

## The Nation

### Cal Poly Student Takes University to Court Over Speech Dispute

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(CNSNews.com) - California Polytechnic State University student Steve Hinkle, who sparked a free speech debate when trying to advertise a campus lecture, is now suing the university over its refusal to clear his record.

The dispute dates back to November 2002, when Hinkle was confronted by students in the university's multicultural center about a flier he was posting to promote a speech by conservative black author Mason Weaver.

Weaver's speech went on without incident, but Hinkle has been fighting since March to clear his record of a judicial infraction, "disruption of a campus event," stemming from the encounter. Even though Hinkle's situation received national attention this summer, the university refused to back down.

The Philadelphia-based Foundation for Individual Rights in Education (FIRE) attempted to resolve the matter outside of court. However, the Center for Individual Rights, a public interest law firm in Washington, D.C., and California civil rights attorney Carol Sobel are taking Hinkle's case to court.

The lawsuit was filed Thursday in U.S. District Court in Los Angeles. It seeks to overturn the university's punishment of Hinkle and clear his record. Hinkle's attorneys are also asking the court to find Cal Poly's interpretation of "disruption" unconstitutional.

"This is a completely overbroad interpretation of 'disruption,'" said Greg Lukianoff, FIRE's director of legal and public advocacy. "It does the work of any speech code that bans offensive speech. A speech code by any other name still suppresses speech."

Lukianoff said FIRE was surprised when the university refused to respond to Hinkle's initial plea. Hinkle, who has refused to apologize, wants the university to apologize to him.

Curt A. Levey, director of legal and public affairs at the Center for Individual Rights, said the case could set a good precedent for other students who have faced the same type of discrimination on their campuses.

"What Steve cares most about, after the principle, is that this not ruin his career by having this conviction on his permanent academic record," Levey said.

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The lawsuit focuses solely on the free speech issues involved, but Levey said there are clearly racial undertones. It was a group of black students in the multicultural center that claimed Hinkle's flier was offensive. Hinkle is white and belongs to the Cal Poly College Republicans.

The university, which had no response to the lawsuit, has remained mostly silent about the episode, with the exception of a letter to alumni dismissing the allegations made by FIRE and Hinkle supporters.

"Without discussing the specifics of the student's case, I can tell you that this is a case involving student conduct, not speech content. Any characterization to the contrary is false," said Cornel N. Morton, Cal Poly's vice president for student affairs.

FIRE obtained Morton's [e-mail](#), as well as a transcript of Hinkle's judicial hearing. The university has repeatedly emphasized its support for freedom of speech, taking the step of even posting its [position](#) on the university's website.

Cal Poly isn't the first campus to face a free speech debate like the one involving Hinkle. Lukianoff said FIRE has handled about a dozen similar cases, while even more universities, he said, infringe on students' rights with strict speech codes.

At Bucknell University, student Charles Mitchell sent a [letter](#) to all freshmen warning them about the campus speech code. He said the university has convicted a student for violating another student's "right to feel comfortable" and also refused to fund a speech by FIRE.

"No matter what your politics are, if you even have them, this is an issue you should care about. Because anything you say that someone else finds 'offensive' might land you in front of the campus court," wrote Mitchell, who is president of the Bucknell University Conservatives Club.

In his experience, Lukianoff said certain viewpoints are more prone to punishment than others.

"If students are going to be punished for the content of their speech, and not for the way it was carried out," Lukianoff said, "it is more likely that the content of that speech will be conservative or religious speech."

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