

## Speech Codes 101

By Sara Dogan

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A recent report from the Foundation for Individual Rights in Education (FIRE) revealed the shocking statistic that 74% of colleges and universities examined in a national survey were found to have policies that violate the First Amendment protection to freedom of speech.

These unconstitutional policies typically take the form of speech codes restricting what the universities view as harassing or intolerant speech. Pennsylvania State University, for example, prohibits its students from “engage[ing] in any behaviors that compromise or demean the dignity of individuals or groups.” Some campuses go further, restricting not only free speech but free thought as well. Consider the case of Texas Southern University where the speech code forbids not only “remarks” but also “assumptions” and “implications” which cause “emotional, mental, physical or verbal harm to another person.” At the University of Virginia and the University of Missouri, students are encouraged, secret-police style, to report each other’s “biases” to school authorities.

Ironically, unconstitutional speech codes were found to be more prevalent at public institutions where 77% of campuses surveyed maintained such policies and where they are clearly unconstitutional. Among their private counterparts 67% restricted constitutionally-protected speech.

This flagrant violation of the Constitution by our colleges and universities is a national disgrace. How can we expect our students to grow up knowledgeable about the principles our country is governed by if even our educational institutions don’t respect them?

University presidents are aware that these policies are unconstitutional—FIRE has led successful legal challenges against speech codes at several campuses and years of legal precedent is on their side. Yet until they are faced with a specific legal challenge, college administrators prefer to turn a blind eye to the repressive policies on their campuses.

Why do our nation’s educational leaders insist on defying the law and defending the repression of their students? The most charitable answer is that it’s simply easier to accede to the voices of political correctness whose campaign to wipe out “intolerance” led to the development of these speech codes in the first place. A more frightening option is that our educational leaders actually believe in the philosophy behind the speech codes—that it is better to place constraints on speech and thought than to allow for the possibility of independent thinking that violates the standards set by the campus thought police.

Meanwhile, David Horowitz has proposed an Academic Bill of Rights that promotes intellectual diversity in the classroom and forbids the consideration of political views in hiring, tenure and promotion of faculty, and not a single campus in the nation has yet adopted it. Where the Bill has been considered—such as at the College of DuPage where school trustees are currently

considering writing it into the policy manual—campus faculty unions have declared war on the Bill and resorted to a misinformation campaign to discredit it.

By endorsing speech codes (whether tacitly or enthusiastically) and failing to take action to prevent classroom indoctrination, our college educators are embracing a terrifying culture of repression and intolerance on America's campuses, where intellectual diversity is stifled and students' fundamental rights are violated. Students of all political stripes suffer from being treated like kindergarteners unable to withstand divergent views, and are being denied a true education.

FIRE's survey should serve as a wake-up call to Americans. Our nation's universities are the new front of a totalitarian radicalism in America, of which speech codes are only one expression. Things will only get worse if we do nothing to stop it.

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