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Rights group's lawsuit targets Shippensburg University code

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BY JAN MURPHY
Of The Patriot-News

Shippensburg University has come under attack by a civil-rights group that is launching a campaign to challenge speech codes on college campuses across the country.

The Foundation for Individual Rights in Education claims the university's codes bar students from such activities as holding up signs, calling an anti-war protester immoral, or President Bush a war monger.

The Philadelphia-based group has filed a federal lawsuit against the university and its president, Anthony Ceddia, on behalf of two Shippensburg students. In the lawsuit, the foundation asserts that Shippensburg's speech rules have a "chilling effect" on the students' right to discuss ideas, politics and religious beliefs.

"The Shippensburg lawsuit inaugurates a national strategy to eliminate a moral, educational and legal scandal," said Thor Halvorssen, chief executive officer of the nonprofit foundation.

The foundation chose Shippensburg as its first target because it is a public university with a speech code "that is representative of what these codes are like elsewhere," Halvorssen said. So if it is struck down, "others like it go with it."

Ceddia dismissed the lawsuit as frivolous yesterday. And he accused the foundation of misreading and misapplying the university's student conduct code.

"It's clear in our view we do not restrict the free speech of our students or any member of our university community," he said. "In fact, our history is one where we foster debate and dialogue on all subjects, controversial or otherwise, for the betterment of all students."

At the same time, Ceddia said its code also "makes it clear if students or anyone else violates state and federal laws on intimidation and hate-mongering, they are going to face university disciplinary procedures."

The students filing the lawsuit are identified as John Doe, a junior majoring in earth science, and Jane Doe, a senior studying political science. Both are members of campus political groups that they say in the lawsuit "may be objectionable or offensive to other students" and punishable under the speech codes. Halvorssen said the students asked to remain anonymous.

Attempts to contact the students through FIRE's attorney, David French of Lexington, Ky., were unsuccessful.

The lawsuit filed Tuesday in U.S. Middle District Court in Harrisburg refers to the code of conduct in the school's catalog and student handbook.

It claims the university protects the exercise of "freedoms necessary for the pursuit of truth and knowledge only so long as those freedoms are not 'inflammatory, demeaning, or harmful toward others.'"

"So you can't hold up a poster that says such and such a person is stupid, President Bush is a war monger, you get the picture," Halvorssen said. "These codes are unimaginably broad. On a college campus, the expression that most needs protection is provocative dissent."

The lawsuit asks the court to invalidate the speech codes and for an unspecified amount of monetary damages.

The complaint cites racism and cultural diversity policy among the alleged free-speech violations by Shippensburg; the policy warns students against conduct that "annoys, threatens, or alarms" others.

Another example in a supplement to that policy is the admonition regarding "unconscious attitudes toward individuals which surface through the use of discriminatory semantics," the suit states.

The foundation also takes issue with the university's policy of limiting organized demonstration and rallies to a free-speech zone in the center of the campus near the library and student union center.

Ceddia asserts the zone is needed "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 from interlopers."

The foundation was founded three years ago by Alan Charles Kors, a professor of history at the University of Pennsylvania, and Harvey A. Silvergate, a civil liberties attorney in Boston.

Speech codes began to surface on college campuses in the early to mid-1980s with the rise of political correctness, said French, who specializes in defending student rights. Courts back then struck down speech codes, he said, but they have since "crept back into the world of higher education where they are very prevalent."

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