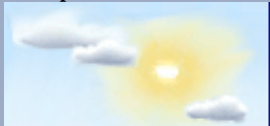


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## Judge finds college rule infringes speech rights

By Joyce Howard Price

THE WASHINGTON TIMES

A federal judge told a Pennsylvania college Thursday it couldn't enforce a school code that could violate its students' First Amendment rights.

Judge John E. Jones II temporarily barred officials at Shippensburg University from implementing some provisions from the school's Student Code of Conduct, which urges students to take views that don't antagonize others and "mirror the official views of the administration." Judge Jones said parts of the code could "likely" be found unconstitutional in a future ruling.

"Were we to deny a preliminary injunction, the First Amendment rights of Shippensburg University's students would continue to be violated," Judge Jones wrote in his 32-page opinion.

The judge acknowledged that the potentially discriminatory provisions in the code are not being enforced by Anthony F. Ceddia, president of the Harrisburg campus since 1981, but he said it's possible a future administration might do so.

The decision came in a lawsuit two students — a Shippensburg graduate and a senior — brought against the institution in April, challenging the legality of the speech code. They were represented by lawyers with the Philadelphia-based Foundation for Individual

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## Rights in Education, a censorship-watchdog organization.

"This is a great victory and a vital step in the struggle against the scandal of unconstitutional campus censorship in public colleges and universities," FIRE Chief Executive Thor Halvorssen said.

The suit held that some language in the speech code was improperly "vague and overboard." It specifically targeted a provision that forbids students from engaging in communication that "might provoke, harass, intimidate or harm another."

In his ruling, Judge Jones wrote, "Indeed, the language of the code instructs students that they must 'mirror' the university's ideals as they apply to racial tolerance, cultural diversity and social justice."

The plaintiffs said the speech code "chilled" their free speech, since they were reluctant to take positions on some controversial issues, fearing they could face sanctions.

"These provisions could certainly be used to truncate debate and free expression by students," Judge Jones observed in his opinion.

Reacting to the decision, Mr. Ceddia said, "We respect the rule of law and will comply with the ruling, while, at the same time, maintaining the university's core values — community, character and citizenship — which are critical for the success and development of our students."

The university unsuccessfully sought to have the lawsuit dismissed.

Established in 1871 as a state normal school, the university was long known as the State Teachers College at Shippensburg. It has an enrollment of 6,500 undergraduates and 1,000 graduate students.

Mr. Halvorssen insisted "hundreds and hundreds" of public higher education institutions have such speech codes and says many are enforced.

"We intend to bring each of them down," he said in a telephone interview yesterday.

FIRE said it will be seeking to make the temporary injunction against the school permanent.

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