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University 'Speech Codes' Under Fire

found on [PennLive](#)written by [ms_sue_collins](#), edited by [George \(Plastic\)](#) [[read unedited](#)]

posted 5 hours, 20 minutes ago



"Should a university have the right to establish 'speech codes' prescribing how, where, and in some cases, what a student may say?" [ms_sue_collins](#) asks. "The [Foundation for Individual Rights in Education](#) has begun a national campaign against such restrictions, saying that they amount to unconstitutional censorship. The group has filed a [federal lawsuit](#) against [Shippensburg University](#) in Pennsylvania and its president, Anthony Ceddia, on behalf of two students who wish to remain anonymous. The suit [contends](#) that the university's code of conduct has a 'chilling effect' on the students' right to express or discuss their ideas. Although there have been some [major legal decisions](#) against such codes, which began to surface on college campuses in the early 80s, FIRE claims that restrictions have 'crept back into the world of higher education where they are very prevalent'; so the group plans to wage an organized legal battle over the next year by filing challenges in each of the 12 federal appellate circuits.

"Shippensburg's [code of conduct](#) gives each student a 'primary' right to be free from harassment, intimidation, physical harm or emotional abuse; and a 'secondary' right to express a personal belief system in a manner that does not 'provoke, harass, demean, intimidate or harm' another. The code also prohibits any conduct that 'annoys, threatens, or alarms a person or group' and any 'suggestive or insulting sounds,' and warns against 'unconscious attitudes toward individuals which surface through the use of discriminatory semantics.' Ceddia supplemented the code last month by restricting demonstrations or rallies to two specific '[speech zones](#)' on campus, defending them as being necessary 'to maintain the operation of the institution, meet the needs of students who paid tuition and are expecting to get an education, and protect them from needless intimidation and interlopers' and believes that FIRE is misinterpreting the student conduct code:

Shippensburg University strongly and vigorously defends the right of free speech. As an institution of higher education we encourage and promote free speech among and between individuals and organizations.... The university is also committed to the principle that this discussion be conducted appropriately. We do have expectations that our students will conduct themselves in a civil manner that allows them to express their opinions without interfering with the rights of others.

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Update: Schoolscandals.Com

(2 hrs, 57 mins ago) -----o---

The [student insult Web site](#) has [shut down](#) amid a public outcry that the owners claim was an orchestrated campaign against them. Guess the shoe's on the other foot now.

- [ms_sue_collins](#)

Vegetarians For Sars

(3 hrs, 22 mins ago) -----o---

One can trust PETA to shamelessly [capitalise](#) on any tragic situation.

- [chlim01](#)

End Of The Keepers' Era

(Thu 24 Apr 5:17pm) -----o---

[Louis Bauchan](#) of Michigan was the last known surviving lighthouse keeper from the old [United States Lighthouse Service](#). He was 91. - [Brian Jones](#)

A History Of Hostility

(Thu 24 Apr 12:40pm) -----o---

As you all know, Rick Santorum, made [some remarks](#) this week that didn't go over too well. These, however, are not an isolated incident, rather, they represent a pattern of bigotry and hate that has the [tacit approval of the White House](#). - [Goldmund](#)

Principal Shot By 14year Old

(Thu 24 Apr 9:28am) -----o---

[This morning in Pennsylvania](#). The student then committed suicide. - [kitka](#)

Bush: Another Term For Greenspan


"FIRE is asking the court to invalidate the speech code as a violation of the students' constitutional rights to free speech, saying that it's passionate expression and provocative dissent that especially need protection."

Under this policy, a student who says Republicans are engaging in a racist war could be subject to punishment, as would a feminist student who goes to a rally with a sign that says 'Keep your rosaries off my ovaries,' or an evangelical student who uses expressions that offend a lesbian student.... Prejudice, intolerance and bigotry do not disappear when you prohibit their expression. You know what happens when students offend each other? They have conversations, and an exchange of views.

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show by

1. Why, oh why

by [goofyfoo](#) 

5 hours, 9 minutes ago

do legal resources have to be employed to expose the folly of speech rules?

Free speech can be messy, unpleasant, and a tax on one's patience. Like the people who practice it.

Gross oversimplification: I think some college administrators just don't like to deal with people. That's why they aren't out running a competitive business, where pleasing others — for all their idiosyncrasies and self-contradictions — is the rule.

Goofy Roo

Never say "myself" unless you've said "I" first.

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2. Getting along with others 101

by [zyxwvutsr](#) 

4 hours, 59 minutes ago

(Wed 23 Apr 3:09pm) -----o--
Putting an end to speculation about White House plans in the aftermath of a rift over the need for new tax cuts, Bush has declared his support for [another term as Fed Chairman for Alan Greenspan](#). - [NH4](#)

Judges Gone Wild!
(Tue 22 Apr 3:07pm) -----o
Remember the lawyer who turned in the judge taking bribes? Well, the state supreme court [suspended him](#). And the judge who wrote the opinion? two months ago [she was busted for drunk driving](#). - [charlies](#)

You Are So Great!
(Mon 21 Apr 10:42am) -----o
[So said self-esteem programs](#), but a recent study shows that they actually led to worse school performance. Shocker, I know. - [sulli](#)

Working For Uncle Sam
(Mon 21 Apr 5:05am) -----o
Red tape, thin paycheck... What makes people [work](#) for the government (shorter and more flexible hours, more vacation, low-cost health insurance?) - [somebaudy](#)

Earn As You Learn
(Sun 20 Apr 6:15pm) -----o
Curious how much your boss earns? Now the AFL-CIO [will let you know](#) how much the big fish make. - [charlies](#)

From the policy,

*Acts of intolerance directed toward other community members will not be condoned. This is especially true, but not limited to, acts of intolerance directed at others for ethnic, racial, gender, sexual orientation, physical, lifestyle, religious, age, and/or **political characteristics***

[emphasis mine]

I think that the university has a right to put such policies in place, but it seems to me that they are reinforcing the possibility that individuals will take offense at every utterance from those with whom they differ politically. That is an unfortunate lesson to learn when, in the real world, they will have no such right to be free from insult.

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3. A quibble...

by [Sir Real](#)

3 hours, 55 minutes ago



score of 1.5
astute

It seems the purpose of Shippenburgs speech code is to prevent "harassment, intimidation, physical harm or emotional abuse".

My question: isn't language used for that purpose "fighting words", and thus beyond the protection of the 1st amendment to begin with?

That said, trying to outlaw "unconscious attitudes toward individuals which surface through the use of discriminatory semantics" is the funniest thing I've read this week. Of course, it's also close enough to a "thought crime" to be frightening as well-

but then, the best comedy is supposed to make you uncomfortable..

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4. Let's not get our knickers in a knot

by [captainebo](#)

3 hours, 43 minutes ago



score of 1

At the time when I was applying to college, I was stunned by a particularly asinine [sexual harassment policy](#) adopted by Antioch College, in Ohio. The policy, in short, requires a student wishing to engage in sexual activity to verbally attain permission for each escalation in stimulus (may I kiss you? May I take off your shirt? May I kiss your nipple? May I assfuck you like a Barbarian dog? And so forth). At the time, I found this policy to be crippling, oppressive and something that must be eradicated post-haste from all educational institutions.

I have since changed my mind.

This is not to say I was moved by Antioch's draconian assault upon Roman Fingers or Russian Hands (pronounce those two out loud if you don't get the joke), but instead that I have since visited Yellow Springs, OH, the home of Antioch, and actually taken time to speak with a few students there. Yellow Springs, simply put, is the ultimate hippy town. At least two head shops entice residents, as do numerous

art stores, "earth" stores, and a nice little restaurant called "Ha-Ha Pizza" (back in the day, ordering a "ha-ha pizza" would get you the crust made with a certain extra-special seasoning). Simply put, any student applying to Antioch who didn't realize what he or she was getting into deserves what they get as punishment for failing to do their research.

The same thing can be said of Shippensburg.

Is Shippensburg's speech policy stupid and counterproductive? Absolutely. Does it reflect the values of any but a tiny minority of Americans? Certainly. But let's not make this into an issue which extends beyond Shippensburg and a handful of other, very fringe institutions. I should mention that one person claimed in the sub-q that Penn State has a similar policy, so I took the time to look up their [Code of Conduct](#). The only passage which indicates any kind of obstructions to free speech is this one:

d. Disruption [from speech] is an action or combination of actions by an individual or group that unreasonably interferes with, hinders, obstructs, or prevents the regular and essential operation of the University or infringes upon the rights of others to freely participate in its programs or services

The document, obviously written by a lawyer, had previously defined "regular and essential operation of the University" and "programs and services." Neither had anything to do with students expressing or not expressing political opinions, as is apparently restricted at Shippensburg, nor was "not offending others" defined as an essential operation. I should also note here that neither Shippensburg nor Antioch are Harvard, Stanford, Duke, MIT or any other particularly elite university, and thus a student at one of these fairly run-of-the-mill institutions could not argue that they are forced to choose between following unreasonable rules or accepting an inferior education.

So what is my advice to students faced with Shippensburg or Shippensburg-like Codes of Conduct? Simply put, if you don't like it, you can go elsewhere. With so many colleges available, the only students who need to attend institutions with particular bizarre policies are those who want to be there. This is not to say that, in a perfect world, these policies would exist. Just like truly evil "educational" institutions like Bob Jones or Liberty, schools with weird Codes of Conduct are hardly conducive to the free dissemination of knowledge, but they also remain a very tiny minority, and thus aren't really worth getting all worked up about.

Ebo

"In the process of gaining our rightful place we must not be guilty of wrongful deeds." -Martin Luther King

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5. Re: Let's not get our knickers in a knot

by [derch](#)

3 hours, 14 minutes ago

in reply to [comment 4](#)



score of 1

I completely understand what you're saying, and if a school is 100% privately funded, the speech codes would be acceptable.

However, according to the [History of Shippensburg](#) page, the school is a state school (bought by Pennsylvania in 1917). A state school should not be allowed to violate a citizens First Amendment rights.

It's the VMI problem. Women wanted into VMI. VMI accepts Federal Funds. Therefore, VMI can not discriminate against women, even if there were equivalent women's programs elsewhere.

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6. Re: Let's not get our knickers in a knot

by [captainebo](#)

2 hours, 46 minutes ago

in reply to [comment 5](#)



score of 1

A state school should not be allowed to violate a citizens First Amendment rights.

I agree with you, and hope that FIRE's court challenge ends in embarrassment for Shippensburg.

That said, my post was intended more to attack FIRE's claim that Shippensburg-like codes have "crept back into the world of higher education where they are very prevalent." The bottom line is such codes exist at a handful of colleges, and do their greatest damage by giving men like Rush Limbaugh a nice strawman to beat.

As a side note, while I agree with you that Shippensburg's policy is Unconstitutional, I would argue that Penn's Code of Conduct meets the "fire in a crowded theatre" standard for non-protected speech.

Ebo

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7. Re: Let's not get our knickers in a knot

by [derch](#)



2 hours, 27 minutes ago

score of 1

in reply to [comment 6](#)

Ah, my misunderstanding. And yes, definitely, from what I've read in the thread the Penn State policy, I agree on the Penn State policy being sensible.

And another side note, have you looked at the Shippensburg site? They out and out call their policy a rewriting of the First Amendment. Surely someone must've known a court challenge would come.

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8. How can they be so stupid?

by [sulli](#)



2 hours, 25 minutes ago

score of 1.5
intriguing

Really. How can a publicly funded institution, presumably employing people who have studied at least a half year of high school civics, possibly ignore the First Amendment in such a brazen fashion?

Calling the right to speak freely a "secondary" right to anything else is not only absurd, it's clearly illegal in a publicly funded institution. So not only should FIRE win this in about five minutes, the authors of this ridiculous policy should be sent to the nearest public high school for retraining, and summarily relieved of their duty as administrators.

Shit like this makes me *very* happy I'm out of academia. "Unconscious attitudes toward individuals which surface through the use of discriminatory semantics" *indeed*.

Tout abus sera puni

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9. Re: How can they be so stupid?

by [Jay Mack](#)



45 minutes ago

score of 1

in reply to [comment 8](#)

I think one of the keys here is the fact that this is a public university. I'm not saying that I think a private university should restrict speech, but I'd imagine it is less of a legal issue and more of an ethical one for the private sector. Shippensburg shouldn't be any different than any other public area and additional restrictions seem unconstitutional to me.

Check out <http://www.hell-vetica.com/webzine/news/dirt.php>

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12. Re: How can they be so stupid?

by [Misch](#)



27 minutes ago

score of 1

in reply to [comment 9](#)

Well, it sort of is, and sort of isn't. Because it's a private institution, lots of constitutional rights go straight down the toilet.

However, these rights are somewhat restored if they have any sort of a police force (campus safety, or campus security, or somesuch would apply). Also, if a private location were to invite a public figure, that also opens the location for first and fourteenth amendment protection.

I think the case to look at is [Marsh v. Alabama](#) (Supreme Court, 1946), when looking at Corporate Towns.

[I]t is the state's contention that the mere fact that all the property interests in the town are held by a single company is enough to give that company power, enforceable by a state statute, to abridge these freedoms.

We do not agree that the corporation's property interests settle the question.

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10. Unwritten speech codes more pervasive

by [M. Mosher](#)



39 minutes ago

score of 1

Captainebo has pointed out that this kind of speech code is fairly uncommon in America (or certainly that it is not very prevalent) and I agree with him. However, there are unwritten speech codes being encouraged and enforced all over America.

David Horowitz, much reviled by the left for a variety of reasons, not the least of which that he is a reformed leftist himself, spends a good portion of the year speaking at University campuses — or at least trying to speak. More often than not, he is heckled and disrupted and prevented from speaking by groups of students who have been encouraged by professors. He recounts some of his experiences in [this column](#).

In the first part of his column, he talks about the lack of political diversity among college professors but then he relates the following:

My visit to the University of Missouri in Columbia is a case in point. Before I even arrived, the students informed me that a leftist biology professor named Miriam Golomb was offering her students

credits to come and protest my speech. The normal bias on these occasions is that leftist professors provide students academic credits for attending leftist speeches, but withhold the same privilege from conservative speakers (and will even encourage boycotts of conservative speakers). Since there are virtually only leftist professors, this cuts down the audience for conservative speakers and creates the impression that there is something wrong with conservatives generally. They are "controversial," "extreme," "irrational" and worse.

One of Professor Golomb's students asked if she would provide credit for attending my speech. Golomb replied, "No, why would I, since I don't like what he has to say? He's a racist." Then Professor Golomb had a second thought, "But I will give you twice as many credits if you go to protest." Golomb, who is white, then went to the black students association which at Missouri is called the "Legion of Black Collegians" to try to incite the group to protest my appearance. Her appeal backfired and several of the students reported what had happened to their friends among the College Republicans.

He goes on to admit that his speech later that day was greeted by a large and friendly crowd and he feels the war in Iraq has allowed conservative students to speak out in a way that was almost unthinkable 6 months or a year ago. However, his point is that politically, college students are much more representative of the population at large than the professoriate and yet unwritten speech codes and political discrimination are a large part of daily life at universities and colleges that distort and pervert the learning experiences of everyone, left and right.

The Shippensburg speech code is much broader, and targets much more than just political speech. But when it says that acts of intolerance toward others for political characteristics will not be condoned, I wonder if this means that someone like David Horowitz will be allowed to freely express his political beliefs or if he would be banned because his beliefs would be judged to be intolerant.

You may agree or disagree with David Horowitz but this and other speech codes seem to open a can of worms better left to the constitution and the courts.

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13. Re: Unwritten speech codes more pervasive

by [captainebo](#)

2 minutes ago

in reply to [comment 10](#)



score of 1

I'm not clear how anecdotal evidence from a single, very conservative pundit confirms a general problem of bias. Do you have any data to back up your assertion?

Ebo

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