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Wednesday, February 25, 2004

Local News

## Code of Conduct amended at SU Free speech lawsuit settled, code rewritten as 'values'

By **AKILAH IMANI NELSON**  
Staff writer

After a year of litigation, Shippensburg University has amended its student Code of Conduct as part of a settlement in a lawsuit involving students' free speech rights.

The lawsuit, filed by the Foundation for Individual Rights in Education Legal Network attorneys on behalf of university students Walter Bair and Ellen Wray , charged that portions of the code and the University's Racism and Cultural Diversity Policy were unconstitutional.

In accordance with the settlement, the policy was rewritten as a university statement of values that is unenforceable and cannot inhibit student conduct or expression. Four sentences in the Code of Conduct, which originally defined unprotected speech as any speech that was "inflammatory demeaning or harmful toward others," were revised.

Judge John E. Jones III , of the U.S. District Court for the Middle District of Pennsylvania, in September issued a preliminary injunction barring the university from enforcing that section of the code.

"These changes do not affect what we hope are the aspirational aspects of what we're trying to do -- and that is to provide our students and others with the opportunity to learn and practice the institution's core values of community, civility, citizenship and character," said university president Anthony Ceddia in a written statement.

The revised code also includes a new section that states: "No person shall engage in conduct that constitutes unlawful discrimination based on another person's race, color, sex, religion, age or national origin."

Bair filed suit on July 23, 2003 , alleging that he was instructed by a resident adviser to remove messages and fliers from his dorm room door depicting Osama bin Laden in crosshairs.

According to a statement released by FIRE, the university has also agreed to pay attorney's fees as part of the settlement.

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