

## University of San Francisco School of Law

### Academic Freedom and Freedom of Expression Statement In Compliance with ABA Standard 208

Effective Date: August 25, 2025

#### I. Purpose

This policy summarizes and supplements protections for academic freedom and freedom of expression, as required by ABA Standard 208.

#### II. Governing Standard

##### A. ABA Standard 208

##### **Standard 208. ACADEMIC FREEDOM AND FREEDOM OF EXPRESSION states:**

- (a) A law school shall adopt, publish, and adhere to written policies that protect academic freedom. A law school's academic freedom policies shall:
  - (1) Apply to all full and part-time faculty, as well as to all others teaching in law school courses;
  - (2) Apply to conducting research, publishing scholarship, engaging in law school 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; and
  - (3) Afford due process, such as notice, hearing, and appeal rights, to assess any claim of a violation of the academic freedom policies
- (b) A law school shall adopt, publish, and adhere to written policies that encourage and support the free expression of ideas. A law school's free expression policies must:
  - (1) Protect the rights of faculty, students,<sup>1</sup> and staff to communicate ideas that may be controversial or unpopular, including through robust debate, demonstrations, or protests; and
  - (2) Proscribe disruptive conduct that hinders free expression by preventing or substantially interfering with the carrying out of law school functions or approved activities, such as classes, meetings, library services, interviews, ceremonies, and public events;

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<sup>1</sup> These procedures apply only to claims involving academic freedom and freedom of expression. Other employment matters are governed by applicable University policies and procedures.

(c) Consistent with this Standard, a law school may:

- (1) Restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, or that unjustifiably invades substantial privacy or confidentiality interests.
- (2) Reasonably regulate the time, place, and manner of expression.
- (3) Adopt policies on academic freedom and freedom of expression that reflect the law school's mission, including a religious mission, to the extent such policies are protected by the First Amendment of the United States Constitution and are clearly disclosed in writing to all faculty, students, and staff prior to their affiliation with the law school.

### **III. Faculty**

#### **A. Applicable Policies**

The School of Law's academic freedom policies are set forth in the following policies:

##### **1. Faculty Handbook, Article 1 (February 2012) states:**

###### **ARTICLE 1. ACADEMIC FREEDOM**

- 1.1 The University of San Francisco School of Law affirms and is committed to the full academic freedom of all faculty members and librarians. The School of Law encourages vigorous debate and the unfettered pursuit of truth in an academically free environment. Consistent with the Jesuit tradition, the School of Law fosters an intellectual community that respects diverse backgrounds and perspectives and also cultivates creative and insightful teaching, scholarship, and service
- 1.2 Faculty members and librarians are entitled to full freedom in the pursuit of their academic functions, which include: the advancement of human knowledge, insight and understanding; the education of the students and the presentation to them of various divergent views and opinions which are intellectually within the content of the course being offered; and the responsibility to serve the community by lending intellectual abilities to the solution of current problems.
- 1.3 University teachers and librarians are citizens, members of a learned profession, and members of an educational institution. When speaking or writing as citizens, they should be free from institutional censorship or discipline but their special position

in the community imposes special obligations. As persons of learning and educational members, they should remember that the public may judge the teaching profession and its institutions by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should not indicate that they are speaking for the institution when in fact they are not. (This shall not be construed to prohibit faculty members and librarians, in the course of their pursuit of community affairs, from identifying themselves and stating the position they hold at the University.)

1.4 The academic functions of faculty members and librarians shall not be abridged, either before or after the fact, directly or indirectly by any segment of the University.

1.5 The University and the School of Law acknowledge the principles of academic freedom and tenure of the American Association of University Professors and confirm adherence to those principles as the same may reasonably be applied to the School of Law and its faculty.<sup>2</sup>

**2. Dean's Academic Freedom Policy (January 2024)** ("This Academic Freedom policy reaffirms the following principles of academic freedom in Article 1 of the Faculty Handbook and clarifies that the academic freedom policies protect all faculty at the University of San Francisco School of Law, including all full-time and adjunct faculty.")

## **B. Due Process Procedures**

### **1. Tenured and Tenure Track Faculty:**

- a. Faculty Handbook Art. 3, 5, 6

### **2. Full-Time, Non-Tenure Track Faculty:**

- a. May appeal alleged violations of academic freedom/free expression to the Dean and have the right to written response within 30 days

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<sup>2</sup> **Note on Curricular Requirements:** Consistent with American Association of University Professors principles on academic freedom (see AAUP 1940 Statement of Principles on Academic Freedom and Tenure; AAUP Statement on Professional Ethics (1966); AAUP Statement of the Association's Council: Freedom and Responsibility (1970)), faculty have freedom to choose their teaching methods and present course material, but have the responsibility to cover required course content and meet established learning outcomes. While professors can select their pedagogical approaches, they have the responsibility to comply with ABA standards (see ABA Standards 302, 314, 403(c))

- b. If the matter remains unresolved, may request review by ad hoc committee of three faculty members appointed by the Dean

### **3. For Adjunct Faculty:**

- a. May appeal alleged violations of academic freedom/free expression to the Dean
- b. Right to written response within 30 days

## **C. Freedom of Expression Policies (Standard 208(b))**

### **1. Core Principles**

- a. The School of Law protects the rights of faculty, students, and staff to communicate ideas that may be controversial or unpopular, including through robust debate, demonstrations, or protests.

### **2. Students**

- a. All student rights and responsibilities regarding freedom of expression are established by existing University policies and procedures. This section references those policies, but does not create new rights or obligations. Please see the linked policies.

(1) [Institutional Policy on Freedom of Expression](#)

(2) [USF Fogcutter Student Handbook](#)

(3) [Demonstration and Fixed Exhibit Policy](#)

(4) [Regulations on Guest Speakers and Presentations](#)

### **3. Staff Expression Rights:**

- a. Staff rights to free expression are protected by [California Labor Code §§ 1101-1102](#) as well as by the relevant collective bargaining agreements.

## **D. Permissible Restrictions**

### **1. Consistent with the First Amendment, California law, and our Jesuit mission, the School of Law may restrict expression that:**

- a. Violates the law (Standard 208(c)(1))
- b. Falsely defames a specific individual (Standard 208(c)(1))
- c. Constitutes a genuine threat or harassment (as defined in Cal. Penal Code § 422 and § 646.9) (Standard 208(c)(1))

- d. Unjustifiably invades substantial privacy or confidentiality interests (Standard 208(c)(1))
- e. Substantially disrupts law school functions or approved activities (Standard 208(b)(2))
- f. Violates reasonable time, place, and manner regulations (Cal. Ed. Code § 94367) (Standard 208(c)(2))
- g. As a religious institution, USF may enforce restrictions based on its religious mission (Cal. Ed. Code § 94367(c)) (Standard 208(c)(3)).

## **E. Implementation and Compliance**

### **1. The Dean's Office shall ensure that:**

- a. All faculty receive notice of these policies prior to appointment
- b. These policies are published and readily accessible
- c. The School adheres to these policies in practice
- d. Regular review occurs to ensure ABA compliance

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For questions regarding this policy, contact:  
Office of the Dean  
University of San Francisco School of Law