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Free speech suit accuses college

By Matthew Daneman

Staff Writer

(June 10, 2004) — BROCKPORT — Two SUNY Brockport students are suing to overturn campus speech codes they say quash their free-speech rights.

The lawsuit, filed last week in U.S. District Court in Buffalo by students Patricia Simpson and Robert Wojick, alleges that the two are afraid to discuss controversial topics on campus because “they may be prosecuted and subject to sanctions” under the campus’ behavior regulations.

The lawsuit is the fourth in a national campaign organized by the Philadelphia-based Foundation for Individual Rights in Education to wipe out “highly restrictive speech codes,” said Greg Lukianoff, director of legal and public advocacy.

The organization previously has organized similar lawsuits against colleges in Pennsylvania, California and Texas.

“A university should be a place that protects greater amounts of free speech than what society tolerates,” said Lukianoff. “You need students who are able to argue, able to defend their arguments, and do not go into life with the expectations they’re never going to have their deepest beliefs challenged.”

Both Brockport students are self-described political conservatives, according to the suit. Simpson heads the campus chapter of the College Republicans; Wojick is a member of the club. Neither could be located for comment Wednesday.

The lawsuit points to various State University College at Brockport rules as examples of student intimidation — for example, prohibitions against jokes that stereotype or make fun of a particular race, creed, gender, etc.

The suit also cites the “better community statement” which states that free speech should be used “only with responsible and careful regard for the feelings and sensitivities of others” without defining how to gauge such feelings.

The suit says that the two students have withheld talking in class on such topics as the Equal Rights Amendment or the economies of foreign cultures out of fear that their opinions could be called bigotry under campus speech codes and punished.

College spokesman Nick Mascari said the state Attorney General’s Office is handling the suit, which is common when state bodies are sued, and that Brockport

could not comment on ongoing litigation.

MDANEMAN@DemocratandChronicle.com

For more on the Foundation for Individual Rights in Education, go to
www.thefire.org



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