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## College settles case, will revise its speech code

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(May 11, 2005) — BROCKPORT — The State University College at Brockport will modify its campus speech codes to settle a lawsuit claiming that students' free-speech rights were being quashed.

The settlement was filed last week in U.S. District Court in Buffalo after several months of negotiations between the state and the Philadelphia-based Foundation for Individual Rights in Education, or FIRE. The original lawsuit was filed in June 2004.

While the college admits no wrongdoing in the settlement, it does agree to a number of language changes in its policies. For example, it will remove such examples of prohibited behavior from its harassment policy such as discussing sexual activities and jokes that make fun of any protected group.

The college also will make clear that its Better Community Statement is merely a declaration of values and not a policy that can be used to discipline students. That statement, among other things, asserted that free speech and academic freedom should be "expressed only with responsible and careful regard for the feelings and sensitivities of others."

The college's administration could not be reached for comment Tuesday.

Colleges frequently have speech codes — usually fairly innocuous wording about respecting differences and showing civility. Brockport is one of four schools around the nation that FIRE has brought suit against in its Speech Codes Litigation Project. The goal, said FIRE President David French, is filing similar suits in each federal judicial circuit so that legal precedents can be established across the nation against speech codes on campus.

"Nobody can agree what civility is," he said. "The idea (that) you can have a marketplace of ideas and enforce ... some sort of civility regulation (is) unworkable in practice and ends up killing the exchange of ideas."

The FIRE suit came after foundation staff identified Brockport's speech codes as particularly egregious, French said, and the organization then found two students — Patricia Simpson and Robert Wojick — willing to serve as plaintiffs for a suit. Neither student could be located Tuesday for comment.

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