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College relents on speech policy

By Joyce Howard Price
THE WASHINGTON TIMES

A Pennsylvania college has revised a portion of its student-speech policy that critics said violated free speech and was at the center of a federal lawsuit filed by current and former students.

The Shippensburg University's Council of Trustees changed some wording in its Student Code of Conduct two weeks ago after a federal judge issued a preliminary injunction barring enforcement of some provisions.

U.S. District Court Judge John E. Jones III, of the Middle District of Pennsylvania, said the code as written "could certainly be used to truncate debate and free expression by students."

Judge Jones said the code violated freedom of expression when it prohibited the students from expressing their beliefs "in a manner that does not provoke, harass, intimidate or harm another."

The students said in their lawsuit that they were ordered by the school to remove fliers hostile to Osama bin Laden from the walls and doors of their dormitory. A university spokesman denied that anyone was ordered to take down a poster for "political or speech reasons."

But Shippensburg graduate Walter A. Bair

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said in an affidavit that he and current student Ellen Wray are charging that the college's speech code was "unconstitutionally vague" and "overly broad."

"We do everything we can to ensure that students can speak freely. We felt it was in our best interest to revise some of the wording [in the Student Code of Conduct] and make sure it meets constitutional tests," university spokesman Peter M. Gigliotti said.

The new code says students must comply with applicable federal and state antidiscrimination laws.

As for the dispute over the anti-bin Laden fliers, Mr. Gigliotti said yesterday in an interview that if Mr. Bair was ordered to remove them, it was only because "We don't allow any paper on the doors, because paper is inflammable."

Mr. Bair and Miss Wray were represented in their litigation by the Foundation for Individual Rights in Education (FIRE), a nonprofit educational organization that fights for freedom of expression, freedom of conscience and due process on college campuses.

"Shippensburg has been so deceptive, and its speech code was as bad as any" ever in place on a college campus, said Greg Lukianoff, FIRE director of legal and public advocacy.

But Mr. Gigliotti said the university had both a resident manager, who is in charge of a dormitory, and students ready to testify at the federal trial that there was no directive to remove the fliers from the doors because they violated the speech code.

The other plaintiff, Miss Wray, contended that she was hesitant to speak out in class because her views were not taken seriously.

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