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Director: PSU limits students' free speech

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Penn State students have their free speech rights unconstitutionally limited by the university and many may not know it.

At least that's what Adam Kissel has to say.

Kissel, director of the individual rights defense program for the Foundation for Individual Rights in Education (FIRE), made a return visit to Penn State Thursday night to speak about free speech rights and the unconstitutional limitations schools often put on those rights.

Kissel, who spoke at the Association of Big Ten Students conference at Penn State in August, said colleges and universities that limit free speech are actually failing to do their jobs.

"If your school makes you so comfortable that in your four, five or six years there you don't get so offended that you wanted to do something about it, then your money's been wasted," he said.

Educational and advocacy nonprofit organization Safeguard Old State brought Kissel to Penn State.

"His message can be applicable to anybody," Safeguard Old State Executive Director Chris Morell said.

Kissel especially highlighted the Penn State Principles, a document that says it embodies "the values that our students, faculty, staff, administration and alumni possess."

Those values include respecting the dignity of all individuals within the Penn State community, practicing academic integrity and demonstrating social and personal responsibility.

However, Kissel said these values are artificially forced on students when they arrive at Penn State rather than through a natural process of growth throughout four years.

"However well-intentioned these principles sound, they violate First Amendment rights," he said. "What that produces on campus is a culture of people who say less than they want to say."

Kissel also noted a clause in Penn State's code of conduct regarding intent to harass, saying only the effect of harassment can be proven and intent or purpose to harass is far too vague to be upheld in a court of law.

FIRE rates college and university speech codes on a stop light scale as to whether their speech

codes violate constitutional freedom of speech. Penn State has earned a red light from FIRE for having "at least one policy that both clearly and substantially restricts freedom of speech."

After his speech, Kissel said he thought speech codes had evolved as colleges sought to diversify their student bodies.

"Speech codes in part arose to make life easier for historically disadvantaged groups," he said, adding the postmodern school of thought of deconstructing every aspect of society through speech may have contributed to the rise of speech codes as well.

Ultimately, unconstitutional speech codes like Penn State's often remain on the books because of the cost associated with opposing them, Kissel said.

"It takes a lot of time, effort and money to challenge one of these in court, and schools are often happy to leave them there until that happens," he concluded.

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