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### Grad defends suit

By [Tatiana Zarnowski](#), July 30, 2003

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Going to college should be "a time where you develop your opinions and your beliefs," says Ellen Wray, a Shippensburg University graduate who sued the state institution over policies she says hinder free speech.

The university makes conservatives feel their views are unwelcome, says Wray, a former Shermans Dale resident who works in Washington, D.C.

Rather than seeing political activity on campus when she was a political science major from 2000-03, "I saw a lot of restrictions and a lot of intimidation from the school," Wray adds.

The conservative Wray says she would have liked to openly discuss anti-abortion and gun rights issues without having her views discounted.

As an example, Wray recalls being belittled in a race relations class during a discussion about the inclusion of minorities in high government positions.

"My teacher said that hasn't happened yet," Wray recalls, adding that she pointed out the diverse members of Bush's Cabinet and "my teacher said, 'That doesn't count,' and proceeded to laugh."

Her classmates also laughed. "Someone doesn't have to agree with what I'm saying. But they don't have to be rude."

After that, Wray says, "I tended to remain quiet. When I did stand up, I tended to take an apolitical view.

"I decided that I was outnumbered and my teacher wasn't going to provide the right forum."

#### Took action

In April, Wray and a male student listed as "John Doe" sued the university, saying it violates First Amendment rights.

"I was just kind of tired of the way I was feeling," Wray says. "I think the school overall will be better if I win this case."

Doe, a senior majoring in earth science, has until Thursday to identify himself for the lawsuit to go to court.

Meanwhile, the university "strongly and vigorously defends the rights of free speech," says SU spokesman Pete Gigliotti, who has called the lawsuit "frivolous."

Wray and "Doe" were members of the campus's chapter of College Republicans, an organization Wray says suffered



Ellen Wray (Submitted photo)

because of the university's policies.

"It's hard to get members to come out because no one wants to be known as a Republican."

The group had about 30 members in 2000 during the last presidential election, but membership dwindled to about six by the time she graduated.

Wray connected with the nonprofit Foundation for Individual Rights in Education (FIRE), who hooked the two up with a lawyer, she says.

### **Didn't want to be labeled**

Wray wanted to be able to discuss abortion, gun rights, gay marriage and affirmative action in class without being branded sexist, homophobic or racist.

"Being against affirmative action is not being racist. It's just an opinion.

"It's got nothing to do with the person," she says, adding her current boss is black and she has done political work with the Log Cabin Republicans

Her political sciences classes at SU were slanted with Democrats portrayed as culturally inclusive while "Republicans aren't."

"I don't mind learning about Democrats and that ideology. But ... I think there's good points to both sides."

Wray says she would like to see "less restrictive speech codes" at the university, as well as faculty and administration who hold diverse views, which would spur "a lot more students engaging in debate and discussion."

### **University is following policies**

The university's policies in its catalog and student handbook "Swataney" violate free speech because definitions prohibiting racism, ethnic intimidation and harassment are so broad that "I was afraid to say anything that would upset or inflame another student," Wray says.

In addition, the suit says the university values students' protection first and their right to free speech second.

The community regulations portion of the code of conduct in the "Swataney" explains students have a "primary" right to "be free from harassment, intimidation, physical harm and emotional abuse."

According to the "Swataney," students have a "secondary" right to "express a personal belief system.

The expression of one's beliefs should be communicated in a manner that does not provoke, harass, demean, intimidate or harm another."

The word "demean" was dropped when the board of trustees revised the code of conduct this year, Gigliotti says.

"We make changes every year."

Gigliotti adds the State System of Higher Education's legal counsel approves the student code every time it is revised.

"Everything that we have done has been approved legally."

### **"Speech zones" were targeted**

The lawsuit contends the university's designation of certain areas as zones where students can demonstrate or rally is unconstitutional.

The areas, as outlined in a March 25 letter from President Anthony Ceddia to the campus community, include "the area by the gazebo between the library and Franklin Science Center and the triangular lawn defined by the sidewalks leading to the Cumberland Union building facing Franklin Science Center."

Ceddia's letter also says that if demonstrations or rallies need to move inside, organizers "must reserve rooms through normal university procedures" with "a sign stating the purpose for which the room is being used" on the door.

Wray says she remembers thinking, "The only place we could have free speech was under a gazebo? That's ridiculous."

Now, construction equipment almost fills the triangular lawn, as the university remodels the Cumberland Union

Building. Gigliotti says students can still use the gazebo area to demonstrate.

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