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Code of silence: Let's return free speech to college campuses

An estimated 90 percent of America's colleges and universities have speech codes, according to researchers at the Foundation for Individual Rights in Education. Speech codes prohibit students and professors from engaging in certain types of expression. On the surface, speech codes appear to be an effort at eradicating discrimination, but they end up destroying the marketplace of ideas in higher education.

Under the Clinton administration, the leftist control of expression in higher education became institutionalized at the federal level. In the 1990s, the Department of Education Office of Civil Rights (OCR) required colleges and universities to impose and enforce rigorous speech codes in order to receive federal funding.

Colleges and universities haven't done much complaining about the OCR edict since their taxpayer funding has been at stake. Plus, most higher-education institutions were decidedly on the left long before OCR spoke up. They viewed speech codes as a meaningful device for marginalizing and censoring the expression of conservative and politically incorrect ideas.

Fortunately, the death grip of leftist ideology on higher education is facing some formidable foes in high places. Last month, a letter was sent from the Bush administration OCR to America's college and university administrators, clarifying that "OCR's regulations and policies do not require or prescribe speech, conduct, or harassment codes that impair the exercise of rights protected under the First Amendment."

In addition to the positive stance taken by the Bush administration, lawsuits are now bearing fruit to bring free speech back to higher education. In late August, U.S. District Judge John E. Jones III, ruled that Shippensburg University in Pennsylvania must end enforcement of its oppressive speech code.

The Foundation for Individual Rights in Education (FIRE) sued Shippensburg earlier this year because the university's code states that "commitment to racial tolerance, cultural diversity, and social justice will require every member of this community to ensure that the principles of

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these ideals be mirrored in their attitudes and behaviors."

In my view, Shippensburg students are required to think and act like radical leftists. "Tolerance," "diversity" and "social justice" are buzzwords that equate to intolerance of ideas held by those who are conservative, Christian, male, white and heterosexual. Thanks to FIRE, some balance may be returning to Shippensburg.

While the majority of speech codes are not as broad as Shippensburg's, most policies tend toward a blatant agenda of political correctness and suppressed rights.

At the University of New Hampshire, for example, the speech code bans "ongoing and unproductive culturally based arguments between roommates" and "disagreements between floor members over 'political' material posted on their room doors."

The University of Maryland policy gives no leeway for "idle chatter of a sexual nature, sexual innuendoes, comments about a person's clothing, body comments of a sexual nature about weight, body shape, size, or figure, and comments or questions about the sensuality of a person."

A similar policy exists at Washington State University. Simply complimenting a person on his or her choice of clothing could be considered an offense at UM and WSU.

Also at Washington State University, the campus computer policy bans e-mail that "discriminates" against people from its list of protected categories. Guess that means no more e-mailed Polish jokes.

Florida Tech bans "use of threatening words or actions that are likely to, or do in fact, cause emotional distress."

Higher education seems to have discovered a new right to feel comfortable. It is no longer acceptable to leave one's comfort zone to challenge and be challenged on campus.

Fortunately, Judge Jones and the Bush administration are upholding the First Amendment and demanding a change to campus speech codes. Around the country, it is time for colleges and universities to get back to work to make their campuses open for the free exchange of ideas.

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