



05/08/2008

Shippensburg Sued For Reinstating Speech Codes

By JOE MURRAY , The Bulletin

Shippensburg University, located outside Harrisburg, is back in court four years after officials agreed to settle a lawsuit by repealing its controversial speech codes, which civil rights advocates argued infringed on the First Amendment rights of students.

Claiming the university breached a previous settlement agreement, civil rights attorneys filed another lawsuit against the university Wednesday claiming the school reinstated a number of unconstitutional speech codes, some containing the exact language of those originally challenged.

"Shippensburg's 'courthouse conversion' several years ago, when it promised to respect the First Amendment and change its ways, has now proven insincere," said ADF senior legal counsel Steven H. Aden. Mr. Aden is representing student Matthew Long and the Christian Fellowship of Shippensburg University of Pennsylvania in their lawsuit against the university.

The free speech controversy began in 2003 when civil rights advocates from the Foundation for Individual Rights in Education (FIRE), through part of its Speech Codes Litigation Project, targeted Shippensburg for policies hindering free speech rights. An initial lawsuit was filed and a federal judge issued a preliminary injunction barring the university from enforcing the speech codes. The injunction was the catalyst for the 2004 settlement.

Among the speech codes defeated in the original lawsuit were a university policy concerning "racial tolerance, cultural diversity and social justice" that required "every member of [the Shippensburg] community to ensure that the principles of these ideals be mirrored in their attitudes and behaviors."

Also of concern was a harassment policy that defined harassment as "unwanted conduct which annoys, threatens or alarms a person or group" and outlawed "emotional abuse."

And while the university pledged to defend the free speech rights of students, it did so on the condition the speech was not "inflammatory, demeaning or harmful toward others."

Four years later, FIRE asserts that the university has shown bad habits are hard to break.

In a press release announcing the new lawsuit, FIRE notes that the 2007-08 Shippensburg student handbook demands "every member of this community" take steps to ensure the attitudes and views of the administration "will be mirrored in their attitudes and behaviors." The prohibition against "emotional abuse" has also resurfaced.

"Shippensburg's inexplicable violation of the 2004 settlement demonstrates a blatant disregard for the First Amendment and its own promises," said Greg Lukianoff, FIRE president. "By brazenly renegeing on the terms of an agreement that previously saved it from an embarrassing defeat in court, Shippensburg has further tainted its tarnished reputation."

Officials at Shippensburg University could not be reached for comment.

Joe Murray can be reached at jmurray@thebulletin.us.

©The Evening Bulletin 2008