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Shippensburg U. Agrees to Change Conduct Code in Settlement With Advocacy Group

By ERIC HOOVER

In a legal settlement with a national free-speech advocacy group, Shippensburg University of Pennsylvania has agreed to alter its campus code of conduct.

The Foundation for Individual Rights in Education had challenged the code in a lawsuit that ignited debate over whether policies designed to protect students from harassment violated the First Amendment. The preamble to Shippensburg's student code of conduct, for instance, stated that the university would protect speech that was not "inflammatory, demeaning, or harmful toward others." In the settlement, announced on Tuesday, Shippensburg agreed to reword portions of the code and to replace its "Racism and Cultural Diversity Policy" with a statement affirming the university's commitment to "educational diversity."

University officials decided to make the changes after Judge John E. Jones of the U.S. District Court in Williamsport, Pa., enjoined the university from enforcing portions of its conduct code, as well as parts of its cultural-diversity policy, in September. In his order, Judge Jones wrote that, although well-meaning, portions of Shippensburg's policies were "likely unconstitutional" (*The Chronicle*, September 19).

Anthony F. Ceddia, Shippensburg's president, said in a statement that although the university's policies had changed, its "expectations for student behavior" had not.

"These changes do not affect what we hope are the aspirational aspects of what we're trying to do -- and that is to provide our students and others with the opportunity to learn and practice the institution's core values of community, civility, citizenship, and character," Mr. Ceddia said.

Alan Charles Kors, FIRE's chairman, hailed the settlement as the second legal victory in the organization's national campaign against campus speech restrictions. In June, Citrus College, in California, repealed its speech code after the foundation filed a lawsuit that challenged the institution's policy limiting political demonstrations to designated areas on the campus (*The Chronicle*, June 27).

"Shippensburg's example will not be lost on the hundreds of American public

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colleges and universities that continue to maintain unconstitutional speech codes," Mr. Kors said.

Peter M. Gigliotti, a spokesman for Shippensburg, said the university had received no complaints from students about its code before FIRE's lawsuit.

"We feel the changes we made were appropriate, based on the judge's ruling," Mr. Gigliotti said. "We have always been supportive of free speech, and this doesn't change that."

Background articles from *The Chronicle*:

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