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# Ned Flanders, Marty McFly unwelcome at Drexel University

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You're an ugly, hate-filled man," said Ned Flanders to Moe on The Simpsons. It was a good thing Ned was speaking on television rather than at Drexel University; if he had been speaking at Drexel, he would be a harasser! Flanders would have violated Drexel's harassment policy by referring to the ugly, hate-filled Springfield bar owner as, well, ugly and hate-filled. Drexel's wildly overbroad harassment policy prohibits such things as "the use of derogatory names," "inconsiderate jokes" and "inappropriately directed laughter." This ridiculous overreach is why Drexel University's harassment policy was given the dubious distinction of September's Speech Code of the Month by Philadelphia's own Foundation for Individual Rights in Education.

What is an "inconsiderate joke"? Pretty much any joke that is funny. Jokes make light of someone or something. So at Drexel, not only can you not tell a joke (since it would almost always be considered inconsiderate by someone, somewhere), but you can't laugh at one either (since that laughter would be inappropriately directed). These bungling attempts to stifle offense on campus only harm Drexel's credibility as an educational institution dedicated to free expression. Despite promises of free speech and academic expression contained in the harassment policy, if you can't laugh at a joke, let alone tell one, speech and even your thoughts are not free.

But it doesn't stop there. Drexel's harassment policy goes on to detail how one can violate the policy by making "inappropriate jokes" based on "race, ethnic ancestry, national origin, religion, gender, sexual orientation, age, or physical or mental disability," or, presumably, one's relationship to the kitchen sink. Say goodbye to your favorite "dumb blonde" jokes.

Perhaps worst of all is Drexel's sexual harassment policy. Examples of speech on the Drexel administration's hit list are "unwelcome sexually suggestive looks, gestures, comments or questions." There are three major problems with such a policy. First, what makes a look or a gesture "sexually suggestive" is so subjective that it cannot possibly avoid arbitrary enforcement. Even if it could, it eliminates any notion of personal freedom. When it comes to looks and gestures, there is not an objective standard of offensiveness, but simply the subjective feelings of the alleged offended person. Second, there are plenty of perfectly normal interactions that are restricted under this policy. Common flirtations such as winking and smiling could be considered "sexually suggestive" despite the innocence of their intention. Third, one can't know if a comment or question is unwelcome until one either states the comment or asks the question.

Let's see if we can think of an example of an "unwelcome sexually suggestive comment." How about "So, Lorraine, do you mind if we park?" That was asked by Marty McFly in the film Back to the Future. I guess he's not welcome at Drexel either. Marty couldn't know whether his subtle sexual request was unwanted until he acquired a response, which required that he first ask the question. At Drexel, such an innocuous request is called harassment.

In an attempt to remove all offensive speech from their campuses, too many universities enact speech codes

much like Drexel's harassment policy. While Drexel is a private university and is not bound by the Bill of Rights, it is bound by its promise not "to limit the legitimate exercise of freedom of speech," which in this country implies a First Amendment standard. Indeed, at a public school enforcement of these broad regulations would be actionable as a First Amendment violation. Drexel inserts a cute little clause following the promise of free speech stating that free speech does not include "insulting speech." If that's the case, anonymous-Drexel-administrator-who-wrote-this-ridiculous-policy, then speech really isn't free, now is it? At the very least Drexel, as an educational institution, has an interest and an obligation to allow its students to engage in the marketplace of ideas - an impossible feat without free speech protections.

Drexel's sexual harassment policy is a textbook example of how innocent flirtations and normal interactions between people are often labeled harassment in the hope that someone, somewhere, will avoid being offended. If universities want their commitments to free speech taken seriously, they need to repeal these oppressive speech codes and protect students' rights to free expression. Until then, Ned Flanders and Marty McFly will remain persona non grata on the Drexel campus.

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