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College taken to court by free-speech group

by Jamie Cohen, News Writer
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In what they say is an effort to protect the First Amendment rights of students, the Foundation for Individual Rights in Education has filed suit against Shippensburg University.

FIRE is a "nonprofit educational foundation devoted to free speech, individual liberty, religious freedom, the rights of conscience, legal equality, due process, and academic freedom on our nation's campuses," according to the foundation's website.

The lawsuit was filed April 22 in the U.S. District Court for the Middle District of Pennsylvania, arguing the plaintiffs -- undergraduate students at the university -- risk punishment up to expulsion for engaging in constitutionally protected expression. The suit is a "facial challenge" because Shippensburg's "policies threaten so much protected speech that their very existence is a violation of the First Amendment," said Greg Lukianoff, FIRE's legal director.

Peter Gigliotti, director of Public Relations and Events at Shippensburg, said the suit is unjust.

"This university has a long and strong tradition of supporting the freedom of speech," Gigliotti said. "We believe it is important and critical for students to express themselves freely and openly. It is part of the academic process and becoming citizens of this nation."

Gigliotti said Shippensburg prides itself on actively encouraging free speech and has never sanctioned students for their comments.

"We do not have a speech code. We have a student code of conduct which was labeled as a speech code in the suit. This was a misnomer to begin with," Gigliotti said.

Shippensburg University's code of conduct includes a guarantee to defend free speech unless it is "inflammatory, demeaning, or harmful towards others." The university requires that "expression of one's beliefs" should not "provoke" or "demean" -- effectively outlawing most forms of passionate expression, moral outrage, robust discussion, dissent and protest.

"The very existence of speech codes is antithetical to the nature of the mission statement of the university," Lukianoff said. "We want to make sure these codes are dead once and for all."

"We let individuals express their opinions. Students debated vigorously and appropriately about the current war and did not intimidate or threaten other students," Gigliotti said. "FIRE is getting lost in this whole thing. We believe

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in the right to free speech, but we have to do it in a responsible manner." ■

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