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Freedom of Speech: Inherent Right or Negotiable Privilege?

I began researching the issue of free speech on college campuses because out of the 1,415 acres of land (UCF Current Facts) on my own college campus, four small sections of the campus have been designated as “free assembly areas” (UCF Regulations). With 45,000 different identities, views, ideals, morals, and brains on campus, four miniscule areas do not seem nearly sufficient for the expression of the ideas brought to the University of Central Florida. Freedom of speech is a right given to the citizens of the United States of America as outlined in the First Amendment to the Constitution, which states that, “Congress shall make no law...abridging the freedom of speech.” However, across the United States, many colleges and universities are imposing speech codes upon their students and faculty members. These codes restrict how students and faculty may express themselves on campus, as well as where they may express themselves freely. These speech codes are written into the college’s code of conduct and the breaking of such codes may result in several types of punishment as extreme as expulsion. College campuses are supposed to be a “market-place of ideas,” (Golding 3) and limiting students’ freedom of speech can both enhance and limit the schools’ ability to be such. Should there be free speech on public college campuses-- yes or no? The answer to this question is really not that simple.

My research focuses primarily on public college campuses, because there seems to be more controversy over public school regulations than over that of private

institutions. This is not to say that private colleges do not have speech codes (in many cases they have speech codes much more rigid than public colleges), just that there is a greater opportunity for governmental influence on public campuses than there is on private campuses. In my preliminary research, I found several books in the University of Central Florida library that have been helpful in my understanding of the issue, as well as presenting a multi-faceted approach to the subject; providing varied viewpoints on whether or not speech codes are Constitutional and should be allowed on campus. I also used the Internet to find sources such as the Foundation for Individual Rights in Education (FIRE) whose sole purpose is defending the rights of students in cases concerning “freedom of speech, legal equality, due process, religious liberty, and sanctity of conscience” (FIRE). Another source that I found on the Internet is the First Amendment Center (FAC), whose mission is to “protect and preserve First Amendment freedoms” (FAC). Then there is, of course, the Constitution itself which provides the basis for the issue at hand. Several of the books I have referenced provide a number of both pro and con view points, something I found very helpful. Also, some books compiled various essays and articles written by college professors and administrators on this issue (both for and against speech codes) which I found interesting and insightful. Through my research thus far I have come to realize that freedom of speech is a complicated issue. The research indicates that some people believe speech codes are necessary on college campuses, others believe the idea outrageous, and still others take a more passive approach and claim that speech codes are acceptable sometimes, but are not always so.

Speech codes began to emerge widely in the 1980s and early 1990s (FAC) as a reaction on the part of colleges to a resurgence of racism on campuses across the United States. Several cases (ranging from the campus level all the way to the Supreme Court level) have arisen since then as students and administrators fight to do what is right for the schools and their students. One such campus case occurred at UCF in March of 2006. In a press release on the FIRE website dated March 6, 2006, the case in question involved an undergraduate student at UCF who was cited because of a group he created on an internet networking website. The student was charged with “harassment through ‘personal abuse’” (FIRE) for calling another student “a jerk and a fool” (FIRE) on the networking website. In his disciplinary hearing, the student was found to be within his rights and was not subjected to any punishment. Cases like this show that including generalized language like “personal abuse,” as is frequent, in campus speech codes lends the codes to such a wide range of interpretation that any stated opinion *could* be punishable. Therefore, it has to be determined whether or not speech codes are necessary on college campuses, and if so, what specifically warrants punishment; and it is this issue that is debated.

Speech codes on college campuses are widely accepted as a way to ensure a safe and friendly environment to all students and faculty of the schools. Proponents for speech codes on campus argue that by enforcing such codes, a “comfortable learning environment” (Golding 50) will be created. Advocates for speech codes mainly seek to prevent the use of “fighting words,” those words that “have a direct tendency to cause acts of violence by the persons to whom, individually, the remark is addressed” (Golding 58). These advocates believe that speech codes will prevent the actions and remarks that

cause harm that is “far from trivial” (Lawrence 105) and that undermines students’ identities. The audience that supports these codes tends generally to be school administrators and some faculty members. As authority figures in the schools, these individuals believe it is their right to protect students and to create an environment that is both comfortable and conducive to learning; speech codes are the way they choose to create this environment. These advocates for speech codes are, of course, assuming that all students wish to be protected from harmful speech, which may not even be the case at many institutions. This is not to say, however, that all college faculties believe in the imposition of speech codes. Some believe there should be no restrictions whatsoever on speech on a college campus.

Students, as well as some faculty, and organizations like the Foundation for Individual Rights in Education protest speech codes because they view college campuses as places that “should exhibit greater, not less, freedom of expression” than is apparent in the rest of society (Gunther 75). Speech code protestors hold this view because they believe that to stifle free expression on campus is to “undervalue the First Amendment” (Gunther 76) and to neglect the purpose of the school—to help students gain knowledge by exposing them to new and differing view points. This group also believes that restricting speech, in any way, hinders the universities’ ability to “flourish”(FIRE) as well as that of the students and faculty when they “must fear punishment for expressing views that might be unpopular with the public at large or disfavored by university administrators” (FIRE). It is obviously more important to these speech code protestors to preserve First Amendment rights for everyone on campus, than it is to punish all for the ignorance of the few. These protestors assume, however, that the degrading remarks

sometimes made are not going to make whomever the comments are directed towards feel alienated or that they will even necessarily warrant a reaction. Such an assumption may surely be dangerous. However, then there are those who want to avoid any sort of danger at all costs and cannot seem to take a solid stance on the issue.

Because the issue of free speech on college campuses is such a controversial issue, with both pro and con sides demonstrating valid arguments, some individuals take the more passive stance expressing that free speech should be allowed sometimes, and not allowed at other times. This attitude stems from the idea that the issue of free speech on campus developed out of the political correctness movement beginning in the 1990s (Berman 72). The group supporting this view of the issue does not believe that there necessarily should be speech codes, but they also believe in the idea of political correctness; they want to protect all without restricting any. The people supporting this idea cannot seem to take one side or the other, and in a lot of cases cannot agree among themselves which situations warrant speech codes and which do not. This group assumes that individuals will decide whether or not expressing an idea will have a detrimental effect on others. This proves problematic, however, as people have differing ideas of what is and is not appropriate and what will and will not be hurtful to others. My research shows that it is clearly a struggle to balance social justice with diversity on a college campus.

When first presented with this assignment, I chose my topic because I felt that it would be interesting, as well as educational for me. Through my research so far, I have already learned a great deal about the speech codes implemented at my school, as well as those at other colleges. I find that both pro and con views of the issue of free speech on

college campuses have legitimate arguments and I can see why this has become such a problematic issue. The fact that so many differing viewpoints exist about free speech only lends credence to the need for these viewpoints to be expressed. And how, without free speech, can this issue be resolved?

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