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State News

Shippensburg agrees to drop speech code rules

The Associated Press

February 25, 2004

Shippensburg University said it will reword its student code of conduct to change a provision that critics said restricted free speech, a rule that was cited when students were ordered to take down posters denouncing Osama bin Laden.

U.S. District Judge John E. Jones III in September granted a preliminary injunction barring enforcement of provisions of the code that prohibited "acts of intolerance" including racist, sexist and homophobic speech.

Jones said the provisions "could certainly be used to truncate debate and free expression by students."

Shippensburg, a campus of 6,500 undergraduates 40 miles southwest of Harrisburg, said it would change the wording of the code so that it "clarifies but does not change the university's expectations for student behavior."

The Foundation for Individual Rights in Education, the group that had sued Shippensburg over the code, said Tuesday that the school's decision was a "historic victory."

"Despite originally dismissing the lawsuit as 'frivolous and without merit,' Shippensburg has now been forced to recognize that its broad restrictions on free speech violate the First Amendment," said Alan Charles Kors, the group's chairman.

A resident adviser at the university said in a deposition that students were forced to take down posters that depicted bin Laden in crosshairs because it violated the code.

The new code will say that students must comply with applicable federal and state anti-discrimination laws.

Shippensburg spokesman Pete Gigliotti said no posters were taken down "for any kind of political or free speech issues." If anything was taken down, it was because of fire safety issues, he said.

Shippensburg president Anthony Ceddia said the new policy won't change the school's commitment to "community, civility, citizenship and character."


"These changes reflect not only a great deal of discussion, debate and research both on- and off-campus to rewrite the code as directed by Judge Jones, but our continuing commitment to the idea that a university is a marketplace of ideas based on an individual's right to free speech," Ceddia said.

Jones had barred the enforcement of student code provisions banning "acts of intolerance ... for ethnic, racial, gender, sexual orientation, physical, lifestyle, religious,



age and/or political characteristics," acts "that demonstrate malicious intentions" or cause "subordination, intimidating and/or harassment of a person or group."

Changes in the code were approved recently by Shippensburg's trustees, the school said.

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