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Education

Posted on Sat, Sep. 06, 2003 The Philadelphia Inquirer

College code of conduct rejected

A federal judge said Shippensburg's rules, while well intentioned, could curtail rights.

By Bill Bergstrom
Associated Press

A federal judge has ruled that Shippensburg University cannot enforce parts of what he said was a well-intentioned code of conduct that could curtail students' First Amendment rights.

U.S. District Judge John E. Jones 3d granted a preliminary injunction barring enforcement of provisions that prohibited "acts of intolerance" including racist, sexist and homophobic speech.

"Regrettably this sword has two edges," Jones, of the U.S. District Court for the Middle District of Pennsylvania in Williamsport, wrote in the opinion issued Thursday. "... These provisions could certainly be used to truncate debate and free expression by students."

University President Anthony F. Ceddia said the school would comply with Jones' ruling, though he said in a statement: "We will remain fully engaged in this ongoing legal review."

Jones barred enforcement of student code provisions banning "acts of intolerance... for ethnic, racial, gender, sexual orientation, physical, lifestyle, religious, age and/or political characteristics," acts "that demonstrate malicious intentions" or cause "subordination, intimidating and/or harassment of a person or group."

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Jones ruled that the university failed to show that the restrictions were needed to prevent disruption of the school's work or of students' rights.



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