles and responsibilities of academic freedom as articulated above and recognizing the importance of the perceptions of both internal and external communities, Villanova University encourages the open exchange of ideas on a variety of subjects, including those that may be controversial. Thus, faculty members, staff acting on behalf of faculty members of the Law School, staff acting in their professional capacity, may invite speakers to a class. And students, acting on behalf of student organizations, may invite speakers to a law school event, and may host events open to the campus community, that address the full range of intellectual, moral, and social issues. In keeping with the educational mission of the Law School and Villanova University, the academic character and educational value of all such events are the motive and rationale for their occurrence.

Neither invitations to speak nor the hosting of events implies the Law School or Villanova University necessarily approves or endorses invited speakers' positions or their views. To the best of its ability, the Law School will ensure that all legitimately invited speakers will be able to express their views, and that open discussion will take place. This policy presumes that community members inviting speakers or hosting events will exercise sound judgment in selecting speakers and in establishing the particulars of a given event. Thus, they enjoy wide latitude in their invitations. Freedom of expression exists in the context of the law and in responsibility for one's own actions. The exercise of these rights must not deny the same rights to any other individual. Therefore, the institution both fosters and protects the rights of individuals to express dissent.

This policy assumes that both speakers and audience will exhibit appropriate and respectful demeanor toward each other, but it is recognized (a) that speakers or events may often challenge existing attitudes and beliefs or trigger disagreements, and (b) that no policy, no procedures, and no sponsor of a speech or event, can guarantee against the possibility that a speech may offend listeners, that a speaker may unexpectedly deviate from anticipated content and style, or that members of an audience might engage in inappropriate behavior.

Permission to invite a guest speaker to a class or to a Law School or University event, or to host an event open to the campus community, is automatically granted as long as all conditions set out

below are met. If there is good reason to believe that one or more of the conditions might not be met, the person inviting the speaker or organizing the event must consult with the Academic Dean or the Vice Dean to ensure to the extent possible the consistency of the speech or event with the principles of academic discourse and with the academic values of the Law School and the University, as represented by the conditions set out below. Ultimately, if the Deans determine that it is not possible to structure the event in a way that is consistent with the principles of academic discourse and the academic values of the Law School and University, the event may be cancelled. If cancelled, or if the sponsors raise reasonable objections to the conditions imposed, the sponsors may appeal the decision to the Dean of the Law School, and ultimately to the Provost's office, as set out in the procedures below.

Conditions

1. The speech or event must constitute a legitimate educational experience or otherwise contribute to the law school's academic or legal professional mission and must be consistent with the principles of academic discourse and with the academic values of the Law School and the University
2. The speech or event must not pose a substantial risk to the physical safety of speakers or members of the audience, other participants, or bystanders. To address safety and security concerns, the Law School or the University may specify the location and timing of the event, the configuration of the event space, the number of guests permitted to attend the event, and may restrict the event to members of the Law School or University community or take other measures as the Law School or University determines appropriate. The Law School or the University may also cancel the event if in the Law School's or the University's judgment, the event poses legitimate safety and security concerns, and reasonable measures cannot mitigate these concerns. The Law School or the University may require the hosting organization to bear any extraordinary security costs (e.g. municipal police) incurred for the event.
3. The speech or event must not involve a substantial risk of disrupting classes, meetings, library services, interviews, ceremonies, or public events; obstructing access to campus facilities; interfering with other ongoing Law School or University events or activities; or creating a seriously intimidating, threatening, scandalizing, or uncivil environment at the speech or event that would undermine its educational purposes.
4. The event must not violate the law or jeopardize Villanova University's nonprofit status. (Note that federal and state laws may prohibit, condition, or limit speeches by political candidates; accordingly, if a political candidate or a candidate's representative is invited, the matter must be brought to the Dean's Office to allow consultation with the General Counsel's Office.)
5. It is understood that some speakers will hold, offer, and defend positions that differ from Catholic Church teaching. The expectation is that they will do so in an academically responsible fashion, be open to questions and challenges from members of the audience, and respectfully acknowledge, and not disparage, Church teaching. If, in the judgment of Law School or University officials, a speech or event presents a serious risk of violating these principles, the person or group seeking permission for that event must accept conditions to ensure adherence to

standards of freely reasoned academic discussion and debate. These conditions might include, for example, allowing for an appropriate response at the speech or event or contextualizing the event or speech by means of complementary counterprogramming.

Procedures

1. Before extending an invitation or planning an event within the Villanova community where a conflict with any of the above conditions is reasonably foreseeable, the sponsor should seek the advice of faculty and administrator colleagues. If a colleague or the appropriate administrator indicates that the speech or event would likely conflict with any condition, the sponsor must consult with the Law School Academic Dean or Vice Dean before issuing the invitation. If the Vice Dean or the Academic Dean rejects the proposal, the sponsor may appeal first to the Law School Dean, and if the Dean also rejects the proposal, the sponsor may appeal to the University Provost, who, after appropriate consultation with other University officials, shall make the final determination.
2. Invitations to Catholic Church dignitaries such as Bishops, Archbishops or Cardinals, are subject to a protocol requirement that the President of the University or the Vice President of Mission and Ministry send the invitation. Every attempt will be made to ensure that the President is available to welcome the dignitary in the name of Villanova University.
3. In addition, when a Catholic Church dignitary is invited to the university, protocol requires that a letter will be sent to inform the local Ordinary that this person has been invited to the Diocese.
4. In reviewing any request for a guest speaker or event, the Dean or the Provost: (a) should consult with appropriate members of the faculty, including the leadership of the Faculty Congress, when feasible, and (b) may impose restrictions or conditions to ensure consistency with the principles and conditions outlined in this Policy. A decision and the reasoning of the Dean or the Provost to deny or to condition permission for a guest speaker or event will, except in the most unusual circumstances, be provided to the sponsor initiating the request.
5. In exercising this authority, the Dean and the Provost shall give due consideration to the principles and conditions outlined in this Policy.
6. Sponsors seeking to invite a speaker or host an event must ensure, in advance, that there is provision for adequate financing, facilities, and other Law School or University resources. Failure to do so is grounds for refusal to allow the speech or event.
7. If there is a contract or fees for any speaker from Villanova University or Law School resources, approval of that payment contract must be obtained from the Dean, who will ensure that all appropriate offices are consulted. The Dean or the Dean's designee must sign all contracts.

Assemblies and Demonstrations

If the assembly or demonstration involves an outside speaker, the provisions of the above Speakers and Events procedures apply. The following conditions, guidelines and responsibilities govern on-campus assemblies and demonstrations by Law School and Villanova University community members.

A. Conditions

1. The freedom to peacefully assemble or demonstrate to express the merits of competing ideas does not mean that individuals may say or do whatever they wish, wherever they wish. The Law School and the University prohibit expression that constitutes defamation, fighting words, fraud, incitement, obscenity, true threats, and other speech that violates Villanova University's Non-Discrimination and Non-Harassment Policies, unjustifiably invades substantial privacy or confidentiality interests, or violates provisions of the Code of Student Conduct.
2. The assembly or demonstration must not involve a substantial risk of disrupting classes, obstructing access to campus facilities, otherwise interfering with other ongoing Law School or University events or activities, or creating a seriously intimidating, threatening, scandalizing, or uncivil environment. To this end, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the institution.
3. The property of the Law School and the University and that of the members of the Law School and University community must not be damaged, destroyed, or violated.
4. The assembly or demonstration must not pose a substantial risk to the physical safety of participants, bystanders, or other community members.
5. The assembly or demonstration must not place an undue burden on the Law School or the University's finances, facilities, or other resources.
6. It is understood that some assemblies and demonstrations may support and defend positions that differ from Catholic Church teaching. The expectation is that they will do so in a responsible fashion, be open to questions and challenges from members of the community, and respectfully acknowledge, and not disparage, Church teaching. If, in the judgment of University officials, an assembly or demonstration presents a serious risk of violating these principles, the university may impose conditions and restrictions.

B. Planning and Prior Notification Guidelines

To maximize the likelihood that the goals of a demonstration or assembly are met and to ensure the safety of all community members, organizers of a demonstration or assembly should adhere to the following guidelines prior to scheduling an event:

1. If the event is organized by a faculty member, staff acting on behalf of the faculty, staff when in the role of teacher, or staff acting on behalf of a law school office, the sponsor should consult with the Vice Dean of the Law School to discuss strategies to ensure that the event will adhere to the values expressed in this Policy's preamble.
2. If the event is organized by a recognized student group or organization, sponsors should meet with the organization's advisor, the Director of Student Affairs and the Vice Dean

to discuss strategies to ensure that the event will adhere to the values expressed in this Policy's preamble.

3. If the event is not organized by a recognized student group or organization, sponsors must meet with the Vice Dean and Director of Student Affairs to discuss strategies to ensure that the event will adhere to the values expressed in this Policy's preamble.
4. After appropriate discussion, sponsors should work in collaboration with appropriate Law School and, where appropriate, university departments (e.g. the Department of Public Safety, Facilities Management) to coordinate the event's logistics to ensure compliance with the values expressed in this Policy's preamble and to meet the responsibilities outlined in Section C below.
5. Prior to the event, sponsors must communicate the conditions that the University has set for the event to all participants and should take reasonable measures to ensure the participants' safety.
6. When demonstrations or assemblies are scheduled, participants should expect Law School and University personnel, including members of the Villanova University Department of Public Safety, to be present for all or part of the event. This presence is often necessary to ensure organizers' own rights are protected and the Law School's and the University's regular operations and activities are not interrupted. Villanova University representatives may film, photograph, or record elements of the event. The presence of Law School or University personnel should not be viewed as an effort to deter or otherwise interfere with planned demonstrations or assemblies.

C. Responsibilities

All Villanova Law School and University community members have the right to peaceful assembly and demonstration (including, but not limited to, rallies, gatherings, protests, and processions) on campus. But all assemblies and demonstrations must adhere to the values expressed in the Preamble of the Policy and must not unduly disrupt the life of the Law School or the University or place any community member in danger. Disruptive or unsafe assemblies or demonstrations are strictly prohibited.

D. Ensuring Safety and Security

The responsibility of maintaining peace and order rests primarily with the individual(s) or group(s) who organized the event. Villanova University expects all demonstrators to comply with Law School and University policies and expects all community members to comply with policies applicable to their statuses as faculty, staff members, or students.

During a demonstration, the expression of viewpoints may invite or elicit a response from others, including counter-demonstrators or passersby. In all circumstances the right of others to personal expression must not be denied, and this includes actions that seriously disrupt either audibly or visibly speakers or events. Sponsors should be aware that other demonstrations may also occur that may include opposing views. Maintaining peace and order is especially important under these circumstances to support a rich campus environment that is accepting of divergent expression. Accordingly, expression that is indecent, obscene, or grossly offensive on matters such as age, disability, ethnicity, gender, race, religion, sex, sexual orientation, or other legally

protected bases, is inconsistent with accepted norms of conduct at the Law School and the University and will not be tolerated.

To avoid any misunderstanding of what a peaceful assembly is or permitted demonstration, and what is prohibited, disruptive, or unsafe assembly or demonstration, the following non-exhaustive list of characteristics is provided.

An assembly or demonstration is disruptive or unsafe if it includes any activity that:

- Places the health or safety of any member of the Law School or University community at risk;
- Denies or unreasonably interferes with the rights of faculty, staff, or students of the Law School or University, including the rights of others to demonstrate;
- Employs force or violence or threatens force or violence against any persons or property;
- Violates any ordinance or law;
- Creates a volume of noise that prevents members of the Law School or the University community from carrying on their normal activities;
- Results in actual or threatened destruction, damage or defacement of personal property;
- Results in actual or threatened destruction, damage or defacement of Law School or University property, grounds or facilities;
- Involves individuals or groups congregating or assembling in any Law School or University building, or on Law School or University property, in ways that disrupt the Law School or University's normal functions;
- Takes place overnight and/or involves the establishment of encampments or similar use of tents, walls, barriers, structures, or objects on Law School or University grounds, property or facilities;
- Occurs in a way that blocks entrances, exits, or passageways from or to a Law School or University building, or vehicle traffic on or to the campus. Corridors, stairways, doorways, and building entrances may not be blocked or obstructed in violation of the regulations of the University or local fire codes; or
- Fails to comply with any other Law School or University policy or any other lawful directive, including a directive to cease the Event.

Disruptive or unsafe assemblies or demonstrations will be suspended or stopped immediately at the direction of the Law School administration or the Villanova University Department of Public Safety in consultation with Law School Dean or the Vice President for Student Life or the University Provost or their designee. The Law School or the University may also seek the assistance of local law enforcement to disband disruptive, unlawful or unauthorized events.

E. Responsibility to Conclude the Assembly or Demonstration

The length of any given assembly or demonstration may vary. Demonstrations will usually be permitted to continue unless Law School or University officials determine that Law School or University operations or the rights of others have been compromised. University operations

include staff who may be attempting to close facilities according to the established closing hours of buildings.

At the conclusion of every assembly or demonstration, the sponsors must make reasonable efforts to return the grounds or area to the condition it was in prior to the event. This responsibility includes properly disposing of all garbage. Any unanticipated and accidental property damage must be reported to Law School administrators immediately. Property damage related to a demonstration (whether peaceful or disruptive) may result in the assessment of fees for cleaning, repairs, and replacement of property to the sponsoring organization or individuals involved or both.

Language

Consistent with the Catholic Church's belief that all persons are sacred, all written and oral communications on campus by administrators, the faculty, staff, and students should respect the dignity and inherent worth of every individual regardless of age, ethnic or racial identification, gender, mental or physical ability, religious persuasion, sex, sexual orientation, or social class. Stereotypes and unfair characterization of individuals on the basis of group identification are inconsistent with this expectation. This Law School will clearly disclose this Policy in writing to prospective faculty, staff, and students prior to their hire or affiliation with the Law School.

Enforcement

Significant problems that directly implicate this Policy should be brought to the attention of the Law School promptly.

A. Reporting a Complaint

If faculty members, teaching staff, adjunct faculty, or students believe that a behavior or a circumstance that violates the provisions of this Policy has affected them, they should report their complaint by submitting a written summary of the concern or complaint to the Associate Dean for Academic Affairs. If the complaint involves the Associate Dean for Academic Affairs, the written report should be submitted to the Vice Dean, or if the Vice Dean is also involved, the Dean of the Law School. Should the matter involve the entire Law School administration, the written report should be submitted to the Provost's Office. This written report must state the facts that form the basis for the complaint and how the matter implicates this Policy. A copy of the written report of the complaint must be provided to any party who the complainant claims to have violated the Policy.

B. Resolving the Complaint: When a formal written complaint has been filed by or involves a faculty member or member of the staff, the Associate Dean for Academic Affairs (or other administrator referred to in A, hereinafter "other administrator") shall appoint a three member panel (Panel) made up of tenured faculty members selected at random from the list of tenured faculty. The Panel shall investigate as soon as possible, but in no event later than 20-business days after the filing of the written complaint. Any party who is alleged to have violated the Policy will have an opportunity to present their response to the complaint, including any relevant evidence. If possible, the Panel shall attempt to resolve the complaint within the 20-business day period. If resolution is not possible, the Panel may refer the matter to the appropriate

administrator, administrative body, or an administrative official designated by the Dean (the “Dean’s designate”). If the complaint is referred, the administrator, administrative body, or Dean’s designate shall attempt to resolve the complaint as soon as possible, but in no event later than 20 business days after referral by the Associate Dean for Academic Affairs. Upon completing an investigation, the Law School shall communicate its findings and, if appropriate, its intended actions, to the complainant.

When a formal written complaint has been filed by a student or someone other than a member of the faculty or staff, the Associate Dean for Academic Affairs (or other administrator referred to in A, hereinafter other “administrator”) shall investigate as soon as possible, but in no event later than 20-business days after the filing of the written complaint. Any party who is alleged to have violated the Policy will have an opportunity to present their response to the complaint, including any relevant evidence. If possible, the Panel Associate Dean for Academic Affairs (or other administrator) shall attempt to resolve the complaint within the 20-business day period. If resolution is not possible, the Associate Dean for Academic Affairs (or other administrator) may refer the matter to the appropriate administrator, administrative body, or an administrative official designated by the Dean (the “Dean’s designate”). If the complaint is referred, the administrator, administrative body, or Dean’s designate shall attempt to resolve the complaint as soon as possible, but in no event later than 20 business days after referral by the Associate Dean for Academic Affairs. Upon completing an investigation, the Law School shall communicate its findings and, if appropriate, its intended actions, to the complainant.

C. Appeal Process:

If the complainant or the party alleged to have violated the Policy is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The complainant should submit written comments in a timely manner to the Dean of the Law School within two weeks after the communication of the investigation’s findings to the complainant. The Dean’s decision shall be communicated to the complainant, the party who is the subject of the complaint, and the investigator(s) within 20 business days and shall be final. If the matter involves the Dean of the Law School, the final appeal should be submitted to the Provost as described above, and the Provost’s decision shall be final.

D. Maintaining a Written Record of the Complaint:

The Law School shall maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in a confidential manner in the Office of Academic Affairs for seven years from the date of final resolution of the complaint.

E. Protection Against Retaliation:

The Law School prohibits retaliation by a faculty member, administrator, staff employee, or student against any student who makes a complaint under this Policy.

F. Not Exclusive Complaint Policy or Procedure:

This Policy is not the exclusive avenue for raising a complaint about a policy or procedure. The Villanova Law School Student Handbook contains separate policies, including those concerning sexual harassment or other discrimination complaints as well as complaints under the Academic

Code of Student Conduct or Non-Academic Student Misconduct Hearing Procedure. The Law School Faculty Handbook contains separate policies and procedures specific to different circumstances, for example, Tenure and Promotion (for faculty). In addition, University policies governing faculty and students specific to different circumstances might also apply. Where more than one Policy may arguably apply to the complaint, the Law School shall follow the Policy that it deems most appropriate to the situation.

G. Exception for Contracts, Agreements and Other Policies

To the extent appointment letters, confidentiality agreements or policies, professional conduct policies, or HR policies regulate conduct that may include speech and expression, they are not superseded by this policy. But these must be applied as narrow exceptions to the general principle of freedom of expression.

Approved and Adopted by the Faculty April 23, 2025