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Friday, Aug 15, 2003

# Breaking News

Posted on Wed, Aug. 13, 2003

## Education Department clarifies position on campus free speech

STEVE GIEGERICH  
Associated Press

Colleges shouldn't use federal regulations barring the harassment of students to trample free speech rights on campus, according to a letter sent to schools from the U.S. Education Department's Office for Civil Rights.

With colleges and universities establishing so-called "speech codes," an individual rights advocacy group said Tuesday that the letter is a victory for freedom of expression.

"Some colleges and universities have interpreted OCR's prohibition of 'harassment' as encompassing all offensive speech regarding sex, disability, race or other classifications," said the letter from Gerald Reynolds, an assistant secretary with the Office for Civil Rights.

But harassment, he said, "must include something beyond the mere expression of views, words, symbols or thoughts that some person finds offensive."

The letter, dated July 28, was sent to colleges last Friday.

Greg Lukianoff, the director of legal and public advocacy for the Philadelphia-based Foundation for Individual Rights in Education - one of the organizations that asked the OCR to clarify the difference between free and offensive speech -

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called the letter an "end to an era" of speech codes.

"This is a generation that has been taught that they have the right not to be offended," he said. "But if you teach students that they should never have their beliefs challenged, you're really undoing the process of education."

Lukianoff said he hopes Reynolds' explanation will help colleges resolve OCR regulations that have been "legitimately misunderstood" by administrations. He said concerns about harassment have limited political debates and even been used as a basis for complaints about the content of sex education classes.

"It's not anything new as far as policy in this letter," said Texas Tech University Vice Chancellor Cindy Rugeley. "But it's clarification and any kind of clarification is helpful."

Texas Tech is one school that has been a target of criticism from Lukianoff's group, for creating "free-speech zones" - or "forum areas" - that limit campus protests to a specific place.

"We have a policy that you can do what you want, but you can't do anything that creates a hostile environment for an individual," Rugeley said, adding that she thinks the Lubbock-based university's rules comply with the OCR's guidelines. "In other words, you can protest something but you can't turn to a student in the crowd and take aim and him or her."

Jonathan Knight, director of the program for academic freedom for the American Association of University Professors, praised the letter. He said it might make administrations more reluctant to criticize faculty members with controversial views or course content.

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The Office of Civil Rights for the Department of Education:

<http://www.ed.gov/offices/OCR/>

The Foundation for Individual Rights in Education:

<http://www.thefire.org/>



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