

The *Josephson v. Bendapudi* Case

Case Name: *Josephson v. Bendapudi*

Case Status: On March 28, 2019, ADF filed a federal lawsuit challenging the University of Louisville’s decision to demote and effectively fire Dr. Allan Josephson in violation of his First Amendment right to free speech.

Significance: Whether a public university can demote and effectively fire a professor simply because it disagrees with his viewpoint.



Background: In 2003, the University of Louisville hired Dr. Allan Josephson to be the chief of its then-struggling Division of Child and Adolescent Psychiatry and Psychology. For almost fifteen years, Dr. Josephson led the division and turned the program around, elevating it to a position of national reputation. His leadership earned him perfect marks in his 2014, 2015, and 2016 annual reviews. In 2017, The Heritage Foundation, a nationally known conservative think-tank, asked Dr. Josephson to participate in a panel discussion where he expressed his professional views on the treatment of youth experiencing gender dysphoria. Several university faculty and staff members objected to Dr. Josephson’s views, and as a result, the university demoted him from his long-held position. In the spring of 2019, the university then informed Dr. Josephson it was not renewing his contract for the upcoming academic year, effectively terminating him.

Key Points

- Public colleges have no business punishing people simply because they hold different views than their colleagues or the administration.
- Speaking with conservative groups—or holding conservative views—should not be disqualifying for academic service.
- Tolerance is a two-way street. Universities should welcome differing viewpoints and encourage civil discourse in their academic communities.
- The First Amendment guarantees academic freedom at public colleges for professors as well as students.

Key Facts

- Dr. Josephson has had a long and distinguished career at the University of Louisville, leading and rebuilding its child psychiatry program for almost fifteen years.
- The university’s decisions to demote and eventually fire Dr. Josephson are especially troubling; his panel remarks expressed his professional opinion in his field of expertise.
- Universities are meant to be a marketplace of ideas, not an assembly line for one type of thought.
- When universities shut down debate and silence different views, they do a disservice to students and faculty alike.

The Bottom Line: Public universities must respect the free-speech rights of their professors, regardless of the points of view they express.