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Complaint claims Shippensburg U. 'speech codes' discriminated against religious group

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SHIPPENSBURG, Pa. - The Alliance Defense Fund on Wednesday filed a complaint in federal court against Shippensburg University, claiming the university violated a 2004 settlement with a First Amendment advocacy group through "speech codes" that discriminated against a campus religious group.

The complaint filed in the U.S. District Court for the Middle District of Pennsylvania, states the university violated the 2004 agreement with the Foundation for Individual Rights in Education (FIRE) when it "reinserted unconstitutional provisions into current university policy," according to a press release from FIRE.

That included "in many cases utilizing language copied seemingly verbatim from the policies challenged by the previous suit," according to the release.

"We have not received any official information about the lawsuit and when we do receive it, we will pass it on to our legal counsel for review," Peter M. Gigliotti, the executive director for University Communications and Marketing, said Wednesday.

The plaintiffs in the case are the Christian Fellowship of Shippensburg University and its president, Matthew Long, according to the 32-page complaint. It names University President William N. Ruud, former President Anthony F. Ceddia and other university officials as the defendants.

The suit states the university's student handbook, Sexual Harassment Policy Statement and Code of Conduct and Judicial Process contained language that restrained the fellowship's freedom of expression, association and exercise of religion. It asks the court for a preliminary and permanent injunction on "speech-restrictive policies," court costs and "nominal damages ... in the amount of one dollar."

"Certainly some of the same language is there and that is the basis of the case," said FIRE Vice President Robert Shipley. "The provisions they added were no more constitutional than they were four years ago."

In October 2007, the suit states that the fellowship was informed by Student Senate Vice President Ray Ryan that the membership and leadership provisions in the club's constitution had to be changed.

"The issue is separation between church and state and being exclusive in your membership," Ryan e-mailed Long in November. "Clubs NEED to be open to everyone regardless of religious background," according to the portion of the e-mail cited in the suit.

The following month Ryan sent another e-mail stating that it was discriminatory for the fellowship to restrict its chairmanship and some leadership positions to men. The suit states the Student Senate voted to revoke the fellowship's "recognition status" on Dec. 12, a decision that was reversed after consulting with the university's legal counsel, the suit states.

Nevertheless, some fellowship members "feel restrained speaking on these issues as openly as they would if (the university) did not maintain its speech codes," according to the complaint.

The language in the university policies on "harassment," "intimidation" and "emotional abuse" are, according to the suit, "vague, overbroad, discriminate on the basis of religion and/or political viewpoint, impose unconstitutional conditions on the receipt of state benefits, and constitute an illegal prior restraint on the Plaintiffs."

"FIRE, through its own research, discovered Shippensburg had reinstated the speech codes the court had struck

down," said ADF Senior Legal Counsel Steven H. Aden.

"A religious group defines itself on the basis of shared religious beliefs," Aden said. While its meetings were open to all students, it has faith-based standards for leadership, he said.

"Many universities have an extensive system of gender-separate organizations" such as fraternities, sororities and athletic teams, Aden said. However, when it came to the fellowship having leadership positions reserved for males, "It's bring out the PC police."

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