

# Today's News

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## Federal Judge Orders Shippensburg U. Not to Enforce Portions of Its Conduct Code

By [ERIC HOOVER](#)

A federal judge issued a preliminary injunction last week that bars Shippensburg University of Pennsylvania from enforcing portions of its student-conduct policies. A free-speech advocacy group is challenging the university's code of conduct in a lawsuit that has sparked debate over whether policies designed to protect students from harassment violate the First Amendment.

The Foundation for Individual Rights in Education, the advocacy group, says that Shippensburg's code and its policies on sexual harassment and on racism and cultural diversity threaten constitutionally protected speech. The preamble of the student code of conduct, for example, states that the "university will strive to protect these freedoms [of speech] if they are not inflammatory or harmful toward others."

In his order, issued on Thursday, Judge John E. Jones III of the U.S. District Court in Williamsport, Pa., wrote that, although well meaning, portions of the university's policies were "likely unconstitutional."

"While we recognize that citing students under the suspect provisions has not been a common practice, in the hands of another administration these provisions could certainly be used to truncate debate and free expression by students," Judge Jones wrote.

Thor L. Halvorssen, chief executive officer of FIRE, said the ruling was "a great victory and a vital step in the struggle against the scandal of unconstitutional campus censorship at public colleges and universities."

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FIRE filed the lawsuit in April on behalf of two Shippensburg students, asserting that the university's policies had exerted a chilling effect on students' expression.

The university argued that such concerns were unreasonable, noting that no Shippensburg student had been punished for inappropriate speech in recent memory.

But Judge Jones dismissed Shippensburg's motion to dismiss the case.

In a prepared statement, Anthony F. Ceddia, Shippensburg's president, said the university would remain "fully engaged in this ongoing legal review."

"We are heartened to note that after this review of our Code of Conduct and related policies, which encompasses thousands of words, the judge focused on only seven sentences that he felt were possibly problematic," Mr. Ceddia said. "We hope that our students will, by exercising their rights to free speech, engage, debate, and discuss the many issues so important in today's society."

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Background articles from *The Chronicle*:

- [Citrus College Dodges Court Date by Dropping Speech Code](#) (6/27/2003)
- [War of Words](#) (5/23/2003)
- [Free-Speech Group Publishes Guides to Student Rights](#) (3/21/2003)
- [Rules for Classroom Discourse, Popular in Women's Studies, Set Off a Controversy](#) (9/27/2002)

Opinion:

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